SATURDAY, NOVEMBER 4, 1972
WASHINGTON, D.C.

Volume 37  Number 214
Pages 23527–23615

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter XI—U.S. Soldiers' and Airmen's Home

CHANGE IN TITLE

By action of the Secretary of Defense, copy enclosed, the title of the U.S. Soldiers' Home has been changed to "United States Soldiers' and Airmen's Home," effective September 7, 1972. To effect this change the chapter heading is amended to read as set forth above, and wherever in the regulations the term "United States Soldiers' Home," appears the term "United States Soldiers' and Airmen's Home" should be inserted.

CHARLES F. DOFONY,
Lt. Colonel, USAF (Ret.), Secretary, Board of Commissioners, United States Soldiers' and Airmen's Home.

[FR Doc. 72-18946 Filed 11-3-72; 8:47 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Acquisition and Divestitures of Entities; Correction

The document amending Part 300 of the regulations of the Price Commission and captioned "Acquisition and Divestitures of Entities; Correction," published in the Federal Register on October 4, 1972 (37 FR 20283) is corrected by substituting the words "including adjustment for the words "or to allow a restatement" in § 300.355(a), and by substituting the words "legal person" for the words "legal entity in § 300.375(a)(4).


In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective November 2, 1972.

Issued in Washington, D.C., on November 2, 1972.

By direction of the Commission.

JAMES B. MINOR,
General Counsel,
Price Commission.

1. Paragraph (a) of § 305.37 is amended by substituting the words "as expeditiously as possible" for the words "within 10 days of" appearing in that paragraph.

2. Paragraph (d) of § 305.37 is amended by substituting the words "within 10 days" for the words "within 10 days appearing at the beginning of that paragraph.

3. Section 305.38 is amended by adding the words "after the word "reconsideration," appearing in the introductory clause of that section.

[FR Doc. 72-10088 Filed 11-3-72; 8:53 am]

Thus, the rent charged in the most recent rent payment interval before August 15, 1971, Economic Stabilization Regulations, § 301.3, 37 F.R. 12226 (1972), relating to discounts in the case of forgiveness of any payment, gives the method for converting rent to a monthly basis, and § 301.3 monthly rent so converted is $55.71.

[Price Commission Ruling 1972-273]

LOW PROFIT FIRM—SERVICE ORGANIZATION

Price Commission Ruling

RENT PAYMENTS ARE FORGIVEN

Price Commission Ruling

Facts. On July 1, 1971, a tenant signs a 12-month lease for $100 per month.

FEDERAL REGISTER, VOL. 37, NO. 214—SATURDAY, NOVEMBER 4, 1972
service organization low-profit firm provisions of the Economic Stabilization Regulations?

Ruling. No. For the purposes of the low-profit provisions, the firm is considered to include the entities P, S, and R, and not the entity S standing alone.

Section 300.33(a) provides in part that "low-profit firm" means any service organization which during its most recently ended fiscal year, obtained at least 90 percent of its revenues from the furnishing of services. Economic Stabilization Regulations, § 300.33(a), 37 F.R. 10943 (1972). Firm means any entity however organized, and includes any entity that is part of or is directly or indirectly controlled by the firm. Economic Stabilization Regulations, 6 CFR 101.2 (1972). In the present case, the firm is considered to include entities P, S, and R. Consequently, S may not qualify for low-profit treatment because it is not considered to be the firm. During the firm's most recently completed fiscal year only 80 percent of its revenues was obtained from furnishing services. Consequently, the firm does not qualify as a low-profit firm because it failed to obtain more than 90 percent of its revenues from services. However, a firm which does not qualify under § 300.31 or 300.32, but believes that its situation nevertheless warrants relief may apply for an exception.

This ruling has been approved by the General Counsel of the Price Commission.


LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: October 31, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[PR Doc.72-18958 Filed 11-3-72;8:53 am]

Ruling. No. Economic Stabilization Regulations, § 300.53, 37 F.R. 13716 (1972) provides, among other things, that a person which fails to file a report or other document required by Economic Stabilization Regulations, 6 CFR 300.51 (1972) "may not implement any further price increases until he has complied with that reporting requirement and has obtained the specific approval of the Commission." Since the "person" which failed to prenotify the Commission, with respect to its subsidiaries C's price increases, was corporation A, it is the "person" to which § 300.53 applies and under that section, neither corporation A nor any of its subsidiaries may implement any further price increases until subsidiary C's increase has been properly prenotified and approved by the Commission and the Commission has approved other increases by the corporation. Further price increases are not authorized under § 300.53(a), until Commission approval is granted, even if they were previously approved by the Commission, but not yet instituted.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: November 1, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: November 1, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[PR Doc.72-18958 Filed 11-3-72;8:53 am]

EFFECT OF PARENT FIRM'S FAILURE TO PRENOTIFY A PRICE INCREASE BY A CONTROLLED SUBSIDIARY

Price Commission Ruling

Facts. Corporation A, a prenotification firm, is a manufacturer which controls two manufacturing subsidiaries, B and C. On June 1, 1972, Corporation A properly requested approval of the Price Commission to increase the prices of certain of the products manufactured and sold by subsidiary B. The Commission approved the request on June 15, 1972, but on June 21, the firm does not qualify under § 300.31 or 300.32, but believes that its situation nevertheless warrants relief may apply for an exception.

This ruling has been approved by the General Counsel of the Price Commission.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, MULES, AND ZEBRAS

Release of Area Quarantined and Deletion of Provisions Relating to Venezuelan Equine Encephalomyelitis


Effective date. The foregoing amendment shall become effective upon issuance. However, this action does not affect any violation that occurred, liability that was incurred or right that accrued prior to said date.

The amendment excludes Texas from the areas quarantined because of Venezuelan equine encephalomyelitis, and terminates the notice relating to the existence of Venezuelan equine encephalomyelitis and/or the vector of said disease and the other provisions in § 75.4 providing for quarantine and restrictions upon the interstate movement of horses, asses, mules, and zebras from quarantined areas. No area in the United States remains under quarantine.

The amendment removes certain restrictions presently imposed but no longer deemed necessary to prevent the spread of Venezuelan equine encephalomyelitis, and must be made effective immediately or to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Department. 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 amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 31st day of October 1972.

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

[PR Doc.72-18958 Filed 11-3-72;8:53 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Bank Acquisitions by Holding Companies

By order dated August 19, 1971, the Board delegated to the Reserve Banks authority to approve applications for the formation of one-bank holding companies, retaining exclusive authority to deny such applications. On August 10, 1971, by letter to the Reserve Banks, the Board established certain guidelines for the use of those Banks in exercising the authority delegated to them by the Board's order of August 19, 1971.

Thereafter, the Board received comments from various persons to the effect that the guidelines were being applied in
a manner more restrictive than desirable and that the guidelines were having an undue adverse effect upon the transferability of bank stock. In order to explore these questions, the Board, by order of May 26, 1972, ordered that an oral presentation before available members of the Board be held on June 28, 1972. Upon consideration of the question orally at that proceeding and through written submissions, the Board has decided to revise the guidelines and to incorporate them into the Board's rules regarding delegation of authority.

In adopting these guidelines, the Board emphasized that they are intended to expedite one-bank holding company formations by establishing general standards as set forth therein which will be used by a Reserve Bank under delegated authority to approve such applications. Applications not meeting such standards will be forwarded to the Board for further consideration. The Board noted that the standards as adopted are to be subject to continuing analysis and review. Amendments may be made if experience indicates that such changes are necessary or appropriate.

To accomplish this delegation, § 265.2 (c) (2) of the Board's rules regarding delegation of authority is amended to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

(a) 

(b) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district:

(22) Under the provisions of section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842), to approve the acquisition by a company of a controlling interest in the voting shares of one bank, if all of the following conditions are met:

(i) No objection to the proposed acquisition has been made by the bank’s supervisory authority.

(ii) No adverse policy issue is raised by the proposal as to which the Board has not expressed its views.

(iii) Neither the holding company nor any of its subsidiaries or affiliates is engaged in any activities other than those specifically permissible for bank holding companies by either the Act or Part 225 of this chapter (Regulation Y).

(iv) Any offer to acquire shares of the bank will be extended to all shareholders of the same class on a substantially equal basis,

(v) In the event any debt is incurred by the holding company to purchase shares of the bank: (a) The amount of the loan does not exceed one half of the purchase price of the shares of the proposed subsidiary bank; (b) An agreed plan for amortization of the debt within a reasonable time exists, such period normally not exceeding 15 years; (c) the interest rate on any loan to purchase the bank shares will be comparable with other stock collateral loans by the lender persons of comparable credit standing; (d) no compensating balances, specifically attributable to the loan, will be deposited in the lending institution; and (e) any correspondent account in which the proposed subsidiary bank will maintain with the lending institution should not exceed the amount necessary to compensate the lending bank for correspondent services rendered by it to the proposed subsidiary bank; (e) The Reserve Bank determines that the managerial and financial resources including the equity capital accounts of the proposed subsidiary bank are adequate, or will be adequate within a reasonable period of time after the bank is acquired, and any debt service requirements to which the proposed holding company or any subsidiary thereof may be subject are such as to enable it to maintain the capital adequacy of the proposed subsidiary bank in the foreseeable future.

(vi) Effective date. This amendment is effective with respect to applications received by the Reserve Banks after the date of this order.

By order of the Board of Governors, October 30, 1972.

[SEAL]

TYTHAM SMITH, Secretary of the Board.

[F.R. Doc. 72-18933 Filed 11-3-72; 8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter 1—Federal Aviation Administration, Department of Transportation

[Docket No. 72-GE-53-AD; Ammd. 29-1951]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 336 and 337 Airplanes

AD 72-3-3 applicable to certain models of Cessna airplanes is an airworthiness directive which provides for modification of the flap actuator system and requires repetitive inspections and certain maintenance of the actuator jack screws until the said modification is accomplished. This modification, which consists of an improved flap system developed by the manufacturer, eliminates any possibility of flap actuator malfunction and insures proper functioning of the electrical wing flap actuator. AD 72-3-3 is not applicable to Cessna Models 335 and 237 airplanes. It has now been determined that these airplanes have the same or similar unmodified flap system utilizing the same components as those airplanes to which AD 72-3-3 is applicable. Accordingly, in the interest of safety a new AD is being issued, applicable to Cessna Models 336 and 337 airplanes, which will require modification of the flap actuator system on or before April 1, 1973, in accordance with applicable manufacturer's service instructions and will impose repetitive inspections and maintenance requirements with respect to the actuator jack screw until the modification has been accomplished.

Since a situation exists which requires the issuance of a new AD, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.69 (1) F.R. 13697), § 59.13 of the Federal Aviation Regulations is amended by adding the following new AD.

Cessna. Applies to Models 336 (Serial Nos. 336-0001 through 336-0195) and 337 (Serial Nos. 337-0001 through 337-0239) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent inadvertent retraction of wing fences to assure positive operation of the electrical wing flap actuators, accomplish the following:

A. On all airplanes with more than 100 hours’ time in service, within the next 25 hours’ time in service after the effective date of this AD, unless already accomplished within the previous 75 hours’ time in service, and thereafter at intervals not to exceed 100 hours’ time in service, visually inspect the actuator jack screw for conditions of lubricant and presence of contamination and scale in accordance with the procedure described in Cessna Service Letter 5270-10, Supplement 1, dated July 10, 1970, or later FAA-approved revision. If any of the conditions prescribed in the inspection criteria are noted, prior to further flight, remove, clean and re lubricate the actuator jack screw in accordance with Cessna Service Letter 5270-10, dated June 12, 1970, or later FAA-approved revision, or any equivalent prescribed by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

B. On all airplanes with more than 500 hours’ time in service, within the next 25 hours’ time in service after the effective date of this AD, unless already accomplished within the previous 75 hours’ time in service, remove, clean and re lubricate the actuator jack screws in accordance with the procedure described in Cessna Service Letter 5270-16.

The term “equity capital accounts” means capital stock, surplus, undivided profits, and reserves for contingencies, and other capital reserves.

This delegation includes authority to approve (a) a merger transaction under the provisions of section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) and (b) an application, under section 2 of the Federal Reserve Act (12 U.S.C. 321), for membership in the Federal Reserve System that are incorporated as an application to become one banking company.
PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 23, 1972, a notice of proposed rule making was published in the Federal Register (37 F.R. 16979) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Walla Walla, Wash., transition area.

Interested persons were given 30 days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective at 0901 G.m.t., January 4, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1421, 1423; sec. 6(e), Department of Transportation Act, 49 U.S.C. 1665(o))

Issued in Aurora, Colo., on October 27, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (37 F.R. 2143) the description of the Brookings, S. Dak., control zone is amended to read:

BROOKINGS, S. DAK.

That airspace within a 5-mile radius of Brookings, S. Dak., Municipal Airport (latitude 44°16'13" N., longitude 100°46'40" W.); within 2.5 miles each side of the Brookings VOR 318° radial extending from the 5-mile-radius zone to 7 miles northwest of the VOR and within 2.5 miles each side of the Brookings VOR 118° radial extending from the 5-mile-radius zone to 10 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective dates and times will thereafter be continuously published in the Airmen's Information Manual.

In § 71.181 (37 F.R. 2143) the description of the Brookings, S. Dak., transition area is amended to read:

BROOKINGS, S. DAK.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Brookings, S. Dak., Municipal Airport (latitude 44°16'13" N., longitude 100°46'40" W.); within 4.5 miles northeast and 9.5 miles southwest of the Brookings VOR 318° radial extending from the 9.5-mile-radius area to 18.5 miles northeast of the VOR; within 0.5 miles southwest of the Brookings VOR 300° radial extending from the 9.5-mile-radius area to 10.5 miles northeast of the VOR and 10.5 miles southwest of the VOR and that airspace extending upward from 1,500 feet above the surface to the VOR 318° radial extending from the 9.5-mile-radius area to 16.5 miles southeast of the VOR.

[FR Doc.72-18899 Filed 11-3-72; 8:47 am]

[Federal Register No. 72-NW-68]

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

Alteration of Control Zone and Transition Area

On September 23, 1972, a notice of proposed rule making was published in the Federal Register (37 F.R. 20040) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Brookings, S. Dak., Control Zone and Transition Area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., January 4, 1973.

(See. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1421, 1423; sec. 6(e), Department of Transportation Act, 49 U.S.C. 1665(o))

Issued in Jamaica, N.Y., on October 27, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-18896 Filed 11-3-72; 8:47 am]

[Federal Register No. 72-18896]
“New Pneumatic Tires” to require safety labeling information to be placed on the tire between the maximum section width and the bead, in order that this information can be retained on the casing if the tire is retreaded. A notice of proposed rule making regarding this subject was issued on December 21, 1971 (36 F.R. 24924).

A majority of the comments received in response to the notice agreed with the intent of the proposed amendment. However, objections were raised to the proposed requirement that the labeling information be located between the maximum section width and the bead. The comments indicated that the use of whitewall designs limited the area between the section width and the bead, and that as a consequence certain labeling information is placed between the maximum section width and the shoulder area to comply with the labeling requirements of Standard No. 109. Placing the information between maximum section width and bead on both sidewalls would evidently require the redesigning both of molds and lines of tires.

The agency has concluded after reviewing all the information submitted to the docket that all labeling information should be located on both sidewalls of the tires as presently required by Standard No. 109. However, in response to the objections to the proposed requirements, only one sidewall is required to have the labeling information between the maximum section width and the bead. This will still allow information to be retained on casings so that retreaders need not relabel tires in meeting the proposed requirements.

Title 21—FOOD AND DRUGS

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

PART 3—STATEMENT OF GENERAL POLICY OR INTERPRETATION

Hexachlorophene as a Component in Drug and Cosmetic Products for Human Use

In the Federal Register of September 27, 1972 (37 F.R. 20169), the Commissioner of Food and Drugs published a statement of general policy or interpretation § 3.91 Hexachlorophene, as a component of drug and cosmetic products. Paragraph (f) of § 3.91 states that the "...• Quantitative declaration of hexachlorophene content on the labeling of products, where required, shall be on a w/w basis. For aerosol products, the declaration will be independent of the propellant."

At the request of some manufacturers of aerosol products containing hexachlorophene this paragraph was reconsidered. Since it has been shown that the amount of hexachlorophene delivered to the skin depends upon the content of hexachlorophene when considered on a total weight-in-weight basis and that no more hexachlorophene will be delivered to the body by an aerosol product than by any other topical product of equivalent hexachlorophene content when their respective directions for use are followed, the Commissioner concludes that the method of determining the amount of active ingredient in aerosol products should be on a total weight-in-weight basis including the propellant.

At the request of representatives of several consumer interest groups, the provisions of § 3.91 allowing continued limited use of hexachlorophene as a preservative at levels not to exceed 0.1 percent in drug and cosmetic products packaged in aerosol containers were also reconsidered. The Commissioner concludes, based upon current benefit to risk ratio, that hexachlorophene is not necessary as a preservative in any drug and/or cosmetic product, which in normal use may be applied to mucous membranes or which are intended to be used on mucous membranes, e.g., chapsticks, feminine hygiene products, and the like, and that § 3.91 should be revised as set forth below to exclude further continued use of hexachlorophene as a preservative in such products.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(a), 502 (a), (f), (l), 503(b), 506(a), 507(a), 701(a), 52 Stat. 1041, 1050-1055 as amended; 21 U.S.C. 321(a), 352 (a), (f), (j), 333(b), 355, 361(a), 362 (a), (c), 711(a) and under authority delegated to the Commissioner (21 CFR 2.120), § 3.91 is amended by revising subparagraph (5) of paragraph (f), the first sentence of paragraphs (d) and (e) and paragraph (f) to read as follows:

§ 3.91 Hexachlorophene, as a component of drug and cosmetic products.

(a) Prescription drugs. 

(b) Cosmetics. Hexachlorophene may be used as a preservative in cosmetic products other than those which in normal use may be applied to mucous membranes or which are intended to be used on mucous membranes, at a level that is no higher than necessary to achieve the intended preservative function, and in no event higher than 0.1 percent.

Effective date. This order shall become effective upon publication in the Federal Register.


CHARLES C. EDWARDS,
Commissioner of Food and Drugs.
PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

TEXTILES AND TEXTILE FIBERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 282730) filed by Celanese Fibers Marketing Co., c/o TRW/Bladeson Laboratories, 9200 Leesburg Turnpike, Vienna, VA 22180, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for use of fumaratochromium (III) nitrate as a component of food packaging adhesives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (see. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under authority delegated to the Commissioner, 21 CFR 210, § 121.2520 (c) (5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

- -

<table>
<thead>
<tr>
<th>Components of adhesives</th>
</tr>
</thead>
</table>
| Fumaratochromium (III) nitrate: | *

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 6-38, 5600 Fishers Lane, Rockville, MD 20852, written objections therefor in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the Federal Register (11-4-72).


SAM D. FINE,
Associate Commissioner for Compliance.

FEDERAL REGISTER, VOL. 37, NO. 214—SATURDAY, NOVEMBER 4, 1972
The effective date of the October 7, 1972 order is hereby stayed until Monday, December 4, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sect. 512, 21 Stat. 345-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).


SAM D. FINER
Associate Commissioner for Compliance.

[FR Doc.72-18910 Filed 11-3-72;8:47 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

In the entry to the table in 24 CFR 1914.4 which was published in the Federal Register on October 17, 1972, at 37 FR 21937, the unincorporated areas of Montgomery County, Md., were listed as eligible for the sale of flood insurance under the National Flood Insurance Program effective October 13, 1972. The entry was incomplete in that it did not list other communities in Montgomery County, Md., which also became eligible for the sale of flood insurance on October 13, 1972. Hereinbelow is the complete entry for Montgomery County, Md., as it should have appeared in the October 17, 1972, entry. The complete entry reads as follows:

§ 1914.4 Status of participating communities.

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


[FR Doc.72-18977 Filed 11-3-72;9:52 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Communities With Special Hazard Areas

In the entry to the table in 24 CFR 1915.3 which was published in the Federal Register on October 17, 1972, at 37 FR 21937, the unincorporated areas of Montgomery County, Md., were designated as a flood plain area having special flood hazards effective October 13, 1972. The entry was incomplete in that it did not list the other communities in Montgomery County, Md., which were also designated as flood plain areas having special flood hazards on October 13, 1972. Hereinbelow is the complete entry for Montgomery County, Md., as it should have appeared in the October 17, 1972, entry. The complete entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Location</th>
<th>Map No.</th>
<th>State map repository</th>
<th>Local map repository</th>
<th>Effective date of identification of areas which have special flood hazards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Montgomery</td>
<td>Takoma Park, Brookville, Chevy Chase Village, Garrett Park, Glen Echo, Kensington, Somerset, Village of Chevy Chase Section IV, and unincorporated areas.</td>
<td><strong>...</strong></td>
<td><strong>...</strong></td>
<td><strong>...</strong></td>
<td>Oct. 13, 1972.</td>
</tr>
</tbody>
</table>


[FR Doc.72-18978 Filed 11-3-72;9:53 am]

GEORGE K. BERNESTEN,
Federal Insurance Administrator.
Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter 1—Coast Guard, Department of Transportation

[CGD 72-66 R]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARYS RIVER, Mich.

Speed Limits for Vessels of 50 Gross Tons or Over

This amendment establishes permanent speed limits for the St. Marys River. In Part 92 of Title 33 of the Code of Federal Regulations.

This amendment is based on a notice of proposed rule making published in the Federal Register, on June 7, 1972, and public hearings held at Cleveland, Ohio, on July 6, 1972, and at Sault Ste. Marie, Mich., on July 12, 1972.

At the public hearing held in Cleveland, Ohio, on July 6, 1972, five (5) persons attended. Comments were received from a representative of the Lake Carriers’ Association to the effect that the establishment of permanent speed regulations as proposed would not accrete the intended results; would unreasonably restrict the navigation of commercial vessels; and under adverse conditions may not be safe for such vessels with possible adverse environmental impact on the adjacent surroundings. It was further stated that the Lake Carriers’ Association believes the further abridgement of reasonable access by users of the waterway is not warranted and urged that the present method of flexibility in the adjustment of speed regulations on the St. Marys River be continued. It was recommended by the representative of the Lake Carriers’ Association that an unbiased organization be commissioned to study the problem.

A representative of the Great Lakes and Rivers District Masters, Mates and Pilots supported the stand taken by the Lake Carriers’ Association.

The proposed regulations authorize the Commander, Ninth Coast Guard District to establish, raise, lower, or otherwise amend the speed regulations. In exercising this authority, the District Commander will consider all interests affected by the speed of vessels, including the mariner as well as the protection of the property of riparian owners.

At the public hearing held in Sault Ste. Marie, Mich., on July 12, 1972, approximately 100 persons attended. Representatives of the marine transportation industry objected to making the lower temporary speeds permanent feeling that they would be permanently penalized since the reduced speeds were established as a result of high water which history indicates is of a temporary nature. The high water has existed for the past few years and it has been necessary to impose temporary speed limits in an effort to reduce damage to littoral property.

The safe navigation of large commercial vessels transiting areas of changing river currents as well as the efficient utilization of the waterway was considered. The proposed regulations provide that the Commander, Ninth Coast Guard District may establish, raise, or lower the speed limits on the St. Marys River should the need arise.

All of the property owners who testified recommended that the proposed speed limits be adopted, and in some instances, recommended that speed limits be adopted, and in some instances, recommended that speed limits be increased. This suggestion cannot be increased. This suggestion cannot be made by the Coast Guard.

Several pilot organizations commented that the regulations should contain a provision to the effect that when conditions of good seamanship indicate, a departure from the prescribed speed limits is authorized. These recommendations were not adopted. The Coast Guard, in processing violation cases, takes into consideration all aspects of each case including unusual circumstances and conditions which might require a pilot to exceed the speed limit on occasion to maintain control of his vessel. The Coast Guard recommends that speed limits be increased. This suggestion cannot be made by the Coast Guard.

Eight comments were submitted recommending that the speed limits apply to pleasure craft as well as vessels of 50 gross tons or over. Since this proposal was not contained in the original notice of proposed rule making, the Coast Guard will consider this amendment by separate rule making action.

The notice of proposed rule making recommended that various speed limits be established for the entire St. Marys River from Point Iroquois to Point De Tour.

Based on comments received at the public hearings and observations by Coast Guard personnel, some of the areas in the original proposal have been deleted as no erosion problems exist in these areas. These include: Lake Munuscong between Point Iroquois and Buoy Lt. 9 off Winter Point and between Point Aux Frenes and Buoy R-8. Also deleted was the proposed speed limit between Sweets Island and Round Island. Additionally, the proposed speed limit has been terminated at Point Louise instead of Point Iroquois.

The representative of the Upper Great Lakes pilots objected to the proposed speed limit of 14 m.p.h. between Round Island and Lake Munuscong Lighted Bell Buoy. He pointed out that this was an area of relative open water which is an ideal place for vessels to pass.

In view of these comments, the proposal has been amended so that the 14 m.p.h. speed limit will apply only between Round Island and Point Aux Frenes.

The Upper Great Lakes pilots represented further objected to the fact that, under the proposal, a vessel would be required to reduce speed from 12 m.p.h. to 10 m.p.h. at Light 33 Downbound just when a vessel is maneuvering for a left turn into the narrower and swifter waters of Rock Cut. At the public hearing the residents of the shore in this area, as well as residents along the shore from Nine-Mile Point to Light 33 complained of the wake damage caused by passing vessels.

In view of these comments the amendment has been changed from the proposal so that the 10 m.p.h. speed limit the Downbound channel will apply from Nine-Mile Point to West Neebish Channel Light 10 off Winter Point.

An additional comment was made by the Upper Great Lakes pilots representative regarding the establishment of a 10 m.p.h. speed limit between Nine-Mile Point and Six-Mile Point. It is pointed out that the temporary speed limit in this area is presently 10 m.p.h. imposed because of the extreme high water and the resulting wake damage along the shoreline based on comments received and observations made by Coast Guard personnel.

A 15 m.p.h. speed limit was proposed between Buoy R-2 in Lake Munuscong and Everens Point and a 9 m.p.h. speed limit between Everens Point and Johnson Point. In accordance with comments received, the amendment has been changed from the proposal to establish a 12 m.p.h. speed limit between Buoy R-8 and Everens Point to allow vessels to slow down prior to entering the 9 m.p.h. speed zone at Everens Point. This will decrease the chances of wake damage in this area.

In consideration of the foregoing, §§ 92.49 and 92.53 of Part 92 of Title 33 of the Code of Federal Regulations are amended to read as follows:

§ 92.49 Speed limits for vessels of 50 gross tons or over.

(a) The speed limits in paragraphs (b), (c), and (d) of this section are in statute miles per hour over the ground.

The speed limits may not be exceeded by any upbound or downbound vessel of 50 gross tons or over.

(b) Detour Reef Light to Point Aux Frenes: The speed limit between—

(1) Detour Reef Light and Sweets Island Light is 17 miles per hour; and

(2) Round Island Light and Point Aux Frenes is 14 miles per hour.

(c) Munuscong Channel Lighted Buoy 8 to Lake Nicolet Light 80: The speed limit is

(1) Munuscong Channel Buoy 8 and Munuscong Channel Buoy 14 is 12 miles per hour;

(2) Munuscong Channel Buoy 14 and Munuscong Channel Buoy 29 is 8 miles per hour;

(3) Munuscong Channel Buoy 29 and Lake Nicolet Lighted Buoy 62 is 10 miles per hour; and

(4) Lake Nicolet Lighted Buoy 63 and Lake Nicolet Light 80 is 12 miles per hour.

(d) Lake Nicolet Light 80 and West Nicolet Channel Light 10: The speed limit between Lake Nicolet Light 60 and West Nicolet Channel Light 10 is 10 miles per hour.

FEDERAL REGISTER, VOL. 37, NO. 214—SATURDAY, NOVEMBER 4, 1972
Lake Nicolet Light 80 to Point Louise: The speed limit between—

(1) Lake Nicolet Light 80 and Six-Mile Point Range Rear Light is 10 miles per hour;

(2) Six-Mile Point Range Rear Light and the lower limit of the St. Marys Falls Canal is 8 miles per hour for upbound vessels and 10 miles per hour for downbound vessels; and

(3) The upper limit of the St. Marys Falls Canal and Point Louise is 12 miles per hour.

The Commander, Ninth Coast Guard District may establish, raise, lower, or otherwise amend speed limit regulations on the St. Marys River. In exercising this authority, the District Commander considers all interests affected by the speed of vessels in the river, including the protection of the property of riparian owners. The regulations issued by the Commander, Ninth Coast Guard District are published in the Federal Register and in the Notice to Mariners.

Effective date: This amendment becomes effective on December 1, 1972.

Dated: November 1, 1972.

C.R. BENEDIK, Admiral, U.S. Coast Guard, Commandant.

Title 40—PROTECTION OF THE ENVIRONMENT

Chapter I—Environmental Protection Agency

[ EPA Order 11652 ]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Three Mile Creek, Ala.

This amendment adds regulations for the Southern Railway drawbridge across Three Mile Creek, mile 1.1 to permit the draw to remain closed to the passage of vessels from November 15, 1972, through January 13, 1973. The draw is presently required to open if at least 5-day notice has been given. This closure is required to permit necessary repairs. This rule is issued without notice of proposed rule making. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a subparagraph (1) to subparagraph (20) of paragraph (1) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(i) * * * * *

(20) * * * * *

(i) From November 15, 1972, through January 13, 1973, the draw need not open for the passage of vessels.

Effective date. This revision shall become effective from November 15, 1972, through January 13, 1973.

Dated: November 1, 1972.

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

[FR Doc. 72-18960 Filed 11-3-72; 8:16 am]

PART 11—SECURITY CLASSIFICATION REGULATIONS PURSUANT TO EXECUTIVE ORDER 11652

A new Part 11 is added to Title 40 of the Code of Federal Regulations to implement Executive Order 11652 (37 F.R. 3209, March 10, 1972) and the National Security Council Directive of May 17, 1972 (37 F.R. 10053, May 19, 1972), pertaining to classification and declassification of national security information and material. This part establishes procedures for employees of the Environmental Protection Agency.

These regulations have been approved by the Interagency Classification Review Committee as required by Executive Order 11652 and National Security Council Directive of May 17, 1972. The regulations as set forth below, are effective June 1, 1972, in compliance with Executive Order 11652.

WILLIAM D. RUCKELSHUS, Administrator.

October 30, 1972.

Sec. 11.1 Purpose.

11.2 Background.

11.3 Responsibilities.

11.4 Definitions.

11.5 Procedures.

11.6 Access by Historical Researchers and Former Government Officials.


§ 11.1 Purpose.

These regulations establish policy and procedures governing the classification and declassification of national security information. They apply also to information or material designated under the Atomic Energy Act of 1954, as amended, as "Restricted Data," or "Formerly Restricted Data" which, additionally, is subject to the provisions of the Act and regulations of the Atomic Energy Commission.

§ 11.2 Background.

While the Environmental Protection Agency does not have the authority to originally classify information or material in the interest of national security, it may under certain circumstances downgrade or declassify previously classified material or generate documents incorporating classified information properly originated by other agencies of the Federal Government which must be safeguarded. Agency policy and procedures must conform to applicable provisions of Executive Order 11652, and the National Security Council Directive of May 17, 1972, governing the safeguarding of national security information.

§ 11.3 Responsibilities.

(a) Classification and Declassification Committee: This committee, appointed by the Administrator, has the authority to act on all suggestions and complaints with respect to EPA's administration of this order. It shall establish procedures to review and act upon all applications and appeals regarding requests for declassification. The Administrator, acting through the committee, shall be authorized to overrule previous determinations in whole or in part. In its judgment, continued protection is no longer required. If the committee determines that continued classification is required, it shall promptly notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

(b) Director, Security and Inspection Division, Office of Administration: The Director, Security and Inspection Division, is responsible for the overall management and direction of a program designed to assure the proper handling and protection of classified information, and that classified information in the
Agency's possession bears the appropriate classification markings. He also will assure that the program operates in accordance with the policy established herein, and will serve as Secretary of the Classification and Declassification Committee.

(e) Assistant Administrators, Regional Administrators, Heads of Staff Offices, Directors of National Environmental Research Centers are responsible for designating an official within their respective areas who shall be responsible for:

(1) Serving as that area's liaison with the Director, Security and Inspection Division, for questions or suggestions concerning security classification matters.

(2) Reviewing and approving, as the representative of the contracting offices, the DD Form 254, Contract Security Classification Specification, issued to contractors.

(f) Employees:

(1) Those employees generating documents incorporating classified information properly originated by other agencies of the Federal Government are responsible for ensuring that the documents are marked in a manner consistent with security classification assignments.

(2) Those employees preparing information for public release are responsible for ensuring that such information is reviewed to eliminate classified information.

(g) All employees are responsible for bringing to the attention of the Director, Security and Inspection Division, any security classification problems needing resolution.

§ 11.4 Definitions.

(a) Classified information. Official information which has been assigned a security classification category in the interest of the national defense or foreign relations of the United States.

(b) Classified material. Any document, apparatus, model, film, recording, or any other physical object from which classified information can be derived by study, analysis, observation, or use of any other means.

(c) Marking. The act of physically indicating the classification assignment on classified material.

(d) National security information. As used in this order, this term is synonymous with “classified information.” It is any information which must be protected against unauthorized disclosure in the interest of the national defense or foreign relations of the United States.

(e) Security classification assignment. The prescription of a specific security classification for a particular item or item of information. The information involved constitutes the sole basis for determining the degree of classification assigned.

(f) Security classification category. The specific degree of classification (Top Secret, Secret or Confidential) assigned to classified information to indicate the degree of protection required.

(1) Top Secret. Top Secret refers to national security information or material which requires the highest degree of protection. The test for assigning Top Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of “exceptionally grave damage” include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptographic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments relating to national security. The classification Top Secret shall be sparingly used.

(2) Secret. Secret refers to that national security information or material which requires a substantial degree of protection. The test for assigning Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of “serious damage” include foreign relations significantly affecting the national security; significant impairment of national security; and the unauthorized disclosure could reasonably be expected to cause damage to the national security.

§ 11.5 Procedures.

(a) General. Agency instructions on access, marking, safekeeping, accountability, transmission, disposition, and destruction of classified information and material will be found in the EPA classified information Safeguarding Classified Material. These instructions shall conform with the National Security Council Directive of May 17, 1972, governing the classification, downgrading, declassification, and safeguarding of National Security Information.

(b) Classification. (1) When information or material is originated within EPA and it is believed to require classification, the person or persons responsible for its origination shall protect it in the manner prescribed for protection of classified information. The information shall then be transmitted under appropriate safeguards to the Director, Security and Inspection Division, who will forward it to the department having jurisdiction, and request that a classification determination be made.

(2) A holder of information or material which incorporates classified information shall observe and respect the classification assigned by the originator.

(3) If a holder believes that an unauthorized disclosure of the assigned classification is improper, or that the document is subject to declassification, he shall so advise the Director, Security and Inspection Division, who will be responsible for obtaining a resolution.

(c) Downgrading and declassification. Classified information and material originally classified shall be declassified in accordance with procedures set forth below. Also, the same procedures will apply to the declassification of any information in the Agency's possession which originated in departments or agencies which no longer exist, except that no declassification will occur in such cases until other departments having an interest in the subject matter have been consulted. Other classified information in the Agency's possession may be downgraded or declassified by the official authorizing its classification, by a successor in capacity, or a supervisory official.

(1) General Declassification Schedule—(i) Top Secret. Information or material originally classified Top Secret shall become automatically downgraded to Secret at the end of the second full calendar year following the year in which it was originated, downgraded to Confidential at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the 10th full calendar year following the year in which it was originated.

(ii) Secret. Information and material originally classified Secret shall become automatically downgraded to Confidential at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(iii) Confidential. Information and material originally classified Confidential shall become automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

(2) Exemption from the General Declassification Schedule. Information or material classified before June 1, 1972, assigned to Group 4 under Executive Order No. 10501, as amended, shall be subject to the General Declassification Schedule. All other information or material classified before June 1, 1972, whether or not assigned to Groups 1, 2, or 3, of Executive Order No. 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of 10 years after the date of origin it shall be subject to a mandatory classification review and disposition in accordance with the following criteria and conditions:

(1) It shall be declassified unless it falls within one of the following criteria:
(vi) Classification review requests. As required by subdivision (ii) of this subparagraph, a request for classification review must describe the document with sufficient particularity to enable the Department or Agency to identify it and obtain it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If nonetheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

§ 11.6 Access by historical researchers and former Government officials.

(a) Access to classified information or material may be granted to historical researchers or to persons formerly occupied policymaking positions to which they were appointed by the President: Provided, however, That in each case the head of the originating Department shall:

(1) Determine that access is clearly consistent with the interests of the national security; and

(2) Take appropriate steps to assure that classified information or material is not published or otherwise compromised.

(b) Access granted a person by reason of his having previously occupied a policymaking position shall be limited to those papers which the former official originated, reviewed, signed, or received while in public office, except as related to the "Declassification of Presidential Papers," which shall be treated as follows:

(1) Declassification of Presidential Papers. The Archivist of the United States shall have authority to review and declassify information and material which has been classified by a President, his White House Staff or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential library. Such declassification shall only be undertaken in accord with:

(I) The terms of the donor's deed of gift;

(II) Consultations with the Department having a primary subject-matter interest; and

(III) The provisions of § 11.5(c).

* * *

Rules and Regulations

Title 41—Public Contracts and Property Management

Chapter 1—Federal Procurement Regulations

Part 1-3—Procurement by Negotiation

Subpart 1-3.9—Subcontracting Policies and Procedures

Make-or-Buy Programs

This amendment of the Federal Procurement Regulations changes Subpart 1-3.9—Subcontracting Policies and Procedures, by revising § 1-3.902—Review of program, to provide procedures whereby the Small Business Administration (SBA) representative may appeal a decision regarding a "make-or-buy" program.

Section 1-3.902-1 is amended to read as follows:

§ 1-3.902-1 Review of program.

* * *

(c) Before agreeing to a "make-or-buy" program for committing to any chance therein which, in the opinion of the contracting officer, would reduce the anticipated participation of small business, the procuring activity shall invite the advice and counsel of the SBA by permitting SBA representatives (regularly assigned to the activity) to review all pertinent facts and make recommendations thereon. Such review by SBA should be concurrent with the review by the procuring activity (or, in the case of changes, the contracting officer). Where urgent circumstances do not permit such a concurrent review, or where SBA fails to respond on a timely basis, the contracting officer shall include an explanatory statement in the contract file and shall transmit a copy to the SBA representative. Where the SBA review results in a disagreement between the procuring activity (or, in the case of changes, the contracting officer) and the SBA representatives regarding a "make-or-buy" program decision, SBA may appeal such decision to the head of the procuring activity, or other appropriate level above the contracting officer, in accordance with agency procedures. Decisions by the procuring activity shall be final.

* * *

(Sec. 205(e), 63 Stat. 330; 40 U.S.C. 495(c))

Effective date. This regulation is effective December 29, 1972, but may be observed earlier.


ARTHUR P. SMITHSON,
Acting Administrator
of General Services.
RULES AND REGULATIONS

(b) To contracts where the price is based on established catalog or market prices of commercial items sold in substantial quantities to the general public.
(c) To contracts where prices are set by law or regulation.
(2) In the award of negotiated nondefense contracts, agencies shall follow the policies and procedures in the FPR (41 CFR 1-1500 et seq.), the promulgations of the Cost Accounting Standards Board in 4 CFR 331 et seq., 37 F.R. 4139, February 29, 1972, and such additional promulgations of the Cost Accounting Standards Board as are hereafter implemented by the Federal Procurement Regulations. This regulation does not apply:
(a) To certain small business contracts exempted by the Cost Accounting Standards Board’s regulations (see 37 F.R. 10464, May 25, 1972, and 37 F.R. 12784, June 29, 1972);
(b) To contracts where the price is based on established catalog or market prices of commercial items sold in substantial quantities to the general public.
(c) To contracts where prices are set by law or regulation.

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A–60—CONTRACT APPEALS
PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

Miscellaneous Amendments

The following amendments are made in chapter 5A:

Subpart 5A–60.2—Rules of the Federal Supply Service on Contract Appeals

Section 5A–60.201(b) is amended to read as follows:
§ 5A–60.201 Notice of appeal.
  * * * * *
(b) An appeal must be mailed or otherwise furnished by the contractor within 30 days from the date the decision of the contracting officer is received. Any request for an extension of the 30-day appeal period shall be denied by the contracting officer.

Subpart 5A–73.1—Production and Maintenance

Section 5A–73.119–1(c) is revised and § 5A–73.123–6 is amended, as follows:
§ 5A–73.119–1 Progressive awards.
  * * * * *
(c) Progressive awards must not be confused with multiple awards.

§ 5A–73.123–6 Federal supply schedules selected for source inspection.
  * * * * *
(b) The contracting officer, prior to preparation of solicitations, shall coordinate with the Office of Standards and Quality Control, Central Office (FMQP), as follows:
(1) To determine whether Federal supply schedule solicitations (other than multiple award) for schedules which are not listed in § 5A–73.117 will contain the source inspection provision in (c), below, and
(2) To advise of any proposed significant changes in Federal supply schedules selected for source inspection now set forth in § 5A–73.117, such as cancellations, splitting, or consolidation of schedules, or transfer of items from one schedule to another.
(e) Contracting officers involved shall include the following clause in each Federal supply schedule solicitation selected for source inspection, quality control, and assigned field contract administration assistance.

Source Inspection
(a) Clause 6(a) of GSA Form 1424 is applicable to this solicitation, and the following sentence is added at the end of paragraph 6(a)(1): Notwithstanding the foregoing, the Government may perform any or all tests contained in the contract specifications at a Government facility without prior written notice by the Contracting Officer before release of the supplies for shipment.

October 31, 1972.
[FR Doc. 72–19036 Filed 11–3–72; 8:53 am]

FEDERAL REGISTER, VOL. 37, NO. 214—SATURDAY, NOVEMBER 4, 1972
of consumers for each calendar year and on December 15 preceding each calendar year, and as often thereafter as the facts are ascertainable by him but in any event not less frequently than every 30 days after the beginning of each calendar year, determine whether * * * any area or country will not market the quota for such area or country.

The Government of Haiti has informed the Department that they will be able to supply only 21,500 short tons, raw value, of sugar to the United States under its quota for the calendar year 1972. On the basis of this information a deficit of 478 short tons, raw value, is hereby declared for Haiti. Since the Republic of the Philippines and several Western Hemisphere countries have notified the Department that they will be unable to supply sugar in addition to their currently established quotas, the entire deficit is herein prorated to Western Hemisphere countries able to supply additional sugar. It is hereby determined that deficits previously declared and that declared herein constitute all known deficits on which data are currently ascertainable by the Department.

For the calendar year 1972, the prorations to individual foreign countries other than the Republic of the Philippines, pursuant to section 202 of the Act, are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation 811 are shown in column (3). New deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

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<tr>
<th>Countries</th>
<th>Bate quotas</th>
<th>Temporary prorations</th>
<th>Final prorations</th>
<th>New deficit prorations</th>
<th>Total quotas</th>
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A portion of the quotas withheld from Cuba and Southern Rhodesia.

FEDERAL REGISTER, VOL. 37, NO. 214—SATURDAY, NOVEMBER 4, 1972
RULES AND REGULATIONS

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the Federal Register of the recommendation to amend the Valencia Orange Regulation (Sec. 908) in that: (1) Shipments of oranges and grapefruit are now being made; (2) the relevant provisions of said marketing agreement extend beyond this period; and (3) the current fiscal period began on August 1, 1972, and the rate of assessment herein fixed will automatically apply to all assessable fruit from the beginning of such period; and (3) none were submitted. This amendment will become effective in order to effectuate the declared policy of the Act.

§ 908.715 Valencia Orange Regulation 415.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), and (ii) of § 908.715 (Valencia Orange Regulation 415, 37 F.R. 22874) during the period October 27, through November 2, 1972, are hereby amended to read as follows:

§ 908.715 Valencia Orange Regulation 415.

(a) Findings. (1) Pursuant to the Marketing Agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of fruits 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 recommendations and information for regulation during the period October 27, through November 2, 1972, are hereby amended to read as follows:

§ 908.715 Valencia Orange Regulation 415.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), and (ii) of § 908.715 (Valencia Orange Regulation 415, 37 F.R. 22874) during the period October 27, through November 2, 1972, are hereby amended to read as follows:

§ 908.715 Valencia Orange Regulation 415.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), and (ii) of § 908.715 (Valencia Orange Regulation 415, 37 F.R. 22874) during the period October 27, through November 2, 1972, are hereby amended to read as follows:

§ 908.715 Valencia Orange Regulation 415.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), and (ii) of § 908.715 (Valencia Orange Regulation 415, 37 F.R. 22874) during the period October 27, through November 2, 1972, are hereby amended to read as follows:

§ 908.715 Valencia Orange Regulation 415.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), and (ii) of § 908.715 (Valencia Orange Regulation 415, 37 F.R. 22874) during the period October 27, through November 2, 1972, are hereby amended to read as follows:

§ 908.715 Valencia Orange Regulation 415.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), and (ii) of § 908.715 (Valencia Orange Regulation 415, 37 F.R. 22874) during the period October 27, through November 2, 1972, are hereby amended to read as follows:

§ 908.715 Valencia Orange Regulation 415.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), and (ii) of § 908.715 (Valencia Orange Regulation 415, 37 F.R. 22874) during the period October 27, through November 2, 1972, are hereby amended to read as follows:

§ 908.715 Valencia Orange Regulation 415.
identical with the aforesaid recommendation of the committee, and information concerning such recommendations is hereby fixed at 200,000 cartons. It is estimated by the committee that after an improvement in the demand, the present market is slow and there are no indications of a normal market recovery. The present market situation which may be handled during the period November 6 through November 12, 1972, is hereby fixed at 400,000 cartons.

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

(Sections 1-13, 4 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 2, 1972.

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

[FR Doc. 72-10014 Filed 11-3-72; 8:53 am]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling § 912.356 Grapefruit Regulation 86.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 57 F.R. 21368), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit 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 grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the regulation stems from the current market situation which reflects a weakness in prices for Florida Interior grapefruit, and a strong threat that shipments during next week, in the absence of regulation, would be in excess of the market demand. Thus, a regulation is needed to prevent excessive shipments during the week of November 6 through November 12, 1972.

(b) Order. (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 6 through November 12, 1972, is hereby fixed at 100,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Sections 1-18, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 2, 1972.

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

[FR Doc. 72-10072 Filed 11-3-72; 8:53 am]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling § 913.352 Grapefruit Regulation 52.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the regulation stems from the current market situation which reflects a weakness in prices for Florida Interior grapefruit, and a strong threat that shipments during next week, in the absence of regulation, would be in excess of the market demand. Thus, a regulation is needed to prevent excessive shipments during the week of November 6 through November 12, 1972.

(3) There is not sufficient time to give preliminary notice and engage in public rule-making procedure because: (1) Determinations as to the need for, and extent of, regulation of volume shipments during the period November 6 through November 12, 1972, could not be fully evaluated before November 2, 1972, and (2) shipments likely to be made in the absence of regulation, and the amount of grapefruit needed to satisfy the market demand after such meeting was held; the recommendations and information submitted by the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation 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 October 31, 1972.

(b) Order. (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 6 through November 12, 1972, is hereby fixed at 100,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Sections 1-18, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 2, 1972.

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

[FR Doc. 72-10072 Filed 11-3-72; 8:53 am]
demand for the period November 6 through November 12, 1972, could not be anticipated at an earlier date. (4) 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 postponed the date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; 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 preparations for such dates during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, 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 interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation 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 October 31, 1972.

Order. (a) The quantity of grapefruit grown in the Interior District which may be handled during the period November 6 through November 12, 1972, is hereby fixed at 280,000 standard packed boxes. (b) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: November 2, 1972.

FLOYD P. HEEDLAND, Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc.72-19707 Filed 11-3-72;8:53 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Expenses and Rate of Assessment for Crop Year 1972-73

Notice was published in the October 19, 1972, issue of the FEDERAL REGISTER (37 F.R. 22587) regarding proposed expenses of the California Date Administrative Committee for the 1972-73 crop year and rate of assessment for that crop year. This action approves such expenses and assessment rate, and pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 887). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, Calif., and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the California Date Administrative Committee, and other available information, it is found that the expenses of the California Date Administrative Committee and the rate of assessment for the 1972-73 crop year (which began October 1, 1972, and ends September 30, 1973), shall be as follows:

§ 987.317 Expenses of the California Date Administrative Committee and rate of assessment for the 1972-73 crop year.

(a) Expenses. Expenses in the amount of $29,899 are reasonable and likely to be incurred by the California Date Administrative Committee during the 1972-73 crop year beginning October 1, 1972, for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) Rate of assessment. The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay the California Date Administrative Committee as his pro rata share of the expenses is fixed at 10 cents per hundredweight on all marketable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of such fieldrun dates certified and set aside or disposed of pursuant to § 987.45(f).

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all dates certified during that crop year as meeting the requirements for marketable dates, including the eligible portion of certain fieldrun dates; and (2) the current crop year began October 1, 1972, and the rate of assessment herein fixed will automatically apply to all such dates beginning with that date.

§ 987.45(f) Expenses (other than those specified in § 989.82) in the amount of $193,700 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1972, for the maintenance and functioning of the committee and the Raisin Accrual Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) Rate of assessment. The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay the Raisin Administrative Committee as his pro rata share of the expenses is fixed at $1.00 per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (a) of this paragraph;
(2) Reserve tonnage raisins released or sold to the handler for use as free tonnage during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

It is further found that good cause exists for the not postponing the effective time of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and order require that the rate of assessment fixed for a particular crop year which handlers are required to pay shall be applicable to all free tonnage raisins of the crop year and to all reserve tonnage raisins released or sold to handlers for use as free tonnage during the crop year; and (2) the current crop year began on September 1, 1972, and the rate of assessment fixed herein will automatically apply to all such raisins beginning with that date.

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

Dated: November 1, 1972.

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

[FR Doc. 72-18373 Filed 11-3-72; 8:50 am]
Proposed Rule Making

FEDERAL POWER COMMISSION

I 18 CFR Part 260 ]
[Docket No. R-308]

GAS PIPELINE COMPANIES

Annual Report of Total Gas Supply; Proposed Form

October 31, 1972.

Notice is hereby given pursuant to section 553 of title 5 of the United States Code and sections 10, 14, and 16 of the Natural Gas Act (52 Stat. 826, 15 U.S.C. 717i; 52 Stat. 826, 15 U.S.C. 717m; and 52 Stat. 830, 15 U.S.C. 717o) that the Commission proposes to amend paragraph (a) of § 260.7 of Part 260—Statements and Reports (Schedules); Subchapter G—Approved Forms, Natural Gas Act; Chapter I, Title 18 of the Code of Federal Regulations to prescribe a revised Form No. 15, Annual Report of Total Gas Supply, for the reporting year 1971 and thereafter.

In the proceeding in Docket No. R-239 the Commission proposed to require the filing, as part of the then-proposed Form No. 15, of certain detailed reservoir reserve estimate, contractual, and deliverability data. These data were to be submitted on electric accounting punch cards, electric data processing magnetic tape, or paper tape. By Order No. 279, issued March 31, 1971 (31 FPC 750), the Commission promulgated § 260.7 of its statements and reports (Schedules) prescribing Form No. 15 which did not include the detailed reservoir reserve estimate, contractual, and deliverability data to be filed in automatic data processing (ADP) media. The then-prescribed report was designated as the first phase and further consideration of the requirements for filing the additional detailed data was deferred as the second phase.

By notice issued in the instant proceeding on September 22, 1971 (31 F.R. 17148), the Commission proposed to require the filing of first phase data in ADP media. By Order No. 277 issued February 16, 1972 (32 FPC 326) the Commission deferred requiring the submission of Form No. 15 in ADP media and revised § 260.7 by requiring the filing of a revised Form No. 15 with minor changes. The instant proceeding was continued by said order.

By notice issued in the instant proceeding on November 13, 1972 (33 F.R. 17156, November 20, 1968), the Commission proposed both substantial and minor revisions in Form No. 15. By Order No. 399 issued April 27, 1970 (43 FPC 563), the Commission amended § 260.7 by requiring the filing of revised Form No. 15 with minor changes. The instant proceeding was continued by said order.

Since the issuance of Order Nos. 337 and 399, it has become evident to the Commission that it should have the second phase reservoir data in order to establish criteria to check the reasonableness of the data filed by any single company and to evaluate independently the data filed by parties to Commission proceedings. This will also permit the Commission through ADP methods to have an instant check on the current report in ADP media. Accordingly, it was proposed to amend Form No. 15 by the addition of new Schedule Nos. 4 and 5 for the collection of reservoir data and flow test data for nonassociated gas completions, respectively. The second phase contractual data are presently being collected as part of independent producer rate schedule filings.

In addition to the new schedules, the Commission proposed to revise the instructions to Form No. 15 by permitting the filing of all schedules in ADP media. A magnetic tape prepared for the electronic computer, accompanied by a verified, attested electronic computer printout, will be the preferred form for filing the report. The Commission recognizes that all companies may not have the resources or their modes of operation do not include the use of the electronic computer and, therefore, filing of the report in ADP media will be optional. It is the Commission’s plan, however, eventually to require all companies to report in ADP media.


Accordingly, it is proposed to amend paragraph (a) of § 260.7 of Part 260—Statements and Reports (Schedules); Subchapter G—Approved Forms, Natural Gas Act; Chapter I, Title 18 of the Code of Federal Regulations, to read as follows:

§ 260.7 Form No. 15, annual report of gas supply for certain natural gas companies.

(a) A revised form of Annual Report of Total Gas Supply, designated FPC Form 15, is prescribed for the reporting year 1971 and thereafter to be used by natural gas companies as provided by and in accordance with paragraph (b) of this section.

... *

It was further proposed to revise Form No. 15 by adding new Schedule No. 4 and 5 and by permitting the filing of all schedules in ADP media.

It is herein proposed to revise Form No. 15 by substituting three schedules to replace the previously proposed five schedules and adding a fourth special schedule for gas not directly related to wells, reservoirs and fields, all as set forth in Appendix A hereof.

It is further proposed that the newly proposed Schedule No. 4 be used to replace Form No. 15-A. Companies which formerly filed Form No. 15-A under these regulations need file only Schedule No. 4 of this revised Form No. 15 and the Table of Contents and Page No. 47, which is the Synopsis of Pipeline Company Gas Supply with Attestations. Such companies would not be required to file Schedule Nos. 1, 2, and 3 of this revised Form No. 15.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than November 27, 1972, data, views, comments, or suggestions in writing concerning the amended regulation and revised form. Written submittals will be placed in the Commission’s public files and will be available for public inspection at the Commission’s Office of Public Information, Washington, D.C., during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 4 conform copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the revised report form under the provisions of the Federal Reports Act of 1940, 44 U.S.C. 3501-3511, may at the same time submit a conform copy of their comments directly to the Clearance...
OFFICE OF STATISTICAL POLICY, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposals should be addressed and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment and revision. The staff, in its discretion, may grant or deny requests for conference.

The Secretary shall cause prompt publication of this notice to be made in the Federal Register. By direction of the Commission.

KENNETH F. PLUMB, Secretary.

[FR Doc.72-1850 Filed 11-3-72; 8:49 am]

FEDERAL REGISTER.

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 239 ]

[Docket No. 21610, EDR-234A]

FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Proposed Reporting Data; Extension of Time for Comments

NOVEMBER 1, 1972.

By circulation of notice of rule making EDR-234, dated September 23, 1972, and published at 37 F.R. 21175 (October 6, 1972), the Board gave notice that it had under consideration proposed amendments to Part 239 of its regulations (14 CFR Part 239). These proposals would modify certain definitions of terms used in the part and other provisions thereof. Interested persons were invited to file comments with the Board on or before November 7, 1972.

On October 25, 1972, certain carrier members of the Air Transport Association of America (ATA) and Air Lift International, Inc., requested an extension of 30 days for the filing of comments.

It is maintained that 12 days of the time within which to prepare comments was lost since the Board's notice was not issued until October 10th, although dated September 29, 1972, and that the additional time requested is needed to study the proposed rule and to prepare and file meaningful comments.

The above allegation that 12 days of the time to prepare comments was lost because the notice was not issued until October 10th, although dated September 29th, is not factually accurate. The notice was published in the Federal Register on October 6, 1972 (37 F.R. 21175) and the 30 days intended to be allowed for the filing of comments was computed from such date. Considering that the proposed rule making does not involve novel issues but rather relates to refinements of existing regulations and that the carriers are familiar with the issues raised, and in the interest of completing this rule making proceeding in sufficient time to enable the new requirements, if any, to become effective as of January 1, 1973, the undersigned finds that an extension of time of more than 15 days would not be warranted.

Accordingly, pursuant to the authority delegated in § 303.20(c) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to November 22, 1972.

[FR Doc.72-18365 Filed 11-3-72; 8:52 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Director of the Bureau of Narcotics and Dangerous Drugs has received applications pursuant to § 308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 303.24 of Title 21 of the Code of Federal Regulations.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and redelegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 100 of Title 28 of the Code of Federal Regulations, the Director hereby proposes that Part 308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 308.24(d) by adding the following chemical preparations:

(1) ** **
b. By amending § 308.24(1) by deleting the following chemical preparations:

<table>
<thead>
<tr>
<th>Manufacturer or supplier</th>
<th>Product name and supplier's catalog number</th>
<th>Form of product</th>
<th>Date of application</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Hospital Supply Corp.</td>
<td>Barbiturate Sodium Buffer Salt, No. 1711</td>
<td>Vial: 250 ml</td>
<td>6-6-72</td>
</tr>
<tr>
<td>Do.</td>
<td>Barbiturate-Add Buffer Salt, No. 1138</td>
<td>Vial: 250 ml</td>
<td>6-6-72</td>
</tr>
<tr>
<td>Do.</td>
<td>Amobarbital-2-Cl, No. CFA-401</td>
<td>Ampule: 10 ml, 100 mg</td>
<td>9-13-72</td>
</tr>
<tr>
<td>Do.</td>
<td>Pentobarbital-Sodium Salts, No. 83-55</td>
<td>Vial: 100 ml, 50 mg</td>
<td>9-19-72</td>
</tr>
<tr>
<td>Do.</td>
<td>HepaScreen CEP Barbiturate Buffer, No. K-781</td>
<td>Envelope: 5.000 mg</td>
<td>8-11-72</td>
</tr>
<tr>
<td>Do.</td>
<td>HepaScreen CEP Buffer, Nos. K-742 and K-743</td>
<td>Vial: 100 ml, 50 mg</td>
<td>8-11-72</td>
</tr>
<tr>
<td>Do.</td>
<td>Sedormon Drug System, No. 4100</td>
<td>Vial: 50 mg</td>
<td>9-6-72</td>
</tr>
<tr>
<td>Do.</td>
<td>General Diagnostics</td>
<td>Vial: 10 mg</td>
<td>8-26-72</td>
</tr>
<tr>
<td>Do.</td>
<td>Hyland Division, Travenol Laboratories, Inc.</td>
<td>Vial: 1 ml</td>
<td>8-21-71</td>
</tr>
<tr>
<td>Do.</td>
<td>MCI Biomedical</td>
<td>Vial: 0.6 ml</td>
<td>8-26-72</td>
</tr>
<tr>
<td>Do.</td>
<td>NEAD Diagnostics</td>
<td>Vial: 0.6 ml</td>
<td>8-26-72</td>
</tr>
<tr>
<td>Do.</td>
<td>Storz Diagnostics</td>
<td>Vial: 0.6 ml</td>
<td>8-26-72</td>
</tr>
<tr>
<td>Do.</td>
<td>Schering Corp.</td>
<td>Vial: 0.6 ml</td>
<td>8-26-72</td>
</tr>
<tr>
<td>Do.</td>
<td>SYVA Co.</td>
<td>Vial: 0.6 ml</td>
<td>8-26-72</td>
</tr>
<tr>
<td>Do.</td>
<td>TLC Corp.</td>
<td>Vial: 0.6 ml</td>
<td>8-26-72</td>
</tr>
<tr>
<td>Do.</td>
<td>Travenol Laboratories</td>
<td>Vial: 0.6 ml</td>
<td>8-26-72</td>
</tr>
</tbody>
</table>

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Attention: Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 I Street NW., Washington, DC 20557, and must be received no later than November 30, 1972.


John E. Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs.

[FFR Doc. 72-38524 Filed 11-3-72; 8:15 am]
PROPOSED RULE MAKING

[7 CFR Part 1050] MILE IN THE CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the central Illinois marketing area is being considered for the month of November 1972.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 10, 1972.

Written submissions received pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would reduce the minimum and maximum diameters of each size classification presently in effect by one thirty-second of an inch to become effective on or about November 15, 1972. This reduction would result in the Florida tomato industry's size classifications becoming closer to those used in other tomato production areas while still remaining within the size arrangements set forth in §51.1600 of the U.S. Standards for Grades of Tomatoes, but without its overlap between sizes.

REGULATION, AS PROPOSED TO BE AMENDED.

In §966.310 (37 F.R. 21423), the size classification paragraphs are amended to read as follows:

§966.310 Limitation of shipments.

| (a) | * | * | * |
| (1) | * |

Size classification: Diameter (inches)

7 by 8
7 by 7
6 by
6 by
5 by 6 and larger

Measurement of diameters shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§51.1655 to 51.1677 of this title).

(2) Tomatoes of designated sizes may not be commingled unless they are over 2½ inches in diameter and each container shall be marked to indicate the designated size.

(3) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.


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

[FR Doc.72-18919 Filed 11-5-72; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 1270]

LOW-RENT HOUSING

HOMEOwNSHIP OPPORTUNITIES

Notice of Proposed Rule Making

Notice is hereby given that the Department of Housing and Urban Development proposes to amend Title 24 of the Code of Federal Regulations by adding a new Chapter XIII, Chapter XI and Parts 1200 through 1299 and 1271 through 1299 are reserved. A notice of availability of material relating to public housing homeownership opportunity programs was published in the Federal Register on September 3, 1971. The following proposed amendment, which sets forth the essential elements of the HUD Homeownership Opportunities Program for Low-Income Families (Turnkey III), is a substantial revision of the material made available on September 3, 1971, and is therefore being published at this time for comment.

A significant revision is in the method of determining the purchase price of a home buyer's home. In order to bring the purchase price of the home more in line with that of comparable privately built homes, relocation costs, costs of counseling and training, and the cost of any community buildings are not included in the estimated development cost used in computing the purchase price. To enable computation of a firm purchase price when occupancy begins, the price will be determined from the estimated cost based on the development cost budget, rather than actual development cost, and the home buyer will be
furnished a purchase price (i.e., amortization) schedule based on this estimate.

To provide greater assurance that a homeowner will be able to meet the obligations of homeownership, the eligibility limit for continued occupancy with the aid of HUD annual contributions is being set at the level at which 20 (instead of 25) percent of adjusted monthly income equals or exceeds the home-buyer's monthly housing cost.

The following forms and guides are being provided: Annual contributions contract—special provisions for Turnkey III homeownership opportunity project; home-buyers ownership opportunity agreement (Turnkey III); Articles of Incorporation and Bylaws of Home Buyers Association; recognition agreement between local housing authority and Home Owners Association; planned homeownership project best suited to their own particular needs; local housing authority may develop or acquire dwelling units for this program through any low-rent public housing program production method (except leasing).

APPENDIX I—Annual contribution contract—"Special provisions for Turnkey III homeownership opportunity project."

APPENDIX II—Home buyers ownership opportunity agreement (Turnkey III).

APPENDIX III—Certificate of acknowledgment of home buyer's right to purchase home.

APPENDIX IV—Promissory note for payment upon resale by home buyer at profit.

Subpart C—Homeownership Counseling and Training

Sec. 1270.201 Purpose.
1270.202 Organization of the HBA.
1270.203 Planning.
1270.204 General requirements and information.
1270.205 Training methodology.
1270.206 Funding.
1270.207 Use of appendix.

APPENDIX I—Content guide for counseling and training program.

Subpart D—Home Buyers Association (HBA)

1270.208 Relationship with Homeowners Association.
1270.209 Use of appendices.

APPENDIX I—Articles of Incorporation and Bylaws of Home Buyers Association.

APPENDIX II—Recognition agreement between local housing authority and Home Buyer Association.

AUTHORITY: The provisions of this Part 1270 issued under section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart A—Introduction to Low-Rent Housing Homeownership Opportunity Program

Sec. 1270.1 Purpose.
1270.2 Organization of the HBA.
1270.3 Planning.
1270.4 General requirements and information.
1270.5 Training methodology.
1270.6 Funding.
1270.7 Use of appendix.


APPENDIX II—Recognition agreement between local housing authority and Home Buyer Association.

AUTHORITY: The provisions of this Part 1270 issued under section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart B—Turnkey III Program Description

§ 1270.1 Purpose.

(a) Purpose. This subpart sets forth the essential elements of the HUD homeownership opportunities program for low-income families (Turnkey III). It is intended to enable local housing authorities to develop homeownership programs to provide low-income families with an opportunity to become homeowners through Federal assistance in the form of annual contributions to the local planning stages, such local authorities should consult with the appropriate HUD area office so as to develop a homeownership opportunity best suited to their own particular needs. A local housing authority may develop or acquire dwelling units for this program through any low-rent public housing program production method (except leasing).

(b) Applicability. This subpart shall be applicable to all Turnkey III projects, including projects under development or in operation as follows:

(1) With respect to projects under development pursuant to an executed annual contributions contract (ACC) where no home-buyers ownership agreements have been signed, the ACC shall be amended: (i) To include the “Special Provisions for Turnkey III Homeownership Opportunity Project” as set forth in Appendix I; (ii) to extend its term to 30 years; and (iii) to reduce its maximum contribution percentage to a rate that will amortize the debt in 30 years at the minimum loan interest rate specified in the ACC. Other development and operation of the project shall be in accordance with this subpart including use of the form of home-buyers ownership opportunity agreement set forth in Appendix II.

(2) With respect to projects under development or in operation where home-buyers ownership agreements have been signed, the following steps shall be taken:

(i) The annual contributions contract shall be amended to include the “Special Provisions for Turnkey III Homeownership Opportunity Project” as set forth in Appendix I and further development and operation of the project shall be in accordance with this subpart.

(ii) The LHA shall offer all qualified home-buyers in the project new home-buyers ownership opportunity agreement as set forth in Appendix II with an amendment to section 14(a) to refer to “the latest approved Development Cost Budget, or Actual Development Cost Certificate if issued,” in lieu of “the Development Cost Budget in effect upon award of the Major Construction Contract or execution of the Contract of Sale,” and an amendment to section 14(b) to refer to a term of 25 years, instead of 30, for the purchase price schedule. Each such agreement shall commence with the first day of the month following the effective date of the former home-buyers ownership agreement. No home buyer shall be required to accept the new agreement.

(iii) For each home buyer who has not accepted the new home-buyers ownership opportunity agreement, the LHA shall provide a purchase price schedule showing the amortization of the development cost attributable to.
the home as the monthly declining purchase price in accordance with the provisions of § 1270.114 except: (a) A 25-year amortization period shall be used; (b) the development cost for each home shall be on or before the effective date of the latest approved development cost budget, or the actual development cost certificate if issued.

§ 1270.102 Definitions.

(a) The term “HUD” means the Department of Housing and Urban Development which provides the LEA's with financial assistance through loans and annual contributions and technical assistance in the development and operation of the project.

(b) The term “LEA” means the local housing authority which acquires or develops a low-rent housing development with financial assistance from HUD, owns all the homes until titles are transferred to the home buyer, and is responsible for the management of the homeownership program.

(c) The term “home buyers” means low-income families as determined in accordance with the income definitions and limits established by the LEA for the program and approved by HUD. The LEA shall determine the eligibility of each applicant as to income and shall select home buyers from among the list of eligible applicants.

(d) Standards for Admission. The HUD-approved standards for admission to the homeownership program by the LEA's established priorities and preferences, and the requirements for administration of low-rent housing under title VI of the Regulations (42 U.S.C. 283-352, 78 Stat. 241, 42 U.S.C. 2000a) shall be applicable except for the plan for selection of applicants as provided in § 1270.104 of this chapter. The LEA shall use the procedures set forth in paragraph (c) of this section home buyer selection under the Turnkey III homeownership program. In carrying out these procedures the LEA shall be to provide equal housing opportunity in such a way as to prevent segregation or other discrimination on the basis of race, creed, color, or national origin, in accordance with the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241, 42 U.S.C. 2000a) and 1968 (Public Law 90-284, 62 Stat. 73, 18 U.S.C. 245).

§ 1270.103 Project development.

(a) Financial framework. The LEA shall finance development or acquisition of the project by sale of its notes (bond financing shall not be used). The principal amount of these notes shall be the capital debt of the project. Payment of the debt service is assured by HUD commitment to provide debt service for the development based on a 30-year amortization period.

(b) Contractual framework. Underlying this arrangement there are basic contracts:

1. An annual contracts contract containing “Special Provisions For Turnkey III Homeownership Opportunity Project.” Form HUD-5910C (see appendix D).

2. A Home Buyers Ownership Opportunity Agreement (see appendix II), which sets forth the respective rights and obligations of the low-income occupants and the LEA, including conditions for achieving homeownership; and

3. A Recognition Agreement (see appendix II of Subpart C of this part) between the LHA and HBA under which the LHA agrees to recognize the HBA as the established representative of the homeownership program.

(c) Community Participation Committee (CPC). In the necessary development of citizens participation and understanding, the LEA shall consider the information and use of a CPC, made up of interested citizens, to promote the project.

§ 1270.104 Eligibility and selection of home buyers.

(a) Eligibility. Home buyers shall be low-income families as determined in accordance with the income definitions and limits established by the LEA for the program and approved by HUD. The LEA shall determine the eligibility of each applicant as to income and shall select home buyers from among the list of eligible applicants.

(b) Standards for Admission. The HUD-approved standards for admission to the homeownership program by the LEA's established priorities and preferences, and the requirements for administration of low-rent housing under title VI of the Regulations (42 U.S.C. 283-352, 78 Stat. 241, 42 U.S.C. 2000a) shall be applicable except for the plan for selection of applicants as provided in § 1270.104 of this chapter. The LEA shall use the procedures set forth in paragraph (c) of this section home buyer selection under the Turnkey III homeownership program. In carrying out these procedures the LEA shall be to provide equal housing opportunity in such a way as to prevent segregation or other discrimination on the basis of race, creed, color, or national origin, in accordance with the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241, 42 U.S.C. 2000a) and 1968 (Public Law 90-284, 62 Stat. 73, 18 U.S.C. 245).

(c) Selection of home buyers. Selection of home buyers from among the list of eligible applicants shall be accomplished in accordance with the Federal Register, Vol. 37, No. 214—Saturday, November 4, 1972

44 U.S.C. 500a, and the LEA's standards for admission to the homeownership program. The LEA shall establish the priorities and preferences, and the criteria for selection and shall recommend qualified applicants to the LEA which shall make the selection of applicants.

(d) Achievement of an average monthly payment for the project, including consideration of the availability of the Special Family Subsidy, which is at least 10 percent more than the break-even amount (see § 1270.103); and

(e) Priority in selection to homebuyer families who are at least one year gainfully employed or who has potential for gainful employment shall be given consideration.

(f) Selection of lower income families. If there are applicants who have a potential for homeownership but whose required monthly payment under the LEA's rent schedule would be less than the break-even amount (see § 1270.103), the LEA may select them as homebuyers.

(g) Notice to applicants. Notice to applicants shall be given of the date and time of the meeting of the LEA to consider applications for the homeownership program. The LEA shall notify the applicant of the date and time of the meeting and of the address of the meeting place. The LEA shall notify the applicant of the date and time of the meeting and of the address of the meeting place.

(h) Notice to applicants. Notice to applicants shall be given of the date and time of the meeting of the LEA to consider applications for the homeownership program. The LEA shall notify the applicant of the date and time of the meeting and of the address of the meeting place.
occupancy insofar as such date can reasonably be determined.

(2) Applicants who are not selected for a specific homeownership development shall be so notified in accordance with HUD-approved procedures. The local HIA, in the case of pre-1937 homes, or the LHA, shall state the reason for the applicant's rejection (including a nonrecommendation by the recommending committee unless the applicant has previously been so notified), and provide the applicant, upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination regardless of the reason for the rejection.

(d) Eligibility for continued occupancy.

(1) The home buyer shall cease to be eligible for continued occupancy with the aid of HUD annual contributions when the LHA determines that his adjusted monthly income has reached the level, and is likely to continue at such level, at which 20 percent or more of his adjusted monthly income exceeds the monthly housing cost (see subparagraph (2) of this paragraph). In such event, if the LHA determines, with HUD approval, that suitable financing (such as a subsidized or unsubsidized HUD insured mortgage, or a VA-guaranteed loan) is available, the home buyer shall be notified by LHA, move from the project; Provided, however, That if the LHA determines that, due to special circumstances, the homebuyer is unable to find decent, safe, and sanitary housing within his financial reach although making every reasonable effort to do so, the home buyer may be permitted to remain for the duration of such a situation if he pays an increased rent consistent with his increased income. This rent shall not, however, exceed the greater of the sum of the monthly break-even amount plus the monthly debt service amount shown on the purchase price schedule for the home, or the rent for comparable unsubsidized housing in the locality. Such an increased rent shall also be payable by the buyer if he continues in occupancy without purchasing the home because suitable financing is not available.

(2) The term "monthly housing cost," as used in this paragraph, means the sum of: (i) The monthly debt service amount shown on the Purchase Price Schedule (except where the home buyer can purchase the home by the method described in § 1270.114(c) of (1) of this subparagraph); (ii) one-twelfth of the actual property taxes which the home buyer will be required to pay as a homeowner; (iii) the current monthly debt service amount budgeted for routine maintenance (EHFA), Nonroutine Maintenance Reserve, and routine maintenance-common property; and (iv) the current LHA and HUD approved monthly allowance for utilities paid for directly by the home buyer plus the monthly cost of utilities supplied by the LHA.

§ 1270.106 Home buyers Association (HBA).

A Home-Buyer Association (HBA) is an incorporated organization composed of all the families who have entered into Home-Buyers Ownership Opportunity Agreements. It is formed and organized for the purposes set forth in § 1270.304. The HBA shall be funded as provided in § 1270.305.

§ 1270.107 Responsibilities of homebuyer.

(a) Repair, maintenance, and use of home. Each homebuyer shall be responsible for the routine maintenance of his dwelling and grounds. Such maintenance includes the work (labor and materials) of keeping the dwelling structure, grounds, and equipment in good condition, appearance, and operation so that they may be utilized continually at their designed capacities and at the satisfactory level of efficiency for their intended purposes, and in conformity with the requirements of local housing codes and applicable regulations and guidelines of HUD. It includes repairs (labor and materials) to the dwelling structure, plumbing fixtures, dwelling equipment (such as range and refrigerator), shades and screens, water heater, heating equipment, and other components or parts of the dwelling. It also includes all interior painting and the maintenance of grounds (lot) on which the dwelling is located. It does not include maintenance and replacements provided for by the Nonroutine Maintenance Reserve described in § 1270.111.

(b) Repair of damage. In addition to his obligation for routine maintenance, each homebuyer is also responsible for repair of any damage caused by him or members of his family.

(c) Care of home. A homebuyer shall keep his dwelling in a sanitary condition; cooperate with the LHA and HBA in keeping and maintaining the common area and property, including fixtures and equipment, in good condition and appearance; and take all reasonable steps of the LHA and of the HBA concerning the use and care of the dwellings and the common areas and property.

(d) Inspections. A homebuyer shall agree to permit officials, employees, or agents of the LHA and the HBA to inspect his home at reasonable hours and intervals in accordance with rules established by the LHA and the HBA.

(e) Use of home. A homebuyer shall not: (1) Sublet his home without the prior written approval of the LHA and HUD, (2) use or occupy his home for any unlawful purpose nor for any purpose deemed hazardous by insurance companies on account of fire or other risks, or (3) alter, damage, demolish, or remove any part of the premises, (as identified in his initial application or by subsequent amendment with the approval of the LHA), for children thereafter born to or adopted by members of such family, and for aged or widowed parents of the homebuyer or his spouse who may join the household.

(1) Structural changes. A homebuyer shall not make any structural changes in or additions to his home without first obtaining the written consent of the HBA and the LHA.

(g) Charges. The LHA shall agree to accept monthly payments without regard to any charges otherwise owed by the homebuyer to the LHA, and without regard to other rights and remedies applicable with respect to such other obligations.

(h) Statement of condition and repair. When each homebuyer moves in, the LHA shall inspect the home and shall give the homebuyer a written statement, to be signed by the LHA and the homebuyer, of the condition of the home and the equipment in it. Should the homebuyer vacate the home, the LHA shall inspect it and give the homebuyer a written statement of the repairs and other work, if any, required to put the home in good condition for the next occupant (see § 1270.112). The homebuyer and/or his representative may join in any such inspections with the LHA and the HBA.

(1) Maintenance of common property. The home buyer may participate in nonroutine maintenance of his home and in maintenance of common property as discussed in § 1270.110(d) and § 1270.111(c).

(1) Homebuyer's required monthly payment. (1) The term "required monthly payment" as used herein means the monthly payment the home buyer is required to pay to the LHA on or before the first day of each month. As otherwise provided in subparagraph (2) of this paragraph, the required monthly payment shall be an amount equal to 20 to 25 percent of the home buyer's adjusted monthly income (depending on the LHA's established rent schedule), less a monthly allowance for those utilities which the home buyer pays for directly.

(2) Notwithstanding the above, the required monthly payment, plus the monthly allowance for utilities supplied by the homebuyer, shall not exceed 25 percent of the family's adjusted monthly income as defined by HUD in accordance with the Act.

(3) The required monthly payment may be adjusted as a result of the LHA's regular scheduled or specially scheduled reexamination of the home buyer's income and family composition. Interim changes may be made in accordance with the LHA's policy on reexaminations.
homebuyer requests a rent adjustment based on circumstances not covered by the LHA's policy, an adjustment may be made if both the LHA and the LHA agrees that the circumstances warrant it.

(4) The required monthly payment may also be adjusted by changes in the required percentage of income due to changes in operating expenses as described in §1270.109 and also to reflect changes made in the amount of the utility allowance to reflect current utility costs.

(k) Assignment and survivorship.

Until such time as the home buyer acquires ownership of his home it shall be used only to house a family of low income. Therefore:

(1) A home buyer shall not assign any right or interest in his home or under his Home Buyers Ownership Opportunity Agreement without the prior written approval of the LHA and HUD;

(2) At the time of execution of his Home Buyers Ownership Opportunity Agreement, the home buyer shall designate a relative or household member who shall be his successor as a home buyer in the event of the home buyer's death, mental incapacity, or abandonment of family. The designee shall succeed the home buyer upon the occurrence of such an event unless the designee is then determined to be no longer qualified.

(1) Termination of occupancy. (1) Should a home buyer breach his Home Buyers Ownership Opportunity Agreement, by failure to make his monthly payment or otherwise including but not limited to misrepresentation or withholding of information in applying for admission or in connection with any subsequent recompensation of income and family composition), the agreement may be terminated by the LHA, after consulting the appropriate officers of the HBA.

The LHA should provide the home buyer with an opportunity for special counseling designed to help him with his particular problem in fulfilling his agreement. The home buyer shall be given 30 days' written notice to reply to the same representative of the LHA and, if his wishes, to another representative, or other representatives of the LHA. The home buyer shall have the right to be accompanied by a representative of the HBA when he presents his reply or replies.

(2) The home buyer may terminate his agreement by giving the LHA 30 days' notice in writing to terminate and vacate his home. In event that the home buyer abandons his home, or vacates it without notice to the LHA, the agreement shall be automatically terminated and the LHA may dispose of, in any manner deemed suitable by it, any items of personal property abandoned by the home buyer in the home.

§1270.108 Break-even amount.

(a) Definition. The term "break-even amount" as used herein means the minimum monthly amount required to provide funds for:

1. Payment of monthly operating expense, including provision for operating reserve (see §1270.109);

2. The monthly amount to be credited to the earned home payments account for the home buyer (see §1270.110); and

3. The monthly amount to be credited to the nonroutine maintenance reserve for the home (see §1270.111).

Illustration. The following is an illustration of the computation of the break-even amount:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating expense</td>
<td>$20.10</td>
</tr>
<tr>
<td>Homebuyer services</td>
<td>$2.00</td>
</tr>
<tr>
<td>Project supplies</td>
<td>$3.00</td>
</tr>
<tr>
<td>Maintenance and operation</td>
<td>$2.00</td>
</tr>
<tr>
<td>Protective services</td>
<td>$2.00</td>
</tr>
<tr>
<td>General expenses</td>
<td>$2.50</td>
</tr>
<tr>
<td>Fringe benefits</td>
<td>$3.00</td>
</tr>
<tr>
<td>Earned home payments account</td>
<td>$12.00</td>
</tr>
<tr>
<td>Nonroutine maintenance reserve</td>
<td>$7.00</td>
</tr>
<tr>
<td>Break-even amount</td>
<td>$41.00</td>
</tr>
</tbody>
</table>

The break-even amount shown above does not include the monthly allowance for utilities which the home buyer pays for directly.

(b) Excess over break-even. When the home buyer's required monthly payment (see §1270.107(1)) exceeds the break-even amount, the excess shall be used to supplement that portion of the monthly payment designated for operating expense (i.e., project income): Provided, That such excess shall not be used to pay operating expense in excess of the HUD approved operating budget.

(c) Deficit in monthly payment. When the home buyer's required monthly payment is less than the break-even amount, the deficit shall be applied as a reduction of that portion of the monthly payment designated for operating expense (i.e., as a reduction of project income). In all such cases, the earned home payments account for the period of the deficit shall be prorated and credited to the home buyer's required monthly payment designated for operating expense.

§1270.109 Monthly operating expense.

(a) Definition and categories of monthly operating expense. The term "monthly operating expense" means the monthly amount needed to pay operating expenses of the project including the provision for operating reserve. The monthly operating expense shall consist of the following categories of expense and provision for operating reserve:

1. Administration, Administrative salaries, travel, general and administrative expenses, office supplies, postage, telephone, and telegraph, etc.

2. Home buyer services. LHA expenses in the achievement of social goals, including costs such as salaries, publications, payments to the HBA to assist its operation, contract, and other costs;

3. Utilities. Those costs (such as water), if any, to be furnished by the LHA as part of operating expense;

4. Routine maintenance common-property. For community building, grounds, and other common areas, if the amount required for routine maintenance of common property depends upon the type of common property included in the development and the service of the LHA's responsibility for maintenance (see also §1270.109(b)).

5. Protective services. The cost of supplemental protective services paid by the LHA for the protection of persons and property;

6. General expenses. Premiums for fire and other insurance, payments in lieu of taxes to the local taxing body, collection losses, payroll taxes, etc.;

7. Operating reserve. Extraordinary maintenance of equipment applicable to the community building and grounds, and unanticipated items for both dwelling and nonresidential structures (see §1270.112).

(b) Monthly operating expense rate. The monthly operating expense rate for each fiscal year shall be established on the basis of the LHA's approved operating budget for each such fiscal year. If it is subsequently determined that the actual operating expense for a fiscal year was more or less than the amount provided by the monthly operating expense established for such fiscal year, the rate of monthly operating expense to be established for the next fiscal year may be adjusted to account for the difference (see §1270.112(b)). For the possible effect of such adjustment on the required monthly payment, see §1270.107(1)(2).

(c) Investment of excess. When the aggregate amount of all EHPA balances exceeds the estimated reserve requirements for 90 days, the LHA shall notify the HBA and shall invest the excess in federally insured savings accounts, federally insured credit unions, and/or securities approved by HUD and in accordance with any recommendations made by the HBA. If the property participates in the investment program, it should submit periodically to the LHA a list of HUD approved securities, bonds, or obligations which the association recommends for investment by the LHA of the funds in the EHPA. Interest earned on the investment of such funds shall be prorated and credited to each home buyer's EHPA in proportion to the amount in each such reserve account.

Periodically, but not less often than semiannually, the LHA shall prepare a statement showing: (1) The aggregate amount of all EHPA balances; (2) the aggregate amount of investments (savings accounts and/or securities) held for the account of all the home buyers' EHPA's, and (3) the aggregate invested balance of all the home buyers' EHPA's. This statement shall be made available to any authorized representative of the LHA.

(d) Voluntary equity payments. To enable the home buyer to acquire title to his home within a shorter period, he may either periodically or in a lump sum...
sum voluntarily make payments over and above his required monthly payments. Such voluntary payments shall be deposited to his credit in his EHFA.

(g) Delinquent monthly payments. Under exceptional circumstances, as determined by the HBA and the LHA, a home buyer's EHFA may be used to pay his delinquent required monthly payments, provided the amount used for this purpose does not seriously deplete the account and provided that the home buyer agrees to cooperate in such counseling as may be made available by the LHA or the HBA.

(c) Provision for common property maintenance. During the period the LHA is responsible for the maintenance of common property, the annual operating budget and the monthly operating expense shall include the amount required for routine maintenance of all common property in the project, even though ownership of a number of the homes may have been acquired by home buyers. During such period, this amount shall be computed on the basis of the total number of homes involved in the EHPA (i.e., the annual amount budgeted for routine maintenance of common property shall be divided by the number of homes in the project, rounded down to the nearest whole number for each home; the figure shall in turn be divided by 12 to determine the monthly amount to be included in the monthly operating expense for routine maintenance of common property. After the home buyers assume responsibility for maintenance of common property, the monthly operating expense for maintenance of common property, the monthly operating expense (and break-even amount) shall include an amount equal to the monthly assessment for the maintenance account for the remaining homes owned by the LHA. See §1270.112 for nonroutine maintenance of common property.

(d) Posting of monthly operating expense statement. A statement showing the budgeted operating expense allocated to the break-even amount for routine maintenance of common property. After the home buyers assume responsibility for maintenance of common property, the monthly operating expense (and break-even amount) shall include an amount equal to the monthly assessment for the maintenance account for the remaining homes owned by the LHA. See §1270.112 for nonroutine maintenance of common property.

(e) Purpose of reserve. The LHA shall use a portion of the home buyer's monthly payment to establish a separate nonroutine maintenance reserve for each home. The purpose of this reserve is to provide funds for the infrequent but costly items of maintenance and replacements which may be required over a period of years. Such items may include nonroutine maintenance equipment (such as range and refrigerator), replacement of roof, exterior painting, major repairs to heating, plumbing, and electrical systems, etc. This reserve shall not be used for maintenance and replacements of any items of common property; funds for such purposes shall be set aside in the operating reserve (see §1270.112). Items of common property shall include all nondwelling structures and equipment, common areas, playfields, etc., and in certain instances, it may include certain component parts of dwelling structures.

(b) Amount of reserve. The amount of the monthly payments to be set aside for the nonroutine maintenance reserve shall be determined by the LHA, with the approval of HUD, on the basis of maintenance engineering estimates of the amount needed during the term of the home buyers' ownership opportunity agreement, taking into consideration the type of construction and dwelling equipment.

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(d) Posting of monthly operating expense statement. A statement showing the budgeted operating expense allocated to the break-even amount for routine maintenance of common property. After the home owners association assumes responsibility for maintenance of common property, the monthly operating expense (and break-even amount) shall include an amount equal to the monthly assessment for the maintenance account for the remaining homes owned by the LHA. See §1270.112 for nonroutine maintenance of common property.

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(b) Amount of reserve. The amount of the monthly payments to be set aside for the nonroutine maintenance reserve shall be determined by the LHA, with the approval of HUD, on the basis of maintenance engineering estimates of the amount needed during the term of the home buyers' ownership opportunity agreement, taking into consideration the type of construction and dwelling equipment.

(c) Provision for common property maintenance. During the period the LHA is responsible for the maintenance of common property, the annual operating budget and the monthly operating expense shall include the amount required for routine maintenance of all common property in the project, even though ownership of a number of the homes may have been acquired by home buyers. During such period, this amount shall be computed on the basis of the total number of homes involved in the EHPA (i.e., the annual amount budgeted for routine maintenance of common property shall be divided by the number of homes in the project, rounded down to the nearest whole number for each home; the figure shall in turn be divided by 12 to determine the monthly amount to be included in the monthly operating expense for routine maintenance of common property. After the home owners association assumes responsibility for maintenance of common property, the monthly operating expense (and break-even amount) shall include an amount equal to the monthly assessment for the maintenance account for the remaining homes owned by the LHA. See §1270.112 for nonroutine maintenance of common property.

(d) Posting of monthly operating expense statement. A statement showing the budgeted operating expense allocated to the break-even amount for routine maintenance of common property. After the home owners association assumes responsibility for maintenance of common property, the monthly operating expense (and break-even amount) shall include an amount equal to the monthly assessment for the maintenance account for the remaining homes owned by the LHA. See §1270.112 for nonroutine maintenance of common property.
the LEA shall establish an operating reserve up to the maximum amount permissible to HUD in connection with its approval of the annual operating budgets for the project. The purpose of this reserve is to provide funds for: (1) The frequent but costly routine maintenance and replacements of common property, taking into consideration the types of items which constitute common property, including structures and equipment, and, in certain cases, common elements of dwelling structures; (2) any repairs to the dwelling units for which the LEA is responsible and which are not covered by the nonroutine maintenance reserve; and (3) a deficit in the operation of the project for a fiscal year, including a deficit resulting from monthly payments totaling less than the break-even amount for the project.

(b) Provision for operating reserve. (1) The amount of the provision for operating reserve to be included in operating expenses (the break-even amount) established for the fiscal year (see 1270.108) shall be determined by the LEA, with the approval of HUD, on the basis of maintenance and replacement estimates of the monthly amount needed to accumulate an adequate reserve for the items described in paragraph (a) (1) of this section. This provision for operating reserve applies only during the period the LEA is responsible for the maintenance of any common property; and during such period, the amount shall be determined on the basis of the requirements of all common property in the project in a manner similar to that explained in § 1270.109 (c). (2) The amount of the provision for operating reserve to be included in computing the break-even amount may be increased (or decreased) when total routine expense for the preceding fiscal year is over (or under) the amount budgeted and used as a basis for establishing the break-even amount for such preceding fiscal year. When the operating reserve maximum is authorized in paragraph (c) of this section, the break-even (monthly operating expense) computations (see 1270.108) for the next and succeeding fiscal years need not be based on the previous year's operating reserve unless the balance of the reserve is reduced below the maximum during any such succeeding fiscal year.

(c) Maximum operating reserve. The maximum operating reserve that may be retained by the LEA at the end of any fiscal year shall be the sum of: (1) One-half of the total routine expense included in the operating budget approved for the next fiscal year; and, (2) One-third of the total break-even amounts included in the operating budget approved for the next fiscal year.

Total routine expense means the sum of the amounts budgeted for administration, homebuyers' services, LEA-supplied utilities, routine maintenance of common property, protective services, and general expense, or other category of day-to-day routine expense (see § 1270.109 above for explanation of various categories of routine operating expense).

(d) Transfer to homeowners association. The LEA shall be responsible for, and shall retain custody of the operating reserve until the homeowners association is established (see § 1270.110(c) and § 1270.120(f)). If the homeowners association then elects to assume full responsibility for management and maintenance of common property under a plan approved by HUD, there shall be transferred to the homeowners association the portion of the operating reserve held by the LEA which is allocable to maintenance of common property, computed as follows:

(1) If the operating reserve is then at the allowable maximum, the sum of the amounts for: (i) Routine maintenance of common property; and (ii) the provision for operating reserve for common property which were included in the computation of the maximum operating reserve.

(2) If the operating reserve is then below the allowable maximum, a proportion of the amount computed in subpart (1) of this paragraph, based upon the proportion that the amount in the operating reserve bears to the allowable maximum.

(e) Disposition of reserve. (1) If, at the end of a fiscal year, there is an excess over the maximum operating reserve, this excess shall be applied to reduce the debt on the project (i.e., advance amortization). Following the end of the year next preceding the last annual contribution date for the project, the balance of the operating reserve held by the LEA shall be paid to HUD for application to reduction of annual contributions paid or payable.

§ 1270.113 Application of funds upon vacating of dwelling.

(a) Charges to EHPA. (1) In the event a homebuyers ownership opportunity agreement with the LEA is terminated or if the home buyer vacates the home (see § 1270.110(c)), the LEA shall charge against the EHPA the amounts required to pay: (1) The amount due the LEA, including the monthly payments he is obligated to pay to the date he vacates; (2) the monthly payment for the period the home is vacant, not to exceed 30 days from the date of notice of intention to vacate, or 30 days from the date the home is vacated if the home buyer failed to give notice of intention to vacate; and (iii) the cost of repair and other work required to put the home in good condition for the next occupant in conformity with § 1270.107.

(2) If the EHPA balance is not sufficient to cover all of these charges, the LEA shall require the home buyer to pay the additional amount due. If the amount in the account covers these charges, the excess shall be paid to him.

(b) Nonroutine maintenance and operating reserves. The unused balance of the nonroutine maintenance reserve and any operating reserve shall not be refunded but shall be retained by the LEA.

(c) Settlement. (1) Settlement with the home buyer shall be made within 30 days after the date the home buyer vacates and after the actual cost of repair has been determined: Provided, however, That the home buyer may obtain settlement within 7 days of the date he vacates if he has given the LEA notice of his intention to vacate 30 days prior to the date he vacates and if the amount to be charged against his EHPA pursuant to paragraph (a) (1)(ii) of this section is based on the LEA's estimate of the cost thereof (determined after consultation with the appropriate representative of the HRA).

§ 1270.114 Achievement of ownership by initial occupant.

(a) Determination of purchase price. The initial purchase price of the homes shall be determined by the LEA on the basis of the estimated total development cost (including the full amount for contingencies as authorized by HUD) of the homes. The estimated total development cost budget in effect upon award of the construction contract or execution of the contract of sale less the amount, if any, attributable to: (1) Relocation costs, (2) counseling and training costs, (3) the cost of any community buildings, and (4) the cost of any other land, buildings, equipment, and other facilities which are not part of the property to be owned by homebuyers or the homeowners association. The LEA (subject to HUD approval) shall determine the initial purchase price of each home by prorating such estimated total development cost budget for the project, after deducting costs for items identified in subparagraphs (1) through (4) of this paragraph, on an equitable basis taking into account the size of the homes, the type of construction, the size of the lot (land) which becomes a part of the home, and such other factors as may affect the relative value of the homes.

(b) Purchase price schedule. Each home buyer shall be provided with a purchase price schedule showing: (1) The monthly declining purchase price over a 30-year period, and a 30-year purchase price schedule, as of the initial purchase price on the first day of the month following the effective date of his homebuyers ownership opportunity agreement; and (2) the monthly debt service amount upon which the schedule is based. This schedule and debt service amount shall be computed on the basis of the initial purchase price, a 30-year period, and a rate of interest equal to the minimum loan interest rate as specified in the annual contributions contract for the project on the date of HUD approval of the development cost budget, described in paragraph (c) of this section, rounded up, if necessary, to the next multiple of one-fourth of 1 percent (1/4%).

(c) Methods of purchase. (1) The home buyer may achieve ownership when
the amount in his EHPA, plus such portion of the nonroutine maintenance reserve as he shall, at the time of purchase, be equal to the purchase price as shown at that time on his purchase price schedule plus costs incidental to acquiring ownership. If for any reason title to the home is not conveyed to the home buyer during the month in which such circumstances occur, the purchase price shall be fixed at the amount specified for such month and the home buyer shall be refunded the net additions, if any, credited to his EHPA subsequent to such month, and such part of the monthly payments made by the home buyer after the purchase price has been fixed which exceed the sum of the break-even amount attributable to the unit and the interest portion of the debt service payment shown in the purchase price schedule.

(2) Where the sum of the purchase price and costs described in subparagraph (1) of this paragraph exceeds the amounts from his EHPA and nonroutine maintenance reserve as described in subparagraph (1) of this paragraph, the home buyer may achieve ownership by obtaining financing or otherwise paying the excess amount. The purchase price shall be the amount shown on the purchase price schedule for the month in which the settlement date for the purchase occurs. Among the sources from which the home buyer may obtain funds for such excess is mortgage financing under a federally insured or guaranteed home-loan program.

(d) Period for achieving ownership. The maximum period for achieving ownership shall be 30 years, but depending upon increases in the home-buyers income and the amount of credit which the home buyer can accumulate through maintenance and voluntary payments, the period may be shortened accordingly.

§ 1270.115 Payment upon resale at profit.

(a) Promissory note. (1) The home buyer (regardless of whether ownership is achieved under §1270.114 or 1270.116) shall be required to make a payment to the LHA if he sells his house at a profit within 5 years of actual residence in the home after he becomes a homeowner. The obligation to make such a payment shall be provided for in a non-interest-bearing promissory note (see appendix IV to this subpart) to the LHA which shall be executed at the time he becomes a homeowner and shall be secured by a second mortgage. The initial amount of the note shall be that amount equal to the FHA-appraised value at the time the home buyer gets title to his house (that is, when he becomes a homeowner) and subtracting: (i) The purchase price of the home buyer acquires title to this home; (ii) the closing and other costs incurred by the home buyer in acquiring title; and (iii) the amount of increased value of the home caused by improvements made by the home buyer. The result shall be the initial amount of the note.

(2) The promissory note shall provide that the amount of the note shall be automatically reduced by 20 percent of the initial amount at the end of each year of residency as a homeowner with the note terminating at the end of the 5-year period of residency determined by the LHA. To protect the homeowner, the note shall provide that the amount payable under it shall in no event be more than the net profit on the sale, that is, the amount by which the sales price exceeds the sum of: (i) The home-buyer's purchase price; (ii) the closing and other costs paid by him at time of purchase; (iii) the costs of the sale, including commissions, mortgage prepayment penalties, if any, and other costs paid by him at time of closing; and (iv) the value of home improvements added by him as a home buyer or homeowner.

(3) Amounts collected by the LHA under such notes shall be applied: (a) To reduce the LHA's capital indebtedness for any investment of capital; (b) against such indebtedness has been paid, for such purposes as may be authorized and approved by HUD under such annual contributions contract as the LHA may then have with HUD.

Illustration. If the homeowner's purchase price is $10,000, the closing and other costs are $500, the added improvements are $1,000, and the FHA-appraised value at this time is $17,000, the note computation would be as follows:

<table>
<thead>
<tr>
<th>FHA appraised value</th>
<th>$17,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeowner's purchase price</td>
<td>$10,000</td>
</tr>
<tr>
<td>Improvement</td>
<td>$1,000</td>
</tr>
<tr>
<td>Closing and other costs</td>
<td>$500</td>
</tr>
</tbody>
</table>

Initial note amount: $5,500

In this example, the amount of the note during the first year of residence is $5,500. In the second year, the amount of the note is $4,500, and in the third year it is $3,500, etc. The note shall terminate at the end of the fifth year.

If the homeowner in this example sells his home during the first year for a sales price of $17,500, has sales costs of $1,600 (including a sales commission), and has added $1,000 in improvements, he would be required to pay the LHA $2,500 rather than the $3,500, as indicated in the following computations:

| Sales price | $17,500 |
| Sales costs | $1,600 |
| Add Improvements | 1,000 |
| Purchase price and costs | 10,000 |
| Payable to LHA | 2,500 |

(b) Residence requirement. The 5-year note period does not end if the homeowner rents or otherwise does not use the home as his principal place of residence for any period within the first 5 years after he achieves ownership. In this case, only the actual amount of time he is in residence is counted and the note shall be in effect until a total of 5 years of time of residence has accrued, at which time the homeowner may request the LHA to release him from the note, and the LHA shall do so.

§ 1270.116 Achievement of ownership by subsequent occupants.

(a) Low-income successors. A low-income family succeeding the initial home buyer may achieve ownership in the same manner as described in §§ 1270.114 and 1270.115 for its predecessor—under a home-buyers ownership opportunity agreement—by meeting the required monthly payments, performing its own maintenance and repairs, and making voluntary payments.

(b) Determination of initial purchase price. The initial purchase price for a successor home buyer shall be an amount equal to: (1) The purchase price shown on the initial home-buyer's purchase price schedule as of the date of the home-buyers ownership opportunity agreement with the successor home buyer, plus (2) the amount, by which the fair market value of the home determined or approved by HUD as of the same date, exceeds the purchase price specified in subparagraph (1) of this paragraph.

(c) Purchase price schedule. The successor home-buyer's purchase price schedule shall be the same as the unexpired portion of the initial home-buyer's purchase price schedule except that where his purchase price includes an additional amount as specified in paragraph (b) of this section, the initial home-buyer's purchase price schedule shall be followed by an additional purchase price schedule for such additional amount based upon the same monthly debt service and the same interest rate as applied to the initial home-buyer's purchase price schedule.

(d) Continued eligibility and repayment upon resale. The provisions of §§1270.164 and 1270.115 apply to successor home buyers as well as to initial home buyers.

(e) Residual receipts. After payment in full of the LHA's debt, if there are any successor occupants who have not acquired ownership of their homes, the LHA shall continue to pay to HUD all residual receipts from the operation of the project, including payments received on account of any additional purchase price schedules applicable to the homes, provided the aggregate amount of such payments of residual receipts does not exceed the aggregate amount of annual contributions paid by HUD with respect to the project.

§ 1270.117 Transfer of title to home buyer.

When the home buyer is to obtain ownership, as described in §§ 1270.114 or § 1270.116, a closing date shall be mutually agreed upon by the parties. On the closing date, the home buyer shall pay the required amount of money (including any amounts available in his EHPA and such portion of the nonroutine maintenance reserve as he may wish) to the LHA and receive a deed for the home.
§ 1270.118 Responsibilities of home buyer after acquisition of ownership.

After acquisition of ownership, each home owner shall be required to pay to the LHA or to the homeowners association, as appropriate, a monthly fee for:

(a) The maintenance and operation of community facilities including utility facilities, if any, streets, sidewalks, parking lots, and other common property in the development shall be owned and maintained as provided for in the approved planned unit development (PUD) program except that the LHA shall be responsible for maintenance until such time as the homeowners association assumes such responsibility (see § 1270.112(d));

(b) Title restrictions. The title ultimately conveyed to each home buyer shall be subject to restrictions and encumbrances to protect the rights and property of all other owners. The homeowners association shall have the right and obligation to enforce such restrictions and encumbrances and to assess owners for the costs incurred in connection with common areas and property and other responsibilities.

(c) Voting in association. There shall be as many votes in the association as there are homes, and at the outset all the voting rights shall be held by the LHA. As each home is conveyed to the home owner, one vote shall automatically go to the home owner so that when all the homes have been conveyed, the homeowner shall no longer have any interest in the homeowners association.

(d) Voting control. The LHA shall not lose its majority voting interest in the association as soon as a majority of the homes have been conveyed, unless the law of the State requires control to be transferred at a particular time or the LHA so desires. If permitted by State law, provision shall be made for each home owner by the LHA to carry three votes while each home owner who was conveyed a parcel may carry one vote. Under this weighted voting plan, the LHA shall continue to have voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the LHA may transfer voting control to the homeowners when units representing at least 50 percent of the value of all units have been acquired by homeowners. Under this weighted voting plan, the LHA shall continue to maintain voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the LHA may transfer voting control to the homeowners when units representing at least 50 percent of the value of all units have been acquired by homeowners.

§ 1270.119 Homeowners Association—Planned unit development (PUD).

If the development is organized as a planned unit development:

(a) Ownership and maintenance of common property. The common areas, sidewalks, streets, parking lots, and other common property in the development shall be owned and maintained as provided for in the approved planned unit development (PUD) program except that the LHA shall be responsible for maintenance until such time as the homeowners association assumes such responsibility (see § 1270.112(d)).

(b) Title restrictions. The title ultimately conveyed to each home buyer shall be subject to restrictions and encumbrances to protect the rights and property of all other owners. The homeowners association shall have the right and obligation to enforce such restrictions and encumbrances and to assess owners for the costs incurred in connection with common areas and property and other responsibilities.

(c) Voting in association. There shall be as many votes in the association as there are homes, and at the outset all the voting rights shall be held by the LHA. As each home is conveyed to the home buyer, one vote shall automatically go to the home buyer so that when all the homes have been conveyed, the homeowner shall no longer have any interest in the homeowners association.

(d) Voting control. The LHA shall not lose its majority voting interest in the association as soon as a majority of the homes have been conveyed, unless the law of the State requires control to be transferred at a particular time or the LHA so desires. If permitted by State law, provision shall be made for each home owner by the LHA to carry three votes while each home owner who was conveyed a parcel may carry one vote. Under this weighted voting plan, the LHA shall continue to have voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the LHA may transfer voting control to the homeowners when units representing at least 50 percent of the value of all units have been acquired by homeowners. Under this weighted voting plan, the LHA shall continue to maintain voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the LHA may transfer voting control to the homeowners when units representing at least 50 percent of the value of all units have been acquired by homeowners.

§ 1270.120 Homeowners association—condominium.

If the development is organized as a condominium: (a) The LHA at the outset shall own all condominium units and its undivided interest in the common areas;

(b) All the land, including that land under the housing units, shall be a part of the common areas;

(c) The homeowners association shall own no property but shall maintain and operate the common areas for the individual owners of the condominium units except that the LHA shall be responsible for maintenance until such time as the homeowners association assumes such responsibility (see § 1270.112(d));

(d) The percentage of undivided interest attached to each condominium unit shall be based on the ratio of the value of the units to the value of all units and shall be fixed when the project is completed. This percentage shall determine the homeowner's liability for the maintenance of the common areas and facilities;

(e) Each homeowner's vote in the homeowners association shall be identical with the percentage of undivided interest attached to his unit; and

(f) The LHA shall not lose its majority voting interest in the association as soon as a majority of the homes have been conveyed, unless the law of the State requires control to be transferred at a particular time or the LHA so desires. If permitted by State law, provision shall be made for each home owner by the LHA to carry three votes while each home owner who was conveyed a parcel may carry one vote. Under this weighted voting plan, the LHA shall continue to have voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the LHA may transfer voting control to the homeowners when units representing at least 50 percent of the value of all units have been acquired by homeowners. Under this weighted voting plan, the LHA shall continue to maintain voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the LHA may transfer voting control to the homeowners when units representing at least 50 percent of the value of all units have been acquired by homeowners.

§ 1270.121 Relationship of homeowners association to FHA.

The FHA and the LHA may make arrangements to permit home buyers to participate in homeowners association matters which affect the home buyers. Such arrangements may include rights to attend meetings and to participate in homeowners association deliberations and decisions.

§ 1270.122 Use of appendices.

Use of the following appendices is mandatory for projects developed under this subpart:

Appendix I—Annual Contributions Contract “Special Provisions for Turnkey III Homeownership Opportunity Project”;

Appendix II—Home Buyers Ownership Opportunity Agreement (Turnkey III);
shall determine and submit to the Government for its approval the amount below which the development cost of the project will in no event fall. Upon approval thereof by the Government, such amount shall constitute the "Minimum Development Cost" of the project. The local authority shall issue its project loan notes, permanent notes, or project notes as the Government may require to finance the minimum development cost. (5) Notwithstanding section 403(A) (4), the term "Development Cost" shall include interest on that portion of borrowed moneys allocable to the project for the period ending with the date of full availability or such earlier date as may be specifically approved by the Government. (6) The Government shall make debt service annual contributions and additional annual contributions for the project as provided in section 415. In determining the total amount of annual contributions for the project pursuant to section 415(e) prior to the determination of the minimum development cost for the project, such term shall be construed to mean the estimated total development cost of the project. The first debt service annual contribution shall: (1) Be paid and made available as the annual contribution date following the date as of which the minimum development cost of the project is first established, and (2) be in an amount, as determined by the Government, which if applied annually at the interest rate (adjusted to the nearest one-eighth of one percent) charged the local authority during the preceding fiscal year would fully amortize the amount of the minimum development cost of the project on the first day of the month following the _______ anniversary of the annual contribution date following the date as of which the minimum development cost of the project is first established. Not more than 40 annual contributions shall be paid with respect to the project nor shall any such annual contributions be paid or made available subsequent to 40 years from the date the first such annual contribution was paid or made available for the project. (7)(a) During the maximum contribution period established for the project, the local authority shall, within 60 days after the end of each fiscal year, pay to the Government all residual receipts of the project for such fiscal year. (b) During the period of years immediately following and equal to the maximum contribution period established for the project, the local authority shall, within 60 days after the end of each fiscal year, pay to the Government all residual receipts of the project for such fiscal year. (c) Following the end of the fiscal year in which the last dwelling unit has been conveyed by the local authority, the balance of the operating reserve held by the local authority shall be paid to the Government, provided that the aggregate amount of payments under (b) and (c) of this paragraph shall not exceed the aggregate amount of annual contributions paid by the Government with respect to the project. (d) No part of the funds on deposit in the debt service fund or the advance amortization fund with respect to any other project under this contract, or the funds available for deposit in such funds for such other projects, shall be applied to the retirement or for the project not shall any such funds on deposit or available for deposit from this project be used with respect to any other project or projects under this contract. (e) To the extent that the provisions of this section conflict with other provisions of this contract, the provisions of this section shall be controlling with respect to the project.
PART II
TERMS AND CONDITIONS

1. The development. a. The home. The home described in Part I of this agreement is included in a project (herein called the "Development").

b. Annual contributions contract. The authority has entered into an annual contributions contract (ACC) with the Department of Housing and Urban Development (HUD) under which the authority will receive annual contributions provided by HUD, and will perform certain operational functions, to provide housing for the home buyers and assist the home buyers in achieving homeownership.

c. Management. The authority may enter into a contract or contracts for management of the development or for performance of management functions, by the Home Buyers Association, or others.

2. The home buyers ownership opportunity agreement. Under this home buyers ownership opportunity agreement, the home buyer may achieve ownership of the home described in Part I of this agreement by making the required monthly payments and providing maintenance and repairs to build up an equity in his earned home payments (hereinafter called "EHHPA"). While the home buyer is performing his obligations, the purchase price will be reduced in accordance with the purchase price schedule set forth in the contract of Sale. When the purchase price is being reduced, the home buyer is increasing the amount of his EHHPA. The home buyer may also make voluntary payments to his EHHPA which will enable him to acquire ownership more quickly. The home buyer may take title to his home when he is able to finance or pay in full the balance of the purchase price as shown on the purchase price schedule plus the costs incidental to acquiring ownership, as provided in § 14 or 15, as applicable.

3. Status of home buyer. After the home buyer achieves a credit of $200 in the EHHPA, either by an initial payment of $200 or through monthly payments and provision of repairs and maintenance, he shall be entitled to exercise his option to purchase his home for the applicable purchase price pursuant to § 3 of Part I of this agreement.

4. Counseling of home buyers. The authority shall provide counseling, as required and approved by HUD. The authority's own staff and resources, and/or existing community resources, and/or contracting with a private agency, shall prepare home buyers for the rights, responsibilities, and obligations of homeownership including participation in the Home-Buyers Association. The home buyer agrees to participate in and cooperate fully in all official training and counseling activities.

5. Home-Buyers Association. The signing of this agreement qualifies the home buyer to membership in the Home-Buyers Association, composed of the home buyer to membership in the home buyers in the development and having the purposes set forth in the articles of incorporation of said association.

6. Repair, routine maintenance, and use of premises.

a. Routine maintenance. The home buyer shall be responsible for the routine maintenance of his dwelling and grounds, to the satisfaction of the Home-Buyers Association and the authority. This includes keeping the dwelling structure, grounds, and equipment in good repair, condition and appearance so that they may be utilized continually at their designed capacities and at the satisfactory level of efficiency for their intended purposes, and in conformity with the requirements of local building codes, regulations and guidelines of HUD. It includes repairs (labor and materials) to the dwelling structure, plumbing fixtures, dwellings, and equipment (such as range and refrigerator, water heater, heating equipment, and other component parts of the dwelling). It also includes all interior painting and the maintenance of grounds (LDD on which the dwelling is located. It does not include maintenance and replacements provided for by the nonroutine maintenance reserve described in paragraph 9.

b. Repair of damage. In addition to his obligation for routine maintenance, the home buyer shall be responsible for repair of any damage caused by the home buyers or members of his family.

c. Care of home. The home buyer agrees to keep his dwelling in a sanitary condition; to cooperate with the authority and the Home Buyers Association in keeping good and maintaining the area and property, including fixtures and equipment, in good condition and appearance; and to follow all rules of the authority and the Home Buyers Association concerning the use and care of the dwellings and the common areas and property.

d. Inspections. The home buyer agrees to permit officials, employees, or agents of the authority, and of the Home-Buyers Association to inspect his home at reasonable hours and intervals in accordance with rules established by the authority and the Home-Buyers Association.

6. Use of home. The home buyer shall not: (1) sublet his home without the prior written approval of the authority and HUD, (2) use or occupy his home for any unlawful purpose nor for any purpose deemed hazardous by insurance companies or any governmental agencies, (3) make any structural changes, additions, or improvements without prior written approval of the authority and the Home-Buyers Association, or (4) use the home only as a place to live for himself and his family, or for the use of others as identified in his initial application or by subsequent amendment with the approval of the authority, for children thereat broken to or adopted by members of such family, and for aged or widowed parents of the home buyer or his spouse who may join the household.

7. Structural changes. The home buyer shall not make any structural changes in or additions to his home without first obtaining the written consent of the Home Buyers Association and the authority.

8. Charges. The authority agrees to accept monthly payments without regard to any charges otherwise owed by the home buyer to the authority, and without regard to other rights and remedies applicable with respect to such other charges.

9. Statements of condition and repair. When the home buyer moves in, the authority shall inspect the home and give the home buyer a written statement, to be signed by the authority and the home buyer, of the condition of the home and the equipment in it. When the home buyer vacates, the authority shall inspect the home and give the home buyer a written statement of the repairs and other work, if any, required to bring the home in good condition for the next occupant (see § 8h). The home buyer and/or his representative may join in such inspections with the authority and the Home Buyers Association.

10. Monthly payments by home buyer.

a. Determination of amount. Except as otherwise provided hereinafter, the home buyer agrees to pay to the authority, so long as this agreement is in effect, a required monthly payment in an amount determined in accordance with a schedule adopted by the authority and

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approved by HUD. The schedule shall provide for payments to be based upon a percentage of the family's adjusted monthly income and shall indicate allowances for those utilities which the home buyer is responsible for.

b. Break-even amount. The term "break-even amount" means the minimum monthly amount needed to provide funds for:

1. Monthly operating expense, including provision for operating reserve, pursuant to § 7c below;
2. The monthly amount to be credited to the home buyer's EHPA pursuant to § 8 below; and
3. The monthly amount to be credited to the nonroutine maintenance reserve for the home pursuant to § 9 below.

c. Monthly operating expense. The term "Monthly Operating Expense" means the monthly amount needed to pay operating expense of the development including the provision for operating reserve.

The monthly operating expense rate for each fiscal year shall be established on the basis of an operating budget for such fiscal year as approved by the authority and HUD, which budget shall control the operation. Subject to changes in the approved operating budget, the monthly operating expense shall consist of the following categories of expense and provision for operating reserve:

- Administration,
- Home-buyers services,
- Utilities furnished by the authority,
- Routine maintenance of common property,
- Protective services,
- General expense (insurance, payroll taxes, collection losses, payments in lieu of taxes, etc.),
- Provision for operating reserve.

(3) During the period the authority is responsible for the maintenance of common property, the annual budget shall include the amount required for routine maintenance of all common property in the development, even though a number of the homes may have been acquired by home buyers. During such period, this figure shall in turn be divided by 12 to determine the monthly amount to be included in the monthly operating expense and in the break-even amount for routine maintenance of common property. After the Homeowners Association assumes responsibility for maintenance of common property, the monthly operating expense (and break-even amount) shall include an amount equal to the monthly assessment by the Homeowners Association for the remaining homes owned by the authority.

The amount of the provision for operating reserve shall be determined by the authority, with the approval of HUD, on the basis of maintenance engineering estimates of the monthly amount needed to accumulate an adequate reserve for the operation but costly items of nonroutine maintenance, replacements of common property, taking into consideration the types of items which constitute common property, such as nonwinding structures, nonwinding equipment, and in certain cases special dwellings, structures, etc. This provision for operating reserve shall be made only during the period the authority is responsible for the maintenance of common property; and during such period, the amount shall be determined on the basis of the requirements of all common property in the development in a manner similar to that explained in subsection (2) above.

(4) The amount of the provision for operating reserve may be increased or decreased when total routine expense (as defined below) for the preceding fiscal year exceeds or is less than the amount budgeted and used as a basis for establishing the break-even amount for such preceding fiscal year. When the annual budget establishes the authorized maximum (see § 10a below) the break-even amount (monthly operating expense) for the next and succeeding fiscal years need not include a provision for reserve unless the operating reserve balance is reduced below the maximum during any such succeeding fiscal year. Total routine expense means the sum of the amounts budgeted for administration, home buyers' services, utilities furnished by the authority, routine maintenance of common property, protective services, general expense, and other categories of day-to-day routine maintenance.

(5) A statement showing the amount allocated to each monthly operating expense category shall be provided to the Home Buyers Association, and a copy shall be furnished to each home buyer upon request.

d. Changes in monthly payment due to changes in family income. The required monthly payment may be adjusted:

1. By changes in the required percentage-of-income (and resulting change in rent schedule) due to changes in family income, and
2. To reflect changes made in the amount of the utility allowance to reflect current utility costs.

e. Changes in monthly payment due to changes in family income or other circumstances. The required monthly payment may be adjusted as a result of the authority's regularly scheduled reexaminations of income and family composition. Interim changes may be made in accordance with the authority's policy on reexaminations, which shall include a provision for hardship adjustments. It is the home buyer's responsibility to request a rent adjustment based on circumstances not covered by the authority's policy, an adjustment may be made by the authority and the Home Buyers Association agrees that the circumstances warrant it.

f. Application of monthly payment. The home buyer's monthly payment shall be applied by the authority as follows: First, to the credit of the home buyer's EHPA pursuant to § 8 below; second, to the credit of the nonroutine maintenance reserve for the home pursuant to § 9 below; and third, for payment of monthly operating expense, including establishment of operating reserve as provided in § 10 below.

g. Monthly payment below break-even amount. In the event the home buyer's required monthly payment is less than the break-even amount, the amount to be used for payment of monthly operating expense and establishment of operating reserve shall be reduced accordingly; the credits to the EHPA and the nonroutine maintenance reserve account shall not be reduced by reason of such deficit.

h. Monthly payments in excess of break-even amount. When the home buyer's required monthly payment exceeds the break-even amount, the excess will not go into the EHPA but shall be used to supplement that portion of the monthly payment designated for monthly operating expense, including operating reserve.

1. Voluntary equity payments. To enable the home buyer to acquire title to the home within a shorter period, he may make either periodic or in a lump sum voluntary payments over and above his required monthly payments. Such voluntary payments shall be deposited to his credit in his EHPA.

2. Earned home payments account (home buyer's ownership reserve). a. Credits to the account. The authority shall establish and maintain a separate EHPA for each home buyer. Since the home buyer is responsible for maintaining his home as provided in § 6, a portion of his required monthly payment shall be equal to the authority's estimate approved by HUD of the monthly cost for such routine maintenance shall be set aside in his EHPA. In addition, this account shall contain credits to the account:

(i) Any voluntary payments made pursuant to § 71, and
(ii) The amounts earned through the performance of maintenance pursuant to subsection (e) of this section. Any voluntary payments made pursuant to § 71, and (2) the amounts earned through the performance of maintenance pursuant to subsection (e) of this section shall be held by the authority for credit to the home buyer's account, including credits for performance of maintenance pursuant to subsection (e) of this section, shall be held by the authority for the account of the home buyer.

b. Use of EHPA funds. The unused balance in the home buyer's EHPA may be subject to withdrawal by the home buyer to meet required maintenance and replacement expenses, or to meet other housing-related expenses. The authority shall be entitled to receive from the home buyer the proceeds of any sale of the home as provided in § 14 or 15, as applicable, or, in the event the home buyer fails to leave the project as provided in § 15, the authority shall arrange to have the work done in accordance with the procedures established by...
the authority and the Home Owners Association, and the cost thereof shall be charged to the home buyers' EHPA. In the event that the home buyer fails to meet either of these obligations, the authority and the Home Buyers Association may investigate and take appropriate corrective action, including, where appropriate, termination of this agreement by the authority (see §§ 8 and 30).

d. Required amount in EHPA; right to exercise option to buy. The home buyer shall not be entitled to exercise his option to buy his home until he has built up a minimum balance of $200 in his EHPA, at which time he shall receive a certificate of this effect in the form attached hereto. The home buyer shall be obligated to build up this minimum balance within the first 2 years of his occupancy and shall also be obligated to continue performing the required maintenance thereby adding to his EHPA. If the home buyer fails to meet either of these obligations, the authority and the Home Buyers Association may investigate and take appropriate corrective action, including, where appropriate, termination of this agreement by the authority (see §§ 8 and 30).

e. Additional equity through other maintenance. Besides the maintenance which he must provide, as provided in § 6, the home buyer may earn additional EHPA credits by providing maintenance for part or all of any of the maintenance necessary to the common property of the development or maintenance for which the nonroutine maintenance reserve is established (see § 9). When such maintenance is to be provided by the home buyer, this may be done and credit earned therefor only pursuant to a prior written agreement between the home buyer and the authority (or the Homeowners Association, depending on who has responsibility for maintenance of the property involved), covering the nature and scope of the work and the amount of credit the home buyer is to receive. Upon completion of such work, the agreed amount shall be charged to the appropriate expense account or to the nonroutine maintenance reserve of the home, as applicable, and credited to the home buyer's EHPA.

f. Investment of excess. When the aggregate amount of the EHPA balances for all the home buyers exceeds the estimated reserve requirements for 90 days, the LHA shall, at its option, invest the excess as provided below. The Homebuyers Association, if it so desires, should submit periodically to the authority a list of HUD-approved depositaries and securities which the association recommends for investment by the authority of EHPA funds. The authority shall invest such excess EHPA funds in federally insured credit unions, and/or securities approved by HUD and in accordance with the recommendations, if any, of the Homebuyers Association. The income earned on the investment of such funds shall be prorated and credited to each home buyer's account in proportion to the amount in each such account.

Periodically, but not less often than semiannually, the authority shall prepare a statement showing: (1) The aggregate amount of all EHPA balances, (2) the aggregate amount of investments (savings accounts and/or securities) held for each home buyer's EHPA, and (3) the aggregate unvested amount of all the home buyers' EHPA's. This statement shall be made available to any authorized representative of the Home Owners Association.

g. Delinquent monthly payments. Under exceptional circumstances as determined by the Home Buyers Association and the authority, a home buyer's EHPA may be used to pay his delinquent monthly payments, provided the amount used for this purpose does not seriously erode the home buyer's EHPA, provided that the home buyer agrees to cooperate in such counseling as may be made available by the authority or the Home Buyers Association.

1. Application of EHPA funds upon termination of agreement. (1) In the event this agreement is terminated or if the home buyer vacates the home, there shall be an offset for the balance in his EHPA the sum of the amounts, if any, required to pay: (A) The amount due the authority, including monthly payments the home buyer is obligated to make during the time the home is vacant, not to exceed 30 days from the date of notice of intention to vacate, or 30 days from the date that the home is vacated if the home buyer failed to give notice of intention to vacate, and (C) the cost of repairs and other work required to put the home in condition for the next occupant in conformity with § 6. If the home buyer's EHPA balance is not sufficient to cover all of these charges, the authority shall require the home buyer to pay the additional amount due; if the amount in the EHPA exceeds these charges, the excess shall be paid to the home buyer. (2) Final settlement with the home buyer shall be made within 30 days from the date he vacates, and after the actual cost of repairs has been determined. The home buyer may, however, obtain final settlement within 30 days after he vacates if he has given the authority notice of his intention to vacate 30 days prior to the date he vacates and if he agrees that the amount to be charged against his EHPA pursuant to subsection (c) above is based on the authority's estimate of the cost thereof (determined after consultation with the Home Buyers Association).

1. Withdrawal and assignment. The home buyer shall have no right to assign, withdraw, or in any way dispose of the funds in his EHPA, except as provided in this agreement.

2. Non-routine-maintenance reserve. a. Purposes of reserve. The authority shall use a portion of the home buyer's required monthly payment to establish and maintain a separate nonroutine-maintenance reserve for his home. Funds in the non-routine-maintenance reserve shall be available for the infrequent but costly items (such as roof, exterior painting, replacement of dwelling equipment (such as range and refrigerator), replacement or repair of heating, plumbing, and electrical systems, etc.). Maintenance and replacement costs applicable to common property will be charged to the nonroutine-maintenance reserve but shall be provided from the operating reserve (see sec. 10).

b. Amount of reserve. The amount to be set aside from the home buyer's required monthly payment for the nonroutine-maintenance reserve will be determined by the authority with the approval of HUD, on the basis of maintenance engineering estimates of the amount needed during the term of this agreement, taking into consideration the type of construction and dwelling equipment.

c. Charges to reserve. When the authority (or the home buyer pursuant to § 8d) provides maintenance and/or replacement of dwelling equipment, costs applicable to the home shall be charged to the reserve for his home.

d. Use of reserve funds. When the home buyer desires to obtain his option to buy his home pursuant to § 14 or § 15 hereof, the balance of the Nonroutine maintenance reserve applicable to his home shall be transferred by the authority to him and may be used, at his option, to pay any uncompensated costs incidental to acquiring ownership.

e. Investment of excess. When the aggregate amount of the nonroutine maintenance reserve balances for all the homes exceeds the estimated reserve requirements for 90 days, the authority shall invest the excess in federally insured savings accounts, federally insured credit unions, and/or securities approved by HUD for the investment of moneys on deposit in the authority's general fund.

10. Operating reserve. a. Purpose of reserve (maximum reserve). To the extent that total operating receipts (including subsidies for operations) exceed total operating expenditures of the project, the authority shall establish an operating reserve up to the maximum amount allowed by HUD in connection with its approval of the Homeowners Association's operating budgets for the development. The purpose of this
reserve is to provide funds for: (1) The infrequent but necessary nonroutine maintenance and replacements of common property (see §7e(3) above); (2) repairs to the dwelling units for which the authority is responsible and which are not covered by the nonroutine maintenance reserve; and (3) a deficit in the operation of the project for a fiscal year, including a deficit resulting from monthly payments totaling less than the break-even amount for the development.

b. Disposition of reserve. If, at the end of a fiscal year, there is an excess over the maximum operating reserve, this excess shall be applied to reduce the capital debt for the development (i.e., advance amortization). Following the end of the year next preceding the last annual contribution date for the development, the balance of the operating reserve held by the authority is to be paid to HUD for application to reduction of annual contributions paid or payable.

c. Transfer of Homeowners Association. The authority shall be responsible for and will retain custody of the operating reserve until the Homeowners Association acquires the home computed in §23566 and contributing the home to HUD, and such contribution is to be paid to the authority to the extent provided in §§19 and 20 hereof. If the Homeowners Association then elects to assume full responsibility for management and maintenance of common property under a plan approved by HUD, there shall be transferred to the Homeowners Association the portion of the operating reserve then held by the authority which is allocable to maintenance of common property, computed as follows:

(1) If the operating reserve is then at the allowable maximum, the sum of the amounts for: (A) Routine maintenance of common property; and (B) the provision of operating reserve for common property which were included in the computation of the maximum operating reserve.

(2) If the operating reserve is then below the allowable maximum, a proportion of the amount computed in accordance with (1) immediately above, in proportion to the proportion that the amount in the operating reserve bears to the allowable maximum.

In no case shall any portion of the operating reserve be transferred to individual home buyers or homeowners.

11. Annual statement to home buyer. The authority shall maintain books of account and provide a statement at least annually to each home buyer which will show the following: (a) the amount in his HEPPA; (b) the amount in the nonroutine maintenance reserve for his home.

15. Insurance. Until transfer of title to the home buyer, the authority shall carry all insurance prescribed by HUD including fire and extended coverage insurance upon the home buyer's home in such form and amount and with such company or companies as it determines. The authority shall not carry any insurance on the home buyer's furniture, clothing, automobile, or any other personal property, or personal liability insurance covering the home buyer. In the event the home buyer's home is damaged or destroyed by fire or other casualty, the authority shall consult with the home buyer as to whether the home shall be repaired or rebuilt. If the authority determines that the home should not be repaired or rebuilt, the authority shall terminate this agreement upon reasonable notice to the home buyer. If the home buyer shall be paid the balance in his HEPPA and (to assist him in connection with relocation expenses) the balance in his nonroutine maintenance reserve, less amounts, if any, due by him to the authority, including monthly payments he may be obligated to pay. In the event of termination or if the home must be vacated during the repair period, the authority will not be required to relocate the home buyer. If the home must be vacated during the repair period, monthly payments shall be suspended during the repair period.

12. Eligibility for continued occupancy. a. Eligibility determination. The home buyer shall cease to be eligible for continued occupancy with the aid of HUD annual contributions when the authority determines that his adjusted monthly income has reached the level, and is likely to continue at such level, at which 20 percent thereof equals or exceeds the monthly housing cost (see subsection 1b immediately below). In such event, if the authority determines, with HUD approval, that suitable financing (such as a subsidised or unsubsidised HUD-insured mortgage, or a VA-guaranteed loan) is available, the authority shall notify the home buyer that he shall either: (1) Purchase the home, or (2) move from the development. Provided, however, That if the authority determines that, due to special circumstances, the home buyer is unable to find decent, safe and sanitary housing, and the authority shall be in a position to make reasonable efforts to do so, the home buyer may be permitted to remain for the duration of such a situation if he pays an increased rent. This rent shall not, however, exceed the greater of the sum of the monthly break-even amount plus the monthly debt service amount shown on the purchase price schedule for the home, or the rent for comparable unsubsidized housing in the locality. Such an increased rent shall also be payable by the home buyer if he elects to continue occupying the home because suitable financing is not available.

b. Monthly housing cost. The term "monthly housing cost," as used in this section, means the sum of: (1) The monthly debt service amount shown on the purchase price schedule (except where the home buyer can purchase the home by the method described in §14c(1) below); (2) one-twelfth of the annual real property taxes which he will be required to pay as a homeowner; (3) the current monthly portion of the annual budget for: (A) Routine maintenance (EHPPA), (B) nonroutine maintenance reserve, and (C) routine maintenance—common property; and (4) the current monthly portion of any community buildings, and (4) the cost of any community buildings, and (4) the median of any community buildings, and (4) the median of any community buildings.
fixed which exceed the sum of the break-even amount attributable to the unit and the interest portion of the debt service payment shown in the purchase price schedule.

(2) Where the sum of the purchase price and costs described in (1) above is greater than the amounts from his FHA insurance reduction reserve as described in (1) above, the home buyer may achieve ownership by obtaining financing for or otherwise paying the excess amount. The purchase price shall be the amount shown on the purchase price schedule for the month in which the settlement date for the purchase occurs. Among the sources of financing for the excess amount is mortgage financing under a federally insured or guaranteed home loan program.

d. Counseling. The home buyer shall be offered counseling and guidance by the authority and the Home Buyers Association in connection with the purchase of his home.

15. Achievement of ownership by successor buyer. The purchase price for a successor home buyer shall be an amount equal to: (A) The purchase price shown on the purchase price schedule as of the date of this agreement with the successor home buyer, plus (B) the amount, if any, by which the fair market value of the home determined or approved by HUD as of the same date, exceeds the purchase price specified in (A).

b. Purchase price schedule. The successor home buyer's purchase price schedule shall be the same as the unexpired portion of the initial home buyer's purchase price schedule, provided, however, that where his purchase price includes an additional amount as specified in "B" of subsection a above, this schedule shall be followed by an additional purchase price schedule for such additional amount. The monthly debt service and the same interest rate as applied to the initial home buyer's purchase price schedule.

c. Methods of purchase. The methods of purchase for a successor home buyer shall be the same as stated in §14c for the initial home buyer.

16. Transfer of title to home buyer.

a. Closing date. When the home buyer is to obtain ownership, a closing date shall be mutually agreed upon by the parties.

b. Closing. On the closing date the home buyer shall pay the required amount of money (including any amounts available in his FHA insurance reduction reserve) to the authority and receive a deed for the home.

17. Payment upon resale in 5 years.

a. Promissory note. The home buyer shall be required to make a payment to the authority if he sells his home at a profit within 5 years of actual residence in the home after he becomes a homeowner. The obligation to make such a payment shall be provided for in a non-interest-bearing promissory note (secured by a second mortgage) to the authority which shall be executed at the time he becomes a homeowner. The interest rate as applied to the initial home buyer's purchase price schedule shall be the same as stated in §10. If the home buyer sells his home at a profit, the payment shown in the purchase price schedule for the month in which he becomes a homeowner shall be required to be paid to the authority, plus: (1) The fair market value of the home as of the date it was acquired, (2) the closing and other costs incurred by the home buyer in acquiring title, and (3) the amount of increased value of the home caused by improvements made by the home buyer. The result shall be the amount of the note. The note shall provide that the amount of the note shall be automatically reduced by 20 percent of the initial amount at the end of each year of residency as a homeowner with the note terminating at the end of the 5-year period of residency as determined by the authority. To protect the homeowner, the note shall provide that the amount payable under it shall in no event be more than the net profit on the sale; that is, the amount by which the sales price exceeds the sum of: (1) The home buyer's purchase price, (2) the closing and other costs paid by him at the time of the purchase, (3) the costs paid by him at time of closing, and (4) the value of home improvements added by him as a home buyer or a homeowner.

b. Residency requirement. The 5-year note period does not end if the homeowner rents or otherwise does not use the home as his principal place of residence for any period within the first 5 years after he achieves ownership. In this case, only the actual amount of time he is in residence is counted and the note shall be in effect until a total of 5 years' time of residence as a homeowner has accrued, at which time the homeowner may and the authority shall re-release him from the note, and the authority shall so do.

18. Responsibilities of homeowner. After acquisition of ownership, the homeowner shall pay to the authority or to the Homeowners Association, as appropriate, a monthly fee for: (a) The maintenance and operation of community facilities, including utility facilities, if any, (b) the maintenance of grounds and other common areas, and (c) such other purposes, as determined by the authority or the Homeowners Association, as appropriate, including taxes and a provision for a reserve. This requirement will be spelled out in the planned unit development or condominium documents which shall be recorded prior to the date of full availability of the development, or in an FHA-homeowner contract for insurance purposes.

19. Homeowners Association—Planned unit development (PUD). If the development is organized as a planned unit development:

a. The common areas, sidewalks, parking lots, and other common property in the development shall be owned and maintained as provided for in the approved planned unit development (PUD) program, except that the authority shall have the right and the obligation to enforce such restrictions and encumbrances and to assess owners for the costs incurred in connection with common areas and property and other responsibilities.

b. There shall be as many votes in the association as there are homes, and at the outset all the voting rights will be held by the authority. As each home is conveyed to the home buyer, one vote shall automatically go to the home buyer, so that when all the homes have been conveyed, the authority shall no longer have any interest in the Homeowners Association.

c. The authority shall not lose its majority voting interest in the association just as soon as a majority of the homes have been conveyed, unless the law of the State requires control to be transferred at a particular time, or the authority so desires. If permitted by State law, the plan shall be made for each home owned by the authority to carry three votes while each home owned by a homeowner shall carry one vote. Under this weighted voting plan, the authority will continue to have voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the authority may transfer voting control to the homeowners when at least 50 percent of the homes have been acquired by the homeowners.

20. Homeowners Association—Condominium. If the development is organized as a condominium:

a. The authority at the outset shall own each condominium unit and the undivided interest of such unit in the common areas.

b. All the land, including that land under the housing units, shall be a part of the common areas.

c. The Homeowners Association shall own no property and shall merely maintain and operate the common areas for the individual owners of the condominium units, except that the authority shall be responsible for maintenance until such time as the Homeowners Association assumes such responsibility (see §10c above).

2 See footnote to §20.
d. The percentage of undivided interest attached to each condominium unit shall be based on the ratio of the value of the unit to the value of all units and shall be fixed when the development is completed. This percentage shall determine the value of a unit for the purpose of maintenance of the common areas and facilities.

e. Each homeowner vote in the Homeowners Association shall be identical with the percentage of undivided interest attached to his unit; and

f. The authority shall not lose its majority voting interest in the association as soon as units representing more than 50 percent of the value of all units have been conveyed, unless the law of the State requires control to be transferred at a particular time or the authority so desires. For voting purposes, if permitted by State law, until units representing 75 percent of the value of all units have been acquired by homeowners the total voting interest attached to the homes owned by the authority shall be multiplied by 3. Under this weighted voting plan, the authority will continue to have voting control until units representing 75 percent of the value of all units have been acquired by homeowners. However, at its discretion the authority may transfer voting control to the homeowners when more than 50 percent of the value of all units have been acquired by the homeowners.

21. Relationship of Homeowners Association to Home Buyers Association. The Home Buyers Association and the authority may make arrangements with the Homeowners Association to permit home buyers to participate in Homeowners Association matters which affect the home buyers. Such arrangements may include rights to attend meetings and to participate in Homeowners Association deliberations and decisions.

22. Termination of agreement. a. Termination by the Authority. In the event that a home buyer breaches this agreement by failure to make his monthly payments or otherwise (including but not limited to misrepresentation or withholding of information while applying for admission or in connection with subsequent reexamination of income and family composition), this agreement may be terminated by or at the direction of the authority, after consulting the appropriate officers of the Home Buyers Association. The authority should provide the home buyer with an opportunity for special counselling designed to help him with his particular problem in fulfilling this agreement. The home buyer shall be given 30 days' written notice and shall be informed of the authority of the reason for the termination. The home buyer shall be given an opportunity to reply to the same representative of the authority, and, if he wishes, to another representative, or to other representatives of the authority. The home buyer shall have the right to be accompanied by a representative of the Home Buyers Association when he presents his replies.

b. Termination by the home buyer. The home buyer may terminate this agreement by giving the authority 30 days' notice in writing of his intention to terminate the home. In the event the home buyer abandons the home, or vacates it without notice to the authority, this agreement shall be automatically terminated and the authority may dispose of, in any manner deemed suitable by the authority, any items of personal property abandoned by the home buyer in the home.

c. Application of funds. The unused balance of the EAPF funds shall be applied as provided in § 8 above. The unused balance of the non-routine-maintenance reserve and of the operating reserve will not be refunded, but shall be retained by the authority.

d. Failure to terminate. The failure or omission of the authority to terminate the home buyer shall not impair the right of the authority to do so later for similar or other causes.

23. Survivorship. In the event of the death, mental incapacity, or abandonment of the home buyer, the designee under section E of Part I of this agreement shall be his successor as a home buyer, unless such designee is then disqualified by the authority and HUD to be no longer qualified.

24. Nonassignability. a. Nonassignability. The home buyer shall not assign this agreement, or assign, mortgage, or pledge any right or interest therein including any right or interest in any reserve or account, without the prior written approval of the authority and HUD.

b. Use of reserves and accounts. It is understood and agreed that the home buyer shall have no right to receive or use the money in any reserve or account created pursuant to this agreement except for the limited purposes and under the special circumstances set forth by the terms of this agreement. It is further understood and agreed that both the authority and HUD have a financial and governmental interest in the earned home payments account and other reserves as security for the financial integrity of the development, as a means of savings in cost to the Government by minimizing the amount and period over which HUD annual contributions must be paid, and as a means of advancing the public interest in developing and vacating the home. Notice to the authority shall be in writing, and either delivered to any authority employee at the office of the authority or sent to the authority by certified mail, properly addressed, postpaid.

25. Notices. Any notice required hereunder or by law shall be sufficient if delivered in person to the home buyer personally, or to an adult member of his family residing in the dwelling unit, or if sent by certified mail return receipt requested properly addressed to the home buyer, or to the authority. Notice to the authority shall be in writing, and either delivered to any authority employee at the office of the authority or sent to the authority by certified mail, properly addressed, postpaid.

26. Grievance procedure. All grievances or appeals arising under this home-buyers agreement shall be processed and resolved pursuant to the grievance procedure of the authority, which procedure shall be revised to reflect the participation of the Home Buyers Association in the grievance process consistent with § 5 of Part II of this agreement. This grievance procedure, as revised, shall be posted in the authority's office, and is incorporated herein by reference.

APPENDIX III

CERTIFICATE OF ACKNOWLEDGMENT OF HOMEBUYER'S RIGHT TO PURCHASE HOME

State of: ____________________________
County of: ___________________________

I, the undersigned, being the duly qualified and acting authorized officer of the homeowners association, hereby certify that, as of the date hereof, ___________________________ has attained a balance of at least $300 in his earned home payments account and has thereby achieved the status of homeowner pursuant to which he is entitled to exercise the option to purchase the home located at ___________________________, all in accordance with and subject to provisions of the home-buyers ownership opportunity agreement dated ________________. In witness whereof, I have hereunto affixed my official signature and seal this day of ________________, 19______________

[Seal]

(Authorized officer)

Homebuyers Authority

APPENDIX IV

PROMISSORY NOTE FOR PAYMENT UPON RESCINDING HOME BUYERS AGREEMENT

For value received, ___________________________ (Homeowner) promises to pay ___________________________, (Authority) or order, the principal sum of $__________________________ dollars ($__________________________), without interest, on or before the date of the property conveyed by the authority to the homeowner.

Such principal sum shall be reduced at the time of resale either to: (A) The difference between the resale price and the sum of (1) the homeowner's purchase price, (2) the costs incidental to the acquiring ownership, (3) the cost of such resale including commissions, mortgage prepayment penalties, and closing costs, and (4) the value of all improvements to the property made by the homeowner whether as a home buyer or homeowner; or (B) the remaining amount, if any, after deducting 20 percent of such principal sum for each year of residency by the homeowner on the property as determined by the authority, whichever is lower.

If the home owner shall pay this note at the time and in the manner set forth above, or if, by its provisions, the amount of this note shall be zero, then the note shall terminate and the authority shall, within thirty (30) days after written demand therefor by the homeowner, execute a promissory note evidencing the amount of such principal sum.

Amount determined in accordance with § 17 of the home buyers ownership opportunity agreement.
PROPOSED RULE MAKING

The purpose of the counseling and training program shall be to assure that the home buyers, individually and collectively through their home-buyers association (HBA), will be more capable of dealing with situations with which they may be confronted, making decisions related to these situations, and understanding and accepting the responsibilities and consequences that accompany those decisions.

§ 1270.202 Objectives.

The counseling and training program should seek to achieve the following objectives:

(a) Enable the potential home buyer to have a full understanding of the responsibilities that accompany his participation in the homeowner-ship opportunity program;

(b) Enable the potential home buyer to have an understanding of homeowner-ship tasks with specific training given to individuals as the need and readiness for counseling or training indicates;

(c) Assure that the role of the LEA is understood and plans for its organization are initiated at the earliest practical time;

(d) Develop an understanding of the role of the LEA and of the need for a cooperative relationship between the home buyer and the LEA;

(e) Encourage the development of self-help by the home buyer through reducing dependency and increasing independent action;

(f) Develop an understanding of mutual assistance and cooperation that will develop a feeling of self-respect, pride, and community responsibility;

(g) Develop local resources that can be of assistance to the individual and the community on an ongoing basis.

§ 1270.203 Planning.

(a) The counseling and training program shall be flexible and responsive to the needs of each prospective home buyer. While many subjects lend themselves to group sessions, consideration shall be given to individual counseling. Individuals should not be required to attend training classes on subject matter they are familiar with unless they can actively participate in the instruction process.

(b) The program may be provided by contract with an outside organization, or by the LEA staff, in either case with voluntary involvement and assistance of the LEA and the HBA. A program for phasing in LEA staff who will have the ongoing responsibility for the program. The value of local agencies, educational institutions, etc., for implementing the program rather than an outside firm shall be carefully considered since their presence in the community can often develop into an ongoing resource beyond the contractor, if self-administered or contracted, the LEA will consult with HBA staff, in either case with LEA local resources, reasonable costs, and other similar matters.

(c) Where the program is to be contracted to an outside group, proposals shall be secured either by public advertising or by sending requests for proposals to a number of competent public or private organizations.

(d) In areas where there are large concentrations of home buyers who do not read, write, or understand English fluently, the native language of the people shall be used. If feasible all instructional matters shall be in both languages.

§ 1270.204 General requirements and information.

The counseling and training program shall be designed to meet the needs of the home buyers and be sufficiently flexible to meet the needs of any such group. The nature of the program suggests four phases of counseling: (1) Preoccupancy; (2) move-in; (3) postoccupancy; (4) assistance to the HBA. While some elements of the program lend themselves more to one phase than another, the program areas shall be coordinated and interrelated. It is recommended that the entity providing the services work closely with the participants and insure that policies established are acceptable to both the LEA and the home buyer.

The following is a description of major elements of the program which experience thus far has shown to be relevant. More detailed information is set forth in Appendix D, "Recent Guide for Counseling and Training Programs."

(a) Preoccupancy phase. The scheduling of this phase should be related to construction schedules and occupancy dates and it should be completed before

the families and the LEA enter into the home buyers ownership opportunity agreement, in the preoccupancy phase, each family and the LEA should be able to assess the family's potential and the desirability of its participation in the homeowner-ship project. It should include preparation for the family to assume the responsibilities of homeownership, though many of the elements to be covered will be dealt with in greater depth as the program develops. An overload of information should be avoided in this phase, because experience has shown that much of the information will be more relevant to the families in the postoccupancy period.

(b) Move-in phase. During this phase, the counseling and training staff should be available to the home buyers on an individual basis. Services may include: (1) Inspecting the units, interior and exterior, with the home buyer and a representative of the LEA, (2) testing appliance and equipment, (3) providing information on the move-in dates and time, and (4) assisting home buyers in making adjustments occasioned by the move, serving as liaison among home buyers, LEA, builder, and other agencies, and assisting home buyers in meeting closing neighbors.

(c) Postoccupancy phase. Before this phase begins, a period (possibly 1 month) should elapse to allow home buyers an opportunity to adjust to their new surroundings. This is a time when new questions and problems come to light that can be dealt with. In further counseling and training, this phase should be designed to cover the same basic subjects as the preoccupancy phase, both by review and refresh where necessary, but in much greater depth.

(d) Assistance to the HBA. The parties responsible for the counseling and training program shall be responsible for the formation, incorporation, and development of the recognition agreement between the LEA and the HBA, as provided in Subpart D of this part.

§ 1270.205 Training methodology.

Equal in importance to the content of the pre- and post-occupancy training is the training methodology. Because groups vary, there should be adaptability in the communication and learning experience. Methods to be utilized may include group presentations, small discussion groups, special classes, and workshops. Especially important to a successful program are individual family home visits for discussion and instruction on unique problems and operation of equipment.

§ 1270.206 Funding.

(a) Source of funds. The LEA may, with the approval of HUD, include up to $500 per dwelling unit in the development cost of the project for expenses in connection with: (1) Pre- and post-occupancy counseling and training activities for applicants and home buyers, and (2) organization and operation of the HBA, provided that such expenses

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homeowner, execute a release or satisfaction of this mortgage, after the homeowner hereby waives the benefits of all statutes or laws which require the earlier execution or delivery of such release or satisfaction by the authority.

Presentment, protest, and notice are hereby waived.
are incurred no later than a date set by the LHA with the approval of HUD. If additional funds should be needed for such purposes, the LHA, with the assistance of the CPC, if any, shall explore all other possible sources of services and funds. (b) Application for funds. (1) The LHA shall apply for fund approval by preparing a narrative statement outlining the counseling and training program, including services and funds to be obtained from other sources. This statement, together with copies of any proposed contract and other pertinent documents, shall be submitted to the HUD area office at the time of the submission of the development program for the project or as soon thereafter as possible. (2) The statement outlining the counseling and training program shall include the following: (i) Description of the needs and problems of prospective home buyers; (ii) The method to be used to determine individual training and counseling needs; (iii) The scope of the proposed program, including a detailed breakdown of tasks to be performed, products to be furnished, and a time schedule, including provision for progress payments for specific tasks; (iv) An outline of the content of the counseling and training to be provided; (v) The methods of counseling and training to be utilized; (vi) The experience and qualifications of those providing the counseling and training; (vii) The local community resources to be utilized; (viii) The estimated cost, source of funds, and methods of payment for the tasks and products to be performed or produced, including estimates of costs for each of the following cost categories: (a) Counseling and training: Salaries; materials, supplies, and expandable equipment; contract costs; and other costs. (b) Home buyers association costs. (3) Upon approval by HUD of the application for funds, the total amount of HUD funds included in the approved counseling and training program shall constitute the maximum amount that may be included in the development cost of the project: Provided, That such amount may be amended, if necessary, with HUD approval, subject to the following limitations: $500 per dwelling unit. (c) Approval of funds. The development program for each homeownership project shall include an estimate of the costs for the counseling and training program. However, the approval of the development program does not constitute approval for incurring such costs prior to the approval of the counseling and training program. Upon approval of the counseling and training program, the LHA shall include the approved amount in its contract award development cost budget. § 1270.207 Use of appendix. A content guide for counseling and training program (appendix D) is provided as further detailed information for consideration in designing the counseling and training program. The items set forth therein are not to be considered mandatory. APPENDIX I CONTENT GUIDE FOR COUNSELING AND TRAINING PROGRAM

Inclusion of the following items in the Counseling and Training Program should be considered, keeping in mind that the extent to which they are considered will depend on specific needs of home buyers in the given development.

Prooccupancy phase
1. Explanation of program. Includes the background and a full description of the program, including the financial and legal responsibilities of the home buyers, the HBA, and the LHA; and a review of the services and funds to be obtained for the monthly payment and of the accumulation and purpose of equity and reserves.
2. Property values and maintenance. Includes making home buyers generally familiar with the overall operation of the home, including fixtures, equipment, interior designing, and building specifications, and includes appropriate procedures for obtaining services and repairs to which the home buyers may be entitled. (This aspect will probably have to be covered in more detail during the postoccupancy phase.)
3. Mortgage and loan counseling. Includes budgeting, consumer education, credit counseling, insurance, utility costs, etc.
4. Developing community. Includes a view of the surrounding community, and especially how the home buyer relates to it as an individual and as a member of the HBA.
5. Referrals. Includes information as to community resources and services where assistance can be obtained in relation to individual or family problems, and particularly the scope of the contract agent. This may include referrals to community services that can upgrade employment skills, provide legal services, or offer educational opportunities, care for health and dental needs, care for children of working mothers, provide guidance in marital problems and general family matters, including drugs and alcohol.

Postoccupancy phase
1. Home maintenance. This should include the building and repair of the house, and methods of having major repairs completed.
2. Money management. This should include an in-depth study of the legal and financial aspects of consumer credit, savings, and investments, and budget counseling.
3. Developing community. This will consist primarily of creating an awareness on the part of the home buyer of the nature and function of the HBA and the value of membership. The operation in, and working through, the HBA will be as a responsible member of his community. By this means much will be learned about relationships with neighbors, community cooperation, and the ways in which individual and group problems are solved.

Other items
In addition to the above, there are other needs and concerns, especially those expressed by the home buyers, that may be dealt with in special classes or workshops. These may include such topics as child care, selection of furnishings, decorating and furnishing, household work, hobbies, cooking, food and nutrition, care of clothing, etc.

Subpart D—Home Buyers Association (HBA) § 1270.301 Purpose. It is essential that the home buyers have an organized vehicle for pursuing their common interests, for effectively representing the needs of residents in dealing with the LHA, and for undertaking management responsibility for the development. Although this organization, called the Home Buyers Association (HBA), shall be representative of the home buyers and independent of the LHA, it shall be the responsibility of the LHA and the training and counseling staff to assist the home buyers in their initial efforts at organization. Except as noted in § 1270.307, each homeownership project shall have an HBA.

§ 1270.302 Membership. All families who have entered into home buyers ownership opportunity agreements shall be members of the HBA.

§ 1270.303 Organizing the HBA. (a) The HBA shall be organized and incorporated as early in the life of the project as feasible, in order to allow selected home buyers an opportunity to meet each other and begin forming a sense of community, but in any case the HBA shall be organized and incorporated no later than the date on which 50 percent of the home buyers have been selected. However, officers and directors shall not be elected for full terms until 90 percent of the home buyers are in occupancy.

(b) The LHA, in cooperation with the CPC, if any, shall be responsible for assuring that competent counseling and training assistance is available to Subpart C of this part will be provided in organizing the HBA. These services shall be continued until the HBA is fully operational.

(c) The provision of such services shall include at least the following functions: (1) Assembling home buyers for initial orientation and planning; (2) Explaining to home buyers the structure and functions of an HBA and the rights and responsibilities of the HBA and the LHA; (3) Aiding in the preparation of charters, bylaws, contracts with the LHA, and other appropriate documents; (4) Assisting in the formation of the organization, including such things as the initial election of HBA officers and directors, and the establishment of standing committees, if any.

(d) The LHA and the HBA shall execute an agreement recognizing the HBA as the official representative of the home buyers, and establishing the functions, rights, and responsibilities of both parties (see appendix D). This agreement shall
be executed as soon as possible after incor-
poration of the HBA.
§ 1270.304 Functions of the HBA.
(a) Subject to possible variations agreed to by the HBA and approved by HUD, the functions of the HBA shall in-
clude the following:
(1) Representing its members, in-
dividually and collectively, with respect to
any deficiencies in the development or
the homes, with respect to fulfillment of the construction contract
and related warranties;
(2) Representing its members, in-
dividually and collectively, in their rela-
tionships with the LHA and others in re-
gard to financial matters such as monthly
payments, credits to and charges against
reserves, settlement upon vacating the
home, acquisition of ownership and to
such other matters as pertain to project
management;
(3) Recommending policies to the LHA
for operation and management and,
where appropriate, establishing HBA
rules in that respect;
(4) Participating in the operation of
official grievance mechanisms;
(5) Advising the members regarding procedures and practices
related to the earned home payments
account and the acquisition of ownership;
(6) Participating in the LHA in pe-
riodic maintenance inspections of homes
after occupancy, and assisting and mak-
ing recommendations in case of dis-
agreements arising out of such mainte-
nance inspections;
(7) Participating with the LHA in the
selection of subsequent home buyers;
(8) Coordinating, supervising, or man-
going the operation of credit union,
child care, or other supportive services
established for the development;
(9) Participating with the LHA in the
establishment and implementation of
policies related to collection of monthly
payments, termination of occupancy, and
resolution of hardship situations; and
(10) Performing management services
as specified in §1270.206 and participat-
ning in any other activities pursuant to
agreement between the HBA and the
LHA.
(b) In addition, the HBA may offer
such special services as the following:
(1) The development of self-help such
as consumer clubs, furniture and other
co-ops, credit unions, transportation
pools, and skill pools;
(2) Assisting home buyers in acquiring
insurance;
(3) Developing programs and con-
tracting for services such as child care
centers to be located in the community
facility where one exists;
(4) Assisting home buyers in their em-
ployment, especially by participating in
skill development and apprenticeship
programs in cooperation with local edu-
cational organizations;
(5) Assisting home buyers in planning
the management role of the HBA and in
negotiating any contract for manage-
ment services with the LHA.
§ 1270.305 Funding.
For general items of expense in the
conduct of the business and activities of
an HBA, in addition to noncash contri-
butions, the following:
(a) The development of self-help such
as organizational and duplicating services, the LHA shall
provide for such expenses in its bud-
get and shall make cash contributions to
the extent HBA needs for that purpose are
approved by HUD in the LHA budget. After the
$500 per unit maximum amount provided in
§ 1270.206 has been exhausted, the
LHA's cash contribution shall be as pro-
vided in the LHA's annual operating
budgets. Such expenses of the HBA shall be
subject to whatever restrictions are
applied by HUD to the funding of tenant
councils generally, except that the
amounts shall be within the limitations
stated in this section. Such contributions
shall not exceed $3 per year per dwell-
ing unit, except that as an incentive to
the HBA to provide additional funds
from other sources such as home buyers' dues, contributions, revenues from special
projects or activities, etc., the LHA shall,
to the extent approved by HUD in the
LHA budget, match such additional funds
beyond the $3 up to a maximum of
$4.50, for a total LHA share of $7.50
where the total funding for the HBA is
$12 or more. The HBA shall not be pre-
cluded from seeking to achieve total
funding in excess of $15 per unit where
this can be done with additional funds
from sources other than the LEA. Fur-
thermore, funding by the LHA for the
normal expenses of the HBA is not to be
confused with fees paid pursuant to man-
agement services contracts as described in
§1270.306.
§ 1270.306 Performing management
services.
The LHA may also contract with the
HBA to perform some or all of the func-
tions of project management for which
the HBA may be better suited or located
than the LHA. Such functions may in-
clude security, maintenance of common
property, or collection of monthly
payments, or arrangements for manage-
ment of their development. For this purpose, the HBA may form a management corporation and the
officers of the HBA shall be the directors
of such corporation. This corpora-
tion and the LHA shall then negoti-
ate
a management-services contract.
Such arrangements consistent with the
objective of providing for maximum par-
ticipation by residents in the man-
agement of their development. As an
alternative, the other than the LHA may
elect to undertake any other arrange-
ment approved by HUD.
§ 1270.307 Alternative to HBA.
Where the homes are on scattered
sites (noncontiguous lots throughout a
multiblock area, with no common prop-
erty), or where the number of homes
may be too few to support an HBA, and
where an alternative method for home
buyer representation and continuing
counseling is provided, an HBA shall not
be required. For such cases, a modified
form of home buyers association may be
called for or a less formal organization
may be desirable. This decision shall be
made jointly by the LHA and the home
buyers, acting on the recommendation of
HUD.
§ 1270.303 Relationship with Home-
owners Association.
The HBA and the homeowners associa-
tion are, in legal terms, separate and distinct organizations with different
functions. The homeowners association
may hold title to and be responsible for
maintenance of common property (see
§§1270.119 and 1270.120), while the
HBA has more general service and rep-
resentative functions. While all residents
are members of the HBA, only those who
have acquired title to their homes are
members of the homeowners association.
§ 1270.309 Use of appendices.
Use of the articles of incorporation
(Part I of Appendix D) and the recogni-
tion agreement between the local hous-
ing authority and Home Buyers Associa-
tion (Appendix II) is mandatory for
projects developed under Subpart B of
this part which have homeowners associa-
tions. No modification may be made in
format, content or text of these appen-
dices except: (a) As required under State
or local law as determined by HUD, or
(b) with approval of HUD. The bylaws
of the Home Buyers Association is pro-
vided as a guide for such projects and it
may be used or modified to the extent
required by the HBA and LHA respec-
tively to meet local needs and desires.
APPENDIX I
ARTICLES OF INCORPORATION AND BYLAWS OF
HOME BUYERS ASSOCIATION
PART I—ARTICLES OF INCORPORATION
In compliance with the requirements of
the underlined, all of whom are natural
persons, residents of .

The name of the corporation is .

Home Buyers Association
(hereinafter referred to as the "Association").

The principal office of the Association is located at

The period of duration of the Association is perpetual.

The purpose for which this Association
is formed shall not result in pecuniary
gain or profit to the members thereof. These
purposes are to provide organization and
representation for its members in their relationships with
(heretofore referred to as the "Authority") in all matters regarding the
opportunity, to perform management responsibilities for
(heretofore referred to as the "Development") under contract with the Authority. In order
to carry out these purposes, the association shall perform the following functions:
1. Represent its members, individually and collectively, with respect to any
deficiencies in the development and, if appropriate, to perform management
responsibilities for
2. Represent its members, individually and collectively, in their relationships with
financial matters such as monthly payments, credits and charges against reserves,
tlement upon vacating the home, and acquire
3. Participate in other activities pursuant to agreements
4. Participate in the operation of official grievance mechanisms;
5. Advise and assist its members regarding procedures and practices relative to their
earned home payments accounts and to their acquisition of homeownership;
6. Participate with the authority in periodic maintenance inspections of the homes after occupancy and assist and make
recommendations in case of disagreement arising out of such maintenance inspections;
7. Participate with the authority in the selection of subsequent home buyers;
8. Coordinate, supervise, or manage the operation of credit union, child care, or other
supportive services established for the development;
9. Participate with the authority in the establishment and implementation of policies related to collection of monthly payments, termination of occupancy, and resolution of hardship situations;
10. Perform management functions as specified under contract with the authority or with the Homeowners Association and participate in other activities pursuant to agreements with the authority or with the Homeowners Association.
ARTICLE VII—POWERS
This association shall have all the powers, privileges, rights and immunities which are necessary or convenient for carrying out its purposes and which are conferred by the provisions of all applicable laws of the State of .
ARTICLE VIII—MEMBERS
Membership in the association shall be limited to families who have signed a homebuyers ownership opportunity agreement with the authority with respect to a home in the development. This membership shall automatically be in effect from the date of signing of the home-buyers ownership opportunity agreement and shall continue as members of the association.
ARTICLE IX—BOARD OF DIRECTORS AND BYLAWS
The affairs of the association shall be managed by a board of directors, all of whom shall be members of the association. The number of directors shall be as provided in the bylaws of the association. The following persons shall serve as the first board of directors:

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This board shall manage the affairs of the association until election of their successors by the membership.

ARTICLE X—DISSOLUTION
After all members have acquired ownership of their homes, the association shall dissolve with the consent given in writing and signed by not less than two-thirds of the members. The dissolution shall be effective when all of the assets of the association remaining after payment of its liabilities have been granted, conveyed and assigned in such manner as the association and authority may mutually agree.

ARTICLE XI—AMENDMENT
Amendment of these articles shall require the assent of 75 percent of the entire membership.

ARTICLE XII—BYLAWS
The members of the Home-buyers Association (hereinafter referred to as the "Association") have hereby in accordance with Article IX of the Articles of Incorporation the following bylaws:

SECTION 1. ORGANIZATION
The affairs of the association shall be managed by a board of directors elected by

SECTION 2. ASSOCIATION MEETINGS
A. Annual meetings. The association shall have an annual meeting at

on the (day of week and month) each year

for the purpose of transacting such business as may be necessary or convenient. If the date of the annual meeting is a legal holiday, the meeting shall be held at the same hour on the first day following which is not a legal holiday.

B. Quarterly and special meetings. Between annual meetings, quarterly meetings shall be held by the president and be held for the purpose of discussing matters of common concern. Special meetings may be called at any time: (1) By the president with the written concurrence of at least two directors, or (2) by a petition filed with the secretary stating the purpose of the meeting and signed by not less than one-third of the total number of members in the association.

C. Notice of meetings. Written notice of each annual, quarterly, or special meeting of the members shall be given by, or at the direction of, the secretary by mailing a copy of such notice at least 15 days before an annual or quarterly meeting or at least 7 days before a special meeting, addressed to each member at the member's address shown on the records of the association. Such notice shall specify the place, date, and hour of the meeting. In the event of a special meeting, the purpose of the meeting shall be stated in the notice.

D. Quorum. A quorum at any meeting shall consist of members entitled to cast votes which represent at least one-twentieth of the votes of the association. If such a quorum is not present, the present shall have the power to reschedule the meeting from time to time without notice other than an announcement at the meeting until there is a quorum. At any rescheduled meeting at which a quorum is present, the only business which may be transacted is that which might have been transacted at the original meeting.

E. Voting. Each family shall designate in writing to the secretary a proxy to vote for the family in a special meeting. The designated proxy may appoint as a proxy for a specific meeting any other member of the association. A proxy must be in writing and signed by the secretary not later than the time that meeting is called to order. Every proxy shall be revocable and shall be automatically revoked when the person who appointed the proxy ceases to have voting privileges in the association. Votes represented by proxies shall be considered in determining the presence or absence of a quorum at any meeting.

F. Agenda. An agenda shall be prepared for every meeting.

SECTION 3. BOARD OF DIRECTORS
A. Number of directors. The affairs of the association shall be managed by a board of directors, all of whom shall be members of the association. The number of directors may be changed by amendment of the bylaws of the association.
B. Term of office. The board of directors shall be elected at the annual meeting of
the association. At the first annual meeting, the members shall elect directors for a term of 1 year, directors for a term of 5 years, and directors for a term of 2 years. The boards of directors shall meet at least twice a year, and the meeting of directors at which the members shall elect directors shall be held after a duly called meeting of the members.

D. Chairman of the board. At the first regular board meeting after each annual meeting, the board of directors shall elect a chairman from among their number.

E. Compensation. No compensation shall be paid to the board for its services. However, any Director may be reimbursed for his actual expenses incurred in the performance of his duties, as long as such expenses are received in advance and are within the approved association budget.

SECTION 4. NOMINATION AND ELECTION OF THE BOARD

A. Nomination. Nomination for election to the board of directors (other than for filling vacancies under § 3C) shall be made by the association at its annual meeting. However, that nominations may also be made from the floor at the annual meeting by motion properly made and seconded, or by a petition which states the name of the person nominated, is signed by members representing at least 10 votes, and is filed with the secretary not later than the day prior to the annual meeting. Persons nominated must be members of the association.

B. Election. Election of the board of directors shall be in accordance with the bylaws of the association. The ballots shall be prepared by the secretary. Cumulative voting is not permitted (that is, a voter who refrains from voting with respect to one or more vacancies may not on that account cast any extra votes or votes with respect to another vacancy). The persons receiving the largest number of votes shall be elected.

SECTION 5. MEETINGS OF DIRECTORS

A. Regular meetings. Regular meetings of the board of directors shall be held at such time and place as may be fixed from time to time by resolution of the board. Notice of the time and place of each regular meeting shall be mailed to each director no later than 7 days before the meeting.

B. Special. Special meetings of the board of directors shall be held when called by the president of the association, the chairman of the board, or by any two directors, after not less than 3 days' notice to each director.

C. Quorum. A quorum of the board shall constitute a quorum for the transaction of business. Each act or decision done or made by the board of directors at a duly held meeting shall be regarded as an act of the board.

D. Action taken without a meeting. Any action which could otherwise be taken at a board meeting may be taken in the absence of a meeting, by obtaining the written approval of all members of the board. Any action so approved shall have the same effect as though taken at a meeting of the board.

1 Each group shall be one-third of the total number of directors.

SECTION 6. POWERS AND DUTIES OF THE BOARD

A. Powers and duties generally. The board of directors shall have and exercice all the powers, duties, and authority necessary for the administration of the association, excepting only those acts and things as are required by law, by the articles of incorporation, or by these bylaws to be exercised and done by the members or their officers.

B. Powers. The board, in the exercise of the power to: (1) Adopt and publish such rules and regulations as are appropriate in the exercise of its powers and duties, including, but not limited to, rules and regulations governing the amount and payment of dues, use of common areas and facilities, and the conduct of the association and its guests therein, and the establishment of penalties for violation of such rules and regulations; (2) appoint or designate officers, agents, and employees, and make such delegations of authority as in its judgment are in the best interests of the association; (3) declare the office of a member of the board of directors to be vacant in the event such member shall be absent from at least three consecutive regular meetings of the board of directors.

C. Duties. It shall be the duty of the board of directors to: (1) keep a complete record of all its acts and association affairs, and to present a statement thereof to the members at the annual meeting, or at any special meeting, as they may order. Such statement is requested in writing by members representing at least one-fifth of the votes of the association; (2) cause an annual audit of the association books to be made at the completion of each fiscal year; (3) cause to be supervised all officers, agents, and employees of the association, and see that their duties are properly performed; (4) procure and maintain insurance on any property owned by the association; (5) cause such officers or employees as the board may deem appropriate; (6) cause to be performed the functions listed in Article V of the articles of incorporation.

SECTION 7. ASSOCIATION OFFICERS AND THEIR DUTIES

A. Election. The board of directors shall elect the following officers of the association: (1) a president, (2) a vice-president, (3) a treasurer, and such other special officers as the board of directors may require. The president and vice-president shall be elected from members of the board. The election of officers shall take place biennially at the first meeting of the board of directors following the annual meeting of the members.

B. Term. The officers shall hold office for 2 years unless they resign sooner, be removed, or otherwise be disqualified to serve; provided, however, that special officers shall hold office for such term as the board may determine, but not to exceed 1 year.

C. Removal and resignation. Any officer may be removed from office, for cause, by the board. Any officer may resign at any time by giving written notice to the board, the president, and any other director. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

D. Vacancies. A vacancy in any office may be filled by appointment by the board. The board may fill any vacancy by appointment of a person who shall hold office for the remainder of the term of the officer so replaced.

E. Multiple officers. No person shall simultaneously hold more than one of the offices required by these bylaws.

F. Duties. The duties of the officers are as follows:

(1) President. The president shall preside at all association meetings; shall execute and cause to be executed all powers and duties which are not delegated to the secretary; shall sign all leases, mortgages, deeds, and other written instruments; and shall co-ordinate with the treasurer all checks and promissory notes.

(2) Vice president. The vice president shall act in place and stead of the president in the event of his absence or inability to act, and shall exercise and discharge such other duties as may be required of him by the board.

(3) Secretary. The secretary shall keep the books and the minutes of all meetings and proceedings of the board and of the association. The secretary shall keep the corporate seal of the association and affix it on all papers requiring its seal; shall serve notices of meetings of the board of directors and of the association; shall keep appropriate current records showing the names and addresses of the members of the association; and shall perform such other duties as are required by the board.

(4) Treasurer. The treasurer shall receive and deposit in appropriate bank accounts all funds of the association and shall disburse such funds as directed by the board of directors; shall sign with the president all checks and promissory notes; shall keep an accurate record of all books of account; and shall prepare an annual budget and statement of income and expenditures; which shall be approved by the board before presentation to the members at their regular annual meeting, and furnish a copy to each of the members of the board.

(5) Special officers. Special officers shall have such authority and perform such duties as the board may determine.

(6) Compensation. Officers may not be compensated except as may be determined by the board, in accordance with the approved association budget.

SECTION a. COMMITTEES

A. Committees to be established. The board of directors shall establish the following committees:

(1) Representation Committee which shall represent members, individually and collectively, with respect to any deficiencies in the development of individual homes therein; fulfillment of the obligations of the contract and related warranty; relationships with the authority and others in regard to financial matters such as monthly payments, credits to and charges against reserves, settlement upon vacating the home, and association; and the obtaining of insurance against property damage.

(2) Rules Committee which shall present to the board for recommendation to the authority policies for operation and management and, where appropriate, adopt the board in establishing association rules in that respect.

(3) Membership Committee which shall advise and assist members in regard to maintenance and acquisition of ownership of their homes, financial matters, and other matters related to home ownership and home management.

(4) Order and Selection Committee which shall recommend prospective home buyers from the list of eligible applicants.

(5) Nominating Committee which shall consist of a chairman, who shall be a member of the board of directors, and two
or more members of the association, none of whom are directors. The Nominating Committee shall be appointed by the board of directors prior to each annual meeting, to serve from the close of such annual meeting until the close of the next annual meeting and such appointments shall be announced at each annual meeting. The Nominating Committee shall make such nominations for election to the board of directors as it shall in its discretion determine, but not less than the number of vacancies to be filled.

B. Other committees. The board may establish other committees, permanent or temporary, which it shall be advisable to carry out the purposes of the association.

C. Committee chairs and members. The chairman of all committees, except the Nominating Committee, shall be appointed by and serve at the pleasure of the president. Committee members shall be appointed by the chairman of the committee on which they are to serve and shall serve until a new chairman is appointed.

D. Committee reports. The chairman of each committee shall make a report to the president in writing of committee meetings and activities prior to each regular monthly meeting of the board of directors.

E. Authority. Unless specifically authorized in writing by the president or the chairman of the committee, a committee chairman or a committee shall have no authority to legally obligate the association or incur any expenditure on behalf of the association.

SECTION 8. SUSPENSION OR RIGHTS

The board may suspend, by a majority vote of the board, the voting rights and right to use the recreational facilities, of a member and his family and guests, during any period in which the member shall be in violation of the association's rules and regulations imposed for violation of the association's rules and regulations.

section 9. SUSPENSION OF RIGHTS

The board may suspend, by a majority vote of the board, the voting rights and right to use the recreational facilities, of a member and his family and guests, during any period in which the member shall be in violation of the association's rules and regulations imposed for violation of the association's rules and regulations.

SECTION 10. BOOKS AND RECORDS

The books, records, and papers of the association shall at all times, during reasonable business hours, be subject to inspection by any member.

SECTION 11. AMENDMENTS

Amendments to these Bylaws may be introduced and discussed at any annual or special meeting of the association, provided that copies of any proposed amendments shall be mailed to all members with the notice of the meeting at which such amendment will be introduced. A vote on adopting such amendments shall be taken at the first association meeting held at least two weeks subsequent to the meeting at which the amendment was introduced. Amendments shall be adopted by a vote of a majority of the members of the association.

SECTION 12. CORPORATE SEAL

The association shall have a seal which shall appear as follows: [SEAL]

SECTION 13. FISCAL YEAR

The first fiscal year of the association shall begin on the date of incorporation and shall end on the last day of [month, year] (month) last day of [month, year] (month)

The foregoing powers were adopted at the first annual meeting of the association held [year] by the undersigned members of the association.

APPENDIX II

RECOGNITION AGREEMENT BETWEEN LOCAL HOUSING AUTHORITY AND HOME BUYERS ASSOCIATION

WHEREAS the ____________ (Authority), a public body corporate and political, has developed or acquired with the aid of loans and grants from the Department of Housing and Urban Development (HUD), a development (Development) of dwelling units (Homes) in ____________ (Location) families will occupy with lease-purchase rights leading to eventual homeownership; and

WHEREAS, an organization of residents (Home buyers) is an essential element in such development for purposes of effective participation of the home buyers in the management of the development, and representation of the home buyers in their relationships with the Authority, and for other purposes; and

WHEREAS, the ____________ Home Buyers Association (Association) fully represents the home buyers of the development. Now, therefore, this agreement is entered into by and between the Authority and the Association, and they do hereby agree as follows:

1. The association, whose articles of incorporation are attached hereto and made a part hereof, is hereby recognized as the established representative of the home buyers of the Development and is the sole group entitled to represent them as tenants or home buyers before the Authority;
2. For each fiscal year, the Authority shall make available funds to the Association for its normal expenses, in such amounts as may be available to the Authority for such purposes and subject to whatever applicable HUD regulations;
3. The Association shall be entitled to the use of office space in , at the development without charge by the Authority for such use;
4. The Authority and the officers of the Association shall meet at a location convenient to both parties on the ____________ (day) of each month to discuss matters of interest to either party;
5. In the event the parties later agree that the association should assume management responsibilities now held by the Authority, a contract for such purpose will be negotiated by the Authority and the association;
6. This agreement shall terminate upon dissolution of the association.

In Witness Whereof, the parties have executed this Agreement on ____________ .

Witness ____________________________ ____________

By ____________________________ ____________

(Local Housing Authority)

By ____________________________ ____________

(Homebuyers Association)

[FR Doc. 72-18846 Filed 11-3-72; 8:45 am]
regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW, Washington, DC 20581. All communications received on or before February 1, 1973, will be considered by the Administrator before taking action on the proposed rule. Comments contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 25 of the Federal Aviation Regulations presently requires that pilot compartments of transport category airplanes provide a sufficiently extensive, clear, and undistorted view to enable the pilots to safely perform any maneuvers within the operating limitations of the airplane, including taxiing, takeoff, approach, and landing. The regulations do not contain any standards concerning the size and arrangement of cockpit windows and other factors affecting pilot vision. In the past, Civil Aeronautics Manual (CAM) 4b.351–1 through 4b.351–3 set forth the FAA’s policies applicable to pilot compartment vision. The proposed rule incorporates those regulations and provides new pilot height parameters. Section 25.777(b) of the FAR’s presently incorporates a standard range of pilot heights of 5’2” to 6’ for the location of the cockpit controls. However, a recent study by the National Aeronautics and Space Administration (NASA Report No. SP–3006) indicates that a more accurate average height range for pilots of air transport category airplanes at this time is 5’4” to 6’3”. The height range has therefore been used as a basis for the cockpit dimensions and the “reference eye” position of Appendix G of this proposal. It is also proposed to amend § 25.777(c) to incorporate the new pilot height range of 5’4” to 6’3” for the purpose of locating cockpit windows.

In addition to the above-proposed requirements, the FAA proposes to establish new pilot height parameters. In order to establish a “reference eye” position for the measurement of cockpit vision angles, it is necessary to establish a seat height range and this in turn requires that the range of seated heights of pilots be established. Section 25.777(e) of the FAR’s presently incorporates a standard range of pilot heights of 5’2” to 6’ for the location of the cockpit controls. However, a recent study by the National Aeronautics and Space Administration (NASA Report No. SP–3006) indicates that a more accurate average height range for pilots of air transport category airplanes at this time is 5’4” to 6’3’. The height range has therefore been used as a basis for the cockpit dimensions and the “reference eye” position of Appendix G of this proposal. It is also proposed to amend § 25.777(c) to incorporate the new pilot height range of 5’4” to 6’3” for the purpose of locating cockpit windows. The FAA proposes to amend Part 25 of the Federal Aviation Regulations with a view toward proposing appropriate standards for aircraft certificated under those parts consistent with the proposals contained in this notice.

In consideration of the foregoing, it is proposed to amend Part 25 of the Federal Aviation Regulations as follows:

1. By amending § 25.777(c) (1) and (b) (1) to read as follows:

§ 25.777 Pilot compartment view.
(a) * * *
(1) The windows and windshields in each pilot compartment must meet the requirements of Appendix G of this part, and must be arranged so as to enable the pilots to safely perform any maneuvers within the operating limitations of the airplane, including taxiing, takeoff, approach, and landing.

(b) * * *
(1) The airplane must have a means to maintain a clear portion of the windshield sufficient for both pilots to have adequate vision along the flight path in normal flight attitudes of the airplane. In addition, the means must meet the requirements of Appendix G of this part. This means must be designed to function, without continuous attention on the part of the crew, in—

§ 25.777 [Amended]

2. By amending § 25.777(c) by striking out the words, “from 5’2” to 6’ in height,” and inserting the words, “from 5’4” to 6’3” in height,” in place thereof.

3. By amending Part 25 by adding a new Appendix G to read as follows:

Appendix G

Criteria for Determining Cockpit Vision

I—Reference eye position. (a) A single point is established with the limitations of subparagraphs (1) through (4) of this paragraph, constitutes the reference eye position. The central axis is a vertical line located 5% of an inch to the rared center of the primary longitudinal control column when the control is in its most forward position, against the up longitudinal control stops.

(2) The reference eye position must be located between two vertical longitudinal planes which are one (1) inch to either side of the centerline. If the seat has lateral adjustments, the two planes must be within one (1) inch of either side of the primary longitudinal control column.

(3) Any persons from 5’4” to 6’3” in height, sitting in the seat associated with the selected reference eye position, must be able to:

(1) Adjust the seat, with the back in its most upright position, to locate the midpoint of his eyes at the reference eye position; and

(2) With the seat located 31/2 inches below the reference eye position, there must be no less than three (3) inches of available seat adjustment in both the up and the down directions. The 31/2 inches is measured to the top of the seat cushion as depressed by a subject weighing 170 to 220 pounds, with the airplane longitudinal axis in a level position, and at the reference eye position.

(3) Means must be provided at both the pilot and copilot stations to enable the persons occupying the cockpit to secure the center of his eyes at the reference eye position.

II—Clear areas of vision. (a) With the reference eye position located as indicated in subparagraph (1), in paragraph (a), and in the middle longitudinal axis planes, including binocular vision and axial movement of the head and eyes about a radius, the center of which is the central axis, the airplane must have clear areas of vision, measured from the appropriate eye position with the airplane longitudinal axis level, as specified in subparagraphs (1) through (6) of this paragraph. The areas defined are the clearances permitted for one-half the distance which exists between the eyes, i.e., 1/4 inches as indicated in figure 3.

(1) 20° forward and up from the horizon between 30° left and 10° right diminishing.
**PROPOSED RULE MAKING**

linearly to 15° up to 30° right (this area unbroken);
(2) 17° forward and down from the horizon between 30° left and 10° right diminishing linearly to 10° down at 30° right (this area unbroken);
(3) Increasing linearly from 20° forward and up from the horizon at 30° left to 40° forward and up from the horizon at 70° left;
(4) Increasing linearly from 17° forward and down from the horizon at 30° left to 35° forward and down from the horizon at 70° left;
(5) 40° forward and up from the horizon between 70° left and 110° left diminishing linearly to 20° up and 160° left;
(6) 35° forward and down from the horizon between 70° left and 110° left diminishing linearly to 18° down at 135° left.

(b) In addition to the clear areas of vision specified in paragraph (a) of this section, the view angle forward and downward must be sufficient to allow the pilot to see a length of approach and/or touchdown zone lights which would be covered in 3 seconds at landing approach speed when the aircraft is—

(1) On a 2½° glide slope;
(2) At a decision height which places the lowest part of the aircraft at 100 feet above the touchdown zone extended horizontally (see figure 4);
(3) Yawing ±10°;
(4) Making an approach with 1,000 feet runway; and
(5) Loaded to the most critical weight and center of gravity location.

(c) If in a symmetrical type pilot compartment there is an area about the center of the windshield where the requirements governing pilot and copilot vision areas do not overlap, the angles in this area above and below eye level may diminish due to the increased distance between the appropriate eye position and the windshield, the windshield dimensions established at the 30° right position, above and below the horizontal plane of the pilot's eye, must be retained. This area must also be governed by the limitations of paragraph (d) of this appendix.

III—Impairments to vision. (a) There must be no horizontal obstructions to vision within the area described in section II(a).
(b) There must be no vertical obstructions to vision in the transparent area between 30° right and 30° left and between 85° left and 95° left.
(c) The area beyond 135° must be as large as practicable.
(d) Any windshield post must not exceed 2.5 inches total obstruction in projected width on the pilot's eye when measured with the head rotated so that the eyes are perpendicular to the vertical plane passing through the centerline of the projected width as indicated in figure 5.
(e) The location of the instruments, equipment, and structure must not impair any of the areas of vision established in this paragraph. In addition, cockpit equipment must not obstruct a line of vision from a point 2 inches above the reference eye position to any points along the upper limit of the forward windshield panels, and similarly, a line of vision from a point 2 inches below the reference eye position to the lower limit of the forward windshield panels.
(f) The glare shield structure within direct or peripheral vision of either pilot must be so designed as to offer an accurate determination of the horizontal plane without restricting vision through the windshield.

IV—Optical properties of windshield. Both clear and tinted windshields must exhibit equivalent optical properties to those covered in MIL-G-25571A dated July 30, 1958, for flat panels, and MIL-G-25667A dated July 30, 1958, for curved panels or any subsequent specification found acceptable by the Administrator (copies obtainable from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia PA 19120). In addition, the optical properties of the windshield must not deteriorate under pressurization loads, being protection system provisions, or in operation.

V—Sunshades. Cockpit sunshades must not interfere with the pilots' vision. Means must be provided to prevent the sunshades from projecting into the clear areas of vision prescribed by section II when they are not in use.

VI—Windshield clearing provisions. A minimum view must be provided through that portion of windshield which is cleared of rain and mist to allow each pilot to see a minimum of from 15° left to 15° right of the reference eye position, upwards to the horizon during the steepest approach path expected in operation and downwards to the angles specified in section II(b) of this appendix. The cleared area enclosed by these requirements need not be rectangular.

Section II of this appendix specifies the minimum areas of vision from the left pilot seat for showing compliance with § 25.773. The minimum areas of vision from the right pilot seat must be the same as those specified for the left pilot seat except that the left and right angle designations are interchanged.
NOTE:
WHEN NOT USING A DUAL LENS
RECORDING CAMERA TO ESTABLISH
ANGLES OF REQUIRED VISION — THE
FOLLOWING PROCEDURE SHOULD BE
USED IN CONJUNCTION WITH FIG 2
FOR PURPOSES OF MEASUREMENT
IT IS ASSUMED THAT THE HEAD CAN
BE ROTATED TO THE REQUIRED ANGLES.
THIS IS DONE TO MAINTAIN UNIFORMITY
IN THE SYSTEM OF MEASURING ALL
THE ANGLES REQUIRED.

Figure 2

MEASUREMENT OF ANGLES

NOTE:
WHEN NOT USING A DUAL LENS
RECORDING CAMERA TO ESTABLISH
ANGLES OF REQUIRED VISION — THE
FOLLOWING PROCEDURE SHOULD BE
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FOR PURPOSES OF MEASUREMENT
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THE ANGLES REQUIRED.

Figure 3 — Measurement of angles

FEDERAL REGISTER, VOL. 37, NO. 214—SATURDAY, NOVEMBER 4, 1972
These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 27, 1972.

C. R. Melugin, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72-18795 Filed 11-3-72;8:45 am]

NICKEL-Cadmium BATTERIES

Provision for Safe Use

The Federal Aviation Administration
is considering an amendment to Part 71 of the Federal Aviation Regulations that
would require modification, before July 1, 1973, of certain aircraft having nickel-
cadmium batteries installed. The notice stated that consideration would be given
to all communications received on or before October 30, 1972.

The National Business Aircraft As-
sociation has requested a 14-day exten-
sion of the time for submission of com-
ments. The petitioner states that it has
been an active participant in the nickel-
cadmium battery program since its
inception, working closely with the FAA in
the development of related airworthiness
directives. Further, the petitioner states
that it has scheduled a meeting of engi-
neering representatives of all domestic
and foreign battery manufacturers whose
products are approved for use in U.S.
certificated aircraft, that this meeting
can not be convened until October 30,
1972, and that some time thereafter will
be required to compile the findings of
the meeting for submittal to the docket.

In view of the foregoing, I find that the
petitioner has shown a substantive in-
terest in the proposed amendment, that
good cause exists for an extension, and
that an extension is consistent with the
public interest.

However, since publication of this no-
tice in the Federal Register cannot be
accomplished prior to November 4, 1972,
I find that it is appropriate, in order to
provide interested persons that are not
affiliated with the petitioner an equiva-
lent extension period, to extend the clos-
ing date for comments until November 20,
1972.

Therefore, pursuant to the authority
contained in sections 313(a), 601, and
603 of the Federal Aviation Act of 1958
(49 U.S.C. 1354(a), 1421, and 1423), and
section 6(c) of the Department of Trans-
portation Act (49 U.S.C. 1655(c)); the
closing date for comments on the subject
proposed airworthiness directive is ex-

Issued in Washington, D.C., on Octo-
ber 30, 1972.

C. R. Melugin, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72-18901 Filed 11-3-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-NW-11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration
is considering an amendment to Part 71 of the Federal Aviation Regulations that
would alter the description of the Pasco, Wash., Transition Area.

Interested persons may participate in
the proposed rule making by submitting
such written data, views, or arguments
as they may desire. Communications
should be submitted in triplicate to the
PROPOSED RULE MAKING

Chin, Operations, Procedures and Airspace Branch, Northwes Region, Federal Aviation Administration, PAA Building, Boeing Field, Seattle, Wash. 98108. 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 Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, PAA Building, Boeing Field, Seattle, Wash. 98108.

A VOR approach procedure has been proposed for the Richland Airport, Richland, Benton County, Wash., utilizing the 288° radial of the Pasco VOR. A review of the airspace requirements for this proposal revealed that additional 700-foor transition area airspace would be required to provide controlled airspace protection for aircraft executing the proposed procedure while operating below 1,500 feet above the surface.

In consideration of the foregoing, the PAA proposes the following:

In § 71.161 (37 F.R. 2143) the description of the Pasco, Wash., transition area as amended (37 F.R. 7880) is further amended as follows: to the description add: "; within 3 miles north and 7.5 miles south of the Pasco VOR 288° radial extending from 8 miles west of the VOR to 18 miles west of the VOR."

This amendment is proposed under the authority of section 309(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1349(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on October 26, 1972.

C. B. Walk, Jr.,
Director, Northwest Region.

[FR Doc. 72-18990 Filed 11-3-72; 8:47 am]

Federal Highway Administration

[49 CFR Part 393]

[Notice No. 21-C-43; Notice 72-199]

EXHAUST SYSTEMS OF BUSES

Location of Discharge Points

The Director of the Bureau of Motor Carrier Safety is considering amending § 393.83(b) of the motor carrier safety regulations, relating to the location of exhaust system discharge points on diesel-powered buses.

Under the existing rule, the exhaust system of a diesel-powered bus must discharge to the atmosphere at or within 15 inches forward of the rearmost part of the bus. General Motors Corp. has filed a petition for rulemaking, seeking an amendment to this rule. According to the petition, GM has developed an "Environmental Improvement Package" for buses, designed to reduce noxious exhaust emissions. One feature of the package is use of a vertical exhaust system which discharges to the atmosphere at the upper rear corner of the bus. Owing to the configuration of the rear end of a bus, the point of discharge is more than 15 inches forward of the rearmost point of the vehicle.

The objective of § 393.83(b) is to insure that exhaust gases do not seep into the passenger compartment of a bus. The proposal here announced appears calculated to achieve that objective while, at the same time, removing a design restriction that may inhibit development of exhaust systems that reduce noise and air pollution.

In consideration of the foregoing, the Director proposes to amend § 393.83(b) of Subchapter B in Chapter III of Title 49, CFR to read as follows:

§ 393.83 Exhaust system location.

(b) The exhaust system of a bus equipped with a gasoline engine, shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus; and

(1) Be designed, constructed, installed, and maintained so that exhaust gases do not enter the passenger compartment of the bus; and

(2) Either—

(i) Discharge to the atmosphere at or within 15 inches forward of the rearmost part of the bus; or

(ii) Discharge to the atmosphere above and to the rear of any door or window designed to be opened for ventilation or passenger egress.

Interested persons are invited to submit data, views, or arguments pertaining to the proposed amendment. All comments should refer to the docket number and notice number appearing at the top of this notice. Comments should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on December 29, 1972, will be considered before further action is taken. Comments will be available for examination in the Docket Room of the Bureau of Motor Carrier Safety, Room 4135, 400 Seventh Street SW., Washington, DC both before and after the closing date for comments.

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

Issued on October 30, 1972.

Robert A. Kaye,
Director, Bureau of Motor Carrier Safety.

[FR Doc. 72-18551 Filed 11-5-72; 8:51 am]

FEDERAL REGISTER, VOL 37, NO. 214—SATURDAY, NOVEMBER 4, 1972
DEPARTMENT OF STATE
Agency for International Development
DIRECTOR, WEST AFRICA REGIONAL ECONOMIC DEVELOPMENT SERVICES OFFICE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Assistant Administrator for Program and Management Services under Delegation of Authority No. 17, as amended, from the Administrator of the Agency for International Development, I hereby redelegate to the Director, West Africa Regional Economic Development Services Office, and to the person in that Office who has been designated, with the concurrence of this Bureau, the authority to sign or approve the following:

(1) Contracts and amendments to contracts financed in whole or in part by A.I.D., provided each individual contract action does not exceed $200,000;

(2) Letters of commitment or notices of approval for financing of cooperating country contracts for contracts described in (1) above;

(3) Project implementation orders—technical services (PIO/T);

(4) Advance payments and the required determination and findings for such payments under A.I.D.-funded nonprofit contracts with nonprofit educational or research institutions.

The authority herein delegated to the Director, West Africa Regional Economic Development Services Office may be exercised by duly authorized persons who are performing the functions of the Director in an acting capacity. The authorities delegated herein are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within the Agency for International Development.

I make this redelegation of contracting authority based on my finding that the overseas field procuring activity described above possesses the necessary skills to exercise properly the authority granted.

This redelegation of authority shall be effective immediately.

Dated: October 24, 1972.

WILLARD H. MEINZEKE,
Deputy Assistant Administrator,
Bureau for Program and Management Services.

[FR Doc.72-18937 Filed 11-3-72; 8:49 am]

DEPARTMENT OF DEFENSE
NAVAL POSTGRADUATE SCHOOL;
SUPERINTENDENT'S BOARD OF ADVISORS

Notice of Public Meeting

In accordance with the provisions of Executive Order No. 11671, dated June 5, 1972, announcement is made of a public meeting of the Superintendent's Board of Advisors for the Naval Postgraduate School, to be held beginning at 8 a.m. on Thursday, November 9, 1972, and continuing through Friday, November 10, 1972. The Board will meet in the conference room of the Naval Postgraduate School, Monterey, Calif.

(1) Purpose. The Board was appointed to advise and assist the Superintendent concerning the Naval Postgraduate School Education Program.

(2) Membership. The Board is chaired by Dr. L. R. Hafstad and is composed of the following: Dr. Ralph D. Bennett, Adm. William A. Brooks, USN (Ret.), Mr. Richard R. Hough, Dr. Niel H. Jacoby, Adm. Isaac C. Kidd, USN, Provost George J. Maslach, Dr. Dean E. McHenry, Dr. David S. Potter, Adm. James S. Russell, USN (Ret.), and Mr. Emmett C. Solomon.

(3) Activities. This will be the eighth meeting of the Board of Advisors and discussing on current developments of significance to the school will be held.

(4) Agenda. A short report by the Superintendent, presentations and discussions of current significant developments, introduction of a school study to examine long-range effects of education on a naval career, and other general discussions are scheduled.


[Seal] MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General of the Navy.

[FR Doc.72-19023 Filed 11-3-72; 8:53 am]

DEPARTMENT OF JUSTICE

Certificate Regarding Appointment of Examiners

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment to the Constitution of the United States in Peach County, Ga. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1972, under section 4(a) of the Voting Rights Act of 1965 (Public Law 89–110) and published in the Federal Register on August 14, 1972 (30 F.R. 8997).

RICHARD G. KLEINHUNDT,
Attorney General of the United States.

November 4, 1972.

[FR Doc.72-19101 Filed 11-3-72; 11:18 am]

Bureau of Narcotics and Dangerous Drugs

METHYLPHENIDATE

Aggregate Production Quota

On July 6, 1972, a notice of proposed aggregate production quotas was published in the Federal Register (37 F.R. 12370). The notice proposed that the aggregate production quota for 1973 for methylphenidate expressed in kilograms of the anhydrous alkaloid, be established at 1,427 kilograms. The notice invited all interested persons to submit their comments and objections in writing regarding this proposal. Hearings were requested by CIBA Pharmaceutical Co., a division of CIBA-GEIGY Corp., and the Narcotics Guidance Council of Huntington, Long Island, N.Y. Comments also were received from other sources with respect to the notice.

On October 7, 1972, the Director of the Bureau of Narcotics and Dangerous Drugs determined that CIBA had standing to request a hearing and ordered that a hearing be held on October 24, 1972, for the purpose of determining the quota. Following publication of the notice, the Bureau met with representatives of CIBA, the Huntington Council, and the Department of Health, Education, and Welfare. Consideration was given to sales and marketing information for the current and previous years provided by HESW, CIBA, and independent statistical services indicating legitimate medical need for methylphenidate.

After reviewing data not previously available, the Department of Health, Education, and Welfare, by letter dated October 30, 1972, has estimated that the legitimate medical needs for methylphenidate in the United States in 1973 could be met by a 20-percent reduction in production of methylphenidate from the 1971 level. This contrasted with an initial recommendation of a 50-percent reduction.

The quota which is determined herein is for the purpose of procuring methylphenidate for manufacturing into dosage form to supply wholesale and retail needs. The Bureau recognizes that this quota is less than the actual and pro-
jected 1972 sales of methylphenidate. In the Bureau's present opinion, however, this quota together with CIBA's existing inventory would be inadequate to meet legitimate medical needs.

The Bureau will give consideration to appropriate supplemental applications to amend the 1973 quota for:
1) Research projects;
2) Unusual inventory problems and potential disruptions to production;
3) A significant change in the amount used for legitimate medical needs in 1972 as evidenced by an increased demand;
4) Export requirements.

The Bureau intends to publish the proposed 1973 aggregate production quota in the near future and to consider relevant information relating to the legitimate medical use of methylphenidate in 1972 and in prior years (as evidenced by CIBA sales, by prescribing information, and by hospital and physician usage), changes in CIBA's inventory in 1972, and research projects, export requirements, and potential disruptions in production.

CIBA, in light of the revised recommendation by the Department of Health, Education, and Welfare and the lateness in the year for which quotas can be set, agreed to withdraw its request for a hearing on the proposed quota.

The Narcotics Guidance Committee of the town of Huntington, Long Island, N.Y., had also requested a hearing on the proposed aggregate production quota of methylphenidate. This group also agreed to withdraw its request for a hearing on the proposed aggregate production quota for the same reasons set forth above.

The Bureau has agreed with both parties who filed requests for a hearing on the proposed aggregate production quota that, if they wished to request a public hearing on the 1973 aggregate production quota for methylphenidate, when proposed, on the issue of the proper determination of legitimate medical need, the Bureau would hold such a public hearing.

Therefore, because all persons requesting a hearing on this matter have withdrawn their requests, the Director of the Bureau of Narcotics and Dangerous Drugs hereby orders that the public hearing ordered October 24, 1972, for the purpose of determining the aggregate production quota for methylphenidate be canceled.

Other comments were received by the Bureau, only one of which asserted that the aggregate production quota was too high. The Honorable Claude S. Pepper, chairman of the Select Committee on Crime, U.S. Senate, the Representative stated in his letter of August 17, 1972, that "the production quota * * * should be predicated solely upon the necessity to provide medication for those individuals who are actually suffering from narcolepsy and hyperkinesis." Various organizations representing parents of children with learning disabilities asserted that the proposed quota was too low. The Bureau has considered all such comments and has determined that the revised quota is appropriate in light of their comments.

Having considered the revised recommendation by the Department of Health, Education, and Welfare and the additional information presented, the Director of the Bureau of Narcotics and Dangerous Drugs, pursuant to the authority vested in the Attorney General by section 305 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 871), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 101.00 of Title 28 of the Code of Federal Regulations, orders that the aggregate production quota for 1973 for methylphenidate, expressed in kilograms of the anhydrous alkaloid, be as follows:

<table>
<thead>
<tr>
<th>Base class</th>
<th>Proposed</th>
<th>Requested</th>
<th>Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Methylphenidate</td>
<td>2,939</td>
<td>2,659</td>
<td>1,557</td>
</tr>
</tbody>
</table>

This order is effective upon the date of its publication in the Federal Register (11-4-72).

Dated: November 1, 1972.

JOHN E. INGERSOLL, Director, Bureau of Narcotics and Dangerous Drugs.

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
CRESCENT LAKE NATIONAL WILDERNESS REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 88 Stat. 950-955; 16 U.S.C. 1131-1136), that a public hearing is to be held beginning at 9 a.m. on December 14, 1972, at Garden County Courthouse in Oshkosh, Nebr., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including the Crescent Lake proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 24,502 acres within Crescent Lake National Wildlife Refuge, which is located in Garden County, State of Nebraska.

A study summary containing a map and information about the Crescent Lake Wilderness proposal may be obtained from the Refuge Manager, Crescent Lake National Wildlife Refuge, Star Route 30178, Ellsworth, Nebr. 69340, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Twin Cities, Minn. 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by January 15, 1973.

F. V. SCHNEIDER, Acting Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 13, 1972.

[FR Doc.72-18839 Filed 11-3-72;8:46 am]

Geological Survey

YUKON RIVER BASIN, ALASKA

Power Site Modification 443

A power site modification is subject to the condition that should the land traversed by the right-of-way be required for reservoir or power purposes, any improvements or structures therein, when found by the Secretary of the Interior to interfere with reservoir or power development, shall be removed or relocated to eliminate interference with such development at no cost to the United States, its permittees, or licensees.

Date: October 30, 1972.

V. E. MCKELVEY, Director.

Office of the Secretary

[FR Doc.72-18833 Filed 11-3-72;8:46 am]
NOTICES

Environmental impacts of the proposed designation.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55411.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2828, 18th and G Streets, Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

Date: October 31, 1972.

W. W. Lyons,
Deputy Assistant Secretary,
Program Policy.

DEP.72-109

PROPOSED JOHN DAY FOSSIL BEDS NATIONAL MONUMENT, OREG.

Notice of Availability of Draft Environmental Statement

Pursuant to section 106(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for a legislative proposal for the establishment of John Day Fossil Beds National Monument in the State of Oregon, and invites written comment within forty-five (45) days of this notice.

The proposal recommends the authorization of a national monument of Cenozoic plant and animal fossils in a separate but interrelated units located in the State of Oregon, and invites comment.

The Department's announcement stated that the factors relative to this proposal were: (1) An effort to reduce mail cost, (2) a recommendation from the National Egg Pricing System Study Committee for less-than-daily reports, and (3) to keep abreast with the trend in the industry away from daily price negotiations.

In view of comments received, the following modifications will take place effective January 1, 1973:

1. Mailed reports from Newark, Chicago, Atlanta, and Jackson will be issued twice a week on Tuesday and Friday, except when a holiday may change mailing days.

2. Information on egg market conditions and trading will continue to be collected daily and will be available daily at these market news offices and by the teletype system. Telephone numbers are 8-7960, 8-7830, and 8-7200.

3. Mailed reports will contain a summary of the current information as well as information contained in the last mailed report.

The Department appreciates the responses and views received from all interested persons on this issue.

Done at Washington, D.C., this 31st day of October 1972.

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

[FR Doc.72-18918 Filed 11-3-72;8:45 am]

Sales of Certain Commodities

Commodity Credit Corporation

[Amendment 4]

SALES OF CERTAIN COMMODITIES

Monthly Sales List; Amendments

The CCC Monthly Sales List for the fiscal year ending June 30, 1973, published in SW.P. 13952 is amended as follows:

1. The provisions of section 40 entitled "Nonfat Dry Milk—Unrestricted Use Sales" are deleted.

2. The provision of section 41 entitled "Nonfat Dry Milk—Export Sales" are deleted.

Effective date: 12:35 p.m. (e.d.t.) October 20, 1972.

Signed at Washington, D.C., on October 30, 1972.

Glen A. Weir,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-18921 Filed 11-3-72;9:45 am]

DEPARTMENT OF COMMERCE

[Report No. 119]

Maritime Administration

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

Section 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through May 24, 1972, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

Flag of Registry and Name of Ship

<table>
<thead>
<tr>
<th>Group</th>
<th>Nominal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross</td>
<td>tonnage</td>
</tr>
</tbody>
</table>

Total—all ships (180 ships) 1,372,044

Cypriot: (92 ships)

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<tr>
<th>Name</th>
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<td>Aegis Banner</td>
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<tr>
<td>Aegis Eternity</td>
<td>8,914</td>
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<tr>
<td>Aegis Fame</td>
<td>9,073</td>
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<tr>
<td>Aegis Hope (previous trips to Cuba as the Huntsmore—British)</td>
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<td>Aegis Loyal</td>
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<td>Aegis Strength</td>
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<td>Aguila Entes</td>
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<td></td>
</tr>
<tr>
<td>Aurora</td>
<td>5,309</td>
<td></td>
</tr>
<tr>
<td>Azalea</td>
<td>8,605</td>
<td></td>
</tr>
<tr>
<td>Baracca</td>
<td>9,242</td>
<td></td>
</tr>
<tr>
<td>Baggera</td>
<td>6,700</td>
<td></td>
</tr>
<tr>
<td>Byron</td>
<td>9,720</td>
<td></td>
</tr>
<tr>
<td>Calypso (tanker)</td>
<td>15,993</td>
<td></td>
</tr>
<tr>
<td>Canelia</td>
<td>5,111</td>
<td></td>
</tr>
<tr>
<td>Canonica</td>
<td>7,041</td>
<td></td>
</tr>
<tr>
<td>Cleo</td>
<td>7,530</td>
<td></td>
</tr>
<tr>
<td>Cleopatra</td>
<td>6,079</td>
<td></td>
</tr>
<tr>
<td>Costanza</td>
<td>7,100</td>
<td></td>
</tr>
<tr>
<td>Degado</td>
<td>8,060</td>
<td></td>
</tr>
<tr>
<td>Diamante</td>
<td>7,037</td>
<td></td>
</tr>
<tr>
<td>Dolphin</td>
<td>3,500</td>
<td></td>
</tr>
<tr>
<td>Dorina Papalos (previously called as the Formentor—British)</td>
<td>8,451</td>
<td></td>
</tr>
</tbody>
</table>

See footnotes at end of document.

FEDERAL REGISTER, VOL. 37, NO. 214—SATURDAY, NOVEMBER 4, 1972
<table>
<thead>
<tr>
<th>Gross tonnage</th>
<th>British—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sea Anchor</td>
</tr>
<tr>
<td></td>
<td>Sea Empress</td>
</tr>
<tr>
<td></td>
<td>Sea Fox</td>
</tr>
<tr>
<td></td>
<td>Seaweed</td>
</tr>
<tr>
<td><strong>Shan Wah</strong> (trip to Cuba as the Vercharmain—British)</td>
<td>7,293</td>
</tr>
<tr>
<td><strong>Methos</strong></td>
<td>8,676</td>
</tr>
<tr>
<td><strong>Yugludaton</strong></td>
<td>5,414</td>
</tr>
<tr>
<td><strong>Polish</strong> (19 ships)</td>
<td>126,152</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gross tonnage</th>
<th>French—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Dana</td>
</tr>
<tr>
<td></td>
<td>Nole</td>
</tr>
<tr>
<td></td>
<td>Italian (3 ships)</td>
</tr>
<tr>
<td></td>
<td>Alderamines (tanker)</td>
</tr>
<tr>
<td></td>
<td>Elia (tanker)</td>
</tr>
<tr>
<td></td>
<td>Sun Nicola</td>
</tr>
<tr>
<td></td>
<td>Lebanon (2 ships)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gross tonnage</th>
<th>Guinean (1 ship)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>883</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gross tonnage</th>
<th>Morocco (1 ship)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5,333</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gross tonnage</th>
<th>Morocco (1 ship)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5,333</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gross tonnage</th>
<th>Palestine (1 ship)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8,728</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gross tonnage</th>
<th>Maltese (1 ship)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5,332</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gross tonnage</th>
<th>Singapore (1 ship)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8,196</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gross tonnage</th>
<th>Tong Hoo (1 ship)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8,196</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Cuban commerce—Africans and North Indians</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 2.</strong></td>
</tr>
<tr>
<td>In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have been reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance;</td>
</tr>
<tr>
<td>(a) That such vessels will not, henceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and</td>
</tr>
<tr>
<td>(b) That no other vessels under their control will henceforth be employed in the Cuban trade, except as provided in paragraph (a); and</td>
</tr>
<tr>
<td>(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.</td>
</tr>
</tbody>
</table>
NOTICES

Flag of Registry and Name of Ship

a. Since last report:

<table>
<thead>
<tr>
<th>Name of Ship</th>
<th>Gross tonnage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maco Felicity</td>
<td>10,570</td>
</tr>
<tr>
<td>Somalia</td>
<td>3,592</td>
</tr>
</tbody>
</table>

b. Previous reports:

<table>
<thead>
<tr>
<th>Flag of Registry</th>
<th>Number of ships</th>
</tr>
</thead>
<tbody>
<tr>
<td>British</td>
<td>49</td>
</tr>
<tr>
<td>Cypriot</td>
<td>9</td>
</tr>
<tr>
<td>Danish</td>
<td>1</td>
</tr>
<tr>
<td>Finnish</td>
<td>5</td>
</tr>
<tr>
<td>French</td>
<td>4</td>
</tr>
<tr>
<td>German (West)</td>
<td>1</td>
</tr>
<tr>
<td>Greek</td>
<td>3</td>
</tr>
<tr>
<td>Israeli</td>
<td>1</td>
</tr>
<tr>
<td>Japanese</td>
<td>1</td>
</tr>
<tr>
<td>Kuwaiti</td>
<td>1</td>
</tr>
<tr>
<td>Lebanese</td>
<td>9</td>
</tr>
<tr>
<td>Liberia</td>
<td>1</td>
</tr>
<tr>
<td>Moroccan</td>
<td>3</td>
</tr>
<tr>
<td>Norwegian</td>
<td>5</td>
</tr>
<tr>
<td>Somali</td>
<td>1</td>
</tr>
<tr>
<td>Spanish</td>
<td>6</td>
</tr>
<tr>
<td>Sweden</td>
<td>1</td>
</tr>
<tr>
<td>Yugoslav</td>
<td>1</td>
</tr>
</tbody>
</table>

NOTES: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

Dated: August 11, 1972.

By order of the Acting Assistant Secretary of Commerce for Maritme Affairs.

JAMES S. DAVISON, JR., Secretary
Maritime Subsidy Board.

[FR Doc.72-18881 Filed 11-3-72; 3:45 am]

CHAS. KURZ & CO., INC.

Notice of Application

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the U.S.S.R., to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below-listed applicant, and/or related persons or firms, employ ships in the domestic, intercoastal or coastwise service, written permission of the Maritime Administration under section 865(a) of the Merchant Marine Act, 1936, as amended, will be required for such applicant if its application for operating-differential subsidy is granted.

The following applicant has requested permission involving the domestic, intercoastal or coastwise services described below:

Name of Applicant: Chas. Kurz & Co., Inc. (Kurz).

Description of domestic service and vessels: On January 6, 1972, a related company of Kurz, Margate Shipping Co. (Margate), was granted written permission for Margate’s affiliates to own and operate a total of 21 U.S.-flag vessels to transport liquid bulk cargoes within or between the following coastal areas with free interchange of the vessels among these various domestic trades. The following list shows the maximum number of vessels to be employed in each domestic trade at any one time:

<table>
<thead>
<tr>
<th>Vessels</th>
<th>U.S. Gulf/Atlantic, coastwise</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>U.S. Gulf/Atlantic, Puerto Rico</td>
</tr>
<tr>
<td></td>
<td>U.S. Atlantic/Gulf, intercoastal (including Alaska and Hawaii)</td>
</tr>
<tr>
<td></td>
<td>Pacific Coast—Alaska and Hawaii</td>
</tr>
</tbody>
</table>

The following U.S.-flag tankers are owned, managed, or operated by Margate’s affiliates:

<table>
<thead>
<tr>
<th>Name of Vessel</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Channelview</td>
<td>Catanvma Ford</td>
</tr>
<tr>
<td>Ferryville</td>
<td>Key Banker</td>
</tr>
<tr>
<td>Sheveiz</td>
<td>Key Banker</td>
</tr>
<tr>
<td>Fort Fetman</td>
<td>Key Banker</td>
</tr>
<tr>
<td>Julesburg</td>
<td>Ticonderga</td>
</tr>
<tr>
<td>Nacra</td>
<td>Valley For</td>
</tr>
<tr>
<td>Bennington</td>
<td>Golden Gate</td>
</tr>
<tr>
<td>Cherry Valley</td>
<td>Edward M. Greeny</td>
</tr>
<tr>
<td>Gains Mill</td>
<td>P. C. Spencer</td>
</tr>
<tr>
<td>Mill Spring</td>
<td>J. E. Dyer</td>
</tr>
<tr>
<td>Northfield</td>
<td>Sinclair Texas</td>
</tr>
<tr>
<td>Tulahoma</td>
<td>David E. Day</td>
</tr>
<tr>
<td>Meadowbrook</td>
<td>Mobile Gas</td>
</tr>
<tr>
<td>Sandy Lake</td>
<td>Mobile Power</td>
</tr>
<tr>
<td>Monmouth</td>
<td>Mobile Fuel</td>
</tr>
<tr>
<td>Spirit of Liberty</td>
<td></td>
</tr>
</tbody>
</table>

Written permission is now required by the applicant (Kurz) notwithstanding the previous grant to a related company (Margate) or the fact that a voyage in the proposed service for which subsidy
NOTICES

FEDERAL REGISTER, VOL 37, NO. 214—SATURDAY, NOVEMBER 4, 1972

is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. Any person, firm, or corporation having any interest (within the meaning of section 605(a)) in any application and desiring to be heard on issues pertinent to section 605(a) or desiring to submit comments or views concerning the application must, by close of business on November 13, 1972, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 605(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., November 15, 1972, Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 605(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policies of the Act.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: November 2, 1972.

JAMES S. DAWSON, JR., Secretary.

[FR Doc.72-19031 Filed 11-3-72; 8:53 am]

KEYSTONE TANKSHIP CORP., ET AL.

Notice of Multiple Applications

Notice is hereby given that applications have been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date).

Any person having an interest in the granting of one or any of such applications and who would wish to present a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before November 13, 1972, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested un-der section 605(e) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicable applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(e) of the Act is ordered to be held with respect to any application(s), the purpose of such hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: November 2, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR., Secretary.

[FR Doc.72-19032 Filed 11-3-72; 8:53 am]

NOTICE

Keystone Tankship Corp., Keystone Shipping Co., Keystone Tank Corp. (Keystone Tank), Keystone Shipping Co. (Keystone Tank), Margate Shipping Co. (Margate),
was granted written permission for Margate's affiliates to own and operate a total of 31 U.S.-flag vessels to transport liquid bulk cargoes within or between the following coastal areas with free interchange of the vessels among these various domestic trades. The following list shows the maximum number of vessels to be employed in each domestic trade at any one time:

<table>
<thead>
<tr>
<th>Vessels</th>
<th>U.S. Gulf/Atlantic, coastwise</th>
<th>U.S. Gulf/Atlantic, Puerto Rico</th>
<th>U.S. Atlantic/Caribbean, excluding Alaska and Hawaii</th>
<th>Pacific Coast—Alaska and Hawaii</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>17</td>
<td>2</td>
<td>5</td>
<td>10</td>
</tr>
</tbody>
</table>

The following U.S.-flag tankers are owned, managed, or operated by Margate's affiliates:


Written permission is now required by the applicants (Keystone Tank and Keystone Ship) notwithstanding the previous grant to a related company (Margate) to own and operate a vessel. The section 805(a) application has been separately noticed.

Any person corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on November 15, 1972, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., November 15, 1972, Department of Commerce, Building 14, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) be prejudicial to the objects and policy of the Act.

Dated: November 2, 1972.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, JR., Secretary.

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### National Oceanic and Atmospheric Administration

#### Notice of Loan Application

**William K. Dahme**

**Notice of Loan Application**

**October 21, 1972.**

William K. Dahme has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new fiber glass vessel, about 44-foot in length, to engage in the fishery for red snapper, groupers, sea trout, mackerel, kingfish, pompano, and spiny lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of the 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, National Marine Fisheries Service, 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 operation of the vessel will or will not cause such economic hardship or injury.

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**Robert W. Schoning,**

**Acting Director.**

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### Social and Economic Statistics Administration

#### CENSUS ADVISORY COMMITTEE ON SMALL AREAS

**Notice of Public Meeting**

The Census Advisory Committee on Small Areas will convene on November 16, 1972 at 9:15 a.m. in Room 2115, Federal Building 3, at the Bureau of the Census in Suitland, Md. The Census Advisory Committee on Small Areas was established in 1968 to advise the Bureau of the Census concerning development of statistical programs in metropolitan and other local communities regarding transportation, urban renewal, poverty, and other activities.

The agenda for the meeting is: (1) A review of the Census Bureau's Fiscal 1973 activities, the outlook for Fiscal 1974, and the status of the 1976 Sample Survey; (2) Survey of Census Users and Summary Tape Processing Centers and Proposed Seminars for Business Organizations; (3) Economic Census Summary Tape Program; (4) 1970 Public Use Samples of basic records; (5) Review of geographic planning for Small Areas; (6) The Revenue Sharing Program and its implications for Small Area Data; and (7) Program to study the use of Census Statistics.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. Robert B. Volkert, Chief, Data User Services Office, Bureau of the Census, Room 3555, Federal Building 3, Suitland, Md.
NOTICES

Survey of Distributors' Stocks of Canned Foods

Notice of Determination

In conformity with title 13, United States Code, sections 181, 224, and 226, and due notice of consideration having been published October 6, 1972 (37 FR. 21195), I have determined that year-end data on stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential government functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources. This is a continuation of the survey conducted in previous years. All respondents will be required to submit information covering their December 31, January 1, inventories of 30 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.) Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that this annual survey be conducted for the purpose of collecting these data.


Harold C. Passer,
Assistant Secretary for Economic Affairs.

[FR Doc. 72–13888 Filed 11–3–72; 8:46 am]

Survey of Retail Sales, Purchases, and Inventories

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1973 the Annual Retail Trades Survey which has been conducted each year under Title 13, United States Code, sections 181, 224, and 225 to collect data covering year-end inventories, purchases, and annual sales. This survey covering 1972 is the only continuing source available on a comparable classification and timely basis for use as the benchmark for developing monthly retail inventory estimates. It also assists in establishing a benchmark for the distribution of monthly sales by geographic area.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distribution trades, and governmental agencies, and are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than 30 days after the publication of this notice in the Federal Register.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from a sample of stores based on their sales size and location in Census sample areas. A group of the largest firms in terms of numbers of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey are available upon request to the Director, Bureau of the Census within 30 days after the date of this publication will receive consideration.


Harold C. Passer,
Administrator, Social and Economic Statistics Administration.

[FR Doc. 72–13888 Filed 11–3–72; 8:46 am]

Department of Health, Education, and Welfare

Food and Drug Administration

[Docket No. FDC–D–518; NADA 10–954V etc.]

FORT DODGE LABORATORIES ET AL.

Various NADA's; Notice of Opportunity for Hearing

Regulations published in the Federal Register of September 14, 1971 (36 FR. 18375) (21 CFR 135.35), required that each applicant for whom a new animal drug application or supplement for a drug for use in animals became effective or was approved at any time prior to June 20, 1963, shall submit in duplicate certain specified information for each dosage form within 90 days from the effective date of said regulations (October 14, 1971). The referenced regulation § 135.35 stated that if reports show that a new animal drug was not marketed or has been discontinued a notice may be published in the Federal Register proposing to withdraw approval of such application, on any of the grounds specified in section 512 of the act (21 USC. 3512). The above listed firms responded by advising the Commissioner of Food and Drugs that the named drugs are not marketed.

Schering Corp. is delinquent in submitting reports concerning experience with new animal drugs for NADA No. 13–72TV, Azium Ophthalmic Solution, as required by § 135.14a. None of the other firms listed herein have responded to the notice regarding drug effectiveness which was published in the Federal Register of July 9, 1966 (31 FR. 9426) for the other new animal drugs listed herein. Therefore, notice is hereby given to the firms listed below and to any interested persons who may be adversely affected that the Commissioner proposes to issue an order under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350b) withdrawing approval of the listed new animal drugs.


2. Jensen–Salisbury Laboratories, Division of Richardson–Merrell, Inc., South 11th Street, Kansas City, Mo. 66163; NADA No. 8–821V, C–B–G Solution Improved.

3. Hess & Clark, Division of Rhodia Inc., Ashland, Ohio 44805; NADA No. 10–955V, C-P-PTZ Capsules; No. 13–510V, PTZ Drench; NADA No. 3–850V, PTZ Pellets; NADA No. 5–180V, Nicotinamide; NADA No. 5–219V, Codrol; NADA No. 6–502V, Vermitab; and NADA No. 8–241V, PTZ Drench with Lindane.

4. Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065; NADA No. 11–453V, 0.5 percent Ophthalmic Solution for Horses.

5. Ralston Purina Co., Checkeredboard Square, St. Louis, Mo. 63188; NADA No. 13–214V, Purina Hygromix for Hogs.


In accordance with the provisions of section 512 of the act (21 U.S.C. 350b), the Commissioner hereby gives the applicants, and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-named new animal drug applications should not be withdrawn.

Within 30 days after the date of publication hereof in the Federal Register, such persons are requested to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of
NOTICES

[FAP 82A197]

SHELL CHEMICAL CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 21 Sec. 348(g)), the following notice is issued:

In accordance with § 121.52 Withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.52), Shell Chemical Co., a division of Shell Oil Co., 110 West 51st Street, New York, N.Y. 10020, has withdrawn its petition (FAP 82A197), notice of which was published in the Federal Register of August 8, 1972 (32 F.R. 11449), proposing the issuance of a regulation to provide for the safe use of 1.3,5-trihydroxybenzene (3,5-dihydroxy-4-hydroxybenzyl) benzene as an antioxidant alone or in combination with other permitted antioxidants in food whereby the total amount of all antioxidants added to such food shall not exceed 0.02 percent of the oil or fat content of the food, including the essential (volatile) oil content of the food.

Dated: October 26, 1972.

VIRGIL O. WORSKA,
Director, Bureau of Foods.

[FR Doc.72-18912 Filed 11-3-72;8:47 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION OF DISADVANTAGED CHILDREN

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11591, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on November 15, 1972, at 2:30 p.m. to 6 p.m., and November 16, 1972, at 5:30 p.m. to 7:30 p.m., local time, in Room 159, 1717 H Street NW., Washington, DC 20006.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411). The Council is established to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Any objection thereto together with request for opportunity to be heard, if desired, should be directed to Dr. Merlin K. DuVal, Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within thirty (30) days of the date of publication of this notice. Interested parties may obtain a copy of the patent application directs to this invention upon request in writing to the party heretofore named.

(45 CFR 6.3)

Dated: October 27, 1972.

MERLIN K. DUVAL,
Assistant Secretary for Health and Scientific Affairs.

[FR Doc.72-18941 Filed 11-3-72;8:51 am]
DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FR A-Pet-No. 65]

MERIDIAN & BIGBEE RAILROAD CO.

Notice of Petition for Exemption From Hours of Service Act

OCTOBER 27, 1972.

The Meridian & Bigbee Railroad Co., has petitioned the Federal Railroad Administration pursuant to 49 U.S.C. 64a, (e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. sections 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 65, 600 Seventh Street SW., Washington, DC 20590. Communications received before December 4, 1972, will be considered by the Federal Railroad Administration before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, DC.

Edward P. Conway, Jr.,

Acting Assistant Chief Counsel for Safety Regulation.

[FR Doc. 72-18939 Filed 11-3-72; 8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-358]

CINCINNATI GAS & ELECTRIC CO.

AND ET AL.

Notice of Issuance of Construction Permit

Notice is hereby given that, pursuant to the initial decision and the prehearing conference report, the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled “Southern California Edison Co., San Onofre Nuclear Generating Station, Unit 1—Environmental Report, Operating License Stage,” submitted by Southern California Edison Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and at the local public document room at the San Clemente Public Library in San Clemente, Calif. The report is also being sent to the Office of the Lieutenant Governor, Office of Intergovernmental Management, State Capitol, Sacramento, Calif. 95814, and to the San Diego County Comprehensive Planning Organization, 207 County Administration Center, 1000 Pacific Highway, San Diego, CA 92101.

This report discusses environmental considerations related to the proposed issuance of a full-term operating license for the San Onofre Nuclear Generating Station, Unit No. 1, San Onofre Nuclear Generating Station, Unit No. 1, San Clemente, Calif. After the report has been analyzed by the Commission’s Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will issue a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will issue a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will issue a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will issue a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will issue a draft detailed statement.

Dated at Washington, D.C., November 1, 1972.

[FR Doc. 72-18364 Filed 11-3-72; 8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24555]

MINIMUM CHARGES PER AIR FREIGHT SHIPMENT

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 28, 1972, at 10 a.m., e.s.t., in Room 126, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report, served October 2, 1972, the supplemental prehearing conference report, served October 13, 1972, and other documents in this docket on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 1, 1972.

[FR Doc. 72-18594 Filed 11-3-72; 8:52 am]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Meeting

Notice is hereby given that a meeting with the above carriers will be held on November 13, 1972, at 2 p.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, at which time Texas International will make a presentation on its overall strategy for restoring the airline to economic viability.

Dated at Washington, D.C., November 1, 1972.

[FR Doc. 72-18365 Filed 11-3-72; 8:51 am]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

October 27, 1972.

An agreement has been filed with this Board pursuant to section 410(9) 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 parties embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAS agreement number, was adopted for expedited effectiveness at the Worldwide Passenger Conference held in Teruel, Spain, September-October 1972, for a limited period through March 31, 1973.
The agreement would increase normal first-class and economy fares between various specified points within Africa, as well as adding new points, and would establish a maximum discount of 40 percent to apply to student fares for travel wholly within Africa. Additionally, the agreement would eliminate provisions for ground transportation from the resolution governing group fares for seamen within the area comprised of Europe/Middle East/Africa. We are approving the agreement to the extent that it involves normal first-class and economy fares, which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act. Student and seamen fares, on the other hand, are not similarly combinable, and we are herein disclosing jurisdiction with respect to that aspect of the agreement. Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which are incorporated in agreement CAB 23343 as indicated and which do not directly affect air transportation within the meaning of the Act, are adverse to the public interest or in violation of the Act:

2. It is not found that the following resolutions, which are incorporated in agreement CAB 23343 as indicated, affect air transportation within the meaning of the Act:

### Notices

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**Pacific Maritime Association**

Rescheduling of Filing Dates

Pacific Maritime Association—cooperative working arrangements; possible violations of sections 15, 16, and 17, Shipping Act, 1916.

Upon request of various parties, and good cause appearing, the filing dates set forth in first supplemental order served October 19, 1972, are rescheduled as follows:

1. Requests for hearing shall be filed on or before December 15, 1972.
2. Simultaneous affidavits of fact and memoranda of law shall be filed on or before December 15, 1972.
3. Reply affidavits and memoranda shall be filed on or before January 12, 1973.

By the Commission.

**Federal Maritime Commission**

Organizing and Functions; Delegation of Authority

Licensing Requirements


Notice is hereby given that the Managing Director, Federal Maritime Commission, has been delegated the authority by the Commission under § 7.94 of Commission Order I (Revised) to grant, upon the showing of good cause, an extension or extensions of time to independent ocean freight forwarder licencees in which to report the name of qualifying partners or officers of such licencees.

Section 7.94 of Commission Order I is revised accordingly by adding thereto a new subparagraph as follows:

(b) Approve extension or extensions of time to licensed freight forwarders, in which to furnish the Commission the name(s) and ocean freight forwarding experience of the managing partner(s) or officer(s) who will re-
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place the qualified partner or officer upon whose qualifications the original licensing was approved.

Since this change is merely procedural, it shall become effective immediately.

By order of the Federal Maritime Commission.

FRANCIS C. HUNKEY, Secretary.

[FR Doc.72-18476 Filed 11-3-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. IT-5331]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

October 31, 1972.

Take notice that Arizona Public Service Co. (Applicant), incorporated under the laws of the State of Arizona with its principal place of business at Phoenix, Ariz., has filed an application in Docket No. IT-5331, and released to Arizona Public Service Commission order issued October 22, 1972, for a supplemental order pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which Applicant may transmit from the United States to Mexico.

By Commission order issued October 22, 1970, in Docket No. IT-5331 (44 FPC 1284), Applicant was authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 14 million kw.-hr. per year at a transmission rate not to exceed 3,200 kw. per capacity. The rates to be allowed by the President of the United States on July 30, 1941, Docket No. TR-531, and released to Arizona Edison Co., Inc. corporate predecessor of Applicant, the President's Permit was subsequently transferred to Applicant by the Amended Presidential Permit signed by the President on August 20, 1952, Docket No. IT-531.

Applicant now requests that the authorization granted by the Commission's October 22, 1970 order, referred to above, be modified so as to authorize Applicant to export electric energy in an amount not in excess of 25 million kw.-hr. per year at a transmission rate not to exceed 5,000 kw. to Mexican Company over Applicant's above-mentioned facilities, for the purpose of meeting the growth in the electric load served by Mexican Company in Agua Prieta, Sonora, Mexico, and vicinity. The additional amount of energy proposed to be exported will be sold and delivered by Applicant to Mexican Company in accordance with the terms and at the rates set forth in the contract dated March 21, 1972, between Applicant and Mexican Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.1 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH P. PLUMES, Secretary.

[FR Doc.72-18443 Filed 11-3-72;8:49 am]

[Notice of Application; Correction]

Duke Power Co.

Order Accepting Immediate Appeal

October 30, 1972.

In the notice of application, issued October 12, 1972, and published in the Federal Register October 14, 1972, 37 F.R. 1871:

Paragraph 2: Delete last sentence and substitute "Applicants propose to sell approximately 2,000 Mcf of gas per day at 36 cents per Mcf at 19.025 p.s.i.a., including 1 cent per Mcf reimbursement for severance taxes."

KENNETH P. PLUMES, Secretary.

[FR Doc.72-18494 Filed 11-3-72;8:49 am]

[Notice of Application; Correction]

DUKE POWER CO.

Order Accepting Immediate Appeal and Ordering Certification of Hearing Record

October 30, 1972.

By motion dated October 3, 1972, staff sought to have this Commission overrule two rulings of the Presiding Administrative Law Judge in the above-styled proceeding.

The first ruling denied staff's motion to have evidence of discrimination, both introduced and sought to be introduced by Intervenors and Duke, stricken from the record.

Staff then sought to have the initial ruling appealed directly to the Commission pursuant to our rules of practice and procedure, § 1.28(a). When the Presiding Administrative Law Judge chose not to rule on this second motion, staff appealed directly to this Commission, alleging the Presiding Administrative Law Judge's inaction was a denial of the motion for an immediate appeal.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.1 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH P. PLUMES, Secretary.

[FR Doc.72-18494 Filed 11-3-72;8:49 am]

[Notice of Application; Correction]

DUKE POWER CO.

Order Accepting Immediate Appeal and Ordering Certification of Hearing Record

October 30, 1972.

By motion dated October 3, 1972, staff sought to have this Commission overrule two rulings of the Presiding Administrative Law Judge in the above-styled proceeding.

The first ruling denied staff's motion to have evidence of discrimination, both introduced and sought to be introduced by Intervenors and Duke, stricken from the record.

Staff then sought to have the initial ruling appealed directly to the Commission pursuant to our rules of practice and procedure, § 1.28(a). When the Presiding Administrative Law Judge chose not to rule on this second motion, staff appealed directly to this Commission, alleging the Presiding Administrative Law Judge's inaction was a denial of the motion for an immediate appeal.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.1 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH P. PLUMES, Secretary.

[FR Doc.72-18494 Filed 11-3-72;8:49 am]

[Notice of Application; Correction]

DUKE POWER CO.

Order Accepting Immediate Appeal

October 30, 1972.

In the notice of application, issued October 12, 1972, and published in the Federal Register October 14, 1972, 37 F.R. 1871:

Paragraph 2: Delete last sentence and substitute "Applicants propose to sell approximately 2,000 Mcf of gas per day at 36 cents per Mcf at 19.025 p.s.i.a., including 1 cent per Mcf reimbursement for severance taxes."

KENNETH P. PLUMES, Secretary.

[FR Doc.72-18494 Filed 11-3-72;8:49 am]

[Notice of Application; Correction]

DUKE POWER CO.

Order Accepting Immediate Appeal

October 30, 1972.

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Paragraph 2: Delete last sentence and substitute "Applicants propose to sell approximately 2,000 Mcf of gas per day at 36 cents per Mcf at 19.025 p.s.i.a., including 1 cent per Mcf reimbursement for severance taxes."

KENNETH P. PLUMES, Secretary.

[FR Doc.72-18494 Filed 11-3-72;8:49 am]

[Notice of Application; Correction]

DUKE POWER CO.

Order Accepting Immediate Appeal

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KENNETH P. PLUMES, Secretary.

[FR Doc.72-18494 Filed 11-3-72;8:49 am]

[Notice of Application; Correction]

DUKE POWER CO.

Order Accepting Immediate Appeal

October 30, 1972.

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Paragraph 2: Delete last sentence and substitute "Applicants propose to sell approximately 2,000 Mcf of gas per day at 36 cents per Mcf at 19.025 p.s.i.a., including 1 cent per Mcf reimbursement for severance taxes."

KENNETH P. PLUMES, Secretary.

[FR Doc.72-18494 Filed 11-3-72;8:49 am]

[Notice of Application; Correction]

DUKE POWER CO.

Order Accepting Immediate Appeal

October 30, 1972.

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Paragraph 2: Delete last sentence and substitute "Applicants propose to sell approximately 2,000 Mcf of gas per day at 36 cents per Mcf at 19.025 p.s.i.a., including 1 cent per Mcf reimbursement for severance taxes."

KENNETH P. PLUMES, Secretary.

[FR Doc.72-18494 Filed 11-3-72;8:49 am]

[Notice of Application; Correction]

DUKE POWER CO.

Order Accepting Immediate Appeal

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Paragraph 2: Delete last sentence and substitute "Applicants propose to sell approximately 2,000 Mcf of gas per day at 36 cents per Mcf at 19.025 p.s.i.a., including 1 cent per Mcf reimbursement for severance taxes."

KENNETH P. PLUMES, Secretary.

[FR Doc.72-18494 Filed 11-3-72;8:49 am]
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1972, and published in the Federal Register September 15, 1972, 37 F.R. 18754; Appendix, page 18756: Under column "Description and Date of Document" for Dockets Nos. C172-535 through C172-539, change effective date "11-1-71" to "11-1-72".

Kenneth F. Plumb, Secretary.

[F.R. Doc. 72-18945 Filed 11-5-72; 8:49 a.m.]

[Docket No. G-7425 etc.]

G. J. HOLLANDSWORTH ET AL.

Notice of Petition to Amend; Correction

October 52, 1972.

In the notice of petition to amend, issued August 18, 1972, and published in the Federal Register October 21, 1972, 37 F.R. 23773: Paragraph 1: Delete lines 6 and 7 and substitute "by substituting Natural Gas Pipeline Company of America (Natural) in lieu of Petitioner as purchaser of natural gas from."

Kenneth F. Plumb, Secretary.

[F.R. Doc. 72-18947 Filed 11-3-72; 8:49 a.m.]

[Docket No. E-7734]

MID-CENTRAL AREA POWER POOL AGREEMENT

Order Accepting Rate Schedules for Filing, Granting Petitions To Intervene, and Setting Matters for Hearing; Correction

October 12, 1972.

In the order accepting rate schedules for filing, granting petitions to intervene, and setting matters for hearing, issued September 26, 1972, and published in the Federal Register September 30, 1972, 37 F.R. 20595: Page 20597, lines 5 and 6: Change "Bassin Electric Power Corporation" to "Basin Electric Power Cooperative."

Kenneth F. Plumb, Secretary.

[F.R. Doc. 72-18949 Filed 11-3-72; 8:49 a.m.]

[Docket No. E-7768]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Order Accepting for Filing and Suspending Proposed Changes in Rate Schedules, Permitting Intervention, and Directing Submission of Offers of Proof

October 30, 1972.

On August 30, 1972, Public Service Electric and Gas Co. (PSE&G) tendered for filing proposed changes in its Electric Rate Schedules FPC Nos. 47 and 49 and 49 1 (High Tension Service), to be come effective on October 31, 1972. The proposed rates would constitute a revenue increase of approximately $785,238 based on a 1971 test year. PSE&G averred that the proposed increase was necessary to offset an increase in operating expenses, taxes, and fixed charges.

The notice of proposed increase, issued on September 12, 1972, provided that for filing purposes to intervene, protest, and comment was September 29, 1972. On October 10, 1972, the Borough of Milltown (Milltown) filed a letter protesting the proposed rate increases and expressing a desire to intervene. As Milltown has alleged that the proposed increases may be unjust and unreasonable, and since Milltown, as a customer of PSE&G, will be affected by this proposed increase, we shall construe this letter as a petition to intervene.

On October 19, 1972, PSE&G filed an answer to the letter of the Borough of Milltown, disputing Milltown's intervention in this proceeding and alleging that the facts stated in the letter of Milltown were irrelevant and inaccurate. In view of the fact that we will require offers of proof in this proceeding, we will defer action on the substantive arguments raised in the letter and answer until the 30-day period allowed for offers of proof by intervenors and staff has expired.

PSE&G's rate filing indicates the proposed rate increases would yield a rate of return on jurisdictional service of approximately 4.8 percent, based on a 1971 test year.

In order to determine the necessity of an evidentiary hearing, the Commission requests that the intervenor, Borough of Milltown, and staff submit offers of proof within thirty (30) days from the issuance of this order to support their position as to the lawfulness of the proposed rates. Within 15 days from the service of such offers of proof, PSE&G may file its answer to such pleadings. The evidentiary hearing will be scheduled as provided in the Commission's rules of practice and procedure;Provided, however, that the admission of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene; and Provided, further, That if the admission of such intervenor shall not be construed as recognition by the Commission that he might be aggrieved by any orders entered in this proceeding.

Upon review of the pleadings, the Commission may file its answer to such pleadings. The participatory hearing is justified and set such further procedural dates as may be necessary.

Pending the Commission's determination of whether an evidentiary hearing is necessary, it is appropriate that the proposed increased rates be suspended for a period of one (1) day.

The Commission finds:

(1) Consideration of the letter of the Borough of Milltown, filed October 10, 1972, as a petition to intervene may be in the public interest.

(2) Participation in this proceeding of the above-named petitioner to intervene may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission request offers of proof from intervenor, Borough of Milltown and staff concerning the lawfulness of the rates and charges contained in PSE&G's Rate Schedule Nos. 47, 48, and 49 as proposed to be amended.

By the Commission.

[SEAL] Kenneth F. Plumb, Secretary.

[F.R. Doc. 72-18930 Filed 11-3-72; 8:49 a.m.]

[SOUTH CAROLINA PUBLIC SERVICE AUTHORITY]

Notice of Application for Approval of Nonproject Use of Project Lands and Waters

October 30, 1972.

Public notice is hereby given that application for approval of nonproject use of project lands and waters has been filed under the Federal Power Act (16 U.S.C.
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971a–825r) by South Carolina Public Service Authority (correspondence to: Mr. J. B. Thomason, General Manager, South Carolina Public Service Authority, Suite-B, 1st Floor, 500 W. Washington Street, Columbia, S.C. 29201) in Project No. 19 located on the Santee River and the Cooper River. Applicant has requested Commission approval of a raw water intake structure in Lake Moultrie of Project No. 19 by the South Carolina Wildlife Resources Department. The intake would furnish water for operation of the Bonnie Fish Hatchery. It is estimated that it would be necessary for about 800,000 gallons per day to be withdrawn from and not returned to the reservoir.

Applicant states that the hatchery would have rearing ponds to raise striped bass to fingerling size. A permit to construct the subject intake was issued by the Corps of Engineers, Charleston, S.C. on April 21, 1972. The facility has also been approved by the U.S. Forest Service, the Fish and Wildlife Service of the U.S. Department of the Interior and appropriate State and local agencies.

Any person desiring to be heard or to make protest with reference to said application should on or before December 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH P. PLUMB, Secretary.
[FR Doc.72–18926 Filed 11–3–72; 8:48 am]

SOUTHERN CALIFORNIA EDISON CO.
Notice of Filing of Settlement Agreement

November 1, 1972.

Pursuant to § 1.36(a) of the Commission's rules of practice and procedure, notice is hereby given that on August 17, 1972, a settlement agreement made and entered into between Southern California Edison Co. (Edison) and the cities of Anaheim and Riverside (Cities) was filed with the Commission in the above-entitled proceeding. The settlement agreement provides, inter alia, for:

(1) Network transmission service.
(2) Partial requirements service.
(3) Point-to-point transmission service.
(4) Participation on a mutually agreeable basis in new generating units.
(6) Combined dispatch of power resources, sharing of reservation capacity and additional capacity, dispatch of capacity or energy and other necessary supplemental services, as part of integrated operation and interconnection of jointly-owned resources with those of Edison.
(7) A payment by Edison in the sum of $125,000 to the Cities in consideration of various matters as set out in the settlement agreement.

The settlement agreement is on file with the Commission and is available for public inspection. Comments with respect to the settlement agreement may be filed with the Commission on or before December 4, 1972.

KENNETH P. PLUMB, Secretary.
[FR Doc.72–18927 Filed 11–3–72; 8:48 am]

STERLING W. WOOLSEY
Notice of Application

November 1, 1972.

Take notice that on October 24, 1972, Sterling W. Woolsey filed in Docket No. GFR-307 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. from the East Bishop Field, Nueces County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he proposes to commence the sale of natural gas within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and that he proposes to continue said sale for 1 year from the end of the 30-day emergency period within the contemplation of § 2.70 of the General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 Mcf of gas per day at 14.05 psig at 35 cents per Mcf at 14.05 p.s.i.a. or 95% per point along the principal line of sale. It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than the 60-day emergency period within the contemplation of § 2.70 of the General Policy and Interpretations (18 CFR 2.70).

FEDERAL RESERVE SYSTEM
CAMBRIDGE AGENCY, INC.
Formation of Bank Holding Company and Proposed Acquisition of Insurance Agency

Cambridge Agency, Inc., Cambridge, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of The Cambridge State Bank, Cambridge, Nebr., the parent bank of the Cambridge Agency, Inc., Cambridge, Nebr. Notice with respect to the acquisition is set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Cambridge Agency, Inc., has also applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to become a bank holding company through acquisition of 100 percent of the voting shares of The Cambridge State Bank, Cambridge, Nebr. Notice with respect to the acquisition is set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of the merger or acquisition.

Notice with respect to the acquisition was published on August 3, 1972, in the Cambridge Clarion, a newspaper circulated in Cambridge, Nebr. Notice with respect to the acquisition was published on October 5, 1972, in the Cambridge Clarion, a newspaper circulated in Cambridge, Nebr. Notice with respect to the acquisition was published on October 5, 1972, in the Cambridge Clarion. Notice with respect to the acquisition was published on October 5, 1972, in the Cambridge Clarion.
Interested persons may express their views on the question whether consummation of the proposal under section 3(c)(8) can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 27, 1972.


[SEAL] Michael A. Greenspan, Assistant Secretary of the Board.

[FED Register Vol. 37, No. 214, Saturday, November 4, 1972]

OFFICE OF EMERGENCY PREPAREDNESS

NOTICES

ARIZONA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11756 of December 31, 1970, and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1444), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on October 25, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Arizona from heavy rains and flooding, beginning about October 18, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Arizona. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11756 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Robert C. Stevens, Regional Director, OEP Region 9, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Arizona to have been adversely affected by this declared major disaster:

The Counties of Graham, and Greenlee.

Date: October 26, 1972.

G. A. Lincoln,
Director,
Office of Emergency Preparedness.

[FED Register Vol. 37, No. 214, Saturday, November 4, 1972]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30, Rev. 14, Admt. 4]

REGIONAL DIRECTORS

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 (Revision 14) (37 F.R. 15031), as amended (37 F.R. 18406, 37 F.R. 19405, and 37 F.R. 21466), is hereby further amended to include approval and certain other authority for strategic arms limitation economic injury loans. Parts I and II are revised to read as follows:

PART I—FINANCING PROGRAM

Section A. Loan approval authority.

* * *

3. Displaced business and other economic injury loans. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to $1 million (SBA share).

* * *

Sec. B. Other financing authority—1. Loan participation agreements. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, and strategic arms limitation economic injury loan participation agreements with banks.

* * *

3. Cancel, reinstate, modify, and amend authorizations. To cancel, reinstate, modify, and amend authorizations for all loans, i.e., business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, and strategic arms limitation economic injury loans.

* * *

PART II—DISASTER PROGRAM

Section A. Disaster loan approval authority. 1. To decline * * * (excluding displaced business loans, coal mine health and safety loans, occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

* * *

Effective date: September 26, 1972.

Thomas S. Kieppe,
Administrator.

[FED Register Vol. 37, No. 214, Saturday, November 4, 1972]
NOTICE

INTERSTATE COMMERCE COMMISSION

[Notice 109]

ASSIGNMENT OF HEARINGS

November 1, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in the interim. No Amendments will be entertained after the date of this publication.

MC 107285 Sub 521, Pre Fab Transit Co., now assigned November 7, 1972, at Birmingham, Alabama, is canceled and application dismissed.


MC-119767 Sub 287, and MC-119767 Sub 292, Beaver Transport Co., now assigned November 6, 1972, at Chicago, Ill., is canceled and transferred to Modified Procedure.

And S-M-45077, Certification of Gelatin Capsules, now assigned November 6, 1972, at Washington, D.C., is canceled and application dismissed.

MC 60198 Sub 7, Auto Express, hearing continued to December 4, 1972, Scranton, Pa., in a hearing room to be later designated.

MC 107743 Sub 17, System Transport, Inc., now being assigned hearing January 11, 1973 (311), at Chicago, Ill., in a hearing room to be later designated.

MC 436 Sub 498, Dealer Transit, Inc., now being assigned hearing January 12, 1973 (354), at Chicago, Ill., in a hearing room to be later designated.

MC 107648 Sub 370, Transportaion Co., now being assigned hearing January 10, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.


[Seal] ROBERT L. OSWALD, Secretary.

[FPR Doc.72-18953 Filed 11-3-72;8:69 am]

FOURTH SECTION APPLICATIONS

November 1, 1972.

Protests to the granting of an application must be in accordance with §1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 42557—Joint Water-Rail Container Rates—Sea-Land Service, Inc. Filed by Sea-Land Service, Inc. (No. 70), for itself and interested rail carriers. Rates on general commodities, between ports in Europe and the United Kingdom, on the one hand, and rail carriers terminals at Long Beach, Oakland and Richmond, Calif., via Houston, Tex., on the other.

Grounds for relief—Water competition.

Tariffs—Sea-Land Service, Inc., tariffs ICC Nos. 61, 68, and 69. Rates are published to become effective on November 29, 1972.

FSA No. 42558—Iron or Steel, Angles and Bars to Points in Texas. Filed by Southwestern Freight Bureau, agent (No. B-361), for interested rail carriers. Rates on angles and bars, iron or steel, in carloads, as described in the application, from specified points in Alabama, Georgia, Illinois, Missouri, and Oklahoma, to specified points in Texas.

Grounds for relief—Barge-rail competition.

Tariff—Supplement 336 to Southwestern Freight Bureau, agent, tariff ICC No. 4753. Rates are published to become effective on November 29, 1972.

By the Commission.

[Seal] ROBERT L. OSWALD, Secretary.

[FPR Doc.72-18953 Filed 11-3-72;8:69 am]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopsis of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations (49 CFR Part 1133), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission’s special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(b) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73894. By order of October 24, 1972, the Motor Carrier Board approved the transfer to Briggs Corp., Portland, Conn., of Permits Nos. MC-123665 issued February 8, 1962, and MC-123665 (Sub-No. 2), issued October 2, 1970, to Briggs Trans. Inc., Portland, Conn., authorizing the transportation of petroleum products and various other commodities from Portland, Conn., to specified points for the account of Cities Service Oil Company of New York, N.Y., John E. Fay, 342 North Main Street, West Hartford, Conn., 06117, attorney for applicants.

No. MC-FC-73830. By order of October 26, 1972, the Motor Carrier Board approved the transfer to Hovey and Company, Inc., Framingham, Mass., of the certificate of registration in No. MC-93330 (Sub-No. 1), issued April 8, 1964,

AGGREGATE OF INTERMEDIATES

FSA No. 42559—Iron or steel, angles and bars to points in Texas. Filed by Southwestern Freight Bureau, agent (No. B-362), for interested rail carriers. Rates on angles and bars, iron or steel, in carloads, as described in the application, from specified points in Alabama, Georgia, Illinois, Missouri, and Oklahoma, to specified points in Texas.

Grounds for relief—Maintenance of depressed rates published to meet barge-rail competition without use of such rates as factors in constructing combination rates.
to City Transfer of Lowell, Inc, West Chelmsford, Mass., evidencing a right to engage in transportation in interstate or foreign commerce corresponding to the grant of authority in irregular route common carrier No. MC 4604 dated March 10, 1963, attached thereto. Filed October 17, 1972, by the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor David J. Kleinman, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 119 High Street, Hartford, CT 06101.

No. MC 61305 TA, filed October 13, 1972. Applicant: ROY STONE TRANSPORT CORPORATION, Post Office Box 385, V.C. Drive, Collinsville, VA 24078. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, other than in bulk, from Rittman, Ohio to points in Amherst, Bedford, Blackstone, Broadneck, Cataraqua, Charlottesville, Chillicothe, Chesapeake, Christiansburg, Danville, Dillard, Eagle Rock, Emporia, Farmville, Galax, Hampton, Ivy, Kenbridge, Lynchburg, Madison, Martinsville, Olney, Norfolk, Petersburg, Portsmouth, Pulaski, Richmond, Roanoke, Salem, South Boston, Staunton, Suffolk, Virginia Beach, Westover, West Point, Winchester and Wytheville, VA, for 180 days. Supporting shipper: Morton Salt Co., 933 North Delaware Avenue, Philadelphiap, PA 19123. Send protests to: Clifton M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW, Roanoke, VA 24011.

No. MC 71164 (Sub-No. TA), filed October 13, 1972. Applicant: LANDSEA AIR SERVICES, Inc., 175 Northern Avenue, Boston, MA 02110. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities requiring refrigeration (except commodities in bulk, in tank vehicle; or in hopper-type vehicles) and cured pit potatoes: (1) Between Philadelphia, PA, and points in Massachusetts, on the one hand, and, on the other, points in Florida and (2) from points in Iowa to points in Massachussets, for 180 days. Supporting shippers: Agar Supply Co., Inc., 6 Foodmart Road, Boston, MA; World Meat Exports Corp., Somerville, Mass., and Boston Sausage & Provision, Inc., Constitution Wharf, Boston, Mass. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, J. F. K. Federal Building, Room 26, Government Center, Boston, MA 02203.

Bongard and Dalbo, Minn., and Alpha, Arpa, Cadott, Ellsworth, Grantsburg, Greenwood, Hudson, Marathon, Monroe, Marinette, Waukesha, Wisconsin Rapids, Knapp, Thorp, and Seneca, Wis., to the plant site and warehouse facilities of M. Wildstein & Sons, Inc., located in Philadelphia, Pa., (b) from the plant and warehouse facilities of M. Wildstein & Sons, Inc., located in Philadelphia, Pa., to Richmond and Norfolk, Va., Charlotte and Greensboro, N.C., Baltimore, Md., and Buffalo and New York, N.Y., (2) empty steel drum containers used for transporting cheese and cheese products, from the plantsite and warehouse facilities of M. Wildstein & Sons, Inc., in Philadelphia, Pa., to the origin points listed in (1) above; and (3) inedible and edible cheese products from the plantsite and warehouse facilities of M. Wildstein & Sons, Inc., Philadelphia, Pa., to Peoria, Ill. Restriction: The authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Citric acid, in bulk, in tank vehicles, from the plantsite of Capitol Missile & Chemical Co. at Lynchburg, Va., for supporting shipper: Capitol Missile & Chemical Co., at or near Kentland, Ind., for transporting cheese and cheese products, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Utah, Wisconsin, and Wyoming, for 160 days. Supporting shipper: Weyerhaeuser Co., Post Office Box 370, Payette, Idaho 83661. Applicant's representative: D. H. Shipley (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Aluminum doors and windows, glazed and unglazed; aluminum extrusions, from the plantsite of Capitol Products Corp. at or near Lodi, Ind., to York, Lancaster, Reading, Philadelphia, New York, N.Y., Baltimore, Md., and Buffalo and New York, N.Y., for supporting shipper: Capitol Products Corp., Kentland, Ind., for transporting aluminum and pallets on a return movement. Authority also sought to provide mixed loads of the aforementioned commodities between the above-mentioned commodites. Material will be supplied for mobile homes, modular and assembled buildings, recreational vehicles and campers. From plantsite of AMAX Building Products, a division of AMAX Aluminum Mill Products, Inc. (Post Office Box 418, East Highway 30, Boise, ID 83701) to plantsites located in or near the cities of Calgary and Red Deer, in the Province of Alberta, Canada for 180 days. Applicant does not intend to tack authority or to interline with any other carrier. Supporting shipper: AMAX Building Products, Post Office Box 418, East Highway 30, Boise, ID 83701. Send protests to: C. W. Campbell, Bureau of Operations, Interstate Commerce Commission, 550 West Fort, Box 07, Boise, ID 83702.

By the Commission.

[S.EAL]
ROBERT L. OSWALD,
Secretary.

[PR Doc.72-18535 Filed 11-9-72; 9:50 a.m.]
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 November.

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FEDERAL REGISTER PAGES AND DATES—NOVEMBER

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ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

Regulations affecting Federal Register

OFFICE OF THE FEDERAL REGISTER

Incorporation by Reference
Effective dates and time periods. There was no significant opposition to the Committee's proposal that to the extent practical each document submitted for publication in the Federal Register should set forth dates certain as opposed to dates based on publication which must be computed by each interested party. The only significant objection to the computation method proposed to be used by the staff of the Federal Register for inserting a date on a document where a document does contain a time period based on the publication date.

In commenting on this proposal, a large number of commenters indicated that too often Federal agencies allow inadequate time periods for commenting on proposed regulations. Several commenters stated that for most proposals the Administrative Committee's Regulations currently in effect. The proposal to stagger the publication of the Code of Federal Regulations also received almost unanimous support. There was some concern that it would be more difficult to check on changes to a particular Code of Federal Regulations volume since the current finding aids (the General Index and List of Sections Affected) are based on the annual Code of Federal Regulations. The Office of the Federal Register will revise the coverage of these finding aids so that Code of Federal Regulations users will have no difficulty at any time determining the regulations currently in effect.

The proposed general revision of the Administrative Committee's Regulations. The remaining changes in the present regulations of the Administrative Committee of the Federal Register are based on the notice of proposed rule making published in the Federal Register April 4, 1972 (37 F.R. 6805).

Advisory procedures. In general, the responses to the three proposals published by the Administrative Committee on which these amendments are based were almost completely favorable. Two of the proposals published on July 31, 1972, at 37 F.R. 18006, related to limited subject areas (effective dates and time periods and staggered publication of the Code of Federal Regulations) and because of overwhelmingly favorable comments received may be disposed of quickly.
rules and regulations

2603

§1.1 Definitions. As used in this chapter, unless the context requires otherwise—

"Administrative Committee" means the Administrative Committee of the Federal Register established under section 1506 of Title 44, United States Code;

"Agency" means each authority, whether or not within or subject to review by another agency, of the United States, other than the Congress, the courts, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

"Document" includes any Presidential proclamation or Executive order, and any rule, regulation, order, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by an agency;

"Document having general applicability and legal effect" means any document issued under proper authority prescribing a penalty or course of conduct, conferring a right, privilege, authority, or immunity, or imposing an obligation, and relevant or applicable to the general public, members of a class, or persons in a locality, as distinguished from named individuals or organizations; and

"Regulation" and "rule" have the same meaning.


PART 2—GENERAL INFORMATION

2.1 Scope and purpose. This chapter sets forth the policies, procedures, and delegations under which the Administrative Committee of the Federal Register carries out its general responsibilities under Chapter 15 of Title 44, United States Code.

2.2 Administrative Committee of the Federal Register.

(2) An officer of the Department of Justice designated by the Attorney General;

(3) The Public Printer or Acting Public Printer.

(c) The Director of the Federal Register is the Secretary of the Committee.

(d) Any material required by law to be filed with the Committee shall be sent to the Director of the Federal Register.

§2.3 Office of the Federal Register; location; office hours.

(a) The Office of the Federal Register is a component of the National Archives and Records Service of the General Services Administration.

(b) The Office is located at 633 Indiana Avenue NW, Washington, D.C.

(c) The mailing address is: Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

(d) Office hours are 8:45 a.m. to 5:15 p.m., Monday through Friday, except for official Federal holidays.

§2.4 General authority of Director.

(a) The Director of the Federal Register is delegated authority to administer generally this chapter, the related provisions of Chapter 15 of Title 44, United States Code, and the pertinent provisions of statutes and regulations contemplated by section 1505 of Title 44, United States Code.

(b) The Director may return to the issuing agency any document submitted for publication in the Federal Register, or a special edition thereof, if in his judgment the document does not meet the minimum requirements of this chapter.

§2.5 Publication of statutes, regulations, and related documents.

(a) The Director of the Federal Register is responsible for the central filing of the original acts enacted by Congress and the original documents containing Executive orders and proclamations of the President, other Presidential documents, regulations, and notices of proposed rule making and other notices, submitted to the Director by officials of the executive branch of the Federal Government.

(b) Based on the acts and documents filed under paragraph (a) of this section, the Office of the Federal Register publishes the "slip laws," the "United States Statutes at Large," the daily Federal Register, and the "Code of Federal Regulations."

(c) Based on source materials that are officially related to the acts and documents filed under paragraph (a) of this section, the Office also publishes the "United States Government Organization Manual," the "Public Papers of the Presidents of the United States," and the "Weekly Compilation of Presidential Documents."
RULES AND REGULATIONS

§ 2.6 Unrestricted use.

Any person may reproduce or republish, without restriction, any material appearing in any part or special edition of the Federal Register.

PART 3—SERVICES TO THE PUBLIC

Sec.

3.1 Information services.

3.2 Public inspection of documents.

3.3 Reproductions and certified copies of acts and documents.

3.4 Availability of Federal Register publications.


§ 3.1 Information services.

Except in cases where the time required would be excessive, information concerning the publications described in § 2.5 of this chapter and the original acts and documents filed with the Office of the Federal Register is provided by the staff of that Office. However, the staff may not summarize or interpret substantive text of an act or document.

§ 3.2 Public inspection of documents.

(a) Current documents filed with the Office of the Federal Register pursuant to law are available for public inspection in Room 406, 633 Indiana Avenue NW., Washington, D.C., during the Office of the Federal Register office hours. There are no formal inspection procedures or requirements.

(b) The Director of the Federal Register shall cause each document received by the office to be filed for public inspection not later than the working day preceding the publication date for that document.

(c) The Director shall cause to be placed on the original and certified copies of each document a notation of the day and hour when it was filed and made available for public inspection.

(d) Manual, typewritten, or other copies of documents or concepts may be made at the inspection desk.

§ 3.3 Reproductions and certified copies of acts and documents.

The regulations for the public use of records in the National Archives (41 CFR Part 105–61) govern the furnishing of reproductions of acts and documents and certificates of authentication for them. Section 105–61.108 of those regulations provides for the advance payment of appropriate fees for reproduction services and for certifying reproductions.

§ 3.4 Availability of Federal Register publications.

(a) The publications described in § 2.5 of this chapter are published by the Government Printing Office and are sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. They are not available for free distribution to the public.

(b) Federal Register publications are available through subscription, as follows:

(1) Slip laws. In accordance with section 709 of title 44, United States Code, printed slip forms of public and private laws are available from the Superintendent of Documents, individually or by subscription service on a yearly basis.

(2) U.S. Statutes at Large. In accordance with section 728 of title 44, United States Code, copies of the United States Statutes at Large are available from the Superintendent of Documents.

(3) Federal Register. Daily issues are furnished to subscribers on a monthly or yearly basis, at a price determined by the Administrative Committee and paid in advance to the Superintendent of Documents. Limited quantities of current or recent copies may be obtained from the Superintendent of Documents at a price determined by him.

(4) Code of Federal Regulations. Subscription service on a yearly basis to the volumes comprising the Code, and individual copies thereof, are sold by the Superintendent of Documents at prices determined by him, under the general direction of the Administrative Committee.

(5) U.S. Government Organization Manual. Placed on sale by the Superintendent of Documents at a price determined by him, under the general direction of the Administrative Committee.

(6) Public Papers of the Presidents of the United States. Annual volumes are placed on sale by the Superintendent of Documents at a price determined by him, under the general direction of the Administrative Committee.

(7) Weekly Compilation of Presidential Documents. Placed on sale by the Superintendent of Documents at a price determined by him, under the general direction of the Administrative Committee.

SUBCHAPTER B—THE FEDERAL REGISTER

PART 5—GENERAL

Sec.

5.1 Publication policy.

5.2 Documents required to be filed and published.

5.3 Publication of other documents.

5.4 Publication not authorized.

5.5 Supplement to the Code of Federal Regulations.

5.6 Daily publication.

5.7 Delivery and mailing.

5.8 Form of citation.

5.9 Categories of documents.


§ 5.1 Publication policy.

(a) Pursuant to Chapter 15 of Title 44, United States Code, and this chapter, the Director of the Federal Register shall publish a serial publication called the Federal Register to contain the following:

(1) Executive orders, proclamations, and other Presidential documents.

(2) Documents required to be published therein by law.

(3) Documents accepted for publication under § 5.3.

(b) Each document required or authorized to be filed for publication shall be published in the Federal Register as promptly as possible, within limitations imposed by considerations of accuracy, usability, and reasonable cost.

(c) In prescribing regulations governing headings, preambles, effective dates, authority citations, and similar matters of form, the Administrative Committee does not intend to affect the validity of any document that is filed and published under law.

§ 5.2 Documents required to be filed and published.

The following documents are required to be filed with the Office of the Federal Register and published in the Federal Register:

(a) Presidential proclamations and Executive orders in the numbered series, and each other document that the President submits for publication or orders to be published.

(b) Each document or class of documents required to be published by act of Congress.

(c) Each document having general applicability and legal effect.

§ 5.3 Publication of other documents.

Whenever the Director of the Federal Register considers that publication of a document not covered by § 5.2 would be in the public interest, he may allow that document to be filed with the Office of the Federal Register and published in the Federal Register.

§ 5.4 Publication not authorized.

(a) Chapter 15 of Title 44, United States Code, does not apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

(b) Chapter 15 of Title 44, United States Code, prohibits the publication in the Federal Register of comments or news items.

(c) The Director of the Federal Register may not accept any document for filing and publication unless it is the official action of the agency concerned. Chapter 15 of Title 44, United States Code, does not authorize or require the filing and publication of other papers from an agency.

§ 5.5 Supplement to the Code of Federal Regulations.

The Federal Register serves as a daily supplement to the Code of Federal Regulations. Each document that is subject to codification and published in a daily issue shall be keyed to the Code of Federal Regulations.

§ 5.6 Daily publication.

There shall be an edition of the Federal Register for each official Federal working day.

§ 5.7 Delivery and mailing.

The Government Printing Office shall distribute the Federal Register by delivery or by deposit at a post office at or before 9 a.m. on the publication day, except that each Federal Register dated for a Monday shall be deposited at a post office at or before 9 a.m. on the preceding Saturday.
§ 5.8 Form of citation.
Without prejudice to any other form of citation, Federal Register material may be cited by volume and page number, and the short form "FR" may be used for "Federal Register". For example, "37 FR 6803" refers to material beginning on page 6803 of volume 37 of the daily issues.

§ 5.9 Categories of documents.
Each document published in the Federal Register shall be placed under one of the following categories, as indicated:
(a) The President. Containing each Executive order or Presidential proclamation, and each other Presidential document that the President submits for publication or orders to be published.
(b) Rules and regulations. Containing each document subject to codification, except those covered by paragraph (a) of this section.
(c) Proposed rule making. Containing each notice of proposed rule making submitted pursuant to section 555 of Title 5, United States Code, or any other law, and each notice of a similar nature voluntarily submitted by an issuing agency.
(d) Notices. Containing miscellaneous documents not covered by paragraphs (a), (b), or (c) of this section, such as notices of hearings that are not included under proposed rule making documents and documents accepted for publication on the basis of public interest.

PART 6—INDEXES AND ANCILLARIES
Sec.
6.1 Index to daily issues.
6.2 Analytical subject indexes.
6.3 Daily lists of parts affected.
6.4 Monthly list of sections affected.
6.5 Index-digests and guides.


§ 6.1 Index to daily issues.
Each daily issue of the Federal Register shall be appropriately indexed.

§ 6.2 Analytical subject indexes.
Analytical subject indexes covering the contents of the Federal Register shall be published as currently as practicable, and shall be cumulated and separately published at least once each calendar year.

§ 6.3 Daily lists of parts affected.
(a) Each daily issue of the Federal Register shall carry a numerical list of the parts of the Code of Federal Regulations specifically affected by documents published in that issue.
(b) Beginning with the second issue of each month, each daily issue shall also carry a cumulated list of the parts affected by documents published during that month.

§ 6.4 Monthly lists of sections affected.
A monthly list of sections of the Code of Federal Regulations affected shall be separately published on a cumulative basis during each calendar year. The list shall identify the sections of the Code specifically affected by documents published in the Federal Register during the period it covers.

§ 6.5 Index-digests and guides.
(a) The Director of the Federal Register may cause to be prepared and published, yearly or at other intervals as necessary to keep them current and useful, index-digests and similar guides, based on laws, Presidential documents, regulations, and notice materials published by the Office and which serve a need of users of the Federal Register.
(b) Each digest and guide is considered to be a special edition of the Federal Register whenever the public need requires special printing or special binding in substantial numbers.

PART 7—DISTRIBUTION WITHIN FEDERAL GOVERNMENT
Sec.
7.1 Members of Congress.
7.2 The Judiciary.
7.3 Executive agencies.
7.4 Requisitions for quantity overruns of specific issues.
7.5 Requisitions for quantity overruns of separate Part II issues.
7.6 Extra copies.


§ 7.1 Members of Congress.
Each Senator and each Member of the House of Representatives is entitled to not more than five copies of each daily issue of the Federal Register, without charge.

§ 7.2 The Judiciary.
(a) The Supreme Court. The Supreme Court is entitled to the number of copies of each daily issue of the Federal Register that it needs for official use, without charge.
(b) Other courts. Each other constitutional or legislative court of the United States is entitled to the number of copies of each daily issue of the Federal Register that it needs for official use, without charge.

§ 7.3 Executive agencies.
(a) Each Federal executive agency is entitled to the number of copies of each daily issue of the Federal Register that it needs for official use, without charge.
(b) The person in each agency concerned who is authorized under § 16.1 and 16.4 of this chapter to list the officers and employees of that agency who need the Federal Register for daily use shall send a written request to the Director of the Federal Register for placement of the names of those officers and employees on the mailing list.

§ 7.4 Requisitions for quantity overruns of specific issues.
(a) To meet its needs for special distribution of the Federal Register in substantial quantity, any agency may request an overrun of a specific issue.

(b) An advance printing and binding requisition on Standard Form 1 must be submitted by the agency directly to the Government Printing Office, to be received not later than 12 noon on the working day before publication.

§ 7.5 Requisitions for quantity overruns of separate Part issues.
(a) Whenever it is determined by the Director of the Federal Register to be in the public interest, one or more documents may be published as a separate Part (e.g., Part II, Part III) of the Federal Register.
(b) Advance arrangements for this service must be made with the Office of the Federal Register.
(c) Any agency may request an overrun of such a separate Part by submitting an advance printing and binding requisition on Standard Form 1 directly to the Government Printing Office, to be received not later than 12 noon on the working day before the publication date.

§ 7.6 Extra copies.
An agency may order limited quantities of extra copies of a specific issue of the Federal Register, for official use, from the Superintendent of Documents, to be paid for by that agency.

SUBCHAPTER C—SPECIAL EDITIONS OF THE FEDERAL REGISTER

PART 8—CODE OF FEDERAL REGULATIONS
Sec.
8.1 Policy.
8.2 Orderly development.
8.3 Periodic updating.
8.4 Indexes.
8.5 Ancillaries.
8.6 General format and binding.
8.7 Agency cooperation.
8.8 Official distribution.
8.9 Form of citation.


§ 8.1 Policy.
(a) Pursuant to Chapter 15 of Title 44, United States Code, the Director of the Federal Register shall publish periodically a special edition of the Federal Register to present a compact and practical code called the "Code of Federal Regulations", to contain each Federal regulation of general applicability and current or future effect.
(b) The Administrative Committee intends that every practical means be used to keep the Code as current and readily usable as possible, within limitations imposed by dependability and reasonable costs.

§ 8.2 Orderly development.
To assure orderly development of the Code of Federal Regulations along practical lines, the Director of the Federal Register may establish new titles in the Code and rearrange existing titles and subordinate assignments. However, before taking an action under this section, the Director shall consult with each agency directly affected by the proposed change.
§ 8.3 Periodic updating.

(a) Criteria. Each book of the Code shall be updated at least once each calendar year. If no change in its contents has occurred during the year, a simple notation to that effect may serve as the supplement for that year. More frequent updating of any unit of the Code may be done whenever the editor of the Federal Register determines that the content of the unit has been substantially superseded or otherwise determines that such action would be consistent with the intent and purpose of the Administrative Committee as stated in § 8.1.

(b) Staggered publication. The Code will be produced over a 12-month period under a staggered publication system to be determined by the Director of the Federal Register.

c) Cutoff dates. Each updated Title of the Code will reflect each amendment to that Title published in the Federal Register on or before the “As of” date. Thus, each Title updated as of July 1 each year will contain all amendatory documents appearing in the daily Federal Register on or before July 1.

§ 8.4 Indexes.

A subject index to the entire Code shall be annually revised and separately published. An agency-prepared index for any individual book may be published with the approval of the Director of the Federal Register.

§ 8.5 Ancillaries.

The Code shall provide, among others, the following-described finding aids:

(a) Parallel statutory authority and rules. In Title 2 of the Code of Federal Regulations or at such other place as the Director of the Federal Register considers appropriate, numerical lists of all sections of the current edition of the United States Code (except section 301 of Title 5) which are cited by issuing agencies as rule making authority for any amendatory regulations in the Code of Federal Regulations. The lists shall be arranged in the order of the titles and sections of the United States Code with parallel citations to the pertinent titles and sections of the Code of Federal Regulations.

(b) Parallel tables of Presidential documents and agency rules. In Title 3 of the Code of Federal Regulations, or at such other place as the Director of the Federal Register considers appropriate, tables of proclamations, Executive orders, and similar Presidential documents which are codified, cited as authority, quoted, cited in text, or included or referred to in currently effective regulations as published in the Code of Federal Regulations.

(c) List of sections affected. Following the text of each book or cumulative supplement, a numerical list of sections which are affected by documents published in the Federal Register. (A separate volume, “List of Sections Affected, 1949-1963” lists all sections of the Code which have been affected by documents published during the period January 1, 1949 to December 31, 1963.) Listings shall refer to Federal Register pages and shall be designed to enable the user of the Code to assure himself of the precise text that was in effect on a given date in the period covered.

§ 8.6 General format and binding.

The Director of the Federal Register shall provide for the binding of the Code in as many separate books as are indicated by the needs of users and compatible with the facilities of the Government Printing Office.

§ 8.7 Agency cooperation.

Each agency shall cooperate in keeping publication of the Code current by complying promptly with deadlines set by the Director of the Federal Register and the Public Printer.

§ 8.8 Official distribution.

(a) The Code shall be distributed to the following, without charge:

(1) Congress. To each committee of the House or Senate and to the committees or subcommittees of the United States, in the quantity needed for official use, upon the written authorization of the committee chairman or his delegate, to the Director of the Federal Register.

(2) Supreme Court. To the Supreme Court in the quantity needed for official use.

(3) Other courts. To other constitutional and legislative courts of the United States, in the quantity needed for official use, upon the written authorization of the Director of the Administrative Office of the U.S. Courts to the Director of the Federal Register.

(b) Executive agencies. To officials, libraries, and major organizational units of the executive agencies in the quantity needed for official use, upon the written authorization of the authorizing officer or his alternate designated under § 16.1 of this chapter.

(c) Legislative, judicial, and executive agencies of the Federal Government may obtain selected units of the Code, as needed in substantial quantity for special distribution, by the timely submission of a printing and binding requisition to the Government Printing Office on Standard Form 1.

§ 8.9 Form of citation.


PART 9—U.S. GOVERNMENT ORGANIZATION MANUAL

§ 9.1 Publication required.

§ 9.2 Scope.

(a) The Manual shall contain appropriate information about the Executive, Legislative, and Judicial branches of the Federal Government, which for the major Executive agencies shall include:

(1) Descriptions of the agency’s public purposes, programs and functions;

(2) Established places and methods whereby the public may obtain information and make submittals or requests; and

(3) Lists of officials heading major operating units.

(b) Brief information about quasi-official agencies and supplemental information that in the opinion of the Director of the Federal Register is of enough public interest to warrant inclusion shall also be published in the Manual.

§ 9.3 Distribution to Government agencies.

(a) The Manual shall be distributed to the following, in the quantities indicated, without charge:

(1) Members of Congress. Each Senator and each Member of the House of Representatives shall be furnished two copies, and is entitled to not more than 10 additional copies upon his written authorization to the Director of the Federal Register.

(2) Congressional committees. Each committee is entitled to the quantity needed for official use, upon the written request of the chairman of the committee, or his delegate, for placement on the mailing list.

(3) Supreme Court. The Supreme Court is entitled to 10 copies.

(4) Other courts. Each other constitutional or legislative court is entitled to one copy, upon the written authorization of the Director of the Administrative Office of the U.S. Courts to the Director of the Federal Register.

(b) Executive agencies. The head of each executive agency and each liaison officer designated under § 16.1 or § 20.1 of this chapter is entitled to one copy.

(c) Legislative, judicial, and executive agencies of the Federal Government may obtain additional copies of the Manual, at cost, for official use, upon the written request of the person responsible for printing and binding, from the Federal Register Printing Office on Standard Form 1. After the press run, each request for extra copies of the Manual must be addressed to the Superintendent of Documents, to be paid for by the agency or official making the request.

FEDERAL REGISTER, VOL. 37, NO. 214—SATURDAY, NOVEMBER 4, 1972
PART 10—PRESIDENTIAL PAPERS

Subpart A—Annual Volumes

Sec.
10.1 Publication required.
10.2 Coverage of prior years.
10.3 Scope of this volume.
10.4 Format, indexes, and ancillaries.
10.5 Distribution to Government agencies.
10.6 Extra copies.

Subpart B—Weekly Compilation

10.10 Publication required.
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Subpart A—Annual Volumes

§ 10.1 Publication required.

The Director of the Federal Register shall publish, at the end of each calendar year, a special edition of the Federal Register called the “Public Papers of the Presidents of the United States.” Unless the amount of material requires otherwise, each volume shall cover one calendar year.

§ 10.2 Coverage of prior years.

After consulting with the National Historical Publications Commission on the need therefor, the Administrative Committee may authorize the publication of volumes of papers of the Presidents covering specified years before 1957.

§ 10.3 Scope and sources.

(a) The basic text of each volume shall consist of oral statements by the President or of writings subscribed by him, and selected from—

(1) Communications to the Congress;
(2) Public addresses;
(3) Transcripts of news conferences;
(4) Public letters;
(5) Messages to heads of State;
(6) Statements released on miscellaneous subjects; and
(7) Formal executive documents promulgated in accordance with law.

(b) In general, ancillary text, notes, and tables shall be derived from official sources.

§ 10.4 Format, indexes, and ancillaries.

(a) Each annual volume, divided into books whenever appropriate, shall be separately published in the binding and style that the Administrative Committee considers suitable to the dignity of the Office of the President of the United States.

(b) Each volume shall be appropriately indexed and contain appropriate ancillary information respecting significant Presidential documents not printed in full text.

§ 10.5 Distribution to Government agencies.

(a) The Public Papers of the Presidents of the United States shall be distributed to the following, in the quantities indicated, without charge:

1. Members of Congress. Each Senator and each Member of the House of Representatives is entitled to one copy of each annual volume published during his term of office, upon his written request to the Director of the Federal Register.

2. Supreme Court. The Supreme Court is entitled to 12 copies of each annual volume.

3. Executive agencies. The head of each executive agency is entitled to one copy of each annual volume upon application to the Director.

(b) Legislative, judicial, and executive agencies of the Federal Government may obtain copies of the annual volumes, at cost, for official use, by the timely submission of a printing and binding requisition to the Government Printing Office on Standard Form 1.

§ 10.6 Extra copies.

Each request for extra copies of the annual volumes must be addressed to the Superintendent of Documents, to be paid for by the agency or official making the request.

Subpart B—Weekly Compilation

§ 10.10 Publication required.

The Director of the Federal Register shall publish a special edition of the Federal Register called the “Weekly Compilation of Presidential Documents.”

§ 10.11 Format and indexes.

(a) The Weekly Compilation shall be published in the binding and style that the Administrative Committee considers suitable for public and official use.

(b) The Director of the Federal Register shall provide indexes and any other finding aids that he considers appropriate for effective use.

§ 10.12 Distribution to Government agencies.

(a) The Weekly Compilation shall be distributed regularly to Members of the Senate and House of Representatives and to officials of the legislative, judicial, and executive branches of the Federal Government in the quantities needed for official use.

(b) Requests for copies shall be made in writing by the authorizing officer to the Director of the Federal Register.

(c) Special needs for selected issues in substantial quantity shall be filled by the timely submission of a printing and binding requisition to the Government Printing Office on Standard Form 1.

SUBCHAPTER D—PREPARATION, TRANSMITTAL, AND PROCESSING OF DOCUMENTS

PART 15—SERVICES TO FEDERAL AGENCIES

Subpart A—General

Sec.
15.1 Cooperation.
15.2 Information services.
15.3 Staff assistance.
15.4 Reproduction of certified copies of acts and documents.
15.5 Official subscriptions and requisitions of Federal Register publications.

Subpart B—Special Assistance

15.10 Information on drafting and publication.

Subpart C—Supplemental Printing and Editorial Services

15.15 Purpose.
15.16 Use of Federal Register standing type.
15.17 Special editorial service.
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Subpart A—General

§ 15.1 Cooperation.

The Director of the Federal Register shall assist each agency in complying with the pertinent publication laws to assure efficient public service in promulgating administrative documents having the effect of legal notice or of law.

§ 15.2 Information services.

The Director of the Federal Register shall provide for the answering of each appropriate inquiry presented in person, by telephone, or in writing. Each written communication and each matter involving classified material or the Administrative Committee shall be sent to the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

§ 15.3 Staff assistance.

The staff of the Office of the Federal Register shall provide informal assistance and advice to officials of the various agencies with respect to general or specific programs of regulatory drafting, procedures, and promulgation practices.

§ 15.4 Reproduction of certified copies of acts and documents.

The Director of the Federal Register shall furnish to requesting agencies, without charge, reproductions or certified copies of original acts and documents filed with that Office that are needed for official use. However, in a case involving voluminous material or numerous copies, the requesting agency may be required to reimburse the cost of reproduction.

§ 15.5 Official subscriptions and requisitions of Federal Register publications.

The following governs the availability of Federal Register publications for official use.

(a) Slip laws. Single copies may be obtained from the House or Senate Document Room, U.S. Congress. Quantity overruns of any slip law may be obtained by the timely submission of a requisition to the Government Printing Office on Standard Form 1.

(b) U.S. Statutes at Large. Written requests should be directed to the Joint Committee on Printing, United States Capitol, Washington, D.C. 20510. General provisions relating to the distribution of the U.S. Statutes at Large are set forth in section 728 of Title 44, United States Code.

(c) Federal Register. See §§ 7.1 to 7.6 of this chapter.

(d) Code of Federal Regulations. See § 8.3 of this chapter.

(e) U.S. Government Organization Manual. See § 9.2 of this chapter.
(1) An authorizing officer and an alternate.

The same person may be designated to serve in one or more of these positions.

(b) In choosing its liaison officer, each agency should consider that this officer will be the main contact between that agency and the Office of the Federal Register and that the liaison officer will be charged with the duties set forth in §16.2. Therefore, the agency should choose a person who is directly involved in the agency's regulatory program.

(c) Each agency shall notify the Director of the name, title, address, and telephone number of each person it designates under this section and shall promptly notify the Director of any changes.

§16.2 Liaison duties.

Each liaison officer shall—

(a) Represent his agency in all matters relating to the submission of documents to the Office of the Federal Register, and respecting general compliance with this chapter;

(b) Be responsible for the effective distribution and use within his agency of Federal Register information concerning document drafting and publication assistance authorized by §15.10 of this chapter; and

(c) Promote his agency's participation in the technical instruction authorized by §15.10 of this chapter.

§16.3 Certifying duties.

The certifying officer is responsible for attaching the certifying number of true copies of each original document submitted by his agency to the Office of the Federal Register and for making the certification required by §§18.5 and 18.6 of this chapter.

§16.4 Authorizing duties.

The authorizing officer is responsible for furnishing, to the Director of the Federal Register, a current mailing list of officers or employees of his agency who are authorized to receive the Federal Register, the Code of Federal Regulations, and the Weekly Compilation of Presidential Documents for official use.

PART 17—PUBLICATION SCHEDULES

Sec. 17.1 Receipt and processing.

REGULAR SCHEDULE

17.2 Procedure and timing for regular schedule.

EMERGENCY SCHEDULE

17.2 Procedure and timing for emergency schedule.

17.3 Criteria for emergency schedule.

17.4 Procedure and timing for emergency schedule.

17.5 Transmittal from distant points.

DEFERRED SCHEDULE

17.6 Criteria.

A document may be assigned to the deferred schedule under the following conditions:

§17.3 Criteria for emergency schedule.

The criteria for emergency schedule.

The emergency schedule is designed to provide the fastest possible publication of a document involving the prevention, alleviation, control, or relief of an emergency situation.

§17.4 Procedure and timing for emergency schedule.

(a) Each agency requesting publication on the emergency schedule shall briefly describe the emergency and the benefits to be attributed to immediate publication in the Federal Register.

(b) The Director shall assign a document to the emergency schedule whenever he deems that it is feasible. The Director shall confirm the assignment as soon as possible.

(c) Each document assigned to the emergency schedule shall be published as soon as possible.

§17.5 Transmittal from distant points.

The text of a document assigned to the emergency schedule may be transmitted from a distant field installation to the Washington Office of the agency concerned by telecommunication. A certified transcription of the text may be filed in advance of receipt of the original document. The agency must file the original documents at the earliest possible time. In such a case, the publication date is based on receipt of the certified transcribed copies by the Office of the Federal Register.

§17.6 Criteria.

A document may be assigned to the deferred schedule under the following conditions:
RULES AND REGULATIONS

(a) There are technical problems, unusual tabulations, or illustrations, or the document is of such size as to require extraordinary processing time.
(b) The agency concerned requests a deferred publication date.

PART 18—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY

Sec. 18.1 Original and copies required.
18.2 Prohibition on combined documents.
18.3 Submission of documents and letters of transmittal.
18.4 Form of document.
18.5 Certified copies.
18.6 Form of certification.
18.7 Signature.
18.8 Seal.
18.9 Style.
18.10 Illustrations and tabular material.
18.11 Forms.
18.12 Preamble requirements.
18.13 Withdrawal of filed documents.
18.14 Correction of errors in documents.
18.15 Correction of errors in printing.
18.16 Highlights.
18.17 Effective dates and time periods.


§ 18.1 Original and copies required.
(a) Except as provided in § 19.2 of this subchapter, when Executive orders and proclamations, each agency submitting a document to be filed and published in the Federal Register shall send an original and two duplicate originals or certified copies. However, if the document is typed or processed on both sides, the agency shall send, in addition to the original, three duplicate originals or certified copies.
(b) In the case of a document issued outside of the District of Columbia, an agency may submit certified text in place of the original. However, it must replace the certified text with the original document as soon as practicable for filing and publication.

§ 18.2 Prohibition on combined documents.
(a) The Director of the Federal Register may not accept a document to be filed and published in the Federal Register.
(b) An original drawing, or a clear reproduction, of each map, chart, graph, or other illustration that is found to be a necessary part of a document to be filed and published may be accepted only after submission to the Director of the Federal Register at least 6 working days before the date on which publication is desired.

§ 18.3 Submission of documents and letters of transmittal.
(a) Each document authorized or required by law to be filed with the Office of the Federal Register, published in the Federal Register, or filed with the Administrative Committee shall be sent to the Director of the Federal Register.
(b) Except for cases involving special handling or treatment, there is no need for a letter of transmittal for a document submitted for filing and Federal Register publication.

§ 18.4 Form of document.
(a) Except as provided in paragraph (b) of this section, to be eligible for filing and publication in the Federal Register, a document must be typewritten on white bond paper approximately 8 by 10½ inches in size, double spaced, with a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch.
(b) A printed or processed document may be accepted for filing and publication if it is suitable as an archival original. However, a photostatic copy may not be accepted as an original document.
(c) A document in the form of a letter may not be accepted for filing or publication, if more than two typewritten pages that is suitable as an archival original document shall be included in the original document and each certified copy.
(d) Tabular material consisting of more than two typewritten pages that is suitable as an archival original document shall be included in the original document and each certified copy.

§ 18.5 Certified copies.
(a) The certified copies or duplicate originals of each document must be attached to the original. Each copy or duplicate must be entirely clear and legible.
(b) Copies of a typewritten original may be the first two carbon copies of the ribbon original, positive photostats on paper with a matte surface, or electrostatic copies.
(c) Publication dates are determined at the time when clear and legible copies are received.

§ 18.6 Form of certification.
Each copy of each document submitted for filing and publication, except a Presidential document or a duplicate original, must be certified substantially as follows:

(Certified to be a true copy of the original signed by a certifying officer designated under § 16.1 of this chapter)

§ 18.7 Signature.
The original and each duplicate original document must be signed in ink, with the name and title of the official signing the document typed or stamped beneath his signature, initialed or impressed signatures may not be accepted.

§ 18.8 Seal.
Use of a seal on an original document or certified copy is optional with the issuing agency.

§ 18.9 Style.
Each agency submitting a document for filing and publication shall prepare it in accordance with the following:
(b) The spelling of geographic names must conform to the decisions of the Board on Geographic Names, established by section 2 of the act of July 25, 1947, 61 Stat. 450 (43 U.S.C. 304a).
(c) Descriptions of land must conform, so far as practicable, to the current edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations" prepared by the Bureau of Land Management, Department of the Interior.

§ 18.10 Illustrations and tabular material.
(a) An original drawing, or a clear reproduction, of each map, chart, graph, or other illustration that is found to be a necessary part of a document to be filed and published may be accepted only after submission to the Director of the Federal Register at least 6 working days before the date on which publication is desired.
(b) A clear and legible reproduction of the original illustration, approximately 8 by 10½ inches, shall be included in the original document and each certified copy.

§ 18.11 Forms.
Except when considered necessary by the Director of the Federal Register, tabulated blank forms for applications, registrations, reports, contracts, and similar items, and the instructions for preparing the forms, may not be published in full in place thereof, the agency concerned shall submit for publication a simple statement describing the purpose and use of each form and stating the place at which copies may be obtained.

§ 18.12 Preamble requirements.
Each notice of proposed rule making and final rule making document shall conform to the following:
(a) There must be a clear preamble statement that describes the contents of the document in a manner sufficient to apprise a reader, who is not an expert in the subject area, of the general subject matter of the rule making document.
(b) To the extent practicable, the preamble statement should also discuss the major issues involved in, and the reasons for, the proposed rule.
(c) To the extent practicable, the preamble statement for a rule making document should also discuss the major issues involved in, and the reasons for, the proposed rule.

§ 18.13 Withdrawal of filed documents.
A document that has been filed with the Office of the Federal Register and placed on public inspection as required by this chapter, may be withdrawn from publication by the submitting agency only by a timely written instrument revoking that document, signed by a duly authorized representative of the agency. Both the original and the revoking document shall remain on file.
§ 18.14 Correction of errors in documents.

After a document has been filed for public inspection and publication, a substantive error in the text may be corrected only by the filing of another document effecting the correction.

§ 18.15 Correction of errors in printing.

Typographical or clerical errors made in the printing of the Federal Register shall be corrected by insertion of an appropriate notation or a reprinting in the Federal Register published without further agency documentation, if the Director of the Federal Register determines that—

(a) The error would tend to confuse or mislead the reader; or

(b) The error would affect text subject to codification.

§ 18.16 Highlights.

(a) Except as provided in paragraph (b) of this section, each agency which submits a document for publication in the Federal Register shall furnish with the document two copies of a descriptive catchword or phrase and a brief statement that:

1. Names the agency issuing the document;

2. Identifies the principal subject of the document; and

3. States any important dates, such as closing dates for comments, hearing date, or effective date.

The language of the statement submitted under this section and the headings required by Parts 17 and 22 of this chapter may be the same whenever appropriate. The following are examples of the kinds of statements intended by this requirement:

DETERGENTS—Proposed FTC labeling and advertising requirements for synthetic detergents—comment period ends 4-10-72; public hearing 4-26-72.

COAL MINE SAFETY—Interior Department procedures to assess civil penalties for violations—effective 1-18-72.

(b) A statement need not be submitted with a document that is making nonsubstantive changes that are corrective or editorial in nature. The Director of the Federal Register may grant additional exceptions to the requirements of this section. The Director shall publish once each month in the Federal Register a list of the classes of documents exempted under this section during the preceding month, stating the agency involved and the document or class of documents.

(c) Selected statements submitted under this section shall be included in a highlights listing which will be printed in a prominent place in the daily Federal Register. The Director shall exercise final editorial control over the wording of each statement and make the final determination as to its inclusion in the highlights listing.

(d) Neither failure to submit a statement under this section, nor failure to print such a statement in the highlights listing in the Federal Register affects the legal status of a document printed in the Federal Register. Highlights listings printed in the Federal Register are intended solely to serve as an index to the information. The wording of a listed item is not intended to interpret the language of the document. Federal Register readers should consult the documents to identify the documents published in each issue and the text of a document to determine its legal effect.

§ 18.17 Effective dates and time periods.

(a) Whenever practicable, each document submitted for publication in the Federal Register shall set forth dates certain. Thus, a document should state “all comments received before July 3, 1972, will be considered” or “this amendment takes effect July 3, 1972,” rather than stating a time period measured by a certain number of days after publication in the Federal Register. Where a document does contain a time period rather than a date certain, the Federal Register staff will insert a date certain to be computed as set forth in paragraph (b) of this section.

(b) Dates certain will be computed by counting the day after the publication day as one, and counting each succeeding day, including Saturdays, Sundays, and holidays. However, where the final count would fall on a Saturday, Sunday, or holiday, the date certain will be the next succeeding Federal business day.

PART 19—EXECUTIVE ORDERS AND PRESIDENTIAL PROCLAMATIONS

Sec. 19.1 Form.

19.2 Routing and approval of drafts.

19.3 Routing and certification of originals and copies.

19.4 Proclamations calling for the observance of special days or events.

19.5 Proclamations of treaties excluded.

19.6 Definition.


19.1 Form.

Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the U.S. Government Printing Office Style Manual.


(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 x 13 inches, shall contain a left-hand margin of approximately 1 1/2 inches and a right-hand margin of approximately 1 inch, and shall be double-spaced except that quotations, tabulations, and descriptions of legal documents may be single-spaced.

(g) Proclamations issued by the President shall conclude with the following described recitation:

IN WITNESS WHEREOF, I have hereunto set my hand this ... day of ... In the year of our Lord ... and of the Independence of the United States of America the

§ 19.2 Routing and approval of drafts.

(a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Office of Management and Budget, together with a letter signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any, to pertinent laws and other Executive orders or proclamations.

(b) If the Director of the Office of Management and Budget approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.

(c) If the Attorney General approves the proposed Executive order or proclamation, he shall transmit it to the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration: Provided, That in cases involving sufficient urgency the Attorney General may transmit it directly to the President: And provided further, That the authority vested in the Attorney General by this section may be exercised in whole or in part, to the Deputy Attorney General, Solicitor General, or to such Assistant Attorney General as he may designate.

(d) After determining that the proposed Executive order or proclamation conforms to the requirements of § 19.1 and is free from typographical or clerical error, the Director of the Office of the Federal Register shall transmit it and three copies thereof to the President.

(e) If the proposed Executive order or proclamation is disapproved by the Director of the Office of Management and Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

§ 19.3 Routing and certification of originals and copies.

(a) If the order or proclamation is signed by the President, the original and two copies shall be forwarded to the Di-
rector of the Federal Register for publication in the Bulletin of the Register.

(b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations forwarded as provided in paragraph (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: "Certified to be a true copy of the original."

§ 19.4 Proclamations calling for the observance of special days or events.

Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events, shall be assigned by the Director of the Office of Management and Budget to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least 60 days before the date of the specified observance.

§ 19.5 Proclamations of treaties excluded.

Consonant with the provisions of Chapter 15 of Title 5 of the United States Code (44 U.S.C. 1151), nothing in these regulations shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

§ 19.6 Definition.

The term "Presidential proclamations and Executive orders," as used in Chapter 15 of Title 5 of the United States Code (44 U.S.C. 1150(a)), shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

PART 20—HANDLING OF UNITED STATES GOVERNMENT ORGANIZATION MANUAL STATEMENTS

Sec.

20.1 Liaison officers.

20.2 Preparation of agency statements.

20.3 Organization.

20.4 Description of program activities.

20.5 Sources of information.

20.6 Form, style, arrangement, and apportionment of space.

20.7 Deadline dates.


§ 20.1 Liaison officers.

Each of the following shall appoint an officer to maintain liaison with the Office on matters relating to the United States Government Organization Manual:

(a) Agencies of the legislative and judicial branches.

(b) Executive agencies that do not have a liaison officer designated under §16.1 of this chapter or who wish to appoint a liaison officer for Manual matters other than the one designated under such §16.1.

(c) Quad—official agencies represented in the Manual.

(d) Any other agency that the Director believes should be included in the Manual.

Each liaison officer will insure his agency's compliance with Part 9 of this chapter and this Part 20.

§ 20.2 Preparation of agency statements.

In accordance with schedules established under §20.7 each agency shall submit for publication in the Manual an official draft of the information required by §9.2 of this chapter and this Part 20.

§ 20.3 Organization.

(a) Information about lines of authority and organization may be reflected in a chart if the chart clearly delineates the agency's organizational structure. Charts must be submitted in duplicate in the form of clear prints suitable for photograpbing. Charts should be prepared so as to be perfectly legible when reduced to the size of a Manual page. Charts that do not meet this requirement will not be included in the Manual.

(b) Listings of heads of operating units should be arranged wherever possible to reflect relationships between units.

(c) Verbal descriptions of organization that duplicate information conveyed by charts or by lists of officials will not be published in the Manual.

§ 20.4 Description of program activities.

Descriptions should state clearly the public purposes that the agency serves, and the programs that carry out those purposes. Detailed descriptions of the responsibilities of individuals will not be accepted for publication in the Manual.

§ 20.5 Sources of information.

Pertinent sources of information useful to the public, in areas of public interest such as employment, consumer activities, contracts, services to small business, and other topics of public interest should be provided with each agency statement. These sources of information shall plainly identify the places at which the public may obtain information or make submittals or requests.

§ 20.6 Form, style, arrangement and apportionment of space.

The form, style, arrangement of agency statements and other material included in the Manual and the apportionment of space therein shall be determined by the Director of the Federal Register. The U.S. Government Printing Office Style Manual is the applicable reference work in determining style.

§ 20.7 Deadline dates.

The Manual is published on a schedule designed to provide the public with information about their Government on a timely basis. Therefore, agencies must comply with the deadline dates established by the Director of the Federal Register for transmittal of statements and charts and for the verification of proofs. Failure to do so may result in publication of an outdated statement or the omission of important material, thus depriving members of the public of information they have a right to expect in a particular edition of the Manual.

PART 21—PREPARATION OF DOCUMENTS SUBJECT TO CODIFICATION

Subpart A—General

Sec.

21.1 Drafting.

21.2 [Reserved]

21.3 [Reserved]

21.4 Descriptions of organization.

21.5 Separate documents for each title and chapter amended.

21.6 Notice of expiration of codified material.

Code Structure

21.7 Titles and subtitles.

21.8 Chapters and subchapters.

21.9 Parts, subparts, and undesignated center heads.

21.10 Sections.

Nomining


21.12 Reservation of numbers.

21.13 Addition of new units between existing units.

21.14 Keying to agency numbering systems.

21.15 Statements of policy and interpretations.

Headings

21.16 Required Code headings.

21.17 Additional captions.

21.18 Table of contents.

21.19 Composition of part headings.

References

21.20 General requirements.

21.21 General requirements.

21.22 References between or within titles.

21.23 Parallel citations of Code and Federal Register.


Effective Date Statement

21.30 General.

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21.40 General requirements.

21.41 Agency responsibility.

21.42 Exceptions.

Placement

21.43 Coverage.

21.44 Documents involving various amendments.

21.45 Nonstatutory authority.

Form

21.61 General.


21.63 Nonstatutory materials.

RULES AND REGULATIONS

Code of Federal Regulations, in accordance with this subchapter, before submitting it to the Office of the Federal Register.

(b) The agency shall place a promulgation statement in the document precisely describing the relationship of the new provisions to the Code.

§§ 21.2, 21.3 [Reserved]

§ 21.4 Descriptions of organization.

The Director of the Federal Register may designate documents submitted under section 552(a) (1) (A) of Title 5, United States Code, as "documents subject to codification" under special agreement with the issuing agency. The agreement must be in writing, signed by the head of the agency, or his designee, and stating that—

(a) Publication in the Code is necessary or desirable for the effective discharge of the agency's functions or activities;

(b) Publication in the Code may be discontinued by the Administrative Committee for failure of the agency to keep publication current.

§ 21.5 Separate documents for each title and chapter amended.

Whenever an agency is taking an action that will amend more than one title, or more than one chapter, of the Code of Federal Regulations, it shall prepare a separate document for each title and each chapter that is to be amended.

§ 21.6 Notice of expiration of codified material.

(a) Whenever a document subject to codification expires after a specified period by its own terms or by law, the issuing agency shall submit a notification by document for publication in the Federal Register.

(b) If the preparation of the document is not practicable, the agency shall send a timely notice, in writing, to the Director of the Federal Register, stating that the document is no longer in effect, citing the pertinent terms.

Code Structure

§ 21.7 Titles and subtitles.

(a) The major divisions of the Code are titles, each of which brings together broadly related Government functions.

(b) Subtitles may be used to distinguish between materials emanating from an overall agency and the material issued by its various components. Subtitles may also be used to group chapters within a title.

§ 21.8 Chapters and subchapters.

(a) The normal divisions of a title are chapters, assigned to the various agencies within a title descriptive of the subject matter covered by the agencies' regulations.

(b) Subchapters may be used to group related parts within a chapter.

§ 21.9 Parts, subparts, and undesignated center heads.

(a) The normal divisions of a chapter are parts, consisting of a unified body of regulations applying to a specific function of an issuing agency or devoted to a specific subject matter under the control of that agency.

(b) Subparts or undesignated center heads may be used to group related sections within a part. Undesignated center heads may also be used to group sections within a subpart.

§ 21.10 Sections.

(a) The normal divisions of a part are sections. Sections are the basic units of the Code.

(b) When internal division is necessary, a section may be divided into paragraphs, and paragraphs may be further subdivided using the lettering indicated in § 21.11.


(a) Titles are numbered consecutively in Arabic throughout the Code.

(b) Subtitles are lettered consecutively in capitals throughout the title.

(c) Chapters are numbered consecutively in Roman capitals throughout each chapter.

(d) Subchapters are lettered consecutively in capitals throughout the chapter.

(e) Parts are numbered in Arabic throughout each chapter.

(f) Subparts may be lettered in capitals or Roman numerals.

(g) Sections are numbered in Arabic throughout each part. A section number includes the number of the part followed by a decimal point and the number of the section. For example, the section number for section 15 of Part 21 is "§21.15a".

§ 21.12 Numbering.

(a) The lettering for divisions of a section is as follows:

<table>
<thead>
<tr>
<th>Division</th>
<th>Illustrative lettering</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paragraph</td>
<td>(a), (b), etc.</td>
</tr>
<tr>
<td>Further subdivision of a paragraph</td>
<td>(1), (2), etc.</td>
</tr>
</tbody>
</table>

§ 21.13 Addition of new units between existing units.

(a) Whenever it is necessary to introduce a new part or section between existing consecutive parts or sections, the new part or section shall be designated by the addition of a lower case letter to the number of the preceding part or section. For example, a part inserted between Parts 31 and 32 is numbered "31a", and a section inserted between § 31.1 and § 31.2 is numbered "§31.1a".

(b) Whenever it is necessary to insert a paragraph between existing consecutive paragraphs, and revision of the entire paragraph is not desired, the new paragraph shall be designated by the addition of a hyphen and an Arabic number to the letter designating the preceding paragraph. For example, a paragraph inserted between paragraph (a) and (b) is designated "(a-1)".

§ 21.14 Keying to agency numbering systems.

The Director of the Federal Register may allow the keying of section numbers to correspond to a particular numbering system used by an agency only when, in his opinion, the keying will benefit both that agency and the public.

§ 21.15 Statements of policy and interpretations.

(a) Whenever a statement of general policy or an interpretation, submitted pursuant to section 552(a) (1) (D) of Title 5, United States Code, applies to an entire part, it shall be included in or appended to that part.

(b) Whenever a statement of general policy or an interpretation applies to more specifically describing the scope of section it shall be appended to that section.

(c) Statements of policy and interpretations that are broader in scope than those covered by paragraphs (a) and (b) of this section shall be assigned to a part or group of parts within the chapter affected.

HEADINGS

§ 21.16 Required Code headings.

(a) The title, chapter, and part headings, in that order, shall be set forth in full on separate lines at the beginning of each document. Subtitle, subchapter, and subparagraph headings shall, if applicable, also be set forth.

(b) Each section shall have a brief descriptive heading, preceding the text, on a separate line.

§ 21.17 Additional captions.

(a) For the purpose of publication in the Federal Register, a brief caption may be added more specifically describing the scope of a document constituting a partial amendment of the material in a part shall be provided immediately below the part heading.

(b) An agency that uses regulation numbers or other identifying symbols shall place them in brackets centered immediately above the part heading.

§ 21.18 Tables of contents.

A table of contents shall be used at the beginning of the part whenever a new part is introduced, an existing part is completely revised, or a group of sections is revised or added and set forth as a subpart or otherwise separately grouped under a heading. The table shall follow the part heading and precede the text of the regulations in that part. It shall also list the headings for the subparts, undesignated center headings, and sections in the part.

§ 21.19 Composition of part headings.

Each part heading shall indicate briefly the general subject matter of the part. Phrases such as "Regulations under the Act of July 26, 1955" or other expressions that are not descriptive of the sub-
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ject matter may not be used. Introductory expressions such as “Regulations governing” and “Rules applicable to” may not be used.

AMENDMENTS

§ 21.20 General requirements.
(a) Each amendatory document shall identify in specific terms the unit amended, and the extent of the changes made.
(b) The number and heading of each section amended shall be set forth in full on a separate line.

REFERENCES

§ 21.21 General requirements.
(a) Each reference to the Code of Federal Regulations shall be in terms of the specific titles, chapters, parts, sections, and paragraphs involved. Ambiguous references such as “herein”, “above”, “below”, and similar expressions may not be used.

§ 21.22 References between or within titles.

Unless the meaning is otherwise precisely expressed and an undue awkward repetition would result, the following references shall be used:

(a) Between titles. When reference is made to material codified in a title other than that in which the reference occurs, the short form of citation shall be used. For example, a reference within Title 41 to § 2.4 of Title I is “1 CFR § 2.4”.

(b) Within titles. When reference is made to material codified in the same title, the following forms shall be used, as appropriate:

Chapter __________ of this title.
Part __________ of this title.
§ __________ of this title.

(c) Within chapters. When reference is made to material codified in the same chapter, the following forms shall be used, as appropriate:

Part __________ of this chapter.
§ __________ of this chapter.

(d) Within sections. When reference is made to material codified in the same section, the following forms shall be used, as appropriate:

Paragraph ________ of this section.

§ 21.23 Parallel citations of Code and Federal Register.

For parallel reference, the Code of Federal Regulations and the Federal Register may be cited in the following forms, as appropriate:

§ __________ of this chapter ——— of this chapter


When reference is made to material codified in the 1938 edition of the Code of Federal Regulations, or a supplement thereeto, the following forms may be used, as appropriate:

§ __________ of this chapter ——— of this chapter

§ 21.30 General.

Each document subject to codification shall include, or be covered by, a complete citation of the authority under which the section is issued, including:

(1) General or specific authority delegated by statute; and

(2) Executive delegations, if any, necessary to link the statutory authority to the issuing agency.

§ 21.41 Agency responsibility.

(a) Each issuing agency is responsible for the accuracy and integrity of the citations of authority in the documents it issues.

(b) Each issuing agency shall formally amend the citations of authority in its codified material to reflect any changes therein.

§ 21.42 Exceptions.

The Director of the Federal Register may make exceptions to the requirements of this subpart relating to placement and form of citations of authority whenever he determines that strict application would impair the practical use of the citations.

§ 21.43 Coverage.

(a) Single section. Authority covering a single section shall be cited in parentheses on a separate line immediately following the text of the section. For example:

For example:


(b) Blanket coverage. Authority covering two or more consecutive sections shall be cited following the word “AUTHORITY” and placed as a text note immediately preceding the first section of the group. For example:


(c) Combined blanket and separate coverage. Whenever individual sections within a group covered by a blanket citation reflect additional authority, a combined form shall be used. For example:

Authority: Sec. 5, Pub. L. 89-670, 80 Stat. 935 (49 U.S.C. 1654), unless otherwise noted.

(d) Combined blanket coverage. Whenever a group of two or more consecutive sections within a broader group covered by a blanket citation reflects the same additional authority, a combined blanket citation shall be used. For example:

Authority: Sec. 5, Pub. L. 89-670, 80 Stat. 935 (49 U.S.C. 1654), unless otherwise noted.

§ 21.44 Documents involving various amendments.

(a) Whenever a document prescribes several amendments issued under common authority, the citation to that authority shall be placed on a separate line after the last amendment.

(b) Whenever a document prescribes several amendments issued under varying authorities, each amendment shall be followed by the appropriate citation in parentheses on a separate line.

§ 21.45 Nonstatutory authority.

Citation to a document as authority shall be placed after the statutory citations. For example:


FORM

§ 21.51 General.

(a) Formal citations of authority shall be in the shortest form compatible with positive identification and ready reference.

(b) The Office of the Federal Register assists agencies in developing model citations.

§ 21.52 Statutory materials.

(a) Public laws. Citations to current United States public laws shall include reference to the volume and page of the United States Statutes at Large to which they have been assigned. For example:

For example:


(b) U.S. Statutes at Large. Citations to U.S. Statutes at Large shall refer to section, page, and volume. The page number should refer to the page on which the section cited begins. If the cited material is contained in a title of the United States Code that has not been positively enacted, the parallel United States Code citation shall also be given. For example:

For example:


(c) Positive law titles of the United States Code. Citations to titles of the United States Code that have been enacted into positive law (such as 1, 5, 10, etc.) shall be cited as follows, without public law or U.S. Statutes at Large citation:


§ 21.53 Nonstatutory materials.

Nonstatutory documents shall be cited by document designation and by Federal Register volume and page, followed, if possible, by the parallel citation to the Code of Federal Regulations. For example:

Special Civil Ate Reg. SB-422A, 28 FR 6703, 14 CFR Part 4b, E.O. 11130, 28 FR 12769;
3 CFR 1959-1963 Comp.
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Chapter II—Office of the Federal Register

PART 51—INCORPORATION BY REFERENCE

The purpose of this amendment is to adopt a revised regulation governing the incorporation by reference of material outside the Code of Federal Regulations in Federal Register documents. This amendment is based on a notice of proposed rule making published in the Federal Register on April 4, 1972 (37 F.R. 6805).

Several of the commenters expressed general opposition to the use of "incorporation by reference" in Federal Register documents and recommended against adoption of proposed Part 51. With respect to these comments, it should be pointed out that specific congressional authority for the use of incorporation by reference has existed since 1967 (5 U.S.C. 552(a)) and that proposed Part 51 is for the most part a revision of 1 CFR Part 20, which was originally adopted to provide an exception to the rules governing incorporation by reference. Thus, adoption of Part 51 is not an invitation to increased usage of incorporation by reference. Actually, as was discussed in the notice of proposed rule making, in several respects proposed Part 51 imposes more restrictions and places more control in the Director of the Federal Register than did the previous regulations.

One commenter suggested that the proposed regulations appear to apply to notice of proposed rule making documents although 5 U.S.C. 552(a) applies only to final rule making documents. To clarify this, a new paragraph (e) has been added to § 51.1. This new provision also encourages agencies to consult with the office of the Federal Register with respect to the requirements of Part 51 before submission of proposed rule making documents. In this way agencies can avoid problems that might surface after a document has gone through notice and public comment.

Another commenter pointed out that the use of incorporation by reference in a proposed rule making document can affect the reasonableness of the time period for public comment. This commenter made the valid point that sometimes it takes weeks to obtain a technical document proposed to be incorporated by reference and that little time may be left for review and submission of comments. While this comment is outside the scope of the proposed regulations, agencies are urged to consider this factor in establishing the comment period.

One commenter pointed out that, as proposed, § 51.10(c) would require the republication of a document or a portion thereof, whenever a document containing an incorporation by reference is published in the Federal Register without the Director's advance approval. The commenter suggested that a more flexible approach might be warranted since the incorporation by reference might well be one that the Director would be willing to approve after publication and that in such a case republication would serve no useful purpose. Section 51.10(c) has been rewritten to make it clear that the mere publication in the Federal Register of a document containing an incorporation by reference is not of itself approval by the Director of that incorporation. In such a situation, the Director will review the document after publication and the proper corrective action can be worked out between the agency and the Director.

In consideration of the foregoing, and after considering all relevant comments received, Part 51 is adopted as proposed with the following changes:

1. A new paragraph (e) is added to § 51.1.
2. A new paragraph (e) is added to § 51.10.
3. Section 51.12 is revised.

Effective date. This amendment is effective January 2, 1973.

FRED J. EMERY,
Director of the Federal Register.
(a) Special statutory provisions listed in appendix B to Chapter I of this title, that require publication in the Federal Register.
(b) The Director will assume that the language quoted in paragraph (a) of this section is—
(1) Designed to cover the limited purposes of section 552(a) of Title 5, United States Code;
(2) Intended to benefit both the Federal Government and the members of the classes affected by reducing the volume of matter printed in the Federal Register; and
(3) Not intended to detract from the legal or practical attributes of the system established under the basic instruments listed in paragraph (c) of this section.
(c) While the requirements of 5 U.S.C. 552(a) and of this part apply to a final rule making document, issuing agencies are encouraged to consult the Office of the Federal Register with respect to the requirements of this part before submitting for publication a notice of proposed rule making document that contains an incorporation by reference.

§ 51.2 Matter eligible.

To be eligible for incorporation by reference, under section 552(a) of Title 5, United States Code, in a document to be published in the Federal Register, material must conform to the policy stated in § 51.1 and be in the nature of published data, criteria, standards, specifications, and other published information reasonably available to the members of the class that would be affected by the publication.

§ 51.3 Distinctions.

(a) Ordinary references. For the purposes of this part, informational references and cross references that do not purport to incorporate outside matter within a Federal Register document are not considered to be legal incorporations by reference under section 552(a) of Title 5, United States Code.
(b) Regulations governing availability of agency issuances. Regulations governing the availability of agency issuances are not considered to be legal incorporation by reference under section 552(a) of Title 5, United States Code.

§ 51.4 Elements on which approval may be based.

The Director of the Federal Register will approve an incorporation by reference only when the following considerations are favorable and reasonably stable:
(a) The matter is eligible.
(b) Incorporation will substantially reduce the volume of material published in the Federal Register.
(c) The matter incorporated is in fact available to the extent necessary to afford fairness and uniformity in the administrative process.
(d) The incorporating document is drafted and submitted for publication in accordance with this part.

§ 51.5 Filing.

Copies of material approved for incorporation by reference including copies of all amendments or revisions to that material, shall be filed with the Office of the Federal Register.

Drafting Standards

§ 51.6 Language of incorporation.

(a) The language incorporating material by reference shall be as precise and complete as possible.
(b) The words expressing the incorporation shall make it clear that the incorporation by reference is intended and completed by the document in which it appears.

§ 51.7 Identification and description.

(a) Each incorporation by reference shall include an identification and subject description of the matter incorporated, in terms as precise and useful as practicable within the limits of reasonable brevity.
(b) Titles, dates, editions, numbers, authors, and publishers shall be stated whenever they would contribute to clear identification.
(c) A brief subject description shall be included to inform the user of his potential need to obtain the matter incorporated.

§ 51.8 Statement of availability.

(a) Information. Each incorporation by reference shall include a statement covering the availability of the material incorporated, including current information as to where and how copies of it may be examined and be readily obtained with maximum convenience to the user.
(b) Official showing. Inclusion of the statement required by paragraph (a) of this section constitutes an official showing by the issuing agency that the material incorporated is, in fact, reasonably available to the class of persons affected.

Future amendments or revisions. In any case in which incorporated material will be subject to change, the statement required by paragraph (a) of this section shall set forth that information. However, the incorporation of material in a Federal Register document by reference is limited to the material as it exists on the effective date of the document. Future amendments or revisions of material incorporated by reference are not included. They may be added as they become available, or at any later time, by the issuance of an amending document. Separate approval of the Director of the Federal Register is required of each amendment whose original incorporation was approved need not be obtained if all other requirements of this part are met.

Publication Procedures

§ 51.10 Advance consultation.

(a) To avoid delay, each issuing agency shall consult in advance with the Director of the Federal Register regarding the approval of any specific incorporation by reference. The consultation should take place at least 10 working days before the proposed date of submission of the document.
(b) After completion of the consultation, the Director will notify the agency of his decision, at least 5 working days before the proposed date of submission of the document.

§ 51.11 Letter transmitting final document.

Each agency submitting a document under this part shall send with it a letter of transmittal covering the matter of incorporation by reference and referring specifically to the advance consultation.

§ 51.12 Stamp of approval.

(a) Whenever the Director of the Federal Register receives a document under this part a statement will be printed in the Federal Register as part of the document substantially as follows:

Incorporation by reference provisions approved by the Director of the Federal Register

(1) [blank]

§ 51.13 Identification of incorporating document.

In any case in which incorporation by reference is approved by the Director of the Federal Register, the incorporating document shall be identified by a reference to that section of this part that approved the incorporation by reference.