(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)

[FR Doc.76-11190 Filed 4-16-76;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6004-1i]

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 telegraph, 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 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, 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 beocme 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

Crude Oil Allocation Regulations and to amend the provisions (pursuant to one of two alternative proposals) governing the pricing of crude oil sold under the program. Comments were invited through March 16, 1976, and a public hearing was also held on that date.

FEA is adopting the amendments described below to the buy/sell program effective for the March 1, 1976 and subsequent allocation quarters.

I. AMENDMENTS TO CONFIRM BUY/SELL PROGRAM TO CANADIAN ALLOCATION PROGRAM

The amendments proposed would have excluded from the calculation of the purchase opportunity for a refiner-buyer volumes of crude oil runs to stills attributable to any first priority refinery under Part 214 owned by that refinery-buyer and would have prohibited buy/sell program purchases with respect to any such first priority refinery. In addition, the program was proposed to be amended not to require allocation sales of buy/sell crude oil that would result in a decrease in crude supplies available to any first priority refinery owned by a refiner-seller. FEA specifically invited comments as to whether the elimination of purchase opportunities as to first priority refineries was appropriate, or whether these purchase opportunities should be modified in a more limited fashion.

FEA has concluded that its proposal in this regard would impact too severely on certain refiner-buyers and therefore should be modified on the following basis. The purchase opportunity of each refiner-buyer that owns a first priority refinery will be reduced to reflect deduction of the volumes of Canadian crude oil included in the adjusted 1972 and February through 1974 crude oil runs to stills of each such refinery. In addition, buy/sell program purchases would be limited as to a first priority refinery so as to permit only purchases of domestic crude oil in the average volumes thereof purchased for that refinery in the base period for the Canadian allocation program (November 1, 1974 through October 31, 1975).

FEA has adopted a modification of its proposed limitation as to refiner-sellers' sales obligations to provide that first a refiner-seller is not required to sell Canadian crude oil under the program so as to reduce supply levels at a first priority refinery owned by it, and further that such seller is not required to sell domestic crude oil so as to reduce such supply levels in a volume exceeding the average volume of domestic crude oil sold under the buy/sell program in the base period for the Canadian allocation program. FEA believes that these amendments will permit refiner-buyers to continue their historic purchases of domestic crude oil under the buy/sell program and will conform that program to the Canadian allocation program in an equitable fashion.

FEA is also adopting the proposed amendments that effect an increase in a refiner-buyer's purchase opportunity under the buy/sell program in an amount corresponding to the amount of Canadian crude oil lost by any second priority refineries owned by such refiner-buyer as a result of the reduced Canadian export levels and the operation of Part 214.

However, FEA is not adopting the proposed amendments to reduce a refiner-seller's fixed percentage share by that portion of its January 1, 1973 refining capacity that is attributable to any first priority refinery of such refiner-seller. As pointed out in the comments received on this particular proposed amendment, the variations in a refiner-seller's current ability to obtain supplies are not and should not be factors in determining that seller's obligations under the buy/sell program. Therefore, the rationale of this proposed change ran directly counter to the underlying rationale of fixing refiner-sellers' sales obligations by reference to their respective refining capacities as of January 1, 1973, i.e. to remove disincentives to import additional supplies and to lend predictibility to sales amounts.

II. AMENDMENTS TO MANNER OF PRICING BUY/SELL PROGRAM SALES

Under FEA's first alternative proposal, pursuant to § 212.94 each refiner-seller would calculate the weighted average cost of its crude oil deliveries for determination of its sale price under the program solely by reference to its deliveries of imported crude oil (other than crude oil imported from Canada), with no pricing distinctions based on PAD Districts and with a uniform gravity adjustment of 3¢ per degree API.

As to this proposal, FEA first invited comments as to whether the current handling fee for crude oil sold under the program should remain fixed at 30¢ per barrel, or whether the fee should be changed to a lower amount or eliminated. FEA additionally requested comments as to the merit in also providing for adjustments to the pricing calculations to reflect the sulphur content of crude oil sold under the buy/sell program and as to whether the gravity adjustment proposed was appropriate and, if not, what amount constituted the proper adjustment in this regard.

FEA is hereby adopting this pricing amendment substantially as proposed, since most firms commenting supported the proposal and FEA's rationale therefor. Relatively few comments were received in support of FEA's second alternative proposal as to buy/sell program pricing, under which FEA would have published standard sale prices and adjustments thereto applicable to all sellers. In addition, FEA is not adopting any amendment with respect to the reduction of a refiner-seller's unsold amount carry forward sales obligation in cases where a refiner-buyer has refused a bona fide offer of suitable allocated crude oil pursuant to a directed sale order. Several pointed out that it would be difficult to determine when a bona fide offer had actually been made and further that unsold amount carryforwards should only be reduced upon the actual sale and delivery of crude oil, as is presently the case under § 211.65.

Under the pricing rule adopted hereby, each refiner-seller would price its buy/sell program sales at a per barrel price not in excess of that seller's weighted average landed per barrel cost of its deliveries of imported crude oil (other than crude oil imported from Canada) for a three month period (which period would include the month in which the sale is made and the two preceding months), plus a handling fee of five cents per barrel, with no pricing distinctions based on the PAD District in which the sale is made. The rule also provides for a gravity adjustment of plus or minus 3¢ per barrel per °API that the crude oil sold is above or below the weighted average °API of the deliveries of imported (other than Canadian) crude oil to that refiner-seller for the applicable three month period, and for a sulphur adjustment of plus or minus 3¢ per barrel per tenth of a percent by which the sulphur content by weight of the crude oil sold was either less or greater, respectively, than the weighted average sulphur content of such deliveries of imported crude oil. FEA has also made it clear in the amendment adopted that the volume of imports utilized for purposes of calculating a refiner-seller's weighted average landed cost would be based on the actual volumes imported by it into the United States, to account for volumetric losses in transit through evaporation and other factors.

As to adjustments for transportation expenses, the rule adopted provides that the refiner-buyer will be charged any actual additional transportation expenses that are incurred to move the crude oil to the refiner-buyer's refinery. FEA requests further written comments on the transportation adjustment adopted, which should be filed with the FEA on or prior to April 30, 1976 in accordance with the procedures set forth for the filing of written comments as to FEA's February 27 proposal.

The gravity and sulphur adjustments adopted hereby were favored by a substantial number of the firms commenting on each particular issue, although numerous alternatives were proposed in each area. In addition, a three month instead of a one month period is utilized for calculation of prices to minimize distortions in sellers' prices due to variances in types of imports and import volumes.

The handling fee of 5¢ per barrel was adopted, since FEA believes that, with the modified calculation of a seller's weighted average landed cost by use of actual import volumes, the 30¢ per barrel amount previously in effect would be in excess of sellers' administrative costs under the program as it is amended hereby. The 5¢ per barrel fee was felt to be sufficient, as far as most sellers commenting were concerned, to cover the additional administrative costs associated with buy/sell program sales.

The pricing amendments adopted hereby should not result in any effective increase in the costs to refiner-buyers of crude oil sold under the program, due to the cost-equalizing effects of the entitlements program which, pursuant to a separate rule, has been modified to account more effectively for the differential between imported crude oil costs and those for domestic crude oils.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Parts 211 and 212, Chapter II of Title 10, Code of Federal Regulations, are amended as set forth below, effective March 1, 1976.

Issued in Washington, D.C. on April 14, 1976.

MICHAEL F. BUTLER,
General Counsel.

1. Section 211.65 is amended by adding a new subparagraph (8) to paragraph (a) and by revising subparagraphs (3) and (5) of paragraph (a) and clause (iii) of subparagraph (2) of paragraph (d) to read as follows:

§ 211.65 Method of allocation.

(a) *Purchase opportunities of refiner-buyers.*

* * * * *

(3) A refiner-buyer's volume of crude oil runs to stills for the period February through April, 1974 shall exclude (i) the volume of crude oil runs to stills in such period attributable to crude oil purchased by that refiner-buyer in such period pursuant to the provisions of this subpart; (ii) the volume of crude oil runs to stills in such period attributable to imports of crude oil in such period in excess of the reported estimate of crude oil imports of that refiner-buyer for such period; (iii) the volume of crude oil runs to stills in such period attributable to crude oil imported from Canada processed at any first priority refinery (as defined in Part 214 of this chapter) of such refiner-buyer; and (iv) the volume of crude oil imported from Canada as to which such refiner-buyer no longer has access for any second priority refinery (as defined in said Part 214) owned by it, due to the reduction in exports of crude oil by Canada and the operation of Part 214.

* * * * *

(5) For purposes of the calculations in paragraph (a)(1) of this section, the volume of crude oil runs to stills of a refiner-buyer in 1972 shall be (i) increased by the volume of crude oil necessary to operate any new refining capacity of that refiner-buyer at the supply to capacity ratio at which all refineries of that refiner-buyer operated in the year 1972, taking into consideration crude oil supplies (in excess of supplies included in its February through April, 1974 crude oil runs to stills) available to that refiner-buyer for such new capacity; and (ii) decreased by (A) the volume of crude oil runs to stills of such refiner-buyer attributable to any refining capacity which has ceased to be operated continuously in the normal course of business since December 31, 1972 and (B) the volume of that refiner-buyer's crude oil runs to stills attributable to crude oil imported from Canada processed at any first priority refinery (as defined in Part 214 of this chapter) of that refiner-buyer.

* * * * *

(8) No refiner-buyer shall purchase under this section (i) crude oil imported from Canada for processing in or for the account of pursuant to a processing agreement any first priority refinery (as defined in Part 214 of this chapter) owned by that refiner-buyer or (ii) domestic crude oil for processing in or for the account of pursuant to a processing agreement any such first priority refinery in excess of the average volumes thereof purchased by that refiner-buyer for that refinery in the period November 1, 1974 to October 31, 1975.

* * * * *

(d) *Refiner-sellers' sales obligations.*

* * * * *

(2) Calculation of primary sales obligations.

* * * * *

(iii) A refiner-seller's fixed percentage share is its proportionate share of the total refining capacity of all refiner-sellers as reported to the Bureau of Mines on January 1, 1973, as certified by the FEA. New refining capacity or future refining capacity shall not subject a refiner-seller to any increase in its fixed percentage share. No refiner-seller shall be required to sell any of its supplies of crude oil under this section if the sale thereof would effect a reduction in the supplies of crude oil imported from Canada allocated under Part 214 of this chapter to any first priority refinery (as defined in Part 214) owned by that refiner-seller or if the sale thereof would effect a reduction in the supply levels of domestic crude oil for any such first priority refinery, except that such refiner-seller is required to offer for sale under this section the average volumes of domestic crude oil sold hereunder in the period November 1, 1974 through October 31, 1975 for use at a first priority refinery owned by a refiner-buyer.

2. Section 211.67 is revised in paragraph (f) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(f) *Transactions under § 211.65.* (1) Effective for sales for the allocation quarter commencing March 1, 1976 under § 211.65 of this subpart, no sale by a refiner-seller under § 211.65 shall be deemed for purposes of this section to include any volume of domestic crude oil. If a refiner-seller sells actual volumes of domestic crude oil under § 211.65, the related volumes of old oil and upper tier crude oil shall be included in that refiner-seller's crude oil receipts in the month in which the sale is made.

(2) For sales for allocation quarters prior to the allocation quarter commencing March 1, 1976, each sale by a refiner-seller under § 211.65 shall be deemed to include volumes of old oil (and upper tier crude oil, if any) proportionate to the volumes thereof included in the deliveries of crude oil to that refiner-seller that determine the price at which the sale is made under § 212.94 of Part 212. Any volumes of domestic crude oil so deemed to be included in any sale under § 211.65 shall be reflected in the crude oil receipts of the refiner-buyer concerned. As to each sale for any such prior allocation quarter, each refiner-seller shall certify to the refiner-buyer the volume of old oil (and upper tier crude oil, if any) included in the volume of crude oil sold within twenty-eight (28) days following the month in which the crude oil is delivered to or for the account of the refiner-buyer in accordance with the provisions of § 212.131 of Part 212.

(3) In determining the weighted average landed cost of crude oil delivered to a refiner-seller in a month pursuant to § 212.94 of part 212, the cost of any required purchases or revenues from any sales of entitlements by that refiner-seller shall not be taken into account.

* * * * *

3. Section 212.94 is revised to read as follows:

§ 212.94 Allocated crude pricing.

(a) *Scope.* This section applies to each sale of crude oil made pursuant to the provisions of § 211.65 of this chapter, effective for sales obligations for the allocation quarter commencing March 1, 1976, and subsequent allocation quarters.

(b) *Rule.* (1) Notwithstanding the general rules described in this subpart, the price at which crude oil shall be sold when required in § 211.65 of Part 211 of this chapter shall not exceed the weighted average per barrel landed cost (as defined in § 212.82, but utilizing the volumes of imported crude oil at the time of importation thereof into the United States) of all imported crude oil (other than crude oil imported from Canada) delivered to a refiner-seller in the month in which the sale is made and the two months preceding that month, plus a handling fee of five cents per barrel, and any transportation, gravity and sulphur content adjustments as specified in subparagraphs (2) through (4), respectively, of this paragraph (b). For purposes of calculating the weighted average per barrel landed cost under this paragraph (b)(1), a refiner-seller shall include pipeline tariffs, water transportation and terminalling costs, exchange differentials, insurance and taxes paid to deliver such imported crude oil to the refiner-seller's refineries. Each refiner-seller making such a sale shall calculate its price under this section and shall maintain records, which shall be made available to the FEA upon request, listing the volumes and landed cost of all imported crude oil delivered to it.

(2) Actual transportation expenses incurred to move the crude oil to the refiner-buyer's refinery shall be paid by the refiner-buyer.

(3) A price adjustment shall be made for gravity differential of crude oil offered for sale under § 211.65 of this chapter by adding to or subtracting from the

weighted average landed cost as calculated under paragraph (b) (1) of this section three cents per barrel for each °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below, respectively, the weighted average °API of imports of crude oil (other than crude oil imported from Canada) for the applicable three month period specified in paragraph (b) (1) of this section for the refiner-seller.

(4) A further price adjustment shall be made for sulphur content differential of crude oil offered for sale under § 211.65 of this chapter by adding to or subtracting from the weighted average landed cost as calculated under paragraph (b) (1) of this section three cents per barrel per one tenth percent that the sulphur content by weight of the crude oil being offered for sale under § 211.65 of this chapter is either below or above, respectively, the percentage representing the weighted average sulphur content of imports of crude oil (other than crude oil imported from Canada) for the applicable three month period specified in paragraph (b) (1) of this section for the refiner-seller.

[FR Doc.76-11229 Filed 4-14-76;4:50 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Adjustments to Domestic Crude Oil Prices; Second Stage of Implementation of the Energy Policy and Conservation Act

Correction

In FR Doc. 76-10600 appearing at page 15566 of the issue for Tuesday, April 13, 1976, the Appendix to § 212.77, page 15575, is corrected as follows:

1. In line 21, right hand column, the footnote reference "3" is deleted and the word "plus:" substituted therefor.

2. In line 25, the entry in the right hand column reading ".23" should read ".33".

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

Nondiscrimination in Lending

The Farm Credit Administration by its Federal Farm Credit Board adopts the following amendment to its regulations in order to conform them to the requirements of section 2 of Pub. L. 94-239, March 23, 1976. The section prohibits discrimination by any creditor on the basis of race, color, religion, national origin, sex or marital status, or age (provided the applicant has the capacity to contract) with respect to any aspect of a credit transaction. The amendment would add sex or marital status and age (provided the applicant has the capacity to contract) to the factors for which discrimination is now prohibited by Farm Credit Administration regulations. Because this amendment is necessary to permit compliance with the law, it is found that notice of proposed rule making provided for in 5 U.S.C. 553 is unnecessary, and any delay in its effective date is not in the public interest. Therefore, the amendment shall be effective on and after April 8, 1976.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising §§ 613.3140 and 613.3150 to read as follows:

§ 613.3140 Policy.

The Federal Farm Credit Board, at its April 1976 meeting reaffirmed its longstanding policy of nondiscrimination in lending and clarified it as follows:

Resolved, That it is confirmed to be the policy of the Federal Farm Credit Board that there shall be no discrimination because of race, color, religion, national origin, sex or marital status, or age (provided the applicant has the capacity to contract) by the banks and associations which operate under the supervision of the Farm Credit Administration, i.e., Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations, and banks for cooperatives, either as is now proscribed for the financing of housing by section 805 of the Civil Rights Act of 1968 or with respect to the availability of loans generally from such banks and associations.

§ 613.3150 Nondiscrimination in lending and other services.

No Farm Credit institution shall, because of the race, color, religion, national origin, sex or marital status, or age (provided the applicant has the capacity to contract) of an eligible person, deny a loan, whether it is for the purpose of purchasing, constructing, improving, repairing, or maintaining a rural residence or is for other eligible purposes, or refuse to allow, receive, or consider any application, request, or inquiry with respect to a loan, or refuse to perform any other service it customarily makes available to borrowers, applicants, and members, or discriminate in fixing the amount, interest rate, duration, application procedures, collection or enforcement procedures, or other terms or conditions of a loan or other service.

W. M. Harding,
Governor, Farm Credit Administration.

[FR Doc.76-11160 Filed 4-16-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-1-AD; Amdt. 39-2582]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 300 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) applicable to Cessna 300 and 400 series airplanes equipped with wing tip fuel tank nose cap mounted strobe lights was published in the Federal Register on January 23, 1976. The proposed AD, if adopted, would supersede Amendment 39-2103, AD 75-05-08, and would require that strobe light systems having strobe lights that are not explosion proof be deactivated until either the lights are modified by adding an explosion proof feature or replaced with explosion proof strobe lights.

Interested persons have been afforded the opportunity to participate in the making of the amendment. The one comment received was from the aircraft manufacturer, which, while not objecting to the proposal, questioned its applicability to Cessna 300 and 400 series airplanes manufactured prior to 1970. In answer to that query, the FAA states that it has determined that Cessna 300 and 400 series airplanes manufactured prior to 1970 may have strobe lights installed which are not explosion proof.

Following the issuance of the proposal, the FAA has ascertained that certain strobe lights installed on these airplanes per STCs or field approval are also explosion proof. As a result, these installations are identified in the final rule and are excepted from its applicability.

Although this amendment modifies the original proposal, it provides clarification, is relieving in nature and is in the interest of safety. Accordingly, no further notice and public procedure hereon are necessary, and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

Cessna. Applies to the following models of airplanes if equipped with strobe lights installed in the wing tip fuel tank nose cap, except those airplanes having Symbolic Displays P/Ns 30-0005, 30-0199-3 and 701133-1, Whelen Engineering Company, Inc. P/N A430, and Grimes Manufacturing Company (Grimes) P/Ns 30-0515-5 and 30-1172-1, strobe lights: Models 310, 310A, Military U-3A, 310B, 310C, 310D, 310E, Military U-3B, 310F, 310G, 310H, E310H, 310I, 310J, 310J-1, E310J, 310K, 310L, 310N, 310P, T310P, T310Q, 310R, T310R; 320, 320-1, 320A, 320B, 320C, 320D, 320E, 320F; 340, 401, 401A, 401B; 402, 402A, 402B; 411, 411A; 414; and 421, 421A and 421B airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude wing fuel tip tank nose cap explosions, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

(A) Visually inspect the strobe lights in the tip tank nose cap area to determine whether Grimes P/N 30-0515-1 strobe light or any other strobe lights other than those excepted above are installed. On those airplanes where Grimes P/N 30-0515-1 strobe lights are installed, determine if the strobe lights have been modified by installing Grimes P/N 31-1723-5 cover plates. These cover plates may be identified by the presence of two quench tubes protruding into the light assembly from the end plate.

(B) On those airplanes having unmodified Grimes P/N 30-0515-1 strobe lights, or strobe lights other than those excepted above, deactivate the strobe light system by installing