

CHAPTER II—BUREAU OF NARCOTICS,
DANGEROUS DRUGS, DEPARTMENT OF
JUSTICE

PART 308—SCHEDULES OF
CONTROLLED SUBSTANCES

Excluded Nonnarcotic Substances

Breon Laboratories, Inc., has informed the Bureau of Narcotics and Dangerous Drugs that the formulation of three of its products currently listed as excluded nonnarcotic substances in § 308.22 of title 21 of the Code of Federal Regulations have been changed. Bronkald no longer contains phenobarbital (or any other controlled substance) and no longer should be listed. Bronkolixir and Bronkotabs still contain phenobarbital but have had other ingredients deleted.

Therefore, under the authority vested in the Attorney General by section 201 (g) (1) of the Controlled Substances Act of 1970 (21 U.S.C. 811(g) (1)) and delegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of title 23 of the Code of Federal Regulations, the Director hereby orders that:

1. Section 308.22 be amended by deleting the following:

Trade name or other designation	Composition	Manufacturer or supplier
Bronkald.....	Tablet: Phenobarbital, 8 mg, ephedrine sulfate, 24 mg, glyceryl guaiacolate, 100 mg, theophylline, 10 mg.	Drew Pharmaceutical Co., Inc.

2. Section 308.22 be amended by revising portions of it to read as follows:

Trade name or other designation	Composition	Manufacturer or supplier
Bronkolixir....	Elixir (per 5 ml): Phenobarbital, 4 mg; ephedrine sulfate, 12 mg; glyceryl guaiacolate, 50 mg; theophylline, 15 mg.	Breon Laboratories, Inc.
Bronkotabs....	Tablet: Phenobarbital, 8 mg; ephedrine sulfate, 24 mg; glyceryl guaiacolate, 100 mg; theophylline, 100 mg.	Do.

Effective date.—This order is effective on April 23, 1973. Any interested person may file written comments on or objections to the order within 60 days after the date of publication. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Director shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Director shall reinstate, revoke or amend his original order as he determines appropriate.

Dated April 17, 1973.

JOHN E. INGERSOLL,
Director, Bureau of
Narcotics and Dangerous Drugs.
[FR Doc. 73-7784 Filed 4-20-73; 8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS,
DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 47—REVISION OF THE MEMBERSHIP ROLL OF THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Eliminating Time Limits for Filing Applications

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 23274 of the FEDERAL REGISTER of November 1, 1972 (37 FR 23274), there was published a notice of proposed rulemaking to revise part 47 of title 25 of the Code of Federal Regulations relating to membership in the Eastern Band of Cherokee Indians, North Carolina. The regulations were proposed pursuant to resolution 110 passed by the Tribal Council of the Eastern Band of Cherokee Indians of North Carolina on February 16, 1972, and section 2 of the act of August 21, 1957 (71 Stat. 374).

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.

The revised part 47 shall become effective May 23, 1973.

WILLIAM L. ROGERS,
Deputy Assistant, Secretary
of the Interior.

APRIL 16, 1973.

The table of contents for Part 47 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

Sec. 47.1	Definitions.
47.2	Purpose.
47.3	Announcement of revision of roll.
47.4	Basic membership roll.
47.5	Removal of deceased persons from the roll.
47.6	Additions to the roll.
47.7	Applications for enrollment.
47.8	Applications for minors and incompetents.
47.9	Application form.
47.10	Where application forms may be obtained.
47.11	Proof of relationship.
47.12	Enrollment Committee.
47.13	Tenure of Enrollment Committee.
47.14	Appeals.
47.15	Current membership roll.
47.16	Eligibility for enrollment of persons born after August 21, 1957.
47.17	Relinquishment of membership.

AUTHORITY: Sec. 2, 71 Stat. 374.

1. Section 47.1 (e), (f), and (g) are revised to read as follows:

§ 47.1 Definitions.

As used in this part:

(e) "Tribal Enrollment Office" means the Tribal Enrollment Clerk working in concert with the Enrollment Committee.

(f) "Tribal Enrollment Clerk" means the individual working in the Tribal Enrollment Office.

(g) "Enrollment Committee" means the three individuals appointed by the Tribal Council in accordance with Section 47.12.

2. Sections 47.5 and 47.6-47.15 are revised to read as follows:

§ 47.5 Removal of deceased persons from the roll.

The name of any person who was not alive as of midnight August 21, 1957, shall be stricken from the basic membership roll by the Tribal Enrollment Office upon receipt of a death certificate or other evidence of death acceptable to the Tribal Enrollment Office.

§ 47.7 Applications for enrollment.

Each adult person who believes he meets the requirements for enrollment established herein may submit to the Tribal Enrollment Office an application for enrollment as a member of the Eastern Band of Cherokee Indians.

§ 47.8 Applications for minors and incompetents.

Applications for enrollment of minors may be filed by the parent, next of kin, recognized guardian, or other person responsible for their care. Applications for enrollment of persons known to be in mental or penal institutions may be filed by the Principal Chief of the Eastern Band of Cherokee.

§ 47.9 Application form.

The form of application for enrollment will be prepared by the Tribal Enrollment Office and, in addition to whatever information the Enrollment Committee may deem necessary, shall contain the following:

(a) The name and address of the applicant. If the application is filed on behalf of a minor, the name and address of the person filing the application and his relationship to the minor.

(b) The name, relationship, tribe and roll number of the ancestor or ancestors through whom enrollment rights are claimed, and whether applicant is enrolled with another tribe.

(c) The date of death of such ancestor, if deceased.

§ 47.10 Where application forms may be obtained.

Application forms will be supplied by the Tribal Enrollment Office of the Eastern Band of Cherokee Indians, Council House, Cherokee, N.C. 28719, upon request, either in person or by mail.

§ 47.11 Proof of relationship.

If the applicant's parents or other Eastern Cherokee ancestors through whom the applicant claims enrollment rights are unknown to the Tribal Enrollment Office, the Tribal Enrollment Office may request the applicant to furnish such additional information and evidence as it may deem necessary to determine the applicant's eligibility for enrollment. Failure of the applicant to fur-

nish the information requested may be deemed sufficient cause for rejection.

§ 47.12 Enrollment Committee.

The Tribal Council shall appoint either from within or without the membership of the Council, but not from without the membership of the Band, a committee of three (3) persons to serve as the Enrollment Committee. The Enrollment Committee shall review all applications for enrollment filed in accordance with the existing regulations, and shall determine the qualifications of the applicant for enrollment with the Band. The Enrollment Committee may perform such other functions relating to the enrollment and membership in the Band as the Tribal Council may from time to time direct.

§ 47.13 Tenure of Enrollment Committee.

The members of the Enrollment Committee shall be appointed to serve a term of office of 2 years by each newly elected Tribal Council.

§ 47.14 Appeals.

Any person whose application for enrollment has been rejected by the Enrollment Committee shall have the right to appeal to the Tribal Council from the determination made by the Enrollment Committee: *Provided*, That such appeal shall be made in writing and shall be filed in the office of the Principal Chief for presentation to the Tribal Council within sixty (60) days from the date on which the Enrollment Committee issues notice to the applicant of his rejection. The applicant may submit with his appeal any additional data to support his claim to enrollment not previously furnished. The decision of the Tribal Council as to whether the applicant meets the requirements for enrollment set forth in this part shall be final. The Tribal Council shall review no applications for enrollment except in those cases where the rejected applicant appeals to the Council in writing from the determination made by the Enrollment Committee.

§ 47.15 Current membership roll.

The membership roll of the Eastern Band of Cherokee Indians shall be kept current by striking therefrom the names of persons who have relinquished their membership in the Band as provided in § 47.17 and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Tribal Enrollment Office, and by adding thereto the names of individuals who meet the qualifications and are accepted for membership in the Band as set forth in this part.

3. Section 47.16 (a), (b), and (c) are revised to read as follows:

§ 47.16 Eligibility for enrollment of persons born after August 21, 1957.

(a) Persons possessing one-sixteenth or more degree Eastern Cherokee Indian blood and born after August 21, 1957, may be enrolled in either of the following manners:

(1) An application to have the person enrolled must be filed by or on behalf of the person by the parent or recognized guardian or person responsible for his care, which application shall be accompanied by the applicant's birth certificate or by other evidence of eligibility of the applicant for enrollment that the Tribal Enrollment Office may require.

(2) In the absence of such application within 6 months after a person's birth, the Tribal Enrollment Office shall be authorized and encouraged to obtain evidence relating to the eligibility of the person for enrollment in the Eastern Band, and present an application in his behalf to the Enrollment Committee which may proceed to enroll the person if the evidence submitted meets the criteria.

(b) A person adopted in accordance with applicable laws by either tribal members or nonmembers, shall be considered for enrollment as a tribal member if the person otherwise meets the requirements for enrollment.

(c) A person born to an enrolled member of the Band and an enrolled member of another Tribe, and said person is enrolled in the other Tribe, may be transferred from the rolls of the other and added to the rolls of the Eastern Band if he meets the general requirements for enrollment and, in addition:

(1) A death certificate or other acceptable evidence of the death of the parent enrolled in the other Tribe is received and the surviving parent who is a member of the Eastern Band makes application for enrollment by way of transfer.

(2) Upon receipt of divorce documents in the Tribal Enrollment Office, there is evidence of custody of the minors being awarded to the parent who is a member of the Band and the parent awarded custody makes application for enrollment of the minors with the Eastern Band by way of transfer.

No further changes are made in the text of Part 47.

[FR Doc.73-7741 Filed 4-20-73; 8:45 am]

SUBCHAPTER G—TRIBAL GOVERNMENT

PART 52—TRIBES ORGANIZED UNDER SECTION 16 OF THE INDIAN REORGANIZATION ACT

Voting by Tribal Members

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Pursuant to the act of June 18, 1934 (48 Stat. 984), and the 26th amendment to the Federal Constitution, part 52, subchapter G, chapter I, title 25 of the Code of Federal Regulations is amended by revising paragraph (e) of § 52.1, paragraph (a) of §§ 52.10a, 52.11, and 52.17.

The 26th amendment to the Federal Constitution which lowered the voting

age to 18 years of age, applies to administrative actions and is self-executing. Accordingly, paragraph (e) of § 52.1, paragraph (a) of §§ 52.10a, 52.11, and 52.17 are being amended to reflect the lower voting age of 18 years. In addition, paragraph (a) of § 52.10a is being amended to eliminate the requirement that the election board request a return receipt when notifying each adult tribal member not living on the reservation that he must register in order to participate in elections called by the Secretary. This requirement is no longer necessary to prove delivery of the notice since information on delivery of certified mail is available from U.S. Postal Service records. Section 52.17 is also being amended to permit a voter to execute an absentee ballot without having two adults present to certify that proper procedures were followed. Certifications in connection with casting an absentee ballot are seldom required by States in State and Federal elections. Also, the inconvenience involved with certifications often discourages tribal members not living on the reservation from voting in tribal elections.

Advance notice and public procedure on these regulations would delay their alignment with the voting age guaranteed by the Federal Constitution and with existing election regulations governing both State and Federal elections in many of the States and would delay the removal of restrictions now placed upon certain tribal members in tribal elections. Therefore, advance notice and public procedure are deemed contrary to the public interest and are dispensed with under the exception provided in subsection (b) (B) of 5 U.S.C. 553 (1970).

Since delay in the effective date of the amendments would delay the time when the regulations reflect the civil rights of 18-, 19-, and 20-year-old individuals to vote as guaranteed by the Federal Constitution and would delay removal of restrictions on participants in tribal elections which are not customarily imposed in State and Federal elections, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d) (3) of 5 U.S.C. 553 (1970). Accordingly, these amendments will become effective May 23, 1973.

Part 52 of subchapter G, chapter I, title 25 of the Code of Federal Regulations is amended as follows:

1. In § 52.1, paragraph (e) is revised. As amended, § 52.1 reads as follows:

§ 52.1 Definitions.

(e) "Adult Indian" means any Indian who has attained the age of 18 years.

2. In § 52.10a, paragraph (a) is revised. As amended § 52.10a reads as follows:

§ 52.10a Registration.

(a) The Election Board upon receipt of authorization to conduct an election shall notify by certified mail all adult Indians of the tribe who, to its knowledge, are not living on the reservation of

the need to register if they intend to vote. Notice of the need to register shall be sent by regular mail to all eligible voters who reside on the reservation. Any Indian who will become 18 years of age within 90 days from the date of authorization shall also be notified and shall be eligible to register: *Provided*, He shall not be entitled to vote should election day fall before his 18th birthday. Such notice shall be sent to an individual's last known address as it may appear on the records of the local unit of the Bureau of Indian Affairs having jurisdiction. Each notice addressed to a tribal member not residing on the reservation shall be accompanied by an appropriate preaddressed registration form which shall provide space for at least the name and address of the person desiring to register and for attesting that he or she is a tribal member either 18 years of age or over, or will be within 90 days from the date of authorization. Such nonresident who wishes to participate in the election must complete and return the registration form before or in conjunction with requesting an absentee ballot. Indians living on the reservation who desire to vote must register with the Election Board in the manner it determines in sufficient time to permit compliance with § 52.11.

3. Section 52.11 is revised to read as follows:

§ 52.11 Voting list.

The election board shall compile in alphabetical order an official list of registered voters, arranged by voting districts, if any, of the members of the tribe who are or will have attained the age of 18 years within 90 days from the date an election is authorized and who have duly registered to vote. A copy of this list shall be supplied to each district election board and also posted at the headquarters of the local administrative unit of the Bureau of Indian Affairs and at various public places designated by the election board throughout the reservation at least 20 days prior to the election.

4. Section 52.17 is revised to read as follows:

§ 52.17 Absentee voting.

Nonresident members who have registered may vote by absentee ballot except as prohibited by § 52.6(c). Also, whenever due to temporary absence from the reservation, illness, or physical disability, a registered eligible voter is not able to vote at the polls and duly causes the election board to be notified thereof, ballot. The election board shall give or mail ballots for absentee voting to registered voters upon request in sufficient time to permit the voter to execute and return the same on or before the date of the election or within the time allowed by the election board. Together with the ballot there shall be an inner envelope bearing on the outside the words "Absentee Ballot," a preaddressed outer envelope, and a certificate in form as follows:

I _____, hereby certify that I am a member of the _____ Tribe of Indians; that I will be 18 years of age or over at the election date and am entitled to vote in the election to be held on (date of election); and that I cannot appear at the polling place on the reservation on the date of the election because (indicate one of the following reasons) I expect to be absent from the reservation , or because of illness or physical disability . I further certify that I marked the enclosed ballot in secret.

Signed: _____
(Voter's signature)

The voter shall mark such ballot and the ballot shall then be folded so as to conceal the marking and be placed in the envelope marked "Absentee Ballot" and the envelope sealed. The voter shall then complete the certificate and place the sealed envelope marked "Absentee Ballot" together with the certificate in the outer envelope and mail it or have it delivered. The preaddressed outer envelope shall be directed to the election board at the reservation. Absentee Ballots must be received by the Election Board not later than the close of the polls on election day, except as covered by § 52.13. The election board shall make and keep a record of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of such ballot, and from whom received, and shall count and register all such votes after all other ballots have been counted and include them in the result of the election.

WILLIAM L. ROGERS,
Deputy Assistant Secretary
of the Interior.

APRIL 16, 1973.

[FR Doc. 73-7742 Filed 4-20-73; 8:45 am]

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

Reorganization of the Conservation Division Geological Survey

The primary purpose of these amendments is to implement a recent revision of the organization of the Conservation Division of the Geological Survey. They also revoke various superseded regulations pertaining to coal mine health and safety and make several insubstantial changes that are essentially editorial in nature.

Departmental manual release No. 1459 of June 28, 1972, revised the organization of the Geological Survey. The manual release included in 120 DM 4 a revision of the organization of the Conservation Division of the Geological Survey, the principal effect of which was to transfer the line responsibility of the previous four branches of the Division to three regional offices in Washington, D.C., Denver, Colo., and Menlo Park, Calif., each headed by a regional conservation manager, and to a Gulf of Mexico Outer Continental Shelf Operations Office in Metairie, La., headed by a conservation manager.

As a result of the reorganization of the Conservation Division these amendments of the regulations are made:

(1) To reflect the change in titles of the "Regional Mining Supervisor" and the "Regional Oil and Gas Supervisor" to "Area Mining Supervisor" and "Area Oil and Gas Supervisor", respectively.

(2) To make it clear that the line of command in the Conservation Division is from the Division Chief to the Conservation Managers, and from the Conservation Managers to the Area Supervisors, and that the Area Supervisors shall be subject to the direction and supervisory authority of the Division Chief and the appropriate Conservation Manager, each of whom may exercise the jurisdiction of the Supervisors.

(3) To add a new part 290 to title 30 of the Code of Federal Regulations, containing the right of appeal and the procedures for appeals to the Director, Geological Survey (and the Commissioner of Indian Affairs as to Indian lands) from decisions or orders of officers of the Conservation Division involving mineral permits and leases on public domain, acquired, and Indian lands. Formerly in title 30 of the Code of Federal Regulations, the regulations pertaining to appeals were included in separate parts of that title. New part 290 consolidates in one part substantially the same appellate procedure as formerly provided in the separate parts of title 30.

A change effected by part 290 is to enlarge the time for taking an appeal from an order or decision of an Oil and Gas Supervisor from 20 days to 30 days from receipt of the order or decision. This change is made to obtain uniformity with other appeals procedures in the Department applicable to public land cases generally.

The former regulations in title 30 provided for appeals to the Director, Geological Survey, and the Commissioner of Indian Affairs only from decisions or orders of Oil and Gas Supervisors and Mining Supervisors. New part 290 expands the right of appeal also to include appeals from decisions or orders which may be issued by other officials of the Conservation Division under the revised organization of that Division. Since this change in the regulations enlarges rather than diminishes an existing right of appeal, it does not appear to be controversial.

These amendments revoke a number of sections in 30 CFR parts 211 and 216 pertaining to health and safety for coal mines on Federal and Indian lands since the responsibility for coal mine health and safety is now the responsibility of the Bureau of Mines. Departmental regulations governing coal mine health and safety are contained in subchapter 0 of chapter I of title 30 of the Code of Federal Regulations.

Since the changes effected by these amended regulations are insubstantial and are made primarily to reflect the effects of a reorganization of an organizational unit of the Department and to

revoke regulations superseded by other departmental regulations, it is determined that it is unnecessary to submit these regulations to the usual proposed rulemaking procedure. These amendments shall become effective on April 23, 1973.

Dated April 17, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary of the Interior.

PART 211—COAL-MINING OPERATING REGULATIONS

Part 211 of title 30 of the Code of Federal Regulations is amended as set forth below:

1. The heading of part 211 is changed to read as set forth above.

2. The table of contents is amended by inserting the following new item:

Sec.
211.3a Jurisdiction.

3. Paragraph (a) is amended and paragraphs (b) and (c) of § 211.3 are revised to read as follows:

§ 211.3 Definitions.

(a) *Mining Supervisor*.—The Area Mining Supervisor, Conservation Division of the Geological Survey; a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or any subordinate acting under his direction.

(b) *Secretary*.—The Secretary of the Interior.

(c) *Director*.—The Director of the Geological Survey, Washington, D.C.

4. A new § 211.3a is added to read as follows:

§ 211.3a Jurisdiction.

Subject to the supervisory authority of the Secretary and the Director, operations for the discovery, testing, development, mining, or preparation of coal, handling and measurement of production, determination and collection of rental and royalty, and in general, all operations conducted on a lease by or on behalf of a lessee are subject to the regulations in this part, and are under the jurisdiction of the Mining Supervisor for any area as delineated by the Director. In the exercise of this jurisdiction, the Mining Supervisor shall be subject to the direction and supervisory authority of the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, each of whom may exercise the jurisdiction of the Mining Supervisor.

§ 211.4 [Amended]

5. The title of § 211.4 is changed to read as follows: § 211.4 *Powers and duties of supervisor*.

6. Section 211.4 is amended by deleting the words "District Mining Supervisors, and Deputy Mining Supervisors" in the first sentence; paragraph (f) is amended by substituting the words "Mining Supervisor" for the words "District Mining Supervisor or the Deputy Mining Supervisor" in the first sentence; and paragraph (g) is amended to read as follows:

(g) *Orders to insure compliance with regulations not in conflict with State laws; appeal, delay in execution of order or notice*.—The mining supervisor may issue such orders and notices in writing as may be appropriate to insure compliance with the regulations in this part, and may order the discontinuance or modification of any operation or method that is causing or likely to cause any endangerment of life or property or is in violation of the provisions of the lease or regulations: *Provided*, That such orders are not in conflict with the laws of the State in which the leased land is situated: *And further provided*, That if any such order or notice issued under the regulations in this part does not contain a statement that immediate danger of loss of life or property is involved, and if the lessee appeals therefrom as provided in part 290 of this chapter, execution of said order or notice may be delayed pending final disposition of the appeal.

7. Section 211.5 is amended to read as follows:

§ 211.5 *Observance of lease terms; lessee's liability for damage*.

The lessee shall observe and carry out the terms of the act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181-263), his lease, the regulations in this part, and the orders and written notices of the Mining Supervisor issued in accordance with the regulations and terms of the lease that are not in conflict with the laws of the State in which the leased land is situated: *Provided*, That if any order or notice does not specify that immediate action must be taken for the protection of life or property, an appeal may be taken as provided in part 290 of this chapter. Upon failure of the lessee to take appropriate action to protect the deposits from damage or threatened damage by fire, water, oil, gas, or subsidence, and upon failure of the lessee properly to protect the property upon abandonment or cancellation of the lease, the lessee shall be liable for the expense of labor and supplies used by the Mining Supervisor for the protection of the property.

§ 211.7 [Amended]

8. Section 211.7 is amended by deleting the word "district".

§ 211.8 [Amended]

9. Section 211.8 is amended by deleting the word "district" in the first sentence.

§ 211.16 [Amended]

10. Paragraph (b) of § 211.16 is amended by deleting the word "district" in the first sentence.

§ 211.19 [Amended]

11. Section 211.19 is amended by deleting the word "district" in the first sentence.

§ 211.20 [Amended]

12. Section 211.20 is amended by deleting the word "district".

§ 211.22 [Amended]

13. Paragraph (b) of § 211.22 is amended by deleting the word "district" in the fourth sentence.

§ 211.23 [Amended]

14. Section 211.23 is amended by deleting the words "district mining supervisor or deputy".

§ 211.25 [Amended]

15. Paragraph (f) of § 211.25 is amended by deleting the word "district".

§ 211.26 [Amended]

16. Paragraphs (a) and (b) of § 211.26 are amended by deleting the words "or district mining supervisor" in paragraph (a) and by deleting the word "district" in paragraph (b).

§ 211.48 [Amended]

17. Paragraphs (a), (b), (c), and (d) of § 211.48 are amended by deleting the word "district" wherever it appears.

§ 211.50 [Amended]

18. Paragraph (b) of § 211.50 is amended by deleting the word "district" in the third sentence.

§ 211.51 [Amended]

19. Paragraph (a) of § 211.51 is amended by deleting the word "district" wherever it appears.

§§ 211.9 through 211.14 [Revoked], §§ 211.28 through 211.47 [Revoked], §§ 211.52 through 211.62 [Revoked], §§ 211.65 through 211.110 [Revoked].

20. The following sections are revoked: Sections 211.9, 211.10, 211.11, 211.12, 211.13, 211.14, 211.28, 211.29, 211.30, 211.31, 211.32, 211.33, 211.34, 211.35, 211.36, 211.37, 211.38, 211.39, 211.40, 211.41, 211.42, 211.43, 211.44, 211.45, 211.46, 211.47, 211.52, 211.53, 211.54, 211.55, 211.56, 211.57, 211.58, 211.59, 211.60, 211.61, 211.62, 211.65, 211.66, 211.67, 211.68, 211.69, 211.70, 211.71, 211.72, 211.73, 211.74, 211.75, 211.76, 211.77, 211.78, 211.79, 211.80, 211.81, 211.82, 211.83, 211.84, 211.85, 211.86, 211.87, 211.88, 211.89, 211.90, 211.91, 211.92, 211.93, 211.94, 211.95, 211.96, 211.97, 211.98, 211.99, 211.100, 211.101, 211.102, 211.103, 211.104, 211.105, 211.106, 211.107, 211.108, 211.109, 211.110.

PART 216—OPERATING REGULATIONS GOVERNING THE MINING OF COAL IN ALASKA

Part 216 of title 30 of the Code of Federal Regulations is amended as set forth below:

1. The heading of part 216 is amended to read as set forth above.

§ 216.2 [Amended]

2. Section 216.2 is amended by deleting the words "district mining supervisor, and deputy mining supervisor".

3. Section 216.3 is amended to read as follows:

§ 216.3 Orders to insure compliance with regulations not in conflict with laws of the State of Alaska; appeal.

The mining supervisor may issue such orders and notices in writing as may be appropriate to insure compliance with the regulations in this part, and may order the discontinuance or modification of any operation or method that is causing or is likely to cause any endangerment of life or property or is in violation of the provision of the lease or regulations: *Provided*, That such orders are not in conflict with the laws of the State of Alaska: *And further provided*, That if any such order or notice does not contain a statement that immediate danger of loss of life or property is involved, and if the lessee appeals therefrom as provided in part 290 of this chapter, execution of said order or notice may be delayed pending final disposition of the appeal.

§ 216.5 [Amended]

4. Section 216.5 is amended by deleting the word "district".

§ 216.11 [Amended]

5. Section 216.11 is amended by deleting the word "district".

§§ 216.6, 216.7, 216.8, 216.9, 216.10 [Revoked]

6. The following sections are revoked: Sections 216.6, 216.7, 216.8, 216.9, 216.10.

PART 221—OIL AND GAS OPERATING REGULATIONS

Part 221 of title 30 of the Code of Federal Regulations is amended as set forth below:

1. Paragraphs (b) and (c) of § 221.2 are amended to read as follows:

§ 221.2 Definitions.

(b) *Director*.—The Director of the Geological Survey, Washington, D.C., having direction of the enforcement of the regulations in this part.

(c) *Supervisor*.—The Area Oil and Gas Supervisor, Conservation Division of the Geological Survey; a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to supervise and direct oil and gas operations and to perform other duties prescribed in the regulations in this part, or any subordinate acting under his direction.

2. Section 221.3 is amended to read as follows:

§ 221.3 Jurisdiction.

Subject to the supervisory authority of the Secretary and the Director, drilling and producing operations, handling and gaging of oil, and the measurement of gas or other products, determination of royalty liability, receipt and delivery to those entitled thereto of royalty accruing to the lessor and paid in amount of production, determination of amount and manner of payment of damages assessed under authority of the regulations in this part for defaults or noncompliance with duties by the lessee and, in general, all operations subject to the regulations in this part are under the jurisdiction of the supervisor for any area as delineated by the Director. As to producing leases of Indian lands, the officer in charge, and as to lands within naval petroleum reserves, the supervisor shall determine rental liability, record rentals, royalties, and other payments, and maintain lease accounts. Upon request, the supervisor will advise any person concerning the regulations in this part, and will furnish technical information and advice relative to oil and gas development and operation on lands subject hereto. In the exercise of his jurisdiction, the supervisor shall be subject to the direction and supervisory authority of the Chief, Conservation Division, Geological Survey and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, each of whom may exercise the jurisdiction of the supervisor.

§ 221.14 [Amended]

3. Section 221.14 is amended by substituting for the reference to "Sec. 221.66" the following: "Part 290 of this chapter."

4. Section 221.17 is revised to read as follows:

§ 221.17 Appeals action.

The supervisor shall receive and promptly render his decision on any matter presented for reconsideration under the regulations in this part and shall receive and promptly transmit for review all appeals filed pursuant to part 290 of this chapter.

5. Section 221.66 is revised to read as follows:

§ 221.66 Appeals.

Orders or decisions issued under the regulations in this part may be appealed from as provided in part 290 of this chapter. Compliance with any such order or decision shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Director or the Board of Land Appeals (depending upon the official before whom the appeal is pending) and then only upon a determination that such suspension will not be detrimental to the lessor or upon submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

PART 223—APPROVAL OF SALES AGREEMENTS OR CONTRACTS COVERING THE DISPOSAL OF OIL AND GAS LEASE PRODUCTS (NOT APPLICABLE TO INDIAN OR NAVAL PETROLEUM RESERVE LANDS)

Part 223 of title 30 of the Code of Federal Regulations is amended as set forth below:

1. Section 223.7 is revised to read as follows:

§ 223.7 Appeals.

An appeal may be taken as provided in part 290 of this chapter from any order or decision issued under the regulations in this part.

PART 225—DISPOSAL OF GOVERNMENT ROYALTY OIL

Part 225 of title 30 of the Code of Federal Regulations is amended as set forth below:

1. Paragraphs (c), (d), and (e) of § 225.2 are amended to read as follows:

§ 225.2 Definitions.

(c) "Supervisor" shall be the Area Oil and Gas Supervisor, Conservation Division of the Geological Survey; a representative of the Secretary, subject to the direction and supervisory authority of the Director, Geological Survey, the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to supervise and direct oil and gas operations and to perform other duties prescribed in the regulations in part 221 of this chapter.

(d) "Area" is the geographic area over which a supervisor is authorized to exercise supervisory jurisdiction.

(e) "Preference eligible refiners" shall be eligible refiners applying for purchase of royalty oil produced in a given Area for use in their refineries located within that area.

§ 225.5 [Amended]

2. Section 225.5 is amended by substituting the word "Area" for the word "Region" in the first sentence.

§ 225.6 [Amended]

3. Section 225.6 is amended by substituting the word "Area" for the word "Region" wherever it appears.

§ 225.7 [Amended]

4. Section 225.7 is amended by substituting the word "Area" for the word "Region" in the first sentence.

PART 225a—DISPOSAL OF OUTER CONTINENTAL SHELF ROYALTY OIL

Part 225a of title 30 of the Code of Federal Regulations is amended as set forth below:

1. Paragraphs (d) and (e) of § 225a.2 are amended to read as follows:

§ 225a.2 Definitions.

(d) "Supervisor" means the Area Oil and Gas Supervisor, Conservation Division of the Geological Survey; a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to supervise and direct oil and gas operations and to perform other duties prescribed in the regulations in part 250 of this chapter.

(e) "Area" means the geographic area over which a supervisor is authorized to exercise supervisory jurisdiction, unless the context in which the word is used indicates a different meaning is to apply.

§ 225a.6 [Amended]

2. Section 225a.6 is amended by substituting the word "Area" for the word "Region" in the first sentence.

§ 225a.7 [Amended]

3. Section 225a.7 is amended by substituting the word "Area" for the word "Region" in the third sentence.

§ 225a.8 [Amended]

4. Section 225a.8 is amended by substituting the word "Area" for the word "Region" in the first sentence.

PART 226—UNIT OR COOPERATIVE AGREEMENTS

Part 226 of title 30 of the Code of Federal Regulations is amended as set forth below:

1. The table of contents is amended by inserting the following item:

Sec.
226.2a Jurisdiction.

2. Paragraph (m) of § 226.2 is amended to read as follows:

§ 226.2 Definitions.

(m) *Supervisor*.—The Area Oil and Gas Supervisor, Conservation Division of the Geological Survey; a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to supervise and direct oil and gas operations and to perform other duties prescribed in the regulations in this part.

3. A new § 226.2a is added to read as follows:

§ 226.2a Jurisdiction.

Subject to the supervisory authority of the Secretary and the Director, the administration of the regulations in this part shall be under the jurisdiction of the supervisor. In the exercise of his jurisdiction, the supervisor shall be subject to the direction and supervisory authority of the Chief, Conservation Division, Geo-

logical Survey, and the appropriate Conservation Manager, Conservation Division, Geological Survey, each of whom may exercise the jurisdiction of the supervisor.

4. Paragraph (a) of § 226.9 is amended to read as follows:

§ 226.9 Filing of papers and number of counterparts.

(a) All papers, instruments, documents, and proposals submitted under this part should be filed in the office of the oil and gas supervisor for the geographic area in which the unit area is situated unless otherwise provided in this part.

5. Section 226.11 is revised to read as follows:

§ 226.11 Appeals.

An appeal may be taken as provided in part 290 of this chapter from any order or decision issued under the regulations in this part.

PART 231—OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

Part 231 of title 30 of the Code of Federal Regulations is amended as set forth below:

1. Paragraph (c) of § 231.2 is amended to read as follows:

§ 231.2 Definitions.

(c) *Mining Supervisor*.—The Area Mining Supervisor, Conservation Division of the Geological Survey; a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or any subordinate acting under his direction.

2. Paragraphs (c), (3) and (4) are revised and a new paragraph (g) is added to § 231.3 to read as follows:

§ 231.3 Responsibilities.

(c) * * *

(3) *Reports on condition of lands and manner of operations; recommendations for protection of property*.—Make reports to the Chief, Conservation Division through the Regional Conservation Manager, Conservation Division of Geological Survey, as to the general condition of lands under permit or lease and the manner in which operations are being conducted and orders or instructions are being complied with, and to submit information and recommendations for proving formations and the nonmineral tecting the minerals, the mineral-bearing resources.

(4) *Manner and form of records, and notices*.—Prescribe, subject to the con-

currence of the Regional Conservation Manager, Conservation Division, and the approval of the Chief, Conservation Division of the Geological Survey, the manner and form in which records of operations, reports, and notices shall be made.

(g) In the exercise of his jurisdiction under the regulations in this part, the mining supervisor shall be subject to the direction and supervisory authority of the Chief, Conservation Division, and the appropriate Regional Conservation Manager, Conservation Division of the Geological Survey, each of whom may exercise the jurisdiction of the mining supervisor.

3. Paragraph (b) of § 231.4 is revised to read as follows:

§ 231.4 General obligations of lessees and permittees.

(b) Lessees and permittees shall take such action as may be needed to avoid, minimize, or repair soil erosion; pollution of air; pollution of surface or ground water; damage to vegetative growth, crops, including privately owned forage, or timber; injury or destruction of fish and wildlife and their habitat; creation of unsafe or hazardous conditions; and damage to improvements, whether owned by United States, its permittees, licensees or lessees, or by others; and damage to recreational, scenic, historical, and ecological values of the land. The surface of leased or permit lands shall be reclaimed in accordance with the terms and conditions prescribed in the lease or permit and the provisions of the approved exploration or mining plan. Where any question arises as to the necessity for or the adequacy of an action to meet the requirements of this paragraph, the determination of the mining supervisor shall be final subject to the right of appeal as provided in part 290 of this chapter.

4. Section 231.74 is revised to read as follows:

§ 231.74 Appeals.

Orders or decisions issued under the regulations in this part may be appealed as provided in part 290 of this chapter.

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

Part 250 of title 30 of the Code of Federal Regulations is amended as set forth below:

1. Paragraphs (b) and (c) of § 250.2 are amended as follows:

§ 250.2 Definitions.

(b) *Director*.—The Director of the Geological Survey, Washington, D.C., having direction of the enforcement of the regulations in this part.

(c) *Supervisor*.—The Area Oil and Gas Supervisor, Conservation Division of the Geological Survey; a representative

of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part or any subordinate of such representative acting under his direction.

2. Section 250.10 is amended to read as follows:

§ 250.10 Jurisdiction.

Subject to the supervisory authority of the Secretary and the Director, drilling and production operations, handling, and measurement of production, determination and collection of rental and royalty, and in general, all operations conducted on a lease by or on behalf of a lessee are subject to the regulations in this part, and are under the jurisdiction of the Supervisor for any area as delineated by the Director. In the exercise of this jurisdiction, the Supervisor shall be subject to the direction and supervisory authority of the Chief, Conservation Division and the appropriate Conservation Manager, Conservation Division, Geological Survey, each of whom may exercise the jurisdiction of the Supervisor.

§ 250.51 [Amended]

3. Section 250.51 is amended by substituting the words "geographic area" for the word "region" in the second sentence.

4. Section 250.81 is revised to read as follows:

§ 250.81 Appeals.

Orders or decisions issued under the regulations in this part may be appealed as provided in part 290 of this chapter. Compliance with any such order or decision shall not be suspended by reason of any appeal having been taken unless such suspension is authorized in writing by the Director or the Board of Land Appeals (depending upon the official before whom the appeal is pending) and then only upon a determination that such suspension will not be detrimental to the lessor or upon the submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

PART 290—APPEALS PROCEDURES

Part 290 is added to chapter II of title 30 of the Code of Federal Regulations to read as follows:

Sec.	
290.1	Scope.
290.2	Who may appeal.
290.3	Appeals to Director.
290.4	Oral argument.
290.5	Time limitations.
290.6	Appeals to the Commissioner of Indian Affairs.
290.7	Appeals to the Board of Land Appeals.

AUTHORITY.—R.S. 463, 25 U.S.C. 2; R.S. 465, 25 U.S.C. 9; sec. 32, 41 Stat. 450, 30 U.S.C. 189; sec. 5, 44 Stat. 1058, 30 U.S.C. 285; sec. 10, 61 Stat. 915, 30 U.S.C. 359; sec. 5, 6, 67 Stat. 464, 465, 43 U.S.C. 1334, 1335; sec. 24, 84 Stat. 1573, 30 U.S.C. 1023.

§ 290.1 Scope.

The rules and procedures set forth herein apply to appeals to the Director, Geological Survey (and the Commissioner of Indian Affairs when Indian lands are involved) from final orders or decisions of officers of the Conservation Division, Geological Survey, issued under authority of the regulations in chapter II of this title, 43 CFR part 23, 43 CFR subtitle B, chapter II, and 25 CFR part 177. This part also provides for the further right of appeal to the Board of Land Appeals in the Office of Hearings and Appeals, Office of the Secretary, from adverse decisions of the Director (and the Commissioner of Indian Affairs when Indian lands are involved) rendered under this part.

§ 290.2 Who may appeal.

Any party to a case adversely affected by a final order or decision of an officer of the Conservation Division of the Geological Survey shall have a right to appeal to the Director, Geological Survey, unless the decision was approved by the Secretary or the Director prior to promulgation.

§ 290.3 Appeals to Director.

(a) An appeal to the Director, Geological Survey, may be taken by filing a notice of appeal in the office of the official issuing the order or decision within 30 days from service of the order or decision. The notice of appeal shall incorporate or be accompanied by such written showing and argument on the facts and laws as the appellant may deem adequate to justify reversal or modification of the order or decision. Within the same 30-day period, the appellant will be permitted to file in the office of the official issuing the order or decision additional statements of reasons and written arguments or briefs.

(b) The officer with whom the appeal is filed shall transmit the appeal and accompanying papers to the Director, Geological Survey, with a full report and his recommendation on the appeal.

(c) The Director will review the record and render a decision in the case.

§ 290.4 Oral argument.

Oral argument in any case pending before the Director, Geological Survey, will be allowed on motion in the discretion of such officer and at a time to be fixed by him.

§ 290.5 Time limitations.

With the exception of the time fixed for filing a notice of appeal, the time for filing any document in connection with an appeal may be extended by the Director, Geological Survey. A request for an extension of time must be filed within the time allowed for filing of the document and must be filed in the same office in which the document in connection with which the extension is requested must be filed.

§ 290.6 Appeals to the Commissioner of Indian Affairs.

The procedure for appeals under this part shall be followed for permits and

leases on Indian land except that with respect to such permits and leases, the Commissioner of Indian Affairs will exercise the functions vested in the Director, Geological Survey.

§ 290.7 Appeals to the Board of Land Appeals.

Any party to a case adversely affected by a final decision of the Director, Geological Survey, or the Commissioner of Indian Affairs under this part shall have a right of appeal to the Board of Land Appeals in the Office of Hearings and Appeals, Office of the Secretary, in accordance with the procedures provided in 43 CFR, "Part 4, Department Hearings and Appeals Procedures."

[FR Doc. 73-7729 Filed 4-20-73; 8:45 am]

Title 31—Money and Finance: Treasury
CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY
SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT
PART 306—GENERAL REGULATIONS GOVERNING U.S. SECURITIES

Correction

In FR Doc. 73-4897 appearing at page 7077, part II of the issue of Thursday, March 15, 1973, the following changes should be made:

1. In the third line of § 306.76, the word "nit", should read "unit".

2. In § 306.115:

a. The word "to" in the third line of paragraph (c) should read "the".

b. In the second line of paragraph (d), insert a comma between "note" and "certificate".

3. In Table I on page 7092:

a. The 17th entry appearing under the heading "Half-year of 183 days" reading ".558 060 109", should read ".058 060 109".

b. Under the heading "Half-year of 182 days", the 20th entry from the bottom reading ".099 021 978", should read ".099 587 912".

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT OFFICE, DEPARTMENT OF COMMERCE

PART 1—RULES OF PRACTICE IN PATENT CASES

PART 5—SECURITY OF CERTAIN INVENTIONS AND LICENSES TO FILE APPLICATIONS IN FOREIGN COUNTRIES

Interference Practice

These rule changes are intended to clarify the current practice before the Board of Patent Interferences and to correct several inconsistencies in rule language. The rule change: (1) Provides for a 30-day period in which the junior party may request a final hearing to review a decision granting a motion over his opposition, (2) changes several 10-day periods to be 20-day periods, (3) provides for consideration of a motion to add or remove names of inventors, filed after the time for taking testimony has been set, to be deferred to final hearing, (4) provides that documentary exhibits not be included in bound volumes of tes-

timony, (5) provides that in testimony papers, questions to a witness need not be consecutively numbered if paper with numbered lines is used, and (6) provides that a notice be placed in the file wrapper of a patent if claims therefrom are copied in an application under secrecy order.

On June 30, 1972, notice of proposed rulemaking regarding the amendment of §§ 1.225, 1.231, 1.251, 1.253, 1.272, 1.277, 1.281, and 5.3 of title 37, Code of Federal Regulations, dealing with interference practice, was published in the FEDERAL REGISTER (37 FR 12966). Interested persons were given until October 10, 1972, to submit written comments or suggestions regarding the proposed amendments. The changes in §§ 1.243 and 1.244 are made without publication of proposed rule change since it merely relieves a restriction.

Full consideration having been given to all comments received in response to the public notice, the amendments originally proposed have been somewhat modified and are hereby adopted as set forth below.

Effective date.—These amendments shall become effective June 25, 1973, and shall apply only to interferences declared after such effective date.

In consideration of the comments received and pursuant to the authority contained in section 6 of the act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), as amended October 5, 1971 (85 Stat. 364), parts 1 and 5 of title 37, Code of Federal Regulations are hereby amended as follows:

1. Section 1.225 is revised to read as follows:

§ 1.225 Failure of junior party to file statements or to overcome filing date of senior party.

If a junior party to an interference fails to file a preliminary statement, or if his statement fails to overcome the prima facie case made by the filing date of the application of another party, judgment on the record will be entered against such junior party unless he has filed a motion under § 1.231, within the time set for such motions, for some action in the interference or he has opposed a motion under § 1.231(a) (2), (3), (4), or (5). If such a motion has been timely filed but does not result in action in the interference which will remove the basis for a judgment on the record, such judgment on the record will be entered unless the motion related to matters which may be reviewed at final hearing under § 1.258, and within 30 days of the decision disposing of the motion the junior party concerned requests that final hearing be set to review such matter. Also, such a junior party may within such 30-day period request a final hearing to review such a matter raised by his opposition to a motion under § 1.231(a) (2), (3), (4), or (5) which was granted over his opposition.

2. In § 1.231, subparagraphs (4) and (5) of paragraph (a) and paragraph (d) are revised to read as follows:

§ 1.231 Motions before the primary examiner.

(a) * * *

(4) To be accorded the benefit of an earlier application or to attack the benefit of an earlier application which has been accorded to an opposing party in the notice of declaration. See § 1.224.

(5) To amend an involved application by adding or removing the names of one or more inventors as provided in § 1.45. (See par. (d) of this section.)

(d) All proper motions as specified in paragraph (a) of this section, or of a similar character, will be transmitted to and considered by the primary examiner without oral argument, except that consideration of a motion to dissolve will be deferred to final hearing before a Board of Patent Interferences where the motion urges unpatentability of a count to one or more parties which would be reviewable at final hearing under § 1.258

(a) and such unpatentability is urged against a patentee or has been ruled upon by the Board of Appeals or by a court in ex parte proceedings. Also consideration of a motion to add or remove the names of one or more inventors may be deferred to final hearing if such motion is filed after the times for taking testimony have been set. Requests for reconsideration will not be entertained.

§ 1.243 [Amended]

3. In § 1.243, the last sentence is amended by deleting "10 days" and inserting in lieu thereof, the expression "20 days from the date of service of the motion".

§ 1.244 [Amended]

4. In § 1.244, paragraph (c) and paragraph (d), last sentence, is amended by deleting "10 days from the filing" and inserting in lieu thereof, the expression "20 days from the date of service".

5. In § 1.251, paragraph (a) is revised to read as follows:

§ 1.251 Assignment of times for discovery and taking testimony.

(a) A period for preparation for testimony will be set in which all parties should complete discovery and other preparatory activities, except for service by the senior party required by § 1.287 (a) (1) which is governed by § 1.287(a) (2) (iii).

6. In § 1.253, paragraph (f) is revised to read as follows:

§ 1.253 Copies of the testimony.

(f) When the copies of the record are in typewritten form, they must be clearly legible on opaque unglazed, durable paper approximately 8½ by 11 inches in size (letter size) and one of the three copies must be a ribbon copy, but need not be executed by the certifying officer. (The certified transcript may be a properly executed carbon copy. See § 1.277). The typing shall be on one side of the

paper, in not smaller than pica type; and double-spaced with a margin of 1½ inches on the left-hand side of the page. The sheets shall be bound at their left edges, in such manner to lie flat when opened, in a volume or volumes of convenient size (approximately 100 pages per volume is suggested) provided with covers. Documentary exhibits should not be included in bound volumes of testimony. Multigraphed or otherwise reproduced copies conforming to the standards specified will be accepted.

7. In § 1.272, paragraph (c) is revised to read as follows:

§ 1.272 Manner of taking testimony of witnesses.

(c) By agreement of the parties, the testimony of any witness or witnesses of any party may be submitted in the form of an affidavit by such witness or witnesses. The parties may stipulate what a particular witness would testify to if called, or the facts in the case of any party may be stipulated. When evidence is submitted in one of these forms, four copies of such affidavit or stipulated testimony (§ 1.253 (a), (c), (f)) are required.

8. In § 1.277, paragraph (a) is revised to read as follows:

§ 1.277 Form of deposition.

(a) The testimony must be written on letter size paper, with a wide margin on the left-hand side of the page, and with the writing on one side only of the sheet. The pages must be serially numbered throughout the entire record for each party (§ 1.253(c)) and the name of the witness must be plainly and conspicuously written at the top of each page. The questions propounded to each witness must be consecutively numbered, unless paper with numbered lines is used, and each question must be followed by its answer.

9. Section 1.281 is revised to read as follows:

§ 1.281 Additional time for taking testimony.

If either party has proceeded with the taking of testimony on his behalf but is unable to complete his case because of inability to procure the testimony of a witness or witnesses within the time limited and said time has expired, and he desires additional time for such purpose, he must file a motion, accompanied by a statement under oath or in the form of a declaration setting forth specifically the cause of such inability, the name or names of the witness or witnesses, the facts expected to be proved by such witness or witnesses, the steps which have been taken to procure such testimony, and the dates on which efforts have been made to procure it. (See § 1.245 for extensions of time in other situations.)

10. In § 5.3, paragraph (b) is revised to read as follows:

§ 5.3 Prosecution of application under secrecy order; withholding patent.

(b) An interference will not be declared involving applications under secrecy order. However, if an application under secrecy order copies claims from an issued patent, a notice of that fact will be placed in the file wrapper of the patent.

Date April 10, 1973.

ROBERT GOTTSCHALK,
Commissioner of Patents.

RICHARD O. SIMPSON,
Acting Assistant Secretary
for Science and Technology.

[FR Doc. 73-7744 Filed 4-20-73; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

Miscellaneous Amendments to Chapter

Organizational titles, mail routing symbols, and cross references have been updated. In addition § 8-3.204(d) is revised to permit submission of proposed contracts for scarce medical specialist and professional services and for mutual use, or exchange of use, of specialized medical resources on an "as required basis" in lieu of the quarterly schedule. Section 8-10.450 is revoked as insurance requirements for service contracts will conform to FPR 1-10-4 and § 8-52.104 is revised to add release of claims clause which was formerly published in § 8-7.650-23.

Compliance with the provisions of § 1.12 of Title 38, Code of Federal Regulations, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose. The amendments only involve agency procedure or practice.

Chapter 8 is amended as follows:

PART 8-1—GENERAL

1. Sections 8-1.602 and 8-1.602-1 are revised to read as follows:

§ 8-1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended or declared ineligible.

The Director, Supply Service, is the debarring official for the Veterans Administration. The names of firms or individuals debarred will be included in an administrative issue entitled, "Debarred, Suspended, and Ineligible Bidders List," which will be maintained by the Director, Supply Service (134C). This list marked "for official use only" will be made available only to those Veterans Administration employees who require this information in the performance of their official duties.

§ 8-1.602-1 Bases for entry on the debarred, suspended, and ineligible bidders list.

(a) The Director, Supply Service, may include on the debarred, suspended, or

ineligible bidders list those firms and individuals administratively debarred by another executive agency for the causes set forth in FPR 1-1.604 when it is known, or it is likely, that the firms or individuals will bid on Veterans' Administration requirements.

(b) Any contracting officer having knowledge of a firm or individual(s) debarred by another agency may recommend that the firm or individual(s) be included on the Veterans' Administration Debarred, Suspended and Ineligible Bidders List. Such recommendations will be supported by documentary evidence, other than the fact that the firm or individual(s) are included on another agency's list, to support their recommendation.

(c) Any contractor convicted of a criminal offense in connection with obtaining a Government contract, or in the performance of such contract, shall be debarred by the Veterans' Administration and his name shall be entered on the debarred list. The General Counsel, upon receipt of a notice of conviction, shall transmit such information to the Director, Supply Service (134C), for necessary action.

2. Section 8-1.606 is revised to read as follows:

§ 8-1.606 Agency procedure.

Debarment or suspension action may be initiated by any contracting officer. The recommendation for debarment or suspension together with a statement of the cause or conditions (see FPR 1-1.604 and 1-1.605-1), suggested term of debarment or suspension and documentary evidence to support the recommendation will be submitted to the appropriate department or staff head. Pending disposition of the recommendation, no awards will be made to the firm or individual recommended for debarment or suspension. The department or staff head concerned will review the adequacy of the debarment or suspension request and transmit it to the Director, Supply Service (134C), with recommendations.

PART 8-3—PROCUREMENT BY NEGOTIATION

3. In § 8-3.204, paragraphs (a) and (d) are amended to read as follows:

§ 8-3.204 Personal or professional services.

(a) Architect-engineer services when required in conjunction with construction (see subparts 8-4.50 and 8-16.7 of this chapter) will cite as the authority for such negotiation FPR 1-3.204—38 U.S.C. 5002.

(d) Proposed contracts for the services and resources specified in paragraphs (b) and (c) of this section will be entered into for 1 year only and are not subject to renewal. When deemed essential to the mission of the station, proposed new contracts will be negotiated for the subsequent year. Such proposed contracts will be submitted to the appropriate regional medical director, at-

ention (17B), when authority is 38 U.S.C. 5053, or (134), when authority is 38 U.S.C. 4117, for approval so as to reach central office 60 days prior to effective date of the contract. The Chief, Supply Service, will submit complete justification for all contracts, as approval depends on the adequacy of the justification. Proposed contracts under authority of 38 U.S.C. 4117 will be submitted in five copies, and contracts under authority of 38 U.S.C. 5053 will be submitted in six copies. The transmittal letter and each supporting document will be submitted in the same number of copies as the contract. As an incomplete submission delays processing of the proposed contract in central office, care will be exercised to assure that the proper number of copies are submitted, and that submissions are complete (e.g., complete name and address of the other party or parties to the contract is included).

PART 8-10—BONDS AND INSURANCE

§ 8-10.450 [Revoked]

4. Section 8-10.450, *Service contracts*, is revoked.

5. In § 8-10.451, paragraph (c) (1) is amended to read as follows:

§ 8-10.451 Insurance and indemnification requirements for ambulance service contracts.

Term contracts, or contracts of a continuing nature, for ambulance service will contain the following requirements, as applicable:

(c) *Exceptions.*—The provisions of this § 8-10.451 do not apply to:

(1) Emergency or sporadic ambulance service authorized by VA Manual MP-1, part II, chapter 3: *Provided*, That such service is not used solely for the purpose of avoiding entering into a continuing contract. *Provided further*, That such services will be obtained from firms known to carry insurance coverage in accordance with State or local requirements.

PART 8-52—CONTRACT ADMINISTRATION

6. Section 8-52.104 is revised to read as follows:

§ 8-52.104 Final release clause.

(a) As a part of the final settlement of construction contracts incorporating SF 23A, General Provisions, a release of claims will be required. The release will be executed in substantially the following format:

RELEASE OF CLAIMS

For and in consideration of the payments heretofore made, and payment of the above recited sum now due by reason of performance of the above contract, the undersigned contractor hereby releases and discharges the United States of America of and from all liabilities, obligations, and claims whatsoever under or arising out of said contract, except the following:

(a) Claims which are the subject of appeal, pending disposition by the Veterans Administration Contract Appeals Board.
 (b) Unresolved matters as indicated in the above statement of account.
 (c) Other specific claims: (List below. If none, so state.)
 All other terms and conditions of the above-mentioned contract remain in full force and effect.
 In witness whereof, this release has been duly executed this ____ day of _____, 19__.

 (Contractor)

By: -----
 Title: -----

(b) Any final release or other contractual instruments entered into as a result of a decision by a board of contract appeals, the head of an agency, or a contracting officer under a contract disputes clause shall contain a provision substantially as follows:

FINAL RELEASE CLAUSE

It is further understood and agreed by the Government and the contractor named hereon, that this release is executed subject to the standards prescribed in the Wunderlich Act (41 U.S.C. 321, 322). Therefore, this release shall neither deprive the Government nor the contractor of the right of further administrative and judicial review, if any of the decisions rendered pursuant to the disputes clause of this contract are later found not to meet the standards of the Wunderlich Act.

7. In § 8-52.106, paragraph (c) is amended to read as follows:

§ 8-52.106 Representatives of contracting officers; receipt of equipment, supplies, and nonpersonal services.

(c) The Chief, Stock Control Division, VA Supply Depot, Hines, Ill., is hereby designated as the representative of each contracting officer and purchasing agent of the various marketing divisions of the VA Marketing Center, Hines, Ill., for the purpose of accepting, on behalf of the Veterans Administration, items purchased for stock. The Chief, Stock Control Division, may designate one or more employees of the Incoming Property Section, Supply Control Division, to represent him and authority is hereby delegated to such designees to accept such property on behalf of the Veterans Administration. Designations will be confined to those employees to whom such responsibility has been assigned by their position descriptions. The Chief, Fiscal Service, will be furnished a list of such designees. Where inspection for compliance with specifications, purity, quality, or other element must be made by the Service and Reclamation Division or other testing agency, acceptance will be contingent upon receipt of a properly prepared inspection report.

PART 8-75—DELEGATIONS OF AUTHORITY

8. In § 8-75.101, paragraphs (a) and (b) are amended to read as follows:

§ 8-75.101 Delegation.

(a) Except as otherwise provided for by law, VA regulations and these pro-

cedures regulations, the authority vested in the Administrator to execute, award, and administer contracts, purchase orders, and other agreements for the expenditure of funds involved in the acquisition of personal property, or services (excluding construction and architect engineer service), and for the sale of personal property, is hereby delegated to those employees of the Veterans Administration appointed or designated to the following positions:

- (1) Chief Medical Director.
- (2) Manager, Administrative Services, Central Office.
- (3) Director, Supply Service.
- (4) Managers, VA Supply Depots.
- (5) Manager, VA Marketing Center.
- (6) Chief, Purchase and Contract Division, Central Office.
- (7) Head of a Veterans Administration field station. (Note: Heads of field stations receiving supply support from another Veterans Administration station will exercise this authority only in an extreme emergency or when normal supply channels cannot be utilized.)
- (8) Chief, Supply Service, Veterans Administration field station.
- (9) Director, Building and Supply Service, Central Office.
- (10) Chiefs, Marketing Divisions, VA Marketing Center.

(b) The contracting officers named in paragraph (a) of this section may designate one or more of their subordinates as a contracting officer and authority is hereby delegated to such subordinates, to execute, award and administer contracts, purchase orders, and other agreements for the acquisition of supplies, equipment, nonpersonal services, and for the sale of personal property. Designations will be in writing, specifically state the scope and limitation of the designee's contractual authority and shall be confined to only those subordinates who are actively engaged in purchasing and contracting functions.

(80 Stat. 379, 72 Stat. 1114, sec. 205(c), 63 Stat. 390; 5 U.S.C. 301, 38 U.S.C. 210, 40 U.S.C. 486(c).)

These regulations are effective May 1, 1973.

Approved April 17, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
 Deputy Administrator.

[FR Doc. 73-7794 Filed 4-20-73; 8:45 am]

Miscellaneous Amendments to Chapter

On pages 5267 through 5269 of the FEDERAL REGISTER of February 27, 1973, there was published a notice of proposed regulatory development to issue regulations concerning the procurement of medical, dental, and ancillary services. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are

hereby adopted without change and are set forth below.

Effective date.—These regulations are effective May 23, 1973.

Approved April 17, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
 Deputy Administrator.

Parts 8-3, 8-16, and 8-75, Part 41, Code of Federal Regulations are amended as follows:

PART 8-3—PROCUREMENT BY NEGOTIATION

1. Section 8-3.605-3 is revised to read as follows:

§ 8-3.605-3 Agency order forms.

(a) VA Form 07-2138, Order for Supplies or Services, and VA Form 07-2139, Order for Supplies or Services (Continuation), provide in one interleaved set of forms a purchase or delivery order, vendor's invoice, and receiving report. They will be used in lieu of and in the same manner as Standard Forms 147 and 148.

(b) The following order forms are for use when ordering the indicated medical, dental and ancillary services up to \$2,500 per authorization when such services are not available under existing contracts or agreements. The forms are also for use without monetary limitations when ordering such services from existing contracts.

(1) VA Form 10-2569, Authorization for Dental Service.

(2) VA Form 10-7078, Authorization and Invoice for Medical and Hospital Services.

(3) VA Form 10-7079, Request for Outpatient Medical Services.

(c) In authorizing patient travel as set forth in VA Manual MP-1, Part II, Chapter 3, VA Form 10-2511, Authority and Invoice for Travel by Ambulance or Other Hired Vehicle, will be used as provided by that manual.

PART 8-16—PROCUREMENT FORMS

Subpart 8-16.2 [Revoked]

2. Subpart 8-16.2, Forms for negotiated supply contracts, is revoked.

Subpart 8-16.3—Purchase and Delivery Order Forms

3. Section 8-16.301-2 is revised to read as follows:

§ 8-16.301-2 Order for supplies or services (VA Forms 07-2138 and 07-2139).

VA Form 07-2138, Order for Supplies or Services, and VA Form 07-2139, Order for Supplies or Services (Continuation), are prescribed for use in § 8-3.605-3 of this chapter.

4. Section 8-16.350-1 is revised to read as follows:

§ 8-16.350-1 Special forms.

Special order forms for medical, dental, and ancillary services and beneficiary travel are prescribed in § 8-3.605-3.