they may mislead or deceive the public in the manner or as to the things prohibited by this order.

It is further ordered, That the charges contained in paragraphs 6 (8) and (10) and 7 (8) and (10) of the complaint be, and they hereby are, dismissed.

By order of the Commission further order requiring report of compliance is as follows:

It is further ordered, That respondents Wilmington Chemical Corp., a corporation, and Joseph S. Klehman, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by each respondent named in this order, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: June 17, 1966.

By the Commission.

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

[F.R. Doc. 66-8279; Filed, July 28, 1966; 8:46 a.m.]

[Docket No. C-1078]

PART 13—PROHIBITED TRADE PRACTICES

Guild Mills Corp. and Lawrence W. Guild

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Guild Mills Corp. et al., Laconia, N.H., Docket C-1078, June 27, 1966]

Consent order requiring a Laconia, N.H., textile importer to cease importing or selling any highly flammable fabric dangerous to the individual wearer.

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

It is ordered, That respondents Guild Mills Corp., and its officers, and Lawrence W. Guild, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device to forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

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

Issued: June 27, 1966.

By the Commission.

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

[F.R. Doc. 66-8280; Filed, July 28, 1966; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Investment by Bank Holding Company Subsidiary

§ 222.121 Acquisition of Edge corporation affiliate by State member banks of registered bank holding company.

(a) The Board has been asked whether it is permissible for the commercial banking affiliates of a bank holding company registered under the Bank Holding Company Act of 1956, as amended, to acquire and hold the shares of the holding company's Edge corporation subsidiary organized under section 25(a) of the Federal Reserve Act.

(b) Section 9 of the Bank Holding Company Act amendments of 1966 (Public Law 89-485, approved July 1, 1966) repealed section 6 of the Bank Holding Company Act of 1956. That rendered obsolete the Board's interpretation of section 6 that was published in the March 1966 Federal Reserve Bulletin, page 339 (§ 222.120). Thus, so far as Federal banking law applicable to State member banks is concerned, the answer to the foregoing question depends on the provisions of section 23A of the Federal Reserve Act, as amended by the 1966 amendments to the Bank Holding Company Act. By its specific terms, the provisions of section 23A do not apply to an affiliate organized under section 25(a) of the Federal Reserve Act.

(c) Accordingly, the Board concludes that, except for such restrictions as may exist under applicable State law, it would be legally permissible by virtue of paragraph 20 of section 9 of the Federal Reserve Act for any or all of the State member banks that are affiliates of a registered bank holding company to acquire and hold shares of the Edge corporation subsidiary of the bank holding company within the amount limitation in the last sentence of paragraph 12 of section 25(a) of the Federal Reserve Act.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 24, 335, 371c, 611, and 618)

Dated at Washington, D.C., this 20th day of July 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66-8277; Filed, July 28, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

2,6-Dichloro-4-Nitroaniline

A petition (PP 6FO490) was filed with the Food and Drug Administration by the Upjohn Co., Kalamazoo, Mich. 49001, proposing the establishment of a tolerance for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity cottonseed at 0.05 part per million. The petitioner later increased the proposed tolerance to 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerance established in this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), § 120.200 is amended by adding thereto a new tolerance as follows:

§ 120.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

* * * * *

0.1 part per million in or on cottonseed.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably 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 ob-

jections 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.

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

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

Dated: July 22, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8286; Filed, July 28, 1966; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYOXYETHYLENE (20) SORBITAN TRISTEARATE; POLYSORBATE 80; SORBITAN MONOSTEARATE; POLYSORBATE 60 (POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE); CALCIUM STEARYL-2-LACTYLATE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 6A1893) filed by Germantown Manufacturing Co., 5100 Lancaster Avenue, Philadelphia, Pa. 19131, and other relevant data, has concluded that the food additive regulations should be amended to provide for the safe use of polyoxyethylene (20) sorbitan tristearate, polysorbate 80, sorbitan monostearate, polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), and calcium stearyl-2-lactylate in whipped vegetable oil topping. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended:

1. By adding to § 121.1008(c)(3) a new subdivision (iii), as follows:

§ 121.1008 **Polyoxyethylene (20) sorbitan tristearate.**

* * * * *

(c) * * *

(3) * * *

(iii) Polysorbate 80;

* * * * *

2. By adding to § 121.1009(c) a new subparagraph (9), as follows:

§ 121.1009 **Polysorbate 80.**

* * * * *

(c) * * *

(9) As an emulsifier in whipped vegetable oil topping with or without one or a combination of the following:

(i) Sorbitan monostearate;

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate);

(iii) Polyoxyethylene (20) sorbitan tristearate;

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped vegetable oil topping.

* * * * *

3. By adding to § 121.1029(c)(1) a new subdivision (iii), as follows:

§ 121.1029 **Sorbitan monostearate.**

* * * * *

(c) * * *

(1) * * *

(iii) Polysorbate 80.

* * * * *

4. By adding to § 121.1030(c)(1) a new subdivision (iii), as follows:

§ 121.1030 **Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).**

* * * * *

(c) * * *

(1) * * *

(iii) Polysorbate 80.

* * * * *

5. By adding to § 121.1047(c)(2) a new subdivision (iii), as follows:

§ 121.1047 **Calcium stearyl-2-lactylate.**

* * * * *

(c) * * *

(2) * * *

(iii) Whipped vegetable oil topping at a level not to exceed 0.3 percent of the weight of the finished whipped vegetable oil topping.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably 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.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 22, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8288; Filed, July 28, 1966; 8:47 a.m.]

PART 121—FOOD ADDITIVES

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

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5H1665) filed by West Chemical Products, 42-16 West Street, Long Island City, N.Y. 11101, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of an additional sanitizing solution on food-processing equipment and utensils. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2547 is amended by adding a new paragraph (b)(5) and by revising paragraph (c)(3) and (4), as follows:

§ 121.2547 **Sanitizing solutions.**

* * * * *

(b) * * *

(5) An aqueous solution containing elemental iodine, hydriodic acid, isopropyl alcohol, polyoxyethylene (4–12 moles) nonylphenol with a maximum average molecular weight of 748, and/or polyoxyethylene - polyoxypropylene block polymers (having a minimum average molecular weight of 1900), together with components generally recognized as safe.

(c) * * *

(3) Solutions identified in paragraph (b)(3) of this section will provide not more than 25 parts per million of titratable iodine. The solutions will contain the components potassium iodide, sodium *p*-toluenesulfonchloramide, and sodium lauryl sulfate at a level not in excess of the minimum required to produce their intended functional effect.

(4) Solutions identified in paragraph (b)(4) and (5) of this section will contain iodine to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably 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.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 22, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8287; Filed, July 28, 1966; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 365-66]

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

Subpart C—Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964

IMPLEMENTATION OF TITLE VI OF CIVIL RIGHTS ACT OF 1964 WITH RESPECT TO FEDERALLY ASSISTED PROGRAMS ADMINISTERED BY DEPARTMENT OF JUSTICE

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22), section 2 of Reorganization Plan No. 2 of 1950, Title VI of the Civil Rights Act of 1964 (78 Stat. 252), and the Law Enforcement Assistance Act of 1965 (79 Stat. 828), it is hereby ordered as follows:

SECTION 1. The heading of Part 42 of Title 28 of the Code of Federal Regulations is hereby amended to read as set forth above.

SEC. 2. Part 42 is hereby amended by adding at the end thereof a new Subpart C to read as follows:

Subpart C—Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964 [1]

Sec.
42.101 Purpose.
42.102 Definitions.
42.103 Application of this subpart.
42.104 Discrimination prohibited.
42.105 Assurance required.
42.106 Compliance information.
42.107 Conduct of investigations.
42.108 Procedure for effecting compliance.
42.109 Hearings.
42.110 Decisions and notices.
42.111 Judicial review.
42.112 Effect on other regulations; forms and instructions.

Appendix A—Programs and Activities of the Department of Justice to Which This Subpart Applies.

[1] See also 28 CFR 50.3, Guidelines for enforcement of Title VI, Civil Rights Act.

AUTHORITY: The provisions of this Subpart C issued under sec. 161, Revised Statutes (5 U.S.C. 22); sec. 2, Reorganization Plan No. 2 of 1950; Title VI, Civil Rights Act of 1964 (78 Stat. 252); Law Enforcement Assistance Act of 1965 (79 Stat. 828).

§ 42.101 Purpose.

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (hereafter referred to as the "Act"), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Justice.

§ 42.102 Definitions.

As used in this subpart—

(a) The term "responsible Department official" with respect to any program receiving Federal financial assistance means the Attorney General, or Deputy Attorney General, or such other official of the Department as has been assigned the principal responsibility within the Department for the administration of the law extending such assistance.

(b) The term "United States" includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and all other territories and possessions of the United States, and the term "State" includes any one of the foregoing.

(c) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, rehabilitation, or other services or disposition, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any disposition, services, financial aid, or benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any disposition, services, financial aid, or benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(e) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(f) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(h) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

(i) The term "academic institution" includes any school, academy, college, university, institute, or other association, organization, or agency conducting or administering any program, project, or facility designed to educate or train individuals.

(j) The term "disposition" means any treatment, handling, decision, sentencing, confinement, or other prescription of conduct.

(k) The term "governmental organization" means the political subdivision for a prescribed geographical area.

§ 42.103 Application of this subpart.

This subpart applies to any program for which Federal financial assistance is authorized under a law administered by the Department. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the date of this subpart pursuant to an application whether approved before or after such date. This subpart does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, or (b) any employment practice concerning which the primary purpose of the Federal assistance is not that of providing employment as described in § 42.104(c).

§ 42.104 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this subpart applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this subpart applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(ii) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program; or

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) For the purposes of this section the disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any portion of any program or function or activity conducted by any recipient of Federal financial assistance which program, function, or activity is directly or indirectly improved, enhanced, enlarged, or benefited by such Federal financial assistance or which makes use of any facility, equipment or property provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph and in paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Employment practices.* Whenever a primary objective of the Federal financial assistance to a program, to which this subpart applies, is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). That prohibition also applies to programs as to which a primary objective of the Federal financial assistance is (1) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (2) to provide work experience which contributes to the education or training of the individuals involved.

§ 42.105 Assurance required.

(a) *General.* Every application for Federal financial assistance to carry out a program to which this subpart applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this subpart. In the case of an application for Federal financial assistance to provide real property or structures thereon, or personal property or equipment of any kind, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for any other purpose involving the provisions of similar services or benefits. In all other cases, such assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible Department official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Assurances from government agencies.* In the case of any application from any department, agency, or office of any State or local government for Federal financial assistance for any specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of such other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Department official if the applicant establishes, to the satisfaction of the responsible Department official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by such program, or (3) full compliance with this subpart as respects such program.

(c) *Assurance from academic and other institutions.* (1) In the case of any application for Federal financial assistance for any purpose to an academic institution, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an academic institution, detention or correctional facility, or any other institution or facility, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to such individuals, shall be applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Department official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If, in any such case, the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

§ 42.106 Compliance information.

(a) *Cooperation and assistance.* Each responsible Department official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this subpart.

In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this subpart. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this subpart and its applicability to the progam under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this subpart.

§ 42.107 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this subpart.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimininationation prohibited by this subpart may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

(c) *Investigations.* The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this subpart. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 42.108.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this subpart, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 42.108 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this subpart and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible Department official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this subpart. Such other means include, but are not limited to, (1) appropriate proceedings brought by the Department to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with assurance requirement.* If an applicant or recipient fails or refuses to furnish an assurance required under § 42.105, or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this subpart, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this subpart. The Department shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this subpart, except that the Department will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this subpart.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart, (3) the action has been approved by the Attorney General pursuant to § 42.110, and (4) the expiration of 30 days after the Attorney General has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Attorney General, and (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance.

§ 42.109 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 42.108(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. That notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for that action. The notice shall (1) fix a date, not less than 20 days after the date of such notice, within which the applicant or recipient may request that the responsible Department official schedule the matter for hearing, or (2) advise the applicant or recipient that a hearing concerning the matter in question has been scheduled and advise the applicant or recipient of the place and time of that hearing. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing afforded by section

602 of the Act and § 42.108(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official, unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5 through 8 of the Administrative Procedure Act (5 U.S.C. 1004 through 1007), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied whenever reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Attorney General may, by agreement with such other departments or agencies, whenever appropriate, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this subpart. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 42.110.

§ 42.110 Decisions and notices.

(a) *Decisions by person other than the responsible Department official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision, to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Whenever the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days of the mailing of such notice of initial decision, file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon filing of such exceptions, or of such notice of review, the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official.

(b) *Decisions on the record or on review by the responsible Department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given a reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on the record whenever a hearing is waived.* Whenever a hearing is waived pursuant to § 42.109(a), a decision shall be made by the responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible Department official shall set forth his ruling on each findings, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this subpart with which it is found that the applicant or recipient, has failed to comply.

(e) *Approval by Attorney General.* Any final decision of a responsible Department official (other than the Attorney General) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart or the Act, shall promptly be transmitted to the Attorney General, who may approve such decision, vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of, the Act and this subpart, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this subpart, or to have otherwise failed to comply with this subpart, unless and until, it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this subpart.

§ 42.111 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 42.112 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* Nothing in this subpart shall be deemed to supersede any provision of Subpart A or B of this part or of any other regulation or instruction which prohibits discrimination on the ground of race, color, or national origin in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.

(b) *Forms and instructions.* Each responsible Department official, other than the Attorney General or Deputy Attorney General, shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this subpart as applied to programs to which this subpart applies and for which he is responsible.

(c) *Supervision and coordination.* The Attorney General may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this subpart (other than responsibility for final decision as provided in § 42.110(d), including the achievement of the effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI of the Act and this subpart to similar programs and in similar situations.

This subpart shall become effective on the 30th day following the date of its publication in the FEDERAL REGISTER.

Dated: July 5, 1966.

NICHOLAS DEB. KATZENBACH,
Attorney General.

Approved: July 25, 1966.

LYNDON B. JOHNSON,
President of the United States.

APPENDIX A—PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF JUSTICE TO WHICH THIS SUBPART APPLIES

Law Enforcement Assistance Act of 1965.

[F.R. Doc. 66-8285; Filed, July 28, 1966; 8:46 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Miscellaneous Amendments

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12(a), the Equal Employment Opportunity Commission hereby amends Part 1601 of its regulations as set forth below.

The purpose of this amendment is to describe more clearly the present Commission policy with respect to the filing and amendment of charges and to standardize the procedures for the investigation and disposition of charges and the reconsideration of Commission determinations with respect to charges.

Because the amendments herein adopted are procedural in nature the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, for public notice and delay in effective date are inapplicable, and these regulations shall become effective immediately.

1. The table of contents of Part 1601 is revised to read as follows:

AUTHORITY: The provisions of this Part 1601 are issued under sec. 713(a) of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12(a).

2. Section 1601.11 is revised to read as follows:

§ 1601.11 Contents; amendment.

(a) Each charge should contain the following:

(1) The full name and address of the person making the charge.

(2) The full name and address of the person against whom the charge is made (hereinafter referred to as the respondent).

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful employment practice.

(4) If known, the approximate number of employees of the respondent employer or the approximate number of members of the respondent labor organization, as the case may be.

(5) A statement disclosing whether proceedings involving the alleged unlawful employment practice have been commenced before a State or local authority charged with the enforcement of fair employment practice laws, and, if so, the date of such commencement and the name of the authority.

(b) Notwithstanding the provisions of paragraph (a) of this section, a charge is deemed filed when the Commission receives from the person aggrieved a written statement sufficiently precise to identify the parties and to describe generally the action or practices complained of. A charge may be amended to cure technical defects or omissions, including failure to swear to the charge, or to clarify and amplify allegations made therein, and such amendments relate back to the original filing date. However, an amendment alleging additional acts constituting unlawful employment practices not directly related to or growing out of the subject matter of the original charge will be permitted only where at the date of the amendment the allegation could have been timely filed as a separate charge.

3. Section 1601.13 is revised to read as follows:

§ 1601.13 Service of charge.

Upon the filing of a charge or the amendment of a charge, the Commission shall furnish the respondent with a copy thereof by certified mail or in person.

4. Section 1601.14 is revised to read as follows:

INVESTIGATION OF A CHARGE

§ 1601.14 By whom made.

The investigation of a charge shall be made by the Commission. During the course of such investigation, the Commission may utilize the services of State and local agencies which are charged with the administration of fair employment practice laws or appropriate Federal agencies. As part of each investigation, the charging party and the respondent shall each be offered an opportunity to submit a statement of its position or evidence with respect to the allegations. The statement and evidence of the respondent should be submitted within 10 days after receipt of the charge, but the Commission will endeavor to consider statements or evidence submitted thereafter by either party if received by the Commission prior to the determination pursuant to § 1601.19. The Commission encourages voluntary cooperation in its investigations, but will resort to the compulsory processes authorized by Title VII, when, in its judgment, such resort becomes necessary.

5. Section 1601.19 is revised to read as follows:

§ 1601.19 Determination of reasonable cause.

(a) Upon the completion of an investigation, the Commission shall determine whether there is reasonable cause to believe that the charge is valid. If the Commission determines that the charge fails to state a valid claim for relief under Title VII, or that there is not reasonable cause to believe that the charge is true, the Commission shall dismiss the charge. Where the Commission determines that there is reasonable cause to believe that an unlawful employment practice has occurred or is occurring, it shall endeavor to eliminate such practice by informal methods of conference, conciliation and persuasion.

(b) The Commission shall promptly notify the charging party, the respondent, and, in the case of a charge filed under § 1601.10, the person aggrieved, if known, of its determination under this section. Any party aggrieved by such determination may within 5 days of receipt of such notice request that the Commission reconsider its action. Such reconsideration will be granted only on the basis of additional material evidence not previously available to the party aggrieved or for other good cause shown. The Commission may at any time on its own motion reconsider a determination of reasonable cause, but a dismissal of a charge becomes final upon expiration of the time within which to seek reconsid-

eration or, if reconsideration is requested, upon rejection of such request or affirmance of the earlier determination to dismiss.

(c) Where a member of the Commission has filed a charge under § 1601.10, he shall not participate in the determination in that case.

(d) Notwithstanding any other provision in this part, where the allegations of a charge on their face or as amplified by the statements of the charging party to the Commission disclose that the charge is not timely filed or otherwise fails to state a valid claim for relief under Title VII, the Commission may dismiss the case without further action, but it shall notify the charging party in writing of its disposition of the case and the reasons therefor. The charging party may seek reconsideration of the dismissal in accordance with paragraph (b) of this section.

6. Section 1601.21 is deleted.

7. Section 1601.22 is revised to read as follows:

PROCEDURE TO RECTIFY UNLAWFUL EMPLOYMENT PRATICES

§ 1601.22 Conciliation; settlements.

In conciliating a case in which a determination of reasonable cause has been made, the Commission shall attempt to achieve a just resolution and to obtain assurances that the respondent will eliminate the unlawful employment practice and take appropriate affirmative action. Disposition of a case pursuant to this section shall be in writing, and notice thereof shall be sent to the parties. Proof of compliance with Title VII will be obtained by the Commission before the case is closed.

8. The subhead preceding § 1601.25 is revised to read:

PROCEDURE AFTER FAILURE OF CONCILIATION

Signed at Washington, D.C., this 26th day of July 1966.

LUTHER HOLCOMB,
Acting Chairman.

[F.R. Doc. 66-8340; Filed, July 28, 1966; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII of Title 32 is amended as follows:

SUBCHAPTER C—PUBLIC RELATIONS

1. In Part 820 the heading "Competition With Civilian Bands" and the centerhead "Air Force Bands" are deleted. The heading of Part 820 now reads as follows:

PART 820—AIR FORCE BANDS

2. Present Part 824 is deleted and the following inserted therefor:

PART 824—AIR FORCE PARTICIPATION IN PUBLIC EVENTS

Sec.

AUTHORITY: The provisions of this Part 824 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 190-5, January 21, 1966.

§ 824.1 Purpose.

This part governs official Air Force participation in public events and community relations programs.

§ 824.2 Policy.

(a) This part tells when Air Force participation may and may not be provided for public events and community relations programs.

(b) This part does not govern Armed Forces Day activities except as noted and does not apply to appearances on commercially sponsored audiovisual media. (See AFM 190-4 (Information Policies and Procedures) (Part 835 of this subchapter).)

(c) Nothing in this part restricts or controls individual Air Force members from participating in community activities. Such participation is desirable and encouraged on a personal off-duty basis and helps to create and sustain public awareness of the civil responsibilities assumed by Air Force personnel.

§ 824.3 Definitions.

The following terms are explained for this part:

(a) *Additional cost to the Government.* The Operation and Maintenance (O&M) costs of providing Air Force resources for a public event of mutual interest to the Air Force and to the sponsor of the event; i.e., the expenditure of appropriated funds to participate in the event. Additional costs include but are not limited to: Travel and transportation of personnel; per diem allowances payable under the provision of the Joint Travel Regulations (JTRs); transportation of exhibit materials when shipper by commercial means; and the cost of handling and transporting military aviation fuel to a civilian airport if such fuel is not available at a military staging base or at military contract price at the airport.

(b) *Aerial demonstrations.* Flight demonstrations, jumps, personnel or equipment drops by Air Force personnel or aircraft in public events and community relations programs.

(1) *Flight demonstrations.* Include participation by the USAF Thunderbirds, rescue demonstrations by helicopters, aerial refueling demonstrations, maximum performance takeoffs and landings or similar flight operations.

(2) *Parachute demonstrations.* Include demonstrations by parachute teams and sports clubs.

(c) *Air Force exhibits.* Any display for public affairs purposes of Air Force material. Specifically included are items of equipment, models, devices, and information and orientation material. Excluded are operable aircraft.

(d) *Air Force participation.* Includes any use of Air Force personnel as individuals or as units; bases; and materiel to include aircraft, ships, exhibits, and equipment in public events and community relations programs.

(e) *Air Force share of costs.* Those continuing type costs which would exist if the Air Force did not participate in the event, such as: Regular pay and allowances of the Armed Forces; small incidental base expenses such as local transportation, telephone calls, etc.; and other minor expenses as may be determined by the Air Force commander responsible for participating in the event. The use of routine training flights or military aircraft for transporting military personnel and exhibiting materials is also considered to be an Air Force share of costs as authorized by AFR 190-13 (Use of Military Carriers for Public Affairs Purposes).

(f) *Base.* Any type of Air Force installation on active status, including Government-owned or leased facilities at a municipal or county airport.

(g) *Classes of public events*—(1) *International event.* Audience and/or participation from the United States and at least one other nation.

(2) *National event.* Audience and/or participation from the United States as a whole.

(3) *Regional event.* Audience and/or participation from two or more States of the United States.

(4) *State event.* Audience and/or participation drawn from that State as a whole.

(5) *County event.* Audience and/or participation drawn from more than one community within a county, from a county as a whole, or from several counties.

(6) *Local event.* One within a State which centers on and is of primary interest to a single community.

(h) *Community relations area.* The geographical area wherein Air Force facilities and/or personnel have a social or economic impact on the populace.

(i) *Flyover.* A straight and level flight of one or more aircraft over a predetermined point on the ground at an announced time.

(j) *Fraternal groups.* Societies whose members are banded together for mutual benefit or for work towards a common goal. They include, but are not limited to, such organizations as the Fraternal Order of the Eagles, Benevolent and Protective Order of Elks, Loyal Order of the Moose, Free and Accepted Masons (Scottish Rite, York Rite, and Shrine), Knights of Columbus, Knights Templar, Independent Order of Odd Fellows, and Order of the Eastern Star. Service or