(b) In excess of established speed limits;

(c) While under the influence of alcohol or drugs;

(d) In a manner likely to cause excessive damage to or disturbance of the land, wildlife or vegetative resources; or

(e) During darkness without lighted headlights and taillights.

§ 6295.2 Vehicle standards.

No off-road vehicle may be operated on public lands unless it conforms to applicable State laws and regulations relating to registration, operation, and inspection. All off-road vehicles shall be equipped with adequate and operating brakes, mufflers, and spark arresters. No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise, may be operated on public lands.

CURT BERKLUND,
Deputy Assistant, Secretary of the Interior.

FEBRUARY 2, 1973.

[FR Doc.73-2866 Filed 2-13-73;8:45 am]

Fish and Wildlife Service

[50 CFR Part 28]

OPERATION OF VEHICLES ON NATIONAL WILDLIFE REFUGES

Notice of Proposed Rule Making

Section 3 of Executive Order 11644, requires that the heads of Federal agencies shall develop and issue regulations and administrative instructions to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted. These regulations are required to direct that the designation of such areas and trails will be based upon the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations are to further require that areas and trails shall be located to minimize: Damage to resources; harassment of wildlife and disruption of wildlife habitats; and conflicts between off-road vehicle use and other existing or proposed recreational uses of the public lands, and to insure compatibility of off-road vehicle use with existing conditions on populated areas. Paragraph 3(a) (4) of E.O. 11644 states that areas and trails shall be located in areas of the National Park System, Natural Areas, or National Wildlife Refuges and Game Ranges only if the off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

The regulations of the Bureau of Sport Fisheries and Wildlife have been reviewed in light of Executive Order 11644, and it has been determined that these following regulations, as amended, are adequate to carry out the purpose of that Executive order.

The Bureau of Sport Fisheries and Wildlife provides for general and permanent regulations governing the National Wildlife Refuge System, in Subchapter C, Parts 25, 26, 28, and 29 of Title 50, Code of Federal Regulations. National Fish Hatcheries are coded in Subchapter E with references made to Parts 26, 28, and 29.

Section 25.2 cites the fundamental purpose and wildlife management responsibilities of the Bureau. The following subsections of Title 50, CFR, are applicable to off-road vehicle use: §§ 26.2 prohibiting trespassing; 26.3 controlling entry and use; 26.14 which states, "travel in or use of any motorized vehicle, including land, water, ice, snow, and aircraft types is prohibited on areas within the National Wildlife Refuge System, except on specific routes of travel or in designated areas posted for public use by the officer in charge, "; 26.20 concerning disorderly conduct; 28.1(b) concerning permits for access to wildlife refuges; 28.6 concerning use of roads and trails; 28.7 concerning operation of vehicles; 28.8 concerning the possession, use and transportation of firearms on wildlife refuge areas; 28.17 concerning the types of use that will be permitted in wildlife refuge areas; 28.25 providing for the issuance of special regulations concerning public use, access, and recreation within certain individual wildlife refuge areas; and 29.3 concerning the granting of permission for nonprogram uses.

These sections are considered to provide adequate regulations of off-road vehicles on National Wildlife refuges as required by Executive Order 11644 with the exception of § 28.7 which it is proposed to amend as follows:

§ 28.7 Operation of vehicles.

* * * * *

(i) All vehicles shall be equipped with a proper muffler in good working order and in constant operation that conforms to the laws of the State in which the refuge is located and no vehicle shall have a muffler cutout, bypass, or similar device. A vehicle that produces unusual or excessive noise or other pollutants shall not be permitted. A Refuge Manager, by posting of appropriate signs or by marking on a map which shall be available in the office of the Refuge Manager, may require that a motor vehicle, operating off established roads and parking areas, shall be equipped with a spark arrestor that meets standard 5100–1a of the Forest Service, U.S. Department of Agriculture, which standard includes the requirement that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles, for all flow rates, and which includes a requirement that such spark arrestor has been warranted by its manufacturer as meeting the above-mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

(j) A motor vehicle shall not be operated at any time without proper brakes, or from a half-hour after sunset to a half-hour before sunrise without working headlights and taillights which comply with the laws and regulations for operations on the roads of the State within whose boundaries the refuge is located.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. In accordance with this policy, the abovementioned amended regulations of the Bureau of Sport Fisheries and Wildlife in 50 CFR, are issued as notices of rulemaking, and are subject to public comment, objection, and suggestion, prior to final issuance. Accordingly, interested persons may submit written comments regarding the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C., on or before March 16, 1973.

O. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 29, 1973.

[FR Doc.73-2868 Filed 2-13-73;8:45 am]

National Park Service

[36 CFR Parts 2, 4, 7]

PUBLIC USE AND RECREATION; VEHICLES AND TRAFFIC SAFETY

Off Road Use of Vehicles

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), it is proposed to amend portions of Parts 2, 4, and 7 of title 36, concerning off road use of vehicles as set forth below.

The purpose of these changes is to clarify, reorganize, and bring the regulations concerning snowmobiles and motor vehicles operated off road into conformity with the requirements of sections 3 and 4 of Executive Order 11644, to amend and reorganize the regulations concerning saddle and pack animals, travel on trails and bicycles, and to amend special regulations concerning motor vehicles on the beach at Fire Island National Seashore and Cape Cod National Seashore and snowmobiles at Delaware Water Gap National Recreation Area to ensure that these special regulations are consistent with the general regulations amendments proposed concerning snowmobiles and motor vehicles.

Specifically, the general regulations amendments concerning snowmobiles and motor vehicles operated off road state the criteria by which a Superintendent will determine whether an area or route shall be designated as open for off road use of a motor vehicle or use of a snowmobile. The regulations also provide operating conditions under which snowmobiles and motor vehicles will be operated off road.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Director, National Park

Service, Department of the Interior, Washington, D.C., on or before March 16, 1973.

PART 2—PUBLIC USE AND RECREATION

It is proposed that § 2.23 be amended to read as follows:

§ 2.23 Saddle and pack animals.

* * * * *

(f) Pedestrians on trails or routes established for use of horses or other saddle or pack animals shall remain quiet when such animals are passing.

It is proposed that § 2.27 be amended to read as follows:

§ 2.27 Special events.

(a) Sports events, pageants, reenactments, regattas, entertainments, and the like, characterized as public spectator attractions, are prohibited unless written permission therefor has been given by the Superintendent. Such permits may be issued only after a finding that the issuance of such permit will not be inconsistent with the purposes for which the area is established and maintained, and will cause the minimum possible interference with use of the area by the general public. The permit may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for protection of the area and public use thereof.

(b) As a condition of permit issuance, the Superintendent may require the filing of a bond with satisfactory surety payable to the Director, to cover costs such as restoration, rehabilitation, and cleanup, of the area used, and other costs resulting from the special event. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

It is proposed that § 2.30 be renamed National Scenic Trails and be amended to read as follows:

§ 2.30 National Scenic Trails.

* * * * *

(b) [Deleted]

* * * * *

It is proposed that § 2.34 be amended to read as follows:

§ 2.34 Snowmobiles.

* * * * *

(c) *Use in designated areas.* (1) The use of snowmobiles is prohibited, except in areas and on routes designated by the Superintendent by posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to designate an area or route for snowmobile use the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision to designate an area or route for such use, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment on the proposed designation.

(2) Even though an area or route has been designated as open for snowmobile use in accordance with paragraph (c)(1) of this section the Superintendent may temporarily or permanently close or restrict the use of the areas and routes designated for use of snowmobiles by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to close or restrict the use of areas and routes under this paragraph, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision on permanent closure of an area or route, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment.

(d) *Vehicle suitability.* (1) Every snowmobile shall be equipped with a muffler in good working order any time the snowmobile is operating. Operating a snowmobile equipped with a muffler cutout, bypass, or similar device is prohibited.

* * * * *

PART 4—VEHICLES AND TRAFFIC SAFETY

It is proposed that § 4.3 be amended to read as follows:

§ 4.3 Bicycles.

* * * * *

(c) In natural and historical areas, the use of bicycles is prohibited, except on established public roads and parking areas, and on routes designated for their use by the posting of signs or by marking on a map which shall be available at the office of the Superintendent, or both.

(d) In recreational areas, the use of bicycles is permitted unless restricted by posted signs or by marking on a map which shall be available at the office of the Superintendent, or both.

It is proposed that § 4.19 be amended to read as follows:

§ 4.19 Travel on roads and designated routes.

(a) *Natural and historical areas.* In natural and historical areas, the use of motor vehicles outside of established public roads or parking areas is prohibited.

(b) *Recreational ares.* (1) In recreational ares, the use of motor vehicles outside of established public roads or parking areas is prohibited, except in areas and on routes designated by the Superintendent by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to designate an area or route outside of established public roads or parking areas for general motor vehicle use, or for use of particular types of motor vehicles, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) and shall also consider factors such as other visitor uses, safety, wildlife mnagement, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision to designate an area or route for such use notice of such intention shall be published in the FEDERAL REGISTER, and the public shall be provided a period of 30 days to comment on the proposed designation.

(2) Even though an area or route outside of an established public road or parking area has been established as open for motor vehicle use in accordance with paragraph (b)(1) of this section, the Superintendent may temporarily or permanently close or restrict the use of the areas and routes designated for use of motor vehicles, or close or restrict such areas or routes to the use of particular types of motor vehicle, by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to close or restrict the use of areas and routes under this paragraph, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife mangement, noise, erosion, geography, weather, vegetation, resource protection, and other management consideration. Prior to making a final decision on permanent closure of an area or route, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment.

(c) *Vehicle suitability.* (1) Operating a motor vehicle other than a wheeled vehicle equipped with pneumatic tire is prohibited: *Provided,* That operating a track-laying vehicle or a vehicle equipped with a similar traction device is permitted in dry sand or marsh areas on routes, designated by the Superintendent for use of such vehicles pursuant to paragraph (b)(1) of this section.

(2) The operation of a motor vehicle that will damage or be likely to damage the surface of the road or route, beyond wear and tear normally caused by the pneumatic tires or trck with which it is equipped, is prohibited.

(3) Paragraph (c)(1) and (2) of this section shall not be construed to prohibit the use, on established roads or parking areas, of ordinary detachable tire or skid chains, stud tires, or comparable safety devices under adverse road conditions.

(d) A Superintendent, by the posting of appropriate signs or by marking on a map which shall be available in the office of the Superintendent, may require that a motor vehicle, or a particular class of motor vehicle, operated off established

roads and parking areas, shall be equipped with a spark arrestor that meets Standard 5100–1a of the Forest Service, U.S. Department of Agriculture, which standard includes the requirement that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and which includes a requirement that such spark arrestor has been warranted by its manufacturer as meeting the above-mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

(c) A motor vehicle operated off established roads and parking areas, from a half-hour after sunset to a half-hour before sunrise, shall be equipped with lighted headlights and taillights which comply with the laws and regulations for operations on the roads of the State within whose exterior boundaries the park area or portion thereof is located.

It is proposed to add § 4.21 to read as follows:

§ 4.21 Brakes.

A motor vehicle shall be equipped with brakes in good working order in accordance with the laws and regulations for operation on the roads of the State within whose exterior boundaries the park area or portion thereof is located.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

It is proposed to amend § 7.20 to read as follows:

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles*—(1) *Definitions.* * * *

(ii) Reserve. * * *

(2) *Permits.* * * *

(iv) No permit shall be issued for any motor vehicle not equipped in accordance with applicable regulations in §§ 4.12, 4.19, and 4.21 of this chapter.

* * * * *

(4) *Rules of travel.* (i) When two motor vehicles approach from opposite direction in the same track both operators shall reduce speed and the operator with the water to his left shall yield the right-of-way by turning out of the track to the right.

* * * * *

(iv) [Revoked]

(v) [Revoked]

* * * * *

It is proposed to amend § 7.67 as follows:

§ 7.67 Cape Cod National Seashore.

* * * * *

(c) *Private oversand vehicle operation.* (1) Operation of privately owned passenger vehicles not for hire, including the various forms of vehicles used for travel over sand, such as, but not limited to "beach buggies," on designated oversand routes or beaches in the park area without a permit, is prohibited. Such permit will be issued provided that each vehicle is equipped in accordance with applicable regulations in §§ 4.12, 4.19, and 4.21 of this chapter, and provided that the vehicle contains the following equipment to be carried in the vehicle at all times while on the beaches or designated oversand routes:

(i) Shovel,

(ii) Jack,

(iii) Tow rope or chain,

(iv) Board or similar support for jack,

(v) Low pressure tire gauge.

In addition, operators must show that all applicable Federal and State regulations having to do with licensing, registering, inspecting, and insuring of such vehicles have been complied with prior to issuance of the permit. Such permits are to be affixed to the vehicles as instructed at the time of issuance.

* * * * *

It is proposed to amend § 7.71 to read as follows:

§ 7.71 Delaware Water Gap National Recreation Area.

* * * * *

(b) [Revoked]

* * * * *

Dated: January 31, 1973.

RONALD H. WALKER,
Director,
National Park Service.

[FR Doc.73-2865 Filed 2-13-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN OREGON AND CALIFORNIA

Reapportionment of Committee Membership

Consideration is being given to the reapportionment of committee members among districts to provide more equitable representation as recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947).

This marketing order program regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California, and in all counties in Oregon, except Malheur County, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Statement of consideration. This order provides that upon recommendation of the committee the Secretary may reapportion committee membership among the various districts. After carefully considering the criteria in § 947.32(b), the committee, at its January 3, 1973, meeting, voted 13 to 1 to recommend reapportioning representation by shifting one producer member and his alternate from District No. 1 to District No. 2.

Production in District No. 1 has declined from nearly 2 million hundredweight a decade ago to only about 771,000 hundredweight in 1971–72, yet it still has three producer members while District No. 2 with 2 million hundredweight has only two members. With this change, representation will be more nearly in proportion to production.

All persons who desire to submit written data, views, and arguments in connection with the proposal shall file the same with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 1, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 947.160 Reapportionment of committee membership.

(a) Pursuant to § 947.32(b), the membership of the Oregon-California Potato Committee shall be apportioned among the districts so as to provide the following representation: (1) Producer membership—two members from each of Districts No. 1 and No. 4; three members from District No. 2; and one member from each of Districts No. 3 and No. 5; (2) Handler membership—one member from each of Districts No. 1, No. 2, No. 3, No. 4, and No. 5. The respective alternates shall be selected on the same basis of representation as the members.

(b) Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

Dated: February 9, 1973.

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

[FR Doc.73-2952 Filed 2-13-73;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 719, 722, 728, 775]

PRODUCERS LEASING FEDERALLY OWNED LAND

Eligibility for Certain Payment and Price-Support Loan Programs

The Department of Agriculture administers programs under which payments and price-support loans are made available to producers of feed grains, wheat, upland cotton, and other commodities. The purpose of this notice is to announce that the Department of Agriculture is considering certain changes in the conditions under which producers leasing federally owned land may participate in the 1973 payment and price-support loan programs for such commodities.

Current regulations provide that federally owned land which has been leased subject to restrictions prohibiting the production of wheat, upland cotton, and feed grains, or prohibiting the receipt of

Federal payments for diversion or set-aside of such acreage, is not eligible for participation in the wheat, upland cotton, and feed grain programs. Current regulations also provide that commodities produced in violation of restrictive leases on federally owned land are not eligible for price support.

Notice is hereby given that the Department of Agriculture is considering the issuance of amendments to regulations which would, effective with the 1973 crop year, (1) require all federally owned land presently constituted with other land to be separated and constituted as separate farms (with the exception of land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession), and (2) make all federally owned land ineligible for participation in the programs for feed grain, wheat, upland cotton, and other commodities (with the exception of land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession).

Under the proposed amendments, no price-support loans or purchases would be made available with respect to wheat, upland cotton, feed grains, or any other commodity produced on such federally owned land. However, the prohibition against the making of payments and the extension of price support with respect to commodities produced on such land would not apply during the current term of any lease to the extent that the lease permits the production of the commodities but would apply to any renewal of an existing lease or a new lease executed after the date of publication of regulations implementing the proposed policy in the FEDERAL REGISTER.

Interested persons are invited to submit written data, views, and recommendations on the proposed changes to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.). All submissions must, in order to be sure of consideration, be received not later than March 1, 1973.

Signed at Washington, D.C., on February 8, 1973.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

FEBRUARY 8, 1973.

[FR Doc.73-2963 Filed 2-13-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 11]

HORSE PROTECTION REGULATIONS

Proposed Rule Making Regarding Scars and Limitations on Boots

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Horse Protection Act of 1970 (15 U.S.C. 1821 et seq.), the Animal and Plant Health Inspection Service is considering requested changes in the regulation prescribing the limitations on boots in Title 9, Code of Federal Regulations, § 11.3, as well as considering the addition to § 11.1, Title 9, Code of Federal Regulations, of a regulation prescribing the effect of the presence of scars or similar conditions on a horse in relation to determining whether the horse is sored.

Statement of considerations. The Department has received a number of requests, including a formal request from several organizations of the Tennessee Walking Horse Industry for a more liberal regulation regarding boots. It has been requested that a heavier boot than that presently allowed be permitted in order to obtain the maximum effort from the Tennessee Walking Horse.

Also the Department has been requested to include in the regulations, a new regulation concerning the presence of scars, callouses, or granulative tissue on the coronary band/or pastern areas of horses foaled after December 9, 1970. It has been requested that horses foaled after December 9, 1970, with such conditions be considered sored and that the showing of such horses be prohibited.

As a result of these requests, the Department is instituting this rule making procedure to develop all the relevant facts pertaining to the requested changes. A decision will then be made as to whether the regulations should be changed.

The Department is requesting data, views, arguments, and any other information from the public relating to the need, if any, of revising the boot regulations and/or the need for such a scar regulation. Such data, views, or arguments would be most useful if they contain published scientific articles or other evidence supporting the views of the writer. The publishing of this notice should not be construed to mean that the present regulations are, in any way, negated. The regulations published on February 1, 1972, and amended May 4, 1972, are in effect and will continue to be enforced until such time as they may hereafter be amended.

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Inspection Service, Room 324-E, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250 before March 16, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at Room 403, Federal Center Building, Hyattsville, Md., during regular hours of business (8 a.m.-4:30 p.m., Monday-Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of February 1973.

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

[FR Doc.73-2902 Filed 2-13-73;8:45 am]

Commodity Credit Corporation

[7 CFR Parts 1421, 1446]

PEANUTS

Loan and Purchase Program for 1973 Crop

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations concerning a loan and purchase program for 1973 crop peanuts. This notice also provides that interested persons may submit to the office designated below written data, views, and recommendations, concerning the proposals not later than March 9, 1973.

The program will include: (1) Loan and purchase rates, (2) the method by which loans and purchases will be made, (3) eligibility requirements, (4) storage requirements, (5) sales provisions, (6) area and period of the program, and (7) other operating provisions necessary to carry out the program.

Authority for such actions are sections 101, 401, and 403 of the Agricultural Act of 1949, as amended, (63 Stat. 1051, as amended; 7 U.S.C. 1441, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, (62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c).

Section 101 of the Agricultural Act of 1949 directs the Secretary to make support available on peanuts to cooperators, if producers have not disapproved marketing quotas, at a level between 75 and 90 percent of the parity price, with the minimum permissible level of support within such range to be determined by the supply percentage.

Section 401 of that act requires that in determining the level of support in excess of the minimum level provided by law, consideration be given to the supply of the commodity in relation to the demand therefor, the levels of which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Section 403 of the act provides that appropriate adjustments may be made in the support level for differences in grade, type, quality, location, and other factors. The average of any such adjustment shall, so far as practicable, be equal to the level of support for peanuts for the applicable crop year determined in accordance with the Agricultural Act of 1949, as amended.

Current program provisions regarding peanut warehouse storage loans and

sheller purchases may be found in regulations in Title 7, Part 1446 of the Code of Federal Regulations. Current program provisions regarding peanut farm storage loans may be found in regulations governing loans, purchases and other operations for grain and similarly handled commodities which appear in Title 7, Part 1421 of the Code of Federal Regulations.

In connection with the 1973 crop loan and purchase program the Department is giving consideration to: (a) Eliminating the sheller purchase program, (b) making peanuts with visable *Aspergillus flavus* mold of the type that produces aflatoxin ineligible for price support, and (c) requiring producers to assume storage, handling and inspection costs on peanuts placed under warehouse storage loans.

Prior to making any of the foregoing determinations, consideration will be given to data, views, and recommendations, which are submitted in writing to the Director, Oilseeds, and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agricultural, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than March 9, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C. on February 9, 1973.

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

[FR Doc.73-2954 Filed 2-13-73;8:45 am]

Food and Nutrition Service

[7 CFR Parts 210, 220, 245]

NATIONAL SCHOOL LUNCH PROGRAM, SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS, AND DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS

Notice of Proposed Rule Making

Notice is hereby given that the Food and Nutrition Service, U.S. Department of Agriculture, intends to amend the regulations governing the operation of the National School Lunch Program, the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses, and the Special Food Service Program for Children, and the regulations for Determining Eligibility for Free and Reduced Price Meals, for the purpose of implementing the amendments made to the National School Lunch Act and the Child Nutrition Act of 1966 by Public Law 92-433, approved September 26, 1972.

The proposed amendments to the regulations are intended to accomplish the following: (1) Under Part 210, initiate a system of performance funding in fiscal year 1974 to replace the present system of apportioning National School Lunch Program and School Breakfast Program funds. Such a system would provide reimbursement for all lunches and breakfasts on the basis of national average basic payments which would be prescribed annually by the Secretary; (2) under Part 210 permit States and regional offices to make advance payments of school lunch funds to participating schools. Such authority is similar to that presently available under Part 220 governing the School Breakfast Program; (3) under Parts 210 and 220, remove the Federal restriction on competitive food services in the National School Lunch and School Breakfast Programs if the proceeds inure to the school or school-approved student organization; (4) under Part 245, provide that free and reduced price standards are applicable to lunches and to breakfasts as well as specify the Federal, State, and local free and reduced price requirements and set forth time frames for completing these requirements. Also, language clarifications are made to refer to the proposed amendment to the Secretary's income poverty guidelines with respect to defining "income" so as to allow for adjustments for hardship conditions.

Comments, suggestions or objections are invited and may be delivered by March 16, 1973, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than March 16, 1973. Communications should identify the section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

The proposed amendments, with the proposed effective date as stated, are as follows:

[Amdt. 9]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.4, the first sentence of paragraph (a) is amended by deleting the words "any fiscal year" and substituting therefor the words "the fiscal year ending June 30, 1973"; the first sentences in paragraphs (b) and (c) are revised, by inserting the words "For the fiscal year ending June 30, 1973" at the beginning of the sentence, and a new paragraph (a-1) is added as follows:

§ 210.4 Apportionment of funds to States.

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(a-1) For the fiscal year ending June 30, 1974, and each subsequent fiscal year, the Secretary shall make food assistance payments to each State agency, or FNSRO where applicable, from any Federal funds available for general cash-for-food assistance in an amount determined by multiplying the number of lunches meeting the lunch requirements set forth in § 210.10 served to children during such fiscal year in schools in the State which participate in the program under agreements with such State agency, or FNSRO where applicable, by a national average payment per lunch: *Provided, however,* That in any fiscal year such national average payment shall not be less than 8 cents per lunch and that the aggregate amount of the food assistance payments made by the Secretary to each State agency for any fiscal year shall not be less than the amount of the payments made by the State agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section 4. Such national average payment shall be prescribed by the Secretary at the beginning of each fiscal year.

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2. In § 210.5, paragraph (a) is revised, and paragraphs (b), (c) and (c-1) are revoked, as follows:

§ 210.5 Payments to States.

(a) Funds made available to any State for general cash-for-food assistance or special cash assistance shall be made available by means of letters of credit issued by FNS to appropriate Federal Reserve Banks in favor of the State agency. Such letters of credit shall be designed to provide funds for the State agency for the operation of the program in such amounts and at such times as the funds are needed to reimburse school food authorities. As soon as practicable after funds are made available to FNS, FNS shall prepare a letter of credit for each State with which it has an approved agreement and an approved State plan of child nutrition operations. If funds have been authorized by Congress for the operation of the program under a continuing resolution, letters of credit shall reflect only the amounts authorized for the effective period of the resolution. The State agency shall obtain funds needed to reimburse school food authorities through presentation by designated State officials of a payment voucher on letter of credit (Form FNS 218) to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department. The State agency shall draw only such funds as are needed to pay claims for reimbursement certified for payment and shall use such funds without delay to pay such claims. State agencies shall report information on the status of program funds on a monthly basis to FNS on a form provided by FNS. Program funds shall be made available to the State agency in the District of Columbia by means of Treasury Department checks on the same basis as is prescribed for payments made by letters of credit. For the fiscal year ending June 30, 1973, no section 32 funds made available for general cash-for-food assistance or special cash assistance purposes shall be expended by a State agency, or FNSRO where applicable, until the respective funds made available to it under the