

rules and regulations

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 100a—DIRECT PROJECT GRANT AND CONTRACT PROGRAMS

PART 187—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND INDIAN GRADUATE AND PROFESSIONAL STUDENTS

Final Regulations

Notice of proposed rulemaking was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54253-54258), setting forth amended regulations for Part B of the Indian Education Act (20 U.S.C. 887c, 887c-1, and 887c-2). The purposes of the amendments are: (1) To streamline and improve the existing regulations; and (2) To reflect amendments of Part B of the Act made by the Education Amendments of 1974 (Pub. L. 93-380), including the establishment of the two new programs provided for in Subparts C and D.

Interested persons were invited to submit written comments, suggestions, or objections regarding the proposed rules. A description of the comments follows. After each comment, a response is set forth discussing the comment and stating changes which have been made in the regulations or the reasons why no change is deemed necessary.

1. *Comment.* Commenters suggested that federally supported elementary and secondary schools for Indian children should qualify for assistance under all programs covered by this Part.

Response. No change is permissible. The list of eligible applicants for each program is set forth in the statute.

2. *Comment.* Two commenters suggested that the definition of "institution of higher education" be rewritten to include Indian community controlled colleges.

Response. No change was made in the regulations. The definition used in the regulations is adopted from section 801 (e) of the Elementary and Secondary Education Act, 20 U.S.C. 881(e). An Indian community controlled college which does not qualify as an institution of higher education may qualify for assistance as an Indian organization or institution under §§ 187.11(a), 187.12(a), and 187.14(a).

3. *Comment.* A commenter suggested that the term "Indian children," as used in Subpart B, should include students in community colleges or grades thirteen and fourteen.

Response. No change has been made. The term refers to elementary and secondary school students. The law applicable to "Indian children" as discussed in Subpart B does not pertain to students in postsecondary education.

4. *Comment.* A commenter suggested adding the following under § 187.11(c): "The first priority shall be the priority as submitted in the project and as specifically established by the Indian school board or Indian advisory committee."

Response. No change was made in the regulation. The comment does not recognize that the purpose of the provision is to establish priorities among competing applications.

5. *Comment.* A commenter suggested adding (a)(5) under § 187.11 specifying library and media services and programs as authorized activities.

Response. No change has been made. The activities specifically mentioned in § 187.11(a) are set forth in the law. To the extent that library and media services and programs qualify as planning, pilot, or demonstration projects under § 187.11(a), they are permissible activities.

6. *Comment.* Two commenters suggested that "comprehensive library media center service" or "library and media services and programs" be added as a specific authorized activity under § 187.12.

Response. No change was made in the regulation. Under § 187.12(a)(1)(iii), provision is already made for such activities.

7. *Comment.* One commenter requested an amplification of the authorized activity in § 187.12(a)(1)(vi), "Preschool programs," to provide for screening and special services for handicapped preschool children.

Response. No change is deemed necessary since, under § 187.12(c)(2), priority is given to "programs which are directed at meeting the needs of Indian children who are handicapped." Also, such screening and special services are authorized in the regulations in § 187.12(a)(1)(i).

8. *Comment.* Two commenters suggested that § 187.13(a)(1) be rewritten to include librarians and library aides as careers for which persons could be trained.

Response. No change is deemed necessary. The law states that the Commissioner may make grants for carrying out programs and projects to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel. The term "ancillary educational personnel" as used in this section, allows for the training of

librarians and library aides to the extent that this training would meet the special educational needs of Indian children.

9. *Comment.* A commenter objected to the identification of "social worker" as part of educational personnel development in § 187.13(a)(1)(i).

Response. No change was made in the regulation. The law speaks of programs to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel.

10. *Comment.* A commenter agrees that Indian institutions of higher education should receive priority funding as reflected in § 187.13(c)(1), but disagrees with the priority of inservice training as reflected in § 187.13(c)(2) and feels that high priority should be accorded to undergraduate and precredential preparation (i.e., preservice training).

Response. No change has been made. While priority is accorded to applications which are inservice and short-term, this does not preclude programs designed to prepare individuals at the undergraduate level to teach Indian children. Awards will be made on the basis of the criteria set forth in §§ 187.13(b) and 187.15 as well as 100a.26. Moreover, the section does not say that priority will be given to projects which are solely inservice training. The language in § 187.13(c)(2) states that priority shall be given to "... applications for projects including inservice training ..." An example of such a project would be one in which the main emphasis is to provide training for teachers and teacher aides and which also has a component to provide inservice training for teachers and administrators with whom the other personnel are working.

11. *Comment.* One commenter suggested that the priority area under § 187.14(c)(2) be rewritten to include applications for library projects involving the dissemination of information and materials.

Response. No change is deemed necessary. To the extent that a library is a public agency or institution, the dissemination of information by or concerning library projects is implicitly allowable under this section.

12. *Comment.* Two commenters suggested that § 187.16(f)(2)(ii) be rewritten to include fellowships for librarians or media specialists under § 187.13.

Response. Section 187.16(f)(2)(ii) has been revised so as to include ancillary personnel and thus be consistent with § 187.13(a)(1)(i).

13. *Comment.* A commenter suggested that § 187.21(a) be rewritten to include undergraduate and graduate programs in

library or information sciences as allowable activities.

Response. No change has been made. Such programs might qualify if they fit within the activities specified, which are taken from the law.

14. *Comment.* A commenter suggested that fellowships under Subpart D be awarded to part-time students and to students who are seeking associate degrees or who are enrolled in other two-year terminal programs.

Response. No change has been made. The law provides that fellowships may be awarded for a program of study of not less than three nor more than four academic years, and it is felt that, in view of the limited number of fellowships that would be possible, they should be awarded only to full-time students.

15. *Comment.* Several commenters suggested that the areas of library science, social work, community planning, public administration, and recreation be added as allowable fields of study under the fellowship program in § 187.31.

Response. No change is made in the regulation. The law establishes five fields of study under the fellowship program: Engineering, medicine, law, business, and forestry. Fellowships may also be awarded in an area related to one of these five fields.

16. *Comment.* A commenter requested that § 187.32(b) be rewritten to specify that not less than five percent of the fellowships be awarded in the field of library science.

Response. No change is made in the regulation, for the reason set forth in the preceding response.

On the basis of further review within the Department, the definition of "dependent" in § 187.2 has been deleted pending the development of a uniform definition of the term by the Office of Education.

Accordingly, Parts 100a and 187 of Title 45 of the Code of Federal Regulations are amended to read as set forth below.

Effective date: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the *FEDERAL REGISTER*. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Number 13.535, Indian Education Act, Part B)

Dated: March 3, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: April 7, 1976.

MARJORIE LYNCH,
Acting Secretary of Health,
Education, and Welfare.

1. Section 100a.10 (the introductory part of paragraph (a) and (a)(31) of

Part 100a of Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 100a.10 Scope.

(a) *Programs.* Except to the extent inconsistent with an applicable statute or regulation, the provisions contained in this part apply to all Federal programs of assistance authorized under the following authorities:

(31) Special programs and projects to improve educational opportunities for Indian children and Indian graduate and professional students under Part B of the Indian Education Act (20 U.S.C. 887c, 887c-1, 887c-2); and

2. Part 187 of Title 45 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Scope; Definitions; General Provisions; Applicable Related Statute

Sec.
187.1 Scope.
187.2 Definitions.
187.3 General provisions.
187.4 Applicability of section 7(b) of Indian Self-Determination and Education Assistance Act.

Subpart B—Improvement of Educational Opportunities for Indian Children

187.11 Planning, pilot, and demonstration projects for improving educational opportunities.
187.12 Educational services and exemplary programs and centers.
187.13 Training.
187.14 Dissemination and evaluation.
187.15 Additional criteria for approving applications.
187.16 Applications.

Subpart C—Special Educational Training Programs for Educators of Indian Children

187.21 Eligible applicants and authorized activities.
187.22 Criteria and priority for consideration of applications.
187.23 Eligible recipients of education or training.
187.24 Selection of beneficiaries of fellowships, traineeships, and cost of education allowances.
187.25 Applications.

Subpart D—Fellowships for Indian Students

187.31 Eligible applicants and authorized activities.
187.32 Criteria and priorities for consideration of applications.
187.33 Designation of alternate recipients of fellowships.
187.34 Applications.

AUTHORITY: Sec. 810, Pub. L. 89-10, as amended, 86 Stat. 339 (20 U.S.C. 887c), unless otherwise noted.

Subpart A—Scope; Definitions; General Provisions; Applicable Related Statute

§ 187.1 Scope.

This part governs: (a) The provision of assistance to State and local educational agencies; Indian tribes, organizations, and institutions; federally supported elementary and secondary schools for Indian children; and institutions of higher education for carrying out special programs and projects to improve educational opportunities for Indian

children under section 810 of the Elementary and Secondary Education Act of 1965 (as added by section 421 of the Indian Education Act) and (through special programs for educators of Indian children) section 422 of the Indian Education Act; and

(b) The awarding of fellowships to Indian students in graduate and professional programs at institutions of higher education under section 423 of the Indian Education Act.

(20 U.S.C. 887c, 887c-1, and 887c-2)

§ 187.2 Definitions.

As used in this part: "Academic year" means a period of time, generally of not less than eight months, in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, or 900 clock hours of instruction.

(20 U.S.C. 887c-2)

"Allowance for dependents" means a payment, in a sum approved by the Commissioner, to a recipient of a fellowship or traineeship on account of his dependents, if any.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Cost of education allowance" means a payment to an eligible applicant (or, in the case of a fellowship under Subpart D, to the institution of higher education attended by the fellowship holder) in a sum approved by the Commissioner and on behalf of an eligible recipient of a fellowship, or of education or training described in § 187.23, to cover the cost of the education or training to be provided to the eligible recipient by the eligible applicant (or, in the case of a fellowship under Subpart D, by the institution of higher education attended by the fellowship holder).

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Exemplary" as applied to an educational program, project, service, or activity, refers to a program, project, service or activity designed to be so educationally effective or outstanding that it could be identified as a promising solution to a basic Indian education problem.

(20 U.S.C. 887c (a) (2) and (c))

"Federally supported elementary and secondary school for Indian children" means an elementary or secondary school for Indian children operated or supported by the Department of the Interior.

(20 U.S.C. 887c(b))

"Fellowship" means an award to an eligible recipient thereof described in § 187.16(f) (2), an eligible recipient of education described in § 187.23(a), or an eligible applicant under Subpart D, and consists of a cost of education allowance, a stipend, and an allowance for dependents, if any.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Guidance and counseling" refers to: (a) Services to Indian pupils to assist

them in assessing and understanding their particular abilities, educational needs, and career and vocational interests; and

(b) Assistance in personal and social development, including the development of a positive self-concept for Indian children and their parents.

(20 U.S.C. 887c(c) (1) (D))

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health-impaired children, or children with specific learning disabilities, who by reason thereof require special education and related services.

(20 U.S.C. 887c(1) (E))

"Indian" means any individual, living on or off a reservation, who is:

(a) A member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member; or

(b) Considered by the Secretary of the Interior to be an Indian for any purpose; or

(c) An Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h)

"Institution of higher education" means an educational institution in any State which:

(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(b) Is legally authorized within the State to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's degree; or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however,* that in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician

and at a semiprofessional level in engineering, scientific, or technological fields which requires the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this part and shall also determine whether particular institutions meet such standards.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 887c)

"State" refers to, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 887c)

"Stipend" means a payment, in a sum approved by the Commissioner, to a recipient of a fellowship or traineeship without regard to his dependents.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Traineeship" means an award to an eligible recipient of training described in § 187.23(b), and consists of a cost of education allowance, a stipend, and an allowance for dependents, if any.

(20 U.S.C. 887c-1)

§ 187.3 General Provisions.

Assistance under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 887c, 887c-1, and 887c-2)

§ 187.4 Applicability of section 7(b) of Indian Self-Determination and Education Assistance Act.

Assistance under this part is subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) and any regulations promulgated thereunder, to the extent that such statutory provision and regulations are by their terms applicable to assistance under this part. Section 7(b) provides for preference to Indians, in the contexts of training and employment and the awarding of subcontracts and subgrants, in connection with assistance under Federal legislation for the benefit of Indians.

(20 U.S.C. 450e(b))

Subpart B—Improvement of Educational Opportunities for Indian Children

§ 187.11 Planning, pilot, and demonstration projects for improving educational opportunities.

(a) *Eligible applicants and authorized activities.* State and local educational agencies, federally supported elementary and secondary schools for Indian children, and Indian tribes, organizations, and institutions may apply for grants to support planning, pilot and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including:

(1) Innovative programs related to the educational needs of educationally deprived children;

(2) Bilingual and bicultural education programs and projects;

(3) Special health and nutrition services and other related activities which meet the special health, social, and psychological problems of Indian children; and

(4) Coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of these children.

(20 U.S.C. 887c (a) (1) and (b))

(b) *Criteria.* In considering whether to approve applications submitted under this section and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria referred to in § 187.15):

(1) The degree to which the project addresses a demonstrated and substantial educational need of Indian children which is not being adequately met by projects supported with resources under other Federal, State, or local programs;

(2) The degree to which the successful carrying out of the project will measurably contribute to improving the educational opportunities of Indian children throughout the Nation;

(3) The numbers of Indian children who are estimated to require educational or other related services or programs of the kind which will be demonstrated or improved by the proposed project;

(4) In the case of projects which address themselves primarily to academic

needs, the degree to which the level of academic achievement of Indian children is likely to be improved by accomplishing or replicating the results of the proposed projects;

(5) The degree of innovation of the proposed project; and

(6) The degree to which the project can be replicated for the purpose of providing educational services or programs for Indian children.

(20 U.S.C. 887c(b))

(c) *Priority.* In considering applications under this section, the Commissioner will give priority to applications from Indian educational agencies, organizations, and institutions, and to projects which will provide models for coordinating the operation, at the local level, of Federally assisted programs or projects designed to assist in meeting the educational needs of Indian children.

(20 U.S.C. 887c(b), (f))

§ 187.12 Educational services and exemplary programs and centers.

(a) *Eligible applicants and authorized activities.* State and local educational agencies, and tribal and other Indian community organizations, may apply for grants to assist them:

(1) To provide educational services, specifically designed to improve educational opportunities for Indian children, which are not available to Indian children in sufficient quantity or quality, including:

(i) Remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

(ii) Comprehensive academic and vocational instruction;

(iii) Instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

(iv) Comprehensive guidance, counseling, and testing services;

(v) Special education programs for the handicapped;

(vi) Preschool programs;

(vii) Bilingual and bicultural educational programs; and

(viii) Other services which meet the purposes of this subparagraph; and

(2) To establish and operate exemplary and innovative educational programs and centers which involve new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children and which will serve as models for regular elementary and secondary school programs in which Indian children are educated.

(20 U.S.C. 887c(a)(2) and (c))

(b) *Criteria.* In considering whether to approve applications submitted under this section and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria referred to in

§ 187.15):

(1) The degree to which the application demonstrates that the services to be stimulated by the project are not available in sufficient quantity or quality to the Indian children to be served;

(2) The significance, in terms of long term improvement of the educational opportunities of Indian children, of the provision of the educational service, or the widespread application of the exemplary program or center, for which assistance is requested;

(3) In the case of an exemplary educational program or center, the degree to which the application demonstrates that the educational approach, method, or technique involved in the program or center has not previously been tested or applied in the education of Indian children; and

(4) The extent to which the program or project involves Indian parents in the educational process and demonstrates new methods for involving those parents generally in activities to meet the educational needs of Indian children.

(20 U.S.C. 887c(c))

(c) *Priority.* In considering applications under this section, the Commissioner will give priority to:

(1) Applications from tribal and other Indian community organizations;

(2) Programs which are directed at meeting the needs of Indian children who are handicapped;

(3) Programs designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school; and

(4) Programs designed to assist Indian children to prepare to enter post-secondary or career education programs.

(20 U.S.C. 887c(c) and (f))

§ 187.13 Training.

(a) *Eligible applicants and authorized activities.*

(1) Institutions of higher education, and State and local educational agencies in combination with institutions of higher education, may apply for grants to assist them in carrying out programs or projects:

(i) To prepare persons to serve Indian children as teachers, teacher aides, social workers, or ancillary educational personnel; and

(ii) To improve the qualifications of those persons serving Indian children in those capacities.

(20 U.S.C. 887c(a)(3) and (d))

(2) The programs and projects may but need not involve one or more of:

(i) The establishment of fellowship programs leading to a post-baccalaureate degree;

(ii) Institutes; and

(iii) As part of a continuing program, seminars, symposia, workshops, and conferences.

Under the programs and projects authorized by this section, preference must be given to the training of Indians.

(20 U.S.C. 887c(a)(3) and (d))

(b) *Criteria.* In considering whether to approve applications submitted under this section and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria referred to in § 187.15):

(1) The need with regard to Indian education for the type of educational or other personnel for which the training is to be provided;

(2) The likelihood that the training to be assisted will be applied to meet the educational needs of Indian children;

(3) The degree to which the training would involve educational approaches which take into account the culture and heritage of Indian children;

(4) The degree to which the training program would focus on approaches, methods, and techniques which are pertinent to the education of Indian children;

(5) The extent to which there is expertise or has been previous experience on the part of the applicant or its personnel in conducting the type of education or training for which application for funds is made; and

(6) The extent of planning for operation of the education or training.

(20 U.S.C. 887c(a)(3) and (d))

(c) *Priority.* In approving applications under this section, the Commissioner will give priority to:

(1) Applications from Indian institutions of higher education;

(2) Applications for projects including inservice training for qualified persons already serving in the education of Indian children; and

(3) Applications for projects involving short-term training (6 months or less).

(20 U.S.C. 887c(a)(3); 887(d); and 887c(f))

§ 187.14 Dissemination and evaluation.

(a) *Eligible applicants and authorized activities.* Public agencies and institutions and Indian tribes, institutions, and organizations may apply for assistance (by grant or contract) for carrying out programs or projects for:

(1) The dissemination of information concerning education programs, services and resources available to Indian children, including evaluations thereof; and

(2) The evaluation of the effectiveness of federally assisted education programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

(20 U.S.C. 887c(a)(4) and (e))

(b) *Criteria.* In considering whether to approve applications submitted under this section and in determining the amount of the awards under those applications, the Commissioner will take into account the criteria set forth in § 100a.26 (b) of this chapter.

(20 U.S.C. 887c(a)(4) and (e))

(c) *Priority.* In approving applications under this section, the Commissioner will give priority to;

(1) Applications from Indian institutions and organizations; and

(2) Applications for projects involving the dissemination of information and materials relating to, and the evaluation of the effectiveness of, academic programs and educational services which affect academic achievement in basic educational areas (such as reading, language arts, mathematics, and sciences).

(20 U.S.C. 887c(e))

§ 187.15 Additional criteria for approving applications.

In considering whether to approve applications and in determining the amount of the award under approved applications under §§ 187.11-187.13, the Commissioner will take into account the following general criteria (in addition to the criteria set forth in §§ 187.11-187.13 and in § 100a.26(b) of this chapter):

(a) The number of Indian children to be involved in the program or project and the number of Indian children that would be affected by a successful outcome of the program or project;

(b) The degree to which the program or project to be assisted addresses the particular educational needs of Indian children;

(c) The relative isolation (geographic or social) of the Indian community which will be served by the program or project; and

(d) The degree to which the activities to be supported would be coordinated with other activities to meet the special educational needs of Indian children (including programs supported under Part A of the Indian Education Act, the Elementary and Secondary Education Act, and the Vocational Education Act).

(20 U.S.C. 887c)

§ 187.16 Applications.

(a) *General.* An eligible applicant's application for assistance under this subpart shall set forth:

(1) The nature of the applicant;

(2) The problems to be addressed;

(3) The objectives of the proposed program or project;

(4) The activities through which the proposed program or project would carry out the purpose, as described in one of §§ 187.11-187.14, to which the proposed program or project relates;

(5) The size and qualifications of the proposed staff;

(6) The amount of, and a budget for, the award being requested; and

(7) Other information and assurances which the Commissioner may require.

The application shall indicate the manner in which the proposed program or project relates to the applicable criteria and priorities set forth or referred to in §§ 187.11-187.15. The application shall also describe proposed methods of administration which would provide proper and efficient administration of the program or project for which assistance is requested.

(20 U.S.C. 887c(f))

(b) *Evaluation.* An application under this subpart must contain an assurance to the Commissioner that:

(1) The applicant will arrange for an independent and objective evaluation of the effectiveness of the project in achieving its purposes and the purposes of this subpart; and

(2) The applicant will cooperate with any evaluation conducted or arranged by the Commissioner.

(20 U.S.C. 887c(f)(4))

(c) *Participation of children enrolled in private schools.* Applications under § 187.11, § 187.12, or § 187.13 for assistance for programs or projects to serve children enrolled in the schools of local educational agencies must provide information and materials sufficient to establish that to the extent consistent with the number of Indian children in the area to be served who are enrolled in private non-profit elementary and secondary schools whose needs are of the type which the proposed program or project is intended to meet, such children will have an opportunity to participate in the program or project on an equitable basis.

(20 U.S.C. 887c(f))

(d) *Community participation.* Applications under §§ 187.11 and 187.12 must provide information and materials sufficient to establish that parents of the Indian children to be served and tribal committees:

(1) Were consulted and involved in the planning and development of the project; and

(2) Would actively participate in the operation and evaluation of the project, if it were assisted by the Commissioner.

(20 U.S.C. 887c(f))

(e) *Coordination of resources.* Applications for assistance under § 187.12 (educational services and exemplary programs and centers) must contain an assurance that the program or project to be assisted will be coordinated with programs or projects carried out with other resources which may be available to the applicant in order that, within the scope of the assisted program or project, funds awarded under § 187.12 and those other resources will be used for a comprehensive program for the improvement of educational opportunities for Indian children.

(20 U.S.C. 887c(f)(2))

(f) *Training of personnel.*

(1) Applications under § 187.12 (relating to educational services and exemplary programs and centers) must provide a description of the methods to be used for training personnel who would be participating in the project. Before he may approve an application under § 187.12, the Commissioner must be satisfied that these methods are adequate.

(20 U.S.C. 887c(f)(3))

(2) Applications under § 187.13 (training) must provide:

(i) Information as to the number and percentage of persons to be trained who are Indians; and

(ii) An assurance that all persons, if any, selected or to be selected as beneficiaries of fellowship programs assisted under § 187.13 have at least a baccalaureate degree, will be, during the education or training to be provided under § 187.13, full-time students at a participating institution of higher education, and intend to seek employment at the conclusion of that education or training in a capacity which will enable them to teach in, administer, or be a social worker or serve in an ancillary educational capacity in connection with, programs and projects designed to meet the special educational needs of Indian children.

(20 U.S.C. 887c(d) and (f))

(g) *Cooperative arrangements for training.* Applications from State and local educational agencies under § 187.13 must contain such information and assurances as the Commissioner may require with respect to the cooperative arrangements with institutions of higher education required of those applicants under that section.

(20 U.S.C. 887c(d) and (f))

Subpart C—Special Educational Training Programs for Educators of Indian Children

§ 187.21 Eligible applicants and authorized activities.

Institutions of higher education, Indian organizations, and Indian tribes may apply for assistance (by grant or contract) in order to:

(a) Prepare individuals for teaching in or administering special programs and projects designed to meet the special educational needs of Indian children; or

(b) Provide in-service training for persons already teaching in such programs and projects, or both.

Applicants other than institutions of higher education are encouraged to have entered into an arrangement with an institution of higher education whereby such institution has agreed to provide such education or training in the manner previously specified by the applicant. Awards may include fellowships and traineeships for individuals and the provision to applicants of cost of education allowances for individuals. Indians shall be given preference for fellowships and traineeships.

(20 U.S.C. 887c-1)

§ 187.22 Criteria and priority for consideration of applications.

(a) *Criteria.* In considering whether to approve applications and in determining the amount of the award for approved applications under this subpart, the Commissioner will take into account the following criteria (in addition to the criteria set forth in § 100a.26(b) of this chapter):

(1) The criteria set forth in § 187.13 (b), except that the criterion set forth in § 187.13(b)(5) will not preclude awards to Indian organizations and tribes where there is a reasonable prob-

ability that such applicants will be able to successfully conduct their proposed education or training; and

(2) In the case of applications focusing in whole or in part on providing in-service training for persons already teaching in special programs and projects designed to meet the special educational needs of Indian children, the criteria set forth in § 187.15.

(20 U.S.C. 887c-1)

(b) *Priority.* In approving applications under this subpart, the Commissioner will give priority to applications submitted by Indian organizations and tribes.

(20 U.S.C. 887c-1)

§ 187.23 Eligible recipients of education or training.

(a) A person provided with education under this subpart to prepare him for teaching in or administering special programs and projects designed to meet the special educational needs of Indian children must be enrolled as a student in a participating institution of higher education, be pursuing a course of study which will lead to an undergraduate or graduate degree in education or educational administration, and intend to seek employment at the conclusion of the education or training to be provided under this subpart in a capacity which will enable him to teach in or administer special programs and projects designed to meet the special educational needs of Indian children.

(20 U.S.C. 887c-1)

(b) Persons provided with in-service training under this subpart must have at least a baccalaureate degree and be teaching in special programs and projects designed to meet the special educational needs of Indian children.

(20 U.S.C. 887c-1)

§ 187.24 Selection of beneficiaries of fellowships, traineeships, and cost of education allowances.

Applicants for assistance under this subpart must select beneficiaries, if any, of fellowships, traineeships, and cost of education allowances either before or after submission of applications, as described in § 187.25(c).

(20 U.S.C. 887c-1)

§ 187.25 Applications.

(a) *General.* An eligible applicant's application for assistance under this subpart shall set forth:

- (1) The nature of the applicant;
- (2) The methods by which the applicant proposes to provide education or training, or both;
- (3) The objectives of such education or training;
- (4) The size and qualifications of the proposed staff;
- (5) The amount of, and a budget for, the award being requested; and
- (6) Such other information and assurances as the Commissioner may require.

The application shall set forth the manner in which it relates to the appli-

cable criteria and priorities referred to in § 187.22. The application shall also describe methods of administration which would provide proper and efficient administration of the assistance requested.

(20 U.S.C. 887c-1)

(b) *Evaluation.* An application made under this subpart must contain an assurance to the Commissioner that:

(1) The applicant will arrange for an independent and objective evaluation of the effectiveness of its use of assistance in achieving its purposes and the purposes of this subpart; and

(2) The applicant will cooperate with any evaluation which the Commissioner may conduct or arrange.

(20 U.S.C. 887c-1)

(c) Information and assurances as to recipients of education or training.

(1) An application under this subpart must include information as to specific persons, if any, proposed as beneficiaries (and alternate beneficiaries, so as to provide for awards being vacated) of fellowships, traineeships, or cost of education allowances, including their names, their eligibility under § 187.23, whether they are Indians (in the case of fellowships and traineeships), and the number of their dependents. Alternatively, an application may:

(i) Make no provision for fellowships, traineeships, or cost of education allowances; or

(ii) Include an assurance that proposed beneficiaries thereof have not yet been selected but that beneficiaries of fellowships or traineeships, if any, will be selected in such a manner as to give preference to Indians, and a description of the manner in which such preferential selection will be conducted.

(2) An application must in any case include an assurance that all persons to receive education or training under this subpart shall be eligible therefor under § 187.23.

(20 U.S.C. 887c-1)

(d) An application under this subpart from an entity other than an institution of higher education must contain such information and assurances with respect to the cooperative arrangement encouraged under § 187.21 as the Commissioner may require.

(20 U.S.C. 887c-1)

Subpart D—Fellowships for Indian Students

§ 187.31 Eligible applicants and authorized activities.

(a) An Indian who is in attendance, or who has been accepted for admission, as a full-time student at an institution of higher education for study in a graduate or professional program may be awarded a fellowship under this subpart. The applicant's program of study must be one of not less than three, nor more than four, academic years and provide a professional or graduate degree in engineering, medicine, law, business, forestry, or a field related to one of these areas.

(20 U.S.C. 887c-2)

(b) A program of study in medicine or law to be undertaken by a fellowship holder must be one leading to a post-baccalaureate degree. A program of study in engineering, business, or forestry to be undertaken by a fellowship holder must be one leading to a bachelor's or post-baccalaureate degree.

(20 U.S.C. 887c-2)

(c) A program of study in a field related to one of the five areas specifically designated in paragraph (a) of this section must be in a field which has been specifically approved by the Commissioner. The Commissioner shall determine which fields to approve, and the type of degree to which programs of study in these fields must lead, in the course of reviewing applications under this subpart.

(20 U.S.C. 887c-2)

§ 187.32 Criteria and priorities for consideration of applications.

(a) *Criteria.* In considering whether to approve applications under this subpart, the Commissioner will take into account the following criteria:

(1) The academic record of the applicant, as indicated by transcripts of the individual's education;

(i) At the secondary and (if applicable) undergraduate level in the case of an applicant to be pursuing an undergraduate course of study; and

(ii) At the undergraduate and (if applicable) post-baccalaureate level in the case of an applicant to be pursuing a post-baccalaureate course of study;

(2) Any other evidence submitted by the applicant indicating his potential for success in his program of study and the profession for which the program of study is intended to prepare him; and

(3) Evidence submitted by the applicant indicating that he intends to provide services to Indians, through the profession for which he is seeking education, at the conclusion of this education.

(20 U.S.C. 887c-2)

(b) *Priority.* In approving applications under this subpart, the Commissioner will, if there are sufficient numbers of approvable applications, award not less than five percent of the fellowships to be awarded for any fiscal year for fellowship holders in each of the following areas of study: engineering, medicine, law, business, and forestry.

(20 U.S.C. 887c-2)

§ 187.33 Designation of alternate recipients of fellowships.

The Commissioner will establish a rank order of as many successful applicants for fellowships for any fiscal year and in as many categories of study as he may deem appropriate for the purpose of designating alternate recipients of fellowships, or the unused portions thereof, in the event that recipients of fellowships are deemed by the Commissioner to have discontinued their course of study, or decline their fellowships, before the period thereof has elapsed.

(20 U.S.C. 887c-2)

§ 187.34 Applications.

An individual's application for a fellowship under this subpart shall be submitted to the Commissioner and shall be in such form as the Commissioner may require. No such application may be submitted to the Commissioner unless it includes the following:

(a) The applicant's name, permanent address, statement that he is an Indian (as that term is defined in § 187.2), and number of dependents;

(b) Evidence that the applicant is in attendance or has been accepted for admission as a full-time student at an institution of higher education which is, or will be during the period for which the applicant is applying for a fellowship, conducting a program of study described in § 187.31, except that:

(1) If an individual has not yet been accepted for admission, he may submit an application which shall be considered by the Commissioner, provided that the individual is accepted by an institution by a subsequent date to be specified by the Commissioner; and

(2) The Commissioner may, in an appropriate case, require as a condition for approval of an application evidence that the institution which the applicant is attending or intends to attend is in fact an institution of higher education which is, or will be during the period for which the applicant is applying for a fellowship, conducting a program of study described in § 187.31;

(c) Copies of transcripts referred to in § 187.32(a) (1) and evidence described in § 187.32(a) (2) and (3);

(d) Such information as the Commissioner may require in order to determine the amount of a cost of education allowance for a fellowship holder; and

(e) Such other information and assurances as the Commissioner may require.

(20 U.S.C. 887c-2)

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CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6004-11]

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart—CSA Income Poverty Guidelines

Correction

In FR Doc. 76-9600, appearing at page 14370, in the FEDERAL REGISTER of Monday, April 5, 1976, make the following changes:

1. Change the CSA Instruction number in the heading to read as set forth above.

2. On page 14371, in § 1060.2-2(d) (2), in the table "For all States except Alaska and Hawaii", change the last number in the first column headed "Family size" to 6.

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

Miscellaneous Changes to Chapter

Notice is hereby given of the amendment of the Nuclear Regulatory Commission's regulations in 10 CFR Parts 20, 30, 31, 32, 35, 40, 50, 55, 70, 73, 140, and 150 which are of a minor nature.

On March 3, 1975, the Commission published in the FEDERAL REGISTER a revision of Chapter I of Title 10 of the Code of Federal Regulations to reflect organizational and procedural changes effected or made necessary by the Energy Reorganization Act of 1974.

The amendments of the Commission's regulations set forth below, in conformity with the revised organization and current procedures, change the addresses to which various reports and copies thereof should be sent by licensees. The amendments also specify particular offices to which reports should be addressed rather than a general directive to send reports to the Commission. The amendments do not add any new reporting requirements and do not change the substantive requirements for such reports.

Because these amendments relate solely to minor matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective April 19, 1976.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 20, 30, 31, 32, 35, 40, 50, 55, 70, 73, 140, and 150 are published as a document subject to codification.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

§ 20.205 [Amended]

1. In § 20.205, paragraph (b) (2) is amended by deleting "telephone and telegraph" and inserting in lieu thereof "telephone and telegraph, mailgram, or facsimile", and paragraph (c) (2) is amended by deleting "the licensee shall immediately notify, by telephone and telegraph, the final delivering carrier and the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office shown in Appendix D," and inserting in lieu thereof "the licensee shall immediately notify by telephone and telegraph, mailgram, or facsimile, the director of the appropriate NRC Regional Office listed in Appendix D, and the final delivering carrier."

2. In § 20.402, paragraph (a) is amended by deleting "telephone and telegraph" and inserting in lieu thereof "telephone and telegraph, mailgram, or facsimile".

3. In § 20.402, the prefatory language of paragraph (b) is amended to read as follows:

§ 20.402 Reports of theft or loss of licensed material.

(b) Each licensee who is required to make a report pursuant to paragraph (a) of this section shall, within thirty (30) days after he learns of the loss or theft, make a report in writing to the appropriate NRC Regional Office listed in Appendix D with copies to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, setting forth the following information: * * *

4. In § 20.403, the prefatory language of paragraph (a) and the prefatory language of paragraph (b) are amended to read as follows:

§ 20.403 Notifications of incidents.

(a) *Immediate notification.* Each licensee shall immediately notify by telephone and telegraph, mailgram, or facsimile, the Director of the appropriate NRC Regional Office listed in Appendix D of any incident involving byproduct, source, or special nuclear material possessed by him and which may have caused or threatens to cause: * * *

(b) *Twenty-four hour notification.* Each licensee shall within 24 hours notify by telephone and telegraph, mailgram, or facsimile, the Director of the appropriate NRC Regional Office listed in Appendix D of any incident involving licensed material possessed by him and which may have caused or threatens to cause: * * *

5. In § 20.405, the prefatory language of paragraph (a) is amended to read as follows:

§ 20.405 Reports of overexposures and excessive levels and concentrations.

(a) In addition to any notification required by § 20.403, each licensee shall make a report in writing within thirty (30) days to the appropriate NRC Regional Office listed in Appendix D with copies to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, of: * * *

§ 20.407 [Amended]

6. In § 20.407, paragraph (b) is amended by deleting "Executive Director for Operations" and inserting in lieu thereof "Director of Inspection and Enforcement".

§ 20.408 [Amended]

7. Section 20.408 is amended by deleting "Executive Director for Operations" and inserting in lieu thereof "Director of Inspection and Enforcement".

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

8. In § 30.55, the first and second sentences of paragraph (c) are amended to read as follows:

§ 30.55 Tritium reports.

(c) Except as specified in paragraph (d) of this section, each licensee who is authorized to possess, import, or export tritium shall report promptly to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter by telephone and telegraph, mailgram, or facsimile any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 10 curies of such material at any one time or more than 100 curies of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the appropriate NRC Regional Office which sets forth the details of the incident and its consequences. Copies of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. * * *

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL**§ 31.11 [Amended]**

9. In § 31.11, paragraph (b) is amended by deleting "Office" and substituting in lieu thereof "Director".

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL**§ 32.12 [Amended]**

10. Section 32.12 is amended by inserting "with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter," before the words "which shall identify".

§ 32.16 [Amended]

11. Section 32.16 is amended by inserting "with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter," before the words "which shall include".

§ 32.20 [Amended]

12. In § 32.20, the second sentence is amended by changing the period at the end thereof to a comma and inserting "with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter."

§§ 32.25 and 32.29 [Amended]

13. Sections 32.25(c) and 32.29(c) are amended by inserting "with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter," before the words "which shall include".

§ 32.52 [Amended]

14. Section 32.52(a) is amended by inserting "with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter," before the words "all transfers of such devices".

§§ 32.56, 32.60, and 32.63 [Amended]

15. Sections 32.56, 32.60, and 32.63 are amended by inserting "with a copy to the

appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter," before the words "which shall state".

PART 35—HUMAN USES OF BYPRODUCT MATERIAL**§ 35.14 [Amended]**

16. Section 35.14(b) (5) (iii) is amended by changing the semicolon at the end thereof to a period and adding "Copies of such report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555."

17. In § 35.14(e) (3), the second sentence is amended by inserting "with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555," before the words "describing the equipment".

PART 40—LICENSING OF SOURCE MATERIAL

18. In § 40.64(c), the first and second sentences are amended to read as follows:

§ 40.64 Reports.

(c) Except as specified in paragraph (d) of this section, each licensee who is authorized to possess uranium or thorium pursuant to a specific license shall report promptly to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter by telephone and telegraph, mailgram, or facsimile any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 15 pounds of such material at any one time or more than 150 pounds of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the appropriate NRC Regional Office which sets forth the details of the incident and its consequences. A copy of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. * * *

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

19. In § 50.36a(a) (2), the first sentence is amended to read as follows:

§ 50.36a Technical specifications on effluents from nuclear power reactors.

(a) * * *

(2) The submission of a report to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter within sixty (60) days after January 1 and July 1 of each year specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous six (6) months of operation, and such other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent

releases. Copies of such report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

20. In § 50.54(p), the last sentence is amended to read as follows:

§ 50.54 Conditions of licenses.

(p) * * * The licensee shall maintain records of changes to the plan made without prior Commission approval, and shall furnish to the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix D of Part 20 of this chapter a report containing a description of each change within two (2) months after the change is made.

§ 50.55 [Amended]

21. Section 50.55(a) is amended by changing the word "Commission" in the second sentence to "appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555".

22. Section 50.55(e) (2) is amended by changing the word "promptly" to "within 24 hours".

23. In § 50.55(e) (3), the first sentence is amended to read as follows:

§ 50.55 Conditions of construction permits.

(e) * * *

(3) The holder of a construction permit shall also submit a written report on a reportable deficiency within thirty (30) days to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter. Copies of such report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. * * *

24. In § 50.59(b), the fourth sentence is changed to read as follows:

§ 50.59 Changes, tests, and experiments.

(b) * * * The licensee shall furnish to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, annually or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests, and experiments, including a summary of the safety evaluation of each. * * *

§ 50.71 [Amended]

25. Section 50.71(b), Part 50, Appendix G, Section V.E., and Appendix H, Section IV.A. are amended by changing the word "Commission" to "Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555".

Appendix I [Amended]

26. Part 50, Appendix I, Section IV.A.3., is amended by changing the word "Commission" to "appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555."

Appendix J [Amended]

27. Part 50, Appendix J, Section V.B., is amended by changing the word "Commission" to "Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555."

PART 55—OPERATORS' LICENSES

28. Section 55.41 is revised to read as follows:

§ 55.41 Notification of disability.

The licensee shall notify the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within fifteen (15) days after its occurrence of any disability referred to in § 55.11(a)(1) which occurs after the submission of his medical examination form.

PART 70—SPECIAL NUCLEAR MATERIAL

§ 70.32 [Amended]

29. In § 70.32, the last sentence in the prefatory language of paragraph (c) and the last sentence of paragraph (e) are amended by changing the word "Commission" the second time it appears to "Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter".

30. In § 70.32(d), the last sentence is amended by changing the word "Commission" to "Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter".

31. Section 70.52 is revised to read as follows:

§ 70.52 Reports of accidental criticality or loss or theft or attempted theft of special nuclear material.

(a) Each licensee shall report immediately to the appropriate NRC Regional Office listed in Appendix A of Part 73 of this chapter by telephone and telegraph, mailgram, or facsimile any case of accidental criticality and any loss, other than normal operating loss, of special nuclear material.

(b) Each licensee who possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report immediately to the appropriate NRC Regional Office listed in Appendix A of Part 73 of this chapter by telephone and tele-

graph, mailgram, or facsimile any theft or other unlawful diversion of special nuclear material which he is licensed to possess, or any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of such material in accordance with the procedures in § 73.71 of this chapter.

§ 70.53 [Amended]

32. In § 70.53(a), the second sentence is amended by changing the word "Commission" to "U.S. Energy Research and Development Administration, P.O. Box E, Oak Ridge, Tennessee 37830".

33. In § 70.53(b), the prefatory language is revised to read as follows:

§ 70.53 Material status reports.

(b) Each licensee subject to the requirements of § 70.51(e) shall submit a report, in accordance with paragraph (b)(1) or (b)(2) of this section, to the appropriate NRC Regional Office listed in Appendix A of Part 73 of this chapter, with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within 30 calendar days after the start of each ending physical inventory required by § 70.51(e)(3).

34. In § 70.54, the second and third sentences are amended to read as follows:

§ 70.54 Nuclear material transfer reports.

Each licensee who transfers such material shall submit a copy of Form NRC-741 to the U.S. Energy Research and Development Administration, P.O. Box E, Oak Ridge, Tennessee 37830, and three (3) copies to the receiver of the material promptly after the transfer takes place. Each licensee who receives special nuclear material shall submit a copy of Form NRC-741 to the U.S. Energy Research and Development Administration and to the shipper of the material within ten (10) days after the special nuclear material is received.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

§ 73.36 [Amended]

35. In § 73.36, paragraph (e) is amended by deleting the words "or teletype" wherever they appear, and inserting the words "mailgram, or facsimile" in lieu thereof.

36. In § 73.71, paragraph (a) is amended to read as follows; in paragraph (b), the first sentence is amended by deleting the words "telegram, or teletype" and inserting "and telegraph, mailgram, or facsimile" in lieu thereof; and the second sentence of paragraph (b) is amended to read as follows:

§ 73.71 Reports of unaccounted for shipments, suspected theft, unlawful diversion, or industrial sabotage.

(a) Each licensee who conducts a trace investigation of a lost or unaccounted

for shipment pursuant to § 73.36(f) shall immediately report to the appropriate NRC Regional Office listed in Appendix A of this part by telephone and telegraph, mailgram, or facsimile the details and results of his trace investigation and shall file within a period of fifteen (15) days a written report to the appropriate NRC Regional Office setting forth the details and results of the trace investigation. A copy of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(b) * * * The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the appropriate NRC Regional Office shown in Appendix A of this Part setting forth the details of the incident. Copies of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. * * *

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

§ 140.6 [Amended]

37. In § 140.6(a), the first sentence is amended by changing the word "Commission" to "Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555".

§ 140.18 [Amended]

38. In § 140.18(a), the first sentence is amended by changing the word "Commission" the first time it appears to "Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555".

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

39. In § 150.16, the second and third sentences of paragraph (a) are amended to read as follows; in paragraph (b), the first sentence is amended by changing the word "promptly" to "immediately" and by deleting "telegram, or teletype" and inserting "and telegraph, mailgram, or facsimile" in lieu thereof; and the second sentence of paragraph (b) is amended to read as follows:

§ 150.16 Submission to Commission of nuclear material transfer reports.

(a) * * * Each person who transfers such material shall submit a copy of Form NRC-741 to the U.S. Energy Research and Development Administration, P.O. Box E, Oak Ridge, Tennessee 37830, and three (3) copies to the receiver of the material promptly after the transfer takes place. Each person who receives special nuclear material shall submit a copy of Form NRC-741 to the U.S. Energy Research and Development Administration and to the shipper of the material within ten (10) days after the special nuclear material is received.

(b) * * * The initial report shall be followed within a period of fifteen (15)

days by a written report submitted to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter, which sets forth the details of the incident. Copies of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.***

40. In § 150.17, the second and third sentences in paragraph (a) are amended to read as follows and the fourth sentence is deleted, and paragraph (c) is amended to read as follows:

§ 150.17 Submission to Commission of source material transfer reports.

(a) * * * Each person who transfers such material shall submit a completed copy of Form NRC-741 to the U.S. Energy Research and Development Administration, P.O. Box E, Oak Ridge, Tennessee 37830, and three (3) copies to the receiver of the material promptly after the transfer takes place. Each person who receives such material shall submit a completed copy of Form NRC-741 to the U.S. Energy Research and Development Administration and to the shipper of the material within ten (10) days after the material is received.

(c) Except as specified in paragraph (d) of this section, each person who is authorized to possess uranium or thorium pursuant to a specific license from an Agreement State shall report promptly to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter by telephone and telegraph, mailgram, or facsimile any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 15 pounds of such material at any one time or more than 150 pounds of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the appropriate NRC Regional Office which sets forth the details of the incident and its consequences. Copies of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Subsequent to the submission of the written report required by this paragraph, each person subject to the provisions of this paragraph, shall promptly inform the appropriate NRC Regional Office by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of source material.

41. In § 150.19, the second and third sentences of paragraph (a) are amended to read as follows and the fourth sentence is deleted, and paragraph (c) is amended as follows:

§ 150.19 Submission to Commission of tritium reports.

(a) * * * Each person who transfers such material shall submit a completed copy of Form NRC-741 to the U.S. Energy Research and Development Admin-

istration, P.O. Box E, Oak Ridge, Tennessee 37830, and three (3) copies to the receiver of the material promptly after the transfer takes place. Each person who receives such material shall submit a completed copy of Form NRC-741 to the U.S. Energy Research and Development Administration and to the shipper of the material within ten (10) days after the material is received.

(c) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, is authorized to possess tritium shall report promptly to the appropriate NRC Regional Office as shown in Appendix D of Part 20 of this chapter by telephone and telegraph, mailgram, or facsimile any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 10 curies of such material at any one time or 100 curies of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the appropriate NRC Regional Office which sets forth the details of the incident and its consequences. Copies of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Subsequent to the submission of the written report required by this paragraph, each person subject to the provisions of this paragraph shall promptly inform the appropriate NRC Regional Office by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of tritium.

Effective date. These amendments become effective on April 19, 1976.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841)).

Dated at Bethesda, Maryland this 25th day of March 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76-11058 Filed 4-16-76; 8:45 am]

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Group Licensing for Certain Medical Uses

Notice is hereby given of the amendment of the Nuclear Regulatory Commission's Regulation "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures.

The notice of proposed rulemaking that was published in the *FEDERAL REGISTER* on January 21, 1974, (39 FR 2384)

stated that the groups of licensed uses would be amended from time to time to add new radiopharmaceuticals, sources, devices, and uses as they are developed. The Food and Drug Administration (FDA) has approved a "New Drug Application" for ytterbium 169 as labeled diethylenetriaminepentaacetic acid (DTPA) for cisternography and this procedure is hereby added to Group II.

Because this amendment relates solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary. Since the amendment relieves licensees from restrictions under regulations currently in effect, they may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 35 is published as a document subject to codification.

1. Section 35.100, Paragraph (b) (24) is amended by changing the period at the end of the paragraph to a semicolon and a new paragraph (b) (25) is added to read as follows:

§ 35.100 Schedule A Groups of Medical Uses of Byproduct Material.

(b) *Group II.* Use of prepared radiopharmaceuticals for diagnostic studies involving imaging and tumor localizations.

(25) Ytterbium 169 as labeled diethylenetriaminepentaacetic acid (DTPA) for cisternography.

Effective date: This amendment becomes effective on April 19, 1976.

(Sec. 81, 161, Pub. L. 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841)).

Dated at Bethesda, Maryland this 7th day of April, 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director
for Operations.

[FR Doc.76-11270 Filed 4-16-76; 8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Crude Oil Buy/Sell Program

On February 27, 1976, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (41 FR 9196; March 3, 1976), to amend Parts 211 and 212, Chapter II of Title 10, Code of Federal Regulations, to conform the coverage of the buy/sell program to that of FEA's Mandatory Canadian