

Causeway Lake Recreation Area

T. 1 N., R. 87 W., Protraction Diagram No. 3, In approximately sec. 20 beginning at the outlet of Causeway Lake thence east a distance of 6½ chains, thence south 20 chains, east 10 chains, south 5 chains, east 5 chains, south 10 chains, west 35 chains, north 10 chains, west 5 chains, north 15 chains, east 10 chains, north 10 chains, east 8½ chains to the outlet of Causeway Lake, the point of beginning.

Upper Stillwater Recreation Area—Addition

T. 1 N., R. 87 W.,
Sec. 23, SE¼NE¼SE¼, E½SE¼SE¼ (Protraction Diagram No. 3);
Sec. 24, S½NW¼SW¼.

Crosho Lake Recreation Area—Addition

T. 2 N., R. 86 W.,
Sec. 4, south 5 chains of west 10 chains of lot 9, W½SW¼NW¼, W½SW¼NW¼;
Sec. 5, S½SE¼NE¼NE¼, E½SE¼NE¼.

Chapman Reservoir

T. 3 N., R. 86 W.,
Sec. 31, west 10 chains of lot 14, east 10 chains, south 5 chains of west 10 chains of lot 15, north 15 chains of west 15 chains of lot 18.

Medicine Tree Campground

T. 3 N., R. 87 W.,
Sec. 36, lot 8 and south 10 chains of lot 5.

Parkview Campground—Addition

T. 5 N., R. 78 W.,
Sec. 23, W½SE¼SE¼.

Colorado State Highway 125 Roadside Zone

A strip of land 200 feet from centerline on each side of Colorado State Highway 125 throughout its course in the following legal subdivisions:

T. 5 N., R. 78 W.,
Sec. 14, W½;
Sec. 23, W½NE¼, NW¼, W½SE¼;
Sec. 25, SW¼NE¼NW¼, E½NW¼NW¼, S½NW¼, SW¼.

Spruce Divide Campground

T. 1 N., R. 83 W.,
Sec. 4, south 10 chains of lot 2, the south 10 chains of east 5 chains of lot 3, E½NE¼SE¼NW¼, SW¼NE¼, W½W½SE¼NE¼.

Colorado State Highway 84 Roadside Zone

A strip of land 200 feet from centerline on each side of Colorado State Highway 84 throughout its course in the following subdivisions:

T. 1 N., R. 82 W.,
Sec. 6, lots 20, 23, and 24;
Sec. 7, lot 5, E½NE¼;
Sec. 8, S½NW¼, NE¼SW¼, SE¼;
Sec. 9, SE¼SW¼, SW¼SE¼;
Sec. 10, W½NE¼, S½NW¼;
Sec. 16, N½NW¼;
Sec. 17, NE¼NE¼NE¼.

T. 1 N., R. 83 W.,
Sec. 1, SW¼SW¼NE¼, S½NW¼, SE¼;
Sec. 2, SE¼NE¼, NE¼SE¼, W½SE¼;
Sec. 3, SW¼SW¼;
Sec. 4, S½NW¼, N½NE¼SW¼, W½NW¼SE¼, E½SE¼SE¼, exclusive of PLO 1381 withdrawal;
Sec. 5, S½NE¼, S½NW¼;
Sec. 10, NW¼NE¼, NW¼;
Sec. 11, NW¼NE¼, NE¼NW¼.

Bear River Administrative Site

T. 1 N., R. 86 W.,
Sec. 15, W½SE¼NW¼NE¼, E½SW¼NW¼NE¼.

Middle Bear River Recreation Area—Addition

A strip of land 200 feet from centerline on each side of Bear River Road, Forest Development Road No. 2073, throughout its course in the following legal subdivisions:

T. 1 N., R. 86 W.,
Sec. 15, NE¼.

Rabbit Ears Lake Recreation Area—Addition

T. 5 N., R. 82 W.,
Sec. 7, SE¼SE¼SE¼NE¼, E½NE¼NE¼SE¼;
Sec. 8, S½S½SW¼NW¼.

Muddy Pass Lake

T. 5 N., R. 82 W.,
Sec. 15, SE¼SW¼ and E½SW¼SE¼ exclusive of 600-foot roadside zone withdrawal covered by PLO 3069.

Divide Campground

T. 5 N., R. 82 W.,
Sec. 17, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, W½SE¼SE¼, exclusive of 600-foot roadside zone withdrawal, PLO 3069.

Highway Campground

T. 5 N., R. 83 W. (Unsurveyed—Protraction Diagram No. 2B),
Sec. 32, The west 15 chains of the NW¼ exclusive of 600-foot roadside zone withdrawal, PLO 3069.

Hidden Lakes Campground

T. 6 N., R. 82 W.,
Sec. 9, S½SE¼NW¼, NE¼SW¼.

Park Range Campground

T. 6 N., R. 83 W. (Unsurveyed—Protraction Diagram No. 2B).

In approximately secs. 14 and 15, beginning at corner No. 1, from which the southeast corner of Fish Creek Recreation Area Withdrawal, PLO 1381 bears west 9 chains, thence south 20 chains, east 11 chains, south 14 chains, west 35 chains, north 34 chains, east 24 chains to point of beginning.

Fishhook Lake Recreation Area—Addition

T. 6 N., R. 83 W. (Unsurveyed—Protraction Diagram No. 2B),
Sec. 36, E½E½SE¼SE¼.

Yampa Valley Panorama

T. 7 N., R. 84 W.,
Sec. 36, SE¼NW¼NE¼.

Buffalo Pass Roadside Rest

T. 7 N., R. 84 W.,
Sec. 36, S½SW¼NW¼NW¼, NW¼SW¼NW¼.

Hahns Peak Road (Forest Highway 20) Roadside Zone

A strip of National Forest land 200 feet from centerline on each side of Hahns Peak Road (Forest Highway 20) throughout its course in the following legal subdivisions:

T. 7 N., R. 85 W.,
Sec. 11, NW¼NW¼, SE¼NW¼, NE¼SW¼, SE¼SW¼, SW¼SW¼SE¼;
Sec. 14, NW¼NE¼.
T. 10 N., R. 85 W.,
Sec. 6, lots 20, 22, 24, and 25;
Sec. 7, lots 8 and 9;
Sec. 18, lots 10 and 11.
T. 10 N., R. 86 W.,
Sec. 12, SE¼SE¼NE¼, E½SE¼;
Sec. 13, lots 1, 2, 3, 4, and 5, SE¼.
T. 11 N., R. 85 W.,
Sec. 19, lot 6;
Sec. 30, lot 8;
Sec. 31, lots 5, 6, 7, 8, 9, 11, 12, and 13, NE¼SE¼.

Hahns Peak Road (Forest Highway 20) Roadside Zone—Continued

T. 11 N., R. 86 W.,
Sec. 2, lot 13;
Sec. 3, lot 5, lot "C" of Tract 41;
Sec. 11, NE¼NE¼;
Sec. 12, S½NW¼, lots 1, 2, and 4;
Sec. 13, lot 7;
Sec. 24, lots 1, 2, and 4;
Sec. 25, E½NE¼.
Subject to Power Withdrawals in T. 7 N., R. 85 W., sec. 11, SW¼SW¼SE¼ and sec. 14, NW¼NE¼.

Elk River Recreation Area—Addition

T. 9 N., R. 84 W.,
Sec. 17, lot 9 and north 10 chains of lot 8;
Sec. 18, lot 15.

Freeman Reservoir Recreation Area

T. 9 N., R. 89 W.,
Sec. 6, lot 18, lot 19, north 5 chains of lot 21.

Hahns Peak Reservoir Recreation Area—Addition

T. 10 N., R. 86 W.,
Sec. 11, W½NE¼SE¼, S½N½NW¼SE¼, S½NW¼SE¼, N½N½SW¼SE¼, N½NW¼SE¼SE¼.

Adams Creek Campground

T. 10 N., R. 87 W.,
Sec. 15, S½SW¼NE¼, N½N½NW¼SE¼.

Upper Solomon Campground

T. 11 N., R. 85 W.,
Sec. 26, S½SE¼NW¼, N½NE¼SW¼.

Colorado State Highway 127 Roadside Zone

A strip of land 200 feet from centerline on each side of Colorado State Highway 127 throughout its course in the following legal subdivisions:

T. 12 N., R. 79 W.,
Sec. 23, E½SE¼;
Sec. 24, lots 1 and 2, SW¼;
Sec. 26, NW¼NE¼NE¼.

The areas described aggregate approximately 4,969 acres in Moffat, Jackson, Rio Blanco, Garfield, Grand, and Routt counties.

2. The withdrawals made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 6, 1971.

[FR Doc.71-11763 Filed 8-13-71; 8:48 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 132—GRANTS FOR TRAINING IN LIBRARIANSHIP

On pages 8151-8154 of the FEDERAL REGISTER of April 30, 1971, there was published a notice of proposed rule making to issue regulations prescribing certain policies and requirements for criteria in determining priorities for eligible projects. Interested persons were given 30 days in which to submit written

comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective on the date of their publication in the FEDERAL REGISTER (8-14-71).

Dated: July 10, 1971.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: August 10, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health,
Education, and Welfare.

Sec.	
132.1	Applicability.
132.2	Definitions.
132.3	Eligible purposes.
132.4	Eligible participants.
132.5	Applications for grants.
132.6	Review of applications.
132.7	Disposition of applications.
132.8	Payment procedure.
132.9	Amount of grant.
132.10	Duration of the training program.
132.11	Revisions.
132.12	Fiscal accounting and auditing procedures.
132.13	Program accountability and evaluation procedures.
132.14	Allowable costs.
132.15	Stipends and travel allowances for participants.
132.16	Retention of records.
132.17	Reports.
132.18	Publications.
132.19	Patents and copyrights.
132.20	Termination of grant.
132.21	Use of and accountability for equipment.
132.22	Sale of goods and services.
132.23	Service contracts.
132.24	Changes in key personnel.
132.25	Dual compensation.
132.26	Interest on grants.
132.27	Final accounting.

Authority: The provisions of this Part 132 issued under sections 221-223, 79 Stat. 1227, 20 U.S.C. 1031-1033.

§ 132.1 Applicability.

The regulations in this part apply to grants by the U.S. Commissioner of Education to institutions of higher education to assist them in training persons in librarianship under title II-B of the Higher Education Act of 1965 (20 U.S.C. 1031-1033). Such grants are also subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88-352, 78 Stat. 252, 42 U.S.C. 2000d et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in 45 CFR Part 80. (20 U.S.C. 1031-1033, 42 U.S.C. 2000d et seq.)

§ 132.2 Definitions.

As used in this part:

(a) "Act" means the Higher Education Act of 1965, as amended (20 U.S.C. 1001-1150).

(b) "Commissioner" means the U.S. Commissioner of Education.

(c) "Department" means the U.S. Department of Health, Education, and Welfare.

(d) "Fellowship" means an award to participants engaged in a regular academic program of formal education in an institution of higher education for which are awarded credits that may be used to earn an academic degree.

(e) "Fiscal year" means the period beginning on July 1 and ending on the following June 30, and designated by the calendar year in which the fiscal year ends.

(f) "Institute" means an intensive short-term or regular-session program of specialized training designed to train individuals in particular principles and practices of librarianship.

(g) "Institution of higher education" means an educational institution in any State which meets all of the following criteria:

(1) It admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(2) It is legally authorized within such State to provide a program of education beyond secondary education.

(3) It provides at least one of the following types of programs:

(i) An educational program for which it awards a bachelor's degree.

(ii) A program or not less than 2 years which is acceptable for full credit toward a bachelor's degree.

(iii) A program of not less than 1 year of training to prepare students for gainful employment in a recognized occupation.

(4) It is a public or other nonprofit institution.

(5) It is either accredited by a nationally recognized accrediting agency or association, or meets at least one of the following requirements:

(i) It is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or organization within a reasonable period of time.

(ii) It is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

(h) "Librarianship" means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval, and dissemination of information, and reference and research use of library and other information resources.

(i) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(j) "Traineeship" means an award to participants enrolled in a directed training program which is not a regular academic program of the type described in paragraph (d) of this section (20 U.S.C. 1032, 1141)

§ 132.3 Eligible purposes.

Funds available under title II-B of the Act may be used by the Commissioner to award grants to institutions of higher education for any one or more of the following purposes:

(a) To assist in covering the cost of courses of training or study (including institutes) for such persons;

(b) For establishing and maintaining fellowships or traineeships with stipends (including allowances for traveling, subsistence, and other expenses) for fellows and others undergoing training and their dependents not in excess of such maximum amounts as may be prescribed by the Commissioner; and

(c) For establishing, developing, or expanding programs of library and information science. (20 U.S.C. 1033)

§ 132.4 Eligible participants.

An individual may be enrolled as a participant in training programs assisted with Federal funds under this part provided that such individual:

(a) Is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof; and

(b) Is either engaged in or preparing to engage in a profession or other occupation involving librarianship. (20 U.S.C. 1032, 1033)

§ 132.5 Applications for grants.

(a) Any institution of higher education may file on or before the cutoff date or dates announced by the Commissioner for each fiscal year an application in accordance with such forms and instructions as may be prescribed by him. Such application shall contain—

(1) Such fiscal control and funding accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant, which meet the requirements of § 132.12;

(2) Such program accountability and evaluation procedures as may be necessary to assure that the purposes of the training program are being accomplished which meets the requirements of § 132.13;

(3) An assurance that no fees or charges will be collected from participants as a condition of enrollment or participation in or completion of any training; and

(4) Such other pertinent information as the Commissioner may require.

(b) The application shall be executed by an individual authorized to act for the applicant. Applications and requests for information may be sent to the Director, Division of Library Programs, Bureau of Libraries and Educational Technology, U.S. Office of Education, Washington, D.C. 20202. (20 U.S.C. 1033)

§ 132.6 Review of applications.

The Commissioner will approve applications for a grant under this part only

after such application has been reviewed by a panel of experts and specialists, and in accordance with such other procedures as the Commissioner may establish. Such review will take into account such factors as:

- (a) The number of persons to be trained in the program;
- (b) Adequacy of qualifications and experience of personnel designated to carry out the training program;
- (c) Adequacy of facilities, equipment, and materials to be used in the training program;
- (d) Reasonableness of estimated cost in relation to anticipated results;
- (e) Sufficiency of size, scope, and duration of the training program so as to make a significant contribution to meeting overall needs for persons trained in librarianship;
- (f) Quality and suitability of curricula in the training program;
- (g) Experience of the applicant institution with similar training programs;
- (h) Criteria for selection of participants;
- (i) Extent to which the applicant institution will contribute its own resources to the proposed training program; and maintain, expand, and improve its other training programs in librarianship;
- (j) Potential for achieving innovative and exemplary training programs; and
- (k) Priorities which may be determined by the Commissioner. (20 U.S.C. 1033)

§ 132.7 Disposition of applications.

On the basis of his review of an application pursuant to § 132.6, the Commissioner will either (a) approve the application in whole or in part, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further review. Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission. The Commissioner will notify the applicant in writing of the disposition of the application. The grant award document will incorporate the grant terms and conditions in this part and include such other provisions as appropriate. (20 U.S.C. 1033)

§ 132.8 Payment procedure.

Federal payments pursuant to a grant under this subpart may be made either in advance or by way of reimbursement, to be determined consistent with the nature of the activities and the services involved in the training program, and in accordance with the applicable requirements of these regulations and the terms and conditions of the grant award. (20 U.S.C. 1033, 1232d)

§ 132.9 Amount of grant.

The amount of the grant shall be set forth in the grant award document. The total cost to the Government for the performance of the training program will not exceed the amount set forth in the grant award document or any appropriate modification thereof. The Government shall not be obligated to reimburse the grantee for costs incurred in excess

of such amount unless or until the Commissioner has notified the grantee in writing that such amount has been increased and has specified such increased amount in a revised grant award document pursuant to § 132.11. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant. (20 U.S.C. 1033)

§ 132.10 Duration of the training program.

(a) All payments made with respect to each grant shall remain available for expenditures during the budget period specified in the grant award document or until otherwise terminated in accordance with § 132.20. Such period may be extended by revision of the grant without additional funds pursuant to paragraph (b) of this section. (20 U.S.C. 1033)

(b) When it is determined that special or unusual circumstances will delay the completion of the program or project for more than 3 months beyond the period for which the grant is awarded, the grantee shall in writing request the Commissioner to extend such period and shall indicate the reasons therefor.

§ 132.11 Revisions.

(a) In order for a grant to be substantially changed, or for the amount of the grant award to be increased pursuant to § 132.9, the grantee shall submit to the Commissioner a written request therefor. Minor deviations of specific amounts of expenditures among categories from those estimated in the budget set forth in the grant award document will not require revision of such application.

(b) Requests for revisions shall be submitted in writing for approval by the Commissioner. Such revisions may be initiated by the Commissioner if, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing such grants. (20 U.S.C. 1033)

§ 132.12 Fiscal accounting and auditing procedures.

(a) *Fiscal accounting.* The grantee shall maintain accounts, records, and other evidence pertaining to all costs incurred, and revenues or other applicable credits acquired, in connection with the grant. The system of accounting employed by the grantee shall be in accordance with generally accepted accounting principles and will be applied in a consistent manner so that expenditures under the grant may be clearly identified.

(b) *Cost sharing records.* When the grant award requires cost sharing, the grantee shall maintain records which demonstrate that its contributions to the training program are not less, in proportion to the charges against the grant, than the amount specified in the grant award document, or any subsequent revision thereof.

(c) *Auditing records.* Each grantee shall make appropriate provision for the auditing of the program or project ex-

penditure records referred to in paragraphs (a) and (b) of this section. Such audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. Such expenditure records, the reports of such audits, and other records relating to the grant shall be subject to inspection and audit by the representatives of the Federal Government at all reasonable times during the period of retention provided for in § 132.16.

(d) *Adjustments.* Each grantee shall, in maintaining program expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from administrative reviews and audits by the Federal Government or by the grantee. Such adjustments shall be set forth in the financial reports filed with the Commissioner. (20 U.S.C. 1033, 1232c)

§ 132.13 Program accountability and evaluation procedures.

Each program or project proposal shall include an evaluation plan to be carried out by a third party for the purpose of evaluating the effectiveness of the program or project. Such plan shall describe the steps by which the grantee will:

(a) Determine the extent to which the objectives of the program or project have been accomplished;

(b) Determine what factors either enabled or precluded the accomplishment of these objectives; and

(c) Promote the inclusion of the successful aspects of the program or project into adult education programs supported with funds other than those provided under the grant. (20 U.S.C. 1033)

§ 132.14 Allowable costs.

Except as otherwise indicated in paragraph (b) of this section, allowable costs for any approved grant shall be determined in accordance with, and governed by, the principles and procedures set forth in the Office of Management and Budget Circular A-21 and any other Federal requirements concerning cost determination as may be applicable; except that—

(a) There may be included in direct costs for payments to training program participants only those allowances provided for in § 132.15, and

(b) Indirect costs chargeable to the grant shall be limited to actual indirect costs or a fixed rate of 8 percent of allowable direct costs (including the allowances referred to in paragraph (a) of this section), whichever is less.

(c) Travel allowances to other than training program participants shall be paid in accordance with applicable State and local laws and regulations and agency and institutional practices. If there are no such applicable laws, regulations, and practices, travel cost shall be in accordance with the Standardized United States Government Travel Regulations (Office of Management and

Budget Circular No. A-7). No foreign travel will be authorized under the grant unless prior approval is obtained from the Commissioner. (20 U.S.C. 1033)

§ 132.15 Stipends and travel allowances for participants.

(a) Stipends, travel allowances and dependency allowances shall be authorized at levels established by the Commission and consistent with prevailing practices in other comparable Federal programs.

(b) Any amounts received under any other Federal grant program (except veterans' and war orphans' and widows' educational assistance under title 38, United States Code) shall be set off against the amount which a participant otherwise would be entitled to receive under this part. A participant shall not be precluded from receiving a loan that is made, insured, or reinsured under any Federal educational loan program, and neither the amount of such loan nor any Federal interest payment made during the period of his participation in a training program shall be deducted from the amount received by the participant under this part.

(c) Allowances may be paid for a participant's travel expenses for one round trip between each participant's home beyond a reasonable commuting distance and the place at which the training program is conducted. In addition, allowances may also be paid for a participant's daily commuting travel for a reasonable distance upon determination by the Commissioner that such allowances are necessary for successful participation in the program and that extreme need and hardship exist. Such travel may be performed either by public or private conveyance; but if performed by private conveyance, the allowance for such travel shall not exceed eight cents per mile or the common carrier cost of such travel, whichever is less. (20 U.S.C. 1033, 38 U.S.C. 1781)

§ 132.16 Retention of records.

(a) Each grantee shall provide for keeping accessible and intact all records relating to the receipt and expenditure of Federal grant funds and to the expenditure of the grantee's contribution to the cost of the training program, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the grant. Such records shall be retained for 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time; or if such audit has not occurred by that time:

(1) Until the grantee is notified of the completion of such audit, or

(2) For 5 years following the end of the budget period, whichever is earlier.

(b) The records involved in any claim or expenditure which has been questioned by the Federal audit shall be further retained until resolution of any such audit questions. (20 U.S.C. 1033, 1232c)

§ 132.17 Reports.

The grantee shall submit such fiscal and program reports as may be required by the Commissioner and in the quantity and at the time stated in the report schedule which shall be set forth in the grant award document. (20 U.S.C. 1033)

§ 132.18 Publications.

(a) Material produced as a result of any program supported with grants under this part may be published without prior review by the Commissioner: *Provided*, That (1) 15 copies of such material shall be furnished to the Commissioner; (2) that no such materials may be published for sale without the prior approval of the Commissioner, which approval shall be subject to such requirements as he deems appropriate, and (3) that no motion pictures for viewing by the general public shall be produced without prior clearance by the Department. All such published material shall contain the following statement:

The program presented or reported herein was performed pursuant to a grant from the U.S. Office of Education, Department of Health, Education and Welfare. The opinions expressed herein, however, do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the U.S. Office of Education should be inferred.

(b) All printing or duplicating authorized under a grant under this part shall be subject to the restrictions and limitations contained in the current issue of the "Printing and Binding Regulations," published by the Joint Committee on Printing, Congress of the United States. (20 U.S.C. 1033; 44 U.S.C. 103, 501, 502)

§ 132.19 Patents and copyrights.

(a) Any material of a copyrightable nature produced through a program supported with grants under this part shall be subject to the copyright policy of the U.S. Office of Education set forth in its Copyright Guidelines of May 9, 1970 (35 F.R. 7317) or any modification thereof in effect at the time of the grant. Provisions implementing this policy will be included in the terms and conditions of the grant award document.

(b) Any material of a patentable nature produced through a program supported with grants under this part shall be subject to the provisions of Parts 6 and 8 of this title. Provisions implementing these parts will be included in the terms and conditions of the grant award document. (20 U.S.C. 1033)

§ 132.20 Termination of grant.

(a) Any grant may be terminated by the Commissioner—

(1) If he determines that the program is no longer susceptible of productive results or

(2) If the grantee fails to comply with any grant requirement or condition.

(b) Where action is taken under this section, the Commissioner may authorize the expenditure of Federal funds in

such amounts as he deems necessary for the purpose of terminating the program financed by the grant which is being terminated. (20 U.S.C. 1033)

§ 132.21 Use of and accountability for equipment.

(a) *Definition.* As used in this section, the term "equipment" means non-consumable personal property procured or fabricated which is complete in itself, is of a durable nature and has an expected useful life of more than 1 year.

(b) *Use.* Equipment purchased with grant funds shall be used only to accomplish the purposes of the grant. The grantee shall certify in its application that the equipment being acquired is not already on hand and that it will safeguard and protect all such equipment in accordance with prudent property management practices.

(c) *Accountability.* The grantee shall maintain records of all equipment procured or fabricated under the grant and costing more than \$300 or having a residual value of more than \$100. Such equipment may not be disposed of by the grantee without the prior consent of the Commissioner and shall, upon the expiration or termination of the grant, be made available by the grantee for such disposition as the Commissioner may direct in accordance with the applicable provisions of the Department's Grants Administration Manual, Chapter 1-410. (20 U.S.C. 1033)

§ 132.22 Sale of goods and services.

The grantee shall obtain from the Commissioner prior approval of any sale of goods and services resulting from the program and such approval will be subject to the condition that the proceeds from such sales will be disposed of in either one of the following two ways:

(a) Returning the funds to the Federal Government by (1) reducing the level of expenditures from grant funds by an amount equal to the Federal share of the grant related income, (2) treating the funds as a partial payment to the award of a succeeding (continuation) grant, or (3) payment to miscellaneous receipts of the Treasury, or

(b) Using the funds to further the purposes of the grant program from which the award was made. (20 U.S.C. 1033)

§ 132.23 Service contracts.

The grantee may enter into contracts or agreements for the provision of part of the services to be provided under the grant by other appropriate public or private agencies or institutions. Such contract or agreement shall incorporate the regulations of this part and other applicable Federal requirements, describe the services to be provided for the agency or institution, and contain provisions assuring that the grantee will retain supervision and administrative control over the provision of services under this contract or agreement. Services to be provided by contract or agreement pursuant to this section shall be specified

in the program proposal or in an amendment thereto, and the proposed contract or agreement shall be submitted to the Commissioner for prior approval. (20 U.S.C. 1033)

§ 132.24 Changes in key personnel.

If for any reason it becomes necessary to substitute the program director or other key professional staff listed in the program proposal, the grantee shall in writing request the approval by the Commissioner of such substitution. Such written request shall include the name and qualifications of the successor. (20 U.S.C. 1033)

§ 132.25 Dual compensation.

If a program staff member or consultant is involved simultaneously in two or more programs or projects supported by Federal funds either under this part or otherwise, he may not be compensated for more than 100 percent of his time from Federal funds during any part of the period of dual involvement. The grantee shall not use any grant or funds from other sources to pay a fee to, or travel expenses of, employees of the Department of Health, Education, and Welfare for lectures, attending program functions, or any other activities in connection with the grant. (20 U.S.C. 1033)

§ 132.26 Interest on grants.

Interest earned on any cash advances made to grantees under this part other than States shall be credited to the United States. The grantee shall submit as a part of each financial report required under the grant a statement showing the amount of interest earned on Federal funds during the period covered by the report. (20 U.S.C. 1033)

§ 132.27 Final accounting.

In addition to such other accounting as the Commissioner may require, the grantee shall render, with respect to the program under the grant, a full account of

(a) Funds expended, obligated, and remaining under the grant;

(b) All equipment and supplies purchased with Federal funds for which accountability is required by § 132.21(c);

(c) All instructional materials developed for use in the program or project; and

(d) All salable items resulting from the program or project. A report of such accounting shall be submitted to the Commissioner within 60 days of the expiration or termination of the grant, and the grantee shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. (20 U.S.C. 1033)

[FR Doc. 71-11775 Filed 8-13-71; 8:49 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-18; Notice 71-19]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS

Fuel Systems

The Director of the Bureau of Motor Carrier Safety is issuing a revision of the provisions of the Motor Carrier Safety Regulations pertaining to fuel systems of commercial motor vehicles. This revision is the result of proceedings which were begun on February 19, 1970, when the Federal Highway Administration issued a notice of proposed rule making, inviting public comments on a proposal to revise the rules pertaining to fuel systems (35 F.R. 3177).

The principal features of the proposal were additional requirements for diesel fuel tanks, somewhat more stringent requirements for liquid fuel tanks other than side-mounted liquid fuel tanks, updated references to applicable industry standards, and various editorial revisions aimed at increased clarity. Twenty-six persons responded to the invitation to comment on the proposed revision. These comments, as well as other available data, have been carefully considered.

A number of comments pointed out various areas of ambiguity in the proposal. Corrections have been made in a number of these areas. The matter now contained in § 393.65(b)(4) has been drafted to permit fill pipe openings to be located behind doors designated for that purpose, so long as the openings are located outside a vehicle's passenger compartment, its cargo compartment, or both. A number of comments asked the Director to be less restrictive in specifying permissible methods for closing joints in fuel tanks (see § 393.67(c)(1)). Although the Director is not aware of adequate methods of closing joints in metallic fuel tanks other than the techniques specified in the proposed rule, the section now provides that other methods "which provide heat resistance and mechanical securement at least equal to those specifically named" are acceptable. In order to leave no room for doubt in the minds of persons concerned with this area, the Director has gone on to include a specific prohibition against use of crimping or soldering with a lead-based or other soft solder as the sole means of closure. In this connection, the Director notes that parting lines in plastic fuel tanks are not considered to be "joints."

The rule has been drafted to avoid, insofar as possible, the problem of requiring substantial redesign of diesel fuel systems to which some comments referred. Section 393.67(c)(4) permits

diesel fuel crossover lines to be located below the lowest part of the tank or sump. To insure that these lines are not subject to cutting or breakage in normal operations, however, the rule goes on to require that they be adequately protected and specifies that they may not extend more than two inches below the fuel tank or sump (see § 393.67(c)(5)).

Under the proposal, fuel tanks would have been required to resist hydrostatic pressures equal to 75 p.s.i. Many comments argued that this absolute measure of capability tended to require unnecessary overdesign in many instances. The Director concludes that those contentions may be meritorious. Consequently, the requirements have been modified so that each tank must be capable of withstanding 150 percent of the maximum pressure maintained under the safety venting test specified in § 393.67(d)(1). Since capacity markings on any tank not readily visible when installed on the vehicle are of little value to anyone, the rule now requires that only fuel tanks which are readily visible when installed must be so marked.

Some comments on the safety venting system test, now found in § 393.67(d)(1), stated that the test might be dangerous to perform if manufacturers or carriers were actually required to envelop a fuel-filled tank with flame. The test, however, is merely a measure of tank capability. As a footnote to § 393.67(d) points out, the Motor Carrier Safety Regulations do not require actual testing of tanks, either across the board or on a sample basis. All that is required is that all certified tanks be capable of passing the tests. The manufacturer, carrier, or both, may use tests other than the one specified or mathematical calculations based on sound engineering to assure himself that a tank is adequate, so long as he exercises due care in making the required certification.

The leakage test for liquid fuel tanks in § 393.67(d)(2) has been recast in an effort to improve its clarity. It should now be clear that (a) no more than 1 ounce of fuel leakage may occur when the tank is turned from its normal position through any angle of 150°; and (b) neither the tank nor any fitting may leak more than 1 ounce of fuel in any intermediate position.

A manufacturer of plastic fuel tanks requested that the regulations not preclude the use of plastic fuel tanks to the extent consistent with safety. This request has been granted. The manufacturer also suggested adoption of certain additional rules applicable specifically to thermoplastic tanks. The Director believes that this subject can be dealt with more conveniently in a separate rule-making proceeding. He plans to issue a notice, asking for comments on the subject of safety rules for plastic fuel tanks.

There are various experimental vehicles using compressed or liquefied natural gas as fuel. The new rules do not deal specifically with the fuel systems of those vehicles. Their use and success will be

kept under scrutiny, so that, if compressed or liquefied natural gas fuel systems become widespread in vehicles engaged in interstate or foreign commerce, the need for new regulations can be considered.

In consideration of the foregoing, Subpart E of Part 393 of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49 CFR) is revised to read as set forth below.

Effective date. This revision is effective on July 1, 1972.

Issued on August 6, 1971.

ROBERT A. KAYE,
Director,

Bureau of Motor Carrier Safety.

Subpart E—Fuel Systems

- Sec.
393.65 All fuel systems.
393.67 Liquid fuel systems.
393.69 Liquefied petroleum gas systems.

AUTHORITY: The provisions of this Subpart E issued under sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1855; delegation of authority at 49 CFR 1.48 and 389.4)

Subpart E—Fuel Systems

§ 393.65 All fuel systems.

(a) **Application of the rules in this section.** The rules in this section apply to systems for containing and supplying fuel for the operation of motor vehicles or for the operation of auxiliary equipment installed on, or used in connection with, motor vehicles.

(b) **Location.** Each fuel system must be located on the motor vehicle so that—

(1) No part of the system extends beyond the widest part of the vehicle;

(2) No part of a fuel tank is forward of the front axle of a power unit;

(3) Fuel spilled vertically from a fuel tank while it is being filled will not contact any part of the exhaust or electrical systems of the vehicle, except the fuel level indicator assembly;

(4) Fill pipe openings are located outside the vehicle's passenger compartment and its cargo compartment;

(5) A fuel line does not extend between a towed vehicle and the vehicle that is towing it while the combination of vehicles is in motion; and

(6) No part of the fuel system of a bus manufactured on or after July 1, 1972, is located within or above the passenger compartment.

(c) **Fuel tank installation.** Each fuel tank must be securely attached to the motor vehicle in a workmanlike manner.

(d) **Gravity or siphon feed prohibited.** A fuel system must not supply fuel by gravity or siphon feed directly to the carburetor or injector.

(e) **Selection control valve location.** If a fuel system includes a selection control valve which is operable by the driver to regulate the flow of fuel from two or more fuel tanks, the valve must be installed so that either—

(1) The driver may operate it while watching the roadway and without leaving his driving position; or

(2) The driver must stop the vehicle and leave his seat in order to operate the valve.

§ 393.67 Liquid fuel systems.

(a) **Application of the rules in this section.** (1) A liquid fuel tank manufactured on or after July 1, 1972, and a side-mounted gasoline tank must conform to all the rules in this section.

(2) A diesel fuel tank manufactured before July 1, 1972, and mounted on a bus must conform to the rules in paragraphs (c) (7) (iii) and (d) (2) of this section.

(3) A diesel fuel tank manufactured before July 1, 1972, and mounted on a vehicle other than a bus must conform to the rules in paragraph (c) (7) (iii) of this section.

(4) A gasoline tank, other than a side-mounted gasoline tank, manufactured before July 1, 1972, and mounted on a bus must conform to the rules in paragraphs (c) (1) through (10) and (d) (2) of this section.

(5) A gasoline tank, other than a side-mounted gasoline tank, manufactured before July 1, 1972, and mounted on a vehicle other than a bus must conform to the rules in subparagraphs (1) through (10), inclusive, of paragraph (c) of this section.

(b) **Definitions.** As used in this section—

(1) The term "liquid fuel tank" means a fuel tank designed to contain a fuel that is liquid at normal atmospheric pressures and temperatures.

(2) A "side-mounted" fuel tank is a liquid fuel tank which—

(i) If mounted on a truck tractor, extends outboard of the vehicle frame and outside of the plan view outline of the cab; or

(ii) If mounted on a truck, extends outboard of a line parallel to the longitudinal centerline of the truck and tangent to the outboard side of a front tire in a straight ahead position. In determining whether a fuel tank on a truck or truck tractor is side-mounted, the fill pipe is not considered a part of the tank.

(c) **Construction of liquid fuel tanks—**

(1) **Joints.** Joints of a fuel tank body must be closed by arc-, gas-, seam-, or spot-welding, by brazing, by silver soldering, or by techniques which provide heat resistance and mechanical securement at least equal to those specifically named. Joints must not be closed solely by crimping or by soldering with a lead-based or other soft solder.

(2) **Fittings.** The fuel tank body must have flanges or spuds suitable for the installation of all fittings.

(3) **Threads.** The threads of all fittings must be Dryseal American Standard Pipe Thread or Dryseal SAE Short Taper Pipe Thread, specified in Society of Automotive Engineers Standard J466, as contained in the 1971 edition of the "SAE Handbook," except that straight (nontapered) threads may be used on fittings having integral flanges and using gaskets for sealing. At least four full

threads must be in engagement in each fitting.

(4) **Drains and bottom fittings.** (i) Except for a diesel fuel crossover line, a drain or other bottom fitting must not extend more than three-fourths of an inch below the lowest part of the fuel tank or its sump.

(ii) A drain or other bottom fitting must be protected against damage from impact.

(iii) If a fuel tank has a drain, the drain fitting must permit substantially complete drainage of the tank.

(iv) A drain or other bottom fitting must be installed in a flange or spud designed to accommodate it.

(5) **Fuel lines.** Except for diesel fuel crossover lines, the lines and other fittings through which fuel is withdrawn from a fuel tank must be located above the normal level of the fuel in the tank when the tank is full. A diesel fuel crossover line must be protected against damage from impact and must not extend more than two inches below the fuel tank or its sump. Every fuel line must be—

(i) Long enough and flexible enough to accommodate normal movements of the parts to which it is attached without incurring damage; and

(ii) Secured against chafing, kinking, or other causes of mechanical damage.

(6) **Excess flow valve.** When pressure devices are used to force fuel from a fuel tank, a device which prevents the flow of fuel from the fuel tank if the fuel feed line is broken must be installed in the fuel system.

(7) **Fill pipe.** (i) Each fill pipe must be designed and constructed to minimize the risk of fuel spillage during fueling operations and when the vehicle is involved in a crash.

(ii) The fill pipe and vents of a fuel tank having a capacity of more than 25 gallons of fuel must permit filling the tank with fuel at a rate of at least 20 gallons per minute without fuel spillage.

(iii) Each fill pipe must be fitted with a cap that can be fastened securely over the opening in the fill pipe. Screw threads or a bayonet-type joint are methods of conforming to the requirements of this subdivision.

(8) **Safety venting system.** A liquid fuel tank with a capacity of more than 25 gallons of fuel must have a venting system which, in the event the tank is subjected to fire, will prevent internal tank pressure from rupturing the tank's body, seams, or bottom opening (if any).

(9) **Pressure resistance.** The body and fittings of a liquid fuel tank with a capacity of more than 25 gallons of fuel must be capable of withstanding an internal hydrostatic pressure equal to 150 percent of the maximum internal pressure reached in the tank during the safety venting systems test specified in paragraph (d) (1) of this section.

(10) **Air vent.** Each fuel tank must be equipped with a nonspill air vent (such as a ball check). The air vent may be combined with the fill-pipe cap or safety vent, or it may be a separate unit installed on the fuel tank.

(11) *Markings.* If the body of a fuel tank is readily visible when the tank is installed on the vehicle, the tank must be plainly marked with its usable liquid capacity. The tank must also be plainly marked with a warning against filling it to more than 95 percent of its liquid capacity.

(12) *Overfill restriction.* A liquid fuel tank manufactured on or after July 1, 1972, must be designed and constructed so that—

(i) The tank cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95 percent of the tank's liquid capacity; and

(ii) When the tank is filled, normal expansion of the fuel will not cause fuel spillage.

(d) *Liquid fuel tank tests.* Each liquid fuel tank must be capable of passing the tests specified in subparagraphs (1) and (2) of this paragraph.¹

(1) *Safety venting system test—(1) Procedure.* Fill the tank three-fourths full with fuel, seal the fuel feed outlet, and invert the tank. When the fuel temperature is between 50° F. and 80° F., apply an enveloping flame to the tank so that the temperature of the fuel rises at a rate of not less than 6° F. and not more than 8° F. per minute.

(ii) *Required performance.* The safety venting system required by paragraph (c) (8) of this section must activate before the internal pressure in the tank exceeds 50 pounds per square inch, gauge, and the internal pressure must not thereafter exceed the pressure at which the system activated by more than five pounds per square inch despite any further increase in the temperature of the fuel.

(2) *Leakage test—(1) Procedure.* Fill the tank to capacity with fuel having a temperature between 50° F. and 80° F. With the fill-pipe cap installed, turn the tank through an angle of 150° in any direction about any axis from its normal position.

(ii) *Required performance.* Neither the tank nor any fitting may leak more than a total of one ounce by weight of fuel per minute in any position the tank assumes during the test.

(e) *Side-mounted liquid fuel tank tests.* Each side-mounted liquid fuel tank must be capable of passing the tests specified in subparagraphs (1) and (2) of paragraph (d) of this section.²

(1) *Drop test—(1) Procedure.* Fill the tank with a quantity of water having a weight equal to the weight of the maximum fuel load of the tank and drop the tank 30 feet onto an unyielding surface so that it lands squarely on one corner.

(ii) *Required performance.* Neither the tank nor any fitting may leak more than a total of 1 ounce by weight of water per minute.

(2) *Fill-pipe test—(1) Procedure.* Fill the tank with a quantity of water having

a weight equal to the weight of the maximum fuel load of the tank and drop the tank 10 feet onto an unyielding surface so that it lands squarely on its fill-pipe.

(ii) *Required performance.* Neither the tank nor any fitting may leak more than a total of 1 ounce by weight of water per minute.

(f) *Certification.* Each liquid fuel tank shall be legibly and permanently marked with the month and year of its manufacture and a certification that it conforms to the rules in § 393.65 and this § 393.67 applicable to the tank. If the tank conforms to all the rules in those sections, the certificate may be in the following form: "Meets All FHWA Requirements." If the tank conforms to rules in § 393.65 and this § 393.67 only when its end-use is restricted (e.g., by installation only in certain types of vehicles), the nature of the restriction shall be set forth in the certificate.

§ 393.69 Liquefied petroleum gas systems.

(a) A fuel system that uses liquefied petroleum gas as a fuel for the operation of a motor vehicle or for the operation of auxiliary equipment installed on, or used in connection with, a motor vehicle must conform to the "Standards for the Storage and Handling of Liquefied Petroleum Gases" of the National Fire Protection Association, 60 Battery-march Street, Boston, MA 02110, as follows:

(1) A fuel system installed before December 31, 1962, must conform to the 1951 edition of the Standards.

(2) A fuel system installed on or after December 31, 1962, and before July 1, 1972, must conform to Division IV of the June 1959 edition of the Standards.

(3) A fuel system installed on or after July 1, 1972, and providing fuel for propulsion of the motor vehicle must conform to Division IV of the 1969 edition of the Standards.

(4) A fuel system installed on or after July 1, 1972, and providing fuel for the operation of auxiliary equipment must conform to Division VII of the 1969 edition of the Standards.

(b) When the rules in this section require a fuel system to conform to a specific edition of the Standards, the fuel system may conform to the applicable provisions in a later edition of the Standards specified in this section.

(c) The tank of a fuel system must be marked to indicate that the system conforms to the Standards.

[FR Doc.71-11766 Filed 8-13-71;8:48 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to reflect the following headnote change: From Office of the Deputy Under Secretary for

Political Affairs to Office of the Deputy Under Secretary for Economic Affairs. Effective on publication in the FEDERAL REGISTER (8-14-71), paragraph (q) of § 213.3304 is amended as set out below. § 213.3304 Department of State.

(q) *Office of the Deputy Under Secretary for Economic Affairs.* * * * (5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

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

[FR Doc.71-11772 Filed 8-13-71;8:49 am]

PART 213—EXCEPTED SERVICE

Office of Consumer Affairs

Section 213.3371 is amended to show that the positions of Director for Legislative Affairs and Secretary to the Director for Legislative Affairs are no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8-14-71), paragraphs (e) and (h) of § 213.3371 are revoked.

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

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

[FR Doc.71-11773 Filed 8-13-71;8:49 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Special Assistant to the Director, Office of Telecommunications, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8-14-71), subparagraph (2) is added to paragraph (n) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(n) *Office of the Assistant Secretary for Science and Technology.* * * *

(2) One Special Assistant to the Director, Office of Telecommunications.

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

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

[FR Doc.71-11771 Filed 8-13-71;8:49 am]

PART 300—EMPLOYMENT (GENERAL)

PART 772—APPEALS TO THE COMMISSION

Under date of June 19, 1971, 36 F.R. 11817, F.R. Doc. 71-8721, notice of proposed rule making was given concerning

¹ The specified tests are a measure of performance only. Manufacturers and carriers may use any alternative procedures which assure that their equipment meets the required performance criteria.

² See note to paragraph (d) of this section.