AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Vol.40—No.229
11-26-75
PAGES
54765-55306

federal register

WEDNESDAY, NOVEMBER 26, 1975

highlights

PART I:

NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR, 1975
Executive order continuing the Commission 54765

FREEDOM OF INFORMATION
SEC revokes rules on nondisclosure of information and amends procedural rules; effective 11-26-75 54773
SEC proposal on confidential treatment of filed information; 1-2-76 54840

PRIVACY ACT OF 1974
Interior issues rules on adoption of exemptions; effective 11-10-75 54790
Interior and Commerce issues notices on routine uses (4 documents) 54840, 54849, 54850

EXPORT ADMINISTRATION
Commerce/DIBA rules on restrictive trade practices and boycotts; effective 12-1-75 54769

ENERGY
FEA sets forth guidelines for assignments of alternate fuels to curtailed users 54870

LAND USE
Interior/BLM proposes regulations for special permits; comments by 12-31-75 54802

HORSES
USDA/APHIS proposes restrictions on importation; comments by 12-30-75 54802

FOOD ADDITIVES
HEW/FDA extends use of acrylamide-acrylic acid resin (hydrolyzed polyacrylamide) used in the clarification of sugar; effective 11-26-75 54777

CONTINUED INSIDE

PART II:

CONSUMER REPRESENTATION
Various agencies propose plans 55091

PART III:

GENERALIZED SYSTEM OF PREFERENCES
Executive Order 55275

NOTICE TO FEDERAL REGISTER USERS

Today's FEDERAL REGISTER contains the Consumer Representation Plan of the General Services Administration. One part of that plan relates to improving the readability of the FEDERAL REGISTER. An immediate goal of the Office of the Federal Register is to ensure that each important FEDERAL REGISTER document contains an opening paragraph that at least gives enough information for the reader to determine whether he or she is interested in the subject matter of the document.

The Office of the Federal Register has already begun working with several agencies to achieve this goal. Over the next several months you will find the first paragraphs for some documents set out distinctly from the rest of the document. To determine how best to make the opening paragraph useful, both in terms of its content and typography, we need your advice.

One goal is to provide enough information in the opening paragraph of each document to permit that paragraph to serve as the basis for a separate summary FEDERAL REGISTER publication. Such a publication could be invaluable to persons who wish to keep track of important Federal regulatory activities but who do not wish to receive the entire FEDERAL REGISTER, which is currently averaging over 1,000 pages a week. We recognize that a summary paragraph would not substitute for the actual FEDERAL REGISTER document. It is not intended to. It is intended, whether in the FEDERAL REGISTER itself or in a separate publication, to inform the reader of the overall purpose and effect of the summarized document. Therefore, as you read spotlighted opening paragraphs, ask yourself whether that paragraph would be helpful to you if you were reading it in a summary type publication. Would it give you enough information for you to determine whether you need to know more about the document? If it does, then as a FEDERAL REGISTER reader it should also give you enough information for you to decide whether to read further.

Your comments and suggestions over the next several months are invited.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

MILK AND CREAM SUBSTITUTES
HEW/FDA removes physical state limitations in coffee; effective 11–26–75 54777

HANDICAPPED CHILDREN
HEW/OE proposes regulations for assistance to States for education; comments by 12–26–75 54804

CONSUMER EDUCATION
HEW proposes program of grants and contracts; comments by 12–26–75 54805

OCCUPATIONAL SAFETY AND HEALTH
Labor/OSHA publishes final regulations on State plans for development and enforcement 54780

MOTOR CARRIER SAFETY
DOT/FHA issues exemptions from driver qualification regulations for drivers transporting combustible liquids in intrastate commerce; effective 1–1–76 54796

FLOOD CONTROL NAVIGATION
DOD/Corps of Engineers proposal on use of allocated storage; comments by 12–15–75 54799

MEETINGS—
HEW: President's Biomedical Research Panel, 1–5 and 1–6–75 54851
FDA: Obstetrics and Gynecology Advisory Committee, 12–15 and 12–16–75 54851
USDA/ERS: National Cotton Marketing Study Committee, 12–16–75 54850
EPA: National Air Pollution Control Techniques Advisory Committee, 12–17 and 12–18–75 54859
Science Advisory Board Executive Committee, 12–12–75 54860
National Study Commission on Records and Documents of Federal Officials, 12–1–75 54884
CFTC: Advisory Committee on Definition and Regulation of Market Instruments, Cash Market Subcommittee, 12–11–75 54855
Legal Services Corporation: Board of Directors, 12–11 and 12–12–75 54883
Committee on Provision of Legal Services Committee on Regulations, 12–11–75 54883
SBA/District Advisory Councils:
Madison, 1–9–76 54888
St. Louis, 12–19–75 54888
National Foundation on the Arts and the Humanities: Special Projects Advisory Panel, 12–11 thru 12–13–75 54884
DOT/NHTSA: National Highway Safety Advisory Committee, Driver Subcommittee and Adjudication Task Force, 12–17 and 12–18–75 54852
Administrative Conference of the United States: Committee on Rulemaking and Public Information, 12–10–75 54853

CANCELLED MEETINGS—
HEW: Review Panel on New Drug Regulation, 12–8 and 12–9–75 54851

CHANGED MEETINGS—
HEW/OE: Advisory Committee on Accreditation and Institutional Eligibility, location change 54850

HEARINGS—
Domestic Council Review Group: Robinson-Patman Act, 12–8 thru 12–10–75 54855

contents

THE PRESIDENT

Executive Orders
Developing countries; implementation of the Generalized System of Preferences 55275
International Women's Year, 1975, National Commission on the Observance of; continuation 54765

EXECUTIVE AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Notices
Meetings:
Committee on Rulemaking and Public Information 54853

AGENCY FOR INTERNATIONAL DEVELOPMENT
Rules
Advisory Committee Management; procedural requirements 54777

AGRICULTURAL MARKETING SERVICE
Rules
Avocados grown in So. Fla 54768
Raisins grown in Calif 54768
Tangerines grown in Fla 54767

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Economic Research Service; Forest Service.
Notices
Consumer representation plan; proposed 55107

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Proposed Rules
Animal and poultry import restrictions:
Horses 54802

ARMY DEPARTMENT
See Engineers Corps.

CIVIL AERONAUTICS BOARD
Proposed Rules
Accounts and reports for certificated air carriers, uniform system:
Accounting provisions; updating of 54813
Domestic load-factor standards 54812
Notices
Hearings, etc.:
International Air Transport Association (2 documents) 54853, 54854

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Commodity Futures Trading Commission 54767
Small Business Administration 54767
State Department 54767

COMMERCE DEPARTMENT
See also Domestic and International Business Administration.
Notices
Consumer representation plan; proposed 55115
Privacy Act of 1974; systems of records 54840

COMMODITY FUTURES TRADING COMMISSION
Notices
Meetings:
Definition and Regulation of Market Instruments Advisory Committee, Cash Market Subcommittee ... 54855

CUSTOMS SERVICE
Notices
Countervailing duty determinations:
Cheese from Norway ... 54843

DEFENSE DEPARTMENT
See also Engineers Corps.
Notices
Consumer representation plan; proposed ... 55125

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Rules
Trade practices or boycotts; Export Administration regulations ... 54769

DOMESTIC COUNCIL REVIEW GROUP
Notices
Meeting ... 54855

ECONOMIC RESEARCH SERVICE
Notices
Meetings:
National Cotton Marketing Study Committee ... 54850

EDUCATION OFFICE
Proposed Rules
Consumer's education program; grants and contracts ... 54805
Education of handicapped children; state plan provisions ... 54804
Notices
Meetings:
Accreditation and Institutional Eligibility Advisory Committee ... 54850

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Consumer representation plan; proposed ... 55225

ENGINEERS CORPS
Proposed Rules
Flood control and navigation; use of storage ... 54799

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans: Utah SO_x control strategy ... 54786
Notices
Air quality standards:
Ambient air monitoring reference and equivalent methods; reference method designations ... 54856
Certification regarding former employee:
American Cyanamid Corp ... 54856
Consumer representation plan; proposed ... 55231
Meetings:
National Air Pollution Control Techniques Advisory Committee ... 54859
Science Advisory Board Executive Committee ... 54860
Pesticide applicator certification; State plans:
Idaho ... 54857
Mississippi ... 54858
Washington ... 54860
Pesticides, specific exemptions and experimental use permits:
Great Lake Chemical Corp ... 54856
Merck and Company, Inc ... 54861
Rohm and Haas Co ... 54860
Velsicol Chemical Corp ... 54861

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Beech ... 54769
McDonnell Douglas ... 54769

FEDERAL COMMUNICATIONS COMMISSION
Rules
Amateur radio service rules; deregulation of showings required with applications for remotely controlled and associated stations ... 54794
Cable television:
Special relief petitions ... 54794
FM broadcast stations:
Illinois and Indiana ... 54791
Radio and television broadcasting; re-regulation ... 54791
Proposed Rules
Broadcast stations with directional antennas; radiation patterns ... 54826
Notices
General World Administrative Radio Conference of the International Telecommunications Union; extension of time regarding International Radio regulations ... 54862
Intergovernmental Maritime Consultative Organization; inquiry regarding preparation of recommended operational standards ... 54867
International Record Carriers' Scope of Operations; expiration of time regarding possible revisions ... 54870
Hearings, etc.:
Answering Exchange, Inc. et al ... 54862
George E. Cameron Jr. Communications, et al ... 54862

FEDERAL ELECTION COMMISSION
Proposed Rules
Candidate and committee activities; allocation of ... 54828

FEDERAL ENERGY ADMINISTRATION
Notices
Consumer representation plan; proposed ... 55237
Curtailed energy users; guidelines for adjustments and assignments of alternate fuels ... 54870

FEDERAL HIGHWAY ADMINISTRATION
Rules
Motor carrier safety regulations:
Intrastate drivers of vehicles transporting combustible liquids ... 54796
Proposed Rules
Maximum vehicle size and weight; state certification ... 54812

FEDERAL INSURANCE ADMINISTRATION
Rules
National Flood Insurance Program; flood elevation determinations:
California (2 documents) ... 54778
National Flood Insurance Program; letter of map amendment:
Illinois ... 54778
Texas (2 documents) ... 54778, 54779
Vermont ... 54779
Virginia (3 documents) ... 54779
Proposed Rules
National Flood Insurance Program; flood elevation determinations:
New Jersey ... 54811

FEDERAL MARITIME COMMISSION
Rules
Tariffs; filing by common carriers by water; exemptions:
Incan Superior Co ... 54790
Notices
Complaints filed:
Cities Service International, Inc. v. Lykes Brothers Steamship Company, Inc ... 54872
Perry's Crane Service v. Port of Houston Authority ... 54872
Agreements filed:
American Great Lakes/Mediterranean Eastbound Freight Conference ... 54873
City of Long Beach and Pacific Maritime Services, Inc ... 54873
Puerto Rico Marine Management, Inc. and Sea-Land Service, Inc ... 54872
Unigulf Lines ... 54873

FEDERAL POWER COMMISSION
Rules
Pipeline transportation agreements; certification policy ... 54774
Proposed Rules
Steam-Electric Plant Air and Water Quality Control Data; revision of Form 67 ... 54828
Notices
Committees, establishment, etc.:
Gas Survey Technical Committees, National (8 documents) ... 54878
Hearings, etc.:
Arkansas Louisiana Gas Co. et al ... 54873
Arkansas-Missouri Power Co ... 54874
Central Louisiana Electric Co ... 54874
Certain producer and pipeline respondents ... 54874
Columbia Gas Transmission Corp ... 54874

Columbia Gulf Transmission Corp. and Columbia Gas Transmission Corp. 54874
Consolidated Gas Supply Corp. 54874
Eastern Shore Natural Gas Co. 54875
El Paso Natural Gas Co. 54875
Fee, Walter F. 54875
Georgia Power Co. 54876
Hurley Petroleum Corp. 54876
Iowa Southern Utilities Co. 54877
Michigan Wisconsin Pipe Line Co 54877
Mountain Fuel Supply Co. 54877
Northern Natural Gas Co. 54879
Pacific Gas and Electric Co. 54879
Pennsylvania Power Co. 54879
Sierra Pacific Power Co. 54879
Sohio Petroleum Co. 54880
Southwest Gas Corp. 54880
Tennessee Gas Pipeline Co. 54881
Texas Gas Pipe Line Corp. 54881
Texas Gas Transmission Co. 54882
Union Electric Co. 54882
Virginia Electric and Power Co. (2 documents) 54882
Wells Rural Electric Co. 54882

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Hasbro Industries, Inc. 54771
Tysons Corner Regional Shopping Center et al. 54772
Yamaha International Corp. et al 54772

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Kansas 54798
Notices
Endangered species, permits, applications (6 documents) 54844–54849

FOOD AND DRUG ADMINISTRATION
Rules
Food additives:
Acrylate-acrylamide resins 54777
Lactylic esters of fatty acids 54777
Notices
Committees, panels; establishment, renewals, etc:
Ad Hoc Committee on Reserpine and Breast Cancer 54851
Meetings:
Obstetrics and Gynecology Advisory Committee 54851

FOREST SERVICE
Notices
Environmental statements:
Wallowa Valley Planning Unit 54850

GENERAL SERVICES ADMINISTRATION
Notices
Consumer representation plan; proposed 55245

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration; Health Services Administration.
Notices
Consumer representation plan; proposed 55137
Meetings:
Consumer Advisory Council 54851
New Drug Regulation Review Panel 54851
President's Biomedical Research Panel 54851

HEALTH SERVICES ADMINISTRATION
Notices
Interagency Committee on Emergency Medical Services; filing on annual report 54851

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration; Interstate Land Sales Registration Office.
Notices
Consumer representation plan; proposed 55161

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Land Management Bureau.
Rules
Privacy Act; systems of records, exemptions 54790
Notices
Consumer representation plan; proposed 55169
Privacy Act of 1974; systems of records (3 documents) 54849, 54850

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Angolan Robusta coffee 54882
Electronic audio and related equipment 54883
Portland hydraulic cement, other than white nonstaining cement, from Mexico 54883

INTERSTATE COMMERCE COMMISSION
Rules
Hopper cars, return of (2 documents) 54796, 54798
Proposed Rules
Revision of application forms for operating authority and amendments to general rules of practice; correction 54842
Notices
Motor carriers:
Applications and certain other proceedings 54894
Intrastate applications 54906
Irregular route property carriers; gateway eliminations (2 documents) 54898, 54900
Transfer proceedings 54893

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Land developers: investigatory hearings, orders of suspension, etc.:
Lake Camelot 54851

JUSTICE DEPARTMENT
Notices
Consumer representation plan; proposed 55173

LABOR DEPARTMENT
See also Occupational Safety and Health Administration.
Notices
Adjustment assistance (11 documents) 54889–54893
Consumer representation plan; proposed 55195

LAND MANAGEMENT BUREAU
Proposed Rules
Special land use permits; administration of 54802
Notices
Withdrawal and reservation of lands, proposed, etc.:
New Mexico 54844

LEGAL SERVICES CORPORATION
Notices
Meetings:
Board of Directors 54883
Provision of Legal Services Committee and Regulations Committee 54883

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
Notices
Meetings:
Special Projects Advisory Panel 54884

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Petitions for temporary exemption from safety standards:
Toyota Motor Sales, USA Inc. 54852
Meetings:
National Highway Safety Advisory Committee 54852

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS
Notices
Meeting 54884

NUCLEAR REGULATORY COMMISSION
Notices
Regulatory guides; issuance and availability 54885
Applications, etc.:
Florida Power and Light Co. 54884
Institute for Resource Management, Inc. 54884
Philadelphia Electric Co., et al. 54885
Public Service Company of New Hampshire, et al. 54885
Yankee Atomic Electric Co. 54886

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules
Occupational Safety and Health Act of 1970; procedures for determinations 54780

POSTAL SERVICE

Notices

International postal rates and fees; increases; correction 54886

SECURITIES AND EXCHANGE COMMISSION

Rules

Freedom of information; confidential treatment 54773

Proposed Rules

Freedom of information; confidential treatment 54840

Notices

Self-regulatory organizations; proposed rule change:
Midwest Stock Exchange, Inc. 54886
PBW Stock Exchange, Inc. 54888

Hearings, etc.:
National Association of Securities Dealers, Inc. 54887

SMALL BUSINESS ADMINISTRATION

Notices

Consumer representation plan; proposed 55249

Meetings:
Madison District Advisory Council 54888
St. Louis 54888

STATE DEPARTMENT

See also Agency for International Development.

Notices

Consumer representation plan; proposed 55205

TRANSPORTATION DEPARTMENT

See also Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Urban Mass Transportation Administration.

Notices

Consumer representation plan; proposed 55211

TREASURY DEPARTMENT

See also Customs Service.

Notices

Antidumping:
Water circulating pumps, wet motor type, from United Kingdom 54843

Consumer representation plan; proposed 55221

URBAN MASS TRANSPORTATION

Notices

Delegations of authority:
Chief Counsel, Assistant Chief Counsel, and Associate Administrator for Capital Assistance 54852

VETERANS ADMINISTRATION

Notices

Consumer representation plan; proposed 55255

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

EXECUTIVE ORDERS:
11832 (Amended by EO 11889) 54765
11844 (Superseded by EO 11888) 55275
11888 55275
11889 54765

5 CFR

213 (3 documents) 54767

7 CFR

905 54767
915 54768
989 54768

9 CFR

PROPOSED RULES:
92 54802

11 CFR

PROPOSED RULES:
107 54828

14 CFR

39 (2 documents) 54769

PROPOSED RULES:
241 54813
399 54812

15 CFR

369 54769

16 CFR

13 (3 documents) 54771, 54772

17 CFR

200 54774
201 54774
240 54774

PROPOSED RULES:
240 54840

18 CFR

2 54774

PROPOSED RULES:
141 54828

21 CFR

121 (2 documents) 54777

22 CFR

214 54777

23 CFR

PROPOSED RULES:
658 54812

24 CFR

1917 (2 documents) 54778
1920 (7 documents) 54778–54779

PROPOSED RULES:
1917 54811

29 CFR

1902 54780

33 CFR

PROPOSED RULES:
208 54799

40 CFR

52 54786

43 CFR

2 54790

PROPOSED RULES:
2920 54802
2923 54802

45 CFR

PROPOSED RULES:
121a 54804
160e 54805

46 CFR

536 54790

47 CFR

1 54792
73 (2 documents) 54791, 54792
74 54793
76 54794
97 54794

PROPOSED RULES:
73 54826

49 CFR

391 54796
1033 (2 documents) 54796–54798

PROPOSED RULES:
1003 54842
1100 54842

50 CFR

33 54798

CUMULATIVE LIST OF CFR PARTS AFFECTED—NOVEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during November.

1 CFR

304 54419

PROPOSED RULES:

425 52416
430 52056
431 52054

2 CFR

Ch's. I–II 52995

3 CFR

EXECUTIVE ORDERS:

11832 (Amended by EO 11889) 54765
11844 (Superseded by EO 11888) 55275
11887 51411
11888 55275
11889 54765

PROCLAMATIONS:

4405 51409
4406 51613
4407 51615
4408 51617
4409 52583

MEMORANDUMS:

Memorandum of October 23, 1975 53223

4 CFR

PROPOSED RULES:

331 53271

5 CFR

6 (Amended by EO 11887) 51411
213 ..... 51009, 52339, 52715, 52836, 53402, 53993, 54419, 54420, 54559, 54767
2470 54560
2471 54560

7 CFR

1 53368
2 52715
16 53229
24 51995
54 53993
58 52995
68 53545
70 53993
354 53993
401 ..... 52339, 52585–52592, 52715
402 52592
403 52592
404 52592
406 52592
408 52592
409 52592
410 52592
413 52593
630 53370
631 53370
701 ..... 52340, 54235
722 ..... 51177, 51178, 52715, 54560
728 52593
775 ..... 52598, 52716
905 ..... 51619, 54420, 54560, 54767

7 CFR—Continued

906 51177
907 ..... 54235, 54420
908 51619
909 ..... 53545, 54235
911 52603
915 ..... 52605, 54768
929 ..... 51620, 53993
932 54236
946 52995
966 54236
971 ..... 52836, 53225
980 54237
982 53226
984 51995
987 54421
989 ..... 53228, 53994, 54768
993 52837
1421 ..... 52350, 52351, 52606, 52995
1430 51413
1464 ..... 52998, 52999
1822 ..... 51621, 52836, 52837, 54421
1823 54238
1831 52607

PROPOSED RULES:

42 ..... 52735, 54005
52 ..... 52038, 54005
68 53598
729 52613
793 53038
909 51052
912 53603
913 54252
917 53601
959 53261
981 51646
982 54586
984 ..... 51473, 51646
987 54428
1001 53603
1002 53603
1015 53603
1036 53405
1060 ..... 51052, 53038
1061 ..... 51052, 53038
1068 ..... 51052, 53038, 53603
1069 ..... 51052, 53038
1076 ..... 51052, 53038
1094 52854
1096 53038
1801 54429
1803 52854
1804 53269

9 CFR

76 53546
78 52838
92 ..... 52716, 52717
97 53994
102 51413
108 51413
112 ..... 51414, 53378
113 ..... 51415, 53000, 53378
307 53548
350 53548

9 CFR—Continued

355 53548
381 53548

PROPOSED RULES:

91 53262
92 54802
113 51646
314 52854
318 52614
381 52614

10 CFR

2 ..... 51995, 53379
40 53230
70 53230
73 52840
210 52841
211 54422
212 54561
213 52353

RULINGS:

1975–10 51414

PROPOSED RULES:

212 ..... 51656, 54263
214 54587
790 52857

11 CFR

PROPOSED RULES:

106 53159
107 ..... 51610, 54828
114 ..... 54547, 54592
115 54592
116 54592
120 ..... 51348, 53159, 54592
121 ..... 51348, 53159, 54592
122 ..... 51348, 53159, 54592
123 ..... 51348, 53159, 54592
124 ..... 51348, 53159, 54592

12 CFR

206 52843
208 51179
220 53379
226 54424
541 ..... 51414, 51415
555 52353
569a 52717

PROPOSED RULES:

225 53272
556 54264
563 54265

13 CFR

114 52717
115 54424
121 51033

13 CFR—Continued

PROPOSED RULES:

103 ... 51069
113 ... 51670
121 ... 53407

14 CFR

39 ... 51415, 51996, 52607, 52608, 52717-52721, 53001-53003, 53231, 53379, 53380, 53458, 53549, 53995, 54239, 54424, 54769
71 ... 51033, 51416, 51622, 51997, 52608, 52722, 53231-53232, 53380, 53549, 53550, 53995, 53996, 54239, 54240, 54425
95 ... 52224
97 ... 51622, 51623, 53004, 53996
208 ... 51180
372 ... 52354
373 ... 52355
378 ... 52355
378a ... 51416, 52356
1206 ... 54240

PROPOSED RULES:

36 ... 51476
39 ... 51202, 52744, 53044, 53269, 53406, 54260
71 ... 51058, 51481, 51655, 52051, 52409, 53045, 53270, 53271, 53406, 53594, 54006, 54007, 54429, 54587
73 ... 53045
75 ... 52409, 53406
91 ... 54188
133 ... 54188
241 ... 54813
253 ... 54007, 54010
399 ... 54007, 54010, 54812

15 CFR

4b ... 51168
80 ... 53232
369 ... 54769

PROPOSED RULES:

60 ... 52045
923 ... 52405

16 CFR

13 ... 51180, 51417-51420, 52809, 52818, 53004-53006, 53550-53556, 54565-54566, 54771, 54772
302 ... 53233
433 ... 53506
435 ... 51582, 53383, 53557
1001 ... 51363
1012 ... 51363
1014 ... 53380
1500 ... 52815, 52828
1512 ... 52815, 52828

PROPOSED RULES:

433 ... 53530
450 ... 52631
1207 ... 52856, 54011

17 CFR

200 ... 51183, 52722, 54774
201 ... 54774
211 ... 53557
231 ... 54241
240 ... 51184, 52356, 54774
249 ... 54425
249b ... 51184, 52356
271 ... 54241

17 CFR—Continued

PROPOSED RULES:

Ch. I ... 53506
180 ... 54430
Ch. II ... 51204
239 ... 51656
240 ... 51656, 53046, 54840
249 ... 51656, 53046

18 CFR

2 ... 51033, 51998, 54774
157 ... 51034
260 ... 51999

PROPOSED RULES:

141 ... 54828

19 CFR

10 ... 51420
24 ... 51420
153 ... 53383
201 ... 53384

PROPOSED RULES:

1 ... 53261
12 ... 54002
103 ... 51201
113 ... 51445, 54004
144 ... 54575
201 ... 54265

20 CFR

395 ... 52844
404 ... 53384, 53385
405 ... 51055, 52738, 53386
410 ... 53387
416 ... 51624, 52742, 53384, 53388
422 ... 53389
601 ... 51999
619 ... 51600, 53390

PROPOSED RULES:

404 ... 52408
405 ... 51474
410 ... 51475, 52408
416 ... 52408, 54005

21 CFR

Ch. I ... 52361
102 ... 54536, 54537, 54539
121 ... 51034, 51625, 52608, 54777
128d ... 51194
201 ... 52000, 53997
207 ... 52000, 52788, 53997
430 ... 52003
431 ... 52003, 53997
436 ... 51625, 52003
442 ... 51625
450 ... 52005, 53998
455 ... 53997
514 ... 52609
520 ... 52722
558 ... 52723, 53390
561 ... 52006
601 ... 52788
606 ... 53532
607 ... 52788
640 ... 53532
1030 ... 52007, 52788
1303 ... 52844
1308 ... 52609

PROPOSED RULES:

1 ... 52172, 54587
8 ... 53039
10 ... 52172, 54587
27 ... 52172, 54587
51 ... 52172, 54587
53 ... 52172, 54587
102 ... 51052, 52616

21 CFR—Continued

121 ... 52738
310 ... 52049, 54252
600 ... 52619
610 ... 52619, 52621, 53040, 54429
640 ... 52619, 53040, 54429
660 ... 52621, 52623
950 ... 52051
951 ... 52051
952 ... 52051

22 CFR

6a ... 51194
214 ... 54777

23 CFR

420 ... 53726
625 ... 53728
640 ... 53728
652 ... 53730
712 ... 53236
1204 ... 53730

PROPOSED RULES:

476 ... 53352
658 ... 54812

24 CFR

200 ... 53008
236 ... 52844
280 ... 52706, 53008
425 ... 52845
1914 ... 51045, 51626, 53572
1915 ... 51047, 51628, 53575, 53579
1916 ... 53003, 53009
1917 ... 51442, 53010, 54778
1920 ... 51632-51635, 52362-52367, 53010, 53011, 54778-54779

PROPOSED RULES:

7 ... 54550
235 ... 52216
280 ... 52709
885 ... 54734
888 ... 54760
1917 ... 53043, 54811

25 CFR

221 ... 52845, 52846, 52610, 54425
271 ... 51286
272 ... 51300
273 ... 51303
274 ... 51310
275 ... 51316
276 ... 51316
277 ... 51327

PROPOSED RULES:

20 ... 53403
60 ... 53593
104 ... 53593

26 CFR

11 ... 51421, 51435, 51635, 53580

PROPOSED RULES:

1 ... 51445, 51467, 52417, 52418, 53035, 53261, 53593, 54582, 54583
31 ... 53037
301 ... 54583

27 CFR

PROPOSED RULES:

4 ... 52613
5 ... 52613, 53261
7 ... 52613

28 CFR

0 ... 53390

28 CFR—Continued

16 ... 52007
20 ... 52846

29 CFR

580 ... 53237
870 ... 52610
1902 ... 54780
1952 ... 52367, 54425
2300 ... 54567
2510 ... 52008
2530 ... 52724
2556 ... 53998
2608 ... 51368
2609 ... 51373

PROPOSED RULES:

1910 ... 54520, 54684
2520 ... 53710

30 CFR

250 ... 51199

PROPOSED RULES:

55 ... 51202
56 ... 51202
57 ... 51202
211 ... 51646
216 ... 51646

31 CFR

51 ... 51035, 53355, 54241
224 ... 51194

PROPOSED RULES:

223 ... 54575

32 CFR

641 ... 54568
1283 ... 53999
1700 ... 53011
1453 ... 51413

PROPOSED RULES:

216 ... 52734

33 CFR

110 ... 51637
117 ... 51195, 51637, 54241
148 ... 52553
149 ... 52565
150 ... 52572
183 ... 51440
263 ... 51133
264 ... 51146
275 ... 51146
290 ... 52516
291 ... 52521
292 ... 52522
293 ... 52525
294 ... 52527
295 ... 52530
384 ... 51132
393 ... 52533

PROPOSED RULES:

117 ... 51202, 54258–54260
148 ... 52581
157 ... 54006
208 ... 54799

34 CFR

256 ... 51038, 54372

34 CFR—Continued

PROPOSED RULES:

237 ... 54013

35 CFR

5 ... 52368
135 ... 54242

36 CFR

7 ... 54244
212 ... 52611
1002 ... 52369

PROPOSED RULES:

7 ... 54428
606 ... 52630, 53594

38 CFR

2 ... 54244
3 ... 53581, 54244, 54245
4 ... 53011
13 ... 54246
17 ... 53012
256 ... 51038

PROPOSED RULES:

1 ... 51204, 53598

39 CFR

762 ... 52371

40 CFR

16 ... 53582
52 ... 51043, 51044, 51195, 52373, 52374, 52847, 53584, 53999, 54000, 54786
60 ... 53340
79 ... 52009
180 ... 51044, 52724
406 ... 52014
435 ... 52847
440 ... 51722

PROPOSED RULES:

51 ... 54011
52 ... 51203, 51655, 52410, 53595, 54011, 54012, 54436
85 ... 52415, 52416, 53406
87 ... 54012
124 ... 54181
125 ... 54181
180 ... 52744
244 ... 52968
435 ... 52857
440 ... 51738

41 CFR

1–30 ... 51038
3–1 ... 54569
3–4 ... 53122
9–7 ... 51196
14H–70 ... 51331
15–1 ... 51196
51–8 ... 51168
101–32 ... 53012
105–64 ... 52800
114–41 ... 52847

PROPOSED RULES:

8–1 ... 52632
8–4 ... 52632
8–16 ... 52632
60–5 ... 54005

42 CFR

36 ... 53142
51a ... 54102
203 ... 54107

43 CFR

2 ... 54790
22 ... 53590

43 CFR—Continued

3300 ... 52847

PUBLIC LAND ORDER:

5537 ... 54572
5544 ... 51038, 52611
5546 ... 53237
5547 ... 53237, 54572

PROPOSED RULES:

23 ... 51646
2920 ... 54802
2923 ... 54802
3040 ... 51646
3100 ... 54585

45 CFR

46 ... 51638
100c ... 53494
118 ... 51010
134 ... 53494
134a ... 53500
134b ... 53501
204 ... 51443
205 ... 52375
225 ... 51444
232 ... 52376
234 ... 52376
237 ... 52376
248 ... 52019
249 ... 52019
250 ... 52020, 54000
302 ... 52376
304 ... 52376
401 ... 54696
402 ... 54696
801 ... 51444
1061 ... 52377
1150 ... 51196
1221 ... 52384
1361 ... 54696
1362 ... 54696
1601 ... 52021
1602 ... 52847

PROPOSED RULES:

50 ... 52407
103 ... 51654, 52405, 52962
121a ... 54804
121k ... 52628
133 ... 52048
160e ... 54805
187 ... 54253
249 ... 51474
1501 ... 52630
1603 ... 53272

46 CFR

146 ... 52027
526 ... 52385
536 ... 51440, 54790
551 ... 52385

PROPOSED RULES:

536 ... 52631

47 CFR

0 ... 51441, 52724
1 ... 51441, 52724, 53391, 54792
2 ... 53393
15 ... 53591
21 ... 53398
31 ... 52725, 53399
33 ... 52725
68 ... 53013
73 ... 51038–51043, 51441, 52028, 52729–52731, 53026, 53399, 54251, 54791, 54792
74 ... 54793
76 ... 52731, 53027, 54794

47 CFR—Continued

81 53592
94 53393
97 ..... 53032, 54794

PROPOSED RULES:

0 54436
1 54436
2 52745
68 53045
73 ..... 51481–51483, 52053, 53596, 53597, 54261, 54826
76 ..... 52053, 53407, 54587
78 54587
83 ..... 51059, 51483
87 52745
89 52857
91 52857
93 52857

49 CFR

10 54001
171 52037
391 54796
393 ..... 51198, 52851
520 52395
553 53032
571 ..... 53033, 54426, 54427
1033 ..... 51198, 51442, 52037, 52611, 53592, 54796–54798
1047 51442
1104 ..... 51380, 54572
1115 51199
1201 ..... 51640, 53240
1202 ..... 51640, 53242
1203 53245
1204 53247
1205 53249
1206 ..... 51640, 53251
1207 ..... 51641, 53254
1209 ..... 51641, 53256
1210 ..... 51642, 53258
1240 51642
1249 51645

49 CFR—Continued

PROPOSED RULES:

192 52855
571 ..... 51059, 52856, 54007
572 51059
1003 ..... 52058, 54842
1063 52063
1100 ..... 51483, 52058, 52417, 54842

50 CFR

17 53399
20 ..... 52852, 54572
28 ..... 51199, 52852, 53400, 54572
32 52037
33 ..... 52612, 52733, 52851, 53402, 54001, 54572, 54573, 54798
216 54427

PROPOSED RULES:

285 51647

FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	*Date*
51009–51176	3
51177–51407	4
51409–51612	5
51613–51994	6
51995–52337	7
52339–52582	10
52583–52713	11
52715–52807	12
52809–52993	13
52995–53221	14
53223–53354	17
53355–53544	18
53545–53991	19
53993–54234	20
54235–54418	21
54419–54558	24
54559–54763	25
54765–55306	26

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DoT/CG—General provisions; ports of documentation..... 50035; 10–28–75

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Grapefruit handling, Florida; comments by 12–5–75..... 53603; 11–19–75

Commodity Credit Corporation—
Grade loan rates for price support on 1975 crop of cigar tobacco; comments by 12–1–75..... 50543; 10–30–75

Farmers Home Administration—
Planning and performing development work; surety bonds; comments by 12–2–75..... 53269; 11–17–75

CONSUMER PRODUCT SAFETY COMMISSION

Aluminum wire connections; development of safety standards; comments by 12–4–75..... 51218; 11–4–75

DEFENSE DEPARTMENT

Army Department, Engineers Corps—
Permit for activities in navigable waters or ocean waters; comments by 12–5–75..... 50720; 10–31–75

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Patents, data, and copyrights policies and procedures; comments by 12–1–75..... 48363; 10–15–75

ENVIRONMENTAL PROTECTION AGENCY

Oklahoma; approval and promulgation of implementation plans; strategy for control of sulphur oxides; comments by 12–4–75..... 51203; 11–4–75

FEDERAL COMMUNICATIONS COMMISSION

New cargo vessels of 1600 gross tons and upwards; exemption from radiotelegraph and radio direction finding provisions; comments by 12–3–75. 51059; 11–3–75

Stations in local Government radio service; transmission of certain kinds of information to the traveling public; comments by 12–1–75..... 49798; 10–24–75

FEDERAL ELECTION COMMISSION

Allocation of candidate and committee activities; comments by 12–5–75. 51610; 11–5–75

Federal campaign funds; public financing of conventions; comments by 12–4–75..... 51348; 11–4–75
Correction at 53159; 11–14–75

FEDERAL HOME LOAN BANK BOARD

Mobile home financing; increase in amount lent by Federal Associations to home buyers on the security of mobile homes; comments by 12–1–75..... 50546; 10–30–75

FEDERAL TRADE COMMISSION

Protein supplements; advertising and labeling of; comments by 12–1–75. 49801; 10–24–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—
Educationally deprived children; grants to State agencies; comments by 12–4–75..... 49349; 10–22–75

Food and Drug Administration—
Conditions for marketing human prescription drugs and devices; regulatory policy and proposed rulemaking for marketing contact lenses; comments by 12–1–75. 44844; 9–30–75

Provisionally listed color additives; postponement of closing dates for use; comments by 12–5–75. 53039; 11–14–75

Performance standards for electronic products; exemptions for products intended for United States Government use; comments by 12–1–75. 44846; 9–30–75

National Institutes of Health—
National Commission on Diabetes; to be held in Bethesda, Maryland (open), 12–1 and 12–2–75. 42591; 9–15–75

Social Security Administration—
Black lung benefits; attorney's fees and establishing a time limitation on filing petitions for approval of fees; comments by 12–5–75. 51475; 11–5–75

Prudent buyer policy relating to reimbursement under Medicare; comments by 12–5–75..... 51474; 11–5–75

INTERIOR DEPARTMENT

Fish and Wildlife Service—
Red Hills Salamander; endangered status; comments by 12–1–75. 45175; 10–1–75

Land Management Bureau—
Recreation and Public Purposes Act; processing and disposal of solid wastes; comments by 12–1–75. 50721; 10–31–75

Mining Enforcement and Safety Administration—
New and revised health and safety standards; comments by 12–5–75. 51202; 11–4–75
First published at..... 44272; 9–25–75

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—
Criminal history records; collection, storage, and dissemination of information; comments by 12–5–75. 49789; 10–24–75

LABOR DEPARTMENT

Employee Benefits Security Office—
Employee retirement income security; guidance to determine coverage; comments by 12–3–75. 52008; 11–7–75

Occupational Safety and Health Administration—
Exposure to lead; comments by 12–2–75..... 45934; 10–3–75
Standards for Alkyl Benzenes and other substances; comments by 12–1–75 ..... 47262; 10–8–75

PENSION BENEFIT GUARANTY CORPORATION

Pension plans; allocation of assets and guaranteed benefits (2 documents); comments by 12–4–75..... 51368; 11–4–75

PRIVACY PROTECTION STUDY COMMISSION

Freedom of information; implementation provisions; comments by 12–4–75 ..... 52054; 11–7–75

Privacy Act; implementation provisions; comments by 12–4–75..... 52056; 11–7–75

SECURITIES AND EXCHANGE COMMISSION

Broker-dealer reports; financial and operational reporting; comments by 12–1–75 ..... 51060; 11–3–75

SMALL BUSINESS ADMINISTRATION

Appearances and compensation of persons appearing before SBA; solicitation by applicants' representatives; comments by 12–3–75..... 51069; 12–3–75

TRANSPORTATION DEPARTMENT

Coast Guard—
Indian River, Fla.; drawbridge regulations; comments by 12–2–75. 50545; 10–30–75

Federal Aviation Administration—
Designation of transition area at Tuskegee, Alabama; comments by 12–5–75 ..... 51481; 11–5–75
Transition area; alteration; comments by 12–3–75..... 51058; 11–3–75

Materials Transportation Bureau—
Offshore pipeline facilities; extension of comments period; comments by 12–1–75..... 48940; 10–20–75

National Highway Traffic Safety Administration—
Exterior mounted bicycle carriers; comments by 12–2–75..... 40537; 9–3–75

TREASURY DEPARTMENT

Customs Service—
Customs bonds; increase in minimum amount of the Proprietor's warehouse bond; comments by 12–5–75..... 51445; 11–5–75
Entry of merchandise; New Duty Assessment by Account (DABA) procedure; comments by 12–2–75. 45825; 10–3–75

Internal Revenue Service—
Commencement of benefits under qualified trusts; comments by 12–8–75 ..... 47138; 10–8–75
Minimum participation standards; comments by 12–2–75 ..... 52418; 11–10–75
Qualified joint and survivor annuities; comments by 12–2–75 ..... 45828; 10–3–75

VETERANS ADMINISTRATION
Safeguarding personal information in VA records; comments by 12–4–75. 51204; 11–4–75

Next Week's Public Hearings

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
Milk in the Eastern Ohio-Western Pennsylvania marketing area; hearing to be held in Cleveland, Ohio (open), 12–3–75 ..... 53405; 11–18–75

CIVIL AERONAUTICS BOARD
Chicago-New Orleans nonstop route proceeding; to be held in Washington, D.C., 12–2–75 ..... 51077; 11–3–75

JUSTICE DEPARTMENT
Law Enforcement Assistance Administration—
Criminal history records; collection, storage, and dissemination of information; to be held in Atlanta, Ga., on 12–4–75 ..... 49789; 10–24–75

NUCLEAR REGULATORY COMMISSION
Public Service Electric and Gas Co.; to be held in Bethesda, Md., 12–2–75. 53631; 11–19–75

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
Airport noise policy; to be held in Washington, D.C.; 12–1–75. 48961; 10–20–75
Airport noise policy, hearing to be in Detroit, Mich. (open), 12–5–75. 51492; 11–5–75

Next Week's Meetings

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
Shippers Advisory Committee; to be held at Lakeland, Fla. (open), 12–2–75 ..... 53282; 11–17–75
Cooperative State Research Service—
Committee of Nine; to be held in New Orleans, Louisiana (open); 12–3 and 12–4–75 ..... 47813; 10–10–75
Forest Service—
Deschutes National Forest Advisory Committee; to be held in Deschutes National Forest Conference Room (open), 12–4–75 52071; 11–7–75
White Mountain National Forest Advisory Committee; to be held at Moultonboro, New Hampshire (open), 12–3 and 12–4–75. 52641; 11–11–75

CIVIL AERONAUTICS BOARD
Advisory Committee on Procedural Reforms; to be held in Washington, D.C. (open), 12–6–75 .... 53418; 11–18–75

CIVIL RIGHTS COMMISSION
Illinois Advisory Committee; to be held at Chicago, Ill. (open), 12–4–75. 52659; 11–11–75
Indiana Advisory Committee; to be held at Merriville, Indiana (open), 12–6–75 ..... 52659; 11–11–75
North and South Dakota Advisory Committees; to be held at Bismarck, N.D. (open), 12–1–75 ..... 52659; 11–11–75
Oklahoma Advisory Committee; to be held at Oklahoma City, Okla. (open), 12–4–75 ..... 52659; 11–11–75
Rhode Island Advisory Committee; to be held at Providence, RI (open), 12–2–75 ..... 52660; 11–11–75
Virginia Advisory Committee; to be held at Richmond, Va. (open), 12–3–75. 52660; 11–11–75
Wyoming Advisory Committee; to be held at Casper, Wy. (open), 12–1–75. 52660; 11–11–75

CIVIL SERVICE COMMISSION
Federal Employees Pay Council; to be held in Washington, D.C. (open), 12–3–75 ..... 53419; 11–18–75

COMMERCE DEPARTMENT
Commerce Technical Advisory Board; to be held at Miami, Fla. (open), 12–3–75 ..... 51490; 11–5–75
National Bureau of Standards—
Federal Information Processing Standards Task Group 13: Workload Definition and Benchmarking; to be held at Gaithersburg, Md. (open), 12–3–75 ..... 48159; 10–14–75
National Oceanic and Atmospheric Administration—
Marine Fisheries Advisory Committee, Ad Hoc Subcommittee; to be held in Seattle, Washington (open), 12–2–75 ..... 50555; 10–30–75

COMMODITY FUTURES TRADING COMMISSION
Advisory Committee on the Economic Role of Contract Markets; to be held in Washington, D.C. (open with restrictions), 12–4–75 ..... 53068; 11–14–75

DEFENSE DEPARTMENT
Defense Intelligence Agency Scientific Advisory Committee; to be held at Sunnyvale, Calif. (closed), 12–2 and 12–3–75 ..... 48146; 10–14–75
Air Force Department—
Armed Forces Epidemiological Board; to be held in Washington, D.C. (open with restrictions), 12–5–75. 53412; 11–18–75
USAF Scientific Advisory Board; to be held at Cambridge, Mass. (closed), 12–3 and 12–4–75 ..... 52635; 11–11–75
Army Department—
U.S. Army Coastal Engineering Research Board; to be held in San Diego, Calif. (open with restrictions), 12–2 and 12–4–75. 52867; 11–13–75
Navy Department—
Chief of Naval Operations Executive Panel Advisory Committee; to be held at Washington, D.C. (closed), 12–3–75 ..... 53275; 11–17–75
Office of the Secretary—
Advisory Group on Electron Devices; to be held in Arlington, Va. (closed), 12–4–75 ..... 52868; 11–13–75
DDR&E High Energy Laser Review Group; to be held at New Orleans, La. (closed), 12–3 and 12–4–75. 52420; 11–10–75 53047; 11–14–75
Defense Science Board Task Force on "Electronic Test Equipment" to be held in Arlington, Virginia (open with restrictions), 12–2 and 12–3–75 ..... 52066; 11–7–75
Defense Science Board; to be held in Arlington, Va. (closed), 12–5–75. 53605; 11–19–75
Department of Defense Wage Committee; to be held at Washington, D.C. (closed), 12–2–75. 52421; 11–10–75

DEFENSE MANPOWER COMMISSION
Career Force Determination, Civilian Force Utilization, Recruitment Standards and Selection; to be held in Washington, D.C. (open with restrictions), 12–4–75 .... 53304; 11–17–75

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
National plan for energy research, development and demonstration; Northwestern region; to be held in Seattle, Washington (open with restrictions), 12–2 and 12–3–75 ..... 50748; 10–31–75
Task Force on Demonstration Projects as a Commercialization Incentive; to be held in Washington, D.C. (open with restrictions), 12–3–75. 53442; 11–18–75

ENVIRONMENTAL PROTECTION AGENCY
Science Advisory Board National Air Quality Criteria Advisory Committee; to be held in Arlington, Va. (open with restrictions), 12–4–75 ..... 53074; 11–14–75

FEDERAL COMMUNICATIONS COMMISSION
Fixed Satellite Advisory Committee, 1979 World Administrative Conference; to be held in Washington, D.C. (open), 12–5–75 .... 52077; 11–14–75
Radio Technical Commission for Aeronautics; to be held in Washington, D.C. (open with restrictions), 12–4–75 ..... 53077; 11–14–75

Radio Technical Commission for Aeronautics; to be held in Washington, D.C. (open with restrictions), 12–5–75..... 53077; 11–14–75

Radio Technical Commission for Aeronautics; to be held in Washington, D.C. (open with restrictions), 12–2 and 12–3–75..... 53078; 11–14–75

FEDERAL ENERGY ADMINISTRATION

Conference to Discuss Power Plant Productivity; to be held in Dallas, Texas (open), 12–2–75.... 52759; 11–12–75

Environmental Advisory Committee; to be held in Washington, D.C. (open with restrictions), 12–5–75. 53625; 11–19–75

FEDERAL POWER COMMISSION

National Gas Survey Conservation-Technical Advisory Committee; to be held in Washington, D.C. (open), 12–2–75. 53309; 11–17–75

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

To be held in Washington, D.C. (closed), 12–4–75..... 53439; 11–18–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

National Advisory Council on Education Professions Development; to be held at Pasadena, California (open), 12–3 and 12–4–75..... 52657; 11–11–75

Alcohol, Drug Abuse, and Mental Health Administration—

National Advisory Mental Health Council; to be held in Rockville, Md. (open in part), 12–1 through 12–3–75..... 52878; 11–13–75

Education Office—

Accreditation and Institutional Eligibility Advisory Committee; to be held in Arlington, Va. (partially closed), 12–3 through 12–5–75. 53295; 11–17–75

Advisory Council on Women's Educational Programs; to be held at Albuquerque, NM (open), 12–1 and 12–2–75..... 52427; 11–10–75

Community Education Advisory Council; to be held in Cincinnati, Ohio (open), 12–2 and 12–3–75. 52880; 11–13–75

National Advisory Council on Vocational Education; to be held in Anaheim, Calif. (open), 12–7–75. 52880; 11–13–75

Food and Drug Administration—

Medical Radiation Advisory Committee; to be held at Chicago, Ill. (open), 12–1–75..... 53285; 11–17–75

Panel on Review of Dentifrices and Surgery Devices; to be held at Rockville, Md. (partially closed), 12–3 and 12–4–75..... 53285; 11–17–75

Panel on Review of Ear, Nose and Throat Devices; to be held at Washington, D.C. (partially closed), 12–1 and 12–2–75.... 53285; 11–17–75

Panel on Review of General and Plastic Surgery Devices; to be held at Washington, D.C. (partially closed), 12–4–75..... 53286; 11–17–75

Panel on Review of Physical Medicine (physiatry) Devices; to be held at Washington, D.C. (partially closed), 12–5–75..... 53286; 11–17–75

Panel on Review of Skin Test Antigens; to be held at Bethesda, Md. (partially closed), 12–5 and 12–6–75. 53287; 11–17–75

Pulmonary-Allergy and Clinical Immunology Advisory Committee; to be held at Rockville, Md. (partially closed), 12–5–75..... 53286; 11–17–75

National Institutes of Health—

Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases; to be held in Bethesda, Maryland (open with restrictions), 12–4 and 12–5–75. 48541; 10–16–75

Cardiology Advisory Committee; to be held in Bethesda, Maryland (open with restrictions), 12–2–75. 46339; 10–7–75

Conference on the Genetics of Human Cancer; to be held in Orlando, Fla. (open), 12–2 through 12–4–75. 49382; 10–22–75

National Commission on Arthritis and Related Musculoskeletal Diseases; to be held at St. Petersburg, Florida (open), 12–6–75..... 48542; 10–16–75

National Heart and Lung Advisory Council; to be held in Bethesda, Maryland (open with restrictions), 12–4 through 12–6–75. 48542; 10–16–75

Presidents' Cancer Panel; to be held in Bethesda, Maryland (open with restrictions), 12–2–75..... 49814; 10–24–75

Recombinant DNA Molecule Program Advisory Committee; to be held in La Jolla, California (open with restrictions), 12–4 and 12–5–75. 46342; 10–7–75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Administration—

National Mobile Home Advisory Council; to be held in Washington, D.C. (open), 12–3–75..... 52077; 11–7–75

INTERIOR DEPARTMENT

Land Management Bureau—

Las Cruces District Multiple Use Advisory Board; to be held in Las Cruces, New Mexico (open), 12–3–75..... 50549; 10–30–75

National Park Service—

Golden Gate National Recreation Area Advisory Commission; to be held in Point Reyes Station, Ca (open), 12–6–75..... 52875; 11–13–75

North Atlantic Region Advisory Commission; to be held at Lexington, Mass. (open), 12–4 and 12–5–75. 52640; 11–11–75

Roger Williams National Memorial; to be held in Providence, RI (open), 12–2–75..... 52875; 11–13–75

Western Regional Advisory Committee; to be held in San Francisco, Calif. (open with restrictions), 12–5 and 12–6–75..... 53606; 11–19–75

Office of the Secretary—

Federal Metal and Nonmetal Mine Safety Advisory Committee; to be held in Washington, D.C. (open with restrictions), 12–4–75. 53049; 11–14–75

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—

Criminal Justice Standards and Goals National Advisory Committee; to be held at Washington, D.C. (open), 12–4 and 12–5–75..... 53275; 11–17–75

LABOR DEPARTMENT

Labor Statistics Bureau—

Business Research Advisory Council's Committee on Consumer and Wholesale Prices; to be held in Washington, D.C. (open), 12–3–75. 51252; 11–4–75

Occupational Safety and Health Administration—

Federal Advisory Council on Occupational Safety and Health; to be held in Washington, D.C. (open), 12–3–75..... 53324; 11–17–75

MANAGEMENT AND BUDGET OFFICE

Business Advisory Council on Federal Reports to be held in Washington, D.C. (open), 12–4–75..... 52123; 11–7–75

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA Space Program Advisory Council; to be held in Washington, D.C. (open), 12–4 and 12–5–75.. 52122; 11–7–75

NATIONAL CAPITAL PLANNING COMMISSION

Proposed delegations of authority; to be held in Washington, D.C. 12–4–75. 53320; 11–17–75

NATIONAL CREDIT UNION BOARD

To be held at Washington, D.C. (open), 12–2 and 12–3–75..... 52668; 11–11–75

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Architecture & Environmental Arts Panel; to be held in Washington, D.C. (closed), 12–4 and 12–5–75. 53321; 11–17–75

Architecture & Environmental Arts Panel; to be held in Washington, D.C. (closed), 12–3 and 12–4–75. 53321; 11–17–75

Dance Advisory Panel; to be held in New York, N.Y. (open in part), 12–7–75. 54209; 11–20–75

Expansion Arts Advisory Panel; to be held in Washington, D.C. (closed), 12–4, 12–5, and 12–6–75.
53633; 11–19–75

Federal Graphics Evaluation Advisory Panel; to be held in Washington, D.C. (partially open and with restrictions), 12–3–75..... 53322; 11–17–75

Fellowship Panel Advisory Committee; to be held in Washington, D.C. (closed), 12–1–75.... 51245; 11–4–75

Fellowship Panel; Advisory Committee; to be held in Washington, D.C. (closed), 12–5–75.. 53441; 11–18–75

Music Advisory Panel (Planning/Opera); to be held in Washington, D.C. (open and closed), 12–2 and 12–3–75.
52766; 11–12–75

Public Media Advisory Panel; to be held in Washington, D.C. (open and closed), 12–1 and 12–4–75.
52767; 11–12–75

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; to be held in Washington, D.C. (closed), 12–2 and 12–3–75.
53322; 11–17–75

Advisory Committee on Reactor Safeguards; to be held in Washington, D.C. (open and closed), 12–4, 12–5, and 12–6–75..... 53629; 11–19–75

Advisory Committee on Reactor Safeguards Procedures Subcommittee; to be held in Washington, D.C. (closed), 12–3–75..... 53442; 11–18–75

Advisory Committee on Reactor Safeguards Subcommittee on the Koshkonong Nuclear Power Plant; to be held in Washington, D.C. (closed), 12–3–75..... 53442; 11–18–75

Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Guides; to be held in Washington, D.C. (open in part), 12–3–75.
53444; 11–18–75

Advisory Committee on Reactor Safeguards Subcommittee on CF Braun Balance of Plant; to be held in Washington, D.C. (open in part), 12–3–75.
53445; 11–18–75

NATIONAL SCIENCE FOUNDATION

Advisory Groups on Anticipated Advances in Science and Technology and Contributions of Technology to Economic Strength; to be held in Washington, D.C. (open with restrictions), 12–1 and 12–2–75.
53084; 11–14–75

Science for Citizens Program; to be held in Chicago, Ill. (open with restrictions), 12–1–75.... 50756; 10–31–75

SECURITIES AND EXCHANGE COMMISSION

Report Coordinating Group (Advisory); to be held in New York, New York (open), 12–3–75..... 51099; 11–3–75

SELECTIVE SERVICE SYSTEM

Advisory Committee on the Selection of Physicians, Dentists and Allied Specialists; to be held at Washington, D.C. (open), 12–5–75..... 52451; 11–10–75

SMALL BUSINESS ADMINISTRATION

Boston District Advisory Council; to be held in Framingham, Massachusetts (open), 12–3–75.... 51251; 11–4–75

Las Vegas District Advisory Council; to be held in Las Vegas, Nevada (open), 12–5–75..... 52778; 11–12–75

Spokane District Advisory Council; to be held in Spokane, Washington (open), 12–1–75..... 52778; 11–12–75

STATE DEPARTMENT

Advisory Committee on Transnational Enterprises; to be held at Washington, D.C. (open), 12–1–75 (rescheduled from 11–17–75).... 52635; 11–11–75

Study Group 4 of the U.S. National Committee for the International Radio Consultative Committee (CCIR); to be held in Washington, D.C. (open with restrictions), 12–3–75.
53409; 11–18–75

Office of the Secretary—

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; to be held in Washington, D.C. (open), 12–4–75.
53047; 11–14–75

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

1975–76 Operations Review Program (conference); to be held in Arlington, Va. (open with restrictions), 12–1 thru 12–5–75..... 53299; 11–17–75

Operations Review Conference, to be held in Arlington, Va.; 12–1 thru 12–5–75..... 48699; 10–17–75

National Highway Traffic Safety Administration—

National Motor Vehicle Safety Advisory Council; to be held in Washington, D.C. (open), 12–2, 12–3, and 12–4–75.... 53056; 11–14–75

VETERANS ADMINISTRATION

Veterans Administration Wage Committee; to be held in Washington, D.C. (closed), 12–4–75.... 44208; 9–25–75

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

presidential documents

Title 3—The President

Executive Order 11889 • November 25, 1975

Amending Executive Order No. 11832 [1] of January 9, 1975, To Extend the Existence of the National Commission on the Observance of International Women's Year, 1975

By virtue of the authority vested in me by the Constitution and the statutes of the United States of America, including Section 204 of the Supplemental Appropriations Act, 1975 (P.L. 93–554, 88 Stat. 1784) and the State Department appropriations act for 1976 (P.L. 94–121), and as President of the United States of America, Section 2(h) of Executive Order No. 11832 of January 9, 1975, is hereby amended to read as follows:

"The Commission shall, to the extent funds are available, continue its work through June 30, 1976, and shall submit a final report on its activities to the President within thirty days thereafter, at which time the Commission shall terminate.".

Gerald R. Ford

THE WHITE HOUSE,
November 25, 1975.

[FR Doc.75-32252 Filed 11-25-75;11:59 am]

[1] 40 FR 2415.

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Commodity Futures Trading Commission

Section 213.3379 is amended to show that one position of Special Assistant for Intergovernmental Affairs, and one position of Special Assistant for Policy Review, Office of the Chairman, are excepted under Schedule C.

Effective November 26, 1975.

Section 213.3379 (l) and (m) are added as set out below:

§ 213.3379 Commodity Futures Trading Commission.

* * * * *

(l) One Special Assistant for Intergovernmental Affairs.

(m) One Special Assistant for Policy Review.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-32017 Filed 11-25-75;8:45 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Special Assistant to the Associate Administrator for Minority Small Business has been excepted under Schedule C.

Effective November 26, 1975.

Section 213.3332(p) is amended as set out below:

§ 213.3332 Small Business Administration.

* * * * *

(p) Three positions of Special Assistant to the Associate Administrator for Minority Small Business.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-32018 Filed 11-25-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Secretary to the Executive Assistant to the Secretary is excepted under Schedule C.

Effective November 26, 1975.

Section 213.3304(a)(20) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(20) One Secretary to the Executive Assistant to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-32019 Filed 11-25-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Tangerine Reg. 47, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Size Regulation

Effective November 24, 1975, this amendment would retain the current minimum diameter requirement of 2$^{6}/_{64}$ inches (size 176) applicable to fresh shipments of Florida tangerines, except that during any week of the period November 24 through December 7, 1975, each handler may ship a quantity of tangerines not smaller than 2$^{4}/_{64}$ inches in diameter (size 210) equal to 25 percent of the volume of tangerines he shipped in the most recent previous week of the current fiscal period. The specification of such minimum size requirements for Florida tangerines is necessary to satisfy current and prospective demand for such fruit and maintain orderly marketing conditions.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of tangerine shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective market demand conditions for Florida tangerines. This amendment relaxes current minimum size requirements applicable to fresh shipments of tangerines. It is designed to insure an ample supply of fruit to consumers and prevent an excessive buildup of smaller size tangerines in marketing channels. The action is consistent with the available supply of tangerines in the production area and recognizes that smaller fruit will increase to more desirable sizes as the season progresses. For the season through November 16, 1975, fresh shipments of Florida tangerines totaled 1,176 carlots, and there were an estimated 3,324 carlots remaining for fresh shipment. This amendment is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. In § 905.561 (Tangerine Regulation 47; 40 FR 42318, 49785, 51619, 54421) the provisions of paragraph (a) (2) are revised to read as follows:

§ 905.561 Tangerine Regulation 47.

(a) * * *

(1) * * *

(2) Any tangerines, grown in the production area, which are of a size smaller than 2$^{6}/_{64}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines: *Provided*, That during any week of the period November 24, 1975, through December 7, 1975, any handler may ship a quantity of tangerines which are smaller than 2$^{6}/_{64}$ inches in diameter, including the aforesaid tolerance, if (i) the number of standard packed boxes of such smaller tangerines does not exceed 25 percent of the total shipments of

tangerines by such handler during the last previous week, within the current fiscal period, in which he shipped tangerines; and (ii) such smaller tangerines are of a size not smaller than 2 1/16 inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 21, 1975, to become effective November 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-31999 Filed 11-25-75;8:45 am]

[Avocado Reg. 17, Amdt. 14]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment revises the maturity requirements for the Booth 1 and Zio varieties of avocados. These varieties will mature about one week earlier than they currently can be shipped at specified minimum weights or diameters. Unseasonal growing conditions in the production area have caused avocados to mature earlier than in prior seasons. Weights or diameters and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the amendment stems from the current avocado crop maturity situation. Maturity studies on the specified varieties completed recently indicate that avocados of such varieties will be mature at the hereinafter specified dates, minimum weights, or diameters.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of the amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of specified varieties of avocados.

Order. (1) The provisions of paragraph (a) (2) of § 915.317 (Avocado Regulation 17; 40 FR 24006; 26501; 28048; 29068; 29812; 30793; 32823; 33963; 38145; 41993; 44305; 47102; 49787) are amended by revising in Table I the dates applicable to the Booth 1 and Zio varieties so that after such revision the portion of Table I relating to such varieties of avocados reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Booth 1	11-24-75	14 oz.	12-15-75				
Zio	11-24-75	3 9/16 in. 12 oz.	12-15-75	10 oz.	12-29-75		

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 20, 1975, to become effective November 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-31877 Filed 11-25-75;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Weight Conversion Factors for Dipped Seedless Raisins

Notice was published in the October 30, 1975, issue of the FEDERAL REGISTER (40 FR 50542) of a proposal to establish factors for converting the weight of reconditioned Dipped Seedless raisins to natural condition weight. Section 989.601 of Subpart—Conversion Factors (7 CFR 989.601) contains the factors established for converting weights of various varietal types of raisins, and the appropriate conversion factors for Dipped Seedless would be included in this section.

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

This action, unanimously recommended by the Raisin Administrative Committee, is taken under § 989.58(e) (4) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to as the "order", and § 989.158(c) (4) (i) of the Subpart—Administrative Rules and Regulations issued under the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Certain program obligations (e.g., assessments, reserve tonnage set asides) are based on the natural condition weight of raisins acquired by handlers. When the handler acquires a lot of packed raisins after they have been reconditioned, the weight of the lot is less than its natural condition weight. Thus, factors are established for adjusting the weight of reconditioned raisins to natural condition weight.

Under the order, raisins are regulated by varietal types, and these types are contained in § 989.110. On July 29, 1975, this section was changed (40 FR 31739) by adding "Dipped Seedless" raisins and deleting "Soda Dipped" raisins. This makes it necessary to amend § 989.601 to include Dipped Seedless raisins and to provide appropriate conversion factors. The net weight of raisins acquired by handlers as packed raisins is divided by the applicable factor to obtain natural condition weight. The natural condition weight of a lot of Dipped Seedless raisins after that lot had been passed through a stemmer and blower would be determined by dividing its net weight by .96; and that weight after complete processing would be determined by dividing its net weight by .95. Since Soda Dipped raisins are no longer a varietal type of raisin under the order, they would be deleted from § 989.601.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, amendment of § 989.601 to establish weight conversion factors for Dipped Seedless raisins and to delete Soda Dipped raisins from that section is approved.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) A basis for determining certain program obligations applicable to acquisitions of reconditioned Dipped Seedless raisins should be provided promptly in the event that lots of such raisins are being acquired by handlers; (2) handlers are aware that this action has been recommended by the Raisin Administrative Committee and require no advance notice to comply; and (3) no useful purpose would be served by postponing the effective time of this action.

Therefore, § 989.601 is revised to read as follows:

§ 989.601 Conversion factors for raisin weight.

The following factors for different varietal types of raisins and degrees of

processing accomplished, as specified, shall be used to convert the net weight of reconditioned raisins acquired by handlers as packed raisins to natural condition weight:

Varietal type	Weight taken after	
	Passing through stemmer and blower	Completion of processing
Natural (sun-dried) Thompson seedless	0.94	0.92
Natural (sun-dried) or artificially dehydrated Sultana	.94	.92
Natural (sun-dried) or artificially dehydrated Zante Currant	.93	.91
Natural (sun-dried) Muscat and Valencia:		
Seeded	--	.80
Unseeded	.94	.92
Dipped seedless	.96	.95
Sulfur bleached	.96	.95
Golden seedless	.96	.95

The net weight of the raisins acquired as packed raisins shall be divided by the applicable factor to obtain the natural condition weight.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 21, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-32000 Filed 11-25-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-46-AD; Amdt. 39-2443]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-10 Series Airplanes

Amendment 39-1811, (39 FR 11991), AD 74-08-04, as amended by Amendments 39-2013 (39 FR 40252), 39-2112, (40 FR 8544) and 39-2399 (40 FR 49768) requires certain modifications and functional checks to prevent possible in-flight depressurization of the airplane that might result from the opening of an improperly secured cargo door. Paragraph 5. provides for issuance of special flight permits to allow for modifications required per paragraph 1. of the AD, but does not provide for special flight permits for cargo door repairs or other discrepancies found within the scope of this AD. The Agency finds paragraph 5. too restrictive and is hereby amending the paragraph to allow for ferry flights per the provisions of FAR 21.197, without reference to paragraph 1.

Since this amendment provides relief from an operational restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1811 (AD 74-08-04), as amended by Amendments 39-2013, 39-2112 and 39-2399 is further amended as follows:

a. Amend paragraph 5. to read:

"5. Special flight permits may be issued per FAR 21.197 and 21.199 to operate airplanes to a base to perform the maintenance, modifications or repairs required by this AD."

This amendment becomes effective December 1, 1975.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

ROBERT H. STANTON,
Director,
FAA Western Region.

Issued in Los Angeles, California on November 14, 1975.

[FR Doc.75-31759 Filed 11-25-75;8:45 am]

[Docket No. 75-CE-29-AD; Amdt. 39-2442]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech Model 200 Airplanes

An Airworthiness Directive (AD) was adopted on November 7, 1975, and made effective immediately upon receipt by air mail letter to all known owners of certain serial numbers of Beech Model 200 airplanes. This AD was issued because there has been an incident wherein the generator leads shorted out on the compressor belt housing causing damage to the generator leads and housing. Investigation also disclosed that there may be inadequate clearance between the generator output leads and the air conditioner compressor pulley housing and/or the oil line coupling nut. These conditions can result in a possible hazardous situation due to loss of electrical power from the generator and/or possible fire in the powerplant area.

Since it was found that immediate corrective action was required, notice and public procedure hereon were impracticable and contrary to the public interest and good cause existed for making this AD effective immediately to the owners of Beech Model 200 (serial numbers listed herein) airplanes. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons who did not receive the letter notification.

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.

BEECH. Applies to Model 200 (Serial Numbers BB-2, BB-6 thru BB-76 and BB-78 thru BB-80) airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude shorting of the generator output leads at the air conditioner pully housing and/or the oil line coupling nut, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless previously accomplished, visually inspect the generator output leads for chafing or discoloration in the area of the air conditioner compressor pully housing and oil line coupling nut or for positive clearance of these components, in the engine compartment:

(1) If chafing has occurred, prior to further flight, comply with Paragraph B.

(2) If chafing has not occurred but positive clearance does not exist between the generator leads and the air conditioner pully housing and the oil line coupling nut, reinspect every 25 hours' time in service until Paragraph B is accomplished.

(3) If positive clearance exists between the generator leads and the air conditioner pulley housing and oil line coupling nut, reinspection is not required.

(b) Within the next 100 hours' time in service after the effective date of this AD or as required by Paragraph A, modify the generator lead routing in accordance with Beechcraft Service Instruction No. 0768-358/Kit No. 101-3011-1S or later approved revisions. Upon compliance with this Paragraph the inspections in Paragraph A are no longer required.

(c) Any alternate method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(d) Aircraft may be flown in accordance with FAR 21.197 to a place where the modification can be accomplished, if clearance or insulation is provided between the chafed portions of the generator leads and adjacent components.

This amendment becomes effective December 1, 1975, to all persons except those to whom it was made effective earlier by air mail letter issued November 10, 1975.

(Sections 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department or Transportation Act (49 U.S.C. 1655(c)))

C. R. MELUGIN, Jr.,
Director, Central Region

Issued in Kansas City, Missouri, on November 14, 1975.

[FR Doc.75-31760 Filed 11-25-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Export Administration Regulations

The Export Administration Regulations concerning restrictive trade practices or boycotts have been revised in several important respects.

The regulations have been revised to prohibit U.S. exporters and related service organizations from taking any action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting a restrictive trade practice that discriminates against U.S. citizens or firms on the basis of race, color, religion, sex, or national origin. Reports of receipt of such requests must be filed with the Office of Export Administration within 15 business days of receipt of each request. A new Form DIB-630P is to be used for reporting such requests.

The regulations have also been revised to require reports from all service organizations (such as banks, insurers, freight forwarders, and shipping companies) that become in any way involved in a restrictive trade practice request related to an export from the United States or commodities, services, technical data, or other information. Previously, service organizations were required to report such requests to the U.S. exporter, who was then required to report to the Office of Export Administration. Now, both the exporter *and* the service organization must report the receipt of such requests to the Office of Export Administration. Form DIB–621P has been revised to reflect this change in the reporting requirement.

Effective date of action: December 1, 1975.

Accordingly, Part 369 of the *Export Administration Regulations* (15 CFR Part 369) is revised to read as follows:

Sec.
369.1 General policy.
369.2 Discrimination on the basis of race, color, religion, sex, or national origin.
369.3 Other restrictive trade practices or boycotts.
369.4 Reporting requirements.
369.5 Effect of other provisions.

AUTHORITY: Sec. 3 (63 stat. 7) (50 U.S.C. App. 2023) E.O. 10945; E.O. 11038.

§ 369.1 General policy.

Section 3(5) of the Export Administration Act of 1969, as amended, declares that it is the policy of the United States "to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States." The portion of Section 4(b)(1) of the Act implementing this policy provides that "all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in . . . (Section 3(5)) must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of that Section."

§ 369.2 Discrimination on the basis of race, color, religion, sex, or national origin.

(a) *Prohibition of compliance with requests.* All exporters and related service organizations (including, but not limited to, banks, insurers, freight forwarders, and shipping companies) engaged or involved in the export or negotiations leading towards the export from the United States of commodities, services, or information, including technical data (whether directly or through distributors, dealers, or agents), are prohibited from taking any action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting a restrictive trade practice fostered or imposed by foreign countries against other countries friendly to the United States, which practice discriminates, or has the effect of discriminating, against U.S. citizens or firms on the basis of race, color, religion, sex, or national origin.

(b) *Examples of requests.* To be subject to the requirements of this § 369.2, the discrimination sought to be effectuated by the request must be directed at a particular race, color, religion, sex, or national origin. There are many words or phrases that could place a request in this category. Examples are inquiries as to the place of birth or the nationality of parents of employees, stockholders, or directors, or inquiries as to whether they are "Jewish," "negro," "female," etc. Further examples are inquiries using any code words to further or support discrimination on the basis of race, color, religion, sex, or national origin.

(1) The following are examples of types of documents in which such requests might originate, but should not be interpreted as comprehensive.

(i) A questionnaire asking whether a U.S. firm is owned or controlled by persons of the Jewish faith, or whether it has Jews on its board of directors, or inquiring as to the national origin of a U.S. firm's stockholders or directors. This type of inquiry may also take the form of a required certification. (Similar questions aimed at determining whether a U.S. firm is owned or controlled by Israeli nationals would not fall in this category, but would be covered by § 369.3.)

(ii) A contractual clause that would prohibit using the goods or services of a Jewish subcontractor.

(iii) A requirement that a U.S. firm not send persons of a particular religion to a country where it performs services. (A general requirement that a U.S. firm performing services in a country comply with all laws and administrative practices of the country is not deemed *per se* to constitute a restrictive trade practice for purposes of this § 369.2. However, agreeing to such a requirement does not authorize the firm to cooperate with a country's discriminatory visa restrictions by failing to submit visa applications for any of its qualified employees of a particular religion. Such action would constitute a prohibited act of discrimination.)

§ 369.3 Other restrictive trade practices or boycotts.

(a) *Policy concerning compliance with requests.* All exporters and related service organizations engaged or involved in the export or negotiations leading to the export from the United States of commodities, services, or information, including technical data (whether directly or through distributors, dealers, or agents), are encouraged and requested to refuse to take any action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting other restrictive trade practices or boycotts fostered or imposed by foreign countries against any country not included in Country Groups S, W, Y, or Z. It should be noted that the boycotting of a U.S. firm by another U.S. firm in order to comply with a restrictive trade practice by foreign countries against other countries friendly to the United States may constitute a violation of United States antitrust laws.

(b) *Examples of requests.* (1) Basically this Section covers restrictive trade practice requests to implement *economic* sanctions applied by one country against another country friendly to the United States. These are aimed at restricting certain types of business relationships that U.S. firms might otherwise undertake. The requests may be aimed at a particular country, nationals of that country, or firms or organizations that may be involved in commercial or other activity with a particular country. They may take the form of a request for a certification as to the "nationality" of individuals (e.g. "Israeli" or "South African," as opposed to national origin or ethnic background), the country of origin of the goods, or the absence of a firm from the "blacklist" of a country or group of countries. The following are other examples of requests in this category, but should not be interpreted as being comprehensive.

(i) A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any stockholders, owners, employees, or officers who are nationals of a boycotted country.

(ii) A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any business relationship with a boycotted country or a national of a boycotted country. These business relationships include, but are not limited to, trade in commodities or technical know-how, licensing arrangements, advertising or promotion of sale of goods originating in a boycotted country, or use of such goods as components in a manufacturing process.

(iii) A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter does any business, or intends to do any business, with any firm that has a business relationship with a boycotted country or a national of a boycotted country.

(iv) A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has any investments, including branches, subsidiaries, affiliates, or holdings, or any commercial or legal representation in a boycotted country, or a business firm located in, or doing business in, a boycotted country.

(v) A restriction prohibiting the U.S. exporter or any subsidiary or affiliate of the U.S. exporter from using shipping or transportation facilities that are "blacklisted" by the importing country. (However, a request or restriction solely precluding the export of commodities to the importing country on (A) shipping or transportation facilities owned, controlled, operated, or chartered by a country or a national of a country friendly to the United States but not friendly to the importing country, or (B) a carrier that stops at a port in a country friendly to the United States but not friendly to the importing country prior to stopping at

the port of unlading, is not deemed a restrictive practice within the meaning of Section 3(5) of the Export Administration Act, but rather a precautionary measure to avoid any risk of confiscation of the commodities. Accordingly, these two types of shipping restrictions are exempted from the reporting requirement of this section.)

§ 369.4 Reporting requirements.

Any U.S. exporter receiving or informed of a request for an action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting a restrictive trade practice or boycott, as described in §§ 369.2 or 369.3 above, shall report the request to the Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230. Where such request is received by any person or firm other than the exporter, handling any phase of the transaction for the exporter, that person or firm (forwarding agent, shipping company, bank, insurer, etc.) must also report the request to the Office of Export Administration. The report shall be submitted in accordance with the procedure set forth in paragraph (a) of this section for requests described in § 369.2, and in paragraph (b) of this section for requests described in § 369.3. The information contained in these reports is subject to the provisions of Section 7(c) of the Export Administration Act of 1969 regarding confidentiality. If more than one document, such as an invitation to bid, purchase order, or letter of credit containing the same restrictive trade practice request is received as part of the same export transaction, only the first such request relating to the same goods or services need be reported. Individual shipments against the same purchase order or letter of credit should not be treated as separate transactions. However, each *different* restrictive trade practice request associated with a given transaction must be reported, regardless of when or how the request is received. For example, if a report of a request is submitted following receipt of a bid invitation and the bid ultimately results in an order with new and different restrictive trade practice requests, each new request must be reported. Also, if a firm, in bidding on a contract, is required to answer a questionnaire and subsequently is required to place restrictive trade practice certifications (e.g., that the vessel on which the commodities are to be shipped is not blacklisted) on its commercial documents covering shipments called for in the contract, the questionnaire and the certification requirement must be reported separately. Notices of laws or edicts contained in exporters' guidebooks or similar publications, and general directives furnished by a foreign principal that are to apply uniformly to future specific orders for goods or services, need not be reported unless such a blanket notice or directive is to be applied to a particular purchase order or similar instruction to furnish goods or services.

(a) *Reporting requests covered by § 369.2.* Each request to take any action that would further or support a restrictive trade practice or boycott in a way that would discriminate, or have the effect of discriminating, against U.S. citizens or firms on the basis of race, color, religion, sex, or national origin as defined in § 369.2, must be reported individually to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, within 15 business days of receipt. Reports required by this § 369.4(a) must be submitted on Form DIB–630P, Report of Restrictive Trade Practice or Boycott Request that Discriminates Against U.S. Citizens or Firms on the Basis of Race, Color, Religion, Sex, or National Origin. Answers to all questions contained therein are mandatory. A copy of the document or other communication containing the restrictive request must be attached to the reporting form.

(b) *Reporting requests covered by § 369.3.* Requests to take action that would further or support a restrictive trade practice or boycott as defined in § 369.3 may be reported either individually or quarterly.

(1) *Single transaction report.* If the report covers only a single transaction it shall be submitted to the Office of Export Administration within 15 business days from the date of receiving the request. This report shall be made on Report of Restrictive Trade Practice or Boycott Request, Form DIB–621P, revised November 1975 (earlier versions of Form IA–1014, DIB–621, or DIB–621P will not be accepted). Answers to all questions on the form are mandatory.

(2) *Multiple transactions report.* Instead of submitting a report for each transaction regarding which a request is received, a multiple report may be submitted covering all transactions (other than those described in §369.2, which must be reported individually) regarding which requests are received from persons or firms in a single country during a single calendar quarter. This report shall be made by letter to the Office of Export Administration no later than the 15th day of the first month following the calendar quarter covered by the report. If requests are received from persons or firms of more than one foreign country, a separate report shall be submitted for each country. Each letter shall include all of the following information:

(i) Name and address of U.S. person or firm submitting report;

(ii) Indicate whether the reporter is the exporter or a related service organization and, if the latter, specify role in the transactions;

(iii) Calendar quarter covered by report;

(iv) Name of country(ies) against which the request is directed;

(v) Country where request originated;

(vi) Number of transactions to which restrictions were applicable;

(vii) The customer order number, exporter's invoice number, and letter of credit number for each transaction, if known;

(viii) Type of request received. Attach a copy of each requesting document or other form of request, or pertinent extract thereof;

(ix) A general description of the types of commodities or technical data covered and the total dollar value, if known;

(x) The number of requests the reporter has complied with or intends to comply with. If the reporter is undecided, he is required to submit a further report within 5 business days of making a decision. If the decision is to be made by another party involved in the export transaction, that party should be identified;

(xi) Each letter submitted by a related service organization shall also include the name and address of each U.S. exporter named in connection with any requests received during the quarter. Following each name, affix the identifying numbers required in paragraph (b) (2) (vii) of this section, insofar as they are known. If this information is included in the copies of documents required by (viii) above, the separate listing may be omitted; and

(xii) Each letter must include a signed certification that all statements therein are true and correct to the best of the signer's knowledge and belief and indicate the name and title of the person who has signed the report.

§ 369.5 Effect of other provisions.

Insofar as consistent with the provisions of this Part, all of the provisions of the Export Administration Regulations, including Parts 387 and 388, apply equally to the prohibitions and the reporting requirements set forth in this Part. Attention is called particularly to the provisions of § 387.11 under which pertinent records must be kept and made available for inspection for a two-year period, and to the administrative and criminal sanctions spelled out in § 387.1 for failure to comply.

LAWRENCE J. BRADY,
Acting Director,
Office of Export Administration.

[FR Doc.75-31835 Filed 11-21-75;3:41 pm]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2748]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hasbro Industries, Inc.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception; § 13.1057 Packaging deceptively; 13.1057–40 Oversized containers. Subpart—Misrepresenting oneself and goods—Goods: § 13.1698 Packaging deceptively. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively (39 FR

28979, Aug. 13, 1974); 13.2100–10 Packaging (39 FR 28979, Aug. 13, 1974).

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Hasbro Industries, Inc., a corporation.

Consent order requiring a Pawtucket, R.I., seller and distributor of toy, gift and hobby products, among other things to cease deceptively packaging its merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

It is ordered, that respondent Hasbro Industries, Inc., a corporation, and its officers, and respondent's agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of hobby products, toy craft products and activity toys, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Packaging said products in oversized boxes or other containers so as to create the appearance or impression that the width or thickness or other dimensions or quantity of products contained in a box or container is appreciably greater than is the fact; but nothing in this Order shall be construed as forbidding respondent to use oversized containers if respondent justifies the use of such containers as necessary for the efficient packaging of the products contained therein and establish that respondent has made all reasonable efforts to prevent any misleading appearance or impression from being created by such containers;

2. Providing wholesalers, retailers or other distributors of said products with any means or instrumentality with which to deceive the purchasing public in the manner described in Paragraph (1) above.

It is further ordered, That respondent or its successors or assigns notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporate respondent which may affect compliance obligations arising out of this Order.

It is further ordered, That respondent distribute a copy of this Order to all operating divisions and subsidiaries of said corporation.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

The Decision and Order was issued by the Commission October 28, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-31860 Filed 11-25-75;8:45 am]

[Docket No. 8886]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Tysons Corner Regional Shopping Center, et al.

Codification under 16 CFR 13 appears at 40 FR 36560.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Tysons Corner Regional Shopping Center, a partnership; City Stores Company, a corporation; The May Department Stores Company, a corporation; Woodward and Lothrop, Inc., a corporation.

Order modifying an earlier order dated June 10, 1975, 85 F.T.C. ——, 40 FR 36560, issued against a New York City department store chain by expanding the order with the addition of Paragraph III(C) to permit respondent to negotiate to include agreements in its shopping center leases which would provide that a W&J Sloane furniture specialty store shall be the only tenant in the center primarily engaged in the sale of furniture, home furnishings, and related accessories; and by modifying Paragraph IV((B) to allow respondent to limit distribution of copies of the order to those developers of shopping centers in which respondent is a tenant operating a store containing 50,000 square feet or more.

The Order Reopening Proceeding and Modifying Order to Cease and Desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That the proceedings be reopened and that the Order to Cease and Desist issued June 10, 1975, be modified by the addition of the following Paragraph III(C):

It is further ordered, That this Order shall not prohibit respondent from negotiating to include, including, carrying out, or enforcing an agreement or provision in any agreement which provides that a W&J Sloan furniture specialty store operated by respondent in a shopping center shall be the only tenant in the shopping center primarily engaged in the sale of furniture, home furnishings, and related accessories.:

It is further ordered, That Paragraph IV(B) of the Order to Cease and Desist issued June 10, 1975, be modified to read:

Within thirty (30) days after this Order becomes final, notify each developer of shopping centers in which respondent is a tenant operating a store containing 50,000 square feet or more of the floor space of this Order by providing each such developer with a copy thereof by registered certified mail.

The Order Reopening Proceeding and Modifying Order to Cease and Desist was issued by the Commission October 21, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-31861 Filed 11-25-75;8:45 am]

[Docket No. C-2747]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Yamaha International Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.195 Safety; 13.195–60 Product; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(a) Advertising substantiation; 13.533–45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.2063 Scientific or other relevant facts. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Yamaha International Corporation, a corporation, and Botsford Ketchum Inc., a corporation.

Consent order requiring a Buena Park, Calif., motorcycle manufacturer and its San Francisco, Calif., advertising agency, among other things to cease making unsubstantiated claims of motorcycle safety. Further respondent is required to transmit to participants in its "Learn-to-Ride" program a letter reflecting the fact that contrary to popular opinion, riding a motorcycle weighing only several hundred pounds is not as safe as operating an automobile weighing one to two tons, regardless of the training a cyclist has had.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

It is ordered, That respondents Yamaha International Corporation, a corporation, and Botsford Ketchum Inc., a corporation, and their officers, agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the adver-

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[1] Copies of the Order Reopening Proceeding and Modifying Order to Cease and Desist, filed with the original document.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

tising, offering for sale, sale or distribution of motorized vehicles or other products as specified below, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from.

A. Representing orally, visually, in writing, or in any other manner, directly or by implication, that any motorized vehicle other than an automobile can be operated as safely as an automobile, unless respondents have a reasonable basis for such representation at the time it is made, including documentation of competent and reliable scientific tests or other objective data of statistical validity.

B. Making any claims or statements orally, visually, in writing, or in any other manner, directly or by implication, as to the safety of any transportation device or vehicle, unless respondents have a reasonable basis for such claim or statement at the time it is made, which may consist of documentation of competent and reliable scientific tests or other objective data of statistical validity.

Provided, however, That mere visual depiction of a product, device or vehicle in operation, without more, shall not be deemed a representation, claim or statement as to safety within the meaning of the above Paragraphs A and B.

It is further ordered, That respondent Yamaha International Corporation shall, not later than sixty (60) days after service upon it of this order, send a letter in the form annexed hereto as Letter "A" to each person known to have participated in any way in a Yamaha Learn-To-Ride seminar during the year 1973. Mailing by first class mail to the last known address of each such person shall comply with this requirement.

It is further ordered, That respondents maintain complete business records relative to the manner and form of their compliance with this order. Respondents shall retain each such record for at least three years, and shall retain substantiation and other documentation at least two years beyond the last dissemination of any representation, claim, or statement contingent thereon under the provisions of this order. Upon reasonable notice, respondents shall make any and all such records available for inspection and photocopying by authorized representatives of the Federal Trade Commission at respondents' place of business or other properly designated location.

It is further ordered, That respondents forthwith distribute a copy of this order to each of their operating divisions, and to all personnel now or hereafter engaged in any aspect of the preparation, creation or placing of advertising of transportation devices or vehicles.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in a corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries, or any other change in said corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents shall, within 60 days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission October 23, 1975.

CHARLES A. TOBIN,
Secretary.

(LETTER "A")

Dear Learn-To-Ride Participant:

A recent survey financed by our corporation revealed that a considerable number of the persons who attended our Learn-To-Ride program believe that, with proper instruction, they can be just as safe riding a motorcycle as in an automobile.

As one of the leading vendors of motorcycles in the United States, and because of our concern about the safety of all motorcycle owners and riders, we feel it is important to correct this erroneous and potentially hazardous belief. Although the motorcycle's maneuverability helps in avoiding accidents and training can certainly help make you a safer rider, all presently available statistics show a substantially higher likelihood of accidental death or serious injury for the motorcyclist than for the automobile driver.

In other words: No matter how thorough your training, in the event you become involved in an accident you will be less safe from injury while riding a two-wheel vehicle weighing several hundred pounds than when riding in an enclosed four-wheel vehicle of one to two tons.

We believe that by making this fact clear to all who participated in our Learn-To-Ride program, we can contribute to their future safety as motorcycle operators.

[FR Doc.75-31862 Filed 11-24-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-11774, FI-35]

CONFIDENTIAL TREATMENT OF INFORMATION

Rules of Practice

The Commission has revoked Rule 24b-2 under the Securities Exchange Act of 1934 (17 CFR 240.24b-2), relating to the confidential treatment of certain information required to be filed with the Commission; concurrently, the Commission has proposed for comment a new Rule 24b-2 and has announced that the procedures set forth in the new rule will be followed until a permanent rule is adopted.[1] In addition, the Commission also announced the amendment of various procedural rules, as set forth below, to reflect the revocation of old Rule 24b-2 and the interim procedures to be followed pending adoption of a new rule.

Section 24 of the Securities Exchange Act of 1934, 15 U.S.C. Section 78x, was recently amended by Section 19 of Public Law No. 94-29 (the Securities Acts Amendments of 1975.)[2]

Previously, Section 24 had prohibited, in subsection (a), the disclosure of trade secrets and processes, and had authorized, in subsection (b), the nondisclosure of any other type of information filed with the Commission pursuant to the Securities Exchange Act unless the Commission found disclosure to be in the public interest. See "American Sumatra Tobacco Corp.," 7 SEC 1033, *affirmed*, "American Sumatra Tobacco Corp." v. "Securities and Exchange Commission," 110 F.2d 117 (C.A.D.C., 1940). Significantly, a determination under the former Section 24 that disclosure of information was not in the public interest could have been made in some circumstances when the information would not otherwise come within the exemptions from disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552.

Section 24 now defines, in subsection (a), the term "records" to include "all applications, statements, reports, contracts, correspondence, notices, and other documents filed with or otherwise obtained by the Commission pursuant to this title or otherwise." Subsection (b) of the amended Section prohibits disclosure of any records in contravention of the rules and regulations of the Commission under the FOIA or in circumstances where the Commission has determined, pursuant to such rules, to afford confidential treatment for information contained in such records.

Rule 24b-2 (17 CFR 240.24b-2), promulgated under Section 24, established a procedure whereby persons filing documents with the Commission pursuant to the Securities Exchange Act could request confidential treatment for information contained therein. Pursuant to subsection (c) of the Rule, and the former provisions of Section 24, until the Commission had made a determination regarding such a request, the information in question could not be disclosed by the staff. Under subsection (e) of the Rule, a person requesting confidential treatment could also request a hearing thereon. Subsection (h) provided that if the Commission determined that disclosure of materials filed by the issuer of a security registered on any exchange was in the public interest, the issuer could withdraw such materials by withdrawing the registration of each security to which the material filed related.

---

[1] See FR Doc. 75-31920 under Proposed Rules on page 54842 of this issue.

[2] Public Law No. 94-29 was signed by the President on June 4, 1975, at which time, as provided by Section 31(a) thereof, Section 19 became effective.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.24b–2 [Removed]

The amendment to Section 24 has removed the statutory basis for Rule 24b–2 and, in effect, rescinded it. 17 CFR 240.24 b–2 is hereby revoked.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

The Commission has delegated authority to the Director of the Division of Corporation Finance to process applications for confidential treatment of information required to be filed under the Act. In order to implement the procedures in proposed Rule 24b–2, 17 CFR 200.30–1(d)(3) is amended by deleting (d)(3)(iii) thereof and amending paragraphs (i) and (ii) as follows:

§ 200.30–1 Delegation of authority to the Director of the Division of Corporation Finance.

* * * * *

(d) * * *

(3) * * *

(i) To grant and deny applications for confidential treatment filed pursuant to Section 24(b) of the Act (15 U.S.C. 78x (b)) and Rule 24b–2 thereunder (240.–24b–2 of this chapter);

(ii) To revoke a grant of any such application for confidential treatment.

* * * * *

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a–37, 80b–11.)

§ 200.80 [Amended]

Amendment of rule respecting requests for information under the Freedom of Information Act. The Commission's rules under the FOIA, 17 CFR 200.80, now refer to Section 24 of the Securities Exchange Act and Rule 24b–2 thereunder as provisions pursuant to which information could be exempt from the disclosure requirements of the FOIA when its disclosure was not in the public interest. Since, as noted above, Section 24(b) now makes the status of information dependent on the provisions of the FOIA, that section can no longer be considered a substantive statutory exemption within the meaning of the third exemption of the FOIA, 5 U.S.C. § 552(b)(3). Accordingly, 17 CFR 200.80(b)(3)(i) is amended by deleting the words "Section 24 of the Securities Exchange Act of 1934 and Rule 24b–2 (17 CFR 240.24b–2) thereunder."

(80 Stat. 383, as amended, 31 Stat. 54, secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 5 U.S.C. 552, 15 U.S.C. 77s, 78w, 79t, 77sss, 80a–37, 80b–11.)

PART 201—RULES OF PRACTICE

Rule 26 of the Commission's rules of practice is amended by adding thereto paragraph 201.26(b)(5) to provide that decisions made by the Division pursuant to the delegated authority contained in 17 CFR 200.30–1(d)(3) (amended as set forth above) shall be reviewable by the Commission on petition of the party seeking confidential treatment, in accordance with the procedure outlined in 17 CFR 201.26.

Section 201.26(b)(5) is added by the amendment to the rule and provides as follows:

§ 201.26 Review by the Commission of determinations at a delegated level.

* * * * *

(b) * * *

(5) Article 30–1(d)(3), § 200.30–1(d)(3) of this chapter, regarding the grant, denial, or revocation of a prior grant, of applications for confidential treatment for information filed with the Commission and with any exchange.

* * * * *

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a–37, 80b–11.)

§ 201.25 [Amended]

Amendment of rule respecting confidential treatment of certain matters. Rule 25 of the Commission's Rules of Practice sets forth procedures which govern applications for confidential treatment made under the provisions of the various statutes administered by the Commission. Since it is intended that the procedure to govern requests for confidential treatment for documents filed under the Securities Exchange Act shall be the procedure set forth in proposed Rule 24b–2, paragraph (a) of Rule 25 of the Rules of Practice, 17 CFR 201.25 (a) is amended to delete the words "section 24(b) of the Securities Exchange Act of 1934 and § 240.24b–2 of this chapter thereunder."

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a–37, 80b–11.)

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact that these amendments would have on competition. The Commission believes that these amendments are necessary to give effect to the amended provisions of Section 24 of the Securities Exchange Act, and that this action will in itself impose no additional burden on competition.

To the extent the foregoing, in view of the recent amendment to Section 24 of the Securities Exchange Act, 15 U.S.C. § 78x, is not merely interpretative or a general statement of Commission policy, it is considered to relate to agency organization, practice and procedure rather than to substantive matters.[2] Thus, with respect to the revocation of Rule 24b–2, the establishment of interim procedures and the amendment of 17 CFR 200.30–1(d)(3), 201.26, 201.25, and 200.80(b)(3), the provisions of 5 U.S.C. 553 regarding notice, procedures and publication prior to effective date are not applicable. Accordingly, they are effective November 26, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

OCTOBER 30, 1975.

[FR Doc.75–31919 Filed 11–25–75;8.45 am]

[2] To the extent a rule is inconsistent with its statutory basis, it is, of course, invalid. See *Manhattan General Equipment Co. v. Commissioner of Internal Revenue*, 297 U.S. 124 (1936).

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

PART 2—GENERAL POLICY AND INTERPRETATIONS

[Docket No. RM75–25; Order No. 533–A]

NOVEMBER 10, 1975.

In the matter of order granting in part and denying in part reconsideration and clarifying Order No. 533.

On August 28, 1975, the Commission issued its Order No. 533, which adopted § 2.79 of the Commission's General Policy and Interpretations, setting forth a statement of policy with respect to the transportation by jurisdictional pipelines of natural gas sold by certain producers from the on-shore and the off-shore non-federal domain non-resale industrial and commercial customers for high priority uses. Applications for rehearing[1] of this order were filed jointly by Consumer Federation of America and the American Public Gas Association (Consumer Federation—APGA) on September 26, 1975, and severally by Florida Cities on September 29, 1975, and Cities Service Oil Company (Cities) on September 26, 1975. In addition, requests for clarification were submitted by Phillips Petroleum Company (Phillips) on September 29, 1975, and Transcontinental Gas Pipe Line Corporation (Transco) on October 3, 1975. These applications for reconsideration were granted for the purpose of further consideration by order of October 24, 1975.

The petition of Consumer Federation—APGA, which was adopted by Florida Cities, contends that the Commission policy statement is unlawful because it is in conflict with certain enumerated court opinions and because the policy illegally, under the Natural Gas Act, discriminates against pipelines, resale customers, and small non-resale customers.

These arguments were presented for the Commission's review in the comments of various parties prior to the issuance of Order No. 533. In that order the Commission considered, discussed, and rejected these Consumer Federation—APGA type assertions. Consumer Federation—APGA have presented no new facts or arguments sufficient to alter the conclusion reached by the Commission in

[1] Although applications for rehearing would not properly obtain by reason of the nature of Order No. 533, the Commission will treat all submittals of that type as applications for reconsideration for purposes of this order.

Order No. 533 with respect to the transportation by jurisdictional pipelines of natural gas as a part of a direct purchase by end users of natural gas. However, in order to further clarify the legal base upon which our ruling in Order No. 533 rests, we will address certain of the Consumer Federation—APGA contentions.

Consumer Federation—APGA contends that the Commission's ability to regulate curtailment of pipelines, including direct sales,[2] requires that gas transported pursuant to the policy statement must be subject to the curtailment plan applicable to that pipeline, and since the users for which the gas would be purchased are already being curtailed, in order to prevent undue discrimination the Commission cannot permit a direct sale purchaser under Order No. 533 to receive any volumes it would not ordinarily have been entitled to as an indirect customer. Petitioners have failed to distinguish between direct sales made by a pipeline from its available system supply, which are subject to the pipeline's existing curtailment program,[3] and direct sales from a producer to a consumer, which are not.[4] Gas that will be transported under the authority granted by Order No. 533 never becomes part of the available supply of the pipeline and, therefore, it is not subject to the Commission's curtailment policies.

A further distinction lies in the difference between the Commission's obligations and responsibilities when acting under Section 4 of the Act pertaining to the review of rate increases as opposed to acting under Section 7 with respect to a certificate application. Pursuant to Section 4 we must find the rate of the proposed sale from producer to pipeline to be just and reasonable, but in a Section 7 proceeding the certificate application relates to the transportation of the gas by the interstate pipeline. Applicants under Order No. 533 will be applying under Section 7 of the Act rather than Section 4, but this does not mean that the Commission does not have the power in its deliberations on the transportation certificate application to consider, as one factor among many, the purchase price to be paid by the end user of the gas to the producer.[5]

The first transportation certificate issued under Order No. 533 was granted to Transcontinental Gas Pipe Line Corporation in Docket No. CP76-46 on October 23, 1975, in what has become known as the Dan River case. In that proceeding the purchase agreement between the end user and the producer included an indefinite pricing clause, which we found to be inconsistent with the Commission's determination in Order No. 533 that it must be capable of ascertaining the firm price to be paid for the two year certificated period. As a result, Dan River and the producer were required to file a statement that the indefinite pricing clause would not be activated during the certificate period. We also stated that the issue of indefinite provisions would be considered on reconsideration of Order No. 533.

The cost to the end user of the gas purchased pursuant to the authorization of Order No. 533 is a factor to be taken into account in determining whether a particular transportation certificate application should be approved or not. As the Court stated in *Transcontinental Gas Pipe Line Corporation* v. *Federal Power Commission*,[6]

> [t]he question for consideration * * * is whether in a § 7 proceeding the Commission may consider sales price or, more accurately, the effect the inflated price charged in one sale will have on future field prices. We have recently answered this question in favor of the Commission's jurisdiction.[7]

An element of price is the escalation clause which, in the Dan River proceeding, was tied to the current intrastate market level at the time the escalation went into effect. Since this level cannot be accurately estimated, the Commission was unable to determine whether the price which would then become effective was not at a range inconsistent with the public convenience and necessity.

An indefinite pricing clause to the base cost, such as that proffered in Dan River, would operate in the second year of the two year transportation certificate period. It is true, as the information contained in FPC Form No. 45 reflects, that a predominance of intrastate contracts contain indefinite pricing provisions. However, because proceedings under Order No. 533 are not conducted pursuant to Section 4 of the Natural Gas Act where annual increases in price would be reviewable by the Commission, but, rather, under a one-time Section 7 type analysis, the indefinite price clause makes it extremely difficult, if not impossible, for the Commission to ably judge at the time an application is filed whether the proposed transportation is consistent with the public convenience and necessity. For these reasons, upon consideration of this problem, we conclude that indefinite pricing provisions are not acceptable in Order No. 533 type applications. Transportation proposals that do contain such provisions will be considered on their individual merits, but approval will be conditioned upon elimination of the indefinite pricing clause. However, in the interest of insuring that the end user will be competitive with the intrastate purchaser, we will consider, if necessary, a firm escalation price, struck as a bargain between the end user and the producer, which is the firm price the end user must pay the producer in lieu of agreeing to indefinite pricing.

Petitioners Consumer Federation—APGA also argue that the so-called commingling theory expressed in *California* v. *LoVaca Gathering Company*[8] requires that gas transported under Order No. 533 would also be subject to the Commission's ratemaking regulations. Although this issue was fully discussed in Order No. 533, we would point out for petitioner's benefit the court's specific statement that the type of arrangement set out in our policy statement was not an issue to be decided in the *LoVaca* proceeding.

> Whether cases could be conjured up where in spite of original commingling there might be a separate so-called nonjurisdictional transaction of a precise amount of gas not-for-resale within the meaning of the Act is a question we need not reach.[9]

Consumer Federation—APGA also assert that the Commission is required by the holding in *Houston, East and West Texas Railway Company* v. *United States (Shreveport Rate Cases)*[10] to regulate sales of natural gas, whether in interstate or intrastate commerce, including the direct type sale envisioned under Order No. 533. Since we have already set forth in Order No. 533 the factors that distinguish *Shreveport* from the policy statement, it is not necessary to reiterate these points. By way of further enlightenment on this question, however, we would direct petitioner's attention to the discussion of the origin and extent of the Commission's jurisdiction presented in *Panhandle Eastern Pipe Line Company* v. *Public Service Commission of Indiana*.[11]

In that opinion the Court traced the judicial decisions that predated the Natural Gas Act, the limits placed on state regulation by those decisions, and the effect these restrictions had on what incidents of interstate commerce were placed within the jurisdiction of the Federal Power Commission. The Court summarized the Commission's power over interstate commerce as including:

> (1) the transportation of natural gas in interstate comerce; (2) its sale in interstate commerce for resale; and (3) natural gas companies engaged in such transportation or sale.[12]

---

[2] *FPC* v. *Louisiana Power & Light Co.*, 406 U.S. 631 (1972).

[3] *Id.*

[4] *See also, Florida Gas Transmission Company (Basic Magnesia, et al.)*, Docket Nos. RP74-50-1, *et al.*, Order On Petitions For Relief From Curtailment, — F.P.C. — (December 9, 1974), Order Denying Rehearing and Stay, — F.P.C. — (January 29, 1975), *appeal pending, Fort Pierce Utility Authority of the City of Fort Pierce* v. *F.P.C.*, No. 75-1397 (5th Cir. 1975).

[5] *Transcontinental Gas Pipe Line Corporation* v. *Federal Power Commission*, 365 U.S. 1 (1960).

[6] 365 U.S. 1 (1960).

[7] *Id.* at 25.

[8] 379 U.S. 366 (1965).

[9] *Id.* at 370.

[10] 234 U.S. 342 (1914). Petitioners, Consumer Federation—APGA, with the addition of the United States Conference of Mayors, have filed a petition for declaratory judgment and mandamus against the Commission before the Circuit Court of Appeals for the District of Columbia to require Commission regulation of the intrastate natural gas market. This action will be responded to in a timely manner by our Solicitor.

[11] 332 U.S. 507 (1947). *See F.P.C.* v. *Louisiana Power & Light Co.*, 406 U.S. 621 (1972); *F.P.C.* v. *Panhandle Eastern Pipe Line Co.*, 337 U.S. 498, 509-513 (1949); *Conway Corporation* v. *F.P.C.*, — F.2d —, slip op. 131-32 (D.C. Cir. 1975).

[12] *Panhandle Eastern Pipe Line Co.* v. *Public Service Comm. of Indiana*, 332 U.S. at 516.

This grant of authority did not encompass "* * * direct consumer sales, whether for industrial or other uses," [13] which is precisely the type of arrangement that is envisioned by Order No. 533.

Petitioners Consumer Federation—APGA and Florida Cities have raised no issues nor presented any new facts that were not fully considered and dealt with in Order No. 533, and, therefore, their petitions for reconsideration are denied.

In its petition for rehearing Cities asserts that the Commission erred in prohibiting the application of the policy statement to the situation where gas is sold by an affiliate of a jurisdictional pipeline to a high priority gas consumer ordinarily served by a nonaffiliated jurisdictional pipeline. With respect to Cities, petitioner contends that Cities Service Oil Company and Cities Service Gas Company, although affiliated by reason of a common parent, are not in any way related; specifically, that the producer affiliate is not operated for the benefit of the pipeline affiliate.

Producer affiliates of jurisdictional pipelines were excluded from consideration under Order No. 533 because their corporate relationship provides a strong incentive to the producer to sell to the pipeline for resale in the interstate market and because producers should not be induced to divert production intended for resale by the pipeline affiliate to higher priced industrial uses. The reasoning expressed in Order No. 533 is valid. Upon reconsideration, while we will not modify the policy statement to account expressly for certain special circumstances of the Cities' type, we will not preclude a potential applicant, such as Cities, from presenting an application to apply the policy of Order No. 533 to the facts of a particular proposal.

The main purpose underlying Order No. 533 is to allow distressed consumers an opportunity to utilize gas supplies that would ordinarily be sold intrastate. We recognize our policy, as outlined by Cities, poses a possibility that gas that would not be available to the pipeline for resale and would otherwise qualify under Order No. 533 might be sold intrastate by the affiliated producer. On the other hand, we recognize the potential for intercorporate affiliate transactions to divert to the intrastate market gas potentially available to the interstate market by innovative exchange arrangements. Therefore, if a producer affiliate of a jurisdictional pipeline seeks to apply the policy of Order No. 533 and it can demonstrate by clear and convincing evidence that the gas to be transported would not be available to its affiliate pipeline for resale in the interstate market by innovative exchange or other intersystem transactions and that gas was not being diverted to industrial use solely to procure a higher price, then it may present such transaction for consideration on its individual merits applying the policy of Order No. 533.

A company in the Cities' type situation bears a difficult burden of proof, one far in excess of that imposed for the normal § 2.79 application. It is not possible at this time to delineate the evidence it would be necessary to adduce in order to satisfy the requisite burden, but it is clear that the ability of the producer to procure a higher price from the direct sale than for the sale to its pipeline affiliate will not be a sufficient showing and would, in fact, if no other evidence were presented, operate to automatically reject the certificate application.

Phillips has petitioned this Commission to modify Order No. 533 by broadening its provisions to include new and expanded needs for high priority users rather than only existing requirements, and to sales from the offshore Federal Domain, instead of the on-shore or state controlled off-shore areas. Phillips would also grant pregranted abandonment to § 2.79 type certificates rather than limit the duration to two years with abandonment authorization required. Phillips would also expand the scope of the policy statement to include all purchases by high priority users rather than limiting the amount to the volumes being curtailed. The requests for modification presented by Phillips were discussed and decided by us in Order No. 533 and Phillips has presented no new facts or arguments of sufficient persuasiveness to warrant the changes proposed by the company. As a point of clarification, however, since the service to be performed by the pipeline would be one of transportation for a limited duration, not to exceed two years, we shall include in any such certification authorization to abandon such service under Section 7 (b) of the Natural Gas Act on the expiration date of that service.

The Transco request for clarification requires a modification of Order No. 533. We will deal with it here. At page 25 of Order No. 533 the Commission refused to include within the policy statement the transportation of gas produced by the industrial consumer itself. The Commission indicated that further study of gas produced by industrial consumers would have to precede any changes in the policy conclusions there stated.

Transco interprets this prohibition to apply only to Order No. 533 but it asserts that the referenced language is susceptible to the interpretation that the Commission's language is an expression of disapproval of industrial consumer participation in exploration and development activities. Transco is correct in its analysis as it relates to that interpretation. Upon reconsideration, we modify the policy statement to the extent herein provided. The Commission will further evaluate the application of the policy of Order No. 533 as it may relate to industrial consumer participation in exploration and development activities, if and when a specific proposal of that nature is presented to the Commission for the certification purposes of Order No. 533. We specifically encourage and invite such proposals.

Finally, we note that while Ordering Paragraph (h)(1) of Order No. 533 sets forth our policy to require that a pipeline that receives a transportation certificate must submit a monthly report, we believe that such reporting requirements should be more specific. Accordingly, we will modify Paragraph (h)(1) to require that an original and four copies of each such report shall be verified under oath and shall be filed with the Commission within 20 days after the end of each month included in the term of the transportation certificate. The pipeline shall also file a report for any month during which gas was not transported.

With the exception of the modification suggested by Transco and permitted by us, petitioner's applications for rehearing present no new facts or principles of law which warrant any modification of Order No. 533.

The Commission orders:

(A) The petitions of Consumer Federation—APGA and Florida Cities for rehearing are denied, the request of Phillips for modification and clarification, except as herein stated, is denied, the request of Transco for clarification is granted, and the application of Cities for reconsideration is granted as conditioned herein.

(B) Upon consideration, indefinite price clauses connected with the price agreement between the producer and the end use consumer are not acceptable terms under Order No. 533. Applications containing such prohibited provisions will be considered and a certificate can be granted, provided the parties agree to waive the operation of the indefinite pricing clause during the term of any certificate so issued.

§ 2.79 [Amended]

(C) Ordering Paragraph (h)(1) of § 2.79 is hereby modified by adding the following material:

* * * * *

(h) * * *

(1) * * *

An original and four copies of each such report shall be filed within 20 days after the end of each month included in the term of the transportation certificate. The pipeline shall file a report for any month during which gas was not transported.

* * * * *

By the Commission.[14]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31966 Filed 11-25-75;8:45 am]

[13] *Id.* at 519.

[14] Commissioner Springer dissenting statement filed as a part of the original document.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75F-0061]

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption; Lactylic Esters of Fatty Acids

The Commissioner of Food and Drugs is amending § 121.1048 *Lactylic esters of fatty acids* (21 CFR 121.1048) to remove the physical state limitation on substitutes for milk or cream in beverage coffee, effective November 26, 1975.

A notice published in the FEDERAL REGISTER of July 2, 1975 (40 FR 27960) announced that a food additive petition (FAP 5A3102) had been filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Bldg., Cleveland, OH 44115, proposing that § 121.1048 be amended in paragraph (b) by deleting from the "Foods" column the term "Solid-state" from the food item "Solid-state edible vegetable fat-water emulsions." The removal of this term would expand the uses of lactylic esters of fatty acids to any edible vegetable fat-water emulsion used as a substitute for milk or cream in beverage coffee so as to include all physical forms such as dry, frozen, and liquid coffee whiteners.

The Commissioner, having evaluated the data in the food additive petition and other relevant material, concludes that § 121.1048 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1048 is amended in paragraph (b) by revising the food item "Solid-state edible vegetable fat-water emulsions" to read as follows:

§ 121.1048 Lactylic esters of fatty acids.

* * * * *

(b) * * *

Foods	*Limitations*
Edible vegetable fat-water emulsions.	As substitutes for milk or cream in beverage coffee.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before December 26, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 26, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: November 20, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-31872 Filed 11-25-75;8:45 am]

[Docket No. 75F-0310]

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption; Acrylate-Acrylamide Resins

The Commissioner of Food and Drugs is amending the food additive regulations in § 121.1092 *Acrylate-acrylamide resins* (21 CFR 121.1092) to extend the use of acrylamide-acrylic acid resin (hydrolyzed polyacrylamide) as a flocculent in the clarification of beet sugar juice or cane sugar juice to include beet sugar liquor or cane sugar liquor; effective November 26, 1975; objections by December 26, 1975.

Notice was given by publication in the FEDERAL REGISTER of September 5, 1974 (39 FR 32170) that a petition (FAP 3A2904) had been filed by Tate & Lyle Enterprises Ltd., 1 Cosmos House, Bromley Common, Bromley, BR2 9NA, England, proposing that § 121.1092 be amended to extend the use of acrylamide-acrylic acid resin (hydrolyzed polyacrylamide) as a flocculent in the clarification of beet sugar juice or cane sugar juice to include beet sugar liquor or cane sugar liquor in an amount not to exceed 10 parts per million by weight of the liquor.

The Commissioner, having evaluated data in the petition and other relevant material concludes that § 121.1092 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1092 is amended by revising paragraph (c)(1) to read as follows:

§ 121.1092 Acrylate-acrylamide resins.

* * * * *

(c) * * *

(1) The additive identified in paragraph (a)(1) of this section is used as a flocculent in the clarification of beet sugar juice and liquor or cane sugar juice and liquor in an amount not to exceed 5 parts per million by weight of the juice or 10 parts per million by weight of the liquor.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before December 26, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 26, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: November 20, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-31873 Filed 11-25-75;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 14]

PART 214—ADVISORY COMMITTEE MANAGEMENT

Procedural Requirements

The purpose of the following amendments is to clarify certain procedural requirements with respect to the Regulation. The provisions relating to denial of access to Advisory Committee records have been modified to bring access to such records under the same rules as access to Agency records which is governed by A.I.D. Regulation 12 (Freedom of Information). The provisions authorizing exceptions to the 15-day advance publication requirement are modified to limit such exceptions only to emergency situations.

1. Section 214.11(c) is revised as follows:

§ 214.11 Establishment and chartering requirements.

* * * * *

(c) Each advisory committee established or used by A.I.D. is required to file a charter with the A.I.D. Administrator, the House International Relations Committee and the Senate Foreign Relations Committee, before meeting or taking any action.

* * * * *

2. Section 214.13(b)(8) is revised as follows:

§ 214.13 Responsibilities within A.I.D.

* * * * *

(b) * * *

(8) Transmits approved advisory committee charters to the House International Relations Committee, the Senate Foreign Relations Committee, and the Library of Congress.

3. Section 214.33(a)(2) is revised as follows:

§ 214.33 Notice of meetings.

(a) * * *

(2) Exceptions to the fifteen (15) day advance publication requirement are granted in emergency situations as determined by the Administrator, A.I.D. In such situations, the facts on which exception is based are to be included in the Notice of the meeting.

* * * * *

4. Section 214.37 is revised as follows:

§ 214.37 Public access to committee records.

Records maintained in accordance with § 214.36 are subject to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. and, thus, are available for public inspection and copying pursuant to A.I.D. Regulation 12–Public Information (22 CFR Part 212), subject to the general oversight of the A.I.D. Advisory Committee Management Officer.

Effective date: These amendments are effective November 3, 1975.

Dated: November 3, 1975.

(Sec. 621 Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381); Sec. 8(a) Federal Advisory Committee Pub. L. 92–463; Exec. Order 11686)

CHARLES A. MANN,
Assistant Administrator for Program and Management Services.

[FR Doc.75–30951 Filed 11–14–75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–796]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of South El Monte, Calif.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968) (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10), hereby gives notice of his final determinations of flood hazards for the City of South El Monte, California under § 1917.8 of Title 24 of the Code of Federal Regulations.

Accordingly, the Administrator has determined that no 100-year flood frequency elevation is known to exist in the above named community.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–31893 Filed 11–25–75;8:45 am]

[Docket No. FI–795]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of South Pasadena, Calif.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10), hereby gives notice of his final determinations of flood hazards for the City of South Pasadena, CA under § 1917.8 of Title 24 of the Code of Federal Regulations.

Accordingly, the Administrator has determined that no 100-year flood frequency elevation is known to exist in the above named community.

(National Food Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–31894 Filed 11–25–75;8:45 am]

[Docket No. FI–239]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Lindenhurst, Ill.

On April 11, 1974, in 39 FR 13147, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Lindenhurst, Illinois, as an eligible community and included Map No. H 170379 01 which indicates that Lot 18, Block 200, Seven Hills Unit No. 27, Lindenhurst, Illinois, recorded as Document 1368554 in the office of the Recorder of Lake County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective April 5, 1974, Map No. H 170379 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1975)

Issued: November 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–31896 Filed 11–25–75;8:45 am]

[Docket No. FI–789]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Brazoria County, Tex.

On May 8, 1971, in 36 FR 8567, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Brazoria County, Texas, as an eligible community and included Map No. H 485458A 12 which indicates that Lots 42, 49, and 56, Oliver and Barrows Subdivision in the T. S. Lee Survey, Brazoria County, Texas, as recorded in Volume 2, Page 97 of the Plat Records in the office of the Clerk of the County Court, Brazoria County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective May 7, 1971, Map No. H 485458A 12 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: November 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–31897 Filed 11–25–75;8:45 am]

[Docket No. FI-257]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Plano, Tex.

On May 6, 1974, in 39 FR 15874, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Plano, Texas, as an eligible community and included Map No. H 480140 06 which indicates that Lots 1 through 5, Block 4, Parker Road Estates West No. 1-W, Plano, Texas, as recorded in Volume 8, Page 65 in the office of the Clerk of Collin County, Texas, are within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property, with the exception of the Drainage Easements as shown on the recorded plat map, is not within the Special Flood Hazard Area. Accordingly, effective May 10, 1974, Map No. H 480140 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: November 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-31898 Filed 11-25-75;8:45 am]

[Docket No. FI-326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Huntington, Vt.

On August 7, 1974, in 39 FR 28432, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Huntington, Vermont, as a community with special hazard areas and included Map No. H 500036 01, which indicates that Lot No. 13 on Plot No. 1, Huntington, Vermont, as recorded in Volume 24, Page 332B, of the Land Records of the Town of Huntington, Vermont, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective July 21, 1974, Map No. H 500036 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: November 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-31899 Filed 11-25-75;8:45 am]

[Docket No. FI-792]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Chesapeake, Va.

On July 18, 1970, in 35 FR 11586, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Chesapeake, Virginia, as an eligible community and included Map No. H 510034 02 which indicates that Lot 6, Block 68, Norfolk Highlands Subdivision No. 1, Chesapeake, Virginia, as recorded in Map Book 10, Pages 63 and 65 in the office of the Clerk of the Circuit Court of Chesapeake, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective July 18, 1970, Map No. H 510034 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-31900 Filed 11-25-75;8:45 am]

[Docket No. FI-791]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Chesapeake, Va.

On July 18, 1970, in 35 FR 11586, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Chesapeake, Virginia, as an eligible community and included Map No. H 510034 01 which indicates that Lot 237, Section 3, Green Meadow Point Subdivision, being 2830 Meadowview Road, Chesapeake, Virginia, as recorded in Map Book 44, Page 48 in the office of the Clerk of the Circuit Court of Chesapeake, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective July 18, 1970, Map No. H 510034 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: November 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-31901 Filed 11-25-75;8:45 am]

[Docket No. FI-788]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Va.

On January 8, 1972, in 39 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 12 which indicates that Lot 21, Section 1, Twinmill Subdivision, Fairfax County, Virginia, as recorded in Deed Book 3869, Page 383 in the office of the Clerk of the Court, Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after fur-

ther technical review of the above map in light of additional, recently acquired flood information, that the above property is in Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property afttr the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 12 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued November 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-31902 Filed 11-25-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1902—STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Procedures for Determinations Under Section 18(e) of the Occupational Safety and Health Act of 1970

1. *Background.* On July 2, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 27946) concerning regulations under section 18(e) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act). The purpose of the regulations is to set out the policies and procedures by which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary), under a delegation of authority from the Secretary of Labor (Secretary's Order 12-73, 37 FR 8754), will make a determination as to whether or not a State whose plan has been approved under section 18(c) of the Act, is applying the criteria of that section in actual operations in such a manner as to warrant the termination of the application of discretionary Federal enforcement authority and standards in issues covered under the plan.

After consideration of the relevant material which has been submitted by interested persons, the proposal is hereby adopted with some changes.

2. *Public comments.* Comments were received from the States of Alaska, California, Kentucky, Michigan, Minnesota, New Mexico, North Carolina, Oregon, Rhode Island, South Carolina, Vermont, and Washington; and from Guam, the Air Transport Association, the Minnesota Public Interest Research Group (MPIRG), the Square D Company, and the United States Civil Service Commission. Contemporaneously with its submission for public comment, the proposal was submitted to the Advisory Committee on Intergovernmental Relations.

The comments generally requested that additional clarifications be added to the regulations, particularly with regard to the provision that the Assistant Secretary may consider, not only those matters set out in the proposed § 1902.37, but "other factors" in making an 18(e) determination; certain standards for the determination; and certain time limits set forth in the regulations. The comments also indicated misunderstandings concerning the basis for the provision for the one-year evaluation period following completion of all developmental steps; the requirement that the State implement changes deemed necessary as a result of evaluations before the end of the developmental period, and the standard concerning the impact of decisions by a State review commission and the State courts on a State's authority. These and other comments are addressed below.

3. *Discussion of changes.* Several changes have been made in the regulations to provide greater clarity as follows:

(a) There was extensive comment on the provisions of §§ 1902.32(b), 1902.37 (a) and 1902.38 which proposed that the Assistant Secretary may consider "other factors" or "evidence" which may be deemed appropriate for an informed decision. Several States were concerned that the use of "other factors" would provide a broad range of subjects which may be beyond the requirements of this part and if the Assistant Secretary considers such other factors, they should be informed of what the factors will be (California, Michigan, Washington). Under this language, it was not intended to apply criteria beyond those listed in the Act and regulations in making an 18(e) determination. It was intended that the Assistant Secretary consider other information which may be available to him such as public comments, information from any hearings, studies by an outside party of operations under a plan and similar types of information. Consideration of such additional information is the usual practice in making a determination involving the exercise of administrative discretion, such as that required under section 18(e). Accordingly, we have deleted the words "other factors" and the word "evidence" and inserted in lieu thereof the words "other information".

(b) The language of § 1902.35 has been revised to clarify the effect of the certification, acknowledging the completion of all of a State's developmental steps, on Federal enforcement and standards authority. Under section 18(e) of the Act, discretionary Federal enforcement authority as to Federal standards is not relinquished during the 18(e) evaluation period.

(c) There was extensive comment concerning the standards which the Assistant Secretary would consider under § 1902.37. That section has been reorganized and revised in the interest of clarity. The word "standards" in the heading under § 1902.37 has been replaced by the word "factors". The revisions to specific factors are more fully discussed below, where appropriate.

(d) The requirement concerning the effectiveness of State standards in § 1902.37(c)(3) has been revised and renumbered § 1902.37(b)(4) to make it applicable to Federal standards adopted by the State as well as to standards developed and promulgated by a State. This requirement is addressed to the application and interpretation of State standards. Such application and interpretation must be at least as effective as that for the comparable Federal standards. Where a State has developed and promulgated its own standards, such standards must be interpreted and applied by the State in the manner which does not derogate the effectiveness of such standards. This factor acknowledges that the Assistant Regional Director may have approved standards developed and promulgated by a State, but focuses on the requirement that such standards meet the "at least as effective as" test in actual application.

(e) The factor under § 1902.37(c)(3) of the proposal regarding State standards withstanding administrative and judicial challenge has been revised and renumbered § 1902.37(b)(5). If any State standard, whether a Federal standard adopted by the State or a standard developed and promulgated by the State, has been subject to administrative or judicial challenge, the State must take the necessary administrative, legislative or judicial action, to correct deficiencies in the State program resulting from such challenge. For example, if a State standard has been vacated as a result of a court proceeding, the State must promulgate a standard which would withstand further judicial challenge. This factor addresses those State standards which have actually been challenged and not whether State standards are capable of withstanding judicial or administrative challenge. (Washington). One State noted that a judicial proceeding could be pending at the time an 18(e) determination is under consideration and the State may be prejudiced by this factor irrespective of the merits of the challenge (California). If such a situation should arise, the Assistant Secretary is allowed a degree of discretion in considering this factor and may consider the merits of the challenge. The manner in which the State generally responds to such challenges, would also weigh in the determination.

(f) The standard of § 1902.37(b)(8) concerning target industries and target health hazards has been changed to make it clear that the targets are those targets selected by the State. (Washington and Michigan).

(g) One State (California) objected to the standard of § 1902.37(c)(12) of the proposal, specifying that decisions by a State's review commission and the State

courts should not detract significantly from the State's authority to enforce standards. Since the designated agency has no direct control over the courts or the review commission, the proposal of § 1902.37(c)(12), renumbered § 1902.37(b)(14), has been modified to make it clear that the Assistant Secretary will consider whether the State has taken necessary administrative, legislative, or judicial action in response to an adverse administrative or judicial decision.

(h) One of the standards which was proposed concerned favorable trends in occupational safety and health injury and illness rates, particularly the results of the annual OSH survey by the Bureau of Labor Statistics. Since an analysis of the BLS survey may not be available for at least a year after the survey has been conducted, the language of the standard has been amended to provide for its utilization wherever available, or the utilization of any other valid statistical information, such as State workmen's compensation injury and illness surveys as a tool in evaluating the effectiveness of a State plan.

(i) The standard of § 1902.37(c)(14) of the proposal concerning public employee programs has been deleted as being repetitious. Section 1902.3(j) of this chapter provides that, to the extent permitted by State law, a State must have a safety and health program for State and local government employees which must be at least as effective as the standard covering private employees. This requirement has been incorporated by reference into the factors for an 18(e) determination under § 1902.37(a).

(j) Following publication of the certification of the completion of all developmental steps, a State's program will be subject to extensive evaluation and monitoring for at least one year. It was proposed that the Assistant Regional Director conduct such evaluations every 6 months. However, due to the extreme importance of an 18(e) determination, the need to provide more timely information to the States to correct any deficiencies which may be discerned in the evaluations, and the need for a well-informed decision by the Assistant Secretary, it has been determined that such evaluations are to be conducted on a quarterly basis. Accordingly, § 1902.38(b) has been revised to provide that the Assistant Regional Director shall prepare a quarterly report of his evaluations of the actual operations under the State plan.

(k) The provision in § 1902.39(c) concerning the time limits for republication of a notice by the State whenever it has been determined that the State is eligible for an 18(e) determination has been changed to require that the State publish such a notice within 10 days after publication in the FEDERAL REGISTER. Related changes have also been made in minimum publication periods. These changes were deemed necessary because some States, particularly the Western states, do not always receive the FEDERAL REGISTER within 5 days of its publication (California, Washington).

(l) Section 1902.39 has been revised by adding a new paragraph to provide for publication of a notice within the affected State whenever the Assistant Secretary publishes a notice of an informal hearing in the FEDERAL REGISTER. Such notice must be published within 10 days of publication in the FEDERAL REGISTER. Publication of such notice within the affected State is of critical importance in order to assure that interested persons within the State have an opportunity to participate in the informal hearing.

(m) The certification that a State has completed all of its developmental steps is to include documentation that the actual operation of the State's merit system has been found acceptable by the Occupational Safety and Health Administration. Section 1902.34(b)(3) has been changed to make it clear that States must provide for coverage of the State staff under an approved State merit system.

4. *Discussion of provisions that were not changed.* (a) The nature of the 18(e) determination is such that extensive and careful evaluations of a State's program in full and actual operation must be made before the Assistant Secretary may make his decision whether or not to grant an affirmative 18(e) determination. A State's program is not deemed to be in full and actual operation until it has completed all its developmental steps. In most cases the State must complete its development schedule by the end of three years following plan approval or the commencement of operations under the plan. In no case may the end of the developmental period be later than three years following the effective date of the initial funding grant. There may also be some cases where a State may complete all its developmental steps before the end of the three year developmental period. In any event, under § 1902.2(b), the Assistant Secretary may not make an 18(e) determination until the State has completed all the developmental steps specified in its plan and the Assistant Secretary has had at least one year to evaluate the plan on the basis of actual operations.

(b) Several States objected to the one year evaluation period. It was believed that section 18(e) of the Act did not authorize an additional year for evaluations beyond the three year period specified in the Act (Oregon, Minnesota, North Carolina). However, the Act provides for a period of at least three years of evaluations and sets no statutory framework setting forth the maximum period within which the 18(e) determination must be made. Moreover, § 1902.2(b) clearly states that the State would be subject to 1 year of evaluation of actual operations under the plan following the completion of all developmental steps. Any change from this previous policy would seriously impair the Assistant Secretary's ability to make a fully informed 18(e) determination. It is also clear from the Act that Congress did not intend that the Assistant Secretary make his determination without the benefit of his evaluations of a fully operating State program. Accordingly, it is necessary to provide for the 1 year of evaluation following the completion of all developmental steps.

(c) The definition of a developmental step in § 1902.31 included the phrase "changes deemed necessary as a result of evaluations". There appeared to be some misunderstanding over the intent of the phrase (Minnesota). Some portions of a State plan may have been approved subject to evaluation because of a significant departure from comparable Federal provisions (See e.g. Michigan, Colorado approval decisions (38 FR 27388, 38 FR 25172)). If it is found that any items in the approval decision which were subject to evaluations in actual operation do not meet the 18(c) criteria and appear to detract from the effectiveness of the State's program, the State is required to change such items within the 3 year developmental period as required under Part 1953 of this Title.

(d) Several comments were addressed to an apparent lack of detailed standards which the Assistant Secretary would consider in making an 18(e) determination (MPIRG, Square D Company). As stated in § 1902.37(a), the Assistant Secretary will consider whether the criteria and indices of effectiveness of §§ 1902.3 and 1902.4 are being applied. All of the factors suggested by the comments are included within §§ 1902.3 and 1902.4 and incorporated by reference. The factors enumerated under §1902.37(b) are intended to provide means for evaluating the application of the criteria and indices of Subpart B of this Part in order to make the determination required by section 18(e).

(e) Any hearings which may be held under § 1902.40 are to be legislative in type. One State suggested that the hearing officer should have the power of subpoena as well as the power to administer oaths and take evidence under oath. (Washington). The purpose of an informal hearing under § 1902.40 is to gather information which will aid the Assistant Secretary in making his determination under section 18(e). The Assistant Secretary has means other than subpoena and oath powers which would enable him to secure information necessary for an informed 18(e) determination. The States are required to submit reports to the Assistant Secretary under section 18(f) of the Act and the Assistant Secretary is required to conduct inspections under section 18(f) of the Act in his continuing evaluation of the manner in which a State is carrying out its plan. Section 8 provides authority for the Assistant Secretary in making inspections and investigations to require the attendance and testimony of witnesses and the production of evidence under oath.

(f) One comment suggested that the public be given an opportunity to participate and comment on the certification of the completion of developmental steps. The certification only acknowledges the completion of approved developmental steps. In accordance with the provisions of 5 U.S.C. 553, the public is given an opportunity to comment on such steps

upon publication in the FEDERAL REGISTER prior to their approval by the Assistant Secretary in accordance with the State's developmental schedule. In addition, the public is given an opportunity to comment on a State's performance during the comment period or any proceedings provided for prior to an 18(e) determination.

In accordance with the above, Chapter XVII of Title 29, Code of Federal Regulations, is hereby amended by adopting Subpart D to Part 1902 effective December 26, 1975. The New Subpart D of Part 1902 reads as follows:

Subpart D—Procedures for Determinations Under Section 18(e) of the Act

General

Sec.
1902.30 Purpose and scope.
1902.31 Definitions.
1902.32 General policies.

Completion of Development Steps—Certification

1902.33 Developmental period.
1902.34 Certification of completion of development steps.
1902.35 Effect of certification.

Basis for 18(e) Determinations

1902.36 General provisions.
1902.37 Factors for determination.

Procedures for 18(e) Determinations

1902.38 Evaluation of plan following certification.
1902.39 Completion of evaluation.
1902.40 Informal hearing.
1902.41 Decision.
1902.42 Effect of affirmative 18(e) determination.
1902.43 Affirmative 18(e) decision.
1902.44 Requirements applicable to State plans granted affirmative 18(e) determination.
1902.45 [Reserved.]
1902.46 Negative 18(e) determination.

Procedure for Reconsideration and Revocation of an Affirmative 18(e) Determination

1902.47 Reconsideration of an affirmative 18(e) determination.
1902.48 The proceeding.
1902.49 General notice.
1902.50 Informal hearing.
1902.51 Certification of the record of a hearing.
1902.52 Decision.
1902.53 Publication of decisions.

AUTHORITY: Secs. 8(g)(2), 18, 84 Stat. 1598, 1608 (29 U.S.C. 657(g)(2), 667).

General

§ 1902.30 Purpose and scope.

This subpart contains procedures and criteria under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 12–71, 36 FR 8754) will make his determination on whether to grant final approval to State plans in accordance with the provisions of section 18(e) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act).

§ 1902.31 Definitions.

As used in this subpart, unless the context clearly indicates otherwise:

"Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*)

"Affirmative 18(e) determination" means an affirmative determination under section 18(e) of the Act that the State plan or any modification thereof, is in actual operation meeting the criteria and indices of section 18(c) of the Act and Subpart B of this part so as to warrant the withdrawal of the application of discretionary Federal enforcement and standards authority from issues covered by the plan, or by any modification thereof.

"Assistant Regional Director" means the Assistant Regional Director for Occupational Safety and Health for the region in which a State is located.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health.

"Commencement of a case" under section 18(e) of the Act means, for the purpose of retaining Federal jurisdiction despite an affirmative 18(e) determination, the issuance of a citation, and in the case of an imminent danger, the initiation of enforcement proceedings under section 13 of the Act.

"Commencement of plan operations" means the beginning of operations under a plan following the approval of the plan by the Assistant Secretary and in no case may be later than the effective date of the initial funding grant provided under section 23(g) of the Act.

"Development step" includes, but is not limited to, those items listed in the published developmental schedule, or any revisions thereof, for each plan contained in 29 CFR Part 1952. A developmental step also includes those items specified in the plan as approved under section 18(c) of the Act for completion by the State, as well as those items which under the approval decision were subject to evaluations. (See e.g., approval of Colorado and Michigan plans, 38 FR 25172, 38 FR 27388, respectively), and changes deemed necessary as a result thereof to make the State program at least as effective as the Federal program within the 3 years developmental period. (See 29 CFR 1953.10(a)).

"Initial approval" means approval of a State plan, or any modification thereof, under section 18(c) of the Act and Subpart C of this part.

"Person" means any individual, partnership, association, corporation, business trust, legal representative, organized group of individuals, or an agency, authority or instrumentality of the United States or of a State.

"Separable portion of a plan" for purposes of an 18(e) determination generally means more than one industrial, occupational or hazard grouping as defined in § 1902.2(c)(1) which is administratively practicable and reasonably separable from the remainder of the plan. (See 29 CFR 1952.6(a)).

§ 1902.32 General policies.

(a) Sections 18 (e) and (f) of the Act provide for the continuing evaluation and monitoring of State plans approved under section 18(c) of the Act. The Assistant Secretary's decision whether to grant an affirmative 18(e) determination will be based, in part, on the results of these evaluations. Section 18(e) provides that a period of not less than 3 years shall have passed before the Assistant Secretary may make a determination that the State program in actual operations is applying the criteria of section 18(c) of the Act. In the case of a developmental plan, § 1902.2(b) of this part requires that the Assistant Secretary must have at least one year in which to evaluate the plan's actual operations following the completion of all developmental steps specified in the plan. Thus, to be considered for an 18(e) determination, at least three years shall have passed following commencement of operations after the initial approval of a State's occupational safety and health plan by the Assistant Secretary. In the case of a developmental plan, at least one year shall have passed following the completion of all developmental steps, but, in any event, at least three years must have passed following initial approval of the plan before discretionary Federal enforcement authority and standards may be withdrawn from issues covered by an approved plan.

(b) In making an 18(e) determination, the Assistant Secretary will determine if actual operations under a State's plan, or under a separable portion of the plan, indicate that the State is applying the criteria of section 18(c) of the Act and the indices of effectiveness of Subpart B of this part in a manner which renders operations under the plan "at least as effective as" operations under the Federal program in providing safe and healthful employment and places of employment within the State. In making this determination, the Assistant Secretary may consider such information which he deems appropriate for an informed decision.

(c) If the Assistant Secretary makes an affirmative 18(e) determination, the Federal enforcement provisions of sections 5(a)(2), 8 (except for the purposes of continuing evaluations under section 18(f) of the Act), 9, 10, 13 and 17 and standards promulgated under section 6 of the Act shall not apply with respect to those occupational safety and health issues covered under the plan which have been given an affirmative 18(e) determination. However, the Assistant Secretary may retain jurisdiction over proceedings commenced under sections 9, 10 and 13 of the Act before the date of his determination. In addition, the Assistant Secretary shall retain his jurisdiction under the anti-discrimination provisions of section 11(c) of the Act.

(d) If the Assistant Secretary determines that a State plan, or any portion thereof, has not met the criteria for an 18(e) determination, he shall retain his authority under the enforcement provisions of sections 5(a)(2), 8, 9, 10, 13, and 17 and his standards authority under section 6 of the Act in the issues found

ineligible for an 18(e) determination. In addition, his decision may result in the commencement of proceedings for withdrawal of approval of the plan, or any separable portion thereof, under 29 CFR Part 1955.

(e) Once a State's plan, or any modification thereof, has been given an affirmative 18(e) determination, the State is required to maintain a program which will meet the requirements of section 18(c) and will continue to be "at least as effective as" the Federal program operations in the issues covered by the determination. As the Federal program changes and thereby becomes more effective, the State is correspondingly required to adjust its program at a level which would provide a program for workplace safety and health which would be "at least as effective as" the improvements in the Federal program. A failure to comply with this requirement may result in the revocation of the affirmative 18(e) determination and the resumption of Federal enforcement and standards authority and/or in the commencement of proceedings for the withdrawal of approval of the plan, or any portion thereof, pursuant to 29 CFR Part 1955.

(f) The Assistant Secretary may reconsider and, if necessary, rescind or revoke all or a separable portion of an affirmative 18(e) determination and reinstate concurrent Federal enforcement authority if he finds that a State does not maintain its commitment to provide a program for employee safety and health protection meeting the requirements of section 18(c) of the Act. This authority is designed to be used in instances where operations under a State program are found to be less effective than under the Federal program because of unusual circumstances which are temporary in nature. The Assistant Secretary may also use this procedure to reinstate Federal enforcement authority in conjunction with plan withdrawal proceedings in order to ensure that there is no serious gap in his commitment to assure safe and healthful working conditions so far as possible for every employee.

Completion of Developmental Steps—Certification

§ 1902.33 Developmental period.

Upon the commencement of plan operations after the initial approval of a State's plan by the Assistant Secretary, a State has three years in which to complete all of the developmental steps specified in the plans as approved. Section 1953.11 of this chapter sets forth the procedures for the submission and consideration of developmental changes by the Assistant Secretary. Generally, whenever a State completes a developmental step, it must submit the resulting change as a supplement to its plan together with relevant documentation to the Assistant Secretary for his approval. The Assistant Secretary's approval of such changes is then published in the Federal Register and the pertinent subparts of Part 1952 of this chapter are amended to reflect the completion of a developmental step.

§ 1902.34 Certification of completion of developmental steps.

(a) Upon the completion of all of the developmental steps in a State's plan, which is to be accomplished not later than three years following commencement of plan operations after approval of the plan by the Assistant Secretary under section 18(c), the Assistant Regional Director shall certify, as provided in paragraph (b) of this section, that all developmental steps in the plan have been met and that the State's program is to be evaluated on the basis of its eligibility for an 18(e) determination after at least one year of evaluations of the plan.

(b) Upon determining that a State has completed all of its developmental steps, the Assistant Regional Director shall prepare a certification which he shall promptly forward to the Assistant Secretary. The certification shall include, but shall not be limited to, the following:

(1) A list of all developmental steps or revisions thereof, plan amendments or changes which result in the completion of the steps or revisions thereof, and the dates the Assistant Secretary's or the Assistant Regional Director's approval of each change was published in the FEDERAL REGISTER;

(2) Substantive changes, if any, in the State program which were approved by the Assistant Secretary and their dates of publication in the FEDERAL REGISTER;

(3) Documentation that the legal basis for the applicable State merit system has been approved by the U.S. Civil Service Commission and that the actual operations of the State merit system has been found acceptable by the Occupational Safety and Health Administration with the advice of the U.S. Civil Service Commission; and

(4) A description of the issues which are covered by the State plan. Where applicable, the certification shall include a description of those separable portions of the plan which have been certified for 18(e) evaluation purposes as well as those portions of the plan which were not certified by the Assistant Regional Director.

(c) After a review of the certification and the State's plan, if the Assistant Secretary finds that the State has completed all the developmental steps specified in the plan, he shall publish the certification in the FEDERAL REGISTER and amend the appropriate subpart of Part 1952 of this chapter to reflect this finding.

§ 1902.35 Effect of certification.

Publication of the certification acknowledging the completion of all of the developmental steps in a State's plan will automatically initiate the evaluation of a State's plan for the purposes of an 18(e) determination. Evaluation for the purposes of an 18(e) determination will continue for at least one year after the publication of the certification in the FEDERAL REGISTER. Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 11(c), 13, and 17 of the Act and Federal standards authority under section 6 of the Act will not be relinquished during the evaluation period. Evaluation conducted for 18(e) determination purposes will be based on the criteria set forth in §§ 1902.37 and 1902.38.

Basis for 18(e) Determinations

§ 1902.36 General provisions.

(a) In making his evaluation of the actual operations of a State's plan for the purposes of an 18(e) determination, the Assistant Secretary shall consider all relevant data which will aid him in making an effective determination. In his evaluation he shall consider whether the requirements of section 18(c) of the Act and the criteria for State plans outlined in Subpart B of this part as well as those in § 1902.37 are being applied in actual operations for a reasonable period of time in a manner which warrants the termination of concurrent Federal enforcement authority and standards in issues covered under the plan.

(b) The Assistant Secretary's evaluation for an 18(e) determination will be addressed to consideration of whether the criteria and indices in § 1902.37(a) are being applied by the State in such a manner as to render its program in operation at least as effective as operations under the Federal program. In considering the question of such application, the Assistant Secretary shall also consider the factors provided under § 1902.37(b). The Assistant Secretary's evaluation may include such other information on the application of the criteria and indices in § 1902.37 such as information developed from comments received from the public and the results of any hearings which may have been held under § 1902.40 concerning the proposed 18(e) determination.

§ 1902.37 Factors for determination.

(a) The Assistant Secretary shall determine if the State has applied and implemented all the specific criteria and indices of effectiveness of §§ 1902.3 and 1902.4 of this part.

(b) In determining whether a State has applied the criteria and indices of effectiveness in paragraph (a) of this section in actual operations, the Assistant Secretary will, among other things related to the application of the criteria and indices, consider whether:

(1) The State has a sufficient number of adequately trained and competent personnel to discharge its responsibilities under the plan.

(2) The State has adhered to the procedures which it has adopted and which have been approved either under the State plan or in State plan changes or under any other procedures for approval authorized by the Assistant Secretary.

(3) The State has timely adopted all Federal Standards, and amendments thereto, for issues covered under the plan or has timely developed and promulgated standards which are at least as effective as the comparable Federal standards and amendments thereto.

(4) If the State has adopted Federal standards, the State's interpretation and application of such standards have been consistent with the applicable Federal interpretation and application. Where the State has developed and promulgated

its own standards, such standards have been interpreted and applied in a manner which is at least as effective as the interpretation and application of comparable Federal standards. This requirement acknowledges that State standards may have been approved by the Assistant Regional Director, but emphasizes the requirement that the standards are to be at least as effective as the comparable Federal standards in actual operations.

(5) If any State standard, whether it is an adopted Federal standard or a standard developed by a State, has been subject to administrative or judicial challenge, the State has taken the necessary administrative, judicial or legislative action to correct any deficiencies in its program resulting from such challenge.

(6) In granting permanent variances from a standard the State has assured that the employer provides conditions of employment which are as safe and healthful as those which would prevail if he complied with the standard.

(7) In granting temporary variances from a standard, the State has ensured that the recipient of the variance has come into compliance with the standard as early as possible.

(8) The State inspection program is being implemented in a manner which allows a sufficient allocation of resources to be directed toward target industries and target health hazards as designated by the State while providing adequate attention to all other workplaces covered under the plan, or any modification thereof.

(9) The State exercises the authority through appropriate means, to enforce its right of entry and inspection whereever such right of entry or inspection is refused.

(10) Inspections of workplaces are conducted by State inspectors in a competent manner, following approved enforcement procedures. This includes a requirement that the inspectors obtain citations which may be issued.

(11) The State issues citations, proposed penalties and notices for failure to abate in a timely manner.

(12) The State proposes penalties in a manner at least as effective as under the Federal program, including the proposing of penalties for first instance violations and the consideration of factors comparable to those required to be considered under the Federal program.

(13) The State ensures the abatement of hazards for which a citation has been issued, including the issuance of notices of failure to abate and appropriate penalties.

(14) Wherever appropriate, the State agency has sought administrative and judicial review of adverse adjudications. This factor also addresses whether the necessary administrative, legislative or judicial action to correct any deficiencies in its enforcement program resulting from an adverse administrative or judicial determination.

(15) Insofar as it is available, analysis of the annual occupational safety and health survey by the Bureau of Labor Statistics, as well as of other available Federal and State measurements of program impact on worker safety and health, which analysis also takes into consideration various local factors, indicates that trends in worker safety and health injury and illness rates under the State program compare favorably to those under the Federal program.

Procedures for 18(e) Determination

§ 1902.38 Evaluation of plan following certification.

(a) Following the publication in the FEDERAL REGISTER under § 1902.34 of the certification acknowledging the completion of all developmental steps specified in the plan, or any portion thereof, the Assistant Secretary will evaluate and monitor the actual operations under the State plan for at least 1 year before determining whether the State is eligible for an 18(e) determination. The evaluation will assess the actual operation of the State's fully implemented program in accordance with the criteria in § 1902.37 and take into account any information available to the Assistant Secretary affecting the State's program.

(b) The Assistant Regional Director shall prepare a quarterly report of his evaluation of the actual operations under the State plan or any portion thereof in narrative form. The Assistant Regional Director's evaluation report will be transmitted to the Assistant Secretary who will then transmit the report to the State. The State shall be afforded an opportunity to respond to each evaluation report.

§ 1902.39 Completion of evaluation.

(a) After evaluating the actual operations of the State plan, or any portion thereof, for at least 1 year following publication of the certification in the Federal Register under § 1902.34, the Assistant Secretary shall notify the State whenever he determines that the State will be eligible for an 18(e) determination. In addition, a State may request an 18(e) determination following the evaluation period noted above. In no case shall this determination of eligibility be later than 2 years following the publication of the certification of the completion of developmental steps in the Federal Register under § 1902.34. In the case of a plan which was not developmental, the determination of eligibility shall not be sooner than 3 years following the date of commencement of operations under the plan.

(b) After it has been determined that a State will be eligible for an 18(e) determination, the Assistant Regional Director shall prepare a final report of his evaluation of the actual operations under a State's plan or portion thereof which may be subject to the 18(e) determination. The Assistant Regional Director's report shall be transmitted to the Assistant Secretary. The Assistant Secretary shall transmit such report to the State and the State shall have an opportunity to respond to the report.

(c) Whenever it has been determined that a State's plan, or separable portion thereof, is eligible for an 18(e) determination, the Assistant Secretary shall publish a notice in the FEDERAL REGISTER. The notice shall meet the requirements of the remaining paragraphs of this section. No later than 10 days following the publication of the notice in the FEDERAL REGISTER, the affected State agency shall publish, or cause to be published, within the State, reasonable notice containing the same information.

(d) The notice shall indicate that the plan, or any separable portion thereof, is in issue before the Assistant Secretary for a determination as to whether the criteria in section 18(c) of the Act are being applied in actual operation, and indicate the particular substantive issues, if any, for consideration in making such determination. Where a portion of a plan is in issue for such a determination, the notice shall specify such portions of the plan as well as those portions of the plan which are not in issue for the determination.

(e) The notice shall afford interested persons an opportunity to submit in writing, data, views, and arguments on the proposed 18(e) determination, and the affected State an opportunity to respond to such submissions.

(f) The notice shall also state that any interested person or the affected State may request an informal hearing concerning the proposed 18(e) determination whenever particularized written objections thereto are filed within 35 days following publication of the notice in the FEDERAL REGISTER.

(g) If the Assistant Secretary finds that substantial objections are filed which relate to the proposed 18(e) determination, the Assistant Secretary shall, and in any other case may, publish a notice of informal hearing in the FEDERAL REGISTER not later than 30 days after the last day for filing written views or comments. The notice shall include:

(1) A statement of the time, place and nature of the proceeding;

(2) A specification of the substantial issues which have been raised and on which an informal hearing has been requested;

(3) The requirement for the filing of an intention to appear at the hearing, together with a statement of the position to be taken with regard to the issues specified, and of the evidence to be adduced in support of the position;

(4) The designation of a presiding officer to conduct the hearing; and

(5) Any other appropriate provisions with regard to the proceeding.

(h) Not later than 10 days following the publication of the notice in the FEDERAL REGISTER, required by paragraph (g) of this section, the affected agency shall publish, or cause to be published, within the State reasonable notice containing the same information.

§ 1902.40 Informal hearing.

(a) Any hearing conducted under this section shall be legislative in type. However, fairness may require an opportunity for cross-examination on pertinent issues. The presiding officer is empowered

to permit cross-examination under such circumstances. The essential intent is to provide an opportunity for participation and comment by interested persons which can be carried out expeditiously and without rigid procedures which might unduly impede or protract the 18(e) determination process.

(b) Although the hearing shall be informal and legislative in type, this section is intended to provide more than the bare essentials of informal proceedings under 5 U.S.C. 553. The additional requirements are the following:

(1) The presiding officer shall be a hearing examiner appointed under 5 U.S.C. 3105.

(2) The presiding officer shall provide an opportunity for cross-examination on pertinent issues.

(3) The hearing shall be reported verbatim, and a transcript shall be available to any interested person on such terms as the presiding officer may provide.

(c) The officer presiding at a hearing shall have all the power necessary or appropriate to conduct a fair and full hearing, including the powers:

(1) To regulate the course of the proceedings;

(2) To dispose of procedural requests, objections, and comparable matters;

(3) To confine the presentation to the issues specified in the notice of hearing, or, where appropriate, to matters pertinent to the issue before the Assistant Secretary;

(4) To regulate the conduct of those present at the hearing by appropriate means;

(5) To take official notice of material facts not appearing in the evidence in the record, as long as the parties are afforded an opportunity to show evidence to the contrary;

(6) In his discretion, to keep the record open for a reasonable and specified time to receive additional written recommendations with supporting reasons and any additional data, views, and arguments from any person who has participated in the oral proceeding.

(d) Upon the completion of the oral presentations, the transcripts thereof, together with written submissions on the proceedings, exhibits filed during the hearing, and all posthearing comments, recommendations, and supporting reasons shall be certified by the officer presiding at the hearing to the Assistant Secretary.

§ 1902.41 Decision.

(a) Within a reasonable time generally within 120 days after the expiration of the period provided for the submission of written data, views, and arguments on the issues on which no hearing is held, or within a reasonable time, generally not to exceed 120 days after the certification of the record of a hearing, the Assistant Secretary shall publish his decision in the FEDERAL REGISTER. His decision shall state whether or not an affirmative 18(e) determination has been made for the State plan or any separable portion thereof, or whether he intends to withdraw approval of the plan or any portion thereof pursuant to Part 1955 of this chapter. The action of the Assistant Secretary shall be taken after consideration of all information, including his evaluations of the actual operations of the plan, and information presented in written submissions and in any hearings held under this subpart.

(b) Any decision under this section shall incorporate a concise statement of its grounds and purpose and shall respond to any substantial issues which may have been raised in written submissions or at the hearing.

(c) All decisions resulting in an affirmative 18(e) determination shall contain provisions amending the appropriate subparts of Part 1952 of this chapter.

(d) All decisions concerning the Assistant Secretary's determination under section 18(e) of the Act shall be published in the FEDERAL REGISTER.

§ 1902.42 Effect of affirmative 18(e) determination.

(a) In making an affirmative 18(e) determination, the Assistant Secretary determines that a State has applied the provisions of its plan, or any modification thereof, in accordance with the criteria of section 18(c) of the Act and that the State has applied the provisions of this part in a manner which renders the actual operations of the State program "at least as effective as" operations under the Federal program.

(b) In the case of an affirmative 18(e) determination of a separable portion(s) of a plan, the Assistant Secretary determines that the State has applied the separable portion(s) of the plan in accordance with the criteria of section 18(c) of the Act in a manner comparable to Federal operations covering such portions and that the criteria of this part are being applied in a manner which renders the actual operations of such separable portion(s) of the State program "at least as effective as" operations of such portions under the Federal program.

(c) Upon making an affirmative 18(e) determination, the standards promulgated under section 6 of the Act and the enforcement provisions of section 5(a)(2), 8 (except for the purpose of continuing evaluations under section 18(f) of the Act), 9, 10, 13 and 17 of the Act shall not apply with respect to those occupational safety and health issues covered under the plan for which an affirmative 18(e) determination has been granted. The Assistant Secretary shall retain his authority under the above sections for those issues covered in the plan which have not been granted an affirmative 18(e) determination.

(d) The Assistant Secretary will retain jurisdiction under the citation and contest provisions of sections 9 and 10 of the Act and the imminent-danger provisions of section 13 where such proceedings have been commenced prior to the date of his determination.

§ 1902.43 Affirmative 18(e) decision.

(a) In publishing his affirmative 18(e) decision in the FEDERAL REGISTER the Assistant Secretary's notice shall include, but shall not be limited to the following:

(1) Those issues under the plan over which the Assistant Secretary is withdrawing his standards and enforcement authority;

(2) A statement that the Assistant Secretary retains his authority under section 11(c) of the Act with regard to complaints alleging discrimination against employees because of the exercise of any right afforded to the employee by the Act;

(3) Amendments to the appropriate subpart of Part 1952 of this chapter;

(4) A statement that the Assistant Secretary is not precluded from revoking his determination and reinstating his standards and enforcement authority under § 1902.47 *et seq.*, if his continuing evaluations under section 18(f) of the Act show that the State has substantially failed to maintain a program which is at least as effective as operations under the Federal program, or if the State does not submit program change supplements to its plan to the Assistant Secretary as required by 29 CFR Part 1953.

§ 1902.44 Requirements applicable to State plans granted affirmative 18(e) determinations.

(a) A State whose plan, or modification thereof, has been granted an affirmative 18(e) determination will be required to maintain a program within the scope of such determination which will be "at least as effective as" operations under the Federal program in providing employee safety and health protection at covered workplaces within the comparable scope of the Federal program. This requirement includes submitting all required reports to the Assistant Secretary, as well as submitting supplements to the Assistant Secretary for his approval whenever there is a change in the State's program, whenever the results of evaluations conducted under section 18(f) show that some portion of a State plan has an adverse impact on the operations of the State plan or whenever the Assistant Secretary determines that any alteration in the Federal program could have an adverse impact on the "at least as effective as" status of the State program. See Part 1953 of this chapter.

(b) A substantial failure to comply with the requirements of this section may result in the revocation of the affirmative 18(e) determination and the resumption of Federal enforcement authority, and may also result in proceedings for the withdrawal of approval of the plan or any portion thereof pursuant to Part 1955 of this chapter.

§ 1902.45 [Reserved]

§ 1902.46 Negative 18(e) determination.

(a) This section sets out the procedures which shall be followed whenever the Assistant Secretary determines that a State's plan, or any separate portion thereof, has not met the criteria for an affirmative 18(e) determination.

(b) If the Assistant Secretary determines that a State plan, or a separable

portion thereof, has not met the criteria of section 18(c) of the Act and that actual operations under the plan, or portion thereof, have not met the criteria for an affirmative determination set forth in § 1902.37, he shall retain his standards authority under section 6 of the Act and his enforcement authority under sections 5(a) (2), 8, 9, 10, 13, and 17 of the Act for those issues covered under the plan or such portions of the plan which were subject to his negative determination.

(c) A decision under this section may result in the commencement of proceedings for withdrawal of approval of the plan or any separable portion thereof pursuant to Part 1955 of this chapter.

(d) Where the Assistant Secretary determines that operations under a State plan or any separable portion thereof have not met the criteria for an affirmative 18(e) determination, but are not of such a nature as to warrant the initiation of withdrawal proceedings, the Assistant Secretary may, at his discretion, afford the State a reasonable time to meet the criteria for an affirmative 18(e) determination after which time he may initiate proceedings for withdrawal of plan approval. This discretionary authority will be applied in the following manner:

(1) Upon determining that a State shall be subject to a final 18(e) determination, the Assistant Secretary shall notify the agency designated by the State to administer its program, within the State of his decision that the State's program, or a separable portion thereof, shall be subject to a final 18(e) determination. The Assistant Secretary shall give the State a reasonable time, generally not less than 1 year, in which to meet the criteria for an affirmative 18(e) determination.

(2) The Assistant Secretary shall also publish a notice in the FEDERAL REGISTER outlining his reasons for not making an affirmative 18(e) determination at the time. The notice will also set forth the reasonable time the State was granted to meet the criteria for an affirmative 18(e) determination and set forth such conditions as the Assistant Secretary deems proper for the continuation of the State's plan or such portions subject to this action.

(3) The State shall be afforded an opportunity to agree to the conditions of the Assistant Secretary's decision.

(4) Upon the expiration of the time granted to a State to meet the criteria for an affirmative 18(e) determination under paragraph (d)(2) of this section, the Assistant Secretary may initiate proceedings to determine whether a State shall be granted an affirmative 18(e) determination. The procedures outlined in this subpart shall be applicable to any proceedings initiated under this paragraph.

Procedure for Reconsideration and Revocation of an Affirmative 18(e) Determination

§ 1902.47 Reconsideration of an affirmative 18(e) determination.

(a) The Assistant Secretary may at any time reconsider on his own initiative or on petition of an interested person his decision granting an affirmative 18(e) determination.

(b) Such reconsideration shall be based on results of his continuing evaluation of a State plan after it has been granted an affirmative 18(e) determination.

§ 1902.48 The proceeding.

Whenever, as a result of his reconsideration, the Assistant Secretary proposes to revoke his affirmative 18(e) determination, he shall follow the procedures in the remaining sections of this subpart.

§ 1902.49 General notice.

(a) Whenever the Assistant Secretary proposes to revoke an affirmative 18(e) determination, he shall publish a notice in the FEDERAL REGISTER meeting the requirements of the remaining paragraphs of this section. No later than 10 days following the publication of the notice in the FEDERAL REGISTER, the affected State agency shall publish, or cause to be published, reasonable notice within the State containing the same information.

(b) The notice shall indicate the reasons for the proposed action.

(c) The notice shall afford interested persons including the affected State, an opportunity to submit in writing, data, views, and arguments on the proposal within 35 days after publication of the notice in the FEDERAL REGISTER. The notice shall also provide that any interested person may request an informal hearing concerning the proposed revocation whenever particularized written objections thereto are filed within 35 days following publication of the notice in the FEDERAL REGISTER. If the Assistant Secretary finds that substantial objections have been filed, he shall afford an informal hearing on the proposed revocation under § 1902.50.

(d) The Assistant Secretary may, upon his own initiative, give notice of an informal hearing affording an opportunity for oral comments concerning the proposed revocation.

§ 1902.50 Informal hearing.

Any informal hearing shall be legislative in type. The rules of procedure for each hearing shall be those contained in § 1902.40 and will be published with the notice thereof.

§ 1902.51 Certification of the records of a hearing.

Upon completion of an informal hearing, the transcript thereof, together with written submissions, exhibits filed during the hearing, and any post-hearing presentations shall be certified by the officer presiding at the hearing to the Assistant Secretary.

§ 1902.52 Decision.

(a) After consideration of all relevant information which has been presented, the Assistant Secretary shall issue a decision on the continuation or revocation of the affirmative 18(e) determination.

(b) The decision revoking the determination shall also reflect the Assistant Secretary's determination that concurrent Federal enforcement and standards authority will be reinstated within the State for a reasonable time until he has withdrawn his approval of the plan, or any separable portion thereof, pursuant to Part 1955 of this chapter or he has determined that the State has met the criteria for an 18(e) determination pursuant to the applicable procedures of this subpart.

§ 1902.53 Publication of decisions.

All decisions on the reconsideration of an affirmative 18(e) determination shall be published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 19th day of November 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-31981 Filed 11-25-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 460-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Utah SO_2 Control Strategy

The purpose of this rulemaking is to promulgate regulations for the control of sulfur dioxide (SO_2) emissions from the Kennecott Copper Corporation smelter near Magna, Utah, and to revoke an EPA regulation pertaining to public availability of emission data. The preamble which follows contains the background for these actions, a summary of the public comments, the Administrator's findings, and a description of the promulgated regulations.

BACKGROUND

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved, with specific exceptions, a plan for implementation of the national ambient air quality standards submitted by Utah. On July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the Utah plan. The proposed regulations included an emissions limitation requiring control of SO_2 from the Kennecott Copper Corporation smelter near Magna, Utah. The degree of control was based on air quality data for Magna contained in the Utah Implementation Plan which indicated a maximum 24-hour SO_2 concentration of 0.3 parts per million (ppm).

Although public hearings on the proposed regulations were conducted in Salt Lake City by EPA on September 14, 1972, and November 9, 1972, no final action was taken on the SO_2 regulation because subsequent measured data and diffusion model results indicated that greater control than proposed would be necessary to attain the national standards for SO_2.

In order to obtain more comprehensive ambient SO_2 data, EPA established a 3-station monitoring network in the vicinity of the smelter in April, 1973. The

highest 3-hour and 24-hour concentrations from these stations through 1974 are listed below:

Station	Maximum 3-hr concentration (parts per million)	Maximum 24-hr concentration (parts per million)
Webster School (Magna)	1.00	0.51
Kennecott Crusher (Bonneville)	2.20	1.08
Silver Sands Beach	5.64	1.83

Although the highest ambient levels were recorded at the Silver Sands Beach site, located approximately 2 kilometers northwest of the smelter, Kennecott Copper Corporation has demonstrated, by use of fluorescent particle tracer studies and diffusion modeling, that this station is greatly influenced by fugitive emissions of SO_2 from the buildings and a pond containing acid plant scrubber water, and emissions from the acid plant stacks. Since these low-level emissions largely account for the high concentrations at the Beach Station, the Administrator has determined that an emission limitation on the stack emissions based on these Beach measurements would not result in attainment of the short-term national standards for sulfur dioxide unless the major portion of the low-level emissions was captured or eliminated. Therefore, the Administrator proposed on October 18, 1974 (39 FR 37212), a regulation requiring the use of best engineering techniques for reducing the escape of sulfur oxides emissions to the atmosphere and the capture and venting of such emissions through the highest stacks serving the facility. No treatment of these captured emissions by sulfuric acid plants was required because of the low concentration of SO_2 in the gas stream. Adjustment of the maximum concentrations at the Beach Station to account for the expected reduction in fugitive emissions results in an estimated maximum 24-hour concentration of SO_2 less than 1.0 ppm.

In order to determine maximum ambient concentrations of SO_2 in areas to which the public has access, EPA utilized a diffusion model which assumed that 80 percent of the existing fugitive SO_2 emissions and all of the acid plant emissions would be vented through the existing stacks and that the acid plant scrubber water would be neutralized by October 1974, as required by the Kennecott Copper Corporation National Pollutant Discharge Elimination System water permit (Discharge permit No. 0000051 issued 2/20/74).

The model results indicated that 87 percent control of existing SO_2 emissions would be required to attain the 24-hour national standard for SO_2 at Lake Point, located approximately 5 kilometers from the smelter. Since the predicted maximum 24-hour concentration at Lake Point was comparable to the maximum 24-hour concentration measured at the Kennecott Crusher station, which is located at approximately the same elevation, the Administrator proposed a stack emission limitation of 5400 pounds per hour of SO_2 for the smelter. This degree of control was believed to be sufficient to attain the primary and secondary standards for SO_2 in areas to which the public has access and to be achievable through the application of reasonably available control technology (RACT). RACT was defined as treating gas streams from the reactors and converters with the existing sulfuric acid plants operating at 97 percent efficiency and the proposed new acid plant operating at 99.5 percent efficiency.

On May 31, 1972 (37 FR 10842), the Administrator disapproved a portion of the Utah Implementation Plan dealing with public availability of emission data. On July 27, 1972, the Administrator disapproved Utah's legal authority to release emission data to the public (37 FR 15090) and proposed a regulation to satisfy the requirements of §§ 51.10(e) and 51.11(a)(6) (37 FR 15110). Following public hearings on September 14, 1972, and November 9, 1972, the Administrator promulgated the final regulation as § 52.2324 on May 14, 1974 (38 FR 12709).

On June 13, 1974, the state submitted supplementary information, including a copy of reenacted legislation (section 26–24–16. Periodic reports of emissions—Availability of the information, Utah Code Annotated, 1953) which fulfills the requirements of §§ 51.10(e) and 51.11(a)(6). Consequently, the Administrator proposed to revoke § 52.2324 on October 18, 1974 (39 FR 37212).

Public Comments

EPA conducted public hearings on the proposed regulations in Salt Lake City on December 11–12, 1974. Of the 35 individuals and organizations presenting statements, the majority supported the EPA proposals. However, there was considerable testimony recommending that EPA withhold final action until the Utah State Division of Health developed its SO_2 regulation, as well as substantial support for Kennecott's proposed control plan.

Most of the technical comments on the proposed regulations were presented by Kennecott representatives. Kennecott's main contentions regarding the EPA proposals may be summarized as follows:

1. The SO_2 emission limitation of 5400 pounds per hour would not guarantee compliance with the national standards without utilizing a supplementary control system (SCS) during adverse meteorological conditions.

2. The emission limitation was based on inaccurate diffusion modeling calculations and erroneous projections regarding emission reductions from the smelter control system.

3. Compliance with the proposed limitation would be wasteful of capital ($18 million), ongoing operating expense and energy, and would prevent completion of the planned control system by the July 31, 1977 compliance date.

Supplemental information for the hearing record was submitted by Kennecott on February 3, 1975. The Corporation's most recent estimates on production and emission rates, fugitive emission capture, efficiencies of the existing acid plants and acid plant capacities were presented to EPA representatives on March 5, 1975.

Findings

Following detailed analysis of the information developed during, and subsequent to, the public hearings, the Administrator has determined that the proposed regulations should be modified as follows:

1. The SO_2 emission reduction necessary to attain the national standards is revised from 87 percent to 86 percent to reflect minor modifications to the model based on emission data supplied by Kennecott and more recent ambient data.

2. RACT as defined on October 18, 1974, is revised to 94.2 percent to reflect more accurate information regarding emission rates and acid plant capabilities.

3. Since the diffusion model estimate of overall control necessary to achieve the national standards (94.4%) is virtually identical to RACT, the promulgated stack emission limitation specifies the degree of control which is achievable through the application of RACT.

4. Compliance with the emission limitation is to be based on the average of three six-hour test periods instead of a single six-hour test period.

5. Since no comments were received on the proposed fugitive SO_2 control requirements and the proposal to revoke the regulation pertaining to public availability of emission data, these provisions are promulgated essentially as proposed.

Kennecott representatives presented considerable testimony questioning the accuracy of EPA's diffusion model estimates. They objected to the establishment of an emission limitation on the basis of such estimates, especially since the smelter is located in rugged terrain which makes modeling more difficult. The written materials provided by Kennecott also included a listing of minor SO_2 sources located apart from the smelter complex which could potentially influence the SO_2 monitor at the Crusher site.

Although EPA recognizes the limitations of diffusion modeling, the model results in the vicinity of the smelter corresponded closely to measured values at the similarly situated Crusher site.

Based on the hearing testimony, EPA has refined its modeling to consider possible ambient contributions from the minor sources of SO_2 emissions which were identified by Kennecott and compared the results with the most recent ambient SO_2 data from the Crusher site. Extrapolating the revised model estimates to the Lake Point area reduces the required control of existing emissions from 87 to 86 percent. This degree of control corresponds to a stack emission limitation of 5830 pounds of SO_2 per hour (94.4% overall control).

Kennecott's primary objections to EPA's original determination of the degree of control achievable through rea-

sonably available control technology related to the sulfur input to the acid plants, the efficiencies of the acid plants, and the quantity of fugitive SO_2 emissions captured and vented up the tall stack. The EPA calculations were based on production and emission information submitted to the Utah State Division of Health by Kennecott and achievable acid plant efficiencies. However, the emission estimates were average daily rates, not maximum rates which could be expected to occur under design operating conditions. Using the maximum rates results in a significant increase in the SO_2 emissions being treated by the acid plants and in the untreated fugitive emissions vented up the stack. However, even with the revised emission data, EPA calculations indicate that the efficiencies of the existing acid plants could be maintained at present levels (95–97%) because of excess capacity in the acid plant system. Incorporating these factors into a determination of the degree of control achievable through RACT results in a revised maximum SO_2 emission estimate of 6030 pounds per hour (94.2% overall control), based on full operation of two reactors and two converters. The corresponding average SO_2 emission estimate is 5270 pounds per hour.

Kennecott officials also stated that the short-term national standards for SO_2 would be violated on elevated terrain under stable atmospheric conditions even with EPA's proposed emission limitation. Modeling studies were presented to support this position. According to Kennecott, the national standards could only be attained by utilizing SCS during such conditions. This approach is supported by the Utah State Division of Health which has incorporated a requirement for SCS into its recently adopted SO_2 regulation for Kennecott. However, the Administrator has determined that requiring more than RACT is not warranted at this time because the extremely high concentrations of SO_2 that Kennecott has predicted could only occur under extreme meteorological conditions and only on company property. Consequently, the Administrator has determined that a stack emission limitation based on reasonably available technology would be adequate to achieve the national standards for SO_2 off company property, especially considering the accuracy limits of diffusion model estimates in elevated terrain, and is therefore promulgating a regulation limiting SO_2 stack emissions to 6030 pounds per hour. The procedure for determining compliance with this regulation has been modified to require three six-hour test periods instead of the proposed single six-hour period. EPA will continue its monitoring efforts in the vicinity of the smelter, however, and should future data indicate any violations of the national standards, the Administrator will propose appropriate additional requirements for the smelter.

Even if the Administrator agreed to the need for SCS, Kennecott would not be excused from the constant emission control requirements which follow. This position stems from the Fifth Circuit's decision in "NRDC et al v. EPA," 489 F.2d 390 (CA 5, 1974). In that case, the Fifth Circuit Court of Appeals held that dispersion techniques may not be utilized as a means of achieving ambient standards unless constant control techniques have been used to "attain the maximum degree of emission limitation achievable." [489 F.2d at 410.] This view is further supported by the Supreme Court's opinion in "Train v. NRDC et al.," 95 S.Ct. 1470, 7 ERC 1735 (April 16, 1975) and by the recent decision of the Sixth Circuit in "Big Rivers Electric Company et al. v. EPA" (Nos. 74–2015 and 74–2020, decided September 4, 1975).

In Train, The Supreme Court defined emission limitations (as used in section 110(a)(2) of the Clean Air Act) as "regulation[s] [governing] * * * the composition of substances emitted into the ambient air," a definition which, as noted by the Big Rivers court, clearly precludes dispersion techniques such as SCS. Accordingly, since section 110(a)(2) states that ambient standards are to be achieved through "emission limitations" and that emission limitations may be supplemented by other methods only when "necessary," techniques such as SCS and tall stacks are to be utilized only when constant controls (i.e., controls which continuously limit the pollutant component of emissions released into the air) are not available or have been fully utilized. Hence, if at some later date it should be decided that more control was necessary to attain or maintain ambient standards, SCS could be considered as a supplement to the emission limitations contained herein. However, even then, its use would not necessarily be permitted on a permanent basis since such a permanent grant would only be permissible if the RACT requirements contained herein could also be regarded as satisfying the Fifth Circuit requirement that, before reliance may be placed on dispersion techniques, constant controls must be utilized to "attain the maximum degree of emission limitation achievable."

In a similar vein, there is no necessity at the present time to address Kennecott's assertion that modeling conducted by the Agency should have been predicated on the Company's new 1200-foot stack rather than on the basis of the existing 400-foot stacks. As indicated above, reliance upon such increased stack height would clearly not comply with the Fifth Circuit decision unless it were first demonstrated that the Company was employing maximum achievable control technology. However, such a demonstration need not be made in this case since the RACT emission requirements of the regulations have been acknowledged as being sufficient to attain ambient standards.

The Administrator has considered the economic impact of this rulemaking and has determined that the capital costs required to comply with this regulation should be only a small increment (1–2 percent) to Kennecott's reported expenditure for the modified smelter. Operating and energy costs will be somewhat greater than with the Kennecott plan, but will be partially recovered by the sale or use of the additional acid produced. The Administrator recognizes that emissions may increase during plant upsets and has proposed a regulation addressing excessive emissions during periods of malfunction, start-up and shutdown at the smelter.

The technical support document containing the detailed calculations for this promulgation is available for public inspection at the Region VIII Office, Environmental Protection Agency, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203; the Freedom of Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; and at the Environmental Protection Agency, Room 4223, Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

The regulations promulgated herein are effective December 26, 1975.

(42 U.S.C. 1857c-5)

RUSSELL E. TRAIN,
Administrator.

Dated: November 20, 1975.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart TT—Utah

1. In § 52.2320, paragraph (c) is revised to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) May 18 and September 13, 1972, and April 13, 1973.

(2) June 13, 1974, by the Utah State Division of Health.

§ 52.2324 [Revoked]

2. Section 52.2324 is revoked.

3. Section 52.2325 is amended by adding paragraphs (c) and (d).

§ 52.2325 Control strategy: Sulfur oxides.

* * * * *

(c) *Regulation for control of fugitive sulfur oxides emissions (Wasatch Front Intrastate Region).* (1) The owner or operator of the Kennecott Copper Corporation smelter located in Salt Lake County, Utah, in the Wasatch Front Intrastate Region shall utilize best engineering techniques for reducing escape of pollutants to the atmosphere and to capture sulfur oxides emissions and vent them through a stack or stacks. Such techniques shall include, but not be limited to:

(i) Installing and operating primary hoods on each active reactor,

(ii) Installing and operating primary and secondary hoods on each active converter,

(iii) Maintaining all ducts, flues, and stacks in a leakfree condition,

(iv) Maintaining all reactors and converters under normal operating condi-

tions in such a fashion that out leakage of gases to the air will be prevented to the maximum extent possible,

(v) Wherever possible, ducting emissions through the tallest stack or stacks serving the facilty, and

(vi) Wherever possible, passing the effluent from all hooding through the tallest stack or stacks serving the facility.

(2) (i) The owner or operator of the smelter subject to this paragraph shall comply with the compliance schedule specified below:

(a) *December 15, 1975.* Submit a final plan to the Administrator for meeting the requirements of subparagraph (1) of this paragraph. Such plans shall be subject to approval by the Administrator.

(b) *January 31, 1976.* Let contracts or issue purchase orders for emission capture systems.

(c) *April 1, 1976.* Institute on-site construction and/or installation of emission capture equipment.

(d) *May 31, 1977.* Complete on-site construction and/or installation of emission capture system.

(e) *July 31, 1977.* Achieve final compliance with the requirements of subparagraph (1) of this paragraph.

(ii) Any owner or operator of the smelter subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 31, 1977. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirements of this subparagraph for the affected source.

(iii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(d) *Regulation for control of sulfur oxides emissions (Wasatch Front Intrastate Region).* (1) The owner or operator of the Kennecott Copper Corporation smelter located in Salt Lake County, Utah, in the Wasatch Front Intrastate Region shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of 6030 pounds per hour (2710 kg/hr) as determined by the method specified in subparagraph (4) of this paragraph. Such limitation shall apply to the sum total of sulfur dioxide emissions from the smelter premises, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

(2) (i) The owner or operator of the smelter subject to this paragraph shall comply with the compliance schedule specified below:

(a) *December 15, 1975.* Submit a final plan to the Administrator for meeting the requirement of subparagraph (1) of this paragraph. Such plan shall be subject to approval by the Administrator.

(b) *January 31, 1976.* Let contracts or issue purchase orders for emission control systems and process modifications.

(c) *April 1, 1976.* Initiate on-site construction and/or installation of emission control equipment and process change.

(d) *May 31, 1977.* Complete on-site construction and/or installation of emission control system and process change.

(e) *July 31, 1977.* Achieve final compliance with the requirements of subparagraph (1) of this paragraph.

(ii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iii) Notice must be given to the Administrator at least 30 days prior to conducting a performance test to afford him the opportunity to have an observer present.

(iv) The owner or operator of the smelter subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the date for attainment of national standards in the applicable implementation plan. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirements of this subparagraph for the affected source.

(3) (i) The owner or operator of the smelter to which this paragraph is applicable shall install, calibrate, maintain, and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which emits 5 percent or more of the total potential (without emission controls) hourly sulfur oxides emissions from the source. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack, in each 15-minute period.

(ii) No later than May 31, 1977 and at such other times in the future as the Administrator may specify the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this part.

(iii) No later than May 31, 1977 and at such other times in the future as the Administrator may specify the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this part.

(iv) The Administrator shall be notified at least 30 days in advance of the start of the field test period required in Appendices D and E to this part to afford the Administrator the opportunity to have an observer present.

(v) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m^2 (50 ft^2) or at a point no closer to the wall than 0.914 m (3 ft) if the cross sectional area is 4.647 m^2 (50 ft^2) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the average concentration of the duct.

(vi) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) Six-hour average sulfur dioxide emission rates shall be calculated in accordance with subparagraph (4) of this paragraph, and recorded daily.

(viii) The owner or operator of the smelter subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed as pounds of sulfur dioxide emitted per six-hour period. A six-hour average value calculated pursuant to subparagraph (4) (i) of this paragraph shall be reported as of each hour for the preceding six-hour period. Results shall be summarized monthly and shall be submitted to the Administrator within 15 days after the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(ix) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable on July 31, 1977.

(4) (i) Compliance with the requirements of subparagraph (1) of this paragraph shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of subparagraph (3) of this paragraph. For all stacks equipped with the measurement system(s) required by subparagraph (3) of this paragraph, a six-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour, for the preceding six hours in the following manner:

(a) Divide each 6-hour period into 24 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of sulfur dioxide concentrations and stack gas flow rate measurements (from the respective

affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average (lbs SO_2/hr) from all 24 emission rate measurements in each 6-hour period for each stack.

(d) Total the average sulfur dioxide emission rates for all affected stacks.

(ii) Notwithstanding the requirements of subparagraph (4)(i) of this paragraph, compliance with the requirements of subparagraph (1) of this paragraph shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by subparagraph (3) of this paragraph, a 6-hour average sulfur dioxide emission rate (lbs SO_2/hr) shall be determined as follows:

(a) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other relevant conditions as the Administrator shall specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the overall test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three 6-hour periods for each stack. Each 6-hour period will consist of three consecutive 2-hour tests. Measurements need not necessarily be conducted simultaneously of emissions from all stacks on the smelter premises. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each 2-hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter.

(f) The gas sample shall be extracted at a rate proportional to gas velocity at the sampling point.

(g) For each 2-hour test, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft^3/hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft^3 at standard conditions, dry basis). The emission rate in lbs/hr for each stack is determined by calculating the arithmetic average of three independent 6-hour periods, each consisting of three 2-hour tests.

(h) The sum total of sulfur dioxide emissions from the smelter premises in lbs/hr is determined by adding together the emission rates (lbs/hr) from all stacks equipped with the measurement systems required by subparagraph (3) of this paragraph.

(iii) A violation of the requirements of subparagraph (1) shall occur whenever the total sulfur dioxide emission rate determined according to subparagraph (4)(i) or (ii) of this paragraph exceeds the sulfur dioxide emission rate specified in subparagraph (1) of this paragraph.

[FR Doc.75-31836 Filed 11-25-75;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Systems of Records; Adoption of Exemptions

By notice published in the FEDERAL REGISTER on October 29, 1975 (40 F.R. 50432), the Department of the Interior proposed adoption of an amendment to 43 CFR 2.79 to exempt four systems of records from specified portions of section 3 of the Privacy Act of 1974, 5 U.S.C. 552a, and the regulations of the Department implementing that section. No comments on the proposal have been received and the proposed amendment is hereby adopted without change, as set forth below.

Because the Privacy Act has taken effect, good cause for waiver of the 30-day period for effectiveness exists in order to insure the confidentiality of the files involved and the amendment to 43 CFR 2.79 is, accordingly, effective November 10, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

NOVEMBER 20, 1975.

1. In § 2.79 paragraphs (b) (11), (12), (13) and (c)(3) are added. These paragraphs read as follows:

§ 2.79 Exemptions.

* * * * * *

(b) * * *

(11) Endangered Species Licenses System, Interior/FWS—19;

(12) Investigative Case File, Interior/FWS—20;

(13) Timber Cutting and Trespass Claims Files, Interior/BIA—24.

(c) * * *

(3) Committee Management Files, Interior/OS—1.

[FR Doc.75-31968 Filed 11-25-75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 13; Amdt. 1]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Exemption—Incan Superior Ltd.

Incan Superior Ltd. is a common carrier by water operating a rail-car ferry type of service between Thunder Bay, Ontario, Canada and Superior, Wisconsin. Also, Incan is a participant in a through route service with several railway companies. This operation is a unique type of carrier service which was initiated in June of 1974. Incan carries mostly newsprint and woodpulp in rail cars. The vessel which Incan operates is designed for a roll-on/roll-off rail-car service at terminals in Thunder Bay, Ontario, Canada and Superior, Wisconsin.

An application has been filed by attorneys for Incan for a section 35 exemption from the tariff filing requirements of section 18(b) of the Shipping Act, 1916. Notice of the Commission's intention to consider Incan's application was published in the FEDERAL REGISTER on September 16, 1975. No statements, comments, protests or requests for hearing were received during the 20-day notice period. Since Incan's traffic exists solely upon its ability to engage in a portion of a through rail service and accept a division of through rates filed with the Interstate Commerce Commission and the Canadian Transport Commission, it appears that rate regulation of this Commission is burdensome and unnecessary regulation.

Section 35 of the Act states: "The Federal Maritime Commission, upon application . . . may by order or rule exempt for the future any class of agreements between persons subject to this Act or any specified activity of such person from any requirement of the Shipping Act, 1916, or Intercoastal Shipping Act, 1933, where it finds that such exemption will not substantially impair effective regulations by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to commerce. The Commission may attach conditions to any such exemptions and may, by order, revoke any such exemption."

The granting of this exemption by this Commission appears to present no impairment to our effective regulation. As the ICC and the Canadian Transport Commission are likewise concerned with discriminatory and prejudicial practices and since the rates in which Incan participates are filed by railroads subject to the regulation of these other regulatory Commissions, we see no need to regulate these same rates.

Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 553; sections 18(b), 35, and 43 of the Shipping Act, 1916, 46 U.S.C. 817(b), 833(a), and 841(a); § 536.14 of Part 536,

Title 46 CFR, is amended by the addition of a new paragraph (c), reading as follows:

§ 536.14 Exemptions.

* * * * *

(c) Incan Superior is granted an exemption from the tariff filing requirements of Section 18(b) of the Shipping Act, 1916, as to cargoes moving in railroad cars carried in Incan's vessel(s) between Thunder Bay, Ontario, Canada and Superior, Wisconsin, United States provided that the through rates are filed in railroad tariffs filed with the Interstate Commerce Commission and/or the Canadian Transport Commission and provided further that Incan shall submit to the Federal Maritime Commission certified true copies of: (1) its division sheets of tariffs; and (2) any and all agreements, arrangements and concurrences entered into in connection with the transportation of cargo within 30 days of the effectiveness of such sheets, tariffs, agreements, arrangements and/or concurrences; and provided that this exemption shall not apply to cargoes originating in or destined to foreign countries other than Canada.

Effective Date: Inasmuch as the amendment adopted herein provides an exemption from the requirements of Part 536 and section 18(b) of the Shipping Act, 1916, it shall be effective November 26, 1975. The currently effective exemption provisions of Part 536 appear in § 536.15 *Exemption*. However, this document is being published as an amendment to § 536.14 *Exemption* because the exemption provisions have been so redesignated as a result of our general revision of Part 536 published October 10, 1975 (40 FR 47770), and currently scheduled to become effective January 2, 1976. (See also 40 FR 51440; November 5, 1975).

By the Commission.

[SEAL] Francis C. Hurney, *Secretary.*

[FR Doc.75-32027 Filed 11-25-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19928]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain Cities in Illinois and Indiana; Correction

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Danville and Hoopeston, Illinois; Attica, Crawfordsville, Frankfort, Fowler, Greencastle, Lafayette, Logansport, North Vernon and Terre Haute, Indiana), RM-1971, RM-2244, RM-2161, RM-2353, RM-2203.

In the Report and Order, Mimeo 37862, at 40 FR 52029 (Friday, November 7, 1975), in the above-entitled proceeding paragraph 58 thereof inadvertently fails to state that the FM Table of Assignments is amended for Fowler, Indiana, as well as for Hoopeston, Illinois, and Lafayette, Indiana. Paragraph 58 is therefore corrected to read that the FM Table of Assignments, § 73.202(b) of the Rules and Regulations, is amended to read as follows for the communities listed below.

§ 73.202 [Amended]

City	Channel No.
Fowler, Indiana	252A
Hoopeston, Illinois	265A
Lafayette, Indiana	224A, 243, 287

Released: November 20, 1975.

Federal Communications Commission,
[SEAL] Vincent J. Mullins, *Secretary.*

[FR Doc.75-31907 Filed 11-25-75;8:45 am]

[FCC 75-1263]

RADIO AND TELEVISION BROADCASTING

Order Regarding Re-Regulation

1. As a result of its continuing study concerning the re-regulation of radio and television broadcasting, the Commission has amended certain provisions in Parts 1, 73 and 74 of its Rules. These amendments will update certain rules, delete parts of others which are no longer necessary, and make corrections and revisions where indicated.

2. The following rule changes are made for the reasons indicated:

(a) In § 1.548, Application to operate by remote control, the title of FCC Form 301-A is incorrectly stated.

The rule also fails to state that application for TV removal control operation is made on Form 301-A (as well as application for AM and FM station remote control operation).

(1) Modifications of the rule are made correcting these inaccuracies and omissions.

(b) The rule regarding Indicating Instruments—Specifications (§ 73.39) allows the use of only one type of measuring instrument for indications of radio frequency currents, a thermocouple type ammeter. The rule is updated herein to accommodate the use of new devices which have been developed for indications of RF currents.

(1) The rule revision will allow for the use of thermocouple type ammeters *or other devices capable of providing* a suitable indication of RF current.

(c) The rule regarding determination of antenna input power (§ 73.51), requires it be determined by the direct method, i.e., as the product of the antenna resistance at the operating frequency (per § 73.54), and the square of the unmodulated antenna current at that frequency, measured at the point where the antenna resistance has been determined. There are four circumstances described in this section (§ 73.51) in paragraph (d), wherein antenna input power may be determined, on a temporary basis, by the indirect method (as described in § 73.51(e) and (f)). The language of paragraph (d) in the present rule is silent regarding a defective common point meter being one of the circumstances triggering the allowance of determination by the indirect method.

In these situations (where the antenna current meter or the common point current meter become defective), the indirect method may be used *only* if the station does not employ a remote reading antenna or common point meter (per § 73.58(b)(3)). This qualifying situation is also missing from § 73.51(d), and is added to make the rule complete and in conformity with § 73.58.

(1) These omissions from § 73.51 are rectified as shown below.

(d) As stated in § 73.58 (Indicating Instruments), if a remote reading antenna or common point meter becomes defective, the normally required three hour logging of the pertinent parameter is suspended pending return of the remote reading meter to service. In lieu thereof, a once-daily logging requirement is prescribed. Since antenna current and common point current extension meters are functionally identical to remote reading antenna and common point meters, procedures applicable when remote reading meters malfunction are equally applicable for malfunctioning antenna or common point extension meters, the requirements for which are in § 73.70—Extension Meters.

(1) These meter reading and log entry procedures will be included in § 73.70 (i) and will henceforth pertain to malfunctioning antenna or common point extension meters.

(e) In § 73.638, Auxiliary Transmitter, the Note following paragraph (a)(2)(ii) is deleted.[1] It imposes a five day restriction on the use of an auxiliary transmitter when making *equipment changes* without further authority from the Commission. A five day restriction on the use of auxiliary transmitters during *maintenance* and *modification* work on the main transmitter was removed via the Re-regulation Order effective April 4, 1973 (FCC 72-1178) from the FM and TV rules. (A corresponding rule for AM stations never included this restriction). This Note is not in the corresponding AM and FM rules. With the removal of the restriction during maintenance and modification work on the transmitter, there is no argument for retaining it for equipment changes.

(1) We are eliminating the Note, which will conform the TV rule to the AM and FM rules and by so doing we eliminate a source of time consuming filings and staff paper work.

(f) The rules governing "acceptability of broadcast transmitters for licensing" are found in §§ 73.48 (AM); 73.250 (FM); 73.550 (NCE-FM); and 73.640 (TV). The AM and FM rules allow permittees and licensees to install a transmitter, other than that specifically au-

[1] This paragraph number is a redesignation which was made in the Re-regulation Order effective May 9, 1975 (FCC 75-351). The former paragraph number (which will be shown in the rule book until transmittal sheet No. 7 for Part 73 is received) was (c)(2).

thorized in its construction permit (for a permittee), or station license (for a licensee), if it is listed in the Commission's "Radio Equipment List" as acceptable for the transmitter output power authorized. (See §§ 73.48(a)(4) and (5) for AM; 73.250(a)(4) and (5) for FM; and 73.550(a)(4) and (5) for NCE-FM.) The TV rules (§ 73.640) do not permit such substitution of type-accepted equipment without authority of the Commission. The TV rule is herewith conformed to the AM and FM rule allowing the substitution of a type-accepted transmitter, if listed as acceptable for the output power authorized. AM and FM, and now TV, licensees must notify the Commission and the Engineer in Charge of the radio district in which the station is located within 3 days of the transmitter installation. Further, for TV, the new rule will provide that the notification shall include certification by the licensee that the transmitter and overall station performance complies with the terms of the station's license and all the technical requirements of this subpart (Subpart E, part 73). Also, certification shall be made attesting that transmitter and station performance measurements have been made and are on file at the station, and that such data confirms that the transmitter and station performance are as certified. The present procedure of filing application for changes of this type is discontinued effective with the adoption of this Order.

(f) Significant manpower savings will be effected at the Commission with this change, and a major easing of administrative detail for the TV licensee. In the case of permittees, one filing is discontinued; and for licensees at least two filings for changes of this type (and possibly more) will no longer be required.

(g) The revisions in § 73.640, described in paragraph (f), above, create a need to amend TV rule § 73.639—Changes in equipment and antenna system. In this rule, licensees at TV stations are directed to observe certain provisions with regard to changes in equipment and antenna systems. One of the provisions states that "specific authority, upon filing formal application therefor (FCC Form 301 or such other form as is provided therefor), is required for . . . a replacement of the transmitter as a whole."

This part of the rule will be retained to "cover" changes to transmitters which are not on the Commission's "Radio Equipment List," but will be amended to relieve the licensee of filing on FCC Form 301, if the transmitter replacement is in accordance with the provisions described in paragraph (f), above.

(h) In the Commission's rules for the Citizens Radio Service (Part 95), one of the prohibited uses of a Citizens radio station is "To convey program material for retransmission, live or delayed, on a broadcast facility." This prohibition is absent from the Rebroadcast rule for the broadcast services (§ 73.1207), and will be added here to conform with Part 95. It should be noted that there are strong reasons, in addition, to conformance, for this modification: the broadcast services are adequately served by the remote pickup broadcast services for remote transmissions of this type; the Citizens Radio Service is essentially designed to provide for private, short distance radiocommunications for business and personal messages; and that congestion in the Citizens Radio Service increases constantly, making sole use of a channel beyond guarantee and therefore impractical for use in conjunction with the broadcast services.

(i) A broadcasting station while not allowed to rebroadcast, either live or delayed (via audio tape) the transmission of a Citizens Radio Service Station is not precluded from using C.B. service to relay information or messages to and from station employees or aides in the field, so long as no rebroadcast of the messages takes place.

(j) Under existing operator requirements pertaining to television auxiliary broadcast stations, each TV pickup station must be operated by a holder of a first-class or second-class radiotelephone license. Upon review, the Commission concludes that this requirement may be relaxed with respect to operating low-powered TV pickup stations operating in the 13 GHz band and TV pickup stations which are, for all practical purposes, operated in response to direction from a person at the receiving end of the circuit. As amended, the rule will allow a licensee to utilize its technical personnel more productively and will leave unchanged the licensee's ultimate responsibility for proper operation of its equipment.

(k) § 74.665 is hereby revised in its entirety.

(l) In Subpart G of Part 74 of the Rules (TV Broadcast Translator Stations), § 74.769, entitled "Copies of the rules," requires translator station licensees to have current copies of Parts census to "have a current copy of Vol-73 and 74 and "in cases where antenna marking is required," Part 17. This section is herewith revised to conform to § 74.1269 (entitled "Copies of the rules"), contained in Subpart L—FM Broadcast Translator Stations and FM Broadcast Booster Stations. § 74.1269 requires liumes I and III . . ." This conformation poses no imposition on licensees of TV translator stations because Part 17, which is part of Volume I, can be acquired only by buying the entire Volume (and Parts 73 and 74 can be purchased no other way than by buying Volume III). More importantly, there are other parts of Volume I, other than Part 17, that apply to TV translators (e.g., Part I), and must be available for licensee and operator use, understanding and conformation.

(m) Modifying the rule in this fashion guarantees possession by the licensee, and availability to his operators for their use of all pertinent Parts of Volume I, not just Part 17, as stated.

3. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. (b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. Therefore, *It is ordered*, That pursuant to Sections 4(i) and 303(j) of the Communications Act of 1934, as amended, Parts 1, 73 and 74 of the Commission's Rules and Regulations are amended as set forth below, effective November 26, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1962; 47 U.S.C. 164, 503)

Adopted: November 12, 1975.

Released: November 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary,

PART 1—PRACTICE AND PROCEDURE

1. § 1.548 is revised to read as follows:

§ 1.548 Application to operate by remote control.

Application by an existing licensee or permittee to operate an AM, FM or TV Broadcast station by remote control shall be made on FCC Form 301-A, "Application for Authority to Operate a Broadcast Station by Remote Control or to Make Changes in a Remote Control Authorization."

PART 73—RADIO BROADCAST SERVICES

2. § 73.39(c) is revised to read as follows:

§ 73.39 Indicating instruments—specifications.

* * * * *

(c) A thermocouple type ammeter, or other device capable of providing an indication of radio frequency current, meeting requirements of paragraph (b) of this section, shall be permanently installed in the antenna circuit or a suitable jack and plug arrangement may be made to permit removal of the meter from the antenna circuit so as to protect it from damage by lightning. Where a jack and plug arrangement is used, contacts shall be made of silver and capable of operating without arcing or heating, and shall be protected against corrosion. Insertion and removal of the meter shall not interrupt the transmissions of the station. When removed from the antenna circuit, the meter shall be labelled to clearly identify the tower in which it is used, and shall be stored in a location which is readily available to that tower. Care shall be exercised in handling the meter to prevent damage which would impair its accuracy. Where the meter is permanently connected in the antenna circuit, provision may be made to short or open the meter circuit

when it is not being used to measure antenna current. Such switching shall be accomplished without interrupting the transmission of the station.

* * * * *

3. § 73.51(d) is revised to read as follows:

§ 73.51 Antenna input power; how determined.

* * * * *

(d) The antenna input power shall be determined on a temporary basis by the indirect method described in paragraphs (e) and (f) of this section in the following circumstances: (1) In an emergency, where the authorized antenna system has been damaged by causes beyond the control of the licensee or permittee (see § 73.45), or (2) pending completion of authorized changes in the antenna system, or (3) if changes occur in the antenna system or its environment which affect or appear likely to affect the value of antenna resistance, or (4) if the antenna current meter or common point current meter becomes defective, and the station does not employ a remote reading antenna or common point meter (see § 73.58). Prior authorization for the indirect determination of antenna input power is not required. However, an appropriate notation shall be made in the operating log.

* * * * *

4. § 73.70(i) is revised to read as follows:

§ 73.70 Extension meters.

* * * * *

(i) That in the event a malfunction of any component of the extension meter system causes inaccurate extended indications of D.C. plate voltage or current, the corresponding meters located at the transmitter shall be read and the indications entered in the operating log at intervals specified in § 73.113. If a malfunction affects extended indications of the antenna or common point current, the regular antenna or common point meter may be read and the indication entered in the operating log once daily for each mode of operation, pending the return to service of the antenna or common point extension meter. If a malfunction results in inaccurate extended indications of the antenna monitor, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters incorporated in the antenna monitor. If a malfunction affects extended indications of the modulation monitor, the licensee shall, pending repair or replacement, employ a cathode ray oscilloscope or other suitable means for monitoring modulation at the extension meter location. When a malfunction is detected, an appropriate entry shall be made in the station's maintenance log, showing the date of occurrence and identifying the indicating device(s) affected. An entry, appropriately dated, shall also be made when repair or replacement is completed. If a malfunctioning component cannot be repaired or replaced within 60 days from the date faulty operation is detected, the Engineer in Charge of the radio district in which the station is located shall be notified and request shall be made for such additional time as is needed to complete the necessary repairs or replacement.

* * * * *

§ 73.638 [Amended]

5. In § 73.638, the Note following paragraph (a)(2)(ii) is deleted.

6. In § 73.639, paragraph (b)(2) is revised to read as follows:

§ 73.639 Changes in equipment and antenna system.

* * * * *

(b) * * *

(2) A replacement of the transmitters as a whole, unless replacement is in accordance with the provisions of § 73.640 (a)(5).

* * * * *

7. In § 73.640, paragraphs (a)(4) and (5) are added to read as follows:

§ 73.640 Acceptability of broadcast transmitters for licensing.

(a) * * *

(4) A permittee may, without further authority, install and utilize a transmitter other than that specifically authorized in its construction permit if such transmitter is listed in the Commission's "Radio Equipment List" as acceptable for the transmitter output power authorized.

(5) A licensee may, without further authority, install and utilize a transmitter other than that specifically authorized in its station license if the transmitter so installed and utilized as listed in the Commission's "Radio Equipment List" as acceptable for the transmitter output power authorized. In the event of such a transmitter substitution, the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified within 3 days after the newly installed transmitter is placed in regular operation. Such notice shall specify the manufacturer and type number of the transmitter and shall include a certification by the licensee that the transmitter and overall station performance complies with the terms of its license and the technical requirements of this subpart. The certification shall also attest to the fact that transmitter and station performance measurements have been made and are on file with the station's records and that the data confirm that the transmitter and station performance are as certified.

* * * * *

8. In § 73.1207, new paragraph (d) is added following the Note to paragraph (c):

§ 73.1207 Rebroadcast.

* * * * *

(d) A broadcasting station may not rebroadcast, live or delayed, the transmissions of a Citizen's Radio Station.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

9. § 74.665 is revised to read as follows:

§ 74.665 Operator requirements.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, one or more radio operators holding valid radiotelephone first-class or radiotelephone second-class licenses shall be on duty at the place where the transmitting apparatus of any television auxiliary broadcast station is located and shall be in actual charge of its operation.

(b) If a television auxiliary broadcast station is operated by remote control as provided in § 74.634, one or more radio operators holding valid radiotelephone first-class or radiotelephone second-class licenses shall be on duty at the remote control point and shall be in actual charge of the station's operation.

(c) If a television auxiliary broadcast station is operated unattended as provided in § 74.635, one or more radio operators holding valid radiotelephone first-class or radiotelephone second-class licenses shall be on duty at the receiving end of the circuit and shall be responsible for the required observations and the proper operation of the station within the terms of the license.

(d) Television pickup stations may be operated in accordance with the following:

(1) Stations operating on frequencies in Band D with nominal transmitter power of 250 milliwatts or less may be operated by any person whom the licensee shall designate. Pursuant to this provision, the designated person shall perform as the licensee's agent and proper operation of the station shall remain the licensee's responsibility.

(2) Television pickup stations operating in Bands A or B and those operating in Band D, with nominal transmitter power in excess of 250 milliwatts, may be operated by any person whom the licensee shall designate: *Provided That*, a person holding a valid radiotelephone first-class or radiotelephone second-class license is on duty at the receiving end of the circuit to supervise operation and immediately institute measures sufficient to assure prompt correction of any condition of improper operation that is observed.

(e) Any tests or adjustments performed in connection with installation, servicing, or maintenance of a television auxiliary broadcast station which may affect its proper operation shall be performed by, or under the immediate supervision of a person holding a valid radiotelephone first or second-class license.

(f) Notwithstanding any other provisions of this section, any person may, if directed to do so by the licensed operator on duty and in charge of the operation of a television auxiliary broadcast station, turn the station's transmitter on or off.

(g) The licensed operator on duty and in charge of a television auxiliary broadcast station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator license held and the regulations governing such station or stations; however, such duties shall not interfere with operation of the television auxiliary broadcast station.

10. § 74.769 is revised to read as follows:

§ 74.769 Copies of rules.

The licensee or permittee of a station authorized under this subpart shall have a current copy of Volume I and Volume III of the Commission's Rules and shall make them available for use by the operator in charge. Each such licensee or permittee shall be familiar with those rules relating to stations authorized under this subpart. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

[FR Doc.75-31908 Filed 11-25-75;8:45 am]

PART 76—CABLE TELEVISION SERVICE

Amendments Regarding Petitions for Special Relief Applications

In the matter of amendment of Part 76, subparts A, B and H of the Commission's rules and regulations concerning petitions for special relief, applications filed pursuant to § 76.11(a), and maintenance of cable television systems public inspection files.

1. In recent months we have had cause to consider deficiencies in three areas of the Commission's Rules and Regulations involving: 1) petitions for special relief dismissed pursuant to § 76.7(i); (2) requests to add local television broadcast signals to existing cable television operations pursuant to § 76.11(a); 3) the maintenance of public inspection files pursuant to § 76.305(a)(2). The deficiencies, essentially editorial in nature, are the result of inadvertent oversight at the time the original Rules were adopted. We have concluded that amendment to the present procedures contained in these Sections of the Commission's Rules is in order.

2. Section 76.7(i) specifies those conditions which must be met to prevent the dismissal of a special relief petition which could have been filed earlier pursuant to § 76.27. As the rule is presently worded, it would appear that the three conditions, (a), (b) and (c), set forth in the Rules, must all be demonstrated to avoid dismissal of the action. This was not the Commission's intent, and the Rule is being amended to read that demonstration of at least one of the conditions is sufficient to prevent a dismissal of the petition.

3. Section 76.11(a) specifies, in part, which cable television systems desiring to add certain television broadcast signals need not apply for certificates of compliance pursuant to § 76.13 and outlines the notification procedures that may be used instead. The information required in such a notification must be served on the Commission and the parties named in § 76.13(a)(6) but is presently not required to be served on local or state agencies asserting authority to franchise cable television in the cable television community as outlined in § 76.13(a)(7). In the interest of keeping all interested parties aware of significant changes in proposed cable television service by cable operators the Commission is amending § 76.11(a) to include a requirement of service on the franchising authority as outlined in § 76.13(a)(7).

4. Section 76.305(a)(2) specifies what types of information must be maintained in a cable television system's public inspection file relating to certificate of compliance applications filed with the Commission. Section 76.11(a) allows cable television systems to add certain television broadcast signals via a special notification procedure, without applying for a certificate of compliance, but such notifications are not presently required to be maintained in the public inspection file. As the Commission has previously stated ". . . If the public is to play an informed role in the regulation of cable television, it must have at least basic information about a local system's operations and proposals."[1] Accordingly we are amending § 76.305(a)(2) to include a requirement that all requests made to the Commission for a change in television broadcast station signal carriage be included in the public file.

5. Since these amendments are either editorial or relate to Commission organization, procedures, or practice, or restate existing requirements, the prior notice and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

Authority for the rule amendments adopted herein is contained in Sections 2, 3, 4 (i) and (j), 5 (b) and (d), 301, 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That effective November 26, 1975 Part 76 of the Commission's Rules and Regulations is amended as set forth below.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. The introductory paragraph of § 76.7(i) is revised to read as follows:

§ 76.7 Special relief.

* * * * *

(i) If the relief requested could have been earlier filed pursuant to § 76.27, the petition will be dismissed unless the petitioner shows at least one of the following:

* * * * *

2. Section 76.11(a) is revised to read as follows:

§ 76.11 Certificate of compliance required.

(a) No cable television system shall commence operations or add a television broadcast signal to existing operations unless it receives a certificate of compliance from the Commission: *Provided, however,* That an existing system may add a television signal, pursuant to §§ 76.57(a)(1)–(3), 76.59(a)(1)–(3) and (5), 76.61(a)(1)–(3), or 76.63(a) (as it relates to § 76.61(a)(1)–(3)), or the signal of a noncommercial educational television station that is operated by an agency of the state within which the system is located, pursuant to §§ 76.57(b), 76.59(c), 76.61(d), or 76.63(a) (as it relates to § 76.61(d)), without filing an application or receiving a certificate of compliance, if the system serves the information required by § 76.13(b)(1) on the Commission and the parties named in § 76.13(a)(6) and (7) at least thirty (30) days before commencing such carriage and no objection is filed with the Commission within (30) days after such service is made. See § 1.47 of this chapter.

* * * * *

3. Section 76.305(a)(2) is revised to read as follows:

§ 76.305 Records to be maintained locally by cable television systems for public inspection.

* * * * *

(a) * * *

(2) A copy of every application for a certificate of compliance or alternative notification to add television signals filed pursuant to § 76.11(a) and all exhibits, letters, attachments, amendments, and other documents tendered for filing in connection therewith, any subsequent pleadings filed by the system, and all correspondence between the Commission and the applicant pertaining to such application or subsequent pleading, if such materials are also open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies by title, date, and description the information so that it may be found in the file. If an opposition to an application is filed and duly served upon the applicant, a statement that such opposition has been filed shall appear in the local file together with the name and address of the party filing the opposition.

* * * * *

[FR Doc.75-31909 Filed 11-25-75;8:45 am]

[1] *Notice of Proposed Rule Making in Docket No. 19948*, FCC 74-207, 45 FCC 2d 669, Para. 2.

[FCC 75-1276]

PART 97—AMATEUR RADIO SERVICE

Order

In the matter of amendment of part 97 to deregulate the showings required

with applications for remotely controlled and associated stations.

1. The purpose of this Order is to amend the rules for the Amateur Radio Service to deregulate the requirement for certain technical data related to remotely controlled stations to be filed with the applications for such stations. This data now need only be entered into the station log. It will no longer be necessary to include the data with the station license application.

2. It is evident to us, from experience gained in processing more than 2000 applications for all types of remotely controlled and associated stations, including repeater stations, that amateurs have developed the knowledge and capability to properly determine the requirements and technical showings for remotely controlled amateur stations and associated control and auxiliary link stations, in accordance with our rules. Therefore, data on these parameters are changed from application requirements to logging requirements. The only information that must be submitted with the license application will be a statement that the station will be operated by remote control.

3. This revised procedure will benefit applicants, since they will no longer be required to include technical data with their applications. It will benefit licensees of remotely controlled repeater stations, other remotely controlled stations, control stations and auxiliary link stations, since they must no longer submit proposed technical changes to the Commission for approval prior to making modifications to their stations which would change these parameters. It will benefit the Commission, since it will not be necessary for us to review and approve technical data. Therefore, these amendments offer mutual benefits to amateurs and to the Commission through speedier application processing and simplification of implementing technical modifications.

4. The log of each remotely controlled station is required to contain a complete description of the controlled system including all items required by new § 97.103(b). Where a remotely controlled station has one or more associated stations, such as control or auxiliary link stations, a current System Network Diagram must be entered into the log. In addition, the log for each control station and each auxiliary link station must contain a System Network Diagram and a description of all items required by new § 97.103(d) for each system in which the station is a part.

5. There appears to be a valid need to permit, on occasions other than during an emergency, portable and/or mobile operation of certain remotely controlled stations such as where a repeater is being permanently relocated and the licensee is awaiting Commission action on the application for license modification. The prohibition of such operation contained in § 97.88(e) appears to serve no useful purpose and is therefore deleted, however, an operational control system must remain in effect at all times. Whenever such operation takes place, the station identification, notification of portable operation, and logging requirements contained in §§ 97.87, 97.97 and 97.103, as appropriate, must be met.

6. The net effect of these amendments will be a reduction in the initial showings required to be submitted with all applications for remotely controlled stations, control stations, and auxiliary link stations. In addition, licensees will now be able to make modifications to the control system of their remotely controlled station without the need for prior Commission approval.

7. Authority for these amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. The prior notice and public procedure provisions of the Administrative Procedure Act (5 U.S.C. 553) are unnecessary since the Commission feels that there would be no objection to the relief from previously imposed restrictions. Early adoption will simplify application filing requirements, accelerate the speed for processing applications, and reduce delay in eliminating restrictions. Therefore, the effective date provisions of the Administrative Procedure Act do not apply.

8. *It is ordered*, That effective December 1, 1975, Part 97 of the Commission's Rules and Regulations is amended as set forth below.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted November 17, 1975.

Released November 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 97.41, paragraphs (c) and (e) are deleted, paragraph (d) is revised and redesignated (c), and paragraphs (f), (g), (h) and (i) are redesignated (d), (e), (f) and (g), respectively, as follows:

§ 97.41 Application for station license.

* * * * *

(c) Each application to license a remotely controlled amateur radio station shall be accompanied by a statement so indicating.

* * * * *

§ 97.47 [Amended]

2. In § 97.47, paragraphs (d) and (e) are removed.

3. In § 97.88, paragraph (a) is revised, paragraph (e) is deleted, and paragraph (f) is redesignated (e):

§ 97.88 Operation of a remotely controlled station.

* * * * *

(a) A photocopy of the remotely controlled station license must be posted in a conspicuous place at the authorized control point(s), and at the remotely controlled transmitter location. A copy of the system network diagram must be retained at each control point. The transmitting antenna, transmission line, or mast, as appropriate, associated with the remotely controlled transmitter must bear a durable tag marked with the station call sign, the name of the station licensee and other information so that the control operator can readily be contacted by Commission personnel.

* * * * *

4. In § 97.103, new paragraphs (c), (d), (e) and (f) are added to read as follows:

§ 93.103 Station log requirements.

* * * * *

(c) The log of a remotely controlled station shall have entered the address for each control point and a functional block diagram and a technical explanation sufficient to describe the operation of the control link. Additionally, the following shall be entered:

(1) Description of the measures taken for protection against access to the remote station by unauthorized persons.

(2) Description of the measures taken for protection against unauthorized station operation, either through activation of the control link or otherwise.

(3) Description of the provisions for shutting down the station in case of control link malfunction.

(4) Description of the means provided for monitoring the transmitting frequencies.

(5) Photocopies of all control station licenses and all auxiliary link station licenses.

(d) When a station has one or more associated stations, i.e., control station and/or auxiliary link station, a system network diagram shall be entered.

(e) The log of a control station or an auxiliary link station shall have the following information entered:

(1) A system network diagram for each system with which the station is associated.

(2) The station transmitting band(s).

(3) Description of the means provided for monitoring the transmitting frequencies.

(4) The transmitter power input and justification that such power is in compliance with § 97.67(b).

(5) If an auxilitary link station is being operated by remote control, all of the information required by paragraph (b) of this section shall also be entered.

(f) Notwithstanding the provisions of § 97.105, the log entries required by paragraph (c), and (d) and (e) of this section shall be retained in the station log until such time as they are amended.

5. In § 97.110, paragraph (b) is revised and paragraph (c) is added to read as follows:

§ 97.110 Operation of an auxiliary link station.

* * * * *

(b) An auxiliary link station may only be used for fixed operation from the location specified on the station license.

(c) An auxiliary link station licensed either for operation by local control or remote control may also be operated by

automatic control when it is operated as a part of a repeater station system which is being operated under automatic control. Both the auxiliary link station and the repeater station must appear on the system network diagram.

[FR Doc.75-31911 Filed 11-25-75;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-67; Notice No. 75-24]

PART 391—QUALIFICATIONS OF DRIVERS

Intrastate Drivers of Vehicles Transporting Combustible Liquids

● Purpose. Driver qualification requirements for those drivers transporting combustible liquids in intrastate commerce will, for the first time, become subject to the Federal Motor Carrier Safety Regulations on January 1, 1976. A new section to Part 391 of the Regulations provides for exemptions from certain of the requirements of those qualifications. ●

On July 29, 1975, in response to a petition, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 31806) proposing to amend Part 391, Qualifications of Drivers, of the Federal Motor Carrier Safety Regulations (FMCSR). This proposal would provide a 3-year period for compliance with certain driver qualification requirements in those intrastate operations that will become subject thereto on January 1, 1976, as a result of Hazardous Materials Docket No. HM-102, published in the FEDERAL REGISTER on May 22, 1975, (40 FR 22263). Interested persons were given until September 1, 1975, to submit written data, views, or arguments to the Notice under consideration. Full and careful consideration was given to all written comments received.

Docket No. HM-102 expanded the number of commodities regulated as flammable by adopting a new definition which includes all liquids having a flash point below 100° F. using the closed cup test method. For the first time a definition has been established for "combustible liquids" which includes all liquids having a flash point between 100° F. As a result of these changes, which will become effective on January 1, 1976, many drivers and vehicles engaged in intrastate operations performed by interstate carriers will, for the first time, become subject to the FMCSR. The intrastate operations affected generally include the local hauling of fuel oil and heating oil delivery operations of an interstate carrier. The Federal Government's jurisdiction over the transportation of hazardous materials is set forth in title 18, United States Code, sections 831-835, and Pub. L. 93-633.

All of the responses generally indicated support for the proposed 3-year grace period for compliance with Part 391, Qualifications of Drivers.

Several of the respondents requested that a permanent exemption be granted from the requirements of Part 391. Other changes requested by respondents included an extension of the exemption to all of the provisions of the FMCSR's, an exemption for interstate movements conducted wholly within a 50-mile radius of the driver's home terminal, a 3-year delay in the applicability of the FMCSR's pending completion of the commercial zone study currently being made, an inflationary impact statement, and an objection to the reclassification of combustible liquids.

All of the comments relating to other than Part 391, Qualifications of Drivers, as contained in the Notice, are considered unresponsive to the Notice and no further comment will be made thereon. The objection raised to the reclassification of combustible liquids should have been directed to the Materials Transportation Bureau in connection with Docket HM-102.

Having considered the comments of record it was determined that the requests for a permanent exemption from all of the provisions of Part 391 did not contain any data in support thereof. Limited exemptions are however being provided for those drivers who were regularly employed on or before July 1, 1975, transporting combustible liquids in intrastate commerce as long as they remain in the employ of that motor carrier. Those exemptions include the provisions relating to the road test, written test, application for employment, and investigation and inquiries.

Since the minimum age requirement is 21 an exemption is being provided to permit those drivers who are under 21 years old to continue to drive.

In addition, respondents pointed out that the older, more experienced drivers that are unable to meet the minimum visual requirements have been driving for many years and are nearing retirement age. To arbitrarily require such drivers, with excellent safety records to be discharged would deprive them of their just retirement. Also, the economic conditions afford older, experienced drivers limited opportunities to find employment elsewhere. An exemption is therefore being provided from the minimum visual requirements restricted to those drivers operating trucks in retail delivery service.

In reaching this determination, serious consideration was given to the hazards associated with the transportation of combustible liquids.

One respondent stated that it was necessary to issue an inflationary impact to justify the costly consequences of this prospective action. The notice was issued prior to the issuance of instructions by the Office of Management and Budget (OMB) for compliance with Executive Order No. 11821 relative to inflationary impact statements. The action proposed in the Notice, however, reduces the amount of paperwork that would otherwise be required rather than place an additional burden on the motor carriers. The applicability of the FMCSR's over the operations involved in this Notice was the result of action taken in Docket No. HM-102, which was also published prior to OMB instructions.

In consideration of the foregoing, the FMCSR's (Subchapter B of Chapter III in Title 49, CFR) are amended as set forth below.

Part 391 is amended by adding a new § 391.69 as follows:

Subpart G—Limited Exemptions

§ 391.69 Intrastate drivers of vehicles transporting combustible liquids.

(a) The provisions of § 391.11(b)(1) (relating to minimum age), § 391.21 (relating to application for employment), § 391.23 (relating to investigations and inquiries), § 391.31 (relating to road test), and § 391.35 (relating to written examination) do not apply to a driver who is otherwise qualified and was a regularly employed driver (as defined in § 395.2(f) of the subchapter) as of July 1, 1975, and continues to be a regularly employed driver of that motor carrier and who drives a motor vehicle that:

(1) Is transporting combustible liquids (as defined in § 173.115 of this title), and

(2) Is being operated in intrastate commerce.

(b) In addition to the exemptions provided in paragraph (a) of this section, the provisions of § 391.41(b)(10) (relating to minimum visual requirements), do not apply to a driver who was a regularly employed driver (as defined in § 395.2(f) of this subchapter) as of July 1, 1975, and continues to be a regularly employed driver of that motor carrier and who drives a vehicle that:

(1) Is a truck (as defined in § 390.4 of this subchapter), and

(2) Is operated in retail delivery service, and

(3) Is transporting combustible liquids (as defined in § 173.115 of this title), and

(4) Is operated in intrastate commerce.

(Section 204, Interstate Commerce Act, (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4 respectively)

Effective date. These amendments become effective January 1, 1976.

Issued on November 13, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.75-31889 Filed 11-25-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Revised Service Order No. 1223]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 3, held in Washington, D. C., on the 20th day of November, 1975.

It appearing, That an acute shortage of covered hopper cars for transporting shipments of grain, grain products, soybeans, or soybean meal exists in certain

sections of the country; that some carriers have placed substantial numbers of large-capacity covered hopper cars in unit-train service for the movement of grain under tariff provisions which require that these cars remain in this service for five or more consecutive trips in the service of a single shipper; that such practices are depriving shippers, unable to ship to the destinations to which such services are available or unable to comply with tariff provisions applicable to such movements with respect to availability of tonnage in a single day or ability to receive grain in such quantities, of an equitable share of the supply of large covered hoppers; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars are ineffective in assuring a proper allocation of such cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That § 1033.1223 be revised to read as follows:

§ 1033.1223 Distribution of covered hopper cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its care service:

(1) *Restrictions on use of covered hopper cars.* Effective at 11:59 a.m., October 31, 1975, no common carrier by railroad shall permit the use in unit-grain-train services of more than twenty percent (20%) of its ownership of jumbo covered hopper cars. (See exception)

(2) *Repetitive trips.* After completion of the minimum number of trips required by applicable tariffs to qualify for unit-grain-train rates, unit-grain-trains comprised of jumbo covered hopper cars shall be returned to the origin carrier for distribution. In the application of this paragraph, if unit-grain-trains are subject to tariffs containing two or more levels of rates, each subject to a specific minimum number of consecutive trips, the unit-grain-trains shall be returned to the carrier for distribution after completion of the least number of consecutive trips specified in the tariff. In distributing cars, consideration shall be given to the sequence of car orders, the amount of grain immediately available for shipment and the ratio of grain cars ordered to grain cars furnished during the previous seven-day period.

(3) *Completion period.* The period specified in applicable tariffs for completion of the total volume requirements of any unit-grain-train shipment on which the required number of consecutive trips has been interrupted because of the provisions of paragraph (a)(2) of this section, shall be extended by addition of the number of days of such interruption, to the total number of days allowed to fulfill such volume requirements.

(4) *Railroad cars mixed with private cars.* (i) Jumbo covered hopper cars of railroad ownership may be substituted for similar cars of private ownership in unit-grain-trains normally consisting of cars of private ownership to replace cars which have been damaged by the railroad, provided such substitution does not exceed ten percent (10%) of the total number of cars in such train, fractions of a car to be computed by the next higher whole number of cars. The total of such railroad-owned cars shall be included in the total number of cars authorized herein to be used in unit-grain-train services. (See exception (a)(4)(iii) of this section.)

(ii) Carrier may operate unit-grain-trains comprised of cars of both railroad and private ownership. (See exception (a)(4)(iii) of this section.) The railroad-owned cars used in such unit-train of mixed ownerships shall remain subject to the provisions of paragraph (a)(2) of this section.

(iii) *Exception.* The provisions of paragraphs (a)(4) (i) and (ii) of this section shall not apply to unit-grain-trains subject to tariff provisions requiring the exclusive use of cars of private ownership.

(5) *Increased use in unit trains prohibited.* No common carrier by railroad shall increase the proportion of its ownership of covered hopper cars operated in unit-grain-train services above the proportion operated in unit-grain-train services on October 31, 1975.

(6) *Exception.* Exceptions to this order may be authorized to carriers by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C., 20423, upon written application stating the number of additional cars to be used in unit-grain-train services, the points between which such cars are to be used and the effect upon the carrier's ability to supply cars to other grain shippers who are dependent on it for their car supplies.

(7) *Substitution of small cars for jumbo cars prohibited.* No common carrier shall substitute smaller covered hopper cars for jumbo covered hopper cars for use in unit-grain-train services.

(8) *Monthly reports required.* Each common carrier by railroad owning jumbo covered hopper cars shall report to Mr. R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, on or before the tenth day of each month the number of jumbo covered hopper cars owned, as of the first of the month, the total number in unit-grain-train services; by trains, the number of railroad-owned and privately-owned cars in unit-grain-trains of mixed ownership; by trains, the number of railroad-owned cars substituted for private cars which have been damaged by railroad and the number of private cars in such unit-grain-trains; the number of railroad-owned cars in general grain services, the number in other services, the number of unit-grain-trains operated during the previous month, and the number of trips made by such trains.

(b) *Definitions:*

(1) *Unit-grain-trains.* Unit-grain-trains are hereby defined as trains of twenty (20) or more covered hoppers organized and operated as a unit from a single point of origin or concentration point, to one destination or distribution point in order to comply with published tariff requirements.

(2) *Jumbo covered hopper cars of railroad ownership.* Jumbo covered hopper cars of railroad ownership are hereby defined as cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397 issued by W. J. Trezise, or successive issues thereof as bearing reporting marks issued to railroads and having mechanical designation "LO", and having cubical capacities of 4,000 cu. ft. or larger and weight-carrying capacities of 180,000 lbs. or greater.

(3) *Cars of private ownership.* Cars of private ownership are hereby defined as cars listed in the Section entitled "Private Car Owners," pages 706–1064, inclusive of the Official Railway Equipment Register I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof.

(c) *Rules and regulations suspended.* In the event that the operation of any unit-grain-train is discontinued prior to December 1, 1975, as a result of this order, the discontinuance of such a train shall be deemed to have completed the tariff responsibility as to total volume required to be shipped and as to the number of consecutive trips required to be made by such unit-grain-train. The operation of all other tariff provisions or of other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) *Effective date.* This order shall become effective at 11:59 p.m., November 23, 1975.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 29, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Shore Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington,

D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32037 Filed 11-25-75;8:45 am]

[Amendment No. 1 to Revised Service Order No. 1171]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 20th day of November, 1975.

Upon further consideration of Revised Service Order No. 1171 (40 FR 45174), and good cause appearing therefor:

It is ordered, that § 1033.1171(g) is revised as follows:

§ 1033.1171 Regulations for return of hopper cars.

* * * * *

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32038 Filed 11-25-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICES, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on November 26, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Kirwin National Wildlife Refuge, Kansas, is permitted from January 1 through December 31, 1976, inclusive, on all areas not designated by signs as closed to fishing. These open areas, comprising 5,000 acres, are delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Fish and Wildlife Service, P. O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

NOVEMBER 12, 1975.

KEITH S. HANSEN, *Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.*

[FR Doc.31882 Filed 11-25-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 208]

FLOOD CONTROL AND NAVIGATION

Proposed Revision of Regulations for Use of Storage Allocated for Flood Control and Navigation Purposes

Notice is hereby given that the Secretary of the Army (acting through the Chief of Engineers) is proposing revised regulations prescribing the policy and procedures to govern the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds as directed by section 7 of the Flood Control Act of 1944. These proposed regulations are intended to establish an understanding between project owners, operating agencies and the Corps of Engineers with regard to certain activities and responsibilities concerning water control management throughout the Nation in the interest of flood control and navigation. Initially, these generalized regulations will be applicable to those projects for which specific regulations have been published in the FEDERAL REGISTER under this section (Part 208) of the Code and which will be superseded by these regulations. A list of applicable projects is shown in the table at the end of this regulation. Specific information, as defined in paragraph (k) of § 208.4, for the initially applicable projects will be abstracted from the listed codified regulations to be deleted, and published in § 208.5 of the final regulation. Periodically, and at least annually, additional projects will be added to the list in § 208.5 by publication of required information, as defined in paragraph (k) of § 208.4, in the FEDERAL REGISTER.

Prior to promulgation of final regulations in the FEDERAL REGISTER, consideration will be given to any comments submitted to the Chief of Engineers. Such comments should be sent to the Chief of Engineers, ATTN: DAEN-CWE-Y, Department of the Army, Washington, D.C. 20314, on or before 15 December 1975.

Dated: November 1975.

ERNEST GRAVES,
Major General, USA,
Director of Civil Works.

It is proposed to amend Part 208 of Title 33 by adding §§ 208.1 through 208.5:

PART 208—FLOOD CONTROL AND NAVIGATION

Sec.
208.1 Purpose.
208.2 Policy.
208.3 Scope and terminology.
208.4 Procedures.
208.5 List of projects.

AUTHORITY: Sec. 7, Pub. L. 78-534, 58 Stat. 890 (33 U.S.C. 709).

§ 208.1 Purpose.

Proposed revision of policy and procedures. This regulation prescribes the policy and procedure for regulating the use of storage allocated for flood control or navigation purposes at all reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, except projects owned and operated by the Corps of Engineers and the International Boundary and Water Commission, United States and Mexico. The intent of this regulation is to establish an understanding between project owners, operating agencies, and the Corps of Engineers.

§ 208.2 Policy.

The basic policy of the Corps of Engineers for carrying out the Congressional mandate of the cited authority is set forth below:

(a) Section 7 of the Flood Control Act of 1944 (58 Stat. 890, 33 U.S.C. 709) directs the Secretary of the Army to prescribe regulations in the interest of flood control and navigation:

> Hereafter, it shall be the duty of the Secretary of War to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, and the operation of any such project shall be in accordance with such regulations: Provided, that this section shall not apply to the Tennessee Valley Authority, except that in case of danger from floods on the Lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water from the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the War Department.

(b) The Chief of Engineers, U.S. Army, Corps of Engineers, is designated the duly authorized representative of the Secretary of the Army to exercise the authority set out in the Act. This regulation will be implemented by letters of understanding between the Corps of Engineers and project owner prior to the time construction renders the project capable of significant impoundment of water, followed by a Water Control Diagram or Release Schedule signed by both parties when deliberate impoundment first begins or * * * at such time as the responsibility for physical operation, maintenance and certain water control responsibilities of Corps owned projects may be transferred to another entity. Promulgation of this regulation for a given project will occur at such time as the name of the project appears in the FEDERAL REGISTER in accordance with § 208.4(k).

§ 208.3 Scope and terminology.

This regulation applies to Federally authorized flood control and/or navigation storage projects during the planning, design and construction phases, and throughout the life of the project. In compliance with the authority cited above, this regulation defines certain activities and responsibilities concerning water control management throughout the nation in the interest of flood control and navigation. This regulation does not apply to local flood protection works governed by § 208.10, Title 33 of the Code.

(a) The terms "reservoir" and "project" as used herein include all water resource impoundment projects constructed or modified, including natural lakes, that are subject to this regulation.

(b) The term "project owner" refers to the entity responsible for maintenance, physical operation and safety of the project, and for carrying out the water control plan in the interest of flood control and/or navigation as prescribed by the Corps of Engineers. Special arrangements may be made by the project owner for "operating agencies" to perform these tasks.

(c) The term "real-time" denotes the processing of current information or data in a sufficiently timely manner to influence a physical response in the system being monitored and controlled. As used herein the term connotes * * * the analysis for an execution of water control decisions for both minor and major flood events and for navigation, based on prevailing hydrometeorological and other conditions and constraints, to achieve efficient management of water resource systems.

(d) The term "release schedule" or "water control diagram" refers to a compilation of water control criteria, guidelines, and specifications that basically govern the use of reservoir storage space allocated for flood control or navigation and/or release functions of a water control project for these purposes. In general, they indicate controlled or limiting rates of discharge and storage space required for flood control and/or navigation, based on the runoff potential during various seasons of the year. Diagrams are expressed in graphical form, accompanied by tabulations (release schedule) and concise notes of explanation.

(e) For the purpose of this regulation, the term "water control plan" is limited to the plan of regulation for a water re-

sources project regarding flood control and/or navigation. The water control plan must conform with proposed allocations of storage capacity and downstream conditions or other requirements to meet all functional objectives of the particular project, acting separately or in combination with other projects in a system.

§ 208.4 Procedures.

(a) *Conditions during project formulation.* During the planning and design phase, the project owner should consult the Corps of Engineers regarding advice on the quantity of space to reserve in the reservoir for flood control and/or navigation purposes, and for utilization of the space. Relevant matters that bear upon flood control and navigation accomplishment include: runoff potential reservoir discharge capability, downstream channel characteristics, hydrometeorological data collection, flood hazard, flood damage characteristics, real estate acquisition for flowage requirements (fee and easement) and resources required to implement the water control plan. Advice may also be sought on determination of and regulation for the probable maximum or other design flood under consideration by the project owner to establish the quantity of surcharge storage space, and freeboard elevation of top of dam or embankment for safety of the project.

(b) *Corps of Engineers assistance.* Ordinarily the project owner will be responsible for real-time implementation of the water control plan. However, consultation and assistance will be provided by the Corps of Engineers when appropriate and to the extent possible. The Corps of Engineers may accept the responsibility to prescribe the water control procedures on a continuous real-time basis in the interest of flood control and navigation and other considerations.

(c) *Discretionary authority re real-time water control decisions.* The Corps of Engineers may decide in special cases to prescribe the regulation of flood control storage for any project subject to this regulation on a day-to-day (real-time) basis during actual occurrence of flood events, or during any emergency that affects flood control or navigation, without request of the project owner. Important considerations in this decision are: the type of project, the nature of potential damage centers at the time of project development or any time thereafter, the degree of protection to provide against flooding, associated elements of risk, hydrologic forecasting and flood warning requirements, the overall complexity of constraints on flood control and the available resources of the project owner to satisfactorily accomplish the flood control objectives. Special requests by the project owner, or appropriate operating agency, are preferred before the Corps of Engineers offers advice on real-time regulation during surcharge storage utilization.

(d) *Water control plan and manual.* Prior to project completion, water control managers from the Corps of Engineers will visit the project and the area protected by the project to become familiar with the water control facilities, and to insure sound formulation of the water control plan. The formal plan of regulation for flood control and/or navigation, referred to herein as the water control plan, will be developed and documented in a Water Control Manual prepared by the Corps of Engineers, in coordination with the project owner to obtain the necessary pertinent information, and to insure compatibility with other project purposes and with surcharge regulation. Major topics in the manual will include: authorization and description of the project, hydrometeorology, data collection and communication networks, hydrologic forecasting, the water control plan and water resource management, including responsibilities and coordination for water control decision-making. Special instructions to the damtender or reservoir manager on data collection, reporting to higher Federal authority and on procedures to be followed in the event of a communication outage under emergency conditions, will be prepared as an exhibit to the manual. Other exhibits will include copies of this regulation, letters of understanding implementing this regulation, the Water Control Diagram or Release Schedule and any water control agreements consummated as described in paragraph (e) of this section. After approval by the Chief of Engineers or his duly authorized representative the manual will be furnished the project owner.

(e) *Water control agreements.* (1) A Water Control Diagram (graphical) will be prepared by the Corps of Engineers for each project having variable space reservation for flood control and/or navigation during the year; e.g., variable seasonal storage, joint-use space or other rule curve designation. Reservoir inflow parameters will be included on the diagrams when appropriate. Concise notes will be included on the diagram prescribing the use of storage space in terms of release schedules, runoff, non-damaging or other controlling flow rates downstream of the damsite, and other major factors as appropriate. A Water Control Release Schedule will be prepared in tabular form for projects that do not have a variable space reservation for flood control and/or navigation. The Water Control Diagram or Release Schedule will be signed by a duly authorized representative of the Chief of Engineers and the project owner, and will be used as the basis for carrying out this regulation. Each Diagram or Schedule will contain a reference to this regulation.

(2) When deemed necessary by the Corps of Engineers, a supplementary agreement will be consummated between the Chief of Engineers, or his duly authorized representative, and the project owner in order to assure mutual understanding on certain details or other important aspects of the water control plan not covered in this regulation, on the Water Control Diagram or in the Release Schedule. This supplementary agreement will be in addition to the letters of understanding, mentioned in § 208.2, required to implement this regulation. The document will be entitled "Memorandum of Understanding re Water Control Procedures," and will include clarification of any aspects that might otherwise result in unsatisfactory project performance in the interest of flood control and/or navigation. Such an agreement will be prepared for each project where the Corps of Engineers exercises the discretionary authority to prescribe the flood control regulation on a day-to-day (real-time) basis. The agreement will include delegation of the responsibility. The document should also cite section 7 of the 1944 Flood Control Act and Congressional legislation authorizing construction of the project.

(3) All Flood Control Diagrams and Release Schedules officially consummated for existing projects remain valid and in effect until such time as their revision may be required. All Flood Control Regulations published in the FEDERAL REGISTER under this section (Part 208) of the Code prior to the date of this publication, except § 208.10, are hereby superseded.

(f) *Hydrometeorological instrumentation.* The project owner will provide instrumentation in the vicinity of the damsite and will provide communication equipment necessary to record and transmit hydrometeorological and reservoir data to all appropriate federal authorities on a real-time basis. For those projects where the owner retains responsibility for real-time implementation of the water control plan, the owner will also provide or arrange for the measurement and reporting of hydrometeorological parameters required within and adjacent to the watershed and downstream of the damsite, sufficient to regulate the project for flood control in an efficient manner. When data collection stations outside the immediate vicinity of the damsite are required, and funds for installation, observation and maintenance are not available from other sources, the Corps of Engineers may agree to share the costs for such stations with the project owner. Availability of funds and urgency of data needs are factors which will be considered in reaching decisions on cost sharing.

(g) *Project safety.* The project owner is responsible for the safety of the dam and appurtenant facilities and for regulation of the project during surcharge storage utilization. Emphasis upon the safety of the dam is especially important in the event surcharge storage is utilized, which results when the total storage space reserved for flood control is exceeded. Any assistance provided by the Corps of Engineers concerning surcharge regulation is to be utilized at the discretion of the project owner, and does not relieve the owner of the responsibility for safety of the project.

(h) *Notification of the general public.* Public meetings will be held jointly by the Corps of Engineers and project owner, when appropriate, to inform the general public of the water control plan.

The initial meeting, or other effective means of public notification will be conducted near the time the project becomes operational. Subsequent public notification will be given by the project owner in the event significant problems are experienced or anticipated that would prevent carrying out the approved water control plan, or in the event an extreme water condition is expected that could produce severe damage to property or loss of life, even though deviation from the approved plan is not anticipated. Modification of the plan may also constitute sufficient reason to inform the general public. The Water Control Manual will be made available for examination by the general public upon request at the appropriate Corps of Engineers field office.

(i) *Other generalized requirements for flood control and navigation.* (1) Storage space in the reservoirs allocated for flood control and navigation purposes shall be kept available for those purposes in accordance with the Water Control Diagram or Release Schedule, and the plan of regulation in the Water Control Manual.

(2) Any water impounded in the flood control space defined by the Water Control Diagram or Release Schedule shall be evacuated as rapidly as can be safely accomplished without causing downstream flows to exceed the controlling rates; i.e., releases from reservoirs shall be restricted insofar as practicable to quantities which, in conjunction with uncontrolled runoff downstream of the dam, will not cause water levels to exceed the controlling stages currently in force. Although conflicts may arise with other project purposes, such as hydropower, the plan of regulation may require releases to be completely curtailed in the interest of flood control or safety of the project.

(3) Nothing in the plan of regulation for flood control shall be construed to require or allow dangerously rapid changes in magnitudes of releases. Releases will be made in a manner consistent with requirements for protecting the dam and reservoir from damage and with safe passage of the maximum design flood for the project.

(4) The project owner shall monitor current reservoir and hydrometeorological conditions in and adjacent to the watershed and downstream of the damsite, as necessary, and report this and any other pertinent information to the Corps of Engineers on a timely basis, in accordance with standing instructions to the damtender or other means of request from the Corps of Engineers.

(5) In all cases where the project owner retains responsibility for real-time implementation of the water control plan, he shall make current determinations of: reservoir inflow, flood control storage utilized, scheduled releases, and storage space and releases required to comply with the water control plan prescribed by the Corps of Engineers. The owner shall also report this information on a timely basis as requested by the Corps of Engineers.

(6) The water control plan is subject to temporary modification by the Corps of Engineers if found necessary in time of emergency. Requests for and action on such modifications may be made by the fastest means of communication available, and the action taken shall be confirmed in writing the same day to the project owner, including justification for the action.

(7) The project owner may temporarily deviate from the water control plan in the event an immediate short term departure is deemed necessary for emergency reasons to protect the safety of the dam, or to avoid other serious hazards. Such actions shall be immediately reported by the fastest means of communication available and confirmed in writing the same day to the Corps of Engineers, including justification for the action. Continuation of the deviation will require the express approval of the Chief of Engineers, or his duly authorized representative.

(8) Advance approval of the Chief of Engineers, or his duly authorized representative, is required prior to any deviation from the plan of regulation prescribed or approved by the Corps of Engineers in the interest of flood control and/or navigation, except in emergency situations provided for in paragraph (i) (7) of this section. When conditions appear to warrant a prolonged deviation from the approved plan, the project owner and the Corps of Engineers will jointly investigate and evaluate the proposed deviation to insure that the overall integrity of the plan would not be unduly compromised. Approval for prolonged deviations will not be granted unless such investigations and evaluations have been conducted to the extent deemed necessary by the Chief of Engineers, or his designated representatives, to fully substantiate the deviation.

(j) *Revisions.* The water control plan and all associated documents will be revised by the Corps of Engineers, as necessary, to reflect changed conditions that come to bear upon flood control and navigation, including any reallocation of reservoir storage space due to sedimentation or transfer of storage space to a neighboring project. Revision of the water control plan, water control agreement, Water Control Diagram or Release Schedule requires approval of the Chief of Engineers or his duly authorized representative, and letters of understanding on the revision between the Corps of Engineers and project owner. Each such revision shall be effective upon the date specified in the approval. The original Water Control Diagram or Release Schedule shall be kept on file in the office, Chief of Engineers, Department of the Army, Washington, D.C. Copies of the Diagram and Schedule shall be kept on file in and may be obtained from the project owner, or from the office of the appropriate Division Engineer, Corps of Engineers.

(k) FEDERAL REGISTER. The following information for each project subject to section 7 of the 1944 Flood Control Act shall be published in the FEDERAL REGISTER prior to the time the project becomes operational and prior to any significant impoundment before project completion or * * * at such time as the responsibility for physical operation and maintenance of Corps of Engineers owned projects is transferred to another entity: (1) Reservoir, dam and lake names, (2) stream, County and State corresponding to the damsite location, (3) the maximum current storage space in acre-feet to be reserved exclusively for flood control and/or navigation purposes, or any multiple-use space (intermingled) when flood control or navigation is one of the purposes, with corresponding elevations in feet above mean sea level, and area in acres, at the upper and lower limits of said space, (4) the name of the project owner and (5) Congressional legislation authorizing the project for Federal participation.

§ 208.5 List of projects.

The following table shows the projects which are subject to this regulation.

D & L Projects(s)	River or creek	State(s)	CFR No.
Alpine	Keith Creek	Illinois	208.30
Altus	North Fork-Red River	Oklahoma	208.26
Arbuckle	Rock Creek	do	208.29
Bear Creek	Bear Creek	Missouri	208.31
Big Dry Creek	Big Dry Creek	California	208.32
Bonny	South Fork Republican River	Colorado	208.41
Boysen	Bighorn River	Wyoming	208.49
Bully Creek, Agency Valley and Warm Springs	Malheur River	Oregon	208.93
Comanche	Mokelumne River	California	208.81
Cedar Bluff	Smoky Hill River	Kansas	208.35
Cheney	North Fork Ninnescah River	do	208.33
Clark Canyon	Beaverhead River	Montana	208.48
Devil Creek	Devil Creek	Idaho	208.77
Emigrant	Emigrant Creek	Oregon	208.95
Enders	Frenchman Creek	Nebraska	208.39
Folsom	American River	California	208.27
Fort Cobb	Pond (Cobb) Creek	Oklahoma	208.27
Foss	Washita River	do	208.28
Friant	San Joaquin River	California	208.85
Glen Elder	Solomon River	Kansas	208.51
Glendo	North Platte River	Wyoming	208.32
Heart Butte	Heart River	North Dakota	208.36
Hetch Hetchy, Cherry Valley and Don Pedro.	Tuolomne River	California	208.82
Hoover	Colorado River	Nevada and Arizona	208.80
Hungry Horse	South Fork Flathead River	Montana	208.90
Jamestown	James River	North Dakota	208.50
Keyhole	Belle Fourche River	Wyoming	208.49
Kirwin	North Fork Solomon River	Kansas	208.44
Little Wood River	Little Wood River	Idaho	208.92
Logan Martin	Coosa River	Alabama	208.66
Los Banos	Los Banos Creek	California	208.84
Lovewell	White Rock Creek	Kansas	208.42

D & L Project(s)	River or creek	State(s)	CFR No.
Markham Ferry	Grand (Neosho River)	Oklahoma	208.24
Marshall Ford	Colorado River	Texas	208.19
Medicine Creek	Medicine Creek	Nebraska	208.35
New Exchequer	Merced River	California	208.75
Norman	Little River	Oklahoma	208.34
Norton	Prairie Dog Creek	Kansas	208.45
Oroville	Feather River	California	208.88
Pactola	Rapid Creek	South Dakota	208.47
Palisades	Snake River	Idaho	208.91
Pensacola	Grand (Neosho) River	Oklahoma	208.25
Platoro	Conejos River	Colorado	208.23
Prineville and Ochoco	Crooked River and Ochoco Creek	Oregon	208.95
Prosser Creek	Prosser Creek	California	208.78
Red Willow	Red Willow Creek	Nebraska	208.43
Sanford	Canadian River	Texas	208.32
Savage River	Savage River	Maryland	208.16
Shadehill	Grand River	South Dakota	208.37
Shasta	Sacramento River	California	208.86
Trenton	Republican River	Nebraska	208.38
Twin Buttes	Middle and South Concho River	Texas	208.22
Twitchell	Cuyama River	California	208.79
Waterbury	Waterbury River	Vermont	208.17
Weiss	Coosa River	Alabama	208.65
Yellowtail	Bighorn River	Montana	208.53

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers
Executive.

[FR Doc.75-31854 Filed 11-25-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 2920, 2923]

ADMINISTRATION OF SPECIAL LAND USE PERMITS

Noticeof Proposed Rulemaking

Notice is hereby given that it is proposed to amend Part 2920 of Title 43, Code of Federal Regulations dealing with the administration of Special Land Use Permits. The present language of the regulations has given rise to some misunderstanding as to the situations in which Special Land Use Permits may be issued and the term for which they may be granted. The existing regulations were intended to provide for only temporary or short-term type improvements and use of the public lands not specifically provided for by existing law.

There are laws under which permanent improvements may be made, and they therefore cannot be anuthorized by special land use permits. The proposed rulemaking eliminates the inconsistency in the existing regulations between the concept of the short term permit and the type of improvements described therein.

These amendments are proposed under the authority of 43 U.S.C. 1, 2, 1201; 43 U.S.C. 1361–1364.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(C3) is required.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until December 31, 1975.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Legislation and Regulatory Management, Bureau of Land Management, Room 5555, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

Chapter II, Title 43, Part 2920 of the Code of Federal Regulations is amended and revised to read as follows:

1. Section 2920.0–5 paragraph (d) is revised to read as follows:

§ 2920.0–5 Definitions.

* * * * *

(d) The term "commercial facilities and services" means accommodations, equipment, and other related supplies and services provided on a temporary or short-term basis by a private entrepreneur, whether an individual, a group, association, or qualified corporation, to facilitate public use of the public lands. These facilities and services may include, but are not limited to: trailer camps, automotive and transportation services, and portable sanitary facilities.

* * * * *

2. Section 2920.0–5 is amended by adding paragraphs (f) and (g) to read:

§ 2920.0–5 Definitions.

* * * * *

(f) The term "trailer camp" means an area of stable land used for temporary parking of trailers, with portable toilet or other removable sanitary facilities, and no installation of permanent pads or other permanent structures.

(g) The term "automotive and transportation services" means portable repair and fuel facilities, such as a "shop on wheels" or a gasoline or diesel fuel tanker truck, or similar arrangements or facilities.

3. Section 2920.3(a) is amended by adding paragraph (3) to read:

§ 2920.3 Terms.

(a) *General.* * * *

(3) A special land-use permit will not be issued for a longer term than one year, unless in the opinion of the authorized officer a longer term is considered necessary.

* * * * *

4. In section 2923.2, the last sentence is revised to read:

§ 2923.2 Applications.

* * * * *

* * * The application shall include sufficient detail to adequately describe the facilities and/or services to be provided and their purpose.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 19, 1975.

[FR Doc.75-31864 Filed 11-25-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 92]

HORSES

Proposed Restrictions on Importation

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended; and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations. Because of the existence of certain communicable diseases of horses in many foreign countries, it is necessary to strengthen the requirements for importation of all horses into the United States in order to protect the livestock of the United States from the threat of introduction and dissemination of such diseases.

Statement of considerations. Dourine, glanders, equine piroplasmosis and equine infectious anemia (EIA) are diseases of horses known to exist in many countries of the world which export horses to the United States. The great threat posed by these diseases mandates the requirement of a negative test for all these diseases on horses intended for importation into the United States as a condition for their release from port of entry quarantine. As an additional requirement only those horses found free from any communicable disease upon inspection would be eligible for release from such quarantine. Different requirements would be imposed on horses from Canada for reasons stated below.

At the present, horses intended for importation from any country, except Canada, have to be tested negative for certain communicable diseases including equine piroplasmosis while in quarantine at the port of entry as a require-

ment for their release for entry. On occasion such animals have reacted to tests for equine piroplasmosis which necessitated their being removed from this country, held for extended periods of quarantine and retested, or otherwise disposed of as directed by the Deputy Administrator. To provide further safeguards against the introduction of this disease and to avoid needless expense and inconvenience to importers, provisions are contained in the proposed amendments whereby specimens collected from such animals at origin may be imported into the United States, under permit, for diagnostic screening tests of such animals intended for export to the United States, prior to their departure from the country of origin. In order to facilitate the importation of such diagnostic test specimens in a manner that will protect the livestock of the United States from the danger of communicable diseases, permit requirements would be imposed in relation to the importation of such specimens. This service is being provided in relation to equine piroplasmosis because diagnostic tests for this disease are only being conducted at the Veterinary Services Laboratory, Beltsville, Maryland.

Equine infectious anemia (EIA) is a disease of horses which is difficult to diagnose and cannot always be recognized clinically. Certain animals which appear to be normal may be inapparent carriers of the disease. Until recently a practical test for determining the disease status of such animals was not available. Now that a recognized test is available a negative test requirement is proposed for all horses entering the United States to insure that affected animals are not imported.

The methods and procedures used in Canada for the control and eradication of communicable animal diseases, including import requirements, are very similar to those used in the United States. Therefore, horses from Canada would be admitted into the United States if they are accompanied by certification to the effect that a negative test for equine infectious anemia has been conducted on them during the 60 days preceding their importation into the United States. For these same reasons horses from Canada would not be required to undergo tests for dourine, glanders, or equine piroplasmosis as a prerequisite for their importation into the United States.

The 7-day quarantine period now required at the port of arrival for horses entering the United States from countries of the Western Hemisphere, except Canada, was placed in effect to prevent the introduction and spread of Venezuelan equine encephalomyelitis (VEE). Since VEE has now been eradicated from both Mexico and the United States it is proposed that the 7-day quarantine requirement at the designated port for horses from Mexico be deleted. In lieu thereof such horses would have to be quarantined at such port only until the time the required tests are satisfactorily completed.

Various other changes in §§ 92.11, 92.24, 92.30, and 92.39 would be made in order to clarify their provisions and to conform them to other provisions of Part 92.

Therefore, Part 92, Code of Federal Regulations, would be amended in the following respects:

1. In § 92.4 the section heading, paragraph (a)(1), and the third and fourth sentence in paragraph (b) would be amended to read:

§ 92.4 Import permits for ruminants, swine, poultry, animal semen and for animal specimens for diagnostic purposes.*

(a) *Application for permit.* (1) For ruminants, swine, poultry, animal semen, and animal test specimens for diagnostic screening purposes for animals, intended for importation from any part of the world, except as otherwise provided in §§ 92.19, 92.27, and 92.31, the importer shall first apply for and obtain from Veterinary Services an import permit. The application shall specify the name and address of the importer, the species, breed, number or quantity, purpose of importation, the country of origin, the port of embarkation in the foreign country, the mode of transportation, route of travel, the port of entry in the United States, and the proposed date of arrival of the animals, animal semen, or animal test specimens to be imported, and the name of the person to whom the animals, animal semen, or animal test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the animals are susceptible, as well as vaccinations or other precautionary treatments to which the animals, animal semen, or animal test specimens have been subjected. Notice of any such requirement will be given to the applicant in each case.

* * * * *

(b) * * * Animals and animal semen, and animal test specimens for diagnostic screening purposes for animals, intended for importation into the United States, for which a permit has been issued will be received at the specified port of entry within the 14-day period prescribed in the permit, after which time the permit shall be void. Ruminants, swine, poultry, animal semen and animal test specimens for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if unaccompanied by such a permit; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; if the animals (including poultry) or animal semen, or animal test specimens offered for entry differ from those described in the permit; if the animals or animal semen, or animal test specimens are not handled as outlined in the application for the permit and as specified in the permit issued; or in the case of ruminants and swine, if ruminants or swine other than those covered by import permits are aboard the transporting carrier.

* * * * *

2. In § 92.11, paragraph (d) would be amended to read:

§ 92.11 Periods of quarantine.

* * * * *

(d) *Horses.* Horses intended for importation into the United States from any country in the Western Hemisphere shall be shipped directly to a port designated in § 92.3 and, except for horses from Canada and Mexico, shall there be quarantined for not less than 7 days. Horses intended for importation from, or that have been in or transited, countries where African horsesickness is declared to exist[11] shall enter the United States only at the port of New York, New York, and be quarantined there for not less than 60 days. Any quarantine period required for horses shall be counted from the date of arrival at the quarantine facility and may be extended for such additional period as the Deputy Administrator, Veterinary Services, may require to determine their freedom from disease. In order to qualify for release from quarantine, all horses while so detained shall test negative to an official test for dourine, glanders, equine piroplasmosis, equine infectious anemia,[12] and such other tests that may be required by the Deputy Administrator to determine their freedom from other communicable diseases. Such horses shall also be subjected to such inspections and disinfections deemed necessary by the Deputy Administrator, and they shall be released from quarantine only if found to be free from any communicable disease upon such inspection. If the owner of horses which are intended for importation into the United States desires to have diagnostic screening tests for equine piroplasmosis conducted on such horses prior to their shipment to the United States, such tests will be conducted by Veterinary Services upon application by the owner to the Deputy Administrator Veterinary Services. Such serological specimens for diagnostic screening tests, as required by the Deputy Administrator for such tests, must be submitted by the owner and must comply with the permit requirements of § 92.4.

3. In § 92.24, that portion of paragraph (a) preceding the first proviso would be amended to read:

---

[11] Information as to the countries where African horsesickness is declared to exist may be obtained from the Deputy Administrator, Veterinary Services.

[12] In view of the fact that official tests for dourine and glanders are run exclusively at the Veterinary Services Laboratory, Beltsville, Maryland, protocol for these tests have not been published and are therefore not available; copies of "Protocol for the Complement-Fixation Test for Equine Piroplasmosis" and "Protocol for the Immuno-Diffusion (Coggins) Test for Equine Infectious Anemia" may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Hyattsville, Maryland 20782, filed as part of the original document.

§ 92.24 Horses from Canada.

(a) Horses from Canada shall be inspected as provided in § 92.8(a) and shall be accompanied by a certificate as required by § 92.17 which shall include evidence of a negative test for equine infectious anemia conducted during the 60 days preceding exportation in a laboratory approved by the Canada Department of Agriculture and shall otherwise be handled as provided in § 92.17: * * *

* * * * *

4. In § 92.30, that portion preceding the proviso would be amended to read:

§ 92.30 Horses from Central America and the West Indies.

(a) Horses from Central America and the West Indies shall be inspected as provided in § 92.8(a); shall be accompanied by a certificate and otherwise handled as provided in § 92.17; and shall be quarantined and tested as provided in § 92.11(d): * * *

* * * * *

5. In § 92.34, paragraph (c) would be amended to read:

§ 92.34 Detention at port of entry and periods of quarantine.

* * * * *

(c) Horses intended for importation from Mexico shall be quarantined at a port designated in § 92.3 until they qualify for release from such quarantine. In order to qualify for such release, all horses while so detained shall test negative to an official test for dourine, glanders, equine piroplasmosis, equine infectious anemia," and such other tests that may be required by the Deputy Administrator to determine their freedom from other communicable diseases. Such horses shall also be subjected to such other inspections and disinfections deemed necessary by the Deputy Administrator, and they shall be released from quarantine only if found to be free from any communicable disease upon inspection. If the owner of horses which are intended for importation into the United States desires to have diagnostic screening tests for equine piroplasmosis conducted on such horses prior to their shipment to the United States, such tests will be conducted by Veterinary Services upon application by the owner to the Deputy Administrator, Veterinary Services. Such serological specimens for diagnostic screening tests, as required by the Deputy Administrator for such tests, must be submitted by the owner and must comply with the permit requirements of § 92.4.

6. In § 92.39, that portion preceding the proviso would be amended to read:

§ 92.39 Horses from Mexico.

Horses offered for importation from Mexico shall be inspected as provided in §§ 92.8(a) and 92.33; shall be accompanied by a certificate and otherwise handled as provided in § 92.17; and shall be quarantined and tested as provided in § 92.34(c) * * *

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before December 30, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

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

Done at Washington, D.C. this 19th day of November, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-31878 Filed 11-25-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 121a]

ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Proposed Rulemaking

Pursuant to the authority contained in section 613(b) of the Education of the Handicapped Act (title VI of Pub. L. 91-230, as amended), added by section 615 of Pub. L. 93-380 (enacted August 21, 1974), notice is hereby given that the Commissioner of Education, with the approval of the Secrteary of Health, Education, and Welfare, proposes to amend Part 121a of Title 45 of the Code of Federal Regulations by adding a new paragraph (g) to §121a.10 and by adding a new §121a.15 to read as set forth below.

Section 121a.10(g) essentially repeats the statutory language of section 613(b) of the Act, which requires each State to amend its annual program plan (which is now used as the basic document for the program, rather than a State plan; see section 434(b) of the General Education Provisions Act (20 U.S.C. 1232c(b)) and the proposed regulations published in 40 FR 19204 on May 2, 1975) to set forth in detail the policies and procedures the State will undertake in order to insure that:

(1) All handicapped children residing in the State who are in need of special education and related services are identified, located, and evaluated;

(2) The confidentiality of all data relating to the above identification, location, and evaluation activities is protected according to the criteria set out by the Commissioner in §121a.15;

(3) A goal, a timetable, and a description of resources for providing full educational opportunities to all handicapped children are provided; and

(4) The amendment prepared by the State under § 121a.10(g) will be available to parents and the general public at least 30 days prior to its submission to the Commissioner.

Section 121a.15 sets out the criteria which the State would be required to use in developing its policies and procedures for protecting the confidentiality of data relating to its duty to identify, locate, and evaluate handicapped children, as required by § 121a.10(g)(2). These criteria include elements relating to notice, access rights, hearing rights, consent, State and local access to data, safeguards, destruction of data, and children's rights.

The criteria assume a broad interpretation of protecting the confidentiality of data by seeking to protect the privacy rights of children who are being identified, located, and evaluated. This is supported by the following legislative history of Pub. L. 93-380:

> * * * the amendment requires that the following would be included in the plan * * * that in gathering, storing and reporting the data and information required above, safeguards be taken to protect the confidentiality of such data and information and the rights of the children and their parents. H. Rep. 93-805, p. 64 (1974).

This is also to make the protections of these criteria consistent with those required of educational agencies and institutions under the Buckley Amendment, section 438 of the General Education Provisions Act, added by section 513 of Pub. L. 93-380, regarding information contained in the education records of students. In several places in § 121a.15, reference is made to regulatory provisions relating to section 438 (proposed Part 99 of Title 45 of the Code of Federal Regulations, published in 40 FR 1208, on January 6, 1975).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rules to: Room 2015, ROB-3; Bureau of the Education for the Handicapped; Department of Health, Education, and Welfare, 400 Maryland Avenue, SW., Washington, D.C. 20202. All relevant material must be received on or before December 26, 1975 unless December 26, 1975 is a Saturday, Sunday, or Federal holiday, in which case the material must be received by the next following business day. Comments received will be available for public inspection at the above office Monday through Friday between 8 a.m. and 4:00 p.m.

(Catalog of Federal Domestic Assistance Program No. 13.449, Handicapped Preschool and School Programs)

Dated: September 15, 1975.

DUANE J. MATTHEIS,
(Acting) U.S. Commissioner of Education.

Approved: November 18, 1975.

DAVID MATHEWS,
Secretary of Health, Education and Welfare.

Part 121a of title 45 of the Code of Federal Regulations is amended as follows:

1. Section 121a.10 is amended by adding a new paragraph (g), to read as set forth below.

§ 121a.10 Special provisions and descriptions.

* * * * *

(g) Set forth in detail the policies and procedures which the State will undertake in order to ensure that:

(1) All children residing in the State who are handicapped regardless of the severity of their handicap and who are in need of special education and related services are identified, located, and evaluated, including a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

(2) Policies and procedures will be established by the State in accordance with the criteria set out in § 121a.15 to protect the confidentiality of data and information relating to paragraph (g) (1) of this section;

(3) There is established:

(i) A goal of providing full educational opportunities to all handicapped children;

(ii) A detailed timetable for accomplishing such a goal; and

(iii) A description of the kind and number of facilities, personnel, and services throughout the State to meet such a goal; and

(4) The policies and procedures submitted by the State pursuant to this paragraph shall be available to parents and other members of the general public at least thirty days prior to the date of submission to the Commissioner.

(20 U.S.C. 1413(b))

2. A new § 121a.15 is added, to read as follows:

§ 121a.15 Data confidentiality criteria.

(a) *Definitions.* As used in this section: "Consent" means that:

(1) The information set out in § 121a.15(b)(1) has been described to the parent;

(2) The parent understands and agrees to the carrying out of the identification, location, or evaluation activity for which his or her consent is sought; and

(3) The parent understands that provision of granting of consent is not a condition of any service or benefit.

"Destruction" means physical destruction or removal of personal identifiers from data so that the data is no longer personally identifiable.

"Participating agency" means any agency, institution, or individual which obtains or uses data, or from whom data is obtained, to meet the requirements set out in § 121a.10(g)(1).

"Personally identifiable" means that the data includes:

(1) The name of the child, the child's parent, or other family member;

(2) The address of the child;

(3) A personal identifier, such as the child's social security number or student number; or

(4) A list of personal characteristics or other information which would make it possible to identify the child with reasonable certainty.

"Procedure" means a course of action which will be taken to implement a policy.

(b) *Policies and procedures.* The policies and procedures required under § 121a.10(g)(2) shall be established in accordance with the following criteria:

(1) *Notice.* The State educational agency shall provide notice which is adequate to fully inform parents about the requirements set forth in § 121a.10(g)(1), including:

(i) A description of the children on whom data will be maintained, the types of data sought, the sources from whom data will be gathered and the uses to be made of the data;

(ii) A summary of the policies and procedures to be followed by participating agencies regarding storage, disclosure to third parties, retention, and destruction of all personally identifiable data; and

(iii) A description of all of the rights of parents, and children regarding this data, including the rights set out in section 438 of the General Education Provisions Act and Part 99 of this title.

(2) *Access rights.* Parents shall have access to data relating to their children, including the access rights set out in section 438 of the General Education Provisions Act and Part 99 of this title.

(3) *Hearing rights.* Parents shall have the opportunity to have a hearing to challenge the accuracy or appropriateness of the data, including the hearing rights set out in section 438 of the General Education Provisions Act and Part 99 of this title.

(4) *Consent.* Parental consent shall be obtained before data are:

(1) Disclosed to anyone other than officials of participating agencies collecting or using the data for the purposes set out in § 121a.10(g)(1);

(2) Used for any purpose other than those specified in § 121a.10(g)(1);

(3) Sought directly from the child by formal evaluation, interviewing or testing.

(20 U.S.C. 1413(b)(2))

(5) *State and local access to data.* (i) Personally identifiable data shall not be disclosed without obtaining parental consent, except to participating agencies which are collecting or using the data for the purposes set out in § 121a.10(g)(1).

(20 U.S.C. 1232g(b)(1)(C) and (b)(3))

(ii) The State educational agency shall use personally identifiable data for the purposes set out in § 121a.10(g)(1).

(6) *Safeguards.* (i) Each participating agency shall protect the confidentiality of data at collection, storage, disclosure, and destruction stages;

(ii) One official at each participating agency shall assume responsibility for assuring the confidentiality of any personally identifiable data;

(iii) All persons collecting or using personally identifiable data shall receive training or instruction regarding the State's policies and procedures developed under § 121a.10(g)(2) and regarding Part 99 of this title; and

(iv) Each participating agency shall maintain, for public inspection, a current listing of the names of those employees within the agency who may have access to the personally identifiable data.

(7) *Destruction of data.* (i) All personally identifiable data collected for the purposes set forth in § 121a.10(g)(1) shall be destroyed within five years after the data is no longer needed to provide educational services to the child, except that a permanent record consisting of a student's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation;

(ii) Prior to destruction of data, reasonable efforts shall be made to notify parents that they have the right to be provided with a copy of any data which has been obtained or used for the purposes set forth in § 121a.10(g)(1).

(8) *Children's rights.* The policies and procedures required under § 121a.10(g)(2) shall include the extent to which children will be accorded rights of privacy similar to those accorded to parents.

(20 U.S.C. 1413(b)(2))

[FR Doc.75-31733 Filed 11-25-75;8:45 am]

[45 CFR Part 160e]

CONSUMERS' EDUCATION PROGRAM

Criteria for Awarding of Grants and Contracts

Pursuant to the authority contained in section 811 of the Elementary and Secondary Education Act of 1965, enacted by section 505 of the Education Amendments of 1972, Pub. L. 92-318, and as amended (20 U.S.C. 887d), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 160e to read as set forth below.

The proposed regulations would set forth rules and criteria for governing the award of grants and contracts under the authority of section 811 of the Elementary and Secondary Education Act in order to support curricula, programs, training, and related activities designed to provide consumers' education to the public.

A. SUMMARY OF PROPOSED REGULATIONS

1. *Nature of program.* Section 160e.3 (a) of the proposed regulations provides that programs, curricula, or materials funded under this part must be designed to prepare consumers for participation in the marketplace by imparting the understandings, attitudes, and skills which will enable persons to make rational and intelligent consumer decisions in the light of their personal values, their recognition of marketplace alternatives, and social, economic, and ecological considerations.

Activities designed merely to provide consumer information to the public would not qualify for support under these provisions.

Section 160e.3(c) provides examples of the substantive areas of education which constitute consumers' education, including basic economics of the marketplace, legal rights, redress, and consumer laws, financial management and credit, energy consumption and conservation and public utilities, advertising and product safety, major purchases, Federal services such as medicare, social security, and medicaid, and consumer representation.

Section 160e.3(f) would require all projects to effect capacity building in the area of consumers' education by developing and disseminating approaches and products which would have a national impact.

2. *Funding areas.* Section 160e.4(c) indicates the primary areas in which the Commissioner intends to make project awards, including three areas which will be accorded priority in the review of grant applications. It has been deemed necessary to establish these funding areas because of the extremely wide range of authorized activities in the statute and the limited funds which are expected to be available to carry out the Act.

(a) *Grant priorities.* In the grant area, § 160e.4(c)(2), while not excluding worthwhile projects to carry out any of the authorized activities identified in § 160e.4(a), proposes that priority be given grant applications in three areas. The priority areas are:

(i) Model community education projects in consumers' education which have the potential for serving all age groups within the community or communities to be served and focus on providing consumers' education to persons who are not otherwise served by the regular instructional programs of elementary and secondary schools and institutions of higher education and which provide for active and continuous community involvement in the project. These projects are described in § 160e.12.

(ii) Short-term pre-service and in-service training for teachers and other educational and non-educational personnel at the elementary and secondary levels and in community consumers' education programs to prepare them to plan, organize, and implement consumers' education programs or to teach in subject matter areas associated with consumers' education. These projects are described in § 160e.13.

(iii) The development of programs, curricula, or materials designed to provide consumers' education to groups of persons with special educational needs in the area of consumers' education, including older persons, Indians, persons of low-income families, and persons of limited English-speaking ability. These projects could involve any of the authorized activities identified in § 160e.4(a).

(b) *Contracts.* Proceurement contracts would be awarded in several areas under the proposed regulations:

(i) To prepare and distribute consumers' education materials by mass media;

(ii) To identify, validate, and disseminate effective consumers' education programs, curricula, and materials (as described in § 160e.10);

(iii) To establish and maintain resource centers which would carry out activities involving dissemination of information, technical assistance, and informal short-term training (as described in § 160e.11); and

(iv) In any other areas of consumers' education where the Commissioner determines that specific procurements would further the purposes of the Act.

(c) *Excluded activities.* Long-term training and fellowship programs would not be funded under the proposed regulation due to the limited funds which are expected to be available to carry out the Act.

3. *Requirements and criteria.* Application requirements for all applications and proposals are set forth in proposed § 160e.8, and general evaluation criteria are contained in proposed § 160e.9.

4. *Matching.* Provisions on the Federal share of projects are set forth in proposed § 160e.15.

B. Citations of Legal Authority

As required by section 431(a) of the General Education Provisions Act, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

C. Other Applicable Regulations

The proposed regulations do not contain provisions relating to general fiscal and administrative matters. Requirements of this nature are covered by the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Appendices thereto, which include rules on direct and indirect costs.

In addition, a number of rules common to all of the programs funded pursuant to the Special Projects Act, including the consumers' education program, have been published in proposed form as Part 160 of Title 45 of the Code of Federal Regulations (40 FR 27035, June 26, 1975). These would include definitions of terms used in this proposed regulation and in other regulations related to the Special Projects Act.

D. Notice To Prospective Applicants

This first publication is not the final regulation. It is followed by a thirty day period which allows interested members of the public to submit comments and recommendations. Each comment will be given careful consideration, and will be responded to in substance in the preamble to the final regulations. Following this review, the regulation will be published in final form, with any appropriate changes, in the Federal Register.

As more fully explained below, no money is available at the present time for awards under the program, and no applications are being accepted. Application forms are not available.

The publication of proposed regulations is only a beginning step in a series of formal procedures and actions required before funds can be awarded to recipients. Following an enactment of an appropriation for the program for Fiscal Year 1976, further administrative steps would have to take place before the award of grants or contracts. With respect to grants, these steps would include the preparation for distribution of appropriate application forms, the publication in the Federal Register of a notice of closing date informing applicants of the period within which applications must be filed, where application forms may be obtained, and allowing the applicants sufficient time for the preparation of applications, and the last date for the receipt of applications. Finally, the terms of the actual award documents must be negotiated with those applicants whose applications have been accepted.

E. Submission Of Comments

All interested parties are invited to submit written comments and recommendations concerning the proposed regulations to the Director of Consumers' Education, Room 3122, U.S. Office of Education, Regional Office Building No. 3, 7th and D Streets, SW, Washington, D.C. 20202. Such comments and recommendations will be available for public inspection on Mondays through Fridays between 8:00 a.m. and 4:30 p.m. at the above office.

All relevant material received on or before December 26, 1975, will be considered.

Note: It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.564, Consumers' Education Program)

Dated: August 6, 1975.

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

Approved: November 14, 1975.

David Mathews,
Secretary of Health, Education, and Welfare.

PART 160e—CONSUMERS' EDUCATION PROGRAM

Sec.

160e.1 Purpose and scope.
160e.2 Definitions.
160e.3 Nature of consumers' education.
160e.4 Types of projects; funding priorities.
160e.5 Duration of projects.
160e.6 Eligible applicants.
160e.7 State review of local educational agency applications.
160e.8 Application and proposal requirements.

Sec.
160e.9 General evaluation criteria for awards.
160e.10 Program, curriculum, and materials assessment.
160e.11 Consumers' education resource centers.
160e.12 Community consumers' education projects.
160e.13 Training projects.
160e.14 Review of curricula and materials.
160e.15 Federal share of projects.
160e.16 Allowable costs.

AUTHORITY: Sec. 811, the Elementary and Secondary Education Act of 1965, as enacted by section 505 of the Education Amendments of 1972, Pub. L. 92-318, and as amended (20 U.S.C. 887d)

§ 160e.1 Purpose and scope.

(a) *Scope.* The regulations in this part govern projects awarded with funds appropriated pursuant to section 811 of the Elementary and Secondary Education Act of 1965, as amended, or with funds made available for purposes of the consumers' education program, as provided in section 811 of the Elementary and Secondary Education Act, as amended, pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

(20 U.S.C. 887d, 1861)

(b) *Purpose.* The purpose of this part is to award grants and contracts for activities designed to support:

(1) The development, demonstration, evaluation, and dissemination of new and improved curricula in consumers' education;

(2) The initiation and expansion of consumers' education programs at the elementary, secondary, community, and higher education levels;

(3) The training of teachers, other educational and public service personnel, community and labor leaders and employees, and government employees at the Federal, State and local levels in consumers' education; and

(4) Activities designed to provide consumers' education to the general public.

(20 U.S.C. 887d note)

(c) *Other pertinent regulations*—(1) *Grant awards.* Grant awards under the part are subject to applicable provisions contained in:

(i) Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), contained in Parts 100, 100a of this chapter and

(ii) Part 160 of this chapter relating to the Special Projects Act.

(2) *Contract awards.* Contract awards under this part are subject to applicable provisions contained in:

(i) 41 CFR Chapters 1 and 3 and (ii) Part 160 of this chapter relating to the Special Projects Act.

(20 U.S.C. 887d)

§ 160e.2 Definitions.

As used in this part:

"Act" means section 811 of the Elementary and Secondary Education Act of 1965, as enacted by section 505 of the Education Amendments of 1972, Pub. L. 92-318, and as amended.

"Community consumer education program" means a program designed to provide consumers' education to the general public in one or more communities, as described in § 160e.12.

"Long-term training" means training for individual participants lasting one academic year or more.

"Short-term training" means training for individual participants lasting less than an academic year.

(20 U.S.C. 887d)

§ 160e.3 Nature of consumers' education.

Consumers' education programs, curricula, or materials funded under this part:

(a) Must be designed to prepare consumers for participation in the marketplace by imparting the understandings, attitudes, and skills which will enable persons to make rational and intelligent consumer decisions in the light of their personal values, their recognition of marketplace alternatives, and social, economic, and ecological considerations;

(20 U.S.C. 887d note)

(b) Must be problem- and issue-oriented and may involve interdisciplinary educational approaches;

(20 U.S.C. 887d (b)(1)(B)(i))

(c) May include, but need not be limited to, education in one or more of the following areas:

(1) Basic economics of the marketplace;

(2) Legal rights, redress, and consumer laws;

(3) Financial management and credit;

(4) Energy consumption and conservation, and public utilities;

(5) Major purchases (such as food, auto, insurance, medicine, housing);

(6) Special problems such as advertising and product safety;

(7) Federal assistance and services such as medicare, social security, and medicaid; and

(8) Consumer representation;

(S. Rep. No. 346, 92d Cong. 1st Sess. 114 (1971); S. Rep. No. 763, 93d Cong. 2nd Sess. 77 (1974))

(d) Must be designed to prepare consumers for participation in the marketplace, rather than to prepare persons for employment in areas such as are described in paragraph (c) of this section; except that consumers' education programs or curricula may be designed to train teachers, other educational and public service personnel, community and labor leaders and employees, and government employees to plan, organize, implement, and teach in programs to prepare consumers for participation in the marketplace;

(20 U.S.C. 887d)

(e) Must provide for inclusion of bilingual educational activities and materials when the target population to be served directly by the project or to be benefited by the approaches or products developed by the project include a substantial number of persons whose dominant language is other than English; and

(20 U.S.C. 887d(b)(1)(B))

(f)(1)(i) Must contribute to capacity-building in the area of consumers' education by producing exemplary results and/or products to be utilized by organizations, agencies, and individuals other than the award recipient, and thereby to have a substantial national impact in providing consumers' education to the public; and

(ii) Must not be designed to benefit only particular organizations, agencies, or individuals.

(2) Compliance with the requirements of paragraph (f)(1) of this section must be reflected in the application or proposal:

(i) In the stated objectives and outcomes,

(ii) By the attention to planning, quality controls, and evaluation, and

(iii) By the emphasis on dissemination and utilization procedures.

(3) The cost to organizations, agencies, and individuals other than the award recipient of obtaining and using products developed under projects supported under this part may not be on a scale which would inhibit extensive ultilization and replication of the products.

(20 U.S.C. 887d(b)(1)(C)(ii))

§ 160e.4 Types of projects; funding priorities.

(a) The Commissioner will consider making grant and contract awards under this part to support research, demonstrations, and pilot projects designed to provide consumers' education to the public, including such activities as:

(1) Research, testing, and dissemination with respect to curricula and materials in consumers' education;

(2) The establishment of new, or the expansion of existing, pilot or demonstration consumers' education programs in elementary and secondary schools or institutions of higher education, or in community programs potentially serving persons of all ages within the community;

(3) Short-term pre-service and in-service training programs designed to prepare teachers, other educational and public service personnel, community and labor leaders and employees, and government employees to plan, organize, and implement consumers' education programs or to teach in subject matter areas associated with consumers' education;

(4) Projects designed to demonstrate, test, and evaluate the effectiveness of activities described in paragraphs (a)(1) through (3) of this section, whether or not these activities are assisted under this part;

(5) The dissemination of information and the provision of developmental and technical assistance to agencies and organizations planning, developing, and carrying out consumers' education programs; and

(6) The preparation and distribution of consumers' education materials by mass media.

(20 U.S.C. 887d(b)(1)(B), 787d note)

(b) Long-term training and fellowship programs will not be funded pursuant to this part.

(c) In implementing activities authorized by the Act and described in paragraph (a) of this section, the Commissioner will:

(1) Solicit proposals for, and make awards of, procurement contracts:

(i) To prepare and distribute consumers' education materials by mass media;

(ii) To identify, evaluate, and disseminate effective consumers' education programs, curricula, and materials on the community, elementary, secondary, or higher education levels, as described in § 160e.10;

(iii) To establish and maintain resource centers in consumers' education which would collect, assess, and provide information on consumers' education research and activities and provide technical assistance to agencies, institutions, and groups interested in establishing, expanding, or improving program activities in consumers' education, as described in § 160e.11; and

(iv) In any other areas of consumers' education where the Commissioner determines that specific procurements would further the purposes of the Act, as described in § 160e.1(b).

(2) Accord priority to grant applications to:

(i) Develop and carry out model community education projects in consumers' education which have the potential for providing consumers' education to all age groups in a community or communities, as described in § 160e.12;

(ii) Provide short-term pre-service or in-service training for teachers and other educational and non-educational personnel at the elementary and secondary school levels and in community consumers' education programs to prepare them to plan, organize, and implement consumers' education programs or to teach in subject matter areas associated with consumers' education, as described in § 160e.13; or

(iii) Develop programs, curricula, or materials designed to provide consumers' education to groups of persons with special educational needs in the area of consumers' education, including older persons, Indians, persons of low-income families, and persons of limited English-speaking ability. Grant applications within one of the priority areas described in paragraph (a)(2)(i) and (ii) of this section will be given special priority if they are also designed to provide consumers' education to groups with special educational needs in the area of consumers' education.

(20 U.S.C. 887d, 887d, note)

§ 160e.5 Duration of projects.

(a) While grant applications may be filed proposing multiyear projects, it is expected that a substantial proportion of projects funded by the Commissioner in any fiscal year will have a project duration of only one year.

(b) Applications proposing multi-year projects must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(c) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial notification of grant award for the project, indicate an intention to assist the project on an appropriate multi-year basis through continuation grants.

(d) Continuation awards may be made to projects described in paragraph (c) of this section subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new grant awards, but will be competitive with other applications for continuation awards; and

(2) Applications for continuation awards will be reviewed to determine:

(i) If the grantee has complied with the grant terms and conditions, the Act, and applicable regulations;

(ii) The project's effectiveness to date;

(iii) The extent to which the project is meeting applicable priorities; and

(iv) The extent to which continuation of Federal assistance to the project is in the best interests of the Government.

(20 U.S.C. 1221e-3(a)(1), 887d)

§ 160e.6 Eligible applicants.

Institutions of higher education, State and local educational agencies, and other public and private agencies, organizations, and institutions (including libraries) are eligible to receive grant and contract awards pursuant to this part, except that:

(a) No grant may be made other than to a non-profit agency, organization, or institution;

(b) Grants for demonstration or pilot programs at the elementary and secondary levels may be made only to State educational agencies and local educational agencies; and

(c) Grants for demonstration or pilot programs at the higher education level may be made only to institutions of higher education.

(20. U.S.C. 887d(b)(1)(A), 887d(b)(1)(B)(iii))

§ 160e.7 State review of local educational agency applications.

(a) The Commissioner will not approve an application submitted by a local educational agency under this part unless the State eductional agency of the State in which that local educational agency is located has been given an opportunity to review and make recommendations on the application.

(b) A local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission of the application to the Commissioner.

(c) The Commissioner may establish a cut-off for submission of comments by State educational agencies on local educational agency applications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified shall be deemed a waiver of the State educational agency's opportunity to comment.

(d) State educational agencies are encouraged, in any recommendations which they submit pursuant to this section, to describe:

(1) Any efforts which they undertook to solicit views from diverse community groups in the area proposed to be served on the application, and

(2) The results of these efforts.

(20 U.S.C. 887d(b)(1)(C))

§ 160e.8 Application and proposal requirements.

(a) *Submission.* A grant or a contract under this part will be awarded only upon a grant application (in accordance with § 100a.40 of this chapter) or a contract proposal submitted to the Commissioner.

(b) *Acceptable applications or proposals.* (1) (i) Grant applications will be accepted for review only if they are filed in response to a notice of closing date published in the FEDERAL REGISTER in accordance with § 100a.15 of this chapter concerning application submissions to the Commissioner.

(ii) Contract proposals will be accepted for review only if they are filed in response to a solicitation of proposals in accordance with the provisions of 41 CFR Chapters 1 and 3.

(2) An eligible applicant must file a single and separate application or proposal for each subparagraph of § 160e.4(c) under which it seeks an award.

(3) Applicants are encouraged not to submit lengthy appendices or exhibits with their application or proposal.

(c) *Requirements.* An application or proposal under this part must:

(1) *Nature and purpose.* Provide sufficient information to satisfy the Commissioner that the proposed project holds promise of making a substantial contribution to the purpose of providing consumers' education to the public and will comply with the provisions of § 160e.3;

(2) *Applicant qualifications.* Contain sufficient information about the applicant to enable the Commissioner to determine its qualifications for receiving an award, including information about:

(i) The applicant's experience in the area of consumers' education and the specific types of activities to be carried out under the proposed project (such as teacher training, materials development, and other activities);

(ii) The proposed staff, including their education, training, awards, publications, and experience in consumers' education and in the specific types of activities under the proposed project, and existing or planned commitments to other projects; and

(iii) Available facilities and other resources for the project;

(3) *Need and impact.* (i) Identify the need to be addressed by the proposed

project and supply relevant documentation of that need. Where a general area of need has been set forth in this part or in contract specifications, the application or proposal must go beyond a general exposition of need to identify and document specific areas of need which the proposed project would address;

(ii) Specify the nature of the output, product, or final results of the proposed project;

(iii) Document how the project will contribute to capacity-building in the area of consumers' education as described in § 160e.3(f) including a description of likely users of the results, processes, and products of the project, and rough projections of the financial cost to others of implementing or using the products; and

(iv) Describe validation, dissemination, and utilization procedures to be used in the proposed project;

(4) *Plan of operation.* (i) Provide that all activities and services for which an award is sought will be administered by, or under the supervision of, the applicant;

(ii) Describe:

(A) Project objectives which state specific outcomes for the project;

(B) A project evaluation design which includes both product and process analysis to measure the extent to which the objectives are accomplished by the project;

(C) A budget, including that portion of the project to be contributed by the applicant; and

(D) A management design which:

(*1*) Includes objectives, operational activities, schedules, resources, products, and references to the evaluation design;

(2) Provides for the necessary fiscal control and fund accounting procedures to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part; and

(3) Provides for making an annual report and such other reports, in a form and containing such information, as the Commissioner may reasonably require and for keeping records, and affording access thereto as the Commissioner may find necessary to assure the correctness and verification of these reports; and

(iii) The evaluation and management designs need not be capable of being implemented instantly, but must be sufficiently described to indicate the approach, status of planning, methodology, extent of experience in the development and use of these designs, and need for procuring outside expertise;

(5) *Supplementary nature of projects.* Set forth policies and procedures which assure that Federal funds made available under this part for any fiscal year will be used to supplement and, to the extent practical, increase the level of funds that would, in the absense of these Federal funds, be made available by the applicant for the purposes described in this part and in no case supplant these funds; and

(6) *Additional information.* Applications or proposals must include other information responsive to applicable criteria and other provisions set forth in §§ 160e.9 through 160e.13, as applicable or to the specific criteria and other provisions contained in specifications for contract proposals.

(20 U.S.C. 887d(b)(1)(C), 887d(c))

§ 160e.9 General evaluation criteria for awards.

(a) *Applicable criteria.* All applications for grants and proposals for contracts which meet the requirements in § 160e.8 will be evaluated on the basis of the following criteria, weighted according to the indicated points (maximum of 110 points):

(1) *Applicant qualifications.* (30 points) (i) The qualifications of the project director and staff, including demonstrated experience of high quality in the area of consumers' education and in the specific types of activities to be carried out under the project as evidenced in the application (10 points);

(ii) The extent and quality of the applicant's experience in the area of consumers' education and in the specific types of activities to be carried out under the project as evidenced in the application (10 points); and

(iii) The extent to which the applicant has the capability to conduct the proposed project, including necessary facilities and resources as evidenced in the application (10 points);

(2) *Need and impact.* (40 points) (i) The proposed project is likely to make a substantial qualitative contribution toward attaining the provision of consumers' education for the public and, to this end, clearly identifies the need to be addressed and specifies the substantive nature of the output, product, or final results of the proposed project (10 points);

(ii) The intended results of the proposed project can be used by others, and thus the application specifies well-designed validation, dissemination, and utilization procedures (10 points);

(iii) The project focuses on learning processes, as well as substantive content, with attention to such program aspects as student motivation, sequential lessons, and learning problems (10 points); and

(iv) The project involves new or improved techniques and materials which are sufficiently exemplary to be replicated by others (10 points).

(3) *Plan of operation.* (40 points) (i) The application sharply defines and clearly states objectives for the proposed project which can be achieved by the proposed procedures and can be assessed upon attainment (10 points);

(ii) The application ensures adequate evaluation of the activities through the description of a project evaluation design which would include both process and product analysis and would describe an eventual evaluation report to include sufficient data, information, and direction to permit and encourage replication (10 points);

(iii) The quality of the proposed management design that includes objectives, operational activities, schedules (including the amount of time to be spent on the project by the named proposed staff members), resources, products, and references to the project evaluation design (10 points); and

(iv) The application presents a budget that is reasonable in relation to anticipated results and reflects the management design (10 points).

(b) *General provisions criteria.* Evaluation criteria set forth in § 100a.26(b) of this chapter will not apply to applications or proposals submitted under this part.

(20 U.S.C. 887d(b), 887d note)

§ 160e.10 Program, curriculum, and materials assessment.

(a) *Nature of projects.* Procurement contracts under this section will be for:

(1) A systematic search for and identification of effective programs, curricula, or materials in consumers' education designed for use in elementary and secondary schools, community consumers' education programs, or institutions of higher education;

(2) Final validation of the apparent success of these programs, curricula, and materials based on learning outcome measures, such as student test scores, and input measures, such as the resource requirements needed to achieve these measurable results (which may include a trial replication of the use of the programs, curricula, or materials through a field test in one or a limited number of additional sites); and

(3) Dissemination of information about the programs, curricula, and materials found to be effective.

(b) *Approaches to consumers education.* Consumers' education programs, curricula, or materials to be identified, validated, and disseminated under this section may be interdisciplinary and may involve either a comprehensive approach to consumers' education or a limited program in one or more specific subjects related to consumers' education, such as are described in § 160e.3(c).

(c) *Proposal requirements.* A proposal for a contract under this section must specify:

(1) The nature and substantive areas of the programs, curricula, or materials to be identified, validated, and disseminated;

(2) The potential uses and users of these programs, curricula, or materials;

(3) The results of a preliminary assessment by the applicant of available programs, curricula, or materials and of the need for high quality programs, curricula, or materials in the proposed areas of concentration;

(4) Procedures and arrangements for searching out, validating, and disseminating information on the programs, curricula, or materials;

(5) Criteria for selecting and testing effective programs, curricula, or materials; and

(6) Plans for selecting a limited number of the most successful programs, curricula, or materials for dissemination.

(d) *Multiplier effect.* Programs, curricula, or materials to be identified and

validated under this section must be designed to be available for use by potential users at relatively low cost and without substantial dependence on consultative assistance.

(e) *Evaluation criteria.* Proposals for contracts under this section will be selected on the basis of (1) the criteria set forth in § 160e.9 (which will be weighted 110 points) and (2) the quality of the plan for identification, validation, and dissemination of information on the programs, curricula, or materials, including the applicants' access to existing networks of potential users, as well as access to a delivery system which is not dependent on external funding and would consequently operate after the expiration of support pursuant to this section (weighted 5 points).

(20 U.S.C. 887d(b)(1)(B)(i) & (ii))

§ 160e.11 Consumers' education resource centers.

(a) *Purpose.* Procurement contracts under this section will have the purpose of establishing resource centers which will:

(1) Provide technical assistance, information, and informal, short-term training to agencies, institutions, and community groups in the development and carrying out of consumers' education programs, and

(2) Collect and disseminate information on research related to consumers' education and on effective consumers' education programs.

(b) *Application requirements.* Proposals under this section must meet the requirements in § 160e.8 and:

(1) Provide a general description of existing activities of the applicant related to consumers' education, facilities and resources available for these activities, institutions and programs which benefit from its activities, and the extent to which its present experience will contribute to the effectiveness of the proposed project;

(2) Include a statement of commitment that the applicant will, upon the expiration of Federal support, continue to carry out the proposed actvities for the institutions and programs to be benefited under the federally-funded project; and

(3) Name agencies and institutions to be served by the proposed project and indicate the general scope of services to be provided to each agency and the technical assistance, training, and information needs of recipient agencies and how the project will respond to these needs.

(c) *Number of awards.* It is expected that a very limited number of contracts will be awarded pursuant to this section.

(20 U.S.C. 887d)

§ 160e.12 Community consumers' education projects.

(a) *Purpose.* Grants under this section will be for the purpose of planning, establishing, expanding, and/or improving model community education projects in consumers' education which are designed to provide consumers' education to the general public in one or more communities.

(b) *Target population.* Community consumers' education programs must have the potential for serving all age groups within the community or communities to be served and must focus on providing consumers' education to persons who are not otherwise served by the regular instructional programs of elementary and secondary schools and institutions of higher education within the community.

(c) *Community involvement.* The program must provide for the active and continuous involvement (1) on an advisory basis and (2) in terms of direct input into project activities, of institutions, groups, and individuals representative of the community or communities to be served, including but not limited to, schools, community groups, and other educational and cultural resources.

(d) *Communities served.* Projects under this section must serve specific and identified communities, but the communities need not be contiguous. For example, a non-profit institution may receive a grant under this section to establish model community consumers' education programs in a number of communities in different parts of the country.

(e) *Approaches to consumers' education.* Programs assisted under this part (1) must include innovative methods, materials, or approaches which are worthy of replication and (2) may involve a comprehensive approach to consumers' education covering a wide range of subject matter areas or may focus on one or more specific areas of consumers' education, such as are described in § 160e.3(c).

(f) *Application requirements.* Applications for grants under this section must meet the application requirements in § 160e.8 and the following additional requirements:

(1) The application must identify the specific areas to be served and which groups of persons in these areas will be benefited by the project;

(2) The application must contain a commitment that the applicant will, upon the expiration of Federal assistance, continue to carry out the consumers' education activities for the communities to be served by the project; and

(3) The application must document that representative educational and cultural resources of the communities to be served have been involved on an advisory basis in the preparation of the application, including a description of procedures used (such as public notice and hearings) to provide the public at large with an opportunity to have input in the preparation of the application.

(20 U.S.C. 887d(b)(1)(A))

§ 160e.13 Training projects.

(a) *Purpose.* Grants under this section will have the purpose of providing short-term pre-service or in-service training for teachers and other educational and non-educational personnel at the elementary and secondary school levels and in community consumers' education programs to prepare them to plan, organize, and implement consumers' education programs or to teach in subject matter areas associated with consumers' education, such as those described in § 160e.3(c).

(b) *Nature of projects.* (1) The training must be designed to provide skills and understandings with reference to:

(i) A variety of the subject matter areas of consumers' education described in § 160e.3(c);

(ii) With respect to training for teachers of consumers' education: the selection of appropriate consumers' education curricula and materials, the integration of consumers' education into the regular classroom curriculum, the identification and use of resources within and outside of the school which would strengthen consumers' education activities, and the planning and carrying out of lessons and units of instruction in consumers' education which respond to the needs and interests of the students; and

(iii) With respect to training for educational and non-educational personnel responsible for planning, organizing, and implementing overall consumers' education programs: The involvement of appropriate public and private community resources in the planning and carrying out of consumers' education programs and knowledge of other consumers' education programs of an exemplary nature.

(2) The training must be short-term, and in-service training assisted under this section must be offered at times and in a manner to allow participation by training recipients on a basis which will cause minimum disruption to the carrying out of their responsibilities in planning, operating, and/or teaching in consumers' education programs.

(3) In-service training activities assisted under this section must be provided for eligible recipients in specific elementary, secondary, or community consumers' education programs on a continuing basis over the course of the grant period, with provisions for follow-up and reinforcement of specific training workshops or exercises.

(4) The development of training materials incidental to carrying out the project activities may be included in grants under this section.

(c) *Recipients of training.* Eligible recipients of training under grants awarded pursuant to this section include (1) persons in local educational agencies, State educational agencies, and other public and private non-profit agencies and institutions (including libraries) involved in the planning, administration, and/or teaching of coinsumers' education programs, including the chief executive officer of the State educational agency or local educational agency, leaders, coordinators, administrators, and other staff of consumers' education programs, and members of the community assisting in the planning and carrying out of these programs and (2) persons who are preparing to undertake these responsibilities.

(d) *Application requirements.* In addition to meeting the requirements of § 160e.8, applications for grants under this section must:

(1) Include a description of proposed workshops, conferences, seminars, or courses, including their locations, number of sessions planned, and approximate number of trainees;

(2) Provide a general description of any existing training activities of the applicant related to consumers' education, facilities and resources available for these activities, institutions and programs which benefit from its training activities, and the extent to which its present experience will contribute to the effectiveness of the proposed project;

(3) Include a statement of commitment that the applicant will, upon the expiration of Federal assistance, continue to carry out training activities supported under the grant;

(4) Name each agency or institution to be served by the proposed training project and indicate the general scope of services to be provided to each agency, the officials or groups to receive the training and how they will be selected, and the skill or competency needs of recipient agencies and how the project will respond to these needs; and

(5) Include a letter of commitment from each local educational agency, State educational agency, or other agency or institution to be served by the project, indicating its intention to participate in the project and certifying its need for the services which the application proposes to provide to it.

(e) *Evaluation criteria.* The Commissioner, in determining whether to approve an application for a grant under this section, will consider the criteria set forth in § 160e.9 (which will be weighted 110 points) and the following criteria weighted as indicated:

(1) The application reflects a knowledge of training needs in consumers' education, with specific reference to any agencies and institutions to be served in the project, and provides for responding to these needs (3 points);

(2) The proposed project is likely to build the capacity of the grantee to serve as a training resource for local educational agencies, State educational agencies, and other public and private nonprofit agencies and institutions planning or carrying out consumers' education programs (3 points);

(3) The number of agencies and institutions to participate directly in, or benefit indirectly from, the proposed project (3 points); and

(4) Training provided by the project is likely to form a foundation from which training participants may pursue long-term or formal degree training if they so desire (3 points).

(20 U.S.C. 887d(b)(1)(B)(iv))

§ 160e.14 Review of curricula and materials.

(a) Projects funded under this part which are designed to develop, validate, and/or disseminate curricula and materials in consumers' education shall be subject to the condition that the contractor or grantee may not disseminate the curricula or materials until they have been reviewed and approved for dissemination by the Commissioner.

(b) In carrying out this section, the Commissioner will review curricula and materials for evidence of effectiveness and to ensure that they are non-discriminatory on the basis of race and sex.

(20 U.S.C. 887d)

§ 160e.15 Federal share of projects.

(a) For the purposes of funding grants and contracts under this part, the Federal share of the eligible costs of a project, incuding the costs of project administration, shall be determined as follows:

(1) Except as provided in paragraph (a)(2) of this section, Federal support under this part will be available to pay all or part of the eligible project costs.

(2) The Federal share will be no more than 80 percent of eligible project costs for projects which involve curriculum development or dissemination of curricular materials or which have the primary purpose to evaluate consumers' education activities whether or not assisted under this part.

(b) Contributions in kind are acceptable as applicant contributions to project costs.

(20 U.S.C. 887d(b)(2))

§ 160e.16 Allowable costs.

(a) *General.* Allowable costs under projects to which funds are awarded pursuant to this part shall be determined in accordance with the cost principles provided for under Subpart G of Part 100a of this chapter.

(b) *Costs of short-term training components.* (1) Projects under § 160e.13 which are designed to provide in-service training may include in the grant a provision for payments to teachers, administrators, and other educational and non-educational personnel who receive this training and are not otherwise compensated for their time while receiving training.

(2)(i) Except as provided under paragraph (b)(1)(ii) of this section, payments under this subparagraph will be at the rate of $30 for each full day of training, up to $150 per week. If a day of training involves less than five hours, the payments for attendance will be at the rate of $6 per hour, subject to the weekly limit of $150.

(ii) Where the personnel participating in the training are ordinarily paid for their work at a salary scale determined by a collective bargaining agreement in which the minimum hourly rate for any individual is more than $6 per hour, the individual would be compensated at the minimum hourly rate provided under the collective bargaining agreement.

(3) Where a local educational agency or other educational agency or institution compensates teachers or other personnel whom it employs for their time in receiving training under this paragraph and must also hire a substitute for a participant in the training, reimbursement may be made under the grant which includes the training component to the local educational agency or other educational agency or institution for the costs of hiring the substitute.

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

[FR Doc.75-31734 Filed 11-25-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-790]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Linden City, N.J.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Linden City, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Linden City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Linden City, New Jersey 07036.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John T. Gregorio, City Hall, Linden City, New Jersey 07036. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the Federal Register, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Morses Creek	Morses Mill Rd	11.5	3,200	2,000
	NJCRR Sound Shore Bridge	11.5	(1)	(1)
Peach Orchard Brook	St. Georges Ave	28.4	250	250
	Dill Ave	26.1	250	550
	Hussa St	25.8	200	1,350
	Bergen Ave	25.9	250	500
	Essex Ave	25.5	200	500
	Linden Ave	19.5	100	850
	U.S. Highway 1	12.0	100	1,200
	Brunswick Ave	11.5	1,450	1,550
West Brook	St. Georges Ave	39.8	150	300
	Gibbons St	34.7	100	1,200
	Curtis St	33.0	100	350
	Elm St	28.7	150	500
	Elizabeth St	27.0	550	800
	Linden Ave	22.5	900	500
	West Stimpson Ave	18.8	100	700
	Wood Ave	10.8	100	100
	Clinton St	10.8	950	550
Kings Creek	Patterson Rd. West	18.7	100	150
	Patterson Rd. East	16.9	100	100
	Lower Rd	11.5	(1)	150
	Range Rd	11.5	200	300

[1] Extends to corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Novmeber 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-31895 Filed 11-25-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 658]

[Docket No. 75-4; Notice 5]

VEHICLE SIZE AND WEIGHT ENFORCEMENT

Certification

The Federal Highway Administrator is considering several amendments to the section of the Federal-Aid Highway regulations which governs State certifications of vehicle size and weight enforcement, 23 CFR 658.9. The objectives of these amendments are to simplify the States' reporting requirements, and, at the same time, provide data which is more relevant. Since most, if not all, of the States have already commenced compiling enforcement data in accordance with existing § 658.9 to meet the first statutory deadline of January 1, 1976, these proposed amendments would apply only to subsequent State certifications.

The first proposal would eliminate existing item § 658.9(b)(2), which now calls for the reporting of the name of the State agency enforcing size and weight limits. While this data in the past has informed the Administrator that the States employ a considerable variety of agencies for the purpose, this identifying information is of but little practical use in a certification by a State that it is actually enforcing its size and weight limits.

A second proposal is to change existing items § 658.9(b) (3) and (4), relating to numbers of fixed and portable scales, so as to require the reporting of only the number of such scales actually operated by the State. The objective of this change is to clarify the data received by the Administrator, which now includes generalized reports from some States of the use of unspecified numbers of private or other non-State scales.

Third, it is proposed to delete existing items § 658.9(b) (5) and (6), relating respectively to hours of scale operation and number of enforcement personnel. These two items would be replaced with a single requirement of reporting the total number of vehicle weighings and measurements, which is the end product of the hours of scale operation by enforcement personnel. These data would also provide a direct basis for comparison with the number of State enforcement actions reported as taken under existing item § 658.9(b)(8).

The fourth proposal is to add State actions of mandatory unloading to the categories of State remedies for oversize or overweight violations now required to be reported under existing item § 658.9(b) (7). The action has been described to the Administrator as an effective enforcement tool available to a significant number of States under their own laws or regulations. This item would also be clarified to require the annual reporting of these State remedial actions by their respective categories of citations, assessments, unloadings, or arrests, rather than the aggregate of such actions.

Finally, it is proposed to clarify existing item § 658.9(b)(8) so as to call for the respective numbers of oversize and overweight permits. The present language leaves it uncertain as to whether these are to be reported separately or as an aggregate.

For the foregoing reasons, it is proposed to revise paragraph (b) in § 658.9 of title 49, CFR, to read as follows:

§ 658.9 Certification of size and weight enforcement.

* * * * *

(b) A statement by the Governor of the State, or an official designated by the Governor, that all size and weight limits are being enforced on the Federal-aid primary, urban, and secondary systems, including the Interstate System. The statement shall include the following information relating to enforcement along the Federal-aid highway systems during the 12-month period ending on the September 30 before the date by which certification is required:

(1) A copy of any State law or regulation pertaining to vehicle sizes and weights adopted since the State's last certification;

(2) [Reserved]

(3) The number of fixed scales operated by the State;

(4) The number of portable scales operated by the State;

(5) The number of vehicles weighed or measured, respectively;

(6) [Reserved]

(7) The separate numbers of citations, assessments, unloadings, or arrests, for size and for weight violations respectively; and

(8) The numbers of State oversize and overweight permits issued, respectively, classified according to the duration of their effectiveness.

(Sec. 106, 114, P.L. 93-643, 80 Stat. 2281; 23 U.S.C. 127, 154, 315; delegation at 49 CFR 1.48)

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Federal Highway Administration, Room 4226, 400 Seventh Street, SW., Washington, D.C. 20590. Comments should refer to the docket and notice number (75-4, notice 5), and be submitted in triplicate. Comments received before December 31, 1975, will be considered before action is taken on the proposal, and will be available for examination in the docket at the above address both before and after that date.

Dated: November 18, 1975.

L. P. LAMM,
Acting Federal Highway Administrator.

[FR Doc.75-31890 Filed 11-25-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[PSDR-43A, Docket No. 27417]

STATEMENTS OF GENERAL POLICY DOMESTIC LOAD-FACTOR STANDARDS

Supplemental Advance Notice of Proposed Rulemaking

By Advance Notice of Proposed Rulemaking PSDR-43, dated August 19, 1975, and published at 40 F.R. 37048, the Board gave notice that it had under considera-

tion an amendment of the domestic load-factor standard codified in Section 399.31 (a) of its Policy Statements (14 CFR 399.31(a)). The Board established procedures for the conduct of the proceeding providing, among other things, that the Bureau of Economics serve direct exhibits by October 14, 1975, that all other persons serve direct exhibits which they intend to offer and exhibits in rebuttal of the direct exhibits of the Bureau by December 1, 1975, and that rebuttal exhibits in response to direct exhibits, other than the Bureau's, be served by January 19, 1976.

Continental Air Lines, Inc.,[1] and Delta Air Lines, Inc., have filed motions asking that the December 1, 1975, date be extended and Continental also asks that the January 19, 1976, date be deferred. Continental seeks an extension of six weeks for both dates, while Delta requests a minimum extension of the December 1 date by ten days but prefers a two week deferral.[2] Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc. and United Air Lines, Inc., have filed answers supporting the motions.

The motions are based on late receipt of the Bureau's direct exhibits. In addition, Continental contends that it does not have the capability to review and analyze the Bureau's exhibits properly within the allotted time. Eastern states that it cannot properly prepare its exhibits until information requested from the Bureau and the Department of Transportation is received and analyzed.

The Bureau has filed an answer indicating no objection to the six weeks delay requested by Continental in order to afford all interested persons full opportunity to prepare their exhibits.

In the circumstances, Continental's request is hereby granted and the remaining procedural dates are rescheduled as follows:

1. On or before January 12, 1976, all persons on the Hearing Service List shall serve any direct exhibits they intend to offer at the hearing as well as any exhibits they intend to offer in rebuttal of the direct exhibits of the Bureau of Economics.

2. Rebuttal exhibits in response to the direct exhibits of persons other than the Bureau of Economics shall be submitted on or before March 1, 1976.

3. The hearing will commence shortly thereafter at a time and place to be designated by the administrative law judge.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-31998 Filed 11-25-75;8:45 am]

[1] American Airlines, Inc., joins in Continental's motion.

[2] Delta does not specifically request a like extension of the January 19 date, but it notes that such an extension would be appropriate.

[14 CFR Part 241]

[EDR-291; Docket No. 28517]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Updating the Accounting Provisions; Notice of Proposed Rulemaking

NOVEMBER 19, 1975.

Notice is herby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic Regulations (14 CFR Part 241) which would update the accounting provisions to recognize changes in accounting principles, developments in air transportation, and the needs of the Board.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendments are set forth in the Proposed Rule. The amendments are proposed under the authority of sections 204(a), 401(e)(6), and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754, and 766; 49 U.S.C. 1324, 1371, and 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before December 26, 1975, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the above indicated address, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

The Uniform System of Accounts and Reports for Certificated Air Carriers (USAR) must be periodically reviewed in order to adapt it to present and future regulatory needs of the Board, the carriers, other Government agencies, and the growing consumer interest in regulatory matters. The USAR must also be reexamined to assure that it is responsive to the numerous accounting and statistical developments taking place in professional organizations and governmental bodies which are remolding accounting principles and disclosure standards for American business.

As a result of these periodic reviews, the Board has historically modified its regulations to include new concepts which have developed with the passing of time as well as to bring the regulations into conformity with newly evolved generally accepted accounting principles where these principles are consistent with its regulatory needs. Indeed, experience has shown that such actions assist greatly in maintaining the comparability of accounting practice throughout the industry and in minimizing for both the Board and the carriers the task of administering the USAR.

Under present procedures, air carriers obtain waivers from the regulations in order to conform with generally accepted accounting principles not recognized in the USAR. While waivers from the regulations remain an acceptable method of bridging the gap between the Board's requirements and pronouncements by authoritative professional bodies in particular cases, they are unsuited for widespread use over an extended period of time because they make evaluation of CAB Form 41 financial schedules a cumbersome task and this, in itself, is not in the best public interest. In view of the alternatives available to the Board, either widespread use of the waiver process or a modification of the regulations, the latter course of action presents itself as the more efficient alternative.

In this connection, it is the purpose of this rule-making notice to propose amendments in the areas of deferred taxes, discounts and premiums on debt, stock purchase warrants, investor/investee relationships, self-insurance reserves, and the accounting for extraordinary, unusual and infrequently occurring events and transactions. In addition, this opportunity will be taken to propose changes in accounting for overhauls, accounting for unearned transportation revenues, and more realistic filing requirements for accounting procedure statements set forth in sections 22(d) and 32(d) of Part 241.

Income Taxes. In accounting for income taxes, comprehensive interperiod tax allocation has achieved broad recognition as an integral part of the determination of tax expense.[1] In contrast, the current regulations set forth in section 2-6 of Part 241 limits interperiod tax allocation to certain specified areas. The proposed amendment would eliminate the present limitations by providing for the deferral of taxes attributable to all material timing differences, including those relating to foreign, state and local taxes based upon income.[2] In keeping

[1] In interperiod tax allocation, income tax reported in a given period includes the tax effect (differences between taxes computed based upon income and taxes based upon taxable income) of transactions which enter into the determination of income for book purposes earlier or later than they are recognized for tax purposes.

[2] The term material timing differences does not encompass so-called "permanent differences" which, generally speaking, arise from certain statutory exemptions. Such differences do not affect other periods and there is no need for interperiod allocation.

with Accounting Principles Board Opinion No. 11, Accounting for Income Taxes, the tax effects of timing differences may be computed individually or by similar types of timing differences and the method chosen shall be consistently applied from period to period. It is not the intention of this rulemaking to change methods currently applied by carriers who now defer taxes.

Consistent with the Revenue Act of 1971, carriers would continue to be permitted to account for investment tax credits using the current (flow-through) or deferred methods. In addition, carriers would still be required to submit an application for prior approval eighteen months before the date on which any change is to become effective. With respect to the accounting for investment tax credits in connection with interperiod allocations, the proposed rule would acknowledge that in certain cases investment tax credit carryforwards may be offset against deferred taxes. Similarly, it would acknowledge that loss carryforwards may also be offset against deferred taxes in cases where net deferred taxes exist to recognize all or a portion of the carryforward benefit. In accounting for both investment tax credit carryforwards and carryforward losses, the amendment would impose the same limitations on the amounts which can be recognized as presently exist under generally accepted accounting principles. These changes will be brought about by revising sections 2–6 and the description of income tax accounts set forth in section 6 of Part 241. In addition it will be necessary to insert definitions of tax terminology in section 03, "Definitions for Purposes of This System of Accounts and Reports."

Discounts and premiums on debt. In accounting for discount and premium on debt issues, the current regulations provide for the treatment of these items as deferred charges and deferred credits, respectively. The prevailing practice, however, applies a different treatment on the grounds that discounts and premiums cannot be regarded as assets and liabilities separate from the liabilities which give rise to them. Accordingly, the amendment would dispense with the deferred charge and deferred credit treatment by changing the title of account 1840 "Unamortized Discount and Expense on Debt," revising the description of this account to delete discounts on debt issues, and deleting from the system of accounts balance sheet account 2330 "Unamortized Premium on Debt." Instead, the discounts and premiums will be recorded in subaccounts within the liability account used to record the debt and the subaccount or subaccounts must be maintained in such a fashion as to enable association of the discount or premium with the related debt issue. Finally, the amounts recorded in these subaccounts shall be amortized to interest expense over the term of the obligation, applying a constant rate of interest to the balance outstanding at the beginning of each quarter.

The same principles will also be applied to noncurrent receivables through an amendment of the description of account 1530 "Other Investments and Receivables."

Investor/investee relationships. Under existing provisions of Part 241, investments in which the air carrier owns 50 percent or more of the voting stock are to be recorded at cost plus the equity in undistributed earnings or losses since acquisition. Other investments, in which the carrier owns 50 percent or less of the voting capital stock, are to be recorded at cost. Generally accepted accounting principles [3] provide, however, that the equity method of accounting should be applied when the investor is able to exercise significant influence over the operating and financial policies of an investee even though 50 percent or less of the voting stock may be held. To achieve a reasonable degree of uniformity under this principle, an investor with 20 percent or more of the voting stock is presumed, in the absence of evidence to the contrary, to have the ability to exercise significant influence over an investee.

The proposed rule would extend the applicability of the equity method of accounting to companies over which the air carrier is able to exercise significant influence. The amendment will adopt the same 20 percent ownership guideline set forth in Accounting Principles Board Opinion No. 17 unless waived by the Director, Bureau of Accounts and Statistics, and include a new term in the Glossary, "Investor Controlled Company," which will be defined generally as any business entity in which the air carrier is able to exercise significant influence over financial and operating policies. Significant influence will be presumed, unless established to the contrary, with ownership of 20 percent or more of the outstanding voting capital stock. Thus, under the proposal, investments in investor controlled companies would be accounted for under the equity method while investments in other companies would be accounted for at cost. Other related changes would include changes in the titles and texts of subaccount 1510.1 which would be entitled "Investments in Investor Controlled Companies" and account 84 which would be entitled "Income from Investor Controlled Companies." All other related references in Part 241 would be amended accordingly.

Extraordinary items, unusual and infrequently occurring events and transactions, prior period adjustments and accounting changes. Periodically, events or transactions occur which, if included in the normal operating profit or loss accounts would materially distort the results of operations for a given period. While Part 241 currently provides for such events and transactions in a profit and loss functional classification entitled "Special Items," the criteria for determining what items fall into this classification do not parallel generally accepted accounting principles. Moreover, the present regulations lump together, without clear distinction, retroactive adjustments, extraordinary write-offs, and unusual or nonrecurring events and transactions.

The proposed rule would eliminate obsolete nomenclature; establish criteria for determining extraordinary items; and provide for separate disclosure of extraordinary items, discontinued operations, prior period adjustments, and accounting changes (changes in principle and changes in estimates). In order to warrant treatment as an extraordinary item, an event or transaction must be both usual in nature and infrequent in occurrence, taking into account the environment in which the carrier operates. Discontinued nontransport operations would be treated separately from extraordinary items, and material adjustments which are directly related to business activities of prior periods would be treated as an adjustment of the opening balance of retained earnings. Standards for determining materiality would be clearly set forth and provisions would be included to require disclosure in notes to the income statement of material items which do not meet the criteria established for extraordinary items. The foregoing would be accomplished by revising section 2–7 of Part 241 and making related changes in the descriptions of account 2940 "Unappropriated Retained Earnings" and the establishment of a new profit and loss functional classifications for discontinued operations and accounting changes. Other related changes would include amending the account title for Special Items and amending the format of schedules P–1 (a), P–1.1 and P–1.2 to reflect separately discontinued operations, extraordinary items and prior period adjustments.

Accounting for overhauls. Recent technological advances in the maintenance of airframes and aircraft engines have resulted in the wider use of continuous overhaul programs rather than the older "block" or "one-shot" overhaul programs used in the past. In addition, the aircraft fleets and inventories of aircraft engines operated by air carriers who were considered small in the early 1960's have grown to the point where actual overhaul costs have become fairly stable from year to year. As a result of these technological advances and the growth in aircraft fleets, all trunk air carriers and some local service or regional air carriers have abandoned the concept of accruing airworthiness reserves in favor of directly expensing all of their maintenance costs. At present the USAR does not recognize these changes as a firmly established trend which is expected to continue well into the future.

It is clearly evident that the emphasis of the accounting regulations needs to be changed to recognize direct expensing as the preeminent form of accounting for aircraft maintenance necessary to meet statutory airworthiness requirements.

[3] Accounting Principles Board Opinion No. 18, "The Equity Method of Accounting for Investments in Common Stock."

Accordingly, the proposed rule would amend section 5-4(f) of Part 241 to require direct expensing in those cases where it will produce an equitable allocation of total maintenance costs between accounting years. In those cases where the period benefitted by the performance of periodic overhauls extends beyond one accounting year and direct expensing of overhauls will not result in an equitable allocation of costs between accounting years, the proposed rule would require the costs of overhauls to be deferred in a subaccount of account 1601 "Airframes" and account 1602 "Aircraft Engines" and amortized over the period to be benefitted. The same principle of deferral and amortization will apply to leased flight equipment in a subaccount of account 1607 "Improvements to Leased Flight Equipment" in cases where direct expensing will not result in an equitable allocation of costs between accounting years. In those cases where the direct expensing method will not result in equitable allocations of cost between quarters within a calendar year, the proposed rule would permit air carriers to equalize the costs between calendar quarters consistent with the provisions of section 2-13(d) of Part 241.

This portion of the proposed rule would apply to all flight equipment purchased or leased after January 1, 1976. Although application to assets currently owned or leased would be encouraged, it is not proposed that it be required.

Elimination of certain property and equipment accounts. In addition to the aforementioned changes in accounting for flight equipment, the proposed rule would eliminate: (1) Account 1603 "Aircraft Propellers," (2) Account 1604 "Aircraft Communications and Navigational Equipment" and (3) Account 1606 "Miscellaneous Flight Equipment" together with their related depreciation accounts. It is intended that amounts recorded in these accounts relating to parts not affixed to airframes or engines be accounted for through account 1608 "Flight Equipment Rotable Parts and Assemblies." This amendment is intended to reduce the burden involved with maintaining separate asset accounts and accumulated depreciation accounts for these classes of assets.

Self-insurance reserves. Under generally accepted accounting principles, a new standard has been developed which sets forth the conditions under which accruals for loss contingencies should be made.[4] These conditions exist only if (a) information prior to the issuance of the financial statements indicates that it is probable that an asset had been impaired or a liability had been incurred at the date of the financial statements and (b) the amount of loss can be reasonably estimated. It is implicit in the first condition that it must be probable that one or more future events will occur confirming the fact of the loss. General or unspecified business risks such as self-insurance reserves do not meet these conditions. There is no impairment of assets and there is no legal liability. Moreover, the amount of loss cannot be reasonably estimated in advance of its occurrence.

Since the adoption of this new standard, those air carriers who previously accrued material self-insurance reserves have eliminated their "reserve" account balances and the account itself has become obsolete. Accordingly, the proposed rule would eliminate account 2350, "Reserve for Self-Insurance," and paragraph (c) of section 2-13 "Establishment of Reserves" from Part 241. It would also eliminate the self-insurance expense subaccount of account 55, "Insurance—General."

Stock purchase warrants. The proposed changes with respect to accounting for stock purchase warrants reflect a long-standing intention to amend the regulations so as to permit air carriers to record proceeds attributable to stock purchase warrants related to debt issues as "Other Paid-In Capital" in account 2890.[5]

Accounting plans. The Board would also like to take this opportunity to propose certain changes with respect to the filing of accounting plans required by sections 22(d) and 32(d) of Part 241. The current regulations require all plans to be filed prior to the date on which a new or revised accounting procedure goes into effect. No provision is made for cases wherein immediate changes must be made in order to recognize an event or transaction occurring for the first time or to comply with new requirements imposed by regulatory or professional bodies. In these cases, the change which is proposed would permit carriers to file new or amended statements within thirty days after the close of the first calendar quarter in which the procedures become effective.

At the same time, the Board proposes to extend the present thirty-day review period to ninety days. This will permit time for a more complete review of the documents being received and allow time for correspondence with the carrier.

Unearned transportation revenues. A study of unearned transportation revenues which spanned most of 1974 and continued into 1975 has been completed. The purpose of the study was to decide whether there should be any changes in the accounting and reporting of air traffic liability accounts and the related earned passenger revenue.[6] After reviewing the two basic income determination models, the sales-lift match method and the yield or average fare method, it has been decided that each air carrier should be permitted to establish its own method of revenue recognition. Underlying this conclusion is the view that each method should be judged upon the accuracy of its results. It would be pointless to require a uniform method for all carriers unless the costs of changing to a single method would be offset by a significant enhancement in the uniformity, comparability and accuracy of the results. This is not the case, however, and it is believed that any problems associated with the systems presently used can best be dealt with on a carrier-by-carrier basis and, therefore, a costly changeover to a single method for all carriers is unwarranted.

We have found, in our research into the accounting for the unearned transportation revenue, and the current liability due to other carriers, that for all intents and purposes these two current liabilities become so enmeshed that it is practically impossible to verify either of these accounts, singularly. Most, if not all, carriers consider the two current liabilities as one air traffic liability account in their verification processes and any precise split between the two accounts involves a great deal of estimating each month to determine how much of the air traffic liability account is unearned revenue and how much is due to other carriers by reason of off-line ticket sales.

After considering the carriers' comments on this subject, it has been decided to advance a proposal to eliminate account 2160, "Unearned Transportation Revenue" and account 2030, "Accounts Payable—Collections as Agent" in the chart of accounts and establish one combined new account which would be credited for both on-line and off-line ticket sales. We propose that the new account be titled as "Air Traffic Liability."[7]

During the study a review was made of section 2-17 relating to passenger revenue accounting practices to determine the current need for the provisions therein, and to determine whether there is need for changes in any of those provisions. In the light of the study and having considered carriers' comments, the rule we now propose would require the following:

1. That a physical verification as to the reliability of passenger revenue accounting practices continue to be made by the carrier, at least annually.

---

[4] Statement of Financial Accounting Standards No. 5, March 1975.

[5] A General Waiver was granted to the air carriers to permit this treatment by General Industry Letter to the Chief Accounting Officers of the air carriers dated February 16, 1968.

[6] On January 3, 1975, a paper was transmitted to all certificated air carriers as an Observation of the Director (Bureau of Accounts and Statistics). Comments on the issues discussed were solicited, received, and studied in detail. Also, since issuing the paper, the audit working papers of nine public accounting firms have been observed which cover some fifteen air carriers.

[7] Because many of the carriers' published financial statements net the traffic receivables and payables for reporting purposes, we studied the possibility of netting these accounts for Form 41 reporting purposes in order to eliminate a reconciling item on the reconciliation statement at year-end. However, after careful consideration, we believe that the size of the balances in both of these accounts at any month end are so material that they should not be netted for Board purposes.

2. That the results of the physical verification continue to be submitted to the Board within 30 days following its completion.

3. That the cutoff date for physical verification be at the end of a calendar quarter.

4. That a maximum run-out period be established for examining documents beyond the cutoff date as indicated below (relates to carriers on a yield or overage fare method only):

	Months
TWA and Pan American	18
Trunks (except TWA and Pan American)	12
All other route air carriers	3

In addition, for carriers on a "yield or average fare" method, the proposed rule would require that a consistent practice be established by the carrier to adjust differences between the air traffic liability control account and the amount as determined subsequently by the physical verification. Carriers who determine earned revenue on a yield or average fare method would not be permitted to accrue income during the accounting year in anticipation of a favorable annual physical inventory determination, nor for unused or unpresented tickets.

For carriers on a sales-lift match method the proposal would require that a consistent practice be established by the carrier for taking into income on a current basis the amount of transportation furnished for which there is no lifted coupon because of loss, destruction or mutilation thereof prior to the matching process. The amount of earned revenue resulting from the physical disappearance of lifted coupons after the carrier has rendered service would be determined on an experience basis.

Carriers who determine earned revenue on a sales-lift match method would not be permitted to accrue income during the accounting year in anticipation of unused or unpresented tickets. Earned income resulting from unused or unpresented tickets would be taken up periodically, on a consistent basis, when purged from the sales listing of auditor coupons.

Other miscellaneous amendments. We shall also take this opportunity to update section 04 of the USAR to reflect a current listing of air carriers and to make technical and conforming changes as necessary to update the regulations consistent with current conditions and circumstances.

It is proposed that these changes be made effective January 1, 1976. In view of the fact that this regulation imposes new recordkeeping requirements the implementation should not be unduly burdensome.

Part 241—Uniform System of Accounts and Reports for Certificated Air Carriers

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

Section 03—Definitions for Purposes of This System of Accounts and Reports.

1. Section 03 is amended by adding the following new definitions:

* * * * *

Deferred taxes—tax effects which are deferred for allocation to income tax expense of future periods.

* * * * *

Income tax expense—the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

Income taxes—taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

* * * * *

Interperiod tax allocation—the process of apportioning income taxes among periods.

* * * * *

Investor controlled company—any business entity in which the accounting air carrier is able to exercise significant influence over operating and financial policies of the issuing company. Significant influence will be presumed, unless established to the contrary by waiver request, with ownership of 20 percent or more of the outstanding voting capital stock. Ability to exercise influence may be indicated in several ways, such as representation on the Board of Directors, participation in policy making processes, material intercompany transactions, interchange of managerial personnel, or technological dependency. Excludes companies for which the air carrier is able to make a proper showing to the Board that significant influence cannot be exercised despite the percentage of stock ownership. Investor controlled companies shall also be regarded as associated companies for purposes of this system of accounts (see also Associated company).

* * * * *

Pretax accounting income—income or loss for a period exclusive of related income tax expense.

* * * * *

Taxable income—the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

Tax effects—differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes, and (3) adjustments of prior periods (or of the opening balance of retained earnings) and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as the term is used in this System of Accounts and Reports.

* * * * *

Section 04—Air Carrier Groupings and Standard Name Abbreviations

2. Revise Section 04 to read as follows:

GROUP I ROUTE AIR CARRIERS

Name	*Abbreviation*
Air Micronesia, Inc.	Air Micronesia
Aspen Airways, Inc.	Aspen
Chicago Helicopter Airways, Inc.	Chicago Helicopter
Kodiak-Western Alaska Airlines, Inc.	Kodiak
Los Angeles Airways, Inc.	LA Airways
New York Airways, Inc.	NY Airways
Reeve Aleutian Airways, Inc.	Reeve
SFO Helicopter Airlines, Inc.	SFO Helicopter
Wien Air Alaska, Inc.	Wien
Wright Air Lines, Inc.	Wright

GROUP II ROUTE AIR CARRIERS

Airlift International, Inc.	Airlift
Aloha Airlines, Inc.	Aloha

GROUP III ROUTE AIR CARRIERS

Air New England, Inc.	Air New England
Alaska Airlines, Inc.	Alaska
Allegheny Airlines, Inc.	Allegheny
American Airlines, Inc.	American
Braniff Airways, Inc.	Braniff
Continental Air Lines, Inc.	Continental
Delta Air Lines, Inc.	Delta
Eastern Air Lines, Inc.	Eastern
The Flying Tiger Line Inc.	Flying Tiger
Frontier Airlines, Inc.	Frontier
Hawaiian Airlines, Inc.	Hawaiian
Hughes Air Corp., d/b/a Hughes Airwest	Airwest
National Airlines, Inc.	National
North Central Airlines, Inc.	North Central
Northwest Airlines, Inc.	Northwest
Ozark Air Lines, Inc.	Ozark
Pan American World Airways, Inc.	Pan American
Piedmont Aviation, Inc.	Piedmont
Seaboard World Airlines, Inc.	Seaboard
Southern Airways, Inc.	Southern
Texas International Airlines, Inc.	Texas
Trans World Airlines, Inc.	Trans World
United Air Lines, Inc.	United
Western Air Lines, Inc.	Western

GROUP I SUPPLEMENTAL AIR CARRIERS

Johnson Flying Service, Inc	Johnson
McCulloch International Airlines, Inc.	McCulloch

GROUP II SUPPLEMENTAL AIR CARRIERS

Capitol International Airways, Inc.	Capitol
Modern Air Transport, Inc	Modern
Overseas National Airways, Inc.	Overseas
Saturn Airways, Inc.	Saturn
Trans International Airlines, Inc.	Trans International
World Airways, Inc.	World

Section 1—Introduction to System of Accounts and Records

3. Amend Section 1–9 by revising the text of paragraph (a) to read as follows:

§ 1–9 Conversion to this system of accounts and reports.

(a) Upon the adoption of this system of accounts and reports all balance sheet account balances shall be restated as of the effective date of the regulation to conform with the provisions of this Part except as provided in this section 1–9. All necessary adjustments shall be accumulated in an appropriate clearing account and the net transferred to profit and loss classification 9700 Extraordinary Items.

* * * * *

Section 2—General Accounting Policies

§ 2–6 Income tax accruals.

4. It is proposed to amend Section 2–6 by changing the section title and revising the text to read as follows:

(a) All income taxes shall be accrued by proportionate charges or credits to income in each calendar quarter. The interperiod tax allocation method shall be applied for all material timing differences between pretax accounting income and taxable income.

(b) The tax effect of timing differences which increase or decrease taxes currently payable shall be recognized in balance sheet account 2340, Deferred Income Taxes. Any resulting net debit balance in this account shall be treated for statement purposes as a special subaccount in balance sheet account 1890, Other Deferred Charges. In effecting these accruals, records with respect to deferred taxes (including foreign, state and local taxes based upon income) shall be maintained in accordance with the provisions of balance sheet account 2340, Deferred Income Taxes.

(c) The tax effects of any realizable tax carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing deferred income taxes may be necessary.

(d) The benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce income taxes. However, in unusual circumstances when realization is assured beyond a reasonable doubt, the future benefits may be recognized in the year of loss. In cases where deferred taxes attributable to prior timing differences exist to recognize all or a portion of the loss carryforward, an appropriate amount of the benefit may be offset against deferred taxes. However, net deferred taxes attributable to prior timing differences which would not be amortized until after the expiration of the carryforward period, shall not be offset by loss carryforwards.

(e) At the option of the air carrier, investment tax credits may be treated as a reduction of income tax expense in the year they are actually realized (flow-through method) or they may be deferred and amortized over the useful life of the property to which it relates and they shall be accounted for in accordance with the provisions of balance sheet accounts 2131 Accrued Income Taxes, 2340 Deferred Income Taxes and 2345 Deferred Investment Tax Credits.

5. Amend Section 2–7 by changing the title and revising the text to read as follows:

Sec. 2–7 Extraordinary items, discontinued operations, prior period adjustments, and accounting changes.

(a) All items affecting net income, including revenue and expense adjustments, shall be reported in the profit and loss accounts to which they relate unless evidence clearly supports their treatment as an extraordinary item, as a discontinued operation, a prior period adjustment, or a change in accounting principle.

(b) Extraordinary items recorded in function 9700 shall be characterized by their unusual nature and infrequent occurrence, taking into account the environment in which the air carrier operates. They must also be material. In this context, unusual means that the underlying event or transaction is abnormal and significantly different from the ordinary and typical activities of the air carrier, and infrequently occurring means that the event or transaction is not reasonably expected to recur in the foreseeable future.

(c) The materiality of an unusual and infrequently occurring event or transaction should be measured in relation to its impact on net income (loss) before extraordinary items or to the trend of earnings. As a standard practice, an unusual and infrequently occurring event or transaction shall be deemed to have a material impact on income (loss) before extraordinary items if it exceeds one-half of one percent of the twelve-months-to-date total operating revenues or total operating expenses, depending on the nature of the item. When an item does not exceed this amount but does exceed one percent of the total functional classification of which it is a part, it shall be included in the ordinary account to which applicable, and footnoted on CAB Form 41 Schedule P–2. As a general rule, items shall be considered separately rather than in the aggregate. However, the effects of a series of related transactions arising from a single specific and separately identifiable event or plan of action shall be aggregated for the purpose of determining materiality.

(d) Events or transactions which are material as determined in conjunction with the criteria set forth in paragraph (c) above and are either unusual or nonrecurring, but not both, should be disclosed on CAB Form 41 Schedule P–2. The events or transactions should be identified both as to their nature and their financial effects.

(e) The earnings (losses) of discontinued nontransport operations shall be reported separately from transport, transport-related and continuing nontransport operations and separately from extraordinary items. In addition, any gain or loss from the disposal of a nontransport operation shall be reported in conjunction with the related results of discontinued nontransport operations in functional classification 9600 and not as a extraordinary item. For the purposes of this system of accounts and reports discontinued nontransport operations shall refer to the disposal of investor controlled companies and the cessation of nontransport operations, the results of which are accounted for through profit and loss objective accounts 84 and 86.

(f) All material adjustments which can be specifically identified with and directly related to business activities of particular prior periods shall be reflected as adjustments of the opening balance of retained earnings. In order to qualify for such treatment the adjustment must not be attributable to economic events occurring subsequent to the date of financial statements for the prior period; it must depend primarily on determinations by persons other than management; and not be susceptible of reasonable estimation prior to such determination. Corrections of errors in financial statements of a prior period should be disclosed as a prior period adjustment in the period in which the error was discovered and corrected. Materiality should be determined using the criteria set forth in paragraph (c) above.

(g) The cumulative effect of changes in accounting principle shall be reflected in the account provided for in the determination of net income and clearly and completely described in notes to the income statement (see section 18). The amount of the cumulative effect of a change in accounting principles shall represent the difference between (a) the amount of retained earnings at the beginning of the period of the change and (b) the amount of retained earnings that would have been reported at that date if the new accounting principle had been applied retroactively for all prior periods which would have been affected by recognizing only the direct effects of a change and the related income tax effect. Financial statements of prior periods shall not be restated without the prior approval of the Director, Bureau of Accounts and Statistics. Changes in accounting estimates shall be accounted for in (a) the period of the change if the change affects that period only or (b) the period of change and future periods if the change affects both. Materiality should be measured both in relation to the effects of each change separately and the combined effect of all changes.

6. Amend Section 2–12 by revising paragraph (a)(1) to read as follows:

§ 2–12 Acquisition and valuation of assets.

(a) * * *

(1) Investments in investor controlled companies (as that term is defined in section 03) shall be recorded at cost (except as provided in section 5–2(c)) plus the equity in the undistributed earnings or losses of such companies since acquisition. (Investments in associated companies, other than investor con-

trolled companies, and other companies shall be recorded at cost except as provided in section 5-2(c).)

* * * * *

7. It is proposed to amend Section 2-13 by deleting and reserving paragraph (c) to read as follows:

§ 2-13 Establishment of reserves.

(c) (Reserved.)

8. Revise Sec. 2-17 to read as follows:

§ 2-17 Revenue accounting practices.

(a) Revenue accounting practices shall conform to the provisions of account 2160, Air Traffic Liability.

(b) Physical verification of the reliability of passenger revenue accounting practices shall be made at least once each accounting year by each route air carrier and an analysis showing the results of such verification shall be submitted to the Board within 30 days following its completion.

(c) For those carriers who use the yield or average fare method to determine earned revenue, the analysis supporting the verification shall include:

(1) The cutoff date for the liability to be verified; such cutoff date shall be at the end of a calendar quarter.

(2) The number of months after the cutoff date during which documents were examined to verify the liability; the number of months after the cutoff date during which documents are examined shall not exceed the maximums set forth below:

Class of carrier	*Maximum months* *
TWA and Pan American	18
Trunks (except TWA and Pan American)	12
All other route air carriers	3

* Applies only to carriers on a yield or average fare basis.

(3) The nature of the documents which were examined for purposes of the verification.

(4) The totals for each of the various types of documents examined, on actual or sampling basis.

(5) A description of the sampling technique and conversion to totals, if sampling was employed.

(6) The amount and basis for all estimates employed in the verification.

(7) The amount of resulting adjustments and the quarter in which such adjustments were, or are to be, made in the accounts.

(d) For those carriers who use the sales-lift match method to determine earned revenue, the analysis supporting the physical inventory verification shall include:

(1) The cutoff date for the liability to be verified; such cutoff date shall be at the end of a calendar quarter.

(2) A trial balance as of the cutoff date of all subaccounts supporting the Air Traffic Liability control account; the subsidiary trial balance must agree with the Air Traffic Liability control account or a reconciliation statement furnished.

(3) A statement to the effect that a sales listing of the value of all unused and unmatched auditor coupons has been compiled and compared to the general ledger control figure; the statement required by this subparagraph shall indicate whether or not the value of the unused and unmatched coupons is in agreement with the general ledger. If the sales listing is not in agreement with the Air Traffic Liability control account, the amount of such difference shall be shown on such statement.

(e) Those carriers who are on a sales-lift match method for determining earned revenue shall submit to the Board an annual statement showing the value of urged auditor coupons from the sales listing, during the calendar year, by quarters. This statement shall accompany the analysis supporting the physical verification, as described in (b) of this section.

(f) An annual statement shall be filed with the Board by those carriers who use the sales-lift match method to determine earned revenue, showing the value of revenue earned due to loss, destruction, or mutilation of lifted coupons from passengers who have been furnished transportation. This statement shall show the basis used in computing the amount of revenue taken up as income. The amount of revenue shall be shown by calendar quarters. The statement shall accompany the analysis supporting the physical verification, as described in paragraph (b) of this section.

BALANCE SHEET CLASSIFICATIONS

Section 3—Chart of Balance Sheet Accounts

9. Amend Section 3 to read in pertinent part as follows:

Name of account	General classification	
* * * * * * *		
Investments and special funds:		
Investments in associated companies	1510	
Investments in investor controlled companies	1510.1	
Investments in other associated companies	1510.2	
Advances to nontransport divisions	1520	
* * * * * * *		
	Operating	Nonoperating
* * * * *		
Airframes	1601	1701
Airframes	1601.1	1701.1
Unamortized airframe overhauls	1601.2	1701.2
Aircraft engines	1602	1702
Aircraft engines	1602.1	1702.1
Unamortized aircraft engine overhauls	1602.2	1702.2
Improvements to leased flight equipment	1607	1707
* * * * * *		
Reserve for depreciation:		
Airframes	1611	1711
Aircraft engines	1612	1712
Improvements to leased flight equipment	1617	1717
* * * * * *		
	General classification	
* * * * * *		
Deferred charges:		
Long-term prepayments	1830	
Developmental and preoperating costs	1836	
Unamortized expense on debt	1840	
Unamortized capital stock expense	1850	
* * * * * *		
Current liabilities:		
Current notes payable	2010	
Accounts payable general	2020	
Collections as agent—other	2040	
* * * * * *		
Accrued personnel compensation	2110	
Accrued vacation liability	2120	
Accrued income taxes	2131	
Other accrued taxes	2139	
* * * * * *		
Deferred credits:		
Deferred income taxes	2340	
Deferred investment tax credits	2345	
Other deferred credits	2390	
* * * * * *		

Section 5—Balance Sheet Account Groups

10. Amend Section 5 as follows:

A. By revising section 5-2(b) to read:

Sec. 5-2 Investments and special funds.

* * * * *

(b) Investments in associated companies, other than those defined in section 03 as investor controlled companies, and investments in other than associated companies shall be recorded at cost, except as provided in paragraph (f) of this section. Investments in investor controlled companies shall be recorded at cost, except as provided in paragraph (c), plus the equity in undistributed earnings or losses since acquisition.

* * * * *

B. By revising paragraphs (f) and (g) of section 5-4 and adding (h) to read:

Sec. 5–4 **Property and equipment depreciation and overhaul.**

* * * * *

(f) Airframe and aircraft engine overhauls shall be expensed directly as performed when this will produce a relatively equitable allocation of total maintenance costs between accounting years. In the event that direct expensing of overhauls will distort maintenance expense charges between calendar quarters, reserves may be established to equalize or distribute maintenance expense charges between calendar quarters of each accounting year in accordance with operations performed consistent with provisions of section 2–13(d). For the purposes of this system of accounts and reports, an airframe or aircraft engine "overhaul" shall be deemed to encompass the total of those inspections or replacements of major components performed in phases, or in one operation, as are required to be performed at specified maximum periodic intervals by the Civil Air Regulations to recertify that airframes or aircraft engines are in a completely airworthy condition. Costs which attach to the routine replacement of minor parts and servicing or inspection of airframes and aircraft engines, performed on a recurrent but not scheduled basis, or on a scheduled basis without withdrawal from line service, to maintain airframes and aircraft engines in an operating condition, shall not be considered to be "overhauls" and shall be expensed directly as ordinary recurrent maintenance. Extraordinary costs of material amounts associated with the renewal of major structural parts of airframes and aircraft engines beyond the scope of normal periodic overhauls, or which are incurred at periodic intervals approximating the depreciable service life of the airframe and aircraft engine types to which related, shall not be considered overhauls. Such costs shall be accounted for as restoration of assets chargeable to the related property accounts. The cost of components removed, together with related reserves, shall be treated as retired property and accounted for accordingly. In the event identification of the cost of the components removed is not feasible, the costs incurred in substituting components may be charged against the related depreciation reserves.

(g) The accounting procedures in this paragraph (g) shall be observed as a consistent practice for all airframe or aircraft engine types (both owned and leased) for which the direct expensing of overhaul costs as incurred will distort total maintenance expense between accounting years.

(1) When the period benefitted by the performance of an overhaul is greater than one accounting year and overhauls are scheduled in such a manner that the direct expensing of overhauls as performed will not result in an equitable allocation of total maintenance expense between accounting years, the costs of such overhauls shall be deferred and amortized over the period benefitted. An overhaul permits the use of an airframe or aircraft engine for subsequent additional periods in conformity with overhaul procedures approved by the Federal Aviation Administration. The period benefitted by an overhaul is the authorized interval until the related overhaul procedures are required to be performed again. The costs of airframe and aircraft engine overhauls shall not be accrued in advance by charges to maintenance expense before the costs are incurred; except that, equalization reserves may be established pursuant to section 2–13(d) to distribute expense charges between calendar quarters of each accounting year in accordance with operations performed.

(2) When overhauls are performed, the related costs of labor, materials, outside overhauls, and maintenance burden shall be charged to the applicable direct maintenance and maintenance burden objective expense accounts as incurred. With respect to those airframe or aircraft engine types for which overhauls are being deferred and amortized, a project cost ledger shall be maintained to control and identify overhauls costs, and the accumulated overhauls costs shall be debited each month to appropriate subaccounts of the related airframe, aircraft engine, or leasehold improvement accounts with a corresponding credit to account 72.3 Airframe Overhauls Deferred (Credit) or account 72.8 Aircraft Engine Overhauls Deferred (Credit).

(3) Upon completion of each overhaul phase or project, the deferred costs shall be amortized to account 72.4 Amortization of Airframe Overhauls or to account 72.9 Amortization Aircraft Engine Overhauls over the authorized interval until the related overhauls procedures are required to be performed over again.

(4) When improvements and betterments of owned airframes or aircraft engines are effected in conjunction with overhauls of such property, the costs related to such improvements or betterments shall be charged to the appropriate asset subaccount for depreciation over the remaining service life.

(5) Upon retirement of owned airframes or aircraft engines, the applicable unamortized overhaul costs shall be transferred, along with the cost and related depreciation reserves of the property retired, to profit and loss account 81 Capital Gains and Losses.

(h) In accordance with the provisions of section 22(d) or 32(d), as applicable, each air carrier shall file with the Civil Aeronautics Board a statement fully describing its plans of accounting for airframe and aircraft engine overhauls. The required statement shall indicate for each airframe or aircraft engine type whether the costs of overhauls related thereto are, as a matter of consistent practice, expensed directly or deferred and amortized. If deferred and amortized, the statement shall indicate whether projects are established for individual units or on a group basis for specific types of airframes or aircraft engines, the types of cost deferred, the basis for maintenance burden rates, the time between overhauls, and the amortization period and basis.

C. By revising section 5–7(a) to read:

Sec. 5–7 **Noncurrent liabilities.**

(a) This classification shall include all debts or obligations the liquidation or payment of which is not reasonably expected to require the use within one year of existing resources of a type which are properly classifiable as current assets or the creation of current liabilities. Noncurrent liabilities shall include mortgages, bonds and debentures maturing more than one year from the date of the balance sheet and other obligations not payable within twelve months. Expense on long-term debt assumed by the air carrier shall be recorded as a deferred charge and discounts or premiums on nontrade debt should be recorded as a deduction from or aition to the face amount of the liability through the use deduction from or addition to the face of a subaccount in the account used to record the liability. Subaccounts shall be maintained in such a manner as to enable identification of each discount or premium with the debt issue to which it relates. Such discounts or premiums shall be amortized through profit and loss account 87 Interest and Debt Expense on a basis which applies a constant rate of interest to the balance outstanding at the beginning of each quarter. When debt securities are issued with warrants to purchase stock, the portion of the proceeds attributable to the warrants shall be accounted for as paid-in capital by crediting account 2890.3 Other Capital Stock Transactions.

* * * * *

D. By revising section 5–8(a) to read:

Sec. 5–8 **Deferred credits.**

(a) Include in this classification all credit balances in general clearing accounts, including credits held in suspense pending receipt of information necessary for final disposition.

* * * * *

Section 6—Objective Classification of Balance Sheet Elements

11. Amend Section 6 as follows:

A. By revising the title and text for subaccount 1510.1 and the text for subaccount 1510.2 to read as follows:

1510.1 **Investments in investor controlled companies.**

Record here the cost of investments in investor controlled companies, except as provided in section 5–2(c), plus the equity in undistributed earnings or losses since acquisition. In the event dividends are declared by such companies, the air carrier shall credit this account for its share in dividends declared and debit balance sheet account 1250 Notes and Accounts Receivable—Associated Companies. This account shall separately state: (a) The cost of such investments at date of acquisition and (b) the equity in undistributed earnings or losses since acquisition. Such accounting method shall not apply to investments in nontransport foreign subsidiary companies.

1510.2 Investments in other associated companies.

(a) Record here the cost of investments in associated companies other than investor controlled companies. Cost shall represent the amount paid at the date of acquisition without regard to subsequent changes in the net assets through earnings or losses of such associated companies, except as provided in section 5-2(c).

(b) In accordance with the provisions of section 22(d) or 32(d), as applicable, a statement shall be filed with the Civil Aeronautics Board which fully explains the procedures for accounting for investments in investor controlled and other associated companies, including change in status from associated to investor controlled company, or vice versa.

B. By revising Account 1530, to read:

1530 Other investments and receivables.

(a) Record here notes and accounts receivable not due within one year and investments in securities issued by others. Any discount or premium should be recorded in a separate subaccount of this account. Subaccounts shall be maintained in such a manner as to enable identification of each discount or premium with the receivable to which it relates. Such discounts or premiums should be amortized through profit and loss account 83 Interest Income.

(b) This account shall not include securities held as temporary cash investments which should be recorded in balance sheet account 1110 United States Government Securities or 1120 Other Temporary Cash Investments, as appropriate. Investments in and receivables from associated companies which are not settled currently shall be included in balance sheet account 1510 Investments in Associated Companies.

C. By revising the text for account 1601 and account 1602 to read:

1601 Airframes.

(a) Record here the total cost to the air carrier of airframes of all types and classes, as provided in section 5-3, together with the full of instruments, appurtenances and fixtures comprising complete airframes including accessories necessary to the installation of engines and flight control and transmission systems, except as specifically provided otherwise in accounts 1602 and 1607. Also record here in separate subaccounts the costs of airframe overhauls accounted for on a deferral and amortization basis as provided in section 5-4(g).

(b) Airframes designed to permit multiple payload configurations shall be recorded in this account at the total cost of the maximum complement of instruments, appurtenances and fixtures used in the air carrier's operations.

(c) This account shall be subdivided as follows by all air carriers:

1601.1 Airframes

1601.2 Unamortized airframe overhauls

1602 Aircraft Engines.

(a) Record here the total cost to the air carrier of complete units of aircraft engines of all types and classes, as provided in section 5-3, together with a full complement of accessories, appurtenances, parts and fixtures comprising fully assembled engines as delivered by the engine manufacturer ready for operation in test but without the accessories necessary to its installation in airframes. Also record here in separate subaccounts the costs of aircraft engine overhauls accounted for on a deferral and amortization basis as provided in section 5-4(g).

(b) This account shall be subdivided as follows by all air carriers:

1602.1 Aircraft Engines

1602.2 Unamortized aircraft engine overhauls

1603, 1604, 1606 [Removed]

D. By deleting account 1603 Aircraft Propellers, account 1604 Aircraft Communications and Navigational Equipment, and account 1606 Miscellaneous Flight Equipment, from the Objective Classification of Balance Sheet Elements.

E. By revising account 1607 to read:

1607 Improvements to leased flight equipment.

Record here the total cost to the air carrier incurred in connection with modification, conversion or other improvements to leased flight equipment as provided in section 5-3. Also record here in separate subaccounts the costs of airframe and aircraft engine overhauls of leased aircraft accounted for on a deferral and amortization basis as provided in section 5-4(g).

F. By revising Account 1840 to read:

1840 Unamortized expense on debt.

(a) Record here the expense related to the assumption by the air carrier of debt of all types and classes. Amounts recorded in this account shall be amortized to profit and loss account 87 Interest Expense.

(b) This account shall not include the excess of the par value of debt securities over the cash value of consideration received. Instead, discounts shall be recorded in a subaccount of the related liability.

2030 [Removed]

G. By deleting Account 2030, Collections as Agent-Traffic from the Objective Classification of Balance Sheet Elements.

H. By revising Account 2131, to read:

2131 Accrued income taxes.

(a) Record here accruals for currently payable income taxes. Provisions for deferred taxes shall be accrued in accordance with the provisions of section 2-6 Income Tax Accruals.

(b) At the option of the air carrier, investment tax credits may be treated as a reduction of income tax expense in the year they are actually realized (flow-through method) or they may be deferred and amortized over the useful life of the property to which it relates (deferred method).

(c) Air carriers electing to account for the investment tax credit by the flow-through method shall credit profit and loss subaccount 91.2 Investment Tax Credits Utilized or profit and loss account 97 Income Taxes Applicable to Extraordinary Items and debit this account with the amount of investment tax credit utilized in the current accounting period.

(d) Air carriers electing to account for the investment tax credit by the deferred method shall, concurrent with the above entry set forth in subsection (c), debit profit and loss subaccount 93.1 Investment Tax Credits Deferred or profit and loss account 97 Income Taxes Applicable to Extraordinary Items and credit balance sheet account 2345 Deferred Investment Tax credits with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credits deferred in account 2345 shall be amortized to profit and loss account 93.2 Amortization of Deferred Investment Tax Credits over the service life of the related property.

(e) The amount of any potential investment tax credit applicable to property placed in service during each accounting year and not used as an offset against tax liability or the deferred income tax balance as provided in section 6-2340 shall be debited to a memorandum account under balance sheet account 2390 Other Deferred Credits titled "Investment Tax Credits Available" and shall be credited to a memorandum account also under balance sheet account 2390 titled "Unrealized Investment Tax Credits." As investment tax credits are utilized in the reduction of tax liabilities or deferred taxes these two memorandum accounts shall be adjusted to reflect the balance of unused and unexpired credits.

(f) Each air carrier shall disclose on schedule P-2 of its CAB Form 41 for each calendar quarter whether utilized credits are accounted for by the flow-through method or the deferred method. The method selected shall be consistently followed by the carrier and shall not be changed unless an application is submitted for Board approval at least 18 months before the date the change is scheduled to become effective.

I. By revising Account 2160, to reflect a new account title and read as follows:

2160 Air traffic liability.

(a) Record here balances representing the value of unused transportation sold. Transportation sold includes both sales for transportation to be provided by the air carrier and transportation to be provided by another air carrier.

(b) Earned revenue, determined by the yield or average fare method or by the sales-lift match method shall be consistently and periodically cleared by debit to this account, and credit to the appropriate profit and loss revenue account. Amounts receivable for transportation to be provided by the air carrier shall be debited to balance sheet account 1240, Accounts Receivable-General Traffic.

(c) Carriers who determine earned revenue on a yield or average fare

method may not accrue income during the accounting year in anticipation of a favorable annual physical inventory determination, nor for unused or unpresented tickets.

(d) Carriers who determine earned revenue on a sales-lift match method may not accrue income during the accounting year in anticipation of unused or unpresented tickets. Earned income resulting from unused or unpresented tickets will be taken up periodically, on a consistent basis, when purged from the sales listing of auditor coupons.

(e) Subaccounts to this account shall be established to record balances pertaining to passenger and cargo transportation sold, respectively, and separately to sales in scheduled and nonscheduled services.

(f) In accordance with the provisions of section 22(d) or section 32(d), as applicable, a statement shall be filed with the Board which fully explains the accounting methods and bases of clearing to income, both earned revenue and the revenue that is derived from unused or unredeemed transportation sales.

2330 [Removed]

J. By deleting Account 2330, from the Objective Classification of Balance Sheet Elements.

K. By revising Account 2340, to read:

2340 Deferred income taxes.

(a) Record here credits and debits representing the net tax effect of material timing differences originating and reversing in the current accounting period giving appropriate recognition to the portion of investment tax credits which would have been allowed if taxes were based on pretax accounting income by a reduction of the deferred tax provision. Loss carryforwards shall be accounted for in accordance with section 2-6(d).

(b) This account shall be credited or debited as appropriate and profit and loss subaccount 92.1 Current Provision for Deferred Taxes or profit and loss account 97 Income Taxes Applicable to Extraordinary Items shall be credited or debited each quarter with the income elements for which the related income tax effect is deferred. The tax effects of timing differences may be computed individually or by similar groups of timing differences. The tax effect of timing for similar groups may be computed using separate computations for the tax effect of originating differences at current rates and for the tax effect of reversing differences at tax rates in effect at the beginning of the period; or, a single computation at current tax rates for the net cumulative effect of both originating and reversing differences. The method chosen shall be consistently applied from period to period.

(c) This account shall be credited or debited as appropriate and profit and loss subaccount 92.2 Application of Taxes Deferred shall be credited or debited each quarter with deferred tax amounts previously accrued which are allocable to income of the current period.

(d) Upon adjustment or elimination of the income element for which income taxes are deferred, the related deferred tax balance included in this account shall be correspondingly adjusted or eliminated by a credit or debit as appropriate to profit and loss account 92.3 Adjustment of Deferred Taxes.

(e) Any net debit balance in this account shall be treated for statement purposes as a special subaccount of balance sheet account 1890 Other Deferred Charges.

(f) All adjustments shall be effected through appropriate credits or debits to profit and loss subaccount 92.3 Adjustment of Deferred Taxes. Full explanation of each adjustment shall be set forth on CAB Form 41 Schedule P-2 for the period in which the adjustment is made.

2350 [Removed]

L. By deleting Account 2350, from the Objective Classification of Balance Sheet Elements.

M. By revising Account 2890, to read:

2890 Other paid-in capital.

(a) Record here in separate subdivisions for each class and series, the difference between the price at which capital stock is sold and the par or stated value of the stock; gains or losses arising from the reacquisition and the resale or retirement of each class and series of capital stock; donations; the excess of retained earnings capitalized over par or stated value of capital stock issued; adjustments in capital resulting from reorganization or recapitalization; and proceeds attributable to detachable stock purchase warrants related to debt issues. This account shall also include balances of contributions to the business enterprise of individual proprietors or partners.

(b) Each air carrier shall maintain the following subaccounts:

2890.1 *Premium on capital stock.*

Record here in separate subdivisions for each class and series of capital stock issued the excess of the cash value of consideration received over the par or stated value and accrued dividends of stock issued together with assessments against stockholders representing payments required in excess of par or stated value.

2890.2 *Discount on capital stock.*

Record here in separate subdivisions for each class and series of capital stock issued, the excess of the par or stated value over the cash value of consideration received, less accrued dividends. Discounts applicable to a particular class and series of capital stock may be offset against premiums from the same class and series of capital stock. Discounts and premiums on different classes and series of capital stock shall not be offset. The air carrier may, at its option, record in this subaccount commissions and expenses incurred in the issuance of capital stock and may charge balance sheet acount 2940 Unappropriate Retained Earnings to the extent capital stock expense may exceed any existing balance of paid-in capital over the par or stated value of capital stock.

2890.3 *Other capital stock transactions.*

Record here in separate subdivisions for each class and series, the balance of credits arising from the reacquistion and resale or cancellation of capital stock, credits arising from a reduction in the par or stated value of capital stock or the net balance of credits or debits resulting from other paid-in capital transactions such as proceeds attributable to detachable stock purchase warrants related to debt issues, not provided for elsewhere, which is identified with a particular class and series of capital stock.

N. By revising Account 2940, to read:

2940 Unappropriated retained earnings.

(a) Record here the net income or loss from operations, prior period adjustments as described in section 2-7(b), and dividends declared on capital stock.

(b) This account shall not be charged with dividends on treasury stock but may be charged with dividends on capital stock of the air carrier held in special funds not under the control of the air carrier. If a dividend is not payable in cash the values entered in this account shall be completely described.

(c) Net income or loss accounted for during the current fiscal year shall not be entered in this account until the close of the fiscal year. Individual proprietorships or partnerships may clear net income or loss accounted for during the year directly to balance sheet account 2890 Other Paid-In Capital, or optionally, to this account for subsequent transfer to balance sheet account 2890 Other Paid-In Capital.

Section 7—Chart of Profit and Loss Accounts

12—Amend Section 7 to read in pertinent part as follows:

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
OPERATING REVENUES AND EXPENSES			
* * * *	*	*	*
54 Inventory adjustments	53, 69	53, 55	53, 55.
55 Insurance—general	51, 53, 69	51, 53, 68	51, 53, 68.
56 Insurance—traffic liability	60	55, 64	55, 62.
* * * *	*	*	*
72 Aircraft overhauls	52, 53	52, 53	52, 53.
72.1 Airworthiness reserve provisions—airframes	52, 53	52, 53	52, 53.
72.2 Airworthiness reserve charges—airframes (credit)	52, 53	52, 53	52, 53.
72.3 Airframe overhauls deferred (credit)	52, 53	52, 53	52, 53.
72.4 Amortization of airframe overhauls	52, 53	52, 53	52, 53.
72.6 Airworthiness reserve provisions—aircraft engines	52, 53	52, 53	52, 53.
72.7 Airworthiness reserve charges—aircraft engines (credit)	52, 53	52, 53	52, 53.
72.8 Aircraft engine overhauls deferred (credit)	52, 53	52, 53	52, 53.
72.9 Amortization of aircraft engine overhauls	52, 53	52, 53	52, 53.
* * * *	*	*	
NONOPERATING INCOME AND EXPENSES			
* * * *	*	*	*
84 Income from investor controlled companies and dividend income:			
84.1 Income from investor controlled companies	81	81	81.
84.2 Dividend income—other than investor controlled companies.	81	81	81.
* * * *	*	*	*
INCOME TAXES			
91 Provision for income taxes:			
91.1 Income taxes before investment tax credits	91	91	91.
91.2 Investment tax credits utilized	91	91	91.
92 Provisions for deferred income taxes:			
92.1 Current provisions for deferred taxes	91	91	91.
92.2 Application of deferred taxes	91	91	91.
92.3 Adjustment of deferred taxes	91	91	91.
93 Investment tax credits deferred and amortized:			
93.1 Investment tax credits deferred	91	91	91.
93.2 Amortization of deferred investment tax credits	91	91	91.
94 Excess profits taxes	91	91	91.
DISCONTINUED OPERATIONS			
95 Discontinued operations:			
95.1 Income from discontinued operations	96	96	96.
95.2 Loss on disposal of discontinued operations	96	96	96.
EXTRAORDINARY ITEMS			
96 Extraordinary items	97	97	97.
97 Income taxes applicable to extraordinary items	97	97	97.
CHANGES IN ACCOUNTING PRINCIPLES			
98 Cumulative effects of change in accounting principles	98	98	98.
* * * *	*	*	*

13. Amend Section 8 by revising paragraphs (d)(4) and (d)(5); and adding paragraph (d) (6) and (7) to read as follows:

Section 8—General

* * * * *

(d) * * *

(4) *Income taxes for current period.* This primary classification (9100) shall include provisions for Federal, state, local and foreign taxes which are based upon the net income of the air carrier for the current period together with refunds for excess profits credits or carryback of losses and increases or reductions of income taxes of prior years of a magnitude which will not distort net income of the current accounting year. Income taxes applicable to special income credits or debits recorded in profit and loss classification 9700 Extraordinary Items, and other material income tax items not allocable to income of the current accounting year, shall not be included in this classification but in profit and loss classification 9700 Extraordinary Items.

(5) *Discontinued operations.* This primary classification (9600) shall include earnings and losses of discontinued nontransport operations and gains or losses from the disposal of nontransport operations the results of which are customarily accounted for through profit and loss objective accounts 84 and 86 (see sec. 2–7 (e)).

(6) *Extraordinary items.* This primary classificaion (9700) shall include material items characterized by their unusual nature and infrequent occurrence (see sec. 2–7(b)).

(7) *Cumulative effect of changes in accounting principles.* This primary classification (9800) shall include the cumulative effect of material changes in accounting principles (see section 2–7(g)).

14. Amend section 12 as follows:

Section 12—Objective Classification—Operating Revenues and Expenses

A. By revising paragraph (c) of account 36, where to read as follows:

36 Personnel expenses.

* * * * *

(c) Records shall be maintained in a conveniently accessible form which will separately and clearly document each charge to this account in terms of its natural characteristics and contribution to the performance of the air carrier's transport operations. The records shall be maintained in such manner as will identify specifically the persons incurring the cost. Costs for standby hotel or other facilities maintained for the air carrier's personnel generally need not be allocated among the individuals using such facilities; however, sufficiently detailed records are required to identify the use made of such facilities by each individual.

B. By revising Account 55, where to read as follows:

55 Insurance-General.

Record here the cost of public liability and property damage insurance and all other general insurance except insurance covering liability for injuries, loss, and damage to passengers and cargo, and insurance carried for the protection or welfare of employees.

C. By revising the title and text of account 72, to read as follows:

72 Aircraft overhauls.

(a) Record here airframe and aircraft engine overhauls of the current period which are transferred to balance sheet subaccounts 1601.2 Unamortized Airframe Overhauls or 1602.2 Unamortized Aircraft Engine Overhauls. This account shall also include the amount of deferred overhauls costs being amortized for the current period. For carriers which elect to continue accuring for aircraft overhauls for aircraft acquired before January 1, 1976, the related provisions and charges shall be recorded in the appropriate subaccounts of this account.

(b) This account shall be subdivided as follows by all carrier groups.

72.1 *Airworthiness reserve provisions—Airframes.*

Record here current provisions for effecting an equitable distribution of airframe overhaul costs between different accounting periods.

72.2 *Airworthiness reserve charges—Airframes (Credit).*

Record here credits for airframe overhaul costs incurred in the current period which have been charged against related airworthiness reserves.

72.3 *Airframe Overhauls deferred (Credit).*

Record here airframe overhauls of the current period transferred to subaccount 1601.2 Unamortized Airframe Overhauls.

72.4 *Amortization of airframe overhauls.*

Record here the mount of deferred airframe overhaul costs amortized for the current period.

72.6 *Airworthiness Reserve Provisions—Aircraft Engines.*

Record here current provisions for effecting an equitable distribution of aircraft engine overhaul costs between different accounting periods.

72.7 *Airworthiness Reserve Charges—Aircraft Engines (Credit).*

Record here credits for aircraft engine overhaul costs incurred in the current period which have been charged against related airworthiness reserves.

72.8 *Aircraft Engine Overhauls Deferred (Credit).*

Record here airframe overhauls of the current period transferred to subaccount 1602.2 Unamortized Aircraft Engine Overhauls.

72.9 *Amortization of Aircraft Engine Overhauls.*

Record here the amount of deferred aircraft engine overhauls costs amortized for the current period.

D. By revising subaccounts 75.1, 75.2 and 75.5 to read as follows:

* * * * *

75.1 *Depreciation—Airframes.*

Record here provisions for depreciation of property and equipment carried in balance sheet subaccount 1601.1 Airframes.

75.2 *Depreciation—Aircraft Engines.*

Record here provisions for depreciation of property and equipment carried in balance sheet subaccount 1602.1 Aircraft Engines.

* * * * *

75.5 *Depreciation—Other Flight Equipment.*

Record here provisions for depreciation of property and equipment carried in balance sheet account 1607 Improvements to Leased Flight Equipment (exclusive of capitalized overhauls accounted for on a deferral and amortization basis) and balance sheet subaccount 1608.9 Other Parts and Assemblies. Group I air carriers shall also include in this subaccount provisions for depreciation of property carried in balance sheet account 1608 Flight Equipment Rotable Parts and Assemblies.

Section 14—Objective Classification—Nonoperating Income and Expense

15. Amend Section 14 by revising the title and text for account 84 to read as follows:

84 Income from investor controlled companies and dividend income.

(a) Record here income from the equity in net earnings or losses of investor controlled companies and income arising out of dividends declared on other than investor controlled companies. Dividends on capital stock issued by the air carrier and subsequently reacquired shall not be included in this account.

(b) This account shall be subdivided as follows by all air carrier groups:

84.1 *Income from Investor Controlled Companies.*

Record here the equity in the current earnings or losses of investor controlled companies. Dividends declared on the stock of such companies shall not be included in this account as income but shall be entered in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies, as a return on investment. The foregoing instructions shall not apply to investments in nontransport foreign investor controlled companies.

84.2 *Dividend Income—Other than Investor Controlled Companies.*

Record here income from dividends declared on stocks of other than investor controlled companies. Dividends declared on stock of investor controlled companies shall not be included in this account but shall be entered in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies.

Section 15—Objective Classification-Income Taxes for Current Period

16. Amend Section 15 by changing the title of objective account 92 and revising the text to read as follows:

92 Provisions for deferred income taxes.

(a) Record here income tax debits and credits deferred in accordance with the provisions of balance sheet account 2340 Deferred Income Taxes for all material timing differences.

(b) This account shall be subdivided as follows by all air carrier groups:

92.1 *Current provisions for deferred taxes.*
92.2 *Application of taxes deferred.*
92.3 *Adjustments of deferred taxes.*

Section 16—Objective Classification—Discontinued Operations

17. Amend Section 16 by changing the title of Section 16 and revising the text to read as follows:

95 Discontinued operations.

(a) Record here the earnings (losses) of discontinued nontransport operations. For the purposes of this system of accounts and reports discontinued operations shall refer to the disposal of investor controlled companies and nontransport ventures whether sold, abandoned, spun off or otherwise disposed of. This account shall not include earnings or losses from discontinued transport or transport-related operations.

(b) This account shall be subdivided as follows by all carrier groups.

95.1 *Income from discontinued operations.*

Record here the results of operations of the discontinued operations.

95.2 *Loss on disposal of discontinued operations.*

Record here the gain or loss on the disposal of an operation. If loss is anticipated it should be provided for at the measurement date. If gain is anticipated it should be recognized when realized.

18. Establish a new section entitled Section 17—Objective Classification-Extraordinary Items.

Section 17—Objective Classification-Extraordinary Items

96 Extraordinary items.

Record here material items characterized by their unusual nature and infrequent occurrence as provided in section 2-7(b). Events or transactions which are material and either unusual or nonrecurring, but not both, shall not be recorded in this account but should be disclosed on Schedule P-2 Notes to Income Statement and identified both as to their nature and financial effects.

97 Income taxes applicable to extraordinary items.

Record here income taxes allocable to items of income included in profit and loss account 96 Extraordinary Items and income tax assessments that do not constitute ordinary adjustments of a recurrent nature. Records supporting entries to this account shall be maintained with sufficient particularity to identify the nature and gross amount of each extraordinary credit and each extraordinary debit.

Section 18—Objective Classification-Cumulative Effect of Changes in Accounting Principles

19. Add a new section entitled Section 18—Objective Classification-Cumulative Effect of Changes in Accounting Principles to read as follows:

98 Cumulative effect of changes in accounting principles.

Record here the difference between the amount of retained earnings at the beginning of the period of a change in accounting principle and the amount of retained earnings that would have been reported at that date if the new accounting principle had been applied retroactively for all periods which would have been affected and by recognizing only the direct effects of a change and the related income tax effect.

20. Amend Section 21 as follows:

By deleting and reserving paragraph (e) and by revising the list of carrier entities in paragraph (i) to read in pertinent part as follows:

Section 21—Introduction to System of Reports

(i) * * *

ROUTE AIR CARRIER REPORTING ENTITIES

Air carriers	*Entities*
Airlift International, Inc.	Domestic, Latin America.
Air Micronesia, Inc.	Pacific.
Air New England, Inc.	Domestic.
Alaska Airlines, Inc.	Do.
Allegheny Airlines, Inc.	Do.
Aloha Airlines, Inc.	Do.
American Airlines, Inc.	Domestic, Pacific, Latin America.
Aspen Airways, Inc.	Domestic.
Braniff Airways, Inc.	Domestic, Latin America.
Chicago Helicopter Airways, Inc.	Domestic.
Continental Air Lines, Inc.	Domestic, Pacific.
Delta Air Lines, Inc.	Domestic, Latin America.
Eastern Air Lines, Inc.	Do.
The Flying Tiger Line Inc.	Domestic, Pacific.
Frontier Airlines, Inc.	Domestic.
Hawaiian Airlines, Inc.	Do.
Hughes Air Corp., d./b./a. Hughes Airwest.	Do.
Kodiak-Western Alaska Airlines, Inc.	Do.
Los Angeles Airways, Inc.	Do.
National Airlines, Inc.	Domestic, Atlantic, Latin America.
New York Airways, Inc.	Domestic.
North Central Airlines, Inc.	Do.
Northwest Airlines, Inc.	Domestic, Pacific.
Ozark Air Lines, Inc.	Domestic.
Pan American World Airways, Inc.	Domestic, Atlantic, Latin America, Pacific.
Piedmont Aviation, Inc.	Domestic.
Reeve Aleutian Airways, Inc.	Do.
SFO Helicopter Airlines, Inc.	Do.
Seaboard World Airlines, Inc.	Atlantic.
Southern Airways, Inc.	Domestic.
Texas International Airlines, Inc.	Do.
Trans World Airlines, Inc.	Domestic, Atlantic, Pacific.
United Air Lines, Inc.	Domestic.
Western Air Lines, Inc.	Domestic, Latin America.

Air carriers	Entities
Wien Air Alaska, Inc.	Domestic.
Wright Air Lines, Inc.	Do.

* * * * *

21. In section 22 amend paragraph (a) by revising the first sentence and by revising the title of schedule B-4 in the list of reporting schedules. Amend paragraph (d) by revising the introductory text and (d)(6), (9) and (14) to read as follows:

Schedule No.	Schedule title	Filing frequency
*	*	*
B-4	Reserve for uncollectible accounts; accounts with investor controlled companies; other associated companies and nontransport divisions.	Quarterly.
*	*	*

(d) Statements of accounting or statistical procedures required to be filed under this system of accounts and reports are recapitulated below. As a general rule these statements or revisions thereof shall be filed prior to the date on which the procedures are to become effective. However, in certain cases where a change in procedure or the initial adoption of a new procedure is necessitated by events or transactions occurring for the first time or by new requirements of professional or regulatory bodies, air carriers are permitted to file new or amended statements within thirty days after the close of the first calendar quarter in which the procedures become effective. The procedures shall be regarded as accepted unless the carrier is notified of Board objections within ninety days after receipt. These statements shall be filed in triplicate on standard forms AP-1 through AP-15.

* * * * *

(6) Procedures of accounting for airframe and aircraft engine overhauls as prescribed by section 5-4(g).

* * * * *

(9) Procedures for accrual of air traffic liability, and method for determining earned income, as prescribed by section 6-2160; and annual physical verification procedures, including the cut-off date selected by the carrier, as prescribed by section 2-17.

* * * * *

(14) Procedures for accounting for investments in investor controlled and other associated companies, including change in status from associated to investor controlled company, or vice versa, and adjustments in investment accounts, as prescribed by section 6-1510(c).

* * * * *

Section 23—Certification and Balance Sheet Elements

22. Amend section 23 as follows.

A. Revise paragraph (f) and delete paragraph (g) of the reporting instructions for schedule B-2 to read as follows:

Schedule B-2, Notes to Balance Sheet:

* * * * *

(f) The conversion from the cost method to the equity method of carrying investments in investor controlled companies shall be explained on this schedule and cross-referenced to Schedule P-2, Notes to Income Statement. Any change in the basis of accounting for investments in investor controlled companies and other associated companies (e.g., change from associated to investor controlled company or vice versa) shall be noted here and reported as required by section 22(d).

C. Revise the title and paragraphs (c), (d) and (e) of the reporting instructions for schedule B-4 to read as follows:

Schedule B-4—Reserve for Uncollectible Accounts; Accounts with Investor Controlled Companies, Other Associated Companies and Nontransport Divisions:

* * * * *

(c) In the "Accounts with Investor Controlled Companies, Other Associated Companies and Nontransport Divisions" section of this schedule, column 1 shall list the name of each associated company and describe each nontransport division. Associated companies shall be separately grouped by classification. The respective groups shall be captioned "Investor Controlled" and "Other Associated Companies."

(d) Column 4 "Investments at Cost" shall reflect the cost to the air carrier at date of acquistion in investments of associated companies. The cost of investments in investor controlled companies, plus the equity in undistributed earnings or losses since acquisition reflected in column 5, "Equity in Undistributed Earnings" shall agree in aggregate with the corresponding amounts in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies.

(e) Column 5 "Equity in Undistributed Earnings" shall reflect the equity in undistributed earnings or losses of investor controlled companies since acquisition.

* * * * *

D. Revise paragraphs (b), (c), (f), and (g) of the text of schedule B-41 to read as follows:

Schedule B-41—Investments Held by, or for the Account of, Respondent:

* * * * *

(b) The data shall be grouped and separately subtotaled according to:

(1) Investments in investor controlled companies (account 1510.1);

(2) Investments in other associated companies (account 1510.2); and

(3) Other investments and receivables (account 1530).

(c) Column 1 shall reflect the name of each associated company (investor controlled and other) and the name of each other than associated company who is the issuer of securities held by the air carrier. This column shall also reflect the name of each company, associated or other than associated, from which noncurrent notes and accounts receivable are due to the air carrier.

* * * * *

(f) Column 4 "Cost" shall reflect the cost of investments to the carrier. The cost of investments in investor controlled companies, plus the equity in undistributed earnings or losses since acquisition reflected in column 5, "Equity or Book Value" along with noncurrent notes and accounts receivable in investor controlled companies shall agree in aggregate with the corresponding amount in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies. The cost of investments in other associated companies and other than associated companies, along with related noncurrent notes and accounts receivable, shall agree in total with corresponding amounts reflected in balance sheet subaccount 1510.2 Investments in Other Associated Companies and account 1530 Other Investments and Receivables, respectively.

(g) Column 5 "Equity or Book Value" shall reflect the equity in undistributed earnings or losses of investor controlled companies since acquisition, or the book value of investments in other associated and other than associated companies as of the date of this schedule. This column does not apply to investments in industry-owned service organizations which operate on a nonprofit basis.

* * * * *

Section 24—Profit and Loss Elements

23. Amend Section 24 as follows:

A. By revising paragraphs (a) and (b) of the reporting instructions for Schedule P-1.1 and Schedule P-1.2 to read as follows:

Schedule P-1.1 Income Statement—Group I Air Carriers:

Schedule P-1.2 Income Statement—Group II and Group III Air Carriers:

(a) Schedule P-1.1 shall be filed by each Group I route air carrier and schedule P-1.2 shall be filed by each Group II air carrier and each Group III air carrier.

(b) Separate income statements shall be filed covering all indicated items through "Net Income After Extraordinary Items" for each separate operating entity of the air carrier and for the overall or system operations of the air carrier. The indicated items following "Net Income After Accounting Changes" shall be reported on only the income statement for the air carrier's system.

* * * * *

B. By revising paragraph (f) of Schedule P–2 to read as follows:

Schedule P–2—Notes to Income Statement:

* * * * *

(f) Dividends declared in the current period on stocks of investor controlled companies shall be noted on this schedule.

* * * * *

C. By revising the title of Schedule P–4 and revising the reporting instructions to read as follows:

P–4—Transport-Related Revenues and Expenses; Explanation of Special Items; Explanation of Deferred Federal Income Tax Adjustments, Prior Period Adjustments and Dividends Declared:

(a) This schedule shall be filed by all route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Transport-related operations shall be reported in this schedule in conformance with instructions in section 9–4800, Transport-Related Revenues and sections 10–7100 and 11–7100 Transport-Related Expenses.

(d) The totals of transport-related gross revenues and gross expenses reported in this schedule shall agree with the corresponding amounts reported for classifications 4800 and 7100 on schedule P–1.

(e) Each extraordinary item shall be fully identified and reported in gross amount in this schedule.

(f) Extraordinary credits to income during the current accounting period shall be identified in positive amounts and any extraordinary debits to income shall be identified by asterisks (*).

(g) Extraordinary items and extraordinary income tax credit and debit items shall be reported separately.

(h) The net of extraordinary items and the net of extraordinary income tax items reported on this schedule shall agree with corresponding amounts reported on schedule P–1.

(i) Deferred Federal income tax adjustments shall be fully explained in the bottom section of this schedule. The explanations for each credit and debit, respectively, shall identify the property to which related, provide a complete description of the adjustment and the reasons for the adjustment.

(j) Prior Period Adjustments and Dividends declared shall be fully explained in the bottom section of this schedule. If a dividend is not payable in cash, the values of amounts declared shall be completely described.

24. Amend Section 31 paragraph (h), the list of entities, to read as follows:

Section 31—Introduction to System of Reports

* * * * *

(h) * * *

SUPPLEMENTAL AIR CARRIER REPORTING ENTITIES

Capitol International Airways, Inc., Johnson Flying Service, Inc., McCulloch International Airlines, Inc., Modern Air Transport, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., World Airways, Inc.

* * * * *

25. Amend paragraph (d)(5), (8), and (13), of Section 32 to read in pertinent part as follows:

Section 32—General Reporting Instructions

(d) Statements of accounting or statistical procedures required to be filed under this system of accounts and reports are recapitulated below. As a general rule, these statements or revisions thereof shall be filed prior to the date on which the procedures are to become effective. However, in certain cases where a change in procedure or the initial adoption of a new procedure is necessitated by events or transactions occurring for the first time or by new requirements of professional or regulatory bodies, air carriers are permitted to file new or amended statements within thirty days after the close of the first calendar quarter in which the procedures become effective. The procedures shall be regarded as accepted unless the carrier is notified of Board objections within ninety days after receipt. These statements shall be filed in triplicate on standard forms AP–1 through AP–15.

* * * * *

(5) Procedures of accounting for airframe and aircraft engine overhauls as prescribed by section 5–4(g).

* * * * *

(8) Procedures for accrual of air traffice liability, and method for determining earned income, as prescribed by section 6–2160.

* * * * *

(13) Procedures for accounting for investments in investor controlled and other associated companies, including change in status from associated to investor controlled company, or vice versa, and adjustments in investment accounts, as prescribed by section 6–1510(c).

* * * * *

Section 33—Certification and Balance Sheet Elements

26. Amend Section 33 as follows:

A. By revising paragraph (i) to the reporting instructions for Schedule B–2.1 to read as follows:

Schedule B–2.1—Notes to Balance Sheet; Corporate Paid-In Capital Analysis of Sole Proprietorship Capital or Partnership Capital:

* * * * *

(i) The conversion from the cost method to the equity method of carrying investments in investor controlled companies shall be explained on this schedule and cross-referenced to Schedule P–2—Notes to Income Statement. Any change in the basis of accounting for investments in investor controlled and other associated companies (e.g., change from associated to investor controlled company or vice versa) shall be noted here and reported as required by section 32(d).

* * * * *

B. By revising paragraphs (b), (c), (f), and (g) of the text of schedule B–41 to read as follows:

Schedule B–41—Investments Held by, or for the Account of, Respondent:

* * * * *

(b) The data shall be grouped and separately subtotaled according to: (1) Investments in investor controlled companies (account 1510.1); (2) investments in other associated companies (account 1510.2); and (3) other investments and receivables (account 1530).

(c) Column 1 shall reflect the name of each associated company (investor controlled and other) and the name of each other than associated company who is the issuer of securities held by the air carrier. This column shall also reflect the name of each company, associated or other than associated, from which noncurrent notes and accounts receivable are due to the air carrier.

* * * * *

(f) Column 4 "Cost" shall reflect the cost of investments to the carrier. The cost of investments in investor controlled companies, plus the equity in undistributed earnings or losses since acquisition reflected in column 5, "Equity or Book Value" along with noncurrent notes and accounts receivable in investor controlled companies shall agree in aggregate with the corresponding amount in balance sheet subaccount 1510.1 Investments in Investor Controlled Companies. The cost of investments in other associated companies and other than associated companies, along with related noncurrent notes and accounts receivable, shall agree in total with corresponding amounts reflected in balance sheet subaccount 1510.2 Investments in Other Associated Companies and account 1530 Other Investments and Receivables, respectively.

(g) Column 5 "Equity or Book Value" shall reflect the equity in undistributed earnings or losses of investor controlled companies since acquisition, or the book value of investments in other associated and other than associated companies as of the date of this schedule. This column does not apply to investments in industry-owned service organizations which operate on a nonprofit basis.

* * * * *

Section 34—Profit and Loss Elements

27. Amend Section 34 as follows:

A. By revising paragraph (c) to the reporting instructions to Schedule P–2 to read:

Schedule P–2—Notes to Income Statement:

* * * * *

(c) Balances in subaccounts 84.1 and 84.2 of profit and loss account 8100 as reported on the P–1 schedules, together with dividends declared in the current period on the stocks of investor controlled companies, shall be noted on this schedule.

B. By revising the title and the reporting instructions applicable to Schedule P–4 to read as follows:

Schedule P–4—Transport-Related Revenues and Expenses; Explanation of Extraordinary Items; Explanation of Deferred Federal Income Tax Adjustments, Prior Period Adjustments and Dividends Declared:

(a) This schedule shall be filed by each Group II route air carrier.

(b) Transport-related operations shall be reported in this schedule in conformance with instructions in section 9–4800, Transport-Related Revenues and sections 10–7100 and 11–7100 Transport-Related Expenses.

(c) The totals of transport-related gross revenues and gross expenses reported in this schedule shall agree with the corresponding amounts reported for classifications 4800 and 7100 on Schedule P–1.

(d) Each extraordinary item shall be fully identified and reported in gross amount in this schedule.

(e) Extraordinary credits to income during the current accounting period shall be identified in positive amounts and any extraordinary debits to income shall be identified by asterisks (*).

(f) Extraordinary items and extraordinary income tax credit and debit items shall be reported separately.

(g) The net of extraordinary items and the net of extraordinary income tax items reported on this schedule shall agree with corresponding amounts reported on schedule P–1.

(h) Deferred Federal income tax adjustments shall be fully explained in the bottom section of this schedule. The explanations for each credit and debit, respectively, shall identify the property to which related, provide a complete description of the adjustment and the reasons for the adjustment.

(i) Prior Period Adjustments and dividends declared shall be fully explained in the bottom section of this schedule. If a dividend is not payable in cash, the values of amounts declared shall be completely described.

23. Amend CAB Form 41 schedules to reflect the foregoing changes in accounting.[1]

Schedule No.:	*Exhibit*
A–1	A
B–1	B
B–4(b)	C
B–5	D
B–46	E
P–1(a)	F
P–1.1	G
P–1.2	H
P–4	I
P–5.1	J
P–5.2	K
P–6	L

[1] The exhibits are filed as part of the original document.

[FR Doc.75-31822 Filed 11-25-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20645; FCC 75–1262]

RADIATION PATTERNS

Design and Measurement of Radiation

In the matter of amendment of the rules governing the design and measurement of radiation patterns for standard broadcast stations with directional antennas; Docket No. 20645.

Adopted: November 12, 1975.

Released: November 19, 1975.

1. The Association of Federal Communications Consulting Engineers (AFCCE) an organization which represents many consulting engineers practicing before the Commission, has requested that we amend § 73.150 of our rules, or, alternatively, so interpret these rules that, in the initial design of the radiation pattern of a proposed directional antenna for a standard broadcast station the effective field (RMS value) of the pattern may be set at some desired value, by the reduction, if necessary, of the level of power assumed to be delivered to the antenna, subject to the condition that the design RMS of the theoretical pattern will, in no case, be lower than the value set in § 73.189(b)(2) for the 1 kW level for class of station proposed, as adjusted for the nominal power of the proposed station.

2. AFCCE urges that the adoption of such an amendment would restore to the design engineer the flexibility he previously enjoyed in adjusting initial pattern size—flexibility which was limited, to a large extent, by our adoption, pursuant to the proceeding in Docket No. 16222, of amendments to § 73.150 of the rules which require that directional radiation patterns be constructed in a prescribed "standard" pattern format. AFCCE suggests that the adjustment of assumed antenna input power to control initial pattern size is a logical extension of the procedure prescribed in § 73.152 (a)(1) of our rules, which permits a reduction in the input power to an operating array when it becomes necessary to conform a measured radiation pattern to a standard pattern, and is consistent with an approach taken in the proceeding in Docket 19200, which adopted rules permitting the adjustment of antenna input power generally as a means for reducing radiated fields within limits prescribed by the Commission.

3. The standard pattern, described in Section 73.150, is essentially an enlarged version of a theoretical pattern, after modification by the orthogonal addition of a component which controls the depth of the pattern nulls, but contributes little to the overall pattern size. The size (RMS value) of the standard pattern therefore depends almost entirely on the size of the theoretical pattern. The shape of the theoretical pattern for each station is unique, and is dictated by the restrictions on the radiated field required to protect other cochannel and adjacent channel stations, located in various directions and at various distances from the first station, from objectionable interference. However, as a particular antenna design alters the distribution of energy radiated in the horizontal plane from that produced by an omnidirectional antenna, it may also alter the distribution of energy as between the horizontal plane and higher elevation angles. An antenna design which results in a horizontal radiation pattern which meets specified allocation criteria, may produce a concentration of radiated energy at the lower elevation angles. Such a design results in a "large" horizontal pattern, i.e., a pattern with a high effective (RMS) field. (For a given total radiated power, the effective horizontal field may vary by as much as 30 percent, depending upon the design of the directional antenna.)

4. In certain instances, such a horizontal pattern may be unnecessarily large, and unduly complicate a particular allocation problem. Under the present rules, the antenna designer has only one option open to him to cope with the situation—he may base the antenna design on radiating elements of reduced electrical height. Such shorter elements, which radiate relatively more power at high angles, and less in the horizontal plane, incorporated in the directional design, reduce the effective field of the pattern. However, AFCCE points out that such towers have low base resistance and high reactance, and their employment promotes instability in the operating array. We would also note that the excessive high angle radiation produced by such towers, during nighttime operation contributes unnecessarily to the level of skywave interference. Thus, this method of controlling pattern size is undesirable.

5. AFCCE notes that while greater control of pattern size would be afforded if the Commission would permit the routine specification, where necessary, of loop loss resistance exceeding one ohm, such an approach departs from the logical concept of employing such lumped resistance only to account for power losses reasonably expected to be incurred in the operation of the array, and is, in any event, unnecessary when the more direct approach of limiting antenna input power may be made available.

6. The proceeding in Docket 16222 had, as a major objective, the establishment of rules for the design of directional antennas pursuant to which the authorized

radiation pattern [1] for each station would become a single, mathematically reproducible pattern suitable for employment in computerized channel studies, in all allocations situatons involving both domestic and foreign stations. The implementation of such rules was intended to lead to the eventual abandonment of the practice of using measured radiation patterns for the determination of interference among existing U.S. stations. Such patterns not only are unsuitable for computer use, but often depart in major or minor respects from the theoretical patterns on which they are based, the measured fields in certain directions or sectors of a pattern in some instances exceedin, the predicted values.

7. The rules adopted attempt to accommodate the minor deviations which might be expected to occur in the measured radiation pattern by prescribing a design procedure which produces a "large" computed pattern (i.e., a pattern with an optimistically high RMS value), with the expectation that the measured pattern will not, in the usual case, include radiated fields exceeding the values indicated on such a computed pattern. Thus, a computed pattern will not be superseded by a measured pattern, and remains the authorized pattern for each station. In particular, the rules contemplate a "standard" pattern, which is based on a theoretical pattern developed with an assumed loop loss resistance of one ohm (a lower resistance than customarily had been assumed in the majority of directional antenna computations; whose employment, alone, would produce a theoretical pattern of somewhat expanded size), and with a further expansion obtained by multiplying the theoretical pattern fields by the factor 1.05. Included also in the pattern design is a quadrature component intended to provide a minimum amount of null "fill in", in lieu of the previously prescribed requirement for adding "maximum expected operating values" (MEOV) to the pattern. Such "MEOV's" were often applied on an arbitrary basis, and not integrated, in any way, into the mathematical pattern development.

8. Implicit in this approach is the assumption that the level of power delivered to the array would be the rated station power (now referred to in our rules as the "nominal" power). While moderate reductions in pattern size may be achieved by the specification of a loss resistance greater than one ohm, the applicant is permitted to take advantage of this expedient only if he can demonstrate that operating losses in the array greater than would be accounted for by a one ohm loss factor reasonably may be expected to occur.

9. While little opposition was offered to this approach when it was proposed (indeed, representatives of the AFCCE worked with the Commission engineers in its development), it appears that its rigorous application sometimes has led to practical difficulties in allocations problems where the radiation pattern of necessary shape must also be limited, to some extent, in size. Although we recognize the need for the relief sought by AFCCE, we believe that it may be accorded more simply than in the manner proposed by AFCCE. Thus, we propose only to establish a ceiling and a floor on the size of the theoretical pattern, and require no showing as to the level of power input to the array deemed necessary to produce a pattern of less than the maximum permitted size.

10. Accordingly, we propose to amend § 73.150(b)(1)(i) of the rules to stipulate that the effective field of E_{th} can be no greater than would be computed with a 1 ohm loop loss when nominal power is delivered to the array, and no less than is required by § 73.189(b)(2) for a station of the class and nominal power involved.

11. Since § 73.152(a)(1) provides for a reduction in actual antenna input power below the nominal level when it becomes necessary to restrict measured fields within an authorized standard pattern, the mechanism already exists for establishing, at the time of proof of performance, an operating power level commensurate with the size of the theoretical pattern.

12. As, pursuant to the amendment proposed above, $E(\Phi, \theta)_{th}$ will not necessarily be based on a specified antenna input power, we believe it necessary to modify the definition of P_{kw}, as used in the development of the standard pattern, to equate it to nominal station power, rather than to the input power to the array.

13. We propose one furher change in § 73.150(b)(1)(i), not directly related to the matters discussed above, but one which appears desirable if the objectives sought to be attained by the adoption of the standard pattern concept are not to be frustrated in particular cases. Specifically, the value of the quadrature factor, Q, which is included in the expression for the standard pattern to provide null "fill in", depends on the magnitude of $f(\Phi)$, which is defined as "the vertical plane distribution factor for the shortest element in the array". Since, for antennas of heights used in the great majority of directional arrays, $f(\Phi)$ decreases in value as the angle of elevation above the horizontal plane increases (becoming zero at 90 degrees of elevation) Q becomes smaller at these elevations, providing an amount of "fill-in" which is roughly proportional to the RMS value of the radiation pattern, as it becomes smaller as the angle of elevation increases.

14. We are concerned in the present context with the special case where the shortest element in an array has an electrical height in excess of 0.5 wavelength. For such "high" towers, $f(\Theta)$ becomes zero at some angle of elevation which may be substantially less than 90 degrees (it again assumes finite values above this critical angle, and reduces to zero at 90 degrees). At any lower angle where $f(\Theta)$ becomes zero, Q becomes zero, and no null "fill in" is provided. This result is contrary to the intent of the rule, since it postulates a situation where, in some particular direction, the energy radiated by the antenna, is zero, a condition which, in practice, is impossible to attain or maintain.

15. We propose to preclude this situation from occurring in the future by requiring, when the shortest element in a directional array has an electrical height in excess of 0.5 wavelength, that the vertical plane distribution factor used in the determination of the magnitude of Q be that for a 0.5 wavelength antenna. The text of a rule amendment for this purpose is set forth in the Appendix. We believe that an approximation of this nature is tolerable, and is fully justified to obviate cases where antenna designs proposing zero nulls for the protection of other stations may be proposed in literal compliance with the rules.

16. In addition to the rule amendment proposed above, we are taking the opportunity to amend the rules regarding standard broadcast directional antennas in two other respects:

(1) We propose to amend § 73.150(b)(2), which prescribes the form in which directional radiation patterns are to be prepared, in an effort to promote greater uniformity and clarity in the preparation of directional antenna material submitted to the Commission. The changes we contemplate, if adopted, should make it easier for the Commission to review this material, facilitate its subsequent use by others, and lessen the frequency with which requests for supplementary showings must be made.

(2) The Note following subparagraph (2) of paragraph (a) of § 73.152, *inter alia*, prescribes a mathematical procedure for "augmenting" particular sectors of a standard pattern to accommodate measured fields exceeding the pattern limits. We propose certain minor changes in this material which may facilitate its use, specifically:

(a) We propose to substitute the letter J for the letter Q to identify the quantity in the equation employed for sector augmentation. Q is presently used in § 73.150 to designate a different quantity, and we seek to remove the confusion which on occasion has been caused by the employment of Q with two different meanings in related sections of the rules.

$$(E_2^2 - E_1^2)$$

(b) We propose to adopt the term "main azimuth of augmentation" to identify the azimuth at the center of the "span" where $Jf(\Theta)$ cos

$$\left(180\frac{DA}{S} = J\right)$$

in lieu of the reference to it, in the present rule, as the "azimuth where the maximum degree of augmentation is applied." Since, in certain instances, the

[1] "Pattern" in this context is intended to include, for nighttime operation, both the horizontal plane pattern and the related patterns for other angles of elevation.

"maximum degree of augmentation" may occur at an azimuth other than at "span" center, the employment of this term to designate the azimuth at span center can be misleading.

17. The proposed rule amendments are set forth below.

18. Pursuant to applicable procedures set forth in Sections 1.415 and 1.46 of the Commission's rules, interested parties may file comments on or before December 29, 1975, and reply comments on or before January 9, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission also may take into account other relevant information before it, in addiiton to the specific comments invited by this *Notice*.

19. In accordance with the provisions of Section 1.419 of the rules, an original and 11 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] VINCENT J. MULLINS,
Secretary.

1. The mathematical expression in § 73.150(b)(1)(i) and the text of (ii) are revised as follows:

§ 73.150 Directional antenna systems.

* * * * *

(b)(1)(i) * * *

$E(\phi, \theta)_{rx}$ represents the expression which determines the basic pattern shape and size. The effective field (RMS) of the theoretical pattern in the horizontal plane shall be no greater than the value computed on the assumption that nominal station power is delivered to the directional array, and that a lumped loss resistance of one ohm exists at the current loop of each element of the array, or at the base of each element of electrical height lower than 0.25 wavelength, and no less than the value required by § 73.189 (b)(2) of this part for a station of the class and nominal power for which the pattern is designed.

Q is the greater of the following quantities:

$$0.025/(\theta)E_{rss} \text{ or } 6.0f(\theta)\ (P_{kw})^{1/2}$$

where

$f(\theta)$ is the vertical plane distribution factor for the shortest element in the array (see § 73.190, Figure 5). If the shortest element has an electrical height in excess of 0.5 wavelength, $f(\theta)$ shall be the vertical plane distribution factor for a 0.5 wavelength antenna element.

E_{rss} * * *

P_{kw} is the nominal station power, expressed in kilowatts, with $P_{kw}=1$, for nominal power of 1 kilowatt or less.

(ii) * * *

(2) All patterns shall be computed for integral multiples of 5 degress, and shall be plotted to the largest scale possible on unglazed letter-size paper (main engraving approximately 7" x 10") using only scale divisions and subdivisions of 1, 2, 2.5, or 5 times 10^{n}th. The horizontal plane pattern and other azimuthal patterns shall be plotted on polar coordinate paper, with the zero degree point corresponding to true north. Patterns for elevation angles above the horizontal plane may be plotted in polar or rectangular cordinates, with the pattern for each angle of elevation drawn on a separate page. Rectangular plots shall begin and end at true north, with all azimuths labelled in increments of not less than 10 degrees. Minor lobe and null detail occurring between successive patterns for specific angles of elevation need not be submitted. Values of field strength less than 10 percent of the effective field strength of any pattern shall be shown on an enlarged scale. The direction and distance toward each existing station with which interference may be involved shall be indicated on the horizontal plane pattern, and, as appropriate, on patterns for other angles of elevation, with all directions referred to true north.

2. Section 73.152(a)(2) is revised to read as follows:

§ 73–152 Modification of directional antenna data.

* * * * *

(a)(2) Where any excessive measured field does not result in objectionable interference to another station a modified standard radiation pattern shall be submitted, encompassing all measured fields, and shall supersede the previously submitted standard radiation pattern for that station in the pertinent mode of directional operation.

NOTE: Where measured fields exceed the values shown on the standard radiation pattern, but objectionable interference does not result, and, accordingly, a modified standard radiation pattern is submitted, the modified pattern may be larger than the original pattern (have a higher RMS value) if the measured fields systematically exceed the confines of the original pattern, or, where the measured field exceeds the pattern in discrete directions, may be expanded over sectors including these directions. A combination of both types of expansion may sometimes be desirable. Where sector expansion, or "augmentation" is desired, it shall be achieved by application of the following equation:

$$E_2=\left[E_1^2+Jf(\theta)\cos\left(180\frac{DA}{S}\right)^2\right]^{1/2}$$

where:

E_1 is the standard pattern field at some particular azimuth and elevation angle, before augmentation.

E_2 is the field in the direction specified above, after augmentation.

$$J=(E_2^2-E_1^2)^{1/2}$$

in which the fields are those in the horizontal plane at the main azimuth of augmentation.

$f(\theta)$ is the vertical plane distribution factor for the shortest element in the array (see § 73.190, Figure 5). If the shortest element has an electrical height in excess of 0.5 wavelength, $f(\theta)$ shall be the vertical plane distribution factor for a 0.5 wavelength antenna element.

S is the angular range, or "span" over which augmentation is applied. The "span" is centered on the main azimuth of augmentation. At the limits of the span the augmented pattern sector merges into the unaugmented pattern.

D_A is the absolute horizontal angle between the azimuth at which the augmented pattern value is being computed, and the main azimuth of augmentation. (D_A cannot exceed 1/2S.)

* * * * *

[FR Doc.75-31912 Filed 11-25-75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Part 107]

[Notice 1975–72]

FEDERAL CAMPAIGN FUNDS

Allocation of Candidate and Committee Activities

Correction

In FR Doc. 75–29900 appearing on page 51610 in the issue for Wednesday, November 5, 1975, the middle column, § 107.2(a), the fifth line which presently reads "the primary election shall be deposited" should read "the primary. Contributions received after the primary".

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R–465, RM75–18]

STATEMENTS AND REPORTS (SCHEDULES)

Revision of FPC Form 67 Steam-Electric Plant Air and Water Quality Control Data; Renotice

NOVEMBER 12, 1975.

Notice is given pursuant to 5 U.S.C. 553 and sections 202, 301, 304(a), 309 and 311 of the Federal Power Act (49 Stat. 848, 854, 855–856, 858–859, 859; 16 U.S.C. 824a(a), 825a, 825c(c), 825i, 825j) that the Commission proposes, effective for the reporting year 1975, to revise FPC Form No. 67, Steam-Electric Plant Air and Quality Data as the Form is now prescribed by the Federal Power Act, Chapter I, Title 18, Code of Federal Regulations, § 141.59, Part 141—Statements and Reports, Subchapter D, Approved Forms. FPC Form No. 67 is an annual report form of the Commission, prescribed by Order No. 412 issued October 22, 1970, 44 FPC 1291, 35 FR 16831 as amended by Order No. 492 issued September 26, 1973, 50 FPC 873, 38 FR 27605.

The revision which the Commission now proposes consists in adding a new Part IV—Data for Meeting Current and Future Air Quality Standards to the Form. The data collected in Part IV, described in more detail below, will provide the Commission with a comprehensive source of information on future utility emission control plans and costs. This Notice concerns the same subject matter proposed as FPC Form No. 67A in Docket RM75–18 through a notice of proposed rulemaking issued February 21, 1975, 40 FR 12620, 12818. In this Renotice, the Commission proposes to substitute a new Part IV to existing Form 67, under Docket R–465, in place of the previously proposed separate Form 67A.

Written comments submitted to the Notice of February 21, oral comments presented at two public conferences which were announced in the FEDERAL REGISTER at 40 FR 29305 and comments to the Commission by several Federal agencies[1] all were considered in arriving at the format described in this Notice. Further consideration of this subject material will occur under Docket No. R-465, and Docket No. RM75-18 will be deleted.

The data to be collected, which are now not obtained, would be obtained annually by means of the following schedules, Proposed Part IV—Data For Meeting Current and Future Standards: Schedule A—Boiler Data for New Fossil-Fueled Boilers; Schedule B—Particulate Matter Emission Standards Applicable at Plant and Strategy for Compliance; Schedule C—Sulfur Oxides Emission Standards Applicable at Plant and Strategy for Compliance; Schedule D—Stack Gas Equipment to Remove Particulate Matter; Schedule E—Stack Gas Equipment to Remove Sulfur Oxides, and Schedule F—Plant Data on the Feasibility and Cost of Meeting Ambient Air Quality Standards by Intermittent Control Systems. The proposed formats of these schedules are given in the Attachment below to this notice.

REASONS FOR COLLECTING THE PROPOSED DATA

Declining supplies of natural gas available for electric utility boiler use, electric utility industry inability to develop nuclear power plant capacity in accordance with previously published schedules, and the national need to decrease our dependence upon foreign oil imports have led to increased industry reliance upon coal as a fuel source. Inadequate supplies of low-sulfur coal have resulted in increased electric utility consumption and utilization of high-sulfur coal, necessitating the installation of particulate matter and sulfur oxides emissions control and disposal equipment by electric utilities at existing plants in order to comply with National Ambient Air Quality Standards and State Implementation Plans on a timely basis. Strategies must be planned so that utilities will be able to meet air quality standards at existing plants in the future as regulations become increasingly strict, as well as to enable utilities to meet all such regulations at plants which are built in the future.

A review of information gathered from various diverse sources suggests that the information currently available on the existence, operation and cost of such equipment and planning is incomplete, thereby underscoring the need for development of a comprehensive source of information and body of data to examine future utility emissions control plans and costs. In addition to the Commission, EPA, FEA, and other Federal, State and local government agencies will have full access to information submitted in response to all parts of FPC Form 67, encompassing all steam-electric plants of at least 25 megawatts capacity and which are presently in operation or will commence operation before May 1, 1983.

HISTORY OF DOCKET NO. RM75-18

The notice of proposed rulemaking in Docket No. RM75-18 was issued on February 21, 1975 and printed in the FEDERAL REGISTER on March 19, at 40 FR 12620 and on March 21 at 40 FR 12818. The original deadline for filing comments was April 1, however, on March 28 the Secretary granted an extension to May 1 at the request of East Central Area Reliability Coordination Agreement (ECAR) and four utilities.

More than one hundred responses were received. Fifty-five utilities and branches of government agencies and one private individual submitted written responses to the Notice. Twenty-three other utilities submitted completed copies of proposed Form 67A for various plants. Twenty-two additional utilities, mostly municipals, filed comments to the effect that the proposed Form 67A would not apply to them, if promulgated. The Tennessee Valley Authority, in response to a request by the Assistant Chief, Bureau of Power, completed a set of forms for each of its fossil-fueled steam-electric plants in order to assist the FPC in establishing the clarity of the questionnaire. TVA's response was very helpful in evaluating all responses.

A Notice of Public Conference was issued on July 3, 1975 and printed in the FEDERAL REGISTER on July 11 at 40 FR 29305. Two public conferences were held, the first on July 24 at the Commission's headquarters in Washington, D.C. and the second on July 31 at the Commission's Regional Office in the Federal Office Building in Chicago, Illinois. At the conference in Washington, the primary presentations were made by Virginia Electric and Power Company and Baltimore Gas & Electric Company. At the conference in Chicago, the primary presentations were made by ECAR and the Edison Electric Institute. The most important points in the two conferences were: (1) Some of the data requested duplicates information already being supplied to the FPC or other government agencies and therefore it becomes an intolerable burden to submit it again on Form 67A; (2) it is not the utilities' duty, in most cases, to monitor ambient air quality and, therefore, utilities should not be required to obtain data from one government agency (often a state agency) simply to report it to a second agency; and (3) Form 67A, as proposed, requires extensive revision in format and substance so that the information desired will be reported completely and without ambiguity.

In this paragraph, all schedule numbers and page numbers refer to the Notice of proposed rulemaking issued February 21, 1975 in Docket RM75-18. After due consideration of the good and extensive written comments submitted, of the forms completed by the Tennessee Valley Authority and of the excellent discussions in the two public conferences, the Commission has decided to delete Schedule 6, page 11 "Present and Planned Monitoring System Installations," and to delete Schedule 7, page 12 "Ambient Air Quality Data in Vicinity of Plant." Schedule 1, page 2 "Boiler Data for Existing Fossil-Fueled Boilers" also has been deleted because the Commission decided that Form 67A will become Part IV of Form 67 to be submitted annually; the desired information is already submitted in Part I of Form 67. Schedule 8, page 13 "Plant Data on the Potential for Meeting National Ambient Air Quality Standards by Intermittent Control Methods" will be retained, but in a completely different format. Schedules 2, 3, 4, and 5 on pages 3, 4-6, 7-9 and 10 respectively have been retained, but altered and given new titles and new schedule designations.

DOCKET NO. R-465

Due to the extensive revisions in the subject matter, as discussed above, a new rulemaking is appropriate. The proposed subject matter of a new Part IV to FPC Form 67 is presented in the Attachment below. The format which presents the subject matter is not necessarily final with respect to its physical distribution on a particular page; the needs of electronic data processing may require that a new format be designed before the Commission issues a final order in this docket, but the subject matter will remain the same.

THIS IS A NOTICE OF PROPOSED RULEMAKING! UTILITIES ARE SPECIFICALLY REQUESTED NOT TO FILL OUT SCHEDULES AS THOUGH THEY WERE SUBMITTING DATA TO THE COMMISSION.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 15, 1975, data, views, comments or suggestions in writing concerning all or part of the rulemaking proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Room 1000, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed rulemaking. The staff, in its discretion, may grant or deny requests for conference.

[1] Environmental Protection Agency (EPA), Federal Energy Administration (FEA) and General Accounting Office (GAO).

The proposed additions to Part 141 of the Commission's Rules under the Federal Power Act and to FPC Form No. 67 would be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 202, 301, 304(a), 309 and 311 (49 Stat. 848, 854, 855–856, 858–859, 859; 16 U.S.C. 824a(a), 825a, 825c (c), 825h 825j).

Effective for the reporting year 1975, it is proposed to add a new Part IV consisting of six schedules to FPC Form No. 67, Steam-Electric Plant Air and Water Quality Data as set out in the Attachment below.

The Secretary shall cause prompt publication of this renotice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

COMPANY/PLANT CODE

PART IV SCHEDULE - A

BOILER DATA FOR NEW FOSSIL-FUELED BOILERS

To be completed for all new fossil-fueled boilers not reported in Part I, Schedule E, Section I on page 9. Boilers for which construction has been started or for which design details are known should be reported. As a general rule, all boilers expected to be placed in service within seven years of the due date of this filing should be reported. Use additional sheets if necessary.

LINE #	ITEM	BOILER NO.* (a)	BOILER NO.* (b)	BOILER NO.* (c)	BOILER NO.* (d)	FOOT-NOTE ON PAGE (e)
01	Served by stack number					
02	Associated turbo-generating capacity, Mw					
03	Boiler in-service date					
04	Boiler Manufacturer (Use code)**					
05	DESIGN FUEL CONSUMPTION AT 100% RATING (For lines 5,6,7 and 8) Coal - Tons per hour					
06	Residual Oil - Barrels per hour					
07	Natural Gas - 1000 cubic feet per hour					
08	Other (Specify in footnote)					
09	Primary fuel to be fired (Use code, C=Coal, O=Oil, G=Natural Gas)					
10	Wet (W) or Dry (D) bottom boiler (coal only)					
11	Type of firing (Use code)***					

SPECIMEN

* For additions at existing capacity, report boiler numbers not used previously.
** Codes for boiler manufacturer, use codes listed on page 9, Part I.
*** Codes for type of firing, use codes listed on page 9, Part I, Schedule E.

COMPANY/PLANT CODE

PART IV SCHEDULE - B

PARTICULATE MATTER EMISSION STANDARDS APPLICABLE AT PLANT AND STRATEGY FOR COMPLIANCE

To be completed for: (1) existing coal-fired boilers; (2) existing oil-fired boilers; (3) existing gas-fired boilers with the ability to fire coal and/or oil; (4) existing gas-fired boilers which expect to be converted to coal and/or oil within seven years from the due date of this filing; (5) new boilers with capability to fire coal and/or oil expected to be placed in service within seven years from the due date of this filing.

When reporting for existing boilers, use the same boiler numbers reported in Part I, pages 5,6, and 9. When reporting for new boilers, use the same boiler numbers reported in Part IV, Schedule A. (Use additional sheets if necessary)

LINE NO.	ITEM	BOILER NO. (a)	BOILER NO. (b)	BOILER NO. (c)	BOILER NO. (d)	FOOT-NOTE ON PAGE (e)
01	Fuel for which you are reporting (Coal or Oil)					
	Give legal citation of statute(s) or regulation(s) which contain the particulate matter limits for these boilers (in the case of state and local jurisdictions, specify the name of each). If more than one state and/or local jurisdiction is involved, give additional information in footnotes:					
02	Federal (F)					
03	State (S) (Jurisdiction)					
04	Local (L) (Jurisdiction) Specify type of jurisdiction along with its name e.g. village, city, town, township, county, etc.					

Give the numerical value specified in each statute or regulation cited on lines 02,03 & 04 above, for each year shown on lines 05-14 in the appropriate column F,S, or L for each year. In addition, choose the code letter for unit of measurement* and place it next to its numerical value in the same column. See example below**

		a/F	a/S	a/L	b/F	b/S	b/L	c/F	c/S	c/L	d/F	d/S	d/L	
05	1976													
06	1977													
07	1978													
08	1979													
09	1980													
10	1981													
11	1982													
12	1983													
13	1984													
14	1985													

SPECIMEN

* Code letters for units of measurement
A= Ash content of fuel, percent by weight of fuel.
B= Weight of particulate matter per unit of energy in fuel, pounds per million BTU.
C= Grains per standard cubic foot (SCF) of flue gas.
D= Grains per standard cubic foot-dry basis (SCF) of flue gas.
E= Mass of particulate matter per unit time, pounds per hour.
F= Pounds of particulate matter per thousand pounds of stack gas.
G= Pounds of particulate matter per thousand pounds of bagasse.
H= No emission limit
I, J, K, etc.= Other (Specify in a footnote)

** Example
If the permissible limit is 0.01 lbs/MMbtu in 1976 based on a federal statute or regulation, line 05 should read 0.010 in column F.

COMPANY/PLANT CODE

PART IV SCHEDULE - B (CONTINUED)
PARTICULATE MATTER EMISSION STANDARDS APPLICABLE AT PLANT AND STRATEGY FOR COMPLIANCE

Report the strategy to be used in bringing each boiler into compliance with the most stringent requirement in column F, S, or L for each year. Use codes for compliance strategy given below.*** Do not mix years, i.e. the strategy for the year 1977 on line 16 should correspond to the most stringent requirement for the same year on line 06.

LINE NO	YEAR	BOILER NO. (a)			BOILER NO. (b)			BOILER NO. (c)			BOILER NO. (d)			FOOTNOTE ON PAGE (a)
		a/F	a/S	a/L	b/F	b/S	b/L	c/F	c/S	c/L	d/F	d/S	d/L	
15	1976													
16	1977													
17	1978													
18	1979													
19	1980													
20	1981													
21	1982													
22	1983													
23	1984													
24	1985													

SPECIMEN

*** Codes for compliance strategy - For the years noted in lines 15 - 24, enter the appropriate code as listed below for each boiler.

NEET - If the particulate matter limitation given in the most stringent regulation entered on lines 5 - 14 will be met by the quality of fuel you are now firing and with existing equipment. If the limitation will NOT be met with the fuel you are now firing and/or with existing equipment, indicate the strategy to be used to meet statutory requirements, or other planned actions. Use codes given below. Use more than one code if necessary.

WSGS - Wet stack gas scrubbing (Specify in footnote)
IBGH - Install baghouse
SLAC - Switch to lower ash coal
SWTO - Switch to oil
WASH - Coal washing
CBLN - Coal blending
DERA - Derate boiler
RETI - Retire boiler
UPGR - Upgrade precipitator
REPP - Replace precipitator
INCS - Intermittent control strategy
VARP - Variance applied for
VARI - Variance already obtained (Specify dates of validity in footnote)
LITI - Litigation to change regulation
OTHE - Other (Specify in footnote)

COMPANY/PLANT CODE

PART IV SCHEDULE - C

SOx EMISSION STANDARDS APPLICABLE AT PLANT AND STRATEGY FOR COMPLIANCE

To be completed for: (1) existing coal-fired boilers; (2) existing oil-fired boilers; (3) existing gas-fired boilers with the ability to fire coal and/or oil; (4) existing gas fired boilers which expect to be converted to coal and/or oil by December 31, 1981; (5) new boilers with capability to fire coal and/or oil expected to be placed in service by December 31, 1981.

When reporting for existing boilers, use the same boiler numbers reported in Part I, pages 5,6, and 9. When reporting for new boilers, use the same boiler numbers reported in Part IV, Schedule A. (Use additional sheets if necessary)

LINE NO	ITEM	BOILER NO. (a)	BOILER NO. (b)	BOILER NO. (c)	BOILER NO. (d)	FOOTNOTE ON PAGE (e)
01	Fuel for which you are reporting (Coal or Oil)					
	Give legal citation of statute(s) or regulation(s) which contain the sulfur limitations for these boilers (in the case of state and local jurisdictions, specify the name of each). If more than one state and/or local jurisdiction is involved, give additional information in footnotes					
02	Federal (F)					
03	State (S) (Jurisdiction)					
04	Local (L) (Jurisdiction) Specify type of jurisdiction along with its name e.g. village, city, town, township, county, etc.					

Give the numerical value specified in each statute or regulation cited on lines 02, 03 and 04 above, for each year shown on lines 05-14 in the appropriate column F, S or L. In addition, choose the code letter for unit of measurement* and place it next to its numerical value in the same column. If a limit has units whose code is G, H or I, enter the code, however no numerical value is required. See example below.**

	a/F	a/S	a/L	b/F	b/S	b/L	c/F	c/S	c/L	d/F	d/S	d/L	
05 1976													
06 1977													
07 1978													
08 1979													
09 1980													
10 1981													
11 1982													
12 1983													
13 1984													
14 1985													

SPECIMEN

*Codes for unit of measurement
A= Sulfur content of fuel, percent by weight.
B= Weight of sulfur per unit of energy in fuel, pounds of sulfur per million BTU.
C= Weight of sulfur oxides per unit of energy in fuel, pounds of SO_2 equivalent per million BTU.
D= Volume of sulfur oxides per unit volume of exhaust gas, parts per million of SO_2.
E= Ambient air quality concentration, parts per million of SO_2
F= Mass of sulfur oxides per unit time, pounds SO_2 per hour.
G= 85 per cent removal of input sulfur.
H= No emission limit.
I= Annual emission level less than previous year.
J, K, etc.= Other (Specify in footnote)

**Example
If the permissible limit is 1.2 lbs. SO_2/MMBTU in 1977 based on a state statute or limitation, line 6 should read, 1.2C in column S.

COMPANY/PLANT CODE

PART IV SCHEDULE - C (CONTINUED)

SOx EMISSION STANDARDS APPLICABLE AT PLANT AND STRATEGY FOR COMPLIANCE

Report the strategy to be used in bringing each boiler into compliance with the most stringent requirement in column F, S, or L for each year. Use codes for compliance strategy given below.*** Do not mix years, i.e. the strategy for the year 1977 on line 16 should correspond to the most stringent requirement for the same year on line 06.

LINE NO	YEAR	BOILER NO. (a)			BOILER NO. (b)			BOILER NO. 4 (c)			BOILER NO. (d)			FOOT-NOTE ON PAGE (e)
		a/F	a/S	a/L	b/F	b/S	b/L	c/F	c/S	c/L	d/F	d/S	d/L	
15	1976													
16	1977													
17	1978													
18	1979													
19	1980													
20	1981													
21	1982													
22	1983													
23	1984													
24	1985													

SPECIMEN

*** Codes for compliance strategy - For the years noted in lines 15 - 24, enter the appropriate code as listed below for each boiler.

WECT - If the sulfur oxides limitation given in the most stringent regulation entered on lines 05 - 14 will be met with the quality of fuel you are now firing. If the permitted content will NOT be met with the fuel you are now firing, indicate the strategy to be used to meet statutory requirements. Use codes below.

- SGSW - Wet Stack Gas Scrubbing (Specify in footnote)
- SGSD - Dry Stack Gas Scrubbing (Specify in footnote)
- SLSC - Switch to Low Sulfur Coal
- SLSO - Switch to Low Sulfur Oil
- WASH - Coal Washing
- COLN - Coal Blending
- OBLN - Oil Blending
- DERA - Derate Boiler
- RETI - Retire Boiler
- VARP - Variance Applied for
- VARI - Variance Already Obtained
- INCS - Intermittent Control Strategy
- LITI - Litigation to Change Regulation
- OTHE - Other (Specify in footnote)

COMPANY/PLANT CODE

PART IV SCHEDULE - D

STACK GAS EQUIPMENT TO REMOVE PARTICULATE MATTER

To be completed for: (1) existing gas-fired boilers which expect to be converted to coal and/or oil within seven years from the due date of this filing, because of requests to consider conversion or orders to convert by Federal or State authorities having jurisdiction therein. (2) new boilers with the capability to fire coal and/or oil expected to be placed in service within seven years from the due date of this filing. (3) existing coal and oil fired boilers which will have precipitators upgraded or replaced within seven years from the due date of this filing (See lines 15 - 24 on Part IV, Schedule B).

Existing coal and oil fired boilers, and gas fired boilers with the ability to burn coal and/or oil, should complete Part I, Schedule B, Section 3 and Part I, Schedule E, Section 2. Use additional sheets if necessary.

When reporting for existing boilers, use the same boiler numbers reported in Part I, pages 5, 6 and 9. When reporting for new boilers, use the same boiler numbers reported in Part IV, Schedule A.

LINE	ITEM	BOILER NO. (a)	BOILER NO. (b)	BOILER NO. (c)	BOILER NO. (d)	FOOT-NOTES ON PAGE (e)
01	Stack Number (If reporting for existing stacks, use the same stack numbers reported on page 11 in Part I.)					
02	Will this be retrofit, upgrade or replacement on an existing boiler? (YES/NO) 1/					
03	Type of collector (Use code) 2/					
04	Manufacturer (Use code) 3/					
05	Year in service (or completion of retrofit).					
06	Type of fuel designed for					
07	Design collection efficiency, per cent	%	%	%	%	
08	Design mass emission rate, pounds per hour 4/					
09	Total collecting surface area, 1000 ft^2					
10	Flue gas exit rate, actual ft^3 per minute (ACFM)					
11	Design flue gas average sulfur oxides content, per cent	%	%	%	%	
12	Design operating temperature, °F	°F	°F	°F	°F	
13	Estimated useful life of collector, years	Yr.	Yr.	Yr.	Yr.	

1/ Line 02 - If answer is yes and information has already been supplied on Part I, Schedule B, Section 3, page 6 and Part I, Schedule E, Section 2, page 10 for existing equipment, describe on this page the characteristics of this installation expected upon completion of the upgrading, retrofit or replacement.

2/ Codes for type of collector If mechanical, use four-letter code given on page 10, Part I. If other than mechanical, use one-letter code given below:
C= Combination
E= Electrostatic
S= Scrubber

3/ Codes for manufacturer of collector Use codes listed on page 11, Part I.

4/ Mass emission rate Use equation listed on page 10, Part I.

SPECIMEN

COMPANY/PLANT CODE

PART IV SCHEDULE - D (CONTINUED)

STACK GAS EQUIPMENT TO REMOVE PARTICULATE MATTER

LINE	INDICATE THE CAPITAL REQUIREMENTS AND OPERATING AND MAINTENANCE COSTS ASSOCIATED WITH MEETING REGULATIONS CONCERNING PARTICULATE MATTER.	BOILER NO. (a)	BOILER NO. (b)	BOILER NO. (c)	BOILER NO. (d)	FOOT-NOTE ON PAGE (e)
	CAPITAL COSTS (Use Current Dollars)					
14	Equipment and installation (Dollars per Kilowatt)	$	$	$	$	
15	Other (Specify in footnote) (Dollars per Kilowatt) 5/	$	$	$	$	
16	Total, lines 14 plus 15 (Dollars per Kilowatt)	$	$	$	$	
17	Capital Charges (Dollars per Kilowatt)	$	$	$	$	
	OPERATING AND MAINTENANCE COSTS (Incremental only)					
18	Labor (Mills per Kilowatt-Hour)					
19	Energy (Mills per Kilowatt-Hour)					
20	Materials (Mills per Kilowatt-Hour)					
21	Waste Disposal (Mills per Kilowatt-Hour)					
22	Other (Specify in footnote) (Mills per Kilowatt-Hour)					
23	Total, sum of lines 18 through 22 (Mills per Kilowatt-Hour)					

SPECIMEN

5/ Include ash pond and other appurtenances.

COMPANY/PLANT CODE

PART IV SCHEDULE - E
STACK GAS EQUIPMENT TO REMOVE SULFUR OXIDES

To be completed for: (1) existing gas-fired boilers which expect to be converted to coal and/or oil within seven years from the date of this filing, because of requests to consider conversion or orders to convert by federal or state authorities having jurisdiction therein.
(2) new boilers with the capability to fire coal and/or oil expected to be placed in service within seven years from the due date of this filing.
(3) existing coal and oil fired boilers which will have FGD equipment retrofitted within seven years from the date of this filing.

Existing coal and oil fired boilers, and gas fired boilers with the ability to burn coal and/or oil, should complete Part I, Schedule B, Section 3 and Part I, Schedule E, Section 2. Use additional sheets if necessary. The letters FGD refer to a Flue Gas Desulfurization System.

When reporting for existing boilers, use the same boiler numbers reported in Part I, pages 5,6 and 9. When reporting for new boilers, use the same boiler numbers reported in Part IV, Schedule A.

LINE NO	ITEM	BOILER NO. (a)	BOILER NO. (b)	BOILER NO. (c)	BOILER NO. (d)	FOOT-NOTE ON PAGE (e)
01	Stack number (Consistent with Part I, page 11)					
02	Will this be a retrofit at existing capacity? 1/	__ Yes __ No	__ Yes __ No	__ Yes __ No	__ Yes __ No	
03	Type of FGD system (Use code) 2/					
04	Process name					
05	Absorbing material (Use code) 3/					
06	Wet or Dry	__ Wet	__ Dry __ Wet	__ Dry __ Wet	__ Dry __ Wet	
07	By-product recovery	__ Yes __ No	__ Yes __ No	__ Yes __ No	__ Yes __ No	
08	Manufacturer (Use code) 4/					
09	Date contract awarded					
10	Date of initial startup (Month/Year)					
11	Equipment capacity, MW	Mw	Mw	Mw	Mw	
12	Number of SO_2 scrubber trains used					
13	Type of fuel designed for					
14	Per cent of total gas which passes through FGD equipment	%	%	%	%	
15	Is flue gas by-pass available?	__ Yes __ No	__ Yes __ No	__ Yes __ No	__ Yes __ No	

SPECIMEN

1/ LINE 2 - If answer is yes, and information has already been supplied on Part I, Schedule B, Section 3, page 6 and Part I, Schedule E, Section 2, page 10 for existing equipment, describe on this page the characteristics of this installation expected upon completion of the retrofit.

2/ Codes for type of FGD system
WSCB - Wet Scrubber
DINJ - Dry Injection
FIXB - Fixed Bed
FLZD - Fluidized Bed
OTHE - Other (Explain in footnote)

3/ Codes for absorbing material
LMSL - Lime Slurry
LSSL - Limestone Slurry
MGOX - Magnesium Oxide
CTOX - Catalytic Oxidation
ATVC - Activated Carbon
LIMD - Dry Limestone
CITR - Citrate
OTHE - Other (Explain in footnote)

4/ Codes for manufacturer of FGD system
AAFL - American Air Filter
ATOM - Atomics International
CHYD - Chiyoda International
CMBE - Combustion Engineering
CTAL - Catalytic, Inc.
ENVR - Envirotech systems
JOYM - Joy Manufacturing
KRBS - Krebs Engineers
MONS - Monsanto Environmental Services
PBOY - Peabody Engineering Corp.
RCOT - Research Cottrell
STAF - Stauffer Chemical
OTHE - Other (Specify in footnote)

COMPANY/PLANT CODE

PART IV SCHEDULE - E (CONTINUED)

STACK GAS EQUIPMENT TO REMOVE SULFUR OXIDES

LINE NO	ITEM	BOILER NO. (a)	BOILER NO. (b)	BOILER NO. (c)	BOILER NO. (d)	FOOT-NOTE ON PAGE (e)
16	Design desulfurization efficiency, per cent	%	%	%	%	
17	If particulate venturi scrubber included, give removal efficiency, in per cent	%	%	%	%	
18	Design mass emission rate, pounds per hour					
19	Flue gas exit rate, actual ft³ per minute (ACFM) at _____°F					
20	Liquid-to-gas ratio, gallons per Mcf at _____°F	gals.	gals	gals	gals	
21	Estimated useful life of FGD system, years					
22	Where in system is fresh water added?					
23	Is sludge disposal on-site or off-site?	ON-SITE OFF-SITE	ON-SITE OFF-SITE	ON-SITE OFF-SITE	ON-SITE OFF-SITE	
24	Pond/landfill requirements, acre-feet per year					
25	Tons sludge produced per 1000 tons coal burned (Water-free basis)					
26	Tons sludge produced per 1000 barrels oil burned (Water-free basis)					
27	Change in gas temperature caused by reheater					
28	In addition to the information given above, submit a functional diagram of your FGD system system configuration, including the location of system modules, slurry preparation facilities, waste disposal facilities and pond.					

INDICATE THE CAPITAL REQUIREMENTS AND ANNUAL OPERATING AND MAINTENANCE COSTS ASSOCIATED WITH MEETING SULFUR OXIDES REGULATIONS.
IF DETAILED INFORMATION IS NOT AVAILABLE, RESPOND AT LEAST TO LINES 22, 23, 29 AND 33.

CAPITAL COSTS

29	Equipment and installation (Use current dollars) dollars per kilowatt	$	$	$	$	
30	Facilities for raw materials handling and feedstock preparation, $/KW	$	$	$	$	
31	FGD system and ancillaries 1/ dollars per kilowatt	$	$	$	$	
32	Solids waste disposal-site preparation and waste transport system, $/KW	$	$	$	$	
33	Purge and treatment system, dollars per kilowatt	$	$	$	$	
34	Regeneration system, dollars per kilowatt	$	$	$	$	
35	Other (Specify in footnote) dollars per kilowatt	$	$	$	$	
36	Total, sum of lines 29 -35 dollars per kilowatt	$	$	$	$	
37	Capital charges, $/KW (Comment in footnote on fixed charge rate as appropriate)	$	$	$	$	

1/ FGD system and ancillaries includes

FGD hardware, piping, modifications to boiler and stack (if necessary), fans, reheat equipment, etc.

SPECIMEN

COMPANY/PLANT CODE

PART IV SCHEDULE - E (CONTINUED)

STACK GAS EQUIPMENT TO REMOVE SULFUR OXIDES

LINE NO	ITEM	BOILER NO. (a)	BOILER NO. (b)	BOILER NO. (c)	BOILER NO. (d)	FOOTNOTE ON PAGE (e)
	ANNUAL OPERATING COSTS					
38	Feed material and chemicals, mills per kilowatt hour					
39	Labor and supervision, mills per kilowatt hour					
40	Waste disposal, mills per kilowatt hour					
41	Overhead, mills per kilowatt hour					
42	Other (Specify in footnote) mills per kilowatt hour					
43	Total, sum of lines 38 - 42, mills per kilowatt hour					
	ANNUAL MAINTENANCE COSTS					
44	Materials	$	$	$	$	
45	Labor and supervision	$	$	$	$	
46	Overhead (Specify in footnote)	$	$	$	$	
47	Total, sum of lines 44 - 46		$	$	$	
	POWER REQUIREMENTS AND COSTS					
48	KWH/hr electrical demand					
49	KWH/hr reheat electrical demand equivalent					
50	Replacement capacity cost, dollars per kilowatt	$	$	$	$	
51	Electrical energy cost, mills per kilowatt hour					
52	Reheat energy cost, dollars per year	$	$	$	$	
	COST BASIS - ANSWER LINES 53 - 57 WITH YES OR NO IN THE APPROPRIATE BOILER COLUMN.					
53	Operational unit?	__ Yes __ No	__ Yes __ No	__ Yes __ No	__ Yes __ No	
54	Unit under construction?	__ Yes __ No	__ Yes __ No	__ Yes __ No	__ Yes __ No	
55	Engineering estimate - estimate for reported location, supported by bids or quotes on major equipment and construction?	__ Yes __ No	__ Yes __ No	__ Yes __ No	__ Yes __ No	
56	Conceptual design - developed on cost extrapolation?	__ Yes __ No	__ Yes __ No	__ Yes __ No	__ Yes __ No	
57	Other? (Specify in footnote)	__ Yes __ No	__ Yes __ No	__ Yes __ No	__ Yes __ No	

SPECIMEN

COMPANY/PLANT CODE

PART IV SCHEDULE - E (CONTINUED)

STACK GAS EQUIPMENT TO REMOVE SULFUR OXIDES

RELIABILITY OF FGD TEST EQUIPMENT

Answer the following questions on the reliability of the FGD equipment you have developed or are developing. In addition, prepare a paragraph to be placed in the footnotes which includes other information you feel is important. Include in your discussion the following topics: nature of FGD operation (pilot or full scale units), operating efficiency (per cent SOx removal), average and maximum length of continuous operation, operating problems when operating base load or cycling and solutions, and construction delays and their causes.

LINE NO	ITEM	BOILER NO. (a)	BOILER NO. (b)	BOILER NO. (c)	BOILER NO. (d)	FOOTNOTE ON PAGE (e)
58	How much time during the year was the boiler forced out of service by the FGD? (Specify units)					
59	How much time during the year did the FGD operation interfere with the desired dispatch? (Specify units)					
60	How much time during the year would the FGD have prevented full electrical output if full output were needed to meet load? (Specify units)					
61	If the current FGD is not full scale, do you intend to use full scale FGD for meeting sulfur standards?					
62	ANSWER QUESTIONS 62 AND 65 FOR THE ENTIRE PLANT IN COLUMN (a). What is the capacity of FGD equipment now installed or ultimately to be installed for achievement of the desired level of reliability? (in MW)	MW				
63	What is the minimum capacity of FGD equipment (assuming 100% reliability) operating at the design sulfur removal level necessary to comply with statutes	MW				

SPECIMEN

COMPANY/PLANT CODE

PART IV SCHEDULE - F

PLANT DATA ON THE FEASIBILITY AND COST OF MEETING AMBIENT AIR QUALITY STANDARDS BY INTERMITTENT CONTROL SYSTEMS (ICS)

LINE NO	ITEM	ANSWER FOR ENTIRE PLANT (a)		FOOT-NOTE ON PAGE (c)
01	Do you have an Intermittant Control System (ICS)?	___ Yes ___ No		
02	Have you, or do you plan to undertake a study of the feasibility of using an Intermittant Control System (ICS) in order to national ambient air quality standards? (If not explain in a footnote)	___ Yes ___ No		
03	What is the actual/expected cost of the feasibility study?	$		
04	Feasibility study results (actual/expected)	___ Positive ___ Negative		
05	Positive results imply that the ICS you have installed, contemplate installing, or would like to install, will allow you to meet primary ambient air quality standards during air pollution episodes. During such episodes, will you also be able to meet secondary ambient air quality standards for: Particulate matter?	___ Yes ___ No		
06	Sulfur oxides?	___ Yes ___ No		
07	What strategy will be employed during an episode to meet emissions limitations? (Use compliance codes below) If more than one strategy is involved, use as many codes as necessary.			
	THE FOLLOWING QUESTIONS PERTAIN TO EMISSIONS. PLACE ANSWERS IN THE APPROPRIATE COLUMNS.	Particulate Matter	Sulfur Oxides	
08	What length of time is required to make the ICS strategy operational? That is, to bring all boilers at the plant into compliance. (Provide in a footnote a critical path chart)	Months	Months	
09	Using your proposed ICS strategy, what is the actual/estimated installed cost of control modifications and/or additions necessary to meet standards during an air pollution episode? Dollars per kilowatt	$	$	
10	What are the actual/estimated annual operating and maintenance costs of control modifications and/or additions necessary to meet standards during an air pollution episode? Cents per kilowatt hour.	¢	¢	
	If ICS is already operating at this plant, or if you plan to implement ICS, answer lines 11 - 17 concerning the Air Quality Monitoring System (AQMS) involved. Also, describe the AQMS briefly in a footnote.			
11	What is the actual/estimated cost to install an AQMS for operation of the ICS?	$	$	
12	What is the actual/estimated annual cost of operating the AQMS?	$	$	
13	What is the actual/estimated annual cost of maintaining the AQMS?	$	$	
14	What is the actual/estimated annual cost of forecasting continuously the potential concentrations of pollutants?	$	$	
15	What is the actual/estimated annual cost of reporting the data gathered, to the following types of regulatory agencies? (Give specific agency names in a footnote) Federal government agencies	$	$	
16	State government agencies	$	$	
17	Local government agencies	$	$	

SPECIMEN

COMPLIANCE CODES

LOSW - load switch within system
FLSB - fuel switching or blending
PWRP - power purchase from outside system
OTHE - Other (Explain in footnote)

COMPANY/PLANT CODE

PART IV SCHEDULE - F (CONTINUED)

PLANT DATA ON THE FEASIBILITY AND COST OF MEETING AMBIENT AIR QUALITY STANDARDS BY INTERMITTENT CONTROL SYSTEMS (ICS)

LINE NO	IF FUEL SWITCHING OR BLENDING IS PART OF YOUR ICS STRATEGY, ANSWER LINES 18 - 29. ITEM	ANSWER FOR ENTIRE PLANT (a)	FOOTNOTE ON PAGE (c)
18	What is the actual/estimated capital cost of facility modifications and/or additions associated with fuel handling? (Provide in footnotes a description of these modifications and/or additions. For example, duplicate oil storage facilities, split bunkers, dual conveyers, coal mills, etc.)	$	
19	What is the actual/estimated derating associated with the use of your ICS strategy? (Provide in footnotes a description of the causes for derating. For example, high moisture content of western coals, thermal design factor of a boiler, etc.) Report in megawatts derated NOT in megawatts remaining.	MW	
20	What is the actual/estimated annual maintenance cost associated with the facility modifications and/or additions required by your ICS strategy? Report cents per kilowatt-hour	¢	
21	What is the actual/estimated annual operating cost associated with the facility modifications and/or additions? (Provide in footnotes a description of reasons for increased operating/maintenance expenses.) Report in cents per kilowatt-hour.	¢	
22	What is the actual/estimated annual quantity of "clean" coal the plant will consume? Report in thousands of tons.		
23	What is the average sulfur level permitted in the "clean" coal the plant will consume? Report in pounds of sulfur per million BTU.		
24	What is the actual/estimated annual quantity of "clean" residual oil the plant will consume? Report in thousands of barrels.		
25	What is the average sulfur level permitted in the "clean" residual oil the plant will consume? (Pounds of sulfur per million BTU)		
26	What is the actual/estimated annual incremental cost per ton of "clean" coal? Report in dollars per ton.	$	
27	What is the actual/estimated annual incremental cost per barrel of "clean" residual oil? Report in dollars per barrel.	$	
28	What is the actual/estimated incremental size of your coal stock pile above normal due to "clean" coal? Indicate in per cent.	%	
29	What is the actual/estimated incremental size of your oil storage capacity above normal due to "clean" residual oil? Indicate in %.	%	
30	What is the actual/estimated energy requirement for your ICS strategy? Indicate in megawatts of generating capacity. (Provide in a footnote a systems diagram accounting for the energy requirements.)	MW	

SPECIMEN

[FR Doc.75-31732 Filed 11-25-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Rel. Nos. 34-11774, FI-35; File No. S7-598]

INFORMATION FILED WITH COMMISSION AND WITH ANY EXCHANGE

Confidential Treatment

The Commission today announced the proposal for public comment of new Rule 24b-2 under the Securities Exchange Act of 1934 (17 CFR 240.24b-2) relating to confidential treatment of certain information required to be filed with the Commission; the procedures set forth in proposed Rule 24b-2 will be followed until a permanent rule is adopted.[1]

Section 24 of the Securities Exchange Act of 1934, 15 U.S.C. Section 78x, was recently amended by Section 19 of Public Law No. 94-29 (the Securities Acts Amendments of 1975.)[2]

Previously, Section 24 had prohibited, in subsection (a), the disclosure of trade secrets and processes, and had authorized, in subsection (b), the nondisclosure of any other type of information filed with the Commission pursuant to the Securities Exchange Act unless the Commission found disclosure to be in the public interest. See "American Sumatra Tobacco Corp.," 7 SEC 1033, *affirmed*, "American Sumatra Tobacco Corp." v. "Securities and Exchange Commission," 110 F.2d 117 (C.A.D.C., 1940). Significantly, a determination under the former Section 24 that disclosure of information was not in the public interest could have been made in some circumstances when the information would not otherwise come within the exemptions from disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552.

Section 24 now defines, in subsection (a), the term "records" to include "all applications, statements, reports, contracts, correspondence, notices, and other documents filed with or otherwise obtained by the Commission pursuant to this title or otherwise." Subsection (b) of the amended Section prohibits disclosure of any records in contravention of the rules and regulations of the Commission under the FOIA or in circumstances where the Commission has determined, pursuant to such rules, to afford confidential treatment for information contained in such records.

Rule 24b-2 (17 CFR 240.24b-2), promulgated under Section 24, established a procedure whereby persons filing documents with the Commission pursuant to the Securities Exchange Act could request confidential treatment for information contained therein. Pursuant to subsection (c) of the Rule, and the former provisions of Section 24, until the Commission had made a determination regarding such a request, the information in question could not be disclosed by the staff. Under subsection (e) of the Rule, a person requesting confidential treatment could also request a hearing thereon. Subsection (h) provided that if the Commission determined that disclosure of materials filed by the issuer of a security registered on any exchange was in the public interest, the issuer could withdraw such materials by withdrawing the registration of each security to which the material filed related.

The amendment to Section 24 has removed the statutory basis for Rule 24b-2 and, in effect, rescinded it.

Under the rule now proposed by the Commission, information will be entitled to confidential treatment only if it is considered non-public under the Commission's FOIA rules (17 CFR 200.80). This determination would be made at the time an application for confidential treatment is filed pursuant to proposed Rule 24b-2, but would be reconsidered whenever appropriate, such as when a request for the information is filed under the FOIA. Persons who have applied for and received confidential treatment for information pursuant to the proposed rule will be contacted by the staff whenever additional information is required in order to determine whether continued

[1] The Commission has concurrently announced the revocation of old Rule 24b-2 and the amendment of various procedural rules to reflect that revocation and the interim procedures to be followed pending adoption of a new rule. See page ____ under Rules and Regulations in this issue (FR Doc. 75-31919; Title 17 Parts 200, 201, and 240).

[2] Public Law No. 94-29 was signed by the President on June 4, 1975 at which time, as provided by Section 31(a) thereof, Section 19 became effective.

confidential treatment is warranted. If it is determined that a continuation of confidential treatment is not warranted, the confidential treatment will be revoked and the person who requested such treatment will be so notified wherever possible.

Determinations to grant, deny or revoke confidential treatment will be made by the Director of the Division of Corporation Finance. Persons may petition the Commission for review of his determinations under 17 CFR 201.26; the Commission will accord expedited treatment to all such petitions for review to the extent necessary to respond to a pending request under the FOIA within the time limits prescribed by that statute. See 5 U.S.C. § 552(a)(6)(A).

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact that this proposal would have on competition and is not aware, at this time, of any burden that this rule, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comment as to the competitive impact of this proposal, if adopted.

Status of Information Subject to Objections Filed Under Former Section 24.

The status of information which is the subject of pending or past objections under the former provisions of Section 24 turns upon the same basic premise. In each instance the information in question was presumably required to be filed by the provisions of the Securities Exchange Act. In former Section 24, Congress had established conditions under which such information could be made available to the public despite objections—"when in [the Commission's] judgment a disclosure of such information is in the public interest. . . ." By amending these provisions, Congress has established somewhat different conditions for release of such information—essentially those prescribed by the FOIA.

The Commission does not believe that any person has a "vested right," or any right at all, in the conditions of former Section 24 which would entitle him to insist on the continued applicability thereof. Similarly, no one has a "vested right" in the terms of the original exemptions from the disclosure requirements of the Freedom of Information Act. Some of these exemptions were significantly narrowed by Congress in 1974. Thus, amended Section 24 now governs the disclosure to the public of information filed pursuant to the Securities Exchange Act, whether objections to disclosure of such information were filed and sustained prior to the effective date of the amendment to that Section or whether they have been filed and are still pending.

Interim Procedures

In order that information not entitled to confidential treatment is not withheld from the public unnecessarily, the procedures outlined in the proposed new rule will be followed until a final rule is adopted. Accordingly, those procedures should hereafter be followed by persons who apply for confidential treatment.

Persons who have already filed applications for confidential treatment pursuant to former Rule 24b-2 which are still pending should supplement their applications with an explanation of why the information may be considered to be exempt from the disclosure requirements of the FOIA under the Commission's FOIA rules, set forth at 17 CFR 200.80. The staff will contact each person whose application is pending and request such a statement.

Those who in the past have requested and been granted confidential treatment under the provisions of former Rule 24b-2 are advised that, while that information will continue to be maintained in non-public files until reconsideration of its confidential status, the disclosure requirements of the FOIA will ultimately apply. Such persons may, if they desire, submit supplementary information stating why the information in question may be considered to be exempt from the disclosure requirements of the FOIA under the Commission's FOIA rules set forth at 17 CFR 200.80. Where confidential treatment is revoked, the person who requested such treatment will be so notified wherever possible and may petition for review pursuant to 17 CFR 200.26.

It is therefore proposed to amend 17 CFR Part 240 by adopting a new § 240.24b-2 as set forth below:

§ 240.24b-2. Nondisclosure of information filed with the Commission and with any exchange.

(a) Any person filing any registration statement, report, application, statement, correspondence, notice or other document (herein referred to as the material filed) under the Act may make written objection to the public disclosure of any information contained therein in accordance with the procedure set forth below. The procedure provided in this rule shall be the exclusive means of requesting confidential treatment of information required to be filed under the Act.

(b) The person shall omit from the material filed the portion thereof which it desires to keep undisclosed (hereinafter called the confidential portion). In lieu thereof, it shall indicate at the appropriate place in the material filed that the confidential portion has been so omitted and filed separately with the Commission. The person shall file with the copies of the material filed with the Commission:

(1) As many copies of the confidential portion, each clearly marked "Confidential Treatment," as there are copies of the material filed with the Commission and with any exchange. Each copy shall contain an appropriate identification of the item or other requirement involved and, notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in case the confidential portion is part of a financial statement or schedule only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the material filed;

(2) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain (i) an identification of the portion; (ii) a statement of the grounds of objection referring to, and containing an analysis of, the applicable exemption(s) from disclosure under the Commission's rules and regulations adopted under the Freedom of Information Act (17 CFR 200.80), and a justification of the period of time for which confidential treatment is sought; (iii) a written consent to the furnishing of the confidential portion to other government agencies, offices or bodies and to the Congress; and (iv) the name of each exchange, if any, with which the material is filed.

The copies of the confidential portion and the application filed in accordance with this paragraph (b) shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to The Secretary, Securities and Exchange Commission, Washington, D.C. 20549.

(c) Pending a determination as to the objection filed the confidential portion will not be made available to the public.

(d)(1) If it is determined that the objection should be sustained, a notation to that effect will be made at the appropriate place in the material filed. Such a determination will not preclude reconsideration whenever appropriate, such as upon receipt of any subsequent request under the Freedom of Information Act (5 U.S.C. § 552) and, if appropriate, revocation of the confidential status of all or a portion of the information in question. Where an initial determination has been made under this rule to sustain objections to disclosure, the Commission will attempt to give the person requesting confidential treatment advance notice, wherever possible, if confidential treatment is revoked.

(2) In any case where an objection to disclosure has been disallowed or where a prior grant of confidential treatment has been revoked, the person who requested such treatment will be so informed by registered or certified mail to the person or his agent for service. Pursuant to 17 CFR 201.26, persons making objections to disclosure may petition the Commission for review of a determination by the Division disallowing objections or revoking confidential treatment.

(e) The confidential portion shall be made available to the public at the time and according to the conditions specified in subparagraphs (1)-(2) of this paragraph:

(1) Upon the lapse of five days after the dispatch of notice by registered or certified mail of a determination disallowing an objection, if prior to the

lapse of such five days the person shall not have communicated to the Secretary of the Commission his intention to seek review by the Commission under 17 CFR 201.26 of the determination made by the Division; or

(2) If such a petition for review shall have been filed under 17 CFR 201.26, upon final disposition thereof adverse to the petitioner.

(f) If the confidential portion is made available to the public, one copy thereof shall be attached to each copy of the material filed with the Commission and with each exchange.

(Secs. 23, 24, 48 Stat. 901, as amended, 80 Stat. 383, as amended, 31 Stat. 54; 15 U.S.C. 78w, 78x, 5 U.S.C. 552.)

All interested persons are invited to submit written comments, to be received not later than January 2, 1976,* to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Comments should be submitted in triplicate and should refer to File No. S7-598. All comments received shall be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 30, 1975.

[FR Doc.75-31930 Filed 11-25-75;8:45 am]

*On November 18, 1975 the Commission extended the period for comment to January 2, 1976. See Release No. 34-11844.

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1003, 1100]

[Ex Parte No. 55 (Sub. No. 14)]

REVISION OF APPLICATION FORMS FOR OPERATING AUTHORITY AND AMENDMENTS TO GENERAL RULES OF PRACTICE

Notice of Proposed Rulemaking; Correction

Described herein are certain editorial changes to the above referenced rules proposed by the Commission in the November 7, 1975 issue of the FEDERAL REGISTER (40 FR 52058), which changes inadvertantly were omitted from such publication. The following corrections should be noted:

1. On page 52061, first column, § 1100.57(a), the last two lines which presently read "proceedings a petition seeking appropriate procedure may be filed]." should read "proceedings a petition seeking appropriate discovery procedures may be filed]."

2. On page 52062, first column, after the last sentence in the first paragraph, the following sentence should be added: "*Provided,* however, that the provisions of this paragraph limiting the total number of witnesses and requiring certifications for subsequently discovered witnesses shall not be applicable to applications to transport passengers which are assigned for oral hearing."

3. On page 52063, the third column, in the paragraph designated "[(j)]", the ninth and tenth lines which presently read "the subject of a report and recommended order, prepared by the party or parties" should read "the subject of an initial decision, prepared by the party or parties".

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32039 Filed 11-25-75;8:45 am]

notices

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.

DEPARTMENT OF THE TREASURY

Customs Service

CHEESE FROM NORWAY

Notice of Preliminary Countervailing Duty Determination

On June 30, 1975, a "Notice of Receipt of Countervailing Duty Petition" was published in the FEDERAL REGISTER (40 FR 27449). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Norway on the manufacture, production or exportation of cheese constitute the payment or bestowal of a bounty or grant within the meaning of section 303 of the Tariff Act of 1930 as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been determined preliminarily that payments are being made, directly or indirectly, on the manufacture, production or exportation of cheese from Norway, which constitute the payment or bestowal of a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). Such payments are in the form of a consumer subsidy, a basic support rate subsidy, and a freight subsidy made by the Government of Norway to the dairy farmers, which have the effect of subsidizing exported cheese to the same extent as the subsidy to domestic dairy products. The regional support program and the agricultural development fund are not considered to be bounties or grants.

A final decision in this case is required on or before May 21, 1976. Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the preliminary determinations. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20228, in time to be received by his office on or before December 26, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (U.S.C. 1303(a)).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: November 21, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-32029 Filed 11-25-75;8:45 am]

Office of the Secretary

WATER CIRCULATING PUMPS FROM THE UNITED KINGDOM

Antidumping; Withholding of Appraisement Notice

Information was received on April 25, 1975, from Taco, Incorporated, of Cranston, Rhode Island, alleging that water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from the United Kingdom, were being sold in the United States at less than fair value thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of May 21, 1975 (40 F.R. 44340).

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the exporter's sales price of water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from the United Kingdom is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the investigation.* It appears that all imports of the subject merchandise from the United Kingdom were manufactured by Sundstrand United Kingdom, Ltd., King's Lynn, England. Therefore, the investigation was limited to this one manufacturer.

b. *Basis of comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between exporter's sales price and the home market price of similar merchandise. Exporter's sales price, as defined in section 204 of the Act (19 U.S.C. 163), was used since all export sales appear to be made to a related United States purchaser. Home market price, as defined in section 153.3, Customs Regulations, (19 CFR 153.3), was used since similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Exporter's sales price.* For the purposes of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with section 153.31(b), Customs Regulations, 19 CFR 153.31(b)) pricing information was obtained concerning imports of water circulating pumps, wet motor type, suitable for use in residential and commerical hydronic heating systems, from the United Kingdom during the period February 1, 1975, through July 22, 1975.

In the import transactions, all of the merchandise was sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, within the meaning of section 204 of the Act. The exporter's sales price has been calculated on the basis of the price to manufacturers, f.o.b. plant, in the United States. Deductions have been made for differences in merchandise, transportation and other charges from the United Kingdom to the United States delivery point, additional labor and packing charges, inland freight and insurance in the United Kingdom, and selling expenses incurred in the United States.

The differences in the merchandise include a pair of valves sold with the pumps in the United States but separately imported from Sweden, and the ocean freight, insurance and United States duties incurred on the valves. Adjustments also have been made for differences between the model sold in the United States and the most similar model sold in the United Kingdom. Transportation and other charges which have been deducted are ocean freight, marine insurance, brokerage fees, inland freight in the United States, and United States duties. Adjustments have been made for repacking costs in the United States and for the labor involved in the repacking.

d. *Home market price.* For the purposes of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the price to original equipment manufacturers, f.o.b. manufacturer's plant. Adjustments have been made for transportation, warranty, insurance and packing costs, as appropriate, in accordance with section 153.8, Customs Regulations (19 CFR 153.8). Adjustments for transportation and packing expenses relate to differences in packing costs between home market sales and export sales, and to inland freight and insurance involved in home market sales. Adjustments for warranty are for costs incurred on home market sales.

Adjustments for differences in circumstances of sale in accordance with sec-

tion 153.8, Customs Regulations, (19 CFR 153.8), for interest costs and administrative expenses were claimed by counsel for Sundstrad Ltd. Administrative expenses do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses. An adjustment for interest costs has not been allowed, but may subsequently be granted, if it is shown that this expense is directly related to the sales under consideration.

e. *Result of fair value comparison.* Using the above criteria, preliminary analysis suggests that exporter's sales price probably will be lower than the home market price of similar merchandise. Comparisons were made on all pumps sold in the United States during the period of investigation. Margins were tentatively found, ranging from 3.3 to 38 percent on nearly 99.75 percent of the sales compared. The weighted average margin tentatively appears to be between 25–35 percent.

Accordingly, Customs officers are being directed to withhold appraisement of water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems from the United Kingdom in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

In accordance with sections 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than December 8, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than December 26, 1975.

This notice, which is published pursuant to section 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective November 26, 1975. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

NOVEMBER 21, 1975.

[FR Doc.75-32030 Filed 11-25-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 10947]

NEW MEXICO

Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 18, 1975.

Notice of an application Serial No. NM 10947, for withdrawal and reservation of lands was published as Federal Register Document No. 70-3267 on page 4767 of the issue for March 19, 1970. The applicant agency has cancelled its application. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5, the lands described in the application will be at 10 a.m. on December 31, 1975 relieved of the segregative effect of the above mentioned application.

BILL J. WARNER,
Acting Chief, Division of Technical Services.

[FR Doc.75-31863 Filed 11-25-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Engandered Species Act of 1973 (Pub. L. 93-205).

Applicant. Los Angeles Zoo, 5333 Zoo Drive, Los Angeles, California 90027, Warren D. Thomas, D.V.M., Director.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Purchase of 1/1 Gaur from Oklahoma City Zoo, Oklahoma City, Oklahoma. Male born Oklahoma City Zoo on June 18, 1974; female born Oklahoma City Zoo on January 18, 1975.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Los Angeles Zoo
5333 Zoo Drive
Los Angeles, California 90027
(213) 666-4650

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Public Zoo - conservation and research programs in addition to recreation and educational activities.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dr. Warren Dean Thomas (same)
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
From Oklahoma City, Oklahoma, to Los Angeles, California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
Endangered Species Permit # PRT - 8 -237 - C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
Not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: ASAP

11. DURATION NEEDED: 6 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) | DATE
Director | October 6, 1975

9-200
(5/74)

OCTOBER 2, 1975.

CHIEF, BRANCH OF PERMITS,
U.S. DEPARTMENT OF INTERIOR, *Bureau of Sport, Fisheries and Wildlife, Washington, D.C. 20240.*

Subject: Request to Purchase One Male and One Female Gaur (*Bos gaurus*) From the Oklahoma City Zoo, Oklahoma City, Oklahoma. These animals were born in their collection, the male on June 18, 1974 and the female on January 31, 1975.

DEAR SIR: 1. *Status of Species in Wild.* Formally occurring widely in the tropical forest of southern Asia, the Gaur is decreasing in number mainly because of the loss of suitable habitat. Diseases of domestic cattle have also been a factor in the decline of this species.

2. *Status of Species in Captivity.* Volume 14 of the *International Zoo Yearbook* lists 45 animals in ten zoos throughout the world.

3. *Manner of Procurement.* The animals will be shipped via truck from Oklahoma City to Los Angeles. The truck is especially designed to carry large animals and is divided into a number of enclosed stalls. The vehicle

is owned by Mr. Leon Leopard, Vivo Animales, Lorena, Texas. The driver will be one of his employees who has had considerable experience carrying shipments of live animals. Food and water will be provided the animals en route. The trip should take approximately three days.

4. *Outline of Breeding Project.* The Gaur will be placed in an outdoor exhibit measuring approximately 400 feet in circumference, approximately 50 feet wide and 100 feet long (see enclosed photos). Adjoining this is a holding area measuring approximately 11 feet by 7½ feet. We are currently maintaining four adult Cape Buffalo (*Syncerus caffer*) in a similar type of exhibit and have successfully reared calves from this species, one in 1973 and another in 1974.

5. *Zoological Credentials of Personnel.* Dr. Warren D. Thomas, Director of the Los Angeles Zoo, formerly the Director of the Gladys Porter Zoo, graduated from Ohio State University, Columbus, Ohio, with a Degree of Bachelor of Science and also a Doctor's Degree in Veterinary Medicine. He received a Faculty Appointment as Assistant Professor of Internal Medicine in Omaha, Nebraska, and as Assistant Professor of Research Medicine at the University of Nebraska. He was a keeper at the Columbus Municipal Zoo, Consultant for the Jardin Zoologico de Barranco in Lima, Peru, Director of the Oklahoma Zoo and Director of the Henry Doorly Zoo in Omaha, Nebraska. He is a fellow member of the American Association of Zoological Parks and Aquariums.

Michael J. Crotty, Curator of Mammals at the Los Angeles Zoo, graduated from Canisius College, Buffalo, New York, with a Bachelor of Science Degree in Biology. From February of 1966 to November of 1970 he was superintendent of the Children's Zoo, Buffalo Zoological Gardens. From November of 1970 to February of 1973 he served as General Curator at the Cheyenne Mountain Zoo, Colorado Springs, Colorado, where under the Zoo Director he was responsible for the management of the animal collection. He has held the position of Curator of Mammals at the Los Angeles Zoo since March of 1973. Mr. Crotty is a fellow member of the American Association of Zoological Parks and Aquariums and served as the editor of the 1974/1975 edition of "Zoos and Aquariums in the Americas".

Dr. Gary Kuehn, Veterinarian II at the Los Angeles Zoo, received a D.V.M. degree from the University of Minnesota in 1967. Immediately after graduation he began work at the San Diego Zoo. In August of 1969 he left San Diego to begin a thirty-one month stint at Malaysia's National Zoo under the auspices of the Peace Corps. Another zoo-oriented Peace Corps project was begun in Ghana in June of 1972, but was terminated in November of 1972 due to local political conditions. The period from January of 1973 to August of 1974 was spent as a resident in veterinary pathology at the University of Minnesota. He began work at the Los Angeles Zoo in September of 1974.

Dr. Gerald N. Esra, Veterinarian I at the Los Angeles Zoo, graduated from the University of California, Davis, in 1974. He specialized in Exotic Animal Medicine and spent his sophomore summer as a veterinary assistant at the Los Angeles Zoo. After graduation, he was chosen as Veterinary Intern at the San Diego Zoo and completed his studies there in July of 1975.

6. *Propagation.* The Los Angeles Zoo will attempt to breed these animals and would like to build up a herd to at least two males and four females.

7. *Reproductive Potential.* The animals for which approval of purchase is requested were both captive born at the Oklahoma City Zoo. Like the majority of hoofed animals, Gaur reproduce well and we have no reason to believe that these animals will be any exception. Also, being captive born, they represent no drain on the wild population.

I hereby certify that the foregoing information is complete and accurate to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining an exemption from the requirements of the Endangered Species Conservation Act of 1969 (83 Stat. 274) and regulations promulgated thereunder, and that any statements, false, hereon may be subject to the criminal penalties of 18 U.S.C. 1001.

Respectfully submitted,

WARREN D. THOMAS, D.V.M.,
Director,
Los Angeles Zoo.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 26, 1975, will be considered.

Dated: November 21, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-31883 Filed 11-25-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. NUS Corporation, Ecological Sciences Division, Manor Oak 2, 1910 Cochran Road, Pittsburgh, Pennsylvania 15220, Mr. Paul V. Morgan, Vice President and General Manager.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Take one (1) specimen each, as encountered, of endangered fish species for voucher or reference purposes. The species: Colorado squawfish, Ptychocheilus lucius, Humpback chub, Gila cypha. Humpback sucker, Xyrauchen texanus, Bonytail, Gila elegans. (latter two if elevated to "endangered" status)

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
NUS Corporation
Ecological Sciences Division
Manor Oak 2, 1910 Cochran Road
Pittsburgh, PA 15220
Telephone: 412-343-9200

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Business Corporation - Engineering and Environmental Consulting

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
N/A

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Mr. Paul V. Morgan
Vice President & General Mgr. 412-343-9200

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
District of Columbia

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
White River and Yellow Creek (tributary to White River) in Rio Blanco County, Colorado

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL, FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list licenses or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Colorado Division of Wildlife Scientific Collection Permit No's. 75-35, 75-36, 75-39, 75-40, 75-41, 75-28

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: As soon as possible

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22(a)(1)(2)(5)(7)(8)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) — DATE
Paul V. Morgan — Oct 23, 1975

9-200
10/74

Paul V. Morgan

Attachments.

17.22(a)(1): Colorado squawfish (*Ptychocheilus lucius*) and humpback chub (*Gila cypha*) presently on the Endangered Species List. Also, humpback sucker (*Xyrauchen texanus*) and bonytail (*Gila elegans*), should they be elevated to endangered status during the period of coverage requested in this application. Take one specimen each, as encountered, any age or sex, for voucher or reference purposes.

(2): Since the specimens to be covered by the requested permits are those that may be encountered during sampling operations, they are still in the wild.

(3): N/A.

(4): N/A.

(5): Specimens in question will be retained in a reference collection at: NUS Corporation, Ecological Science Center, 2419 Baldwick Road, Pittsburgh, Pa. 15205.

(6): N/A.

(7): The requested activities are part of the environmental studies being carried out pursuant to: Oil Shale Lease for Colorado Oil Shale Tract C-a of February 5, 1974 between the Bureau of Land Management, Department of the Interior and Standard Oil Company of Indiana and Gulf Oil Corporation. The persons to be directly involved in the proposed activity are NUS and associate biologists: Gary W. Hunt, Terry L. Ruiter, Thomas M. Ivory, Merle H. Maass, David E. Ruiter, David A. Mayhew, and William E. Stone.

Infrequently, other staff biologists may participate.

Sampling dates may vary somewhat due to weather, etc., but basically will conform to a bimonthly sampling program through December, 1976.

(8): NUS is involved as a subcontractor in an aquatic monitoring program, Oil Shale Lease Tract C-a Aquatic Baseline Data Accumulation Program. The program entails a broad range of aquatic measurements, e.g. water quality, benthos, zooplankton, and fish. The study area encompasses the White River several miles upstream and downstream of the mouth of Yellow Creek, and Yellow Creek watershed, which drains oil shale tract C-a both off and on-tract, Rio Blanco County, Colorado.

The program is not directed at any endangered species, but rather is a general survey of all aquatic biota. However, information from the scientific literature and personal communications with Colorado River Basin fishery experts indicates that the potential exists for the occurrence of any or all of several endangered species [see §17.22 (a)(1)] in the study area.

Because of the importance of endangered species in any environmental impact related monitoring, permission is requested to take, kill, and preserve one specimen each of the species listed under § 17.22(a)(1), if, and when encountered. The purpose of this is to document conclusively the occurrence of a given endangered species, should it be encountered. In addition, should suspect specimens be encountered subsequent to the initial specimen, permission is requested to hold suspect specimens alive in "liveboxes" for the purpose of making positive identifications and then to release them.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 26, 1975, will be considered.

Dated: November 21, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-31884 Filed 11-25-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Overton Park Zoo & Aquarium, Memphis, Tennessee 38112, Joel D. Wallach, D.V.M., Director, Wayne Carlisle, General Curator.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
We need an endangered species permit for the following:
1 male and female ring-tailed lemur (Lemur catta) for scientific and breeding purposes

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Overton Park Zoo & Aquarium
Memphis, TN 38112
(901) 726-4787

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Overton Park Zoo & Aquarium

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (901) 726-4787
Dr. Joel D. Wallach, D.V.M. (Director)
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
from: San Diego Zoological Garden
Zoological Society of San Diego
P.O. Box 551, San Diego, CA 92112

to: Overton Park Zoo & Aquarium
Memphis, TN 38112

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
USDI 4-SC-811 USDI LIcence #63EL-4
Permit #H-50

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: 11-75

11. DURATION NEEDED: 30 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Wayne D Carlisle
DATE 9-5-75

3-200 (8/74)

SEPTEMBER 5, 1975.

DIRECTOR (FWS/LE)
U.S. FISH AND WILDLIFE SERVICE
P.O. Box 19183
Washington, D.C.

DEAR SIR: The Overton Park Zoo & Aquarium, Memphis, TN 38112, (901) 726-4787, Dr. Joel D. Wallach, Director is wishing to obtain an endangered species permit for the following animals:

one male ring-tailed lemur (Lemur catta) born at the San Diego Zoo 4/2/74 and
one female ring-tailed lemur (Lemur catta) born at the San Diego Zoo 3/18/74.

These lemurs are being obtained for breeding and scientific purposes. The lemurs will be transported by a San Diego zoo employee to the Los Angeles airport. They will be flown by the United Airlines flight No. 610 leaving Los Angeles at 8:55 a.m. and arriving in Memphis at 2:15 p.m. An Overton Park Zoo

employee will pick the lemurs up on arrival. The lemurs will be shipped in a partitioned crate 24" wide, 52" long and 41" high. The lemurs and crate will weight a total of 127 lbs.

Sincerely,

WAYNE CARLISLE,
General Curator,
Overton Park Zoo and Aquarium.
AUGUST 15, 1975.

Mr. WAYNE CARLISLE,
General Curator, Overton Park Zoo and Aquarium, Memphis, Tenn.

DEAR WAYNE: You will need the following information for the USDI Endangered Species application:

1 ♂ Ring-tailed Lemur—born at San Diego Zoo 2 April 1974
1 ♀ Ring-tailed Lemur—born at San Diego Zoo 18 March 1974

We will ship the lemurs to you in a partitioned crate (24 inches wide, 52 inches long and 41 inches high). The lemurs and crate weigh a total of 127 pounds.

At this time, the best airline route is United Airlines Flight No. 610, leaving Los Angeles at 8:55 a.m. and arriving Memphis at 2:15 p.m. (We will have one of our keepers truck the lemurs to Los Angeles.)

If you need additional information, please contact us.

Sincerely,

CLYDE A. HILL,
Curator of Mammals.

OCTOBER 29, 1975.

DIRECTOR (FWS/LE),
U.S. FISH AND WILDLIFE SERVICE,
P.O. Box 19183,
Washington, D.C.

DEAR SIR: This Addendum is to complete the Overton Park Zoo and Aquarium's application submitted to you on 9-5-75 for the purchase of one male and one female ring-tailed Lemurs (Lemur catta) born at the San Diego Zoo.

The animals will be house in the Overton Park Zoo primate building. Exhibit cage measurements are 7 feet high, 7½ feet wide, and 8½ feet deep. The animals also have access to an isolated cage for privacy. The measurements are 6 feet high, 4 feet deep, and 4½ feet wide (see attached pictures).

There are three employees who will be caring for the primates; one has seven years experience, one has five years, and the other two years. These employees have had experience caring for endangered species, such as the Gorilla (Gorilla Gorilla), Mongoose Lemur (L. Mongoz), Orangutan (Pongo Pygmaeus), and the Douc Langur (P. Nempeus). We have been fortunate enough to breed and rear the Orangutan and the Douc Langur. We received the Edward H. Bean Award for the first captive birth of a Douc Langur in 1969. The Overton Park Zoo is more than willing to participate in any breeding and studbook programs that will help to preserve any endangered species.

Sincerely,

WAYNE CARLISLE,
General Curator
Overton Park Zoo and Aquarium.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 26, 1975, will be considered.

Dated: November 21, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-31885 Filed 11-25-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Mr. Bob Riley, Windy Hills Bird Farm, Route 4, Box 160, Robstown, Texas 78380.

OMB NO. 42-R1135

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To receive Palawan Pheasants for Propagation Purposes.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Bob Riley
Windy Hills Bird Farm
Rt 4 Box 160
Robstown, TX 78380

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MALE ☐ MISS ☐ MS.
HEIGHT: 5-11 WEIGHT: 190
DATE OF BIRTH: 9-24-34
COLOR HAIR: Bld COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 512-387-3273
SOCIAL SECURITY NUMBER: 465-44-2145
OCCUPATION: Refinery Operator
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Windy Hills Bird Farm
Rt 4 Box 160
Robstown, TX 78380

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Interstate Shipment from New York To Robstown, TX

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
TEXAS Breeder license

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF:

10. DESIRED EFFECTIVE DATE: 10-15-75

11. DURATION NEEDED: 1 year

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Propagation Purposes

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not print): Bob Riley
DATE: 9-15-75

9-525
(5/74)

OCTOBER 11, 1975.

Dear Sir: Enclosed is some more information on the application I applied for:

Breed—Palawan peacock pheasant (*Polyplectron emphanum*).

Number—One pair (cock and hen). 1974 hatch.

Will recive from: Charles Sivelle, 41 Westcliff Drive, Dix Hills, Long Island, New York 11743.

Bird was born in captivity. Same party (Sivelle).

Birds will be used for propagation purposes, and located in Nueces County, same address as letterhead.

Have raised pheasants for last five years, and—receiving the novice award of the A.P. & W.S. this year.

Will be transferred by airlines.

To raise endangerd species and remove them from the endangered list.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written

data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 26, 1975, will be considered.

Dated: November 20, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-31886 Filed 11-25-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant, St. Louis Zoological Park, Forest Park, St. Louis, Missouri 63110, Richard D. Schultz, Director, Charles H. Hoessle, General Curator.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ XX PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED
To ship one pair (male & female) captive reared White-eared Pheasants Crossoptilon crossoptilon from Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746, for display, propagation & zoological purposes

3. APPLICANT, (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
St. Louis Zoological Park
Forest Park
St. Louis, Missouri 63110
1-314-781-0900

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
City & county owned public zoo, USDA licensed, engaged in conservation & propagation of wildlife, education, exhibits, research and recreation
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Richard D. Schultz, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
St. Louis Zoological Park
Forest Park
St. Louis, Missouri 63110
1-314-781-0900

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)
ES-14, ES-311, ES-156, ES-331, 6-SP-77, PRT-7-172-P-2 (K.C.), 6-SC-78

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
N.A.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N. A.

10. DESIRED EFFECTIVE DATE
Oct.-Nov. 1975

11. DURATION NEEDED

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not sign in blank)
Charles H. Hoessle

DATE
Oct 16 1975

OCTOBER 13, 1975.

MR. LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service, Law Enforcement Division, U.S. Department of the Interior, Washington, D.C.

DEAR MR. GREENWALT: The St. Louis Zoological Park hereby applies for an Endangered Species Permit under Section 10(a) of the Endangered Species Act of 1973. We submit the following information pursuant to § 13.12 of Volume 39, No. 3 and 17.22 of Volume 40, No. 188 of the FEDERAL REGISTER.

(1.) Request is for permit to obtain one (1) pair (male and female) of 1975 hatch Tibetan White-eared Pheasants *Crossoptilon crossoptilon drouyni*, by means of interstate commerce.

(2.) (iii.) The speciments are captive born.

(3.) Not applicable.

(4.) The specimens were hatched and reared at the privately owned pheasant collection for Mr. Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746 U.S.A.

(5.) The birds will be maintained at the St. Louis Zoological Park, Forest Park, St. Louis, Missouri 63110. A current zoo album, an annual report and other appropriate materials are on file with U.S. Fish & Wildlife Service, Law Enforcement Division. (Please consult Endangered Species application and materials submitted June 18, 1975).

(6.) (i.) Photos and diagrams enclosed. (ii.) The curatorial staff, as well as the keepers of the bird department have a long history of success in rearing waterfowl, pheasants, ratites, as well as various birds of prey and smaller perching birds. Great expense and effort has also been invested in propagating and rearing facilities.

(iii.) Offspring resulting from successful propagation will be made available to cooperating zoological institutions to insure future zoo populations. The St. Louis Zoo is also involved in cooperative breeding programs, studbook data maintenance, as well as I.S.I.S. (International Species Inventory System) in an effort to enhance captive propagation of all zoo species, especially those of rare and endangered status.

(iv.) Birds will be shipped in crates similar and equal to International Air Transport Association, Style "K" (see enclosure) taken from I.A.T.A. Live Animal Regulations, 5th Edition, February 1, 1975.

(v.) See enclosure.

(7.) See enclosure.

(8.) (i.) The birds will be maintained for propagation and zoological purposes.

(ii.) Modern avicultural techniques already in practice at the St. Louis Zoo, such as artificial incubation and the utilization of brooding and rearing facilities, will be used. (Photos enclosed)

(iii.) Studies of reproductive behavior will be conducted. Progeny resulting from propagational efforts will be available to cooperating zoological institutions to insure future captive populations, thus relieving pressures on the collecting of wild stock.

(iv.) Autopsies will be performed on deceased specimens and, if desirable, their remains will be made available to appropriate public educational facilities.

A completed form 3-200 as well as other documents regarding this request are enclosed. We sincerely hope that we can receive your consideration on our request at your earliest convenience.

Sincerely,

CHARLES H. HOESSLE,
General Curator, Deputy Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 26, 1975, will be considered.

Dated: November 21, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-31887 Filed 11-25-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Wayne C. Starnes, Department of Zoology, University of Tennessee, Knoxville, Tennessee 37916.

OMB NO. 43-R1870

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Ecology and Life History Studies of the Snail darter, Percina tanasae

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
WAYNE C STARNES
Dept. of Zoology
Univ. of Tenn.
Knoxville, Tn. 37916

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6'1" WEIGHT: 175
DATE OF BIRTH: 10 13 45 COLOR HAIR: DK COLOR EYES: GRAY
PHONE NUMBER WHERE EMPLOYED: 974-3469 SOCIAL SECURITY NUMBER: 419-80-3337
OCCUPATION: Grad Forest Student
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Univ of Tenn.

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Little Tennessee River (Blount, Monroe, & Loudon Counties, Tenn.)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☑ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☑ YES ☐ NO
(If yes, list jurisdictions and type of document)
Endangered species list - Tenn
Wait for wildlife Resources Agency

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ —

10. DESIRED EFFECTIVE DATE: immediate

11. DURATION NEEDED: Dec 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Nothing has changed regarding my research plans outlined in my earlier Experimental Information

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (By use of rubber stamp is prohibited): Wayne C. Starnes
DATE: Nov 5, 1975

3-200
10/74

AUGUST 8, 1975.

Re Sec. 17.22.

The following is considered relavant information to be included with the permit application and is in the order set forth by the section paragraphs.

(1) *Percina* (*Imostoma*) sp. The Snail darter. (Description pending in *The Proceedings or the Washington Biological Society*, D.A. Etnier) Request to collect additional specimens from time to time for completion of my doctorial research on the ecology and life history of the fish. It is anticipated that about 50 additional specimens will be required through the coming year of all age classes.

(2) The snail darter is still in the wild (Little Tennessee River).

(3) In addition to the 50 or so specimens caught for dissection, additional specimens may be caught by seining or other methods, marked and released unharmed in population studies.

(5) Specimens used in the study will be housed in the museum collections of several institutions; principally the University of Tennessee Department of Zoology collection of fishes, The Tulane Research Collection, Belle Chasse, La., and the U.S. National Museum, Washington, D.C.

(6) Live specimens of the snail darter may from time to time be maintained in aquaria or raceways for the purpose of studying reproductive behavior. These will be cared for by myself.

In addition to the above, in the months prior to consideration of the snail darter as an endangered species, I negotiated a research grant with the Tennessee Valley Authority to study the life history of the snail darter and to attempt to establish a new population of the fish prior to the inundation of its habitat by Tellico Dam. I feel obligated to fulfill the terms of this agreement, and I also feel that the establishment of an additional population could only enhance the snail darter's chances of survival. If this attempt is to be carried out, it will probably occur in the late fall of 1975, and it will be conducted in such a manner as to take advantage of everything I have learned about the fishes' life history and to try and insure the maximum possibility of reproductive success.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 26, 1975, will be considered.

Dated: November 21, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-31888 Filed 11-25-75;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Additional Routine Use

Notice is hereby given that, pursuant to 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the Department of the Interior has under consideration adoption of a statement describing an additional routine use for a record system which it maintains which is subject to section 3 of the Privacy Act of 1974.

By notice published in the FEDERAL REGISTER on September 26, 1975, the Department adopted a system notice describing the Committee Management Files System (Interior/Office of the Secretary—1). The Department has now identified an additional routine use for this system which was not described in the system notice. This routine use is not a new use for the system, but was overlooked in initial preparation of Privacy Act systems notices.

The additional routine use is as follows: (6) Disclosure to a Federal, state or local agency, private organization or individual as necessary to obtain information in connection with a decision concerning appointment or reappointment of an individual to committee membership.

Comments on this proposed routine use statement may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. All comments received on or before November 17, 1975, will be considered. Copies of any comments received may be inspected in Room 6525 at the above address.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

NOVEMBER 20, 1975.

[FR Doc.75-31970 Filed 11-25-75;8:45 am]

PRIVACY ACT OF 1974

Adoption of Routine Uses

In notices appearing in the FEDERAL REGISTER on September 19, 1975 (40 FR 43467–43477), October 3, 1975 (40 FR 46066–46073), and October 10, 1975 (40 FR 47985–47992), the Department of the Interior proposed adoption of language describing the routine uses of 71 systems of records which it maintains which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

Comments on these routine uses were solicited, but none have been received. A review of the notices by the Department indicated, however, a need to make minor revisions in two cases.

The needed revisions are as follows:

1. In the notice describing the Personal Property Accountability Records System (Interior/GS—7), the words "See routine uses statement" are deleted from the first routine use.

2. The routine uses paragraph of the notice describing the Visitor Statistical Survey Forms System (Interior/NPS—21) was somewhat garbled in printing. The paragraph is revised to read: "(1) To evaluate existing management programs through statistical analysis of the replies of visitors. (2) To develop new thrusts that might be suggested by visitors' comments."

Pursuant to the authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the routine uses described in the FEDERAL REGISTER on September 19, 1975, October 3, 1975, and October 10, 1975, are adopted with the two modifications set forth above.

Because the Privacy Act is in effect and there is a need to make use of the routine uses for the records systems involved here, good cause for waiving the 30-day period for effectiveness exists and the routine uses language will, accordingly, be effective as of October 31, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

NOVEMBER 20, 1975.

[FR Doc.75-31969 Filed 11-25-75;8:45 am]

PRIVACY ACT OF 1974

Adoption of Routine Uses

A notice published in the FEDERAL REGISTER on October 29, 1975 (43 FR 50434), proposed adoption of language describing additional routine uses for five systems of records maintained by the Department of the Interior which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. A second notice published on October 29 (40 FR 50434), proposed adoption of language describing several routine uses for a sixth system of records maintained by the Department.

No comments on the proposed language have been received and the routine uses are adopted without change. Because the Privacy Act is in effect and there is a need to make use of these routine uses, good cause for waiver of the 30-day period for effectiveness exists and the routine use language is, accordingly, effective November 10, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

NOVEMBER 20, 1975.

[FR Doc.75-31972 Filed 11-25-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Economic Research Service

NATIONAL COTTON MARKETING STUDY COMMITTEE MEETING

Public Meeting

Pursuant to the provisions of section 10(a)(2) of Pub. L. 92-463, notice is hereby given of a meeting of the National Cotton Marketing Study Committee established by Secretary's Memo 1852. The Committee will meet at 9:00 a.m. on Tuesday, December 16, 1975, at the Sheraton Airport Inn, 2411 Winchester, Memphis, Tennessee.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the Committee meeting includes (1) a review of progress on the followup of recommendations contained in the National Cotton Marketing Study Committee report; (2) a review of responses from organizations and agencies on specific recommendations in the report; and (3) development of plans and priorities for further action on the recommendations.

The names of the appointees comprising the Committee, agenda and other information pertaining to the meeting may be obtained from Mr. Irving Starbird, Executive Secretary, Room 212, 500 12th Street SW., Washington, D.C. 20250 (202-447-8400).

AMOS D. JONES,
Chairman,
Economic Research Service.

[FR Doc.75-31879 Filed 11-25-75;8:45 am]

Forest Service

WALLOWA VALLEY PLANNING UNIT

Notice of Availability of Final Environmental Statement

The Notice of Availability for the Wallowa Valley Planning Unit, Wallowa-Whitman National Forest, Oregon, USDA-FS-R6-FES-(Adm.)-75-17, that appeared in the FEDERAL REGISTER Volume 40, Number 218, Tuesday, November 11, 1975, is corrected to extend the review period to December 19, 1975.

ROBERT R. TYRREL,
Director,
Planning, Programing & Budgeting.

NOVEMBER 17, 1975.

[FR Doc.75-31869 Filed 11-25-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

PRIVACY ACT

Systems of Records

Correction

On November 7, 1975, the Department gave notice (40 FR 52072) that it had adopted a new, additional notice of systems of records and an expanded "routine uses" of systems under the Privacy Act.

The "expanded 'routine uses' " as published in the FEDERAL REGISTER on October 2, 1975 (40 FR 45635) and corrected in the FEDERAL REGISTER on November 3, 1975 (40 FR 51173) is hereby further corrected by making the following changes:

1. On page 45635, the second column, in paragraph 2 (which began at the bottom of the first column) the words "hiring or retention of an employee" should read "assignment, hiring or retention of an individual".

2. On page 45635, the second column, in paragraph 3, the fourth and fifth lines, the word "employee" should be deleted and the word "individual" inserted in lieu thereof in both lines.

Dated: November 19, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-31971 Filed 11-25-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Amended Notice of Meeting

Notice is hereby given of the change in location of the meeting of the Advisory Committee on Accreditation and Institutional Eligibility which was published in the FEDERAL REGISTER on November 17, 1975, Vol. 40, No. 222, pages 53295 and 53296.

The meeting will now be conducted at the Dulles Marriott Hotel, Dulles International Airport, Washington, D.C. Dates and times for the meeting remain unchanged. The new location was selected in order to accommodate changes in the requirements for conference space.

Signed at Washington, D.C., on November 21, 1975.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff, Office of Education.

[FR Doc.75-31905 Filed 11-25-75;8:45 am]

Food and Drug Administration

AD HOC COMMITTEE ON RESERPINE AND BREAST CANCER

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Ad Hoc Committee on Reserpine and Breast Cancer by the Secretary, Department of Health, Education, and Welfare, for an additional period of 1 year beyond November 18, 1975.

Authority for this committee will expire November 18, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: November 20, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-31874 Filed 11-25-75;8:45 am]

ADVISORY COMMITTEE

Supplementary Notice of Agenda

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of November 17, 1975 (40 FR 53285), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Obstetrics and Gynecology Advisory Committee (40 FR 53290) scheduled for December 15 and 16, at 9 a.m. will have an open committee discussion session on both days. The agenda items to be discussed are: On Dec. 15 at 10 a.m., a report to the committee on Depo-Provera (injectable), its use for contraception; and on Dec. 16 at 9:30 a.m., the effects of estrogen on the endometrium. These agenda items were omitted from the notice published on November 17.

Dated: November 20, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-31875 Filed 11-25-75;8:45 am]

Health Services Administration

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

Notice of Filing on Annual Report

Notice is hereby given that pursuant to Section 13 of Public Law 92-463, the Annual Report for the following Health Services Administration committee has been filed with the Library of Congress:

Interagency Committee on Emergency Medical Services

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building Room 1436, 300 Independence Avenue, S.W., Washington, D.C. 20201 Telephone (202) 245-6791.

Dated: November 19, 1975.

WILLIAM H. ASPDEN, Jr.,
Acting Associate Administrator for Management.

[FR Doc.75-31876 Filed 11-25-75;8:45 am]

Office of the Secretary

CONSUMER ADVISORY COUNCIL

Meeting Open to the Public

Pursuant to Pub. L. 92-463 of October 6, 1972, notice is hereby given that there will be a public meeting of the Consumer Advisory Council to the Office of Consumer Affairs, U.S. Department of Health, Education, and Welfare, which will commence at 10 a.m. on December 11 in Room 5104, New Executive Office Building, 17th and H Streets NW., Washington, D.C. 20506 and continue on the morning of December 12 in the same location.

The Consumer Advisory Council was established under Section 5 of Executive Order #11583 issued February 24, 1971, to advise the Director of the Office of Consumer Affairs with respect to policy matters relating to consumer interests, the effectiveness of Federal programs and operation which affect the interests of consumers, problems of primary importance to consumers and ways in which unmet consumer needs can appropriately be met through Federal Government action.

The meeting is open to the public with the number of persons admitted subject to reasonable limitation according to space available.

The agenda will include discussions of the consumers interest in Federal Agency consumer representation plans, regulatory reforms, food grading and labeling, and warranties.

Signed in Washington, D.C. this 21st day of November, 1975.

VIRGINIA H. KNAUER,
Director, Office of Consumer Affairs and Executive Secretary, Consumer Advisory Council.

[FR Doc.75-32028 Filed 11-25-75;8:45 am]

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Biomedical Research Panel on January 5 and 6, 1976, in Suite 3100, 2401 E Street, N.W., Washington, D.C. 20506.

The meeting will be open to the public from 9 a.m. to 5 p.m. on January 5 and from 9 a.m. to 3 p.m. on January 6. Attendance by the public will be limited to space available. The agenda will address issues pertaining to the studies previously identified by the Panel as being germane to its Congressional mandate.

Substantive program information will be provided by Dr. Charles Lowe, Executive Director of the Panel (202-634-1907), Suite 3100, 2401 E Street, N.W., Washington, D.C. 20506.

All requests for information should be directed to Ms. Susan L. Haught, at the above address.

Dated: November 19, 1975.

CHARLES U. LOWE,
Executive Director.

[FR Doc.75-31978 Filed 11-25-75;8:45 am]

REVIEW PANEL ON NEW DRUG REGULATION

Meeting Cancellation

Notice is hereby given pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217a, by the Secretary of Health, Education, and Welfare, on February 21, 1975, will not meet on Monday, December 8, 1975, at 9:15 a.m. nor on Tuesday, December 9, 1975, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, S.W., Washington, D.C., as announced at its meeting on November 10, 1975. The Review Panel has determined that it is not necessary to hold a meeting at this time.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-7510.

Dated: November 18, 1975.

LIONEL M. BERNSTEIN,
Executive Secretary, Review Panel on New Drug Regulation.

[FR Doc.75-31979 Filed 11-25-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-462]

LAKE CAMELOT

Notice of Hearing

In the matter of Lake Camelot, OILSR No. 0-1168-13-12 Doc. No. 75-203-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that: 1. Lake Camelot, Ltd., Howard J. Drew, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued on September 30, 1975, which was sent to the de-

veloper pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Lake Camelot, located in Mapleton, Illinois, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 15, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on November 21, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before November 14, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 11, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-31892 Filed 11-25-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE; DRIVER SUBCOMMITTEE AND ADJUDICATION TASK FORCE

Public Meetings

The Driver Subcommittee will hold a public meeting in the Room 102, Greyhound Management Center, 4020 North Central Avenue, Phoenix on December 17 from 3:00 p.m. to 5:00 p.m. and again on December 18 from 9:00 a.m. until noon to consider priority items for future activities of the subcommittee.

The Adjudication Task Force of the National Highway Safety Advisory Committee is meeting in Phoenix, Arizona, December 18–19, 1975, as part of its continuing review of alternative sentencing procedures in the adjudication of drunk driving offenses. The Task Force will hold a public meeting at Del Webb's Townhouse, 100 West Clarendon, Phoenix, to specifically review with Phoenix officials and participants the City of Phoenix Prosecution Alternative to Court Trial (PACT) program at approximately the following hours: December 18 from 1:30 p.m. to 5:00 p.m.; December 19 from 9:00 a.m. to 4:00 p.m.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The above meetings are subject to the approval of the Secretary.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: November 21, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-32020 Filed 11-25-75;8:45 am]

[Docket No. 75IP-2; Notice 1]

TOYOTA MOTOR SALES, USA INC.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

Toyota Motor Sales, USA Inc. (Toyota) has petitioned to be exempted from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.101, Federal Motor Vehicle Safety Standard No. 101, *Control Location, Identification, and Illumination*, on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

Toyota discovered that about 69,000 1974 Corona model vehicles were manufactured "without word identification on the headlamps, hazard warning signal, and washer-wiper controls" as required by S4.2 of Standard No. 101. The company believes that this "technical noncompliance" will have no effect upon motor vehicle safety as the controls in question "were identified by symbols on the controls and an explanation of the symbols appeared in the owner's manual."

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit written data, views, and arguments on the petition of Toyota described above. Comments should refer to the docket number and be submitted to: Docket Section National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: January 12, 1976.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on November 20, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-31924 Filed 11-25-75;8:45 am]

Urban Mass Transportation Administration

CHIEF COUNSEL, ASSISTANT CHIEF COUNSEL, AND ASSOCIATE ADMINISTRATOR FOR CAPITAL ASSISTANCE

Redelegation of Authority

The purpose of the following notice is to redelegate within the Urban Mass Transportation Administration certain authority delegated by the Secretary of Transportation to the Urban Mass Transportation Administrator (39 FR 3566; October 3, 1974). This is an amendment of a prior redelegation of the same authority dated Nov. 20, 1974 (39 FR 41399, Nov. 27, 1974).

Since this redelegation is solely a matter of departmental management, procedures and practices, notice and public procedure thereon is unnecessary, and it may be made effective in less than thirty days after publication in the Federal Register.

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), the Chief Counsel or the Assistant Chief Counsel, Program Division, and

the Associate Administrator for Capital Assistance, acting jointly, are hereby authorized and empowered, in connection with financial assistance provided under the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) and the Federal-Aid Highway Act of 1973 (Pub. L. 93-87; August 13, 1973; 81 Stat. 250) for the purchase or operation of buses, to approve fair and equitable arrangements to assure that such financial assistance will not enable public bodies and privately owned operators for public bodies to foreclose private operators from the intercity charter bus industry where such private operators are willing and able to provide such service.

This redelegation becomes effective immediately.

Done at Washington, D.C. this 18th day of November 1975.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

[FR Doc.75-31867 Filed 11-25-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 3:00 p.m., December 10, 1975 in the office of the Administrative Conference of the United States, Suite 500, 2120 L Street NW., Washington, D.C. 20037.

The Committee will meet to consider Professor Williams' proposed recommendation on hybrid rulemaking and Professor Asimow's study and recommendations on the exemption from rulemaking in the Administrative Procedure Act for statements of policy and interpretive rules.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Emmett J. Gavin (Telephone 202/254-7020). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

NOVEMBER 24, 1975.

[FR Doc.75-32185 Filed 11-25-75;9:44 am]

CIVIL AERONAUTICS BOARD

[Order 75-11-78]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

South Pacific and Intra-Pacific Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of November, 1975.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to South Pacific and Intra-Pacific cargo rates; Docket 27573, Agreement C.A.B. 25204, R-1 through R-10, Agreement C.A.B. 25207, R-1 through R-6, Agreement C.A.B. 25404.

By Order 75-7-88, dated July 17, 1975, the Board established procedural dates for the receipt of carrier justifications and comments from interested parties pertaining to agreements among the members of the International Air Transport Association (IATA), adopted at the 1975 Composite Cargo Conference held May-June at Nice, encompassing cargo rate structures to apply in various world areas generally from October 1, 1975 through September 30, 1977. This order will deal with the proposed South Pacific rate structure as well as the proposed intra-Pacific rate structure to the extent that the latter affects air transportation between American Samoa and other points in the Pacific.

Agreement C.A.B. 25204 increases minimum charges for any consignment within the South Pacific area by $4 to a total of $20 for west coast, Alaska and Hawaiian points, and by $5 to a total of $26 for all other Western Hemisphere points. Southbound (from the United States) general commodity rates are increased approximately 10 percent and rates and charges for containerized shipments are increased approximately 9 to 11 percent above the rates now in effect. The increases proposed in the agreement to the general and container rates to the United States are approximately 5 percent less. The higher increase which would be effected by the agreement for southbound rates stems from the fact that the northbound rates were previously increased by 5 percent.[1] Southbound specific commodity rates are increased 10 percent and northbound commodity rates are increased eight percent, except from Australia where the increase would be 10 percent. Several southbound commodity rates are canceled and certain northbound rates take lesser 5 or 6 percent increases. With respect to rates between American Samoa and other Pacific points, Agreement C.A.B. 25207 increases minimum charges for shipments by 55 U.K. pence ($1.44) to 3.30 U.K. pounds ($8.60).[2] General and specific commodity rates between American Samoa and other Pacific points (except points within the Southwest Pacific) are increased 8 percent and 10 percent, respectively, and within the Southwest Pacific are increased 5 percent and 8 percent, respectively.

In justification, late-filed on September 18, 1975, Pan American World Airways, Inc. (Pan American), the only U.S. carrier affected by the agreements, states the proposed increases are necessary and requests the agreements be approved. Contending that overall return on investment (ROI) is the most meaningful measure of profitability of its South Pacific operations since it is undistorted by allocation procedures between passenger and belly compartments in combination freight service, Pan American states, while its historical (Y.E. 3/31/75) ROI for South Pacific scheduled cargo service is 40.23 percent,[3] its ROI for all services (including charter) in the same area is only 3.89 percent. For the forecast period (Y.E. 9/30/76) the carrier expects a 21.76 percent ROI at present levels and 30.58 percent at the proposed levels for its scheduled cargo services in the area. The carrier contends that with the decline in results at both present and proposed levels from the historical period, it is obvious, assuming no change in passenger fares, that the ROI for all services in the area will fall below the already substandard historical 3.89 percent ROI. Thus, Pan American maintains the additional $2.1 million in revenue expected from the instant agreements is necessary to maintain the viability of its South Pacific operations.

Finally, the carrier contends that certain aspects of the agreements, namely cancellation of a number of South Pacific specific commodity rates and substantial increases for the remaining, are in line with the Board's policy enunciated in its statement released prior to the Nice Conference. In the intra-Pacific agreement as it relates to American Samoa, Pan American contends that over 63 percent of its additional revenue will come from increases to specify commodity rate

[1] A prior agreement for an overall 5 percent fuel-related increase was disapproved by the Board by Order 74-12-23 (December 6, 1974). Subsequently, various foreign governments did approve the fuel increase, resulting in rates to the U.S. that were 5 percent higher than those from the U.S. The instant agreement in effect reintroduces this 5 percent increase from U.S. points.

[2] Based on IATA 021b exchange rates, U.K. pound = $2.6057.

[3] This 40.23 percent ROI is not consistent with data for the same historical period (Y.E. 3/31/75) filed by Pan American in support of an earlier passenger-fare agreement (C.A.B. 25112) where the ROI for South Pacific scheduled cargo operations was given as 65.61 percent. Without reaching the question of which figure is more accurate, it is clear that the carrier's historical earnings posture for cargo service within the area has been quite healthy.

traffic, an action which is consistent with the Board's Nice statement.[4]

Upon full consideration of the agreements, Pan American's economic justification and other relevant matters, the Board has determined to disapprove those portions of the South Pacific and Intra-Pacific agreements (insofar as the latter affects traffic to/from American Samoa) which provide for increases to cargo rates and charges. However, the Board will approve those portions of the agreements which do not include rate increases and pertain only to internal IATA procedures or specify various currency applications to account for disparities in exchange rates. We will also approve a separate mail vote agreement increasing the add-ons used to construct through specific commodity rates from Melbourne to various world areas over Sydney in response to increases in domestic Australian cargo rates.

The carrier forecasts returns of 21.76 percent and 30.58 percent at present and proposed levels for its scheduled cargo services in the South Pacific. Both rates are substantially above the Board's 12 percent guideline and, in any event, the carrier will be in an excess-earnings posture under the present rate structure and the structure submitted for our approval.

Pan American argues that approval of the agreements is warranted since the additional revenue from its cargo operations is necessary to enable the carrier to maintain the viability of its total South Pacific services. This argument runs counter to the Board's past policy regarding IATA rate or fare agreements which has been that each such agreement must be evaluated in terms of its impact on the type of operations to which it is addressed. This impact has been the primary determinant of whether any proposed agreement is justified or not. In close cases, the Board has reviewed the impact upon overall services within a given IATA ratemaking area. However, in this case, the question is not close—both forecasts of earnings under present and proposed rate levels clearly indicate an excess-earnings position. For this reason, we conclude that approval of the agreements insofar as they increase air freight rates and charges to/from U.S. points is not warranted.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25204:			
R-1	001e	Cargo Tie-In Resolution—South Pacific	3/1.
R-2	001o	Special Emergency Escape for JT3I (South Pacific) Agreement (Revalidating and Amending).	3/1.
R-3	002	Standard Revalidation Resolution—South Pacific	3/1.
R-4	014x	Special JT3I and JT123 Cargo Construction Rule (Revalidating and Amending).	3/1; 1/2/3 (South Pacific).
R-5	022c	JT3I (South Pacific) Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending).	3/1; 1/2/3.
R-6	022tt	JT3I (South Pacific) Special Rules for Sales of Cargo Air Transportation from TC3 to TC1 (NEW).	3/1.

Agreement CAB	IATA resolution
25404	300(Mail 456)590, JT-23(Mail 366)590, JT-31(Mail 291)590.

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25207, are adverse to the public interest or in violation of the Act insofar as they would affect air transportation to/from American Samoa provided approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25207:			
R-1	002	Standard Revalidation Resolution	3.
R-2	022a	TC3 Special Rule for Sales of Cargo Air Transportation (Revalidating and Amending).	3.
R-3	022uu	TC3 Special Rules for Sales of Cargo Air Transportation (New)	3.

3. It is found that the following resolutions, incorporated in Agreement C.A.B. 25204, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25204:			
R-7	501	Minimum Charges for Cargo—South Pacific (Revalidating and Amending).	3/1; 1/2/3.
R-8	536b	Charges for Bulk Unitization—South Pacific (Revalidating and Amending).	3/1.
R-9	566	JT3I General Cargo Rates—(South Pacific)	3/1.
R-10	590	Specific Commodity Rates Board (Revalidating and Amending)	3/1; 1/2/3 (South Pacific).

4. It is found that the following resolutions, incorporated in Agreement C.A.B. 25207, are adverse to the public interest and in violation of the Act insofar as they would affect air transportation to/from American Samoa:

Agreement CAB	IATA No.	Title	Application
25207:			
R-4	501	Minimum Charges for Cargo (Revalidating and Amending)	3.
R-5	553	TC3 General Cargo Rates	3.
R-6	590	Specific Commodity Rates Board (Revalidating and Amending)	3.

Accordingly, it is ordered that: 1. Those portions of Agreements C.A.B. 25204 and C.A.B. 25404 set forth in finding paragraph 1 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreement C.A.B. 25207 set forth in finding paragraph 2 above be and hereby are approved insofar as they would apply in air transportation to/from American Samoa subject, where applicable, to conditions previously imposed by the Board;

3. Those portions of Agreement C.A.B. 25204 set forth in finding paragraph 3 above be and hereby are disapproved; and

4. Those portions of Agreement C.A.B. 25207 set forth in finding paragraph 4 above be and hereby are disapproved insofar as they affect air transportation to/from American Samoa.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-31996 Filed 11-25-75;8:45 am]

[Order 75-11-75]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Increased Fuel Costs

Issued under delegated authority November 20, 1975.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to in-

[4] On September 9, 1975 the members of the Air Freight Forwarders Association (AFFA) filed general comments in opposition to both the North Atlantic and South Pacific rate agreements. The comments, *inter alia*, request the Board disapprove the South Pacific agreement to the extent that it is inconsistent with the Board's Nice policy statement.

creased fuel costs; Docket 26494, Agreement C.A.B. 25465, R-3, Agreement C.A.B. 25513, Agreement C.A.B. 25514, R-1 through R-3, Agreement C.A.B. 25516, Docket 27573, Agreement C.A.B. 25465, R-2, R-4, R-6, Agreement C.A.B. 25517.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted either by mail vote upon recommendation of the IATA Traffic Committee or at the Composite Passenger Traffic Conference at Cannes, have been assigned the above C.A.B. agreement numbers.

Insofar as air transportation to/from U.S. points is concerned, the agreements propose 3 percent fuel-related increases, effective December 1, 1975, in passenger fares and cargo rates over the South Pacific, fares and rates between Guam and American Samoa on the one hand and other points in the Pacific on the other hand, rates over the North/Central Pacific as well as fares between Guam and American Samoa on the one hand and points in Europe/Middle East/Africa on the other hand. In addition, the agreements propose, effective January 1, 1976, similar 3 percent increases in fares and rates between the United States and points in the Western Hemisphere (Mexico, the Caribbean and South/Central American.) The increases would remain in effect through March 31, 1976 with respect to passenger fares [1] and through September 30, 1976 with respect to cargo rates.

The purpose of this order is to establish procedural dates for the receipt of justification, comments and replies in support of or in opposition to the agreements as they affect fares and rates to/from U.S. points. All U.S. carrier members of IATA operating passenger and/or cargo services in the affected geographical areas are required to submit complete and detailed justification, separated by IATA market area and service (passenger or cargo) in support of the agreements. The data presented in the justification should include, but not be limited to, actual or contractual prices paid per gallon for fuel since September 1975 and financial forecasts, including traffic and capacity projections and estimated fuel consumption, with and without the proposed increases, for the year ending March 31, 1976 [2] in the case of scheduled passenger operations and year ending September 30, 1976 for scheduled cargo operations, and the revenue gain anticipated in each area from the instant agreements.

With regard to the increase proposed in North/Central Pacific cargo rates, we will also require similar data from Northwest Airlines, Inc. Although Northwest is not a party to the IATA agreements, it is a major participant in this market, and the Board's consideration of the proposed increase must include an evaluation of its impact on Northwest.

Accordingly, *It is ordered that:*

1. All United States air carrier members of the International Air Transport Association shall file within ten calendar days after the date of service of this order, full documentation and economic justification, as described above, in support of the subject agreements;

2. Northwest Airlines, Inc. shall file within ten calendar days after the date of service of this order, data similar to that required by the IATA carriers, as described above, with respect to the proposed increase in North/Central Pacific cargo rates.

3. Comments and/or objections from interested persons shall be submitted within twenty calendar days after the date of service of this order; and

4. Tariffs implementing the subject agreements shall not be filed in advance of Board action on the said agreements.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-31997 Filed 11-25-75;8:45 am]

[1] April 30, 1976 with respect to the Western Hemisphere passenger fare increases.

[2] Year ending April 30, 1976 in the case of the Western Hemisphere passenger fare increases.

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS CASH MARKET SUBCOMMITTEE

Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, section 10(a), that the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments ("Advisory Committee on Market Instruments"), Cash Market Subcommittee, will conduct a public meeting on December 11, 1975, at 1120 Connecticut Avenue NW., Washington, D.C., in Room 925, beginning at 10:00 a.m. The objectives and scope of activities of the Advisory Committee on Market Instruments will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate standards to be utilized by the Commission in regulating forms of transactions that are subject to the Commodity Exchange Act, as amended, including consideration of such matters as: (i) Appropriate standards to be utilized by the Commodity Futures Trading Commission regarding the definition of commodity futures contracts; and

(ii) Appropriate restrictions or prohibitions for options relating to commodity transactions and margin or leverage transactions subject to Section 217 of the CFTC Act.

(2) Responsibilities of the Commission over cash commodity markets. This will include consideration of such matters as: (i) Contracts for forward delivery; (ii) Cash market manipulations; and (iii) Data and reporting needs for cash markets.

The summarized agenda for the meeting is as follows:

What cash commodity markets should be focused on by the CFTC, including whether such markets should be restricted to those cash or spot markets which are operated by boards of trade which are designated by the CFTC as contract markets.

In the event the committee does not complete its consideration of the items on the agenda on December 11, 1975, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the committee should mail a copy of the statement to Margaret Harrison, The Advisory Committee on Market Instruments, Cash Market Subcommittee, Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform Margaret Harrison, telephone (202) 254-8955, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

Dated: November 21, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-31965 Filed 11-25-75;8:45 am]

DOMESTIC COUNCIL REVIEW GROUP

ROBINSON-PATMAN ACT

Hearings

Notice is hereby given that the Domestic Council Review Group On Regulatory Reform will hold public hearings on the Robinson-Patman Act, 15 U.S.C. §§ 13, 13a, 13b and 21a, on December 8, 9, and 10, 1975. The purpose of these hearings is to obtain the views of expert, industry, and consumer witnesses on the need for the Robinson-Patman Act or similar statutes dealing with price discrimination in sales among businesses, and whether the public interest would be served by the repeal, modification or

retention of the Act. The record of these proceedings will be used by the Domestic Council Review Group as part of the basis for any recommendations to the President with respect to the formulation of legislative proposals regarding the Robinson-Patman Act for transmittal to the Congress.

The dates and places of the hearings are:

Monday, Dec. 8, 1975.....	Conference room B, Departmental Auditorium, Constitution Ave. N.W., between 12th and 14th Sts., Washington, D.C.	10 a.m. to 5 p. m.
Tuesday, Dec. 9, 1975.....	Room 2008, New Executive Office Bldg., Pennsylvania Ave. and 17th St. NW., Washington, D.C.	10 a.m. to 5 p. m.
Wednesday, Dec. 10, 1975..	Conference room B, Departmental Auditorium, Constitution Ave. NW., between 12th and 14th Sts., Washington, D.C.	10 a.m. to conclusion.

For further information, contact Mr. Donald Flexner, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, 202/739-2950.

PAUL C. LEACH,
Associate Director
Domestic Council.

[FR Doc.75-31980 Filed 11-25-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 460-1]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Notice of Reference Method Designations

Notice is hereby given that the EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has designated two reference methods for the measurement of ambient concentrations of photochemical oxidants corrected for interferences due to nitrogen oxides and sulfur dioxide. These reference methods are automated methods (analyzers) which utilize the measurement principle (chemiluminescent reaction with ethylene) and calibration procedure (1% neutral buffered potassium iodide standardized with arsenious oxide) specified in Appendix D of 40 CFR Part 50, as amended on February 18, 1975 (40 FR 7042). The methods are:

(1) RFOA-1075-003, Meloy Model OA 325-2R Ozone Analyzer, with or without any of the following options:

Option 0-4, Output Booster Amplifier
Option 0-18, Rack Mount Conversion
Option 0-18A, Rack Mount Conversion

(2) RFOA-1075-004, Meloy Model OA 350-2R Ozone Analyzer, with or without any of the following options:

Option 0-2, Automatic Zero and Span
Option 0-3, Remote Control Zero and Span
Option 0-4, Output Booster Amplifier
Option 0-18, Rack Mount Conversion
Option 0-18A, Rack Mount Conversion

These methods are available from Meloy Laboratories, Inc., Instruments & Systems Division, 6715 Electronic Drive, Springfield, Virginia 22151.

A test analyzer representative of these methods has been tested by Meloy Laboratories, Inc., in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submited by Meloy Laboratories, the EPA has determined, in accordance with Part 53, that these methods should be designated as reference methods. The information submitted by Meloy Laboratories, Inc., will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As designated reference methods, either of these methods is acceptable for use by States and other control agencies for purposes of § 51.17a of 40 CFR Part 51—Requirements for Preparation, Adoption, and Submittal of Implementation Plans (36 FR 22398) as amended February 18, 1975 (40 FR 7042). For such use, the method must be used in strict accordance with the associated operation or instruction manual provided with the method. Modifications of a designated method used for purposes of § 51.17a are permitted only with prior approval of EPA, as provided in Part 53.

In general, each designation applies to any analyzer which is identical to the analyzer described in the designation. An owner of a Meloy chemiluminescence ozone analyzer bearing a model number similar to the one specified in the designation should consult the manufacturer to determine whether the designation applies to the analyzer in question. In many cases, similar analyzers manufactured prior to the designation may be upgraded to designated status at modest cost by minor modifications or by substitution of a new operation or instruction manual. Again, the manufacturer should be consulted to determine the feasibility of such upgrading.

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are: (1) a copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser, (2) the analyzer must generate no unreasonable hazard to operators or to the environment, and (3) the analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation or instruction manual. Certain additional conditions of designation were proposed on February 18, 1975 (40 FR 7064) and are expected to be promulgated shortly. Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring and Support Laboratory, Department E (MD-76), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of these reference methods will provide assistance to the States in establishing and operating their air quality surveillance systems under 40 CFR 51.17(a). Additional information concerning this action may be obtained by writing to the address given above.

WILSON K. TALLEY,
Assistant Administrator for
Research and Development.

NOVEMBER 18, 1975.

[FR Doc.75-31844 Filed 11-25-75;8:45 am]

[FRL 458-8]

AMERICAN CYANAMID CORP.

Certification Regarding Former Employee

The Environmental Protection Agency has entered into a contract with the American Cyanamid Corporation pursuant to which Mr. Richard Tabakin, a former EPA employee now employed with American Cyanamid, will advise the Agency on a solid waste disposal project. Mr. Tabakin worked on this project for EPA prior to his leaving the Agency. 18 U.S.C. § 207 generally disqualifies former government employees from representing non-government parties on certain government matters in which the person participated as a government employee. The statute provides, however, that it shall not preclude former employees with "outstanding scientific or technological qualifications" from participating on a matter if the head of the agency makes a certification that the actions of the employee would serve the national interest. Because of the importance of Mr. Tabakin's involvement and because of his outstanding scientific and technological qualifications with respect to this project, I certify that the national interest would be served by his participation on this project. This certification is issued pursuant to 18 U.S.C. § 207(b) to insure that there is no question regarding the applicability of this statute to Mr. Tabakin's actions.

JOHN QUARLES,
Acting Administrator.

NOVEMBER 20, 1975.

[FR Doc.75-31845 Filed 11-25-75;8:45 am]

[FRL 459-7; OPP-50049]

GREAT LAKE CHEMICAL CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Great Lake Chemical Corporation, West Lafayette, Indiana 47906. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA proce-

dures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 5785-EUP-3) allows the use of 20,000 pounds of the fumigant methyl bromide on tomatoes, strawberries, ornamentals, turf, forest nurseries, and chrysanthemum beds to control nematodoes, weeds, and weed seeds. A total of 70 acres is involved; the program is authorized only in the States of California, Florida, Georgia, and Michigan. The experimental use permit is effective from November 6, 1975, to November 6, 1976. Permanent tolerances have been established for residues of the active ingredient in or on tomatoes and strawberries.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: November 19, 1975.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.75-31841 Filed 11-25-75;8:45 am]

[FRL 460-6, OPP-42008]

IDAHO

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and 40 CFR Part 171 [39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Cecil D. Andrus, Governor of the State of Idaho, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis, pending enactment of proposed legislation and subsequent regulations. Notice is hereby given of the intention of the Regional Administrator, EPA Region X, to approve this plan on a contingency basis.

A summary of this plan follows. The entire plan, together with all attached appendices may be examined during normal business hours at the following locations:

Idaho Department of Agriculture, Division of Plant Industries, 4696 Overland Road, Boise, Idaho 83706.

Room 11C of the Park Place Building, 1200 Sixth Avenue, Seattle, Washington 98101, Pesticides Branch, Air & Hazardous Materials Division.

Room 401 East Tower, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs).

SUMMARY OF IDAHO STATE PLAN

The Idaho State Department of Agriculture has been designated as the State lead agency for the administration of the pesticide applicator certification program with the Division of Plant Industries responsible for the program's implementation. This includes coordinating a notification effort for prospective restricted use pesticide applicators, licensing of pesticide dealers, licensing of pest control consultants (pending enactment of proposed legislation) and the coordination of field, laboratory and office activities relating to pesticide regulation.

The cooperating agency is the University of Idaho Cooperative Extension Service. Personnel from this agency have overall responsibility for the statewide pesticide applicator certification training program, including preparing training materials and conducting the training courses.

Legal authority for the program is contained in the Idaho Pesticide Act and Regulation (proposed legislation and rulemaking), to be submitted November 1975 to the Idaho Legislature.

The plan indicates that the State lead agency and the cooperative agency have or will have sufficient qualified personnel and funds necessary to carry out the proposed program. The funding in support of this program for the fiscal year 1976 is $118,421.00, of which $101,361.00 is Federal funds.

The State estimates that 1,300 commercial applicators and 5,000 private applicators will need to be certified. Wallet size identification certificates containing all necessary information will be furnished to all applicators, and presented to dealers at the time of restricted use pesticide purchase.

The Director of the State lead agency will submit an annual report to EPA on or before November 1 of each year to cover the previous year's activities.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. No new categories are proposed. Several new subcategories are proposed for the following categories:

PLANT AGRICULTURAL PEST CONTROL

2. Herbicides.
1. Insecticides.
2. Herbicides.
3. Soil Fumigation.

ORNAMENTAL AND TURF PEST CONTROL

1. Insecticides.
2. Herbicides.

INDUSTRIAL, INSTITUTIONAL, STRUCTURAL AND HEALTH RELATED PEST CONTROL

1. PCO General.
2. PCO Structural.
3. Commodity Fumigation.

PUBLIC HEALTH PEST CONTROL

1. Rodents.
2. Mosquitoes.

The State of Idaho plans to certify commercial applicators by means of a written examination covering the Federal standards (40 CFR 171.4 (b) and (c) and 171.6). The University of Idaho (UI) Cooperative Extension Service will offer short courses at designated areas throughout the State. These training courses will cover the Federal standards, as well as information reflecting conditions found in Idaho. Examinations will be given at designated State offices and following the training courses.

The States of Oregon, Idaho and Washington have entered into agreement for reciprocal certification of commercial pesticide applicators. Persons who have been examined (starting in the fall of 1975) and who have received certification in one State may make application for certification to the other States without further examination. Information about the training courses and examination schedules may be obtained from the county agent (State Cooperative Extension Service) or by contacting the State Department of Agriculture, Division of Plant Industries, Boise, Idaho (telephone 208-384-3240).

Private applicators will be certified for the use of restricted use pesticides under one of the following procedures:

(1) Utilization of a correspondence course with questions based on information contained in the EPA core manual. To receive a license the applicant will be required to fill out the application, answer the questions and send this material to the Idaho Department of Agriculture, Plant Industries Division.

(2) Short courses will be conducted in four geographic districts, by that district's area entomologist. Both oral presentations and visual aids will be utilized. At the completion of the training, questions (oral and written) will be administered by the instructor. The applicant will answer these questions on his application form for certification. The questions will then be discussed and corrected. The application form will be sent to the main office of the Idaho Department of Agriculture whereby private applicator licenses will be issued to those individuals who participated in the short course.

If a person does not read well enough to participate in a short course, that person will be able to obtain certification by having a county agent or field inspector from the Idaho Department of Agriculture tutor and ask questions to insure that the applicant understands the label and labeling, and knows how to apply the pesticide safely and effectively. This applicant will be restricted to using only that pesticide for which he has demonstrated competency. If at a later date the use of an additional restricted use pesticide, this same procedure will be used.

This certification program will be made available on those Indian reservations choosing state certification rather than development of an independent program. Any agreements will be attached to this plan at the time of signing.

In order to insure that certified applicators adhere to the standards pertaining to restricted use pesticides, Idaho Department of Agriculture field inspectors will audit the pesticide application records of commercial applicators and spot check use sites of application to make certain restricted use pesticides are properly applied. Pesticide application equipment will also be inspected for proper maintenance.

At least every five years the pesticide exams will be reevaluated in view of technological changes; the exams will be revised as necessary. As new information becomes available all certified applicators will be required to periodically attend training meetings.

Commercial applicators will be relicensed annually while private applicators will be relicensed at the discretion of the Director.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Idaho to the Chief, Pesticide Branch, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. The comments must be received on or before December 26, 1975, and should bear the identifying notation (OPP-42008). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 to 3:30 Monday through Friday.

Dated: November 10, 1975.

CLIFFORD V. SMITH, Jr.,
Regional Administrator, U.S. Environmental Protection Agency, Region X.

[FR Doc.75-31838 Filed 11-25-75;8:45 am]

[FRL 460-7; OPP-42007]

MISSISSIPPI

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 (39 FR 36446 (October 9, 1974)) and 40 FR 11698 (March 12, 1975), the Honorable William L. Waller, Governor of the state of Mississippi, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being requested pending promulgation of regulations implementing the Mississippi Pesticide Application Act of 1975 (Chapter 318) effective on and after October 1, 1975; and the Mississippi Pesticide Law of 1975 (Chapter 319) effective on and after July 1, 1975. Copies of both new laws are attached to the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region IV, to improve this plan on a contingency basis.

A summary of this plan follows: The entire plan, together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

State Seed Testing Laboratory Building, Stone Boulevard, Mississippi State University, State College, MS 39762, (Division of Plant Industry, Mississippi Dept. of Agriculture & Commerce (601) 325-5713).

Room 110, 1421 Peachtree St. NE., Atlanta, GA 30309, (Pesticides Branch, Air & Hazardous Materials Division, EPA, Region IV (404) 526-3222).

Room 401, East Tower, Waterside Mall, 401 M Street SW., Washington, DC 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA (202) 755-4854).

SUMMARY OF MISSISSIPPI STATE PLAN

The Division of Plant Industry, Mississippi Department of Agriculture and Commerce has been designated as the state lead agency for the administration of the pesticide applicator certification program including enforcement activities. The Division of Plant Industry has an official Advisory Board created under the provisions of Section 69-25-3, Mississippi Code 1972. This Board meets quarterly and must approve all regulations administered by the Division. For several years a Pesticide Advisory Committee for the purpose of advising the Division of Plant Industry on matters pertaining to pesticides has been in existence. This committee will continue and its make-up is listed in the State Plan. The Mississippi Pesticide Application Act of 1975 provides for an advisory committee appointed by the Commissioner of Agriculture and Commerce. The purpose of this committee is to advise and assist the Commissioner in developing regulations and plans for implementing the provisions of the Pesticide Application Act of 1975 and a pesticide regulatory program to meet the requirements of FIFRA. The make-up of this committee is listed in the State Plan.

Cooperating agencies include the State Cooperative Extension Service, Agricultural Aviation Board of Mississippi, and the Mississippi State Chemical Laboratory. The Mississippi Cooperative Extension Service will be responsible for conducting a comprehensive training program for commercial and private applicators. Aerial applicators will be certified by the Agricultural Aviation Board of Mississippi. The Director of the Division of Plant Industry serves as a member of the Agricultural Aviation Board and is Executive Secretary for the Board. Agricultural Aviation Board and Division of Plant Industry personnel will carry out certification of aerial applicators and enforcement activities throughout the state. The personnel of both agencies are directly under the Director of the Division of Plant Industry. The Mississippi State Chemical Laboratory will perform chemical and microbiological analytical services to support enforcement activities.

Legal authority for Mississippi's certification program is contained in the following laws:

1. Regulation of Professional Services Mississippi Code 1972, Title 69, Chapter 19, Sections 69-19-1 through 69-19-11.

2. Regulation of Crop Spraying by Aircraft Mississippi Code 1972, Title 69, Chapter 21, Article 1, Sections 69-21-1 through 69-21-27.

3. Agricultural Aviation Licensing Law of 1966 Mississippi Code 1972, Title 69, Chapter 21, Article 3, Sections 69-21-101 through 69-21-123.

4. Mississippi Pesticide Application Act of 1975 House Bill 262, Laws of Mississippi 1975, Chapter 318 (effective October 1, 1975).

5. Mississippi Pesticide Law of 1975—House Bill 277, Laws of Mississippi 1975 (effective July 1, 1975).

Copies of the above laws are attached to the plan. Regardless of which law an applicator is certified under, he will be subject to the same standards, testing, record keeping provisions, criminal prohibitions and other requirements which federal regulations require.

The plan indicates that the state lead agency and cooperating agencies have sufficient qualified personnel and funds necessary to carry out the proposed programs. The funing in support of this program for the fiscal year 1976 is $665,347.

The State estimates that 2,839 commercial applicators and 94,147 private applicators will need to be certified. All certified applicators will be furnished certificates containing all necessary information, to present to the dealer at the time of restricted use pesticide purchase. In the case of commercial applicators, the applicator's picture will be included on a wallet sized certification card.

Section 27-101-1, Mississippi Code 1972 requires the Division of Plant Industry to submit a detailed annual report of all activities to the Mississippi Legislature. This report covers the fiscal period beginning July 1 and ending June 30 of the following year. A copy of the report pertaining to applicator certification will be submitted to EPA each year when completed. Other reports requested by the Administrator will be provided on a timely basis.

Mississippi intends to adopt all ten (10) categories of commercial applicators as listed in 40 CFR 171.3. Mississippi also desires to utilize sub-categories as follows:

(1) Agricultural Pest Control.
(a) Plant.
(i) Orchard Pest Control.
(ii) Agricultural Weed Control.
(iii) Pecan Orchard Pest Control.
(2) Forest Pest Control.
(a) Weed control.
(3) Ornamental and Turf Pest Control.
(a) Ornamental plants, shade trees, and lawns.
(b) Ornamental and turf weed control.
(4) Seed Treatment—no sub-categories requested.
(5) Aquatic Pest Control.
(a) Aquatic weed control.
(6) Right-of-Way Pest Control.
(a) Weed control.
(7) Industrial, Institutional, Structural and Health Related Pest Control.
(a) Control of termites and other structural pests.
(b) Control of pests in homes, businesses and industries.
(c) Industrial weed control.
(8) Public Health Pest Control—no subcategories requested.
(9) Regulatory Pest Control—no sub-categories requested.
(10) Demonstration and Research Pest Control.
(a) Public demonstration.
(b) Field research.

In addition to the above ten (10) categories one new category (Aerial Applica-

tion) with sub-categories is proposed. This category has been proposed because of the significance to the environment and public safety of a pesticide accident involving aerial application of pesticides. Aerial applicators constitute a large number of the commercial applicators and apply a large percentage of pesticides in Mississippi. A breakdown of sub-categories requested under Category 11, Aerial Application, is as follows:

(11) Aerial Application. (a) Application of hormone-type herbicides for:
(i) Weed control on rice.
(ii) Weed control on soybeans.
(iii) Weed and brush control on rights-of-way, forest lands and drainage ditches.
(iv) Weed and brush control on pasture and rangeland, small grains and other farm crops except rice.
(v) General application of hormone-type herbicides.
(b) Application of pesticides other than hormone-type herbicides.

The large number of sub-categories requested in the above eleven (11) categories is largely due to Mississippi Laws and Regulations in effect prior to 1975, especially as concerns herbicide use and/or weed control. For this reason the sub-categories are requested to enable the enforcement of these pre-1975 Regulations and Laws in a manner consistent with the Mississippi Pesticide Application Act of 1975 and the FIFRA.

The Mississippi State Plan establishes a classification of certification known as "non-fee" applicable to sub-categories under Categories 3, 5, 6, 7, and 8. These persons (including officials or employees of Federal, State or local government) shall be certified to use, or supervise the use of, restricted use pesticides. They shall be certified as competent but not licensed—that is, they shall not apply pesticides for a fee. In addition to employees of public entities, these persons include employees of private businesses or individuals who apply restricted use pesticides only on their own property or the property of their employer. This classification was set up for the purpose of removing fee and financial liability requirements.

In order to become certified, commercial applicators must pass a written examination covering the standards of competency for the appropriate category(s), as well as the general standards applicable to all categories (40 CFR 171.4(b) and 171.6). The examinations will be administered by lead agency personnel in each of four Extension Service districts. Eight hour training sessions using the EPA Commercial Core Manual, Category Manuals, and slides developed by the Extension Service will be presented by a team of Extension Service Specialists in each district, followed by the examinations. Alternatively, a commercial applicator may take the examinations without the training. In this regard, self study packets are available in each County Agent's office where they may be acquired for study prior to taking the examinations without training.

Those persons presently holding a Mississippi license for a specific category, which was obtained by passing a written examination under present Mississippi law(s), will be considered fully certified after passing the examination covering the general standards as set forth in EPA Standards (40 CFR 171.4(b) and 171.6).

Private applicators will be certified by one of five (5) options:

(1) Training followed by an examination, questionnaire, or workbook. The training session will be six (6) hours using a movie, four slide sets with cassette tapes, private applicator core manual and other material developed by the Extension Service.

(2) Examination without training. Self-instructional materials will be available in all County Agent's offices. Examinations will be administered in the County Agent's office or any other appropriate location in the county.

(3) Programmed instruction. With this approach the applicator has two (2) options:

(a) Complete at home without assistance (must sign an affidavit stating that no assistance was received).

(b) Complete at home or other designated location with assistance. The person providing the assistance must sign an affidavit signifying his participation.

The programmed instruction method of certification will be more comprehensive than the other options.

(4) Non-reader certification. Following participation in a training course as in option Number 1 above, a non-reader will be administered an oral examination by representatives of the lead agency, Extension Service or other appointee of the lead agency. An oral examination will be administered for specific pesticides for which certification is desired. Therefore, the applicator will be authorized to purchase and use only the pesticide(s) for which he demonstrated competency.

(5) Single purchase certification (emergency use procedure). Three options are available:

(a) A modification of the programmed instruction method.

(b) Study of an information leaflet or packet concerning the pesticide he has need of. Answering of questions from information in the packet would be required.

(c) In the event an appropriate leaflet or packet is not available, verbal instruction regarding the pesticide needed could be obtained from the Extension Service or lead agency. In this case the applicator would sign an affidavit signifying his competency.

Option 5 is for one season/one pesticide certification only. Following seasons' use would require certification under one of the previous four (4) options.

Copies of examinations are attached to the State Plan, as provided for by 40 CFR 171.7(e)(1)(i)(D) and (ii)(C). However, in view of the need to preserve the confidentiality of the examinations, the state of Mississippi has requested that the examinations not be made available for public inspection. The Agency agrees with this position, and has removed the examinations from the public inspection copies of the plan.

The Mississippi State Plan indicates that within sixty (60) days of the approval of the Government Agency Plan by EPA, Mississippi will submit a statement in accordance with 40 CFR 171.7 (e)(4)(i).

The lead agency is presently working with the Indian Governing Body in Mississippi and as soon as a cooperative agreement is made with same, a copy of the agreement will be submitted.

Mississippi will consider reciprocity and if agreements can be worked out with other States, copies of such agreements will be furnished to EPA.

Other regulatory activities listed in the State Plan which will supplement the Mississippi certification program are state registration, inspection, and sampling of pesticide products. Also, all dealers handling restricted use pesticides will be trained, tested, and licensed and records will be subject to inspection by the lead agency.

Applicator certification for commercial and private applicators will be maintained by training programs. Requirements for attendance at training programs will be established by regulations. The regulations will require applicators to attend training programs or demonstrate by examination they are up to date with changing technology before certification will be renewed. The time for certification renewal has not definitely been decided upon but it is anticipated that it will be every three (3) or five (5) years. In the case of applicators who receive a fee for their services renewal will be annually.

Enforcement of the Mississippi certification program will be carried out by District Entomologists of the Division of Plant Industry. Regulations pertaining to enforcement activities are presently being drafted and will be submitted as available.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the state of Mississippi to the Chief, Pesticides Branch, Region IV, Environmental Protection Agency, Room 110, 1421 Peachtree Street NE., Atlanta, Georgia 30309. The comments must be received on or before December 26, 1975 and should bear the identifying notation (OPP-42007). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m., Monday through Friday.

Dated: November 5, 1975.

JOHN A. LITTLE,
Deputy Regional Administrator,
Region IV.

[FR Doc.75-31839 Filed 11-25-75;8:45 am]

[FRL 461-1]

NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9:00 a.m. on December 17 and 18, 1975, at

the Sheraton-Crabtree Inn, Governors Room, 4501 Creedmore Road (off of U.S. 70 West), Raleigh, North Carolina 27609, telephone (919) 787-7111.

The purpose of the meeting will be to discuss New Source Performance Standards to be proposed under Section 111 of the Clean Air Act for mercury missions from chlor-alkali plants and particulate emissions from electric arc furnaces in gray iron foundries.

The meeting will be open to the public. Anyone wishing to attend or submit a paper should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number and area code are (919) 688-8146, extension 271.

Dated: November 20, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-31847 Filed 11-25-75;8:45 am]

[FRL 459-6; OPP-50047]

ROHM & HAAS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Rohm & Haas Company, Philadelphia, Pennsylvania 19105. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 707-EUP-78) allows the use of 52 pounds of the herbicide 4-butyl-4H-1,2,4-triazole on wheat for the control of wheat leaf rust. A total of 125 acres is involved; the program is authorized only in the States of Georgia, Indiana, Kansas, Minnesota, Nebraska, North Carolina, Oklahoma, South Dakota, Texas, and Washington. The experimental use permit is effective from October 29, 1975, to October 29, 1976. All wheat treated under this permit will be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: November 19, 1975.

DOUGLAS D. CAMPT,
Acting Director Registration Division.

[FR Doc.75-31842 Filed 11-25-75;8:45 am]

[FRL 460-2]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 9:00 a.m., December 12, 1975 in Room 1101, Waterside Mall West Tower, 401 M Street SW., Washington, D.C.

This is a regularly scheduled meeting of the Committee. The agenda includes consideration of a report of an ad hoc panel to review SEAS (Strategic Environmental Assessment System); consideration of a report concerned with a proposed critique by the SAB of the quality of Agency scientific programs; discussion of scientific issues related to pesticides; consideration of the review of an EPA scientific paper on nitrosamines; review of the activities of member committees of the Science Advisory Board; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, present a paper, or obtain additional information should contact Dr. Thomas D. Bath, Executive Secretary, Science Advisory Board Executive Committee (202) 755-0263.

THOMAS D. BATH,
Staff Director, Science Advisory Board.

NOVEMBER 19, 1975.

[FR Doc.75-31846 Filed 11-25-75;8:45 am]

[FRL 460-8; OPP-42009]

WASHINGTON

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and 40 CFR Part 171 [39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Daniel J. Evans, Governor of the State of Washington, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis, pending promulgation of implementing regulations. Notice is hereby given of the intention of the Regional Administrator, EPA Region X, to approve this plan on a contingency basis.

A summary of this plan follows. The entire plan, together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

Washington State Department of Agriculture, 406 General Administration Building, Olympia, Washington 98504.

Room 11C of the Park Place Building, 1200 Sixth Avenue, Pesticides Branch, Air & Hazardous Materials Division, Seattle, Washington 98101.

Room 401, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs).

SUMMARY OF WASHINGTON STATE PLAN

The Washington State Department of Agriculture has been designated as the State lead agency for the administration of the pesticide applicator certification program, with the Pesticide Branch of the Grain & Chemical Division responsible for the program's implementation. This includes coordinating a notification effort for prospective restricted use pesticide applicators, licensing of pesticide dealers and pest control consultants, enforcement activities, and the coordination of field, laboratory, and office activities relating to pesticide regulation.

The cooperating agency is the Washington State University Cooperative Extension Service. Personnel from this agency have overall responsibility for the statewide pesticide applicator certification training program, including preparing training materials and conducting the training courses.

Legal authority for the program is contained in the Washington Pesticide Control Act (RCW 15.58), Washington Pesticide Application Act (RCW 17.21) and Washington Regulations (Order 1296, 1346, 1231, 1314) and proposed regulations thereto.

The plan indicates that the State lead agency and the cooperative agency have or will have sufficient qualified personnel and funds necessary to carry out the proposed programs. The funding in support of this program for the Fiscal Year 1976 is $366,131.

The State estimates that 3,500 commercial applicators and between 10,000 and 15,000 private applicators will need to be certified. Wallet size identification certificates containing all necessary information will be furnished to all applicators, and presented to dealers at the time of restricted use pesticide purchase.

The State lead agency will submit an annual report to EPA on or before March 1 of each year to cover the previous year's activities.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. No new categories are proposed. Several new subcategories are proposed for the following categories:

(1) Agricultural Pest Control:
(a) Agricultural Insecticide, Fungicide.
(b) Agricultural Herbicide.
(c) Soil Fumigation.
(3) Ornamental and Turf Pest Control:
(a) Insecticide and Fungicide.
(b) Herbicide.
(7) Industrial, Institutional, Structural and Health Related Pest Control:
(a) PCO General.
(b) PCO Structural Destroying Pests.

The State of Washington plans to certify commercial applicators by means of a written examination covering the Federal standards (40 CFR 171.4(b) and (c) and 171.6). The Washington State University (WSU) Cooperative Extension Service will offer short courses at designated areas throughout the State.

These training courses will cover the Federal standards, as well as information reflecting conditions found in Washington. Examinations will be given at designated State offices and following the training courses.

The States of Oregon, Idaho and Washington have entered into agreement for reciprocal certification of commercial pesticide applicators. Persons who have been examined (starting in the fall of 1975) and who have received certification in one state may make application for certification in the other states without further examination. Information about the training courses and examination schedules may be obtained from the county agent (State Cooperative Extension Service) or by contacting the State Department of Agriculture, Pesticide Branch, in Olympia (tel. 206/753-5064) or Yakima (tel. 509/575-2746).

Private applicators will be certified for the use of restricted use pesticides under one of the following procedures: (1) For comprehensive certification the applicant must pass a written examination which will be based on information prepared by WSU and from EPA core manuals. The examination will be given at the end of short courses offered by WSU Extension Service. The examination will also be available in the pesticide branch offices for those who wish to take it following a self-study program. An alternate method of this certification option will be successful completion of an EPA programmed instruction course. (2) Interim certification will be available for two years only and will be issued on a seasonal basis for specific crops and/or pesticides. This certification will be obtained by applying for a temporary permit and answering a questionnaire relating to the labeling of the restricted use pesticide to be purchased. Licensed dealers will administer the issuance of the permit and review, with the applicant, the answers to the questionnaire. The permit with questions will also be available through the pesticide branch at designated locations. (3) After 1978, the interim certification as described in (2) will be made available on the following conditions: (a) A permit can be issued by designated, licensed dealers upon the Washington State Director of Agriculture declaring an emergency situation. (b) A permit can be issued by the pesticide branch at designated locations for new growers and for growers who could not anticipate the need for a restricted use pesticide. Both of these would be limited to one season. Programmed instructions and information pertaining to the comprehensive examinations would be provided to the grower at the time of issuance of the interim certification so that comprehensive certification could be pursued.

Oral examinations may be made available on a product-by-product basis by the pesticide branch for private applicators with reading problems.

Training and examinations for the private applicator will cover the Federal standards as listed in 40 CFR 171.5 and 171.6 as well as information reflecting conditions found in Washington. Washington State Pesticide Laws provide for the Director of Agriculture to require new examinations for certified applicators when new knowledge exists. The Director also may accept other methods of updating certified applicators due to changing technology, such as attendance at specified short courses.

Private and commercial applicator certification programs will be made available on those Indian reservations choosing state certification rather than development of an independent program. Any agreements will be attached to this plan at the time of signing.

Enforcement of the Washington certification program will include routinely contacting certified applicators to determine that they are complying with all legal responsibilities in the pesticide area. This will include obtaining samples of both the pesticide registrant's formulations and tank samples of the pesticides being applied to determine that they are being used in accordance with directions. Alleged misuses will be investigated to determine if legal action should be taken.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Washington to the Chief, Pesticides Branch, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101. The comments must be received on or before December 26, 1975, and should bear the identifying notation [OPP-42009]. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 to 3:30 Monday through Friday.

Dated: November 13, 1975.

CLIFFORD V. SMITH, Jr.,
Regional Administrator, U.S. Environmental Protection Agency, Region X.

[FR Doc.75-31840 Filed 11-25-75;8:45 am]

[FRL 459-8 OPP-50050]

VELSICOL CHEMICAL CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Velsicol Chemical Corporation, Chicago, Illinois 60611. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimenta use permit (No. 876-EUP-27) allows the use of 182 pounds of the insecticide 1-methylethyl (E)-3 [[(ethylamino)methoxyphosphinothioyl] oxy]-2-butenoate, by professional applicators only, on cockroaches in and around homes, apartment houses, stores, or warehouses. The program is authorized only in the States of Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsyvania, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from January 17, 1976, to January 17, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: November 19, 1975.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.75-31843 Filed 11-25-75;8:45 am]

[FRL 461-2; OPP-50048]

MERCK & CO., INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Merck & Co., Inc., Rahway, New Jersey 07065. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 618-EUP-7) allows the use of 80 pounds of the fungicide thiabendazole on 5,500 tons of sugar beets, applied post-harvest, for evaluation of the reduction in fungal storage diseases. The program is authorized only in the States of North Dakota and Washington. The experimental use permit is effective from October 31, 1975, to October 31, 1976. A temporary tolerance has been established for residues of the active ingredient in or on sugar beets; in addition, a food additive regulation permitting the use of this fungicide on sugar beets with a tolerance limitation in sugar beet molasses and dry sugar beet pulp has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes.

These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated November 20, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.75-32015 Filed 11-25-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20271]

GENERAL WORLD ADMINISTRATIVE RADIO CONFERENCE OF THE INTERNATIONAL TELECOMMUNICATIONS UNION

Order Extending Time

In the matter of an inquiry relative to preparation for a General World Administrative Radio Conference of the International Telecommunications Union to consider revision of the International Radio Regulations.

A request for extension of time within which to file original comments and a *Motion for Extension of Time* [40 FR 44606] to file Reply comments have been filed in this proceeding by COMSAT General (COMSAT) and American Telephone and Telegraph Company (AT&T) respectively. COMSAT requests an extension to November 19, 1975 for the filing of Original comments while AT&T has requested that the filing date for Reply comments be extended to December 19, 1975.

COMSAT has stated that their request was necessitated by the urgent press of other regulatory matters. This is insufficient justification for the grant of additional time and the COMSAT request is therefore denied.

AT&T, in a timely fashion, has noted that considerable study and analysis of Original comments will be required in order to file responsive and meaningful Reply comments. With this we agree and it is ordered that the time for filing Reply comments is extended from November 28, 1975 to December 19, 1975. This action is taken pursuant to § 0.251 (b) of the Commission's Rules.

Adopted: November 19, 1975.

Released: November 19, 1975.

[SEAL] ROSCOE E. LONG,
Associate General Counsel.

[FR Doc.75-31913 Filed 11-25-75;8:45 am]

[Docket No. 20668; File No. 8161-C2-P-73, etc.; FCC 75-1253]

ANSWERING EXCHANGE, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of applications of Answering Exchange, Inc., Cincinnati, Ohio (Docket No. 20668; File No. 8161-C2-P-73); Cincinnati Radio Telephone Systems, Inc., Afton, Ohio (Docket No. 20669; File No. 20035-C2-P-74); Telpage Corporation, Laurel, Ohio (Docket No. 20670; File No. 20031-C2-P-74).

1. Before us for consideration are the above captioned applications for facilities in the Domestic Public Land Mobile Radio Service. The applications of Telpage Corporation (Telpage) and Answering Exchange, Inc. are for new facilities to operate on a frequency of 152.09 MHz for the provision of two way radio service primarily and, secondarily for paging service. The application of Cincinnati Radio Telephone Systems, Inc. (CRT) is also for frequency 152.09 MHz, to operate with its presently authorized station, KQK710. CRT too would use the 152.09 MHz frequency for two-way service primarily and paging service secondarily.

2. Each applicant appears to be legally, technically and financially and otherwise qualified to construct and operate the proposed facilities. However, since each applicant proposes to use the same frequency in the same general area, their applications are electrically mutually exclusive. Therefore, the applications must be designated for a comparative hearing to determine which is best qualified to operate the proposed facilities in the public interest. *Ashbacker Radio Corp.* v. *F.C.C.*, 326 U.S. 327 (1945).

3. A portion of the proposed service area of all three applicants is subject to at least slight co-channel interference from station KQC576, Dayton, Ohio. All applicants are willing to accept such interference, calling it minimal, but none has indicated that the potential subscribers to the proposed service are aware of the problem. We think that all potential subscribers, relied on by applicants to support a need for their proposed service, should be made aware of the interference problem and its service affecting potential before the number of such indications of interest in the new service could be afforded any comparative weight. Applicants should address our concern in this regard in the evidence adduced under issue 2, infra.

4. In view of the foregoing, *It is ordered*, That pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended, (47 U.S.C. 309 (d) and (e)), that the capitioned applications of Cincinnati Radio Telephone Systems, Inc., Telpage Corporation, and Answering Exchange, Inc., are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine on a comparative basis the nature and extent of the services proposed by each applicant.[1]

2. To determine the total area and population to be served by the applicants within the 37 dbu contour of their proposed stations based upon the standards set forth in § 21.504 of the Rules, and to determine on a comparative basis the need for the proposed service in that area.

[1] For the scope of this issue, see *Vegas Instant Page*, 50 F.C.C. 21 1161 (1975). The general comparative issue also includes significant differences with respect to local management. *RAM Broadcasting of Florida*, 50 F.C.C. 2d 1136.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned applications would best serve the public interest, convenience and necessity.

5. *It is further ordered*, That the hearing shall be held at a place and time to be specified and before a judge to be designated in a subsequent order.

6. *It is further ordered*, That the Chief, Common Carrier Bureau is made a party to the proceeding.

7. *It is further ordered*, That applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) within (20) days of the release date thereof, a written notice stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted: November 12, 1975.

Released: November 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-31915 Filed 11-25-75;8:45 am]

GEORGE E. CAMERON JR. COMMUNICATIONS, ET AL.

[Docket No. 20629; File No. BR-2724, etc.; FCC 75-1259]

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of applications of George E. Cameron Jr. Communications (Docket No. 20629; File No. BR-2724), for renewal of license of Station KROQ, Burbank, California; Burbank Broadcasting Co. (Docket No. 20630; File No. BRH-1413) for renewal of license of Station KROQ (FM) Pasadena, California; San Marco Broadcasting Company (Docket No. 20631; File No. BPH-9253) for construction permit for new FM Broadcast Station, Pasadena, California.

1. The Commission has before it for consideration the above-captioned applications for renewal of license filed August 13, 1974 by George E. Cameron Jr. Communications (GECC) for Station KROQ, Burbank, California, and Burbank Broadcasting Co. (BBC) for Station KROQ(FM), Pasadena, California, along with a mutually exclusive application for a new FM station to operate on Channel 294 in Pasadena, California, filed by San Marco Broadcast-

[1] On January 30, 1975 San Marco filed a "Request for Expedited Designation for Hearing." Therein it asserts several issues for the Commission to consider in reviewing the KROQ-FM renewal application. San Marco believes that issues should be designated on ascertainment, programming, an unauthorized transfer of conttrol, financial qualifications, and §§ 1.613 and 1.615 of our Rules.

ing Company (San Marco) on November 20, 1975.[1] [2]

BURBANK BROADCASTING COMPANY

2. Burbank Broadcasting Company, a partnership, acquired the capital stock of the George E. Cameron Jr. Communications (GECC), licensee of then Station KBBQ, Burbank, California, by Commission consent to transfer granted July 12, 1972, and the call letters were subsequently changed to KROQ. As of that acquisition, the partners in BBC were: E. H. Bookasta, Dr. Manuael de J. Castillo, Anthony Coldewey, Kathleen Coldewey, Michael Colicigno, Chester Dowling, Robert L. Goe, Sr., Jack P. Gonsalves, Joe A. Gonsalves, Ken Griffin, Edith S. C. Mitchell, Peter Prestininzi, Neil Visser, and Sam Visser. On April 30, 1973, BBC filed an application for the assignment of license of Stations KPPC and KPPC(FM), Pasadena. The application was granted on October 30, 1973, and the FM station's call letters were changed to KROQ(FM).[3] On July 30, 1974, BBC notified the Commission that, as of 4 P.M. July 29, 1974, KROQ and KROQ(FM) were off the air because of what was termed a labor dispute. Both facilities remain off the air and the last granted authority to remain silent expired September 30, 1975.

A. KROQ AND KROQ (FM) RENEWAL APPLICATIONS

3. Information before the Commission indicates that there have been significant disagreements between the partners of BBC which, in turn, raise questions as to the validity of both the KROQ and KROQ(FM) renewal applications.

4. The KROQ renewal application was signed by Robert Goe, Sr. as Vice President and Director of GECC. However, according to the ownership report submitted by Kathleen Coldewey on behalf of GECC on October 18, 1973, Mr. Goe was no longer an officer or director of the licensee corporation. While Mr. Goe did not challenge the accuracy of that ownership report, it appears that on December 20, 1973, he and Peter Prestininzi filed suit in the Superior Court of the State of California for the County of Los Angeles. That suit alleged, *inter alia*, that as of October 11, 1973 Mssrs. Goe and Prestininzi had been excluded from partnership affairs. Further, in a statement submitted on December 6, 1974, Mrs. Coldewey alleges that in October of 1973 Mr. Goe agreed to relinquish all interest in GECC and BBC. The KROQ(FM) application was signed by Michael Colicigno as a general partner of BBC. However, Mrs. Coldewey's statement contends that Mr. Colicigno also gave up all interest in BBC in October of 1973. Mrs. Coldewey further asserts that "valid" renewal applications were prepared by BBC but were intercepted and changed before submission to the Commission.

5. By letter dated January 13, 1975, Mr. Goe submitted the minutes of an alleged general partnership meeting of June 20, 1974. Those minutes reflect that Mssrs. Goe, Prestininzi and Colicigno were the only "partners" in attendance, and, after a review of the status of the remaining partners, it was determined that Mrs. Coldewey and Chester Dowling would continue to be partners, but the remaining persons—representing 60.5% of the original partnership—"had by abandonment, renunciation, or withdrawal indicated formally that they were not to be regarded as General Partners."

6. Pursuant to § 1.513 of the Commission's rules, applications must be signed by a partner if the applicant is a partnership or by an officer if the applicant is a corporation. GECC is a corporation owned by a partnership, but the conflicting statements of partners in BBC raise a question as to whether Mr. Goe was an officer of GECC at the time he signed and submitted KROQ's renewal application. Similarly, conflicting statements of Mr. Colicigno and Mrs. Coldewey raise a question as to whether Mr. Colicigno was in fact a partner in BBC when he signed and submitted the KROQ(FM) renewal application in that capacity. Under the circumstances, there is a substantial question as to the validity of the KROQ and KROQ(FM) renewal applications. These questions must be answered before any determination can be made on any other aspects of these applications. The hearing designated herein will therefore establish whether the KROQ and KROQ(FM) applications are validly filed before it considers any other aspects of the applications.

B. OWNERSHIP AND MANAGEMENT

7. Any transfer of control of a licensee requires prior Commission approval under section 310(d) of the Communications Act of 1934, as amended. Pursuant to § 1.615 of the Commission's rules, any change in the ownership or management of a licensee must be reported to the Commission on an Ownership Report (FCC Form 323) within thirty days of the occurrence, and a complete Ownership Report, reflecting all owners, officers and directors, must be submitted with each application for renewal of a broadcast license. Moreover, § 1.613 of our Rules requires the filing of certain contracts, instruments and documents relating to the ownership and/or control of the licensee with the Commission within 30 days of their execution.

8. The previously noted disagreements between the partners of BBC also relate to the ownership interests of individuals in the partnership licensee of KROQ (FM) and consequentially in GECC, licensee of KROQ. Until the filing of the currently pending KROQ and KROQ (FM) renewal applications, the Commission's records reflected that BBC was a thirteen-way partnership.[4] However, the Ownership Reports dated July 19, 1974, and submitted with those applications listed only five partners, Messrs. Goe, Prestininzi, Colicigno, and Dowling and Mrs. Coldewey. On January 13, 1975, Mr. Goe reported that at a meeting on June 20, 1974, the other eight partners—representing over 60% of the ownership interests in BBC—were found to have abandoned their interests. The Ownership Reports submitted with the KROQ and KROQ(FM) renewal applications and Mr. Goe's statement of January 13, 1975, therefore indicate that a transfer of control of the licensee partnership and consequently the licensee corporation took place without prior Commission consent in violation of Section 310(d) of the Communications Act.

9. It further appears that the licensee has failed to make timely reports to the Commission of matters affecting ownership interests and management of BBC and GECC. For example:

(a) Anthony Coldewey's ownership interest in BBC was transferred to his ex-wife as part of a property settlement pursuant to their divorce which was finalized by Court Order of April 17, 1973, but BBC did not inform the Commission of this change of ownership until July 26, 1973, and the requisite Ownership Report was not filed until August 21, 1973, more than four months late;

(b) A law suit instituted on December 20, 1973 by Messrs. Goe and Prestininzi requested, *in er alia*, the dissolution of the BBC partnership, which would affect the ownership of BBC and GECC, but that suit was not reported to the Commission until January 13, 1975.

(c) Counsel for Kenneth Roberts—a creditor of BBC and a member of GECC's Board of Directors as reported on an Ownership Report of October 18, 1973—informed the Commission that Mr. Roberts served as President of the licensee corporation from June 14, 1974, to July 24, 1974, but the licensee has never informed the Commission of that matter. However, the KROQ renewal application—dated subsequent to Mr. Roberts' resignation—indicates that all notices and communications should be directed to "Ken Roberts—General Manager."

10. As noted, these failures are indicative of and a result of the various disagreements among the partners of BBC. As a result, the Commission's staff has been unable to deal with either BBC or GECC as entities for the past fourteen months. The Commission's files indicate that the telephones at the licensee headquarters have been disconnected and that the mailing address of those headquarters is no longer valid. Staff dealings with the licensee have therefore taken place with individual partners, who at times contradicted each other. For that reason, the Broadcast Bureau's letter of April 4, 1975, granting continued authority for

[1] Edward R. Stolz, II, filed an "Opposition to Request for Silent Authority" February 3, 1975, and a "Request for Waiver of § 1.516 (e) (1) and Acceptance of Conflicting Application" on September 18, 1975. Both pleadings contain allegations of facts that have not been refuted by the licensees and are included in our discussion herein.

[2] Upon the grant of the KPPC and KPPC (FM) assignment applications, Station KPPC was sold to KPPC, Inc.

[4] BBC originally consisted of the fourteen partners listed in paragraph 2, *supra*, but Anthony Coldewey's interest passed to Kathleen Coldewey in April, 1973. See paragraph 9, *infra*.

KROQ-AM and FM to remain silent and notifying the licensees of certain deficiencies in the renewal application was sent to each partner, individually.

C. LOCAL PUBLIC FILE AND PUBLIC NOTICE OF FILING RENEWAL APPLICATIONS

11. The Commission's inability to deal with the licensee corporation and partnership as entities raises questions as to whether the public has been able to deal with the licensees as required by the Commission's rules. For example, the Commission's ownership files indicate that the telephones at the licensee's offices have been disconnected. Our files further indicate that Commission correspondence has been returned as undeliverable at the licensee's address. Moreover, Edward R. Stolz, II—filing a "Request for Waiver" of the Commission's rules for acceptance of an application for the facilities of KROQ—alleges that BBC has not maintained public inspection files as required by § 1.526 of our rules. The licensee has given the Commission no indication that it is in compliance with that rule, and under the circumstances, a substantial and material question of fact has been raised as to BBC's adherence to the provisions of § 1.526 of the Commission's rules.

12. Significantly, neither the KROQ nor KROQ(FM) applications—nor any of the licensees' subsequent filings—have indicated compliance with pre-filing publication requirements of § 1.580(d) of the rules. Moreover, because the two stations have been off the air since July 29, 1974—before their 1974 renewal applications were filed—they could not have complied with the provisions of § 1.580 (d)(2) of our rules by broadcasting post-filing announcements. While the Commission issued a public notice of the acceptance for filing of the instant renewal applications, and the applications have been on file since August 1974, we are not certain—under these circumstances—that the public has had sufficient notification of BBC's and GECC's renewal activities. Accordingly, we will require the licensees to provide such notice. Since the stations are still silent, neither facility can be viewed as an "operating broadcast station" and thus the provisions of § 1.580(c)—pertaining to newspaper publication—shall be followed. In this regard, we note that the publication procedures of § 1.580(c) and § 1.594—which requires publication by renewal applicants designated for hearing—are nearly identical. Thus, the licensees will be allowed to make just one publication series to satisfy the requirements of both sections. This would necessarily preclude any waiver of the § 1.594 publication requirements. Such notices shall contain language encompassing the provisions of §§ 1.580(d)(2) and 1.594(e)(1). From the date of the release of the Commission's order setting forth the time and place for the hearing, 30 days shall be allowed not only for the public to give evidence concerning the issues raised herein, but also to file comments and petitions pertaining to the renewal applications.

D. FINANCIAL QUALIFICATIONS

13. The Commission is unable to determine that the licensees of Stations KROQ and KROQ(FM) are financially qualified to operate the facilities in the public interest. Both renewal applications do not contain the requisite balance sheet. Without that information, it is impossible to determine whether the licensees are financially qualified to operate the stations. Moreover, KROQ's Annual Financial Reports for 1972 and 1973 (Form 324) indicate significant operating losses. Our records indicate that KROQ did not file Financial Reports for 1974 and 1975 and no financial report was ever filed for KROQ-FM. Pursuant to § 1.539(b) of our rules, the Commission cannot grant the KROQ and KROQ(FM) renewal applications until the delinquent reports are filed. Appropriate issues regarding the licensees' financial qualifications and financial reports will be designated.

14. Our review of the licensees' financial condition leads us to consideration of the financial information filed by BBC in its application for the assignment of license of KROQ(FM). The assignment application indicates that the partnership would finance the purchase and operation of the station with a $500,000 loan from Ken Roberts, a $608,000 purchase-lease-back arrangement for the station's equipment, and BBC's assets.* That application contained BBC's "Statement of Financial Condition" as of April 2, 1973, reflecting total assets in excess of total liabilities by $2 million, and a projected balance sheet for the partnership reflecting assets in excess of liabilities by approximately $3.3 million. Moreover, a revised projected balance sheet filed July 5, 1973 showed BBC's assets in excess of liabilities of approximately $3.7 million.

15. The KROQ(FM) assignment application was granted on October 30, 1973, and, pursuant to § 1.65 of the Commission's rules, the financial information in that application should have then been current. However, in a December 13, 1973 telegram, Alan Davis, the Assistant Executive Secretary of the American Federation of Radio and Television Artists (AFTRA), Hollywood, California, informed the Commission that payroll checks issued to various employees of the stations had been returned by the bank, and that the licensees were in default of contractual obligations to make payments to AFTRA's pension and welfare funds. By correspondence received April 26, 1974 the District Director of the Internal Revenue Service informed the Commission that the IRS had filed tax liens against the licensees for nearly $325,000. According to the records attached thereto, the liens were recorded as follows: $47,688.40 on November 26, 1973; $261,131.28 on December 6, 1973; and $15,766.37 on March 22, 1974. Moreover, in his February 3, 1975 "Opposition to Request for Silence Authority", Edward R. Stolz, II, alleged that the broadcasting equipment of KROQ(FM) had been seized by the Los Angeles Superior Court in execution of a judgment, and that the studios utilized by the FM facility were taken back by the lessor. The broadcasting equipment of KROQ was reportedly sold at auction January 13, 1975 in execution of another judgment, and the owner of the Burbank studios and offices re-entered the premises on January 20, 1975. San Marco, the competing applicant herein, alleges that some 26 lawsuits had been filed against the stations as of January 1975. San Marco's list contains actions filed in 1973 prior to and shortly after our grant of the KROQ(FM) assignment application, and many of the suits alleged failure to pay for personal services, fees, leases, secured transactions and open accounts. Notably, our records indicate the $27,152 grant fee levied by the Commission pursuant to the KROQ(FM) assignment was due 45 days from the date of assignment, but has yet to have been paid.

16. It therefore appears that in and around the time BBC was representing to the Commission that its financial condition was properly reflected on balance sheets showing an excess of assets over liabilities of $2 million, other events indicated that the partnership was in financial trouble. Further, within two months of the grant of that assignment application, on the basis of the financial information contained therein, the licensee was bouncing payroll checks, had defaulted on contractual payments, suffered tax liens of over $300,000, and failed to pay the requisite grant fee. A question is therefore presented as to whether the financial information supplied in the application for assignment of license of KROQ(FM) was accurate and maintained in an up-to-date fashion pursuant to § 1.65 of our rules. Accordingly, an appropriate issue will be specified.

E. TECHNICAL QUALIFICATIONS

17. In submitting their respective applications, neither BBC nor GECC supplied the requisite technical data. Furthere, previously noted allegations indicate that neither facility has either studio or transmitting equipment, and Mr. Stolz asserts "that the transmitting towers and tuning equipment of the KROQ directional antenna array located atop the Verdugo Hills, Glendale, California, had, at some time between July

* In the application for the transfer of control of GECC—licensee of KROQ—BBC agreed to supply the licensee corporation with up to $2.5 million for purchases and operational expenses. The partners obtained $670,000 from a purchase-lease-back arrangement with Chandler Leasing Division, Pepsico Leasing Corporation, and also represented the availability of $226,424 in shareholder's capital contributions. Further, the transfer application indicated that BBC's principals would make up any differences between the first year's operational costs and the proceeds of the leasing arrangement. Chandler filed suit November 27, 1973 alleging failure to make lease payments. Judgment was obtained and the broadcast equipment apparently has been sold at auction. The Bank of America initiated action February 14, 1974 on a $1.7 million dollar note involved in the KROQ purchase.

29, 1974 and January 13, 1975, had been critically damaged by vandals." Accordingly, the Commission is unable to make the necessary finding that the licensees are technically qualified to receive a renewal of license and appropriate issues will be designated.

F. ASCERTAINMENT

KROQ

18. Our review of the KROQ 1974 renewal application reveals that GECC has not provided an ascertainment that fully comports with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants* (*Primer*), 27 FCC 2d 650 (1971). Despite its many pages, the licensee's community narrative fails to present those factors that make Burbank distinctive. It appears that the licensee merely copied a study on the city of Burbank which discusses in minute detail: the conservation of the Verdugo mountains, an analysis of future housing planning—which does include population and ethnic statistics; a discussion of the seismic conditions of the region; a proposal for area redevelopment; and a master safety plan proposal. However, there was no discussion of local government, religious, labor, agricultural, political, social, professional, eleemosynary, or educational elements. The purpose in requiring such a showing is to assist the licensee as well as the Commission in determining what groups make up the community.

19. Notably, out of the 84 leaders contacted, only eight (9.5%) can be identified readily with the community of license—Burbank. The majority of the leaders appear to be associated with either the city of Los Angeles or Los Angeles County. It is understandable that a station located in a community within the sprawling, densely-populated, Los Angeles-Long Beach Standard Metropolitan Statistical Area (SMSA) would serve other communities. Thus, in and of itself, the inclusion of leaders from the county or Los Angeles does not serve to invalidate the survey. However, with only less than 10% of the leaders addressing Burbank's specific problems, it is doubtful that the licensee could have adequately ascertained its community of license. "Since an applicant's primary obligation is to his city of license, his obligation to other areas is, of course, secondary." *Primer*. Also, the applicant has failed to describe the methods it used to survey the general public and so we are uncertain that Burbank residents were adequately surveyed.

20. Moreover, we find that the list of ascertained needs for Burbank is practically a verbatim copy of those submitted by KROQ(FM) for Pasadena.[6] While it is true that the two communities are "neighbors" within the same SMSA, we find that the obvious distinctions of two communities with substantially different minority concentrations give rise to another question on the adequacy of the ascertainment.[7] We are unable to determine that GECC has adequately ascertained the problems, interests and needs of Burbank.

KROQ(FM)

21. Similarly, BBC's ascertainment for KROQ(FM) does not follow the *Primer's* guidelines. The applicant's compositional study gives no minority or ethnic data on Pasadena or the surrounding area. Although the licensee states that it placed "emphasis on the Pasadena community and those areas served best by the respective signals" in conducting its survey, notably, other than a YMCA official, a project manager of the Jet Propulsion Laboratory, and three leaders from the California Institute of Technology, we were unable to discern any additional Pasadena leaders among the 67 persons surveyed. Also, BBC does not relate the method used in ascertaining the needs of the Pasadena general public other than declaring that "interviews of the general public were conducted in the Pasadena area." As noted earlier, the list of ascertained needs is suspect because of the nearly word-for-word similarity between the needs reported for Pasadena and Burbank.

22. Because their proposed program service is allegedly designed to respond to needs ascertained in a survey which we find insufficient, the Commission cannot conclude that the proposed programming of KROQ and KROQ(FM) are adequately responsive to the problems, needs and interests of the people of the stations' respective service areas. The issues specified herein will therefore inquire into the licensees' ascertainment of community problems and their proposed program responses thereto.

23. In a related area, San Marco alleges that KROQ(FM) proposes a general rock music entertainment format, while the competing applicant proposes a specialized religious-inspirational format. San Marco therefore requests a comparative issue to explore the relative benefits of the divergent entertainment formats to the people within the service area of the FM station. In our view, such exploration is justified, and it will be permitted under the standard comparative issue specified below.

G. SILENCE AUTHORITY

24. As noted above, KROQ and KROQ-FM have been silent since July 29, 1974, pursuant to authority granted by the Commission. In granting such continued authority on April 4, 1975, we notified BBC and each of its partners that no further extension of silence authority would be granted unless the licensees took positive steps toward resumption of broadcasting. On April 30, 1975, the licensee submitted an executed agreement between the partners in BBC and Ken Roberts, by which Mr. Roberts would put the stations back on the air on behalf of the licensee. By letter of June 27, 1975, the Commission advised Roberts and the partners that several provisions of the agreement would not be acceptable in that, *inter alia*, they allowed for a premature assumption of the licenses control by Mr. Roberts. However, we noted that the agreement indicated a step in resolving the stations' problems and therefore another grant of silence authority was warranted. Presently, authority to remain silent expired September 30, 1975, and BBC has requested an extension to October 31, 1975, contending that it will resume operation by that date.

25. We will herein grant the requests for continued authority to remain silent for KROQ and KROQ(FM) until the adoption of this Order and for the duration of this proceeding. In so doing, we specifically note that the matters discussed above relating to the licensee's technical qualifications cannot be resolved in the renewal applicants' favor unless the stations are back in operation.

THE COMPETING APPLICANTS

A. SECTION 1.516(e)(1) OF THE COMMISSION'S RULES

26. Section 1.516(e)(1) of our rules provides that applications mutually exclusive with an application for renewal of license of an existing facility shall be filed no later than the end of the first day of the last full calendar month of the expiring license term. However, if the renewal application is late-filed, the cut-off date for acceptance of a mutually exclusive application is 90 days after the Commission issues its public notice of acceptance for filing of the late-filed renewal application. Broadcast licenses in California expired December 1, 1974, and renewal applications were due to be filed by August 1, 1974. The KROQ and KROQ (FM) renewal applications were late-filed on August 13, 1974, and, pursuant to the Commission's public notice accepting those applications for filing, November 20, 1974, was established as the cut-off date for competing applications. Only one mutually exclusive application was received by that date; that filed by San Marco Broadcasting for the facilities of KROQ(FM).

B. ROYCE INTERNATIONAL BROADCASTING COMPANY

27. Then, on June 13, 1975, Royce International Broadcasting Company filed applications for the facilities of both KROQ and KROQ(FM). The applications were returned by staff action because they were considered to be untimely filed and were not accompanied by the requisite filing fee. On September 18, 1975, Royce refiled its application for the AM facility only along with a "Request for Waiver of § 1.516(e)(1) and Acceptance of Conflicting Application." That resubmission was returned for fail-

[6] The only disinctions amount to an apparent typing error which caused two lines to be left out of the Pasadena list, a specific need mentioning several problems of "Burbank" in the KROQ list and another listing several problems of "Pasadena" in the KROQ (FM) ascertainment.

[7] According to the 1970 U.S. Census of Population, Pasadena has a total population of 113,327 and Burbank has 88,871. While Pasadena has a Spanish population of 12,291 and Burbank's Spanish concentration totals 9,393, Pasadena has a Black population of 18,256—Burbank has only 60 Blacks.

ure to submit the requisite filing fee.[8] Subsequently, on October 20, 1975, Royce resubmitted its application for the AM facility with the requisite filing fee. We will therefore consider the applicant's request for waiver of § 1.516(e)(1).

28. Royce argues that good cause exists for the waiver where the unavailability of a public file "imposed undue hardship, necessitated several cross-country trips to the Commission's Washington offices to locate such information, and ultimately delayed 'timely' filing of the completed competing application." The applicant further asserts that previously discussed actions and inactions of GECC—including questions of ownership of the licensee, omitted technical information—raise questions as to GECC's intent to prosecute its application. Royce concludes that, particularly where the station has been silent for some time, the public interest would therefore be served by acceptance of its competing application which provides a real prospect for resumption of broadcast service on the facility.

29. We have previously stated that "the orderly and timely processing of such renewal applications requires that there be a date certain, prior to the expiration of the current license term, by which the Commission and the license renewal applicant may be informed concerning the filing of mutually exclusive applications." *Broadcast License Renewal Applications*, 16 FCC 2d 858 (1969). By the same token, a renewal applicant has certain obligations to make information available to the public concerning such procedural dates as well as its operation during the renewal period. In *Prairie Broadcasting Co.*, 47 FCC 2d 373 (1974), we denied a request for waiver of § 1.516(e)(1), stating that "the cut-off dates prescribed by the rule will be observed in all cases except where there are unusual and compelling circumstances."

30. We believe that Royce has established the requisite unusual and compelling circumstances justifying waiver of the rule. Unlike the *Prairie* case, *supra*, KROQ has been off the air since prior to the filing of its renewal application. Further, as our discussion above indicates, the Commission has serious questions which touch on the licensee's intention to prosecute its application. Moreover, here the new applicant has alleged facts which establish a causal relationship between the renewal applicant's failings, particularly its apparent failure to maintain a local public file, and the delay in filing the application. Under the circumstances presented herein, GECC cannot legitimately claim the protection of the cut-off rule, and Royce has established that a waiver of § 1.516(e)(1) will serve the public interest.

31. The Royce application is therefore being reviewed by the Commission's staff to determine whether it is otherwise acceptable for filing. If it is, it will be processed as expeditiously as possible and designated for hearing in a proceeding to be consolidated with the hearings specified herein.

32. In this regard, we note the Commission's staff has received informal inquiries from various parties concerning the possibility of filing applications which would be mutually exclusive with the KROQ and KROQ (FM) renewal applications. Those parties were informed that the cut-off for such applications pursuant to § 1.516(e)(1) had passed. Moreover, on August 8, 1975, Joseph Baker and William Smith d/b/a Baker-Smith Communications Company tendered an application for a new AM station mutually exclusive with KROQ. That application was returned as untimely filed. Our waiver of § 1.516(e)(1) does not extend to all late-comers who may wish to file for the facilities. However, additional requests for waiver will be considered, and, if the applicant can make—as Royce has done—a persuasive showing that the public interest would be served thereby, waiver will be granted.[9]

C. SAN MARCO BROADCASTING COMPANY

33. San Marco Broadcasting Company, a California corporation, is the applicant for a construction permit for a new FM broadcast station—on the frequency licensed to BBC—in Pasadena, California. Section 1.516(e)(1) of our Rules permits such a mutually exclusive application to be filed against an existing license. The San Marco application was filed November 20, 1974, in compliance cense. The San Marco application was with that rule. Our review of the San Marco application indicates that the applicant is financially, technically, and otherwise qualified to construct, own and operate the proposed FM broadcast facility. However, the applications of San Marco and BBC are mutualy exclusive in that operation by San Marco would result in mutually destructive interference with KROQ(FM). Therefore, a hearing is necessitated so that the Commission may determine which of the proposals would better serve the public interest, convenience and necessity. In reaching that conclusion, we will consider applicable issues raised above, as well as any additional issues raised by the parties.

34. Accordingly, *it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues.

(1) With respect to the applications for renewal of licenses filed by George E. Cameron Jr. Communications for Station KROQ, Burbank, California and Burbank Broadcasting Company for Station KROQ-FM, Pasadena, California:

(a) To determine whether those applications were validly filed in accordance with the rules and regulations of the Federal Communications Commission and are therefore entitled to consideration by the Commission;

(b) To determine whether the licenses for Stations KROQ and KROQ-FM were transfered, assigned, or disposed of, by transfer of control of Burbank Broadcasting Company without a finding by the Commission that such transfer would serve the public interest, convenience and necessity pursuant to section 310(d) of the Communications Act of 1934, as amended;

(c) To determine whether the licensees filed timely and accurate Ownership Reports (FC Form 323) pursuant to § 1.615 of the Commission's rules, and whether the licensees made timely and accurate filings of contracts and other information pursuant to § 1.613 of the rules;

(d) To determine whether the renewal applicants have maintained a local file for public inspection pursuant to § 1.526 of the rules;

(e) To determine whether the renewal applicants are financially able to operate Stations KROQ and KROQ(FM) in the public interest;

(f) To determine whether (i) Burbank Broadcasting Company made false or misleading statements regarding its financial condition in its application for assignment of license of KROQ(FM), or (ii) failed to maintain that information in an up-to-date fashion pursuant to § 1.65 of the rules;

(g) To determine whether the licensees are technically qualified to operate Stations KROQ and KROQ(FM);

(h) To determine the efforts made by the renewal applicants to ascertain the community problems and needs of the areas served by their respective stations and the means by which the applicants propose to meet those problems and needs; and

(i) To determine, in light of the evidence adduced pursuant to the above issues, whether George E. Cameron, Jr. Communications Corporation and Burbank Broadcasting Company are qualified to remain as licensees of this Commission.

(2) To determine, in the event Issue 1 is resolved in favor of the renewal applicants, what effect the evidence adduced pursuant to Sub-Issues (b), (c), (d), and (f) shall have on Burbank Broadcasting Company's comparative qualifications to remain the licensee of Station KROQ(FM).

(3) With regard to the mutually exclusive applications for the facilities of KROQ(FM) filed by Burbank Broadcasting Company and San Marco Broadcasting Company, to determine which of the proposals would, on a comparative basis, best serve the public interest, convenience and necessity.

(4) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of these applications should be granted.

[8] The application was accompanied by a check "to be cashed upon acceptance of the attached standard broadcast application," but such a conditioned payment was determined to be unacceptable.

[9] Under the circumstances presented herein, the Commission does not believe that any period for filing further requests for waiver and associated applications greater than 30 days from the date of release of this Order would be in the public interest.

35. *It is also ordered*, That the burden of proceeding with the introduction of evidence under Issue 1 shall be upon the Commission's Broadcast Bureau with regard to Sub-Issues (a), (b), (c), (d), and (f); upon the renewal applicant with regard to the remaining Sub-Issues; and the renewal applicants have the burden of persuasion under Issue 1.

36. *It is further ordered*, That the request for an extension of authority to remain silent filed on behalf of KROQ and KROQ(FM) is hereby granted for the duration of this proceeding, subject to the limitation noted in paragraph 25, *supra*.

37. *It is ordered*, That, to avail themselves of the opportunity to be heard, George E. Cameron Jr. Communications, Burbank Broadcasting Company, and San Marco Broadcasting Company, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date affixed for the hearing and present evidence on the issues specified in this Order.

38. *It is further ordered*, That George E. Cameron Jr. Communications and Burbank Broadcasting Company shall, pursuant to section 311(a) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

39. *It is further ordered*, That George E. Cameron Jr. Communications and Burbank Broadcasting Company, pursuant to § 1.580(c) of the Commission's Rules, give notice of the filing of the 1974 renewal applications in the manner discussed in paragraph 12, *supra*.

Adopted: November 12, 1975.

Released: November 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-31917 Filed 11-25-75;8:45 am]

[Docket No. 20274; FCC 75-1252]

INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Third Notice of Inquiry

In the matter of Intergovernmental Maritime Consultative Organization: preparation of recommended operational standards applicable to equipment mandatorily fitted aboard vessels subject to the Safety of Life at Sea Convention [40 FR 26581].

1. The Commission is issuing this Notice as a means to inform the public and to obtain comments of interested persons in regard to action by the Intergovernmental Maritime Consultative Organization (IMCO), through its Maritime Safety Committee (MSC) and Subcommittee on Radiocommunications, to develop operational standards applicable to radio equipment mandatorily fitted aboard vessels subject to the Safety of Life at Sea (SOLAS) Convention.

2. The Subcommittee on Radiocommunications established a Working Group on Operational Standards which holds its meetings concurrently with scheduled meetings of the subcommittee. The working group is charged with the responsibility of preparing operational standards applicable to radio equipment mandatorily fitted aboard vessels subject to the Safety of Life at Sea Convention. These operational standards, when adopted by the Subcommittee on Radiocommunications and approved by the Maritime Safety Committee, will take the form of recommendations associated with the SOLAS Convention.

3. The Subcommittee on Radiocommunications at its Fifteenth Session, September 15–19, 1975, established the following priority for the operational standards to be prepared by the working group:

a. Radiotelephone watch receiver, 2182 kHz;

b. Radiotelephone auto alarms, 2182 kHz;

c. Sources of energy;

d. Portable radio apparatus for survival craft, including self-supporting antenna;

e. VHF radiotelephone equipment.

Draft texts have been prepared on radiotelephone watch receivers, radiotelephone auto alarms and sources of energy for radiotelegraph equipped ships.

4. The appendix to the Second Notice of Inquiry contained a draft operational standard which included both the watch receiver and the auto alarm (COM XIV/WP.5). Pursuant to the instructions of the Subcommittee on Radiocommunications this standard was further refined and separate operational standards were prepared for the radiotelephone watch receiver and auto alarm by the working group. The "Provisional Operational Standards for Radiotelephone Watch Receivers," COM XV/WP.4, and the "Draft Provisional Operational Standards for Radiotelephone Auto Alarms," COM/WP.12, are attached to this Notice as Appendices I and II, respectively. The working group also prepared at the Fifteenth Session a first draft of "Provisional Operational Standards on Power Sources," COM XV/WP.15, for radiotelegraph equipped ships which is included as Appendix III to this Notice.

5. Attention is directed to paragraph 5.1 of COM XV/WP.4, Appendix I, and paragraph 4.2 of COM XV/WP.12, Appendix II, concerning the response of radiotelephone watch receivers and auto alarms to various signals (e.g., distress, navigation, emergency position indicating radio beacons, defined in International Radio Regulations). Square brackets are used to indicate that certain administrations represented at the Fifteenth Session of the Radiocommunications Subcommittee Meeting could not agree on the proposed text of these paragraphs without further consideration of the matter. Provided that agreement can be reached on the text of these paragraphs, the Subcommittee on Radio Communications will approve these operational standards at the next meeting to be held in May or June of 1976.

6. In order that Administrations be provided with an opportunity to contribute to the formulation of the "Provisional Standard for Sources of Electrical Energy," (COM XV/WP.15), the working group agreed to publish the first draft of this document in semi-outline form. The Subcommittee on Radiocommunications approved the preliminary document and endorsed the request of the working group that member governments provide comments pertinent to the development of this standard prior to the convening of the next meeting.

7. Some comments received on this docket have requested that an approach which is more quantitative in nature be used to define the equipment and in certain cases recommended values for parameters were provided by respondents. Obviously such information is useful to the Commission when considering equipment technical standards. However, such parameter values will not be directly incorporated by IMCO in operational standards. The working group, pursuant to its terms of reference, has attempted to define operational standards based on qualitative characteristics of mandatorily fitted radio equipment to reflect the intent of the 1960 SOLAS Convention as amended. Quantitative values have been incorporated in these operational standards only when such values have been specifically set out in the Convention. The Commission's purpose in discussing this matter is, not to discourage the submission of such information, but to clarify for respondents to this Docket the nature of the standards which the working group is preparing. It is the intent of the Subcommittee that this approach provide the requisite degree of guidance for member governments to permit the preparation of technical standards (having specified parameters) to govern mandatorily fitted equipments where such are deemed necessary.

8. The provisional standards for radiotelephone watch receivers, radiotelephone auto alarms and power sources are attached hereto as Appendices I, II and III, respectively. These standards were prepared by the working group at their September 1975, meeting in London. Interested parties are requested to provide comments on any one or all of the attached standards. Comments received in this regard will be used to aid the members of the United States Delegation to prepare for the Radiocommunciations Subcommittee meeting scheduled for May or June 1976, in London, England. The Commission is represented on the Delegation and in the Working Group on Operational Standards.

9. In view of the foregoing, a Notice of Inquiry is hereby adopted. Authority for this action is contained in sections 4(i), 303 and 403 of the Communications Act of 1934, as amended.

10. Interested persons may file comments on or before January 26, 1976, and reply comments on or before February 6, 1976. Comments and reply comments shall be filed pursuant to Section 1.419 (b) which requires, among other things, an original and 11 copies of all filings. All relevant and timely comments and reply comments filed in this Docket will be considered by the Commission before further action is taken. The Commission may also take into account other pertinent information before it in addition to specific comments elicited by the Notice in this proceeding.

11. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: November 12, 1975.

Released: November 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX I

PROVISIONAL OPERATIONAL STANDARDS FOR RADIOTELEPHONE WATCH RECEIVERS

SEPTEMBER 17, 1975.

1. *Introduction:* The Radiotelephone Watch Receiver as referred to in Regulations 7, 9 and 15 of Chapter IV of the 1960 Safety Convention, as amended, should comply with these operational standards. Before a new type of radiotelephone watch receiver is approved, the Administration concerned should be satisfied with its operation by practical tests, made under conditions equivalent to those obtained in practice.

2. *General:* The equipment comprises the following:

(a) A receiver;

(b) A loudspeaker;

(c) A filtering unit and/or a muting device to silence the loudspeaker in the absence of the signals as stated in paragraph 5.1;

(d) Additionally, a facility may be provided to disable automatically the filtering unit and/or the muting device for the duration of the radiotelephone silence periods.

3. *Receiver:* 3.1 *Frequencies and classes of emission.* The receiver should be fixed in tune on the frequency 2182 kHz and be capable of receiving signals of classes of emission A2, A2H, A3 and A3H.[1]

3.2 *Selectivity and audio frequency pass band.* The selectivity and the audio pass band of the receiver should be such that the intelligibility of speech and the signals stated in paragraph 5.1 are satisfactory.

3.3 *Sensitivity.* For classes of emission A3 and A3H, the sensitivity of the receiver should be equal to or better than 30 microvolts for a signal-to-noise ratio of 20dB at the audio output terminals.

3.4 *Audio output.* The audio power output should be sufficient to be heard in the ambient noise level normally to be expected on the bridge of the vessel on which the equipment is installed.

3.5 *Volume control.* The receiver should be provided with a manual volume control by which the audio output may be varied between the maximum level and a low but audible level. It must be possible, with a control not accessible to the user, to adjust the low output level.

3.6 *Automatic gain control.* The receiver should be provided with automatic gain control.

4. *Filtering unit:* 4.1 The filtering unit should select the frequencies 1300 Hz and 2200 Hz. These frequencies are subject to a tolerance of ± 1.5 percent. As far as possible, frequencies outside the above limits should be suppressed.

4.2 It should be possible manually to switch the filtering unit in and out of circuit.

5. *Muting device:* 5.1 If the equipment is provided with a muting device it should respond, by opening to the full audio pass band condition, to the following signals:

(a) The radiotelephone alarm signal as defined in Radio Regulation No. 1465;

(b) The signal preceding a vital navigational warning as defined in Radio Regulations No. 1476AA, AB and AC;

(c) EPIRB signals as defined in Radio Regulation No. 1476B provided that the signal consists of marks and spaces each having a duration of one second ± [* * *] ms.[2]

5.2 The muting device should respond to the signals mentioned in paragraph 5.1 as follows: (a) for input levels producing a signal-to-noise ratio equal to or greater than 10 dB at the receiver audio output within a period sufficiently long to avoid unwanted responses, but not longer than 6 seconds;

(b) With intermittent interference caused by atmospherics and powerful unwanted signals, without manual adjustments being required.

5.3 The muting device should not, as far as practicable, be actuated by atmospherics or by strong signals other than those described in paragraph 5.1.

5.4 It should be possible manually to switch the equipment to the full audio pass band condition.

5.5 After the mute has lifted it should only by possible to reset the equipment manually to the mute condition.

5.6 Facilities should be provided to enable routine testing of the muting device without causing signals to be radiated.

6. *Controls and indicators:* All controls should be of such size as to permit normal adjustment to be easily performed. The function and the setting of the controls should be clearly indicated.

Only those controls as listed below should be provided on the exterior of the equipment:

On/off switch with a visual indication that the equipment is switched on;

Volume control to adjust the AF power output;

Control for dimming any light on the equipment;

Filtering unit control where paragraph 4.2 is applicable;

Muting device controls where paragraphs 5.4 and 5.5 are applicable;

Control where paragraph 11.5 is applicable.

7. *Permissible warming-up period:* The equipment should be operational within one minute of switching on.

8. *Safety precautions:* 8.1 The equipment should be so designed and constructed that it is protected against damage from radio frequency energy normally encountered on board the ship. The equipment should operate normally without further attention when the signal is removed.

8.2 Provision should be made for protecting the receiver and muting its output when the ship's own transmitter is radiating on 2182 kHz.

8.3 The receiver should have means of protection against damage due to static voltages which may appear at its input.

8.4 Means should be provided for earthing the case of the equipment but this should not cause any terminal of the source of electrical energy to be earthed.

8.5 As far as practicable, accidental access to dangerous voltages within the equipment should be prevented and an appropriate warning notice be affixed.

9. *Durability and resistance to effects of climate:* The equipment should continue to operate in accordance with the operational standards contained in this recommendation under the conditions of sea state, vibration, humidity and change of temperature likely to be experienced in a ship.

10. *Power supply*[3]*:* 10.1 The equipment should continue to operate in accordance with the operational standards contained in this recommendation in the presence of variations of the power supply normally to be expected in a ship.

10.2 Provision should be made for protecting the equipment from the effects of excessive voltages, transients and reversal of the power supply polarity.

11. *Miscellaneous:* 11.1 The equipment should be so designed as to limit mutual interference with other electronic equipment, such that satisfactory operation is ensured.

11.2 The equipment should be provided with an external indication of manufacture, type and/or number.

11.3 Information should be provided to enable competent members of the ship's staff to operate and maintain the equipment efficiently.

11.4 The internal parts of the equipment should be easily accessible for inspection and maintenance purposes.

11.5 When paragraph 2(d) is applicable, the equipment should automatically switch to the full audio pass band condition for the duration of the radiotelephone silence periods by connection to a clock or by other approved means. This provision should be capable of being taken out of operation at any time.

APPENDIX II

DRAFT PROVISIONAL OPERATIONAL STANDARDS FOR RADIOTELEPHONE AUTO ALARMS

Submitted by the Working Group

SEPTEMBER 18, 1975.

1. *Introduction:* The radiotelephone auto alarm as referred to in Regulations 7 and 15 bis (1) of Chapter IV of the 1960 Safety Convention, as amended, should comply with these operational standards. Before a new type of radiotelephone auto alarm is approved, the Administration concerned should be satisfied with its operation by practical tests made under conditions equivalent to those obtained in practice.

2. *General:* The equipment comprises the following:

(a) A receiver;

(b) Additionally the equipment may be provided with an internal loudspeaker or connections for an external loudspeaker;

(c) An audible alarm device;

(d) A decoding device to actuate the audible alarm on receipt of the signal(s) given in paragraph 4.2;

[1] The World Maritime Administrative Radio Conference, Geneva 1974, instructed CCIR to study the use of classes of emission A3A and A3J for distress and safety purposes. This study should be completed in time for a decision by the next competent World Administrative Radio Conference on the date for the final conversion to classes of emission A3A and A3J on the carrier frequency 2182 kHz. Subsequent further consideration of the use of these classes of emission may therefore be required.

[2] Time tolerances for the signal are under consideration. Information on this subject is requested from Member Governments.

[3] Operational standards for sources of energy are under consideration.

(e) Additionally a facility may be provided automatically to connect a loudspeaker to the output of the receiver for the duration of the radiotelephone silence periods.

3. *Receiver:* 3.1 *Frequencies and classes of emission.* The receiver should be fixed in tune on the frequency 2182 kHz and be capable of receiving signals on classes of emission A2, A2H, A3 and A3H [4].

3.2 *Selectivity.* The selectivity of the equipment should be such as to prevent the unwanted actuation of the alarm by signals other than those stated in paragraph 4.2.

3.3 *Audio frequency pass band.* Where paragraphs 2 (b) and (e) are applicable the audio frequency pass band of the equipment should be such that the intelligibility of speech and signals stated in paragraph 4.2 is satisfactory.

3.4 *Sensitivity.* For classes of emission A3 and A3H, the sensitivity of the equipment should be as follows:

(a) For automatic actuation of the alarm equal to or better than 10 microvolts;

(b) For loudspeaker reception, equal to or better than 30 microvolts for a signal to noise ratio of 20 dB at the audio output terminals.

3.5 *Audio output.* Where paragraphs 2 (b) and (e) are applicable, the audio power output should be sufficient to be heard in the ambient noise level normally to be expected in the place on the vessel in which the loudspeaker is installed.

3.6 *Volume control.* Where paragraphs 2 (b) and (e) are applicable, the receiver should be provided with a manual volume control by which the audio output may be varied between the maximum level and a low but audible level. It should be possible, with a control not accessible to the user, to adjust the low output level.

3.7 *Automatic gain control.* The equipment should be provided with automatic gain control.

4. *Decoding device:* 4.1 The decoding device should only respond to signals with the frequencies 1300 Hz and 2200 Hz. These frequencies are subject to a tolerance of ±1.5 percent. As far as possible, signals with frequencies outside the above limits should be rejected.

4.2 The decoding device should respond to the following signal(s):

(a) The radiotelephone alarm signal as defined in Radio Regulation No. 1465;

[(b) The signal preceding a vital navigational warning as defined in Radio Regulation No. 1476AA;]

[(c) EPIRB signals as defined in Radio Regulation No. 1476B, provided that the signal consists of marks and spaces each having a duration of 1 second ± [* * *];]

4.3 The device should respond to the signal(s) mentioned in paragraph 4.2 as follows:

(a) In the absence of noise and interference for input levels of at least 10 microvolts, within a period of not less than 4 seconds and not more than 6 seconds;

(b) With intermittent interference caused by atmospherics and powerful unwanted signals, without manual adjustments being required.

4.4 The decoding device should not, [as far as practicable], be actuated by atmospherics or by strong signal(s) other than those described in paragraph 4.2.

4.5 Where paragraphs 2 (b) and (e) are applicable, it should be possible manually to switch the equipment to the full audio pass band condition.

4.6 After the decoder has actuated the alarm device it should only be possible to reset the equipment manually.

4.7 Facilities should be provided to enable routine testing of the decoding device without causing signals to be radiated.

5. *Audible alarm(s):* 5.1 The equipment should include or provide for connection of one or more suitable audible alarm devices.

[5.2 It should be possible, manually to switch the alarm device(s) in and out of circuit by means of a control located on the front panel of the equipment. At all times a positive indication of the switch position should be given.].

6. *Controls and indicators:* All controls should be of such size as to permit normal adjustment to be easily performed. The function and the setting of these controls should be clearly indicated.

Only those controls as listed below should be provided on the exterior of the equipment:

On/off switch with a visual indication that the equipment is switched on;

Volume control to adjust the AF power output, where paragraphs 2(d) and 3.5 are applicable;

Control for dimming any light on the equipment;

Clock switch where paragraphs 2(e) and 4.6 are applicable;

On/off switch for the audible alarm(s);

Alarm re-setting control;

Audio pass band control where paragraphs 2(e) and 4.5 are applicable.

7. *Permissible warming-up period:* The equipment should be operational within one minute of switching on.

8. *Safety precautions:* 8.1 The equipment should be so designed and constructed that it is protected against damage from radio frequency energy normally encountered on board the ship. The equipment should operate normally without further attention when the signal is removed.

8.2 Provisions should be made for protecting and desensitizing the equipment when the ship's own transmitter is radiating on 2182 kHz.

8.3 The receiver should have means of protection against damage due to static voltages which may appear at its input.

8.4 Means should be provided for earthing the case of the equipment but this should not cause any terminal of the source of electrical energy to be earthed.

8.5 As far as practicable, accidental access to dangerous voltages within the equipment should be prevented and an appropriate warning notice be affixed.

9. *Durability and resistance to effects of climate:* The equipment should continue to operate in accordance with the operational standards contained in this recommendation under the conditions of sea state, vibration, humidity and change of temperature likely to be experienced in a ship.

10. *Power supply:* [5] 10.1 The equipment should continue to operate in accordance with the operational standards contained in this recommendation in the presence of variations of the power supply normally to be expected in a ship.

10.2 Provisions should be made for protecting the equipment from the effects of excessive voltages, transients and reversal of the power supply polarity.

11. *Miscellaneous:* 11.1 The equipment should be so designed as to limit mutual interference with other electronic equipment, such that satisfactory operation is ensured.

11.2 The equipment should be provided with an external indication of manufacture, type and/or number.

11.3 Information should be provided to enable competent members of the ship's staff to operate and maintain the equipment efficiently.

11.4 The internal parts of the equipment should be easily accessible for inspection and maintenance purposes.

11.5 The equipment, should as far as practicable, give warning of faults that would prevent the apparatus from performing its normal functions.

11.6 When paragraph 2(e) is applicable, the equipment should automatically switch to the full audio pass band condition for the duration of the radiotelephone silence periods by connection to a clock or by other approved means. This provision should be capable of being taken out off operation at any time.

APPENDIX III

DRAFT PROVISIONAL STANDARDS FOR SOURCES OF ELECTRICAL ENERGY

Submitted by the Working Group on Operational Standards and Technical Matters

SEPTEMBER 19, 1975.

The Working Group on Operational Standards and Technical Matters in considering an operational standard for sources of electrical energy, agreed that their first draft document should be applicable to main and reserve sources of energy for Convention radiotelegraph installations. At a later stage, a further standard applicable to radiotelephone installations will be developed.

The document in its present form is in an early stage and is intended to evoke comment from Member Governments.

PROVISIONAL DRAFT STANDARD FOR SOURCES OF ELECTRICAL ENERGY

INTRODUCTION: The sources of energy which are required by the Regulations of the 1960 Safety Convention should comply with the following operational standards.

PART A RADIOTELEGRAPH INSTALLATIONS

1. *Ships' main sources of electrical energy:* 1.1 Regulation 9(j), Chapter IV of the 1960 Safety Convention requires that there shall be available at all times, while the ship is at sea, a supply of electrical energy sufficient to operate the main installation over the normal range required as well as for the purpose of charging any batteries forming part of the radiotelegraph station.

The voltage of the supply for the main installation shall, in the case of new ships, be maintained within ±10 per cent of the rated voltage.

1.2 The frequency of an alternating current main electrical supply for the equipment should be maintained at all times within a frequency tolerance of [±10 per cent] of its rated value.

1.3 Precautions should be taken to protect the supply to equipment from transient peak voltages and the incidence of mains carried electrical noise.

1.4 A direct current main source of electrical energy should meet the above requirements as appropriate.

1.5 [If this DC source should consist of a battery or batteries such a source should meet the standards recommended for a reserve source of electrical energy.]

1.6 Voltmeter.

1.7 Short circuit protection.

1.8 Cable connections including switchboard.

[4] The World Maritime Administrative Radio Conference, Geneva, 1974, instructed CCIR to study the use of classes of emission A3A and A3J for distress and safety purposes. This study should be completed in time for a decision by the next competent World Administrative Radio Conference on the date for the final conversion to classes of emission A3A and A3J on the carrier frequency 2182 kHz. Subsequent further consideration of the use of these classes of emission may therefore be required.

[5] Operational standards for sources of energy are under consideration.

1.9 Temperature range.

2. *Reserve sources of electrical energy:* 2.1 The 1960 Safety Convention requires that: (i) the reserve source of energy shall preferably consist of accumulator batteries, which may be charged from the ship's electrical system, and shall under all circumstances be capable of being put into operation rapidly and of operating the reserve transmitter and receiver for at least six hours continuously under normal working conditions besides any of the additional loads mentioned in the Convention;

(ii) the reserve source of energy is required to be of a capacity sufficient to operate simultaneously the reserve transmitter and the VHF installation, when fitted, for at least six hours unless a switching device is fitted to ensure alternate operation only. VHF usage of the reserve source of energy shall be limited to distress, urgency and safety communications. Alternatively, a separate reserve source of energy may be provided for the VHF installation;

(iii) for the purpose of determining the electrical load to be supplied by the reserve source of energy, the following formula is recommended as a guide:

½ of the transmitter current consumption with the key down (mark)
+ ½ of the transmitter current consumption with the key up (space)
+ current consumption of receiver and additional circuits connected to the reserve.

2.2 Calculation of the ampere hour capacity of a reserve source of electrical energy as outlined above should additionally take into account the following:

(a) Batteries required to work at extremes of temperatures should have an appropriate factor added to this value.

(b) Cable connections between reserve source and reserve installation.

2.3 The reserve source of electrical energy should incorporate protection against the accidental reversal of the polarity.

2.4 Protection should be incorporated in the supply from the reserve source to equipment required in the SOLAS Regulations against delivery of voltages in excess of * * * per cent above the nominal voltage of the battery(s) (Nominal voltage being * * * Volts x number of cells).

2.5 Provision should be made for a direct reading meter giving a clear indication of the voltage of the reserve source of electrical energy.

2.6 Determination of battery capacity.

2.7 Other reserve sources.

2.8 Operating time.

3. *Location of batteries forming a reserve source of electrical energy:* The siting of a reserve source of electrical energy in a ship should be made recognizing the following recommendations:

(a) A situation as high above the main deck as practicable;

(b) As close to the equipment it serves as practicable;

(c) The housing to be suitable for the batteries it holds. It should be: (i) ventilated so that gases cannot accumulate;

(ii) fitted with approved electrical and other safety fittings;

(iii) capable of being maintained at a sensible range of working temperatures;

(iv) of sufficient size and convenience to permit maintenance and inspection of the batteries to be carried out;

(v) designed so that lead-acid and alkaline cells can be clearly separated and risk of contamination eliminated;

(vi) provided with adequate illumination and with notices clearly displaying the dangers of gas ignition and, where appropriate, the presence of alkaline and lead acid cells.

4. *Charging:* 4.1 Provision should be made for the rapid recharging of batteries which form a reserve source of electrical energy. The charging rate should not exceed that recommended by the manufacturers as a maximum, however, the batteries should be capable of being raised from a fully discharged condition to fully charged in * * * hours.

4.2 Provision should also be made for charging the batteries at a rate of * * * per cent of the rate required in 4.1.

4.3 A clear meter indication should be available of the rate of charge in amperes at the charging control switches.

4.4 Provision should be incorporated for the discharge of the batteries at a rate of less than * * * per cent of the normal rate of discharge when in service.

[FR Doc.75-31914 Filed 11-25-75;8:45 am]

[Docket No. 19660; RM-690]

INTERNATIONAL RECORD CARRIERS' SCOPE OF OPERATIONS

Notice Regarding Expiration of Time

In the matter of International Record Carriers' Scope of Operations in the Continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act [40 FR 37081].

1. The purpose of this Notice is to confirm that the time period has now expired whereby interested parties were afforded an opportunity to request a hearing to determine landline haul divisions in lieu of those approved by the Commission in its June 26, 1975 decision herein (FCC 75-723). Any such requests should have been filed on or before November 3, 1975 (Order of Chief, Common Carrier Bureau mimeo. No. 56607). No such requests were filed. Accordingly, there should no longer be any doubt that the determinations of the Commission with respect to landline haul divisions are binding and subject parties should take necessary steps to abide by those determinations.

[SEAL] RUTH V. REEL,
Chief, Tariffs and Services Division for Chief, Common Carrier Bureau.

[FR Doc.75-31916 Filed 11-25-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CURTAILED ENERGY USERS

Guidelines for Adjustments and Assignments of Alternate Fuels

On January 25, 1975, the Federal Energy Administration issued "Guidelines for Adjustments and Assignments of Propane and Butane to Purchasers Whose Supplies of a Source of Energy Have Been or May be Curtailed as Provided by 10 CFR 211.12(h)" (40 FR 4485, January 30, 1975). Because of the natural gas curtailments anticipated for the 1975-1976 winter, FEA expects there will be increasing requests by curtailed natural gas users for supplier assignments or base period use adjustments for alternate fuels subject to the Mandatory Petroleum Allocation Regulations (10 CFR, Part 211). Since alternate fuels could be allocable products other than propane and butane, FEA has expanded its earlier Guidelines for making assignments and adjustments of propane and butane to curtailed energy users pursuant to 10 CFR 211.12(h) so that they now apply to all allocable products. The revised Guidelines are contained in the Appendix accompanying this Notice.

Although the revised Guidelines are discretionary and are not rules or regulations, FEA will accept written comments from interested persons with respect to these Guidelines. Data, views or arguments concerning the Guidelines may be submitted to Executive Communications, Room 3309, Federal Energy Administration, Box ET, Washington, D.C. 20461. Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Curtailment Guidelines." Fifteen copies should be submitted by December 15, 1975.

Any information or data considered by the person furnishing it to be confidential must be so designated and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The Guidelines have been reviewed in accordance with Executive Order 11821 and have been determined not to require evaluation of their inflationary impact.

A copy of the Guidelines has been submitted to the Administrator of the Environmental Protection Agency for his comments.

The "Guidelines for Adjustments and Assignments of Propane and Butane to Purchasers Whose Supplies of a Source of Energy Have Been or May Be Curtailed as Provided by 10 CFR 211.12(h)" issued January 25, 1975 (40 FR 4485, January 30, 1975) are hereby revoked.

Issued in Washington, D.C., November 21, 1975.

DAVID G. WILSON,
Acting General Counsel.

APPENDIX

GUIDELINES FOR ADJUSTMENTS AND ASSIGNMENTS OF ALTERNATE FUELS TO PURCHASERS WHOSE SUPPLIES OF A SOURCE OF ENERGY HAVE BEEN OR MAY BE CURTAILED AS PROVIDED BY 10 CFR 11.12(h)

1. *Scope.* These guidelines are issued to provide a consistent basis for application of FEA regulations with respect to adjustments of base period uses of and assignments of suppliers for wholesale purchaser-consumers and end-users of alternate fuels (other than utilities), whose supplies of a source of energy have been or may be subject to curtailment or abandonment of service pursuant to a plan filed in compliance with an order or rule of a Federal or State agency. See § 211.12(h) of the Mandatory Petroleum Allocation Regulations [10 CFR 211.12(h)].

"Alternate fuel" means any allocated product which is used as a substitute for a source of energy which is subject to curtailment or abandonment of service pursuant to a plan filed in compliance with an order or rule of a Federal or State agency.

2. *General.* (a) These guidelines are to be used by FEA National and Regional offices in considering applications for adjustments and assignments pursuant to 10 CFR 211.12

(h). They do not constitute regulations, and thus an applicant not coming exactly within the scope of these guidelines should not assume that its application will necessarily be denied. Applicants whose applications are denied may seek review of such denials under 10 CFR, Part 205, Subpart H, to urge that application of these guidelines to the particular case is contrary to 10 CFR 211.12(h) or is otherwise inconsistent with FEA regulations. Conversely, the FEA need not apply these guidelines to all applications, and non-application of these guidelines in such cases is not an adequate basis to support appeals from such decisions.

(b) In reviewing a request for an assignment or adjustment pursuant to § 211.12(h), consideration should be given to these guidelines and the criteria of 10 CFR, Parts 211 and 205 (Subparts B and C). In doing so, it may not be possible in many cases to assign a supplier or grant an adjustment because of the effect of the assignment or adjustment upon available supplies of the alternate fuel.

(c) FEA Regional Offices should make adjustments and assignments consistent with these guidelines and 10 CFR 211.12(h) for alternate fuels except that concurrence from FEA National Office should be obtained for any assignment or adjustment, regardless of volume, where such assignment or adjustment deviates from these guidelines. In addition, National Office approval should be obtained whenever an adjustment or assignment would result in a wholesale purchaser-consumer's receiving in the aggregate 250,000 gallons or more of propane in any period corresponding to a base period.

(d) Adjustments and assignments consistent with these guidelines and 10 CFR 211.12 (h) will also apply to products or activities administered by the FEA National office (butane, DOD requirements, etc.). Applications concerning these matters should be addressed as follows:

Federal Energy Administration, Office of Specialty Fuels and Products, 2000 M Street, NW., Washington, D.C. 20461.

(e) Adjustments and assignments of alternate fuels to wholesale purchaser-consumers and end-users made pursuant to 10 CFR 211.12(h) should be consistent with the appropriate sections of Subparts B and C of Part 205 of 10 CFR. Adjustment and assignment orders should be for complete periods corresponding to base periods, unless the adjustment or assignment is temporary under the provisions of 10 CFR 205.29 or 205.39.

(f) Adjustments to and assignments of base period use should not only take into account the applicant's need for a product but also the effect that an adjustment or assignment will have upon the base period supplier's or assigned base period supplier's allocation fraction in order to mitigate any significant adverse impact upon a supplier's other customers.

(g) The assignment of a supplier should be made in accordance with 10 CFR, Part 205, Subpart C.

(1) For both permanent and temporary assignments FEA should consider the following:

(i) Goal of equalizing allocation fractions among suppliers; and

(ii) Capability of supplier to supply new customers on short notice. (Logistical problems; available inventories in the purchaser's area.)

(2) FEA should weigh the relative allocation fractions heavily in selection of a supplier for assignment orders. The two or three available suppliers with the highest fractions should receive the major share of assignments in each region. Obviously, other suppliers may have to share if the volume is so great that logistical or supply problems are raised by assigning to only two or three firms. In some cases it may not be possible to assign a supplier or make an adjustment because of the impact of such an assignment or adjustment upon available suppliers.

(h) Assignments and adjustments pursuant to 10 CFR 211.12(h) shall not be made for purchasers in circumstances where no curtailment specified in 10 CFR 211.12(h) has occurred or may occur. Assignments and adjustments for end-users and wholesale purchaser-consumers which have not been curtailed as specified in 10 CFR 211.12(h) shall be consistent with the provisions of 10 CFR 211.12(e), 211.12(f) and 211.13.

(i) End-users and wholesale purchaser-consumers should be advised of the availability of the State set-aside to meet hardship and emergency requirements as provided by 10 CFR 211.17.

(j) In evaluating an applicant's requirements for the purpose of assignment or adjusting its base period use, each use that the applicant has for the fuel should be separately assessed in accordance with appropriate allocation levels in determining whether and the extent to which the assignment or adjustment can be made in light of prevailing supply conditions and the effect such assignments and adjustments would have upon outer purchasers of a supplier.

(k) FEA anticipates that most assignments and adjustments for propane and butane will be under allocation levels for industrial uses. The most important of these uses is industrial use as a process or plant protection fuel as defined by 10 CFR 211.82. Other industrial uses, such as use for boiler fuel or space heating, are considered to be less critical uses of propane. In its assessment of applications for such uses, FEA will consider the ability of applicants to convert to an energy system which is fueled by an energy source other than propane, butane or natural gas.

(l) In general, it is not FEA's policy to grant applications for assignments and adjustments of propane and butane to gas utilities experiencing curtailment since gas utilities are able themselves to curtail gas service to industrial end-users who possess an alternate fuel capability.

(2) FEA may grant assignments or adjustments of propane or butane to industrial users who have no facilities for use of propane or butane and who propose to transfer the propane or butane to a gas utility for storage, gasification and transmission back to the industrial user in gaseous form on a BTU equivalent basis. This procedure may be followed only in those cases where the industrial user bears the entire cost of the product and any charges for its storage, gasification and transmission; where there will be no adverse effects on the gas utility's other customers; where the industrial user has no facilities for using a fuel other than pipeline gas; and where this procedure is consistent with all applicable Federal and State laws, regulations and orders. State regulatory practices, as may relate to this procedure vary and it is the responsibility of the utility to adhere to those regulations.

FEA will not consider applications from a utility itself nor applications submitted by a utility on behalf of a group of industrial users. Each industrial firm must apply separately. However, FEA will not necessarily deny requests for which a utility has taken the initiative in locating a supplier of propane or butane and has prepared an application for an industrial end-user.

(3) *Content of applications.* Industrial users requesting assignments of propane or butane which will be processed by a gas utility for industrial uses should furnish FEA with the following:

(i) A statement that delivery of product through a utility is necessary;

(ii) A written verification that the applicant has no facilities to use a fuel other than pipeline gas;

(iii) A copy of the applicant's agreement with the utility company concerning the financial and logistical arrangements for the product requested;

(iv) Complete information on the extent of curtailment being experienced or projected;

(v) Volume of propane or butane requested as alternate fuel; and

(vi) A statement from the utility that furnishing propane or butane to the applicant in this manner is consistent with all applicable Federal and State laws, regulations and orders.

(4) *FEA evaluation and treatment of applications.*—(i) FEA may contact the utility involved to verify that the cost of purchase, storage, and gasification and the transmission of a gaseous fuel of an equal BTU content is to be borne solely by the applicant. Information on the utility's inventories of propane or butane may also be requested.

(ii) The application will be evaluated and a determination on the appropriate volume to be assigned will be made based on criteria outlined below in Section 3(b)(2) of these guidelines.

(iii) Applications for butane should be submitted to the National FEA at the address given in 2(d) above. Applications for propane should be submitted to the appropriate FEA regional office.

(i) Applicants seeking assignment and adjustments of propane and butane should be strongly urged to seek immediate assistance in obtaining supplies of natural gas from the Federal and State agencies which have regulatory authority over suppliers or supplies of natural gas and to take adequate steps to protect themselves from future curtailments by installing an energy system which is capable of being fueled by an energy source other than natural gas, propane or butane.

(m) In evaluating an application for assignment or adjustment of propane and butane FEA should consider the extent to which the energy system which is capable of being fueled by an energy source other than natural gas, propane or butane is technically feasible for meeting the applicant's energy requirements. FEA should consider what steps have been taken to obtain an alternate fuel capability. FEA should also consider the extent to which an applicant has exhausted its administrative remedies through the Federal and State agencies which have regulatory authority over suppliers or supplies of natural gas.

3. *Allocation levels.* As noted, care should be taken to ascertain the proper allocation level for the end-user or wholesale purchaser-consumer.

(a) *Allocation levels not subject to an allocation fraction.*—(1) *Agricultural Production.*—(i) Assignments of base period suppliers for end-users and wholesale purchaser-consumers without a base period supplier with access to the allocation level for agricultural production should be made in accordance with the provisions 10 CFR, Part 205, Subpart C.

(ii) Since this allocation level is expressed in terms of current requirements, an adjustment of base period use pursuant to 10 CFR 211.12(h) cannot be made. Ordinarily the applicant will not apply for increased current requirements since his supplier will have certified those requirements pursuant to 10 CFR 211.13(d). Thus, FEA will generally be involved only to the extent that a dispute as to whether a claim for increased requirement is valid [10 CFR 211.12 (d)(4)]. Usual validation procedures should

be pursued in those instances to determine the extent of any increased current requirements for agricultural production.

(2) *Department of Defense use.* All assignments for Department of Defense use as specified in 10 CFR 211.26 shall be made by the FEA National Office in accordance with the general principles of these guidelines.

(b) *Allocation levels subject to an allocation fraction.*—(1) *One hundred percent of current requirements subject to an allocation fraction.*—(i) A decision to assign a base period supplier to an applicant which does not have a base period supplier of an alternate fuel and which is entitled to an allocation level of one hundred percent of current requirements subject to an allocation fraction should be made in accordance with the provisions of 10 CFR, Part 205, Subpart C.

(ii) Since this allocation level is expressed in terms of current requirements, an adjustment of base period use pursuant to 10 CFR 211.12(h) cannot be made. To the extent that these users have increased current requirements they should follow the procedures under 10 CFR 211.13(d) which require that the user certify its increased requirements to its base period supplier. Ordinarily FEA or the appropirate State office will be involved only if a validation of such increased current requirements is required.

(2) *Percent of base period use subject to a fraction.*—(i) Assignments of a supplier and a base period use may be made if the applicant does not have a base period supplier and base period use. The assigned base period use should be calculated in the following manner:

Determine in BTU's the amount of energy consumed by the petitioner in each base period. Base periods shall be the same as that for the particular allocable product being requested as an alternate fuel.

Where any process or end-use which utilized volumes of the curtailed energy source during the base period has since been discontinued or converted to use another source of energy other than the alternate fuel being sought, the BTU value of the product used for such discontinued or converted process or end-use should be subtracted from the total amount of energy consumed during the base period.

Subtract the BTU value of the volume of the curtailed source of energy which is or will be available after curtailment during the period corresponding to the base period for the allocable product which is being sought as an alternate fuel.

Convert the BTU difference into volume of allocable product being requested. This volume is the maximum base period use which should generally be assigned for the period corresponding to the base period.

(ii) If the applicant has an established base period use for an allocable product as an alternate fuel, an adjustment may be made if circumstances permit. An adjustment to base period use should be calculated in the following manner:

Determine in BTU's the total amount of energy (energy sources subject to curtailment plus all allocable products used) consumed by the petitioner in the base period. Base periods shall be the same as that for the particular allocable product being requested as an alternate fuel.

Where any process or end-use which utilized volumes of the curtailed energy source during the base period has since been discontinued or converted to use another source of energy other than the alternate fuel being sought, thhe BTU value of the product used for such discontinued or converted process or end-use should be subtracted from the total amount of energy consumed during the base period.

Subtract the BTU value of the volume of the curtailed source of energy which is and will be available after curtailment during the period corresponding to the base period for which the adjustment to base period use is being sought.

Convert the BTU difference into volume of allocable product for which an adjustment has been requested.

Subtract the base period use of alternate fuel for which the petition is being made to determine the maximum adjustment which should generally be made for the period corresponding to the base period.

[FR Doc.75-31851 Filed 11-21-75;10:20 am]

FEDERAL MARITIME COMMISSION

[No. 75-52]

CITIES SERVICE INTERNATIONAL, INC. V. LYKES BROS. STEAMSHIP CO., INC.

Filing of Complaint

NOVEMBER 20, 1975.

Notice is hereby given that a complaint filed by Cities Service International, Inc. against Lykes Bros. Steamship Co., Inc. was served November 20, 1975. The complaint alleges that complainant has been subjected to the payment of rates for transportation which were when exacted and still are unjust and unreasonable in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before May 20, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32026 Filed 11-25-75;8:45 am]

[No. 75-51]

PERRY'S CRANE SERVICE VS. PORT OF HOUSTON AUTHORITY

Filing of Complaint

NOVEMBER 19, 1975.

Notice is hereby given that a complaint filed by Perry's Crane Service against Port of Houston Authority was served November 19, 1975. The complaint alleges violation of sections 16, 17, and 18 of the Shipping Act, 1916 in connection with provisions of respondent's Tariff No. 8 regarding procedures and use charges for privately owned cranes operated on respondent's property.

Hearing in this matter shall commence on or before May 19, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32025 Filed 11-25-75;8:45 am]

PUERTO RICO MARINE MANAGEMENT, INC. AND SEA-LAND SERVICE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement to the Washington office of the Federal Maritime Commission, 1100 L Street NW, Room 10126; or may inspect the agreement at the Field Office located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 16, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Dennis N. Barnes, Esquire, Morgan, Lewis & Bocklus, 1800 M Street NW., Washington, D.C. 20036.

By a series of orders, the Commission has approved Agreement No. DC-75 for limited periods of time. The most recent of these orders was dated July 2, 1975, approving the agreement for a term not to exceed one hundred and eighty (180) days.

The agreement, which is between Sea-Land Service, Inc., (Sea-Land) and Puerto Rico Marine Management, Inc., (PRMM), as approved by the Puerto Rico Maritime Shipping Authority (Authority) is an interim services and facilities subcontract wherein Sea-Land will provide PRMM with virtually any services it would require for the performance of its contract to manage the Authority's recently-inaugurated common carrier services between U.S. Atlantic and Gulf Coast ports and Puerto Rico. Included within the scope of Agreement No. DC-75 are facilities for providing berthing and terminal services, repair and maintenance services and A & G functions.

Current Commission approval of Agreement No. DC-75 will expire December 29, 1975. The parties have advised that the long-range agreements that would negate any further need for Agreement No. DC-75 are to be filed with this Commission shortly for approval pursuant to section 15 of the Shipping Act, 1916; until such action is taken by the Commission, however, the parties request that we extend our approval of Agreement No. DC-75 only for the period of time required for final Commission action on the new agreements that will supersede Agreement No. DC-75.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: November 21, 1975.

[FR Doc.75-32024 Filed 11-25-75;8:45 am]

CITY OF LONG BEACH AND PACIFIC MARITIME SERVICES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 16, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, California 90802.

Agreement No. T-2894-2, between City of Long Beach (City) and Pacific Maritime Services, Inc. (PMS), modifies the basic agreement which provides for the ten-year nonexclusive preferential assignment to PMS of wharf and contiguous land area at Berths 245, 246 and 247, Pier J, Long Beach, California, for operation as a contract marine terminal, warehouse, and rail and truck facility. The purpose of the modification is to: (1) assign additional land (Parcel III), (2) make certain improvements, and (3) adjust the minimum obligation and maximum compensation as set forth in this amendment.

By Order of the Federal Maritime Commission.

Dated: November 21, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32021 Filed 11-25-75;8:45 am]

AMERICAN GREAT LAKES/MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 16, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 1126 Sixteenth Street NW., Washington, D.C. 20036.

Agreement No. 9000 DR-1, among the member lines of the above-named conference, is an application for permanent approval of the conference's Dual Rate Contract System.

By Order of the Federal Maritime Commission.

Dated: November 21, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32023 Filed 11-25-75;8:45 am]

UNIGULF LINES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 16, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of Agreement Filed by:

Mr. Edwin Longcope, Hill, Betts & Nash, One World Trade Center, Suite 5215, New York, New York 10048.

Agreement No. 9891-4 provides that any party to the agreement may withdraw upon three months written notice of the other members.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: November 21, 1975.

[FR Doc.75-32022 Filed 11-25-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI76-28]

ARKANSAS LOUISIANA GAS CO., ET AL.

Extension of Time

NOVEMBER 17, 1975.

In the matter of Arkansas Louisiana Gas Company v. Frank J. Hall, W. E. Hall, Jr., Mrs. W. E. Hall, Sr., The H. M. Harrell Testamentary Trust, represented by Mr. Carlyle W. Urban, Testamentary Trustee, James E. Harrell, John K. Harrell, Sr., Asa Benton Allen, Sidney G. Myers, Jr., W. O. Cochran, Thomas F. Philyaw, Mrs. Elaine Allen, Jaems A. Noe, D. B. McConnell, Mrs. Elva L. Weiss, Sol Kaplan and The National American Bank, New Orleans, Co-Testamentary Executors of the Succession of Seymour Weiss, Respondents.

On October 22, 1975, Arkansas Louisiana Gas Company filed a motion to extend the time for filing answers and other appropriate pleadings to the pleadings filed by Respondents on October 15, 1975, in the above-indicated proceeding.

Notice is hereby given that the time for filing answers and other appropriate pleadings to the pleadings filed by Respondents in the above proceedings is extended from October 15, 1975 to and including December 1, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31955 Filed 11-25-75;8:45 am]

ARKANSAS-MISSOURI POWER CO.

[Docket No. E-9092]

Notice of Filing of Contract

NOVEMBER 17, 1975.

Take notice that on November 4, 1975, the Arkansas-Missouri Power Company (Ark-Mo) tendered for filing an executed electric service agreement between Ark-Mo and the City of Campbell, Missouri (Campbell). Ark-Mo states that the instant contract is identical to an unexecuted contract filed pertaining to Campbell in this docket on July 17, 1975, and accepted by letter order dated September 2, 1975.

Ark-Mo states that the instant contract incorporates Ark-Mo's Electric Resale Power Schedule (R-I), which became effective to Campbell, subject to refund, on September 9, 1975, and that upon Commission approval of a settlement proposal filed in this docket on August 28, 1975, Ark-Mo will file revised tariff sheets and make appropriate refunds.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31935 Filed 11-25-75;8:45 am]

[Docket No. ER76-229]

CENTRAL LOUISIANA ELECTRIC CO.

Notice of Filing of Initial Rate Schedule

NOVEMBER 17, 1975.

Take notice that on November 6, 1975, Central Louisiana Electric Company (CLECO) tendered for filing as an initial rate schedule a contract dated October 22, 1975 for service to Southwest Louisiana Electric Membership Corporation (SLEMCO) at Melville, Louisiana. CLECO states that the proposed contract provides for delivery at 2.4 kv under its Rate Schedule REA-10X. CLECO has requested that the Commission waive the notice requirement and allow the aforementioned rate schedule to become effective as of October 21, 1975, the date on which service commenced under the contract. CLECO has also requested waiver of § 35.14 of the Commission's regulations until cost data needed to prepare a fuel cost adjustment clause meeting that provision can be developed.

CLECO has mailed a copy of the contents of this filing to SLEMCO.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 824 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31927 Filed 11-25-75;8:45 am]

[Docket No. RI75-112]

CERTAIN PRODUCER AND PIPELINE RESPONDENTS

Notice of Intention To Act

NOVEMBER 6, 1975.

On October 7, 1975, the Commission Staff filed an interlocutory appeal from rulings of the Presiding Administrative Law Judge. On October 14, 1975, The Associated Gas Distributors also filed an appeal for supplementary testimony from certain producer respondents.

Pursuant to § 1.28(c) of the Commission's Rules of Practice and Procedure, the above appeals would be deemed to have been denied if the Commission had taken no action by November 6, 1975, and November 14, 1975, respectively.

Notice is hereby given of the intention of the Commission to act on the above appeals, subsequent to the expiration of the 30-day period prescribed by § 1.28(c).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31954 Filed 11-25-75;8:45 am]

[Docket No. RP73-65 (PGA75-5)]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Extension of Procedural Dates

NOVEMBER 17, 1975.

On November 13, 1975, the Ohio Oil and Gas Association filed a motion to extend the procedural dates fixed by order issued October 22, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby that the procedural dates in the above proceeding are modified as follows:

Service of Testimony by Ohio Producers making sales to Columbia, February 20, 1976.
Service of Intervenor Testimony, March 12, 1976.
Service of Company and of Ohio Rebuttal, April 2, 1976.
Hearing, April 19, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31956 Filed 11-25-75;8:45 am]

[Docket Nos. RP75-105, and RP75-106]

COLUMBIA GULF TRANSMISSION CORP. AND COLUMBIA GAS TRANSMISSION CORP.

Notice of Conference

NOVEMBER 17, 1975.

Take notice that on Wednesday and Thursday, December 10 and 11, 1975, Commission Staff is convening an informal conference for the purpose of discussing the issues in Docket Nos. RP75-105 and RP75-106 with a view toward settling these proceedings. This conference will be held in Room 5200 of the Federal Power Commission offices, 825 North Capitol Street, N.E., Washington, D.C. 20426, at 10:00 a.m.

All parties in attendance will be expected to come fully prepared to discuss all issues involved in this proceeding, both procedural and substantive, and to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference.

Customers and other interested parties will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed pursuant to §1.8 of the Commission's Rules of Practice and Procedure is required for the purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31936 Filed 11-25-75;8:45 am.]

[Docket Nos. RP75-91 RP72-157 (PGA76-2) (R&D 76-1)]

CONSOLIDATED GAS SUPPLY CORP.

Order Accepting for Filing Proposed Rate Change Filing, Subject to Refund; Setting Hearing on R&D Portion of Filing; Consolidating Proceedings; and Requiring Filing of Revised Rates

OCTOBER 31, 1975.

On September 30, 1975, Consolidated Gas Supply Corporation (Consolidated) filed a motion and tariff sheets [1] to place into effect suspended rates in RP75-91, as adjusted for (1) PGA rate changes made effective during the suspension period (2) a PGA decrease proposed to be effective November 1, 1975, and (3) a 0.04¢ per Mcf increase to track increased Research and Development (R&D) expenses of $220,875 to be effective November 1, 1975. The proposed PGA decrease reflects (1) a decrease by Texas Eastern Transmission Corpora- October 1, 1975, (2) a $200,000 increase by Transcontinental Gas Pipe Line Corporation (Transco) proposed to be effective November 1, 1975, and (3) a surcharge of .16¢/Mcf ($568,127) to recover costs incurred in the deferred ac-

[1] Seventh Revised Sheet Nos. 8 and 9 to FPC Gas Tariff, Second Revised Volume No. 1.

Seventh Revised Sheet No. 272 and Fourth Revised Sheet No. 272-A to FPC Gas Tariff, Original Volume No. 2.

count. The end of the suspension period and the proposed effective date is November 1, 1975. Consolidated requests the originally suspended rates [2] be placed into effect if no action is taken on the revised rates.

Consolidated on April 16, 1975, filed a general rate increase of $20.5 million in Docket No. RP75-91 which was suspended until November 1, 1975. During the suspension period Consolidated filed PGA changes which went into effect July 1, August 2, and October 1, 1975, and a proposed PGA decrease effective November 1, 1975, at RP72-157. These changes amount to approximately a $20.1 million decrease in the originally suspended rates.

Consolidated's filing was noticed on October 8, 1975, with comments due on or before October 24, 1975. No responses thereto have been received.

Our review of the R&D portion of the filing indicates that the costs reflected therein may not be just and reasonable and in conformance with the definition of R&D set forth in Order No. 483. Accordingly, we shall accept for filing the R&D portion of the filing, make it subject to refund [3] and set a hearing to determine the lawfulness of the R&D costs contained therein. Moreover, since the projects for which R&D costs are reflected in the filing are identical to the projects at issue in the Section 4 proceeding in Docket No. RP75-91, we shall consolidate the proceeding on the R&D costs in the instant filing, which shall be docketed as Docket No. R&D 76-1, with Docket No. RP75-91 for purposes of hearing and decision.

As noted above, a portion of the instant filing is based upon a $200,000 increase by Transco proposed to become effective as of November 1, 1975, in Docket Nos. RP73-3, et al. By order issued October 31, 1975, the Commission accepted for filing and suspended that Transco filing for one day until November 2, 1975, when it was permitted to become effective, subject to refund and subject to downward adjustment to reflect elimination of certain advance payment costs. Accordingly, we shall accept for filing the Transco portion of Consolidated's filing, subject to the downward rate adjustment prescribed in the Transco order, as of November 1, 1975, as further conditioned below. Any overcollection by Consolidated which may occur because of the one day suspension of Transco's rates shall be reflected in Consolidated's deferred purchased gas cost account.

Our review of the remainder of Consolidated's filing indicates that it conforms with the principles set forth in Docket No. R-406. Accordingly, we shall accept for filing Consolidated's September 30, 1975, filing and permit it to become effective as of November 1, 1975, subject to refund, as hereinafter conditioned.

The Commission finds: (1) Good cause exists to accept for filing and make effective Consolidated's September 30, 1975, filing as hereinafter ordered and conditioned.

(2) The costs contained in the R&D portion of Consolidated's filing have not been shown to be just and reasonable and in conformance with Order No. 483 and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

The Commission orders: (A) The R&D portion of Consolidated's filing, which is docketed as R&D 76-1, is accepted for filing, made effective subject to refund as of November 1, 1975, and set for hearing pursuant to Section 4 of the Natural Gas Act and the Commission's Rules and Regulations.

(B) Docket No. R&D 76-1 is hereby consolidated for purposes of hearing and decision with Docket No. RP75-91.

(C) The remainder of Consolidated's filing is accepted for filing to become effective November 1, 1975, subject to refund, and subject to Consolidated's filing, within 15 days of the date of issuance of this order, revised rates reflecting decreased supplier rates from Transco, as discussed in the body of this order.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31953 Filed 11-25-75;8:45 am]

[Docket No. RP72-134 PGA-4B]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

NOVEMBER 17, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on November 10, 1975, tendered for filing Revised Substitute Thirteenth Revised Sheet No. 3A and Revised Substitute Thirteenth PGA-1 to its FPC Gas Tariff, Original Volume No. 1, to become effective October 1, 1975. The proposed change would decrease the commodity charges of Eastern Shore's Rate Schedules CD-1, CD-E, G-1, E-1, I-1, and PS-1 by $.009 to reflect the equivalent decreases of its sole supplier, Transcontinental Gas Pipe Line Corporation, in a filing dated October 27, 1975, in FPC Docket No. RP75-75, proposed to be effective October 1, 1975.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-41957 Filed 11-25-75;8:45 am]

EL PASO NATURAL GAS CO.

[Docket No. RP75-39]

Notice of Further Extension of Procedural Dates

NOVEMBER 18, 1975.

On October 31, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued January 15, 1975, as most recently modified by notice issued July 8, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff, Testimony, February 27, 1976.
Service of Intervenor, Testimony, March 12, 1976.
Service of Company, Rebuttal, April 9, 1976.
Prehearing Conference, April 23, 1976.
Hearing, To commence at conclusion of the Prehearing Conference.

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31939 Filed 11-25-75;8:45 am]

[Docket No. ID-1705]

WALTER F. FEE

Notice of Supplemental Application

NOVEMBER 17, 1975.

Take notice that on October 14, 1975, Walter F. Fee, (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(B) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President, The Connecticut Light and Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.
Vice President, Western Massachusetts Electric Company, Public Utility.
Vice President, Holyoke Water Power Company, Public Utility.
Vice President, Holyoke Power and Electric Company, Public Utility.

The Connecticut Light and Power Company has its principal place of business at Selden Street, Berlin, Connecticut, and is engaged within the State of Connecticut in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of Gas at retail.

---

[2] Third Revised Sheet Nos. 8 and 9 to FPC Gas Tariff, Second Revised Volume No. 1.

[3] Consolidated's R&D clause in its tariff provides that R&D changes shall not be suspended, but may be made effective subject to refund and hearing.

The Hartford Electric Light Company has its principal place of business at 176 Cumberland Ave., Wethersfield, Connecticut and is engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of Gas at retail within the State of Connecticut.

Western Massachusetts Electric Company has its principal place of business at 174 Brush Hill Ave., West Springfield, Massachusetts, and is engaged in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of Western Massachusetts.

Holyoke Water Power Company has its principal place of business at One Canal Street, Holyoke, Massachusetts and is pricipally engaged in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal, and wholesale customers in the cities of Holyoke and Chicopee and the Town of South Hadley in Western Massachusetts.

Holyoke Power and Electric Company has its principal place of business at One Canal Street, Holyoke, Massachusetts, and is a wholly-owned subsidiary of Holyoke Water Power Company which conducts certain of that Company's electric operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31933 Filed 11-25-75;8:45 am]

[Project No. 485]

GEORGIA POWER CO.

Notice of Issuance of Annual License

NOVEMBER 18, 1975.

On December 13, 1971, Georgia Power Company, Licensee for Barletts Ferry Project No. 485, located on the Chattahoochee River near Columbus, Georgia, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 485 was issued effective December 15, 1924, for a period ending December 14, 1974. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Georgia Power Company for continued operation and maintenance of Project No. 485.

Take notice that an annual license is issued to Georgia Power Company (Licensee) under the Federal Power Act for the period December 15, 1975, to December 14, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 485, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31940 Filed 11-25-75;8:45 am]

HURLEY PETROLEUM CORP.

[Docket No. C176-90]

Order To Show Cause, Setting Date for Formal Hearing, and Prescribing Procedures

NOVEMBER 18, 1975.

On August 4, 1975, Hurley Petroleum Corporation (Hurley) filed in Docket No. C176-90 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Mississippi River Transmission Corporation (MRT) from 664 acres comprising the Cocke-Jobe Unit in the Sarah Reynolds Survey, Waskom Field, Harrison County, Texas, all as more fully set forth in the application on file in this proceeding.

Hurley proposes abandonment because both of the leases covering the Cocke-Jobe Unit have expired Hurley states that one, the Ella V. Armstrong lease was held solely by gas production which ceased in March of 1969, and the other Cocke-Jobe lease was held by oil production from March 1969 until 1973, but allegedly was released by instrument dated September 4, 1974, in order to comprise a law suit filed by the mineral owners.

On September 12, 1975, MRT filed a petition to intervene in opposition to the proposed abandonment, asserting that although the subject two leases may have terminated or been released by Hurley, the dedication to MRT of any gas which Hurley may obtain in the future from the acreage comprising the Cocke-Jobe Unit continues under the April 23, 1951, contract. MRT alleges that Hurley has recently been engaged in deeper drilling in the Waskom Field, and MRT is hopeful that additional gas will become available to its system from this area. It is MRT's position that the public convenience and necessity will not be served by allowing Hurley at this time to abandon sales of gas which may be made in the future from acreage in the Cocke-Jobe Unit. Thus, MRT opposes Hurley's application for abandonment and requests that a hearing be held to develop an evidentiary record concerning Hurley's proposal.

We note that MRT's petition to intervene and Hurley's application raise serious questions beyond the protection of future drilling in the subject arceage. Hurley admits that it has ceased production. We note that Hurley has ceased its production without prior Commission abandonment authorization.[1] Moreover, the allegation that Hurley has stopped deliveries to MRT and is drilling into acreage dedicated to the interstate market raises the question as to what market Hurley intends to dedicate gas which may already be dedicated to an interstate pipeline via its April 23, 1951 contract with MRT and the certificates of public convenience and necessity issued by the Commission to Hurley in Docket No. CS71-878 on October 21, 1971.

This order will therefore, direct that a hearing be convened to ascertain facts and circumstances surrounding Hurley's operations in the subject acreage.

In view of the foregoing we are further directing Hurley to show cause why it should not be found in violation of Section 7(b) of the Natural Gas Act and the Commission Regulations thereunder for not first securing the requisite authorization before abandoning jurisdictional sales of natural gas.

The Commission finds: (1) It may be that Hurley is in violation of the Natural Gas Act and the Commission's Regulations thereunder.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and issues presented in these proceedings as hereinbefore described.

(3) Participation by MRT in this proceeding may be in the public interest.

The Commission orders: (A) Hurley shall show cause, if any there be, at the hearing directed in paragraph (B) below, why it should not be held in violation of Section 7(b) of the Natural Gas Act and the Commission's Regulations thereunder for not having obtained authorization before abandoning jurisdictional sales and related facilities as hereinbefore described.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 7, 14, 15, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing concerning the matters involved and the issues presented in this proceeding as hereinbefore set forth will be held in a hearing room at the Federal Power Commission, 825 North Capitol Street NW., Washington, D.C., commencing at 10:00 a.m. (EST) on January 13, 1976. Hurley shall file with the Secretary of the Commission and serve upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties,

[1] It is well established that there can be no withdrawal of gas once dedicated to the interstate market from continued interstate movement without approval of the Commission pursuant to Section 7(b) of the Natural Gas Act; *Atlantic Refining Co.*, v. P.S.C.N.Y. 360 U.S. 378, 389 (1954).

testimony and exhibits addressing the specific issues set forth in this order, including, *but not limited to*, the circumstances surrounding:

(i) the cessation of gas production from the subject acreage;

(ii) the release of the above described lease(s);

(iii) the details of the mineral owner law suit described above;

(iv) Hurley's gas exploration and drilling activities in Cocke-Jobe Unit; and

(v) the identity of the present mineral interest owners in the Cocke-Jobe Unit.

The five above enumerated items as well as any other testimony and exhibits, which Hurley proposes to offer at the hearing, shall be filed on or before December 30, 1975.

(D) The case of MRT on all issues in this proceeding inclusive of those specified in this order, shall be filed and served on all parties, the Commission Staff and the Presiding Administrative Law Judge on or before December 30, 1975.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(F) Mississippi River Transmission Corporation is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interest specifically set forth in the petition to intervene, and *Provided, further*, That admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered into this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31941 Filed 11-25-75;8:45 am]

[Docket No. ER76-227]

IOWA SOUTHERN UTILITIES CO.

Notice of Filing of Fuel Adjustment Clause and Request To Withdraw Certain Sheets

NOVEMBER 17, 1975.

Take notice that on October 30, 1975, the Iowa Southern Utilities Company (Iowa Southern) tendered for filing revisions in its fuel clauses in its wholesale power schedules, all with reference to Iowa Southern's Electric Tariff Original Volume No. 1. Iowa Southern states that the instant filing is tendered in compliance with the recent Federal Power Commission order requiring such revisions, presumably Order No. 517. Iowa Southern proposes an effective date of December 1, 1975.

Iowa Southern also requests that the following sheets be withdrawn as they are no longer in use:

(1) First Revised Sheet No. 10—Continuation of Rate WP.
(2) Second Revised Sheet No. 12—Continuation of Rate LWP.
(3) First Revised Sheet No. 15—Rate OWP.
(4) First Revised Sheet No. 16—Rate EWP.
(5) Original Sheet No. 17—DSI.
(6) Original Sheet No. 18—DSI continued.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before November 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31931 Filed 11-25-75;8:45 am]

[Docket No. CP76-150]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

NOVEMBER 17, 1975.

Take notice that on November 3, 1975, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP76-150 an application pursuant to Sections 7 (b) and (c) of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and aproval of the abandonment, for the twelve-month period commencing December 1, 1975, and operation of filed gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000 nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be financed with funds on hand and that it will not be necessary to undertake any new financing for this purpose.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1975, file with the Federal Power Commision, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31958 Filed 11-25-75;8:45 am]

[Docket No. RP76-27]

MOUNTAIN FUEL SUPPLY CO.

Notice of Amendatory Filing

NOVEMBER 17, 1975.

Take notice that Mountain Fuel Supply Company (Mountain Fuel), on November 7, 1975, tendered for filing revised tariff sheets for the purpose of amending and clarifying a previous filing tendered on October 22, 1975, in the above-captioned docket. In that October 22 filing Mountain Fuel proposed changes in its FPC Gas Tariff Original Volume No. 1 so as to permit it to reflect the effect of the provisions of Opinion No. 742 and accompanying order issued August 28, 1975, permitting a small producer rate equal to 130% of the Commission-determined base ceiling rate.

Mountain Fuel states that a copy of the amendatory filing has been served upon Colorado Interstate Transmission Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before

November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31929 Filed 11-25-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 18, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Conservation-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

James E. Clark, Audubon Naturalists Society Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31952 Filed 11-25-75;8:45 am]

NATIONAL GAS SURVEY CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 18, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Curtailment Strategies-Technical Advisory Committee of the National Gas Survey.

1. Membership. New members to the Curtailment Strategies-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Thomas W. Ferguson, Jr., National Gypsum Company, Buffalo, New York.
Sally W. Bloomfield, Public Utilities Commission of Ohio, Columbus, Ohio.
Thomas Hughes, New York State Public Service Commission, Albany, New York.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31950 Filed 11-25-75;8:45 am]

NATIONAL GAS SURVEY FINANCE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 18, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Finance-Technical Advisory Committee of he National Gas Survey.

1. Membership. New members to the Finance-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

E. Kent Damon, Atlantic Richfield Company, Los Angeles, California.
E. L. Dow, Standard Oil of California, San Francisco, California.
William A. Johnson, George Washington University, Washington, D.C.
James L. Murdy, Gulf Oil Corporation, Pittsburgh, Pennsylvania.
John H. Hoelscher, Coastal States Gas Corporation, Houston, Texas.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31949 Filed 11-25-75;8:45 am]

NATIONAL GAS SURVEY RESEARCH AND DEVELOPMENT-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 18, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Research and Development-Technical Advisory Committee of the National Gas Survey.

1. Membership. New members of the Research and Development-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Robert B. Smith, Battelle Memorial Institute, Columbus, Ohio.
Marvin P. Carlson, University of Nebraska, Lincoln, Nebraska.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31951 Filed 11-25-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

NOVEMBER 18, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Supply-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Jack E. Earnest, Mobile Oil Corporation, Houston, Texas.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31945 Filed 11-25-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NONCONVENTIONAL NATURAL GAS RESOURCES

Order Designating Members

NOVEMBER 18, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Clifton Heathcote, Consolidated Gas Supply Corporation, Clarksburg, West Virginia.
Douglas Patchen, West Virginia Geological and Economic Survey, Morgantown, West Virginia.
John Porter Brown, Columbia Gas Transmission Cmopany, Charleston, West Virginia.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31946 Filed 11-25-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATORY ASPECTS OF SUBSTITUTE GAS

Order Designating Members

NOVEMBER 18, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas of the National Gas Survey.

1. Membership. A new member to the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

William Opitz, Montana Public Service Commission, Helena, Montana.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31947 Filed 11-25-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON CONSUMERS

Order Designating Members

NOVEMBER 18, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers of the National Gas Survey.

1. Membership. New Members to the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers as select-

ed by the Chairman of the Commission with the approval of the Commission, are as follows:

Paul L. Hitchcock, North Carolina State Energy Division, Raleigh, North Carolina.
Robert E. Ham, California Department of Energy Resources, Conservation and Development, Sacramento, California.

Mr. Hitchcock replaces Mr. Fowler W. Martin as a state representative from North Carolina.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31948 Filed 11-25-75;8:45 am]

[Docket No. CP76-147]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 17, 1975.

Take notice that on October 28, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-147 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of the sale of natural gas for resale to two of its utility customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that by order of the Commission of May 30, 1973 (49 FPC 1206), the Commission ordered that all of Applicant's utility customers furnish Applicant a directory of large volume purchasers[1] purchasing gas on a firm contract, including the firm volume, as of October 2, 1972. Applicant alleges that through an oversight, Northern States Power Company (NSP) failed to list 367 Mcf per day of firm gas for American Hoist and Derrick Company, located in St. Paul, Minnesota, and Northern States Power Company of Wisconsin (NSPW) failed to list 80 Mcf per day for the La-Crosse Rubber Mills Company and 250 Mcf per day for U.O.P. Norplex Division, both on a firm basis and both located in LaCrosse, Wisconsin.

Applicant states that pursuant to the provisions of Applicant's FPC Gas Rate Tariff, Third Revised Volume No. 1, Paragraph 9 of the General Terms and Conditions, all large volume consumers are subject to curtailment as interruptible customers unless they are specifically set forth in the Directory of Communities served together with their firm daily volumes.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31959 Filed 11-25-75;8:45 am]

[1] Large volume is defined as maximum day requirements of 200 Mcf or more.

[Project No. 96]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License

NOVEMBER 18, 1975.

On August 31, 1970, Pacific Gas and Electric Company, Licensee, for Kerckhoff Project No. 96, located on the San Joaquin River in Fresno and Madera Counties, California, and affecting public lands of the United States and The Sierra National Forest, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 96 was issued effective December 2, 1922, for a period ending December 1, 1972. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 96.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under the Federal Power Act for the period December 2, 1975, to December 1, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Kerckhoff Project No. 96, subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc. 75-31942 Filed 11-25-75; 8:45 am]

[Docket No. ER6-326]

PENNSYLVANIA POWER CO.

Notice of Proposed Changes in Fuel Adjustment Clause

NOVEMBER 17, 1975.

Take notice that the Pennsylvania Power Company (Pennsylvania) on October 30, 1975, tendered for filing proposed changes in its Muncipal Resale Service-Primary Voltage tariff sheets, as modified to allow recovery for increase costs associated with purchased power fuel costs and taxes.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31934 Filed 11-25-75;8:45 am]

[Docket No. ER76-214]

SIERRA PACIFIC POWER CO.

Notice of Revised Rate Schedule

NOVEMBER 17, 1975.

Take notice that on October 29, 1975 Sierra Pacific Power Company (Sierra) tendered for filing Supplement No. 3 to its Rate Schedule FPC No. 11 which supersedes Supplement No. 2 to its Rate Schedule FPC No. 11. Sierra states that this filing is made in compliance with Opinion Nos. 702-A and 702-B and is applicable for wholesale service to Mt. Wheeler Power, Inc. (Mt. Wheeler) since the inception of such service on October 1, 1973.

Sierra requests an effective date of October 1, 1973 for this rate schedule. Sierra further indicates that it has received $216,941 less from Mt. Wheeler than due in accordance with the rate for Transmission service contained in the February 24, 1971 contract and the rate for wholesale service approved by the Commission in Opinion No. 702-A. Sierra therefore requests that no refunds be given.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are filed with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31930 Filed 11-25-75;8:45 am]

[Docket No. RI76-47]

SOHIO PETROLEUM CO.

Notice of Petition for Special Relief

NOVEMBER 17, 1975.

Take notice that on October 17, 1975, Sohio Petroleum Company (Petitioner), 1100 Penn Tower, Oklahoma City, Oklahoma 73118, filed a petition for special relief in Docket No. RI76-47, pursuant to Order No. 481 and § 2.76 of the Commission's General Policy and Interpretations. This petition was erroneously noticed by the Commission on November 5, 1976, as Docket No. RI76-46, stating that Petitioner sought a price of 29.193 cents per Mcf for the sale of gas to Panhandle Eastern Pipe Line Company (Panhandle) under Petitioner's FPC Gas Rate Schedules Nos. 154 and 156 from the McCaslin No. 1 Well, N.E. Keenan Field, Woodward County, Oklahoma. On November 5, 1975, Petitioner filed a supplement to its petition for special relief in Docket No. RI76-47 in which Petitioner informed the Commission that it sought a price of 26.8885 cents per Mcf for the sale of gas to Panhandle under the aforementioned FPC Gas Rate Schedule No. 154 and 29.193 cents per Mcf under the aforementioned FPC Gas Rate Schedule No. 156. The Petition and supplement are based upon the cost of installing compression equipment in the well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31932 Filed 11-25-75;8:45 am]

[Docket Nos. CP75-322 2and CP75-327]

SOUTHWEST GAS CORP.

Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity, Scheduling Prehearing Conference, Scheduling Formal Hearing, Prescribing Procedures, Granting Intervention, and Denying Intervention

NOVEMBER 17, 1975.

On April 30, 1975, Southwest Gas Corporation (Southwest) filed an application in Docket No. CP75-322 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a compressor station on its northern Nevada transmission system in order to protect its high priority customers. On May 2, 1975, Southwest filed, under Section 7(c) of the Natural Gas Act, in Docket No. CP75-327[1], an application requesting authorization to amend the proration of impaired deliveries subsection of the Force Majeure provisions of its FPC Gas Tariff to include a Maximum Daily Reliable Quantity (MDQR) entitlement for each customer.[2]

In Docket No. CP 75-322, Southwest proposes to construct, operate, and maintain a new compressor station on its 16-inch northern Nevada main transmission pipeline. This station, to be designated Compressor Station No. 6, will consist of a 3,830 HP packaged gas turbine unit, along with the requisite equipment and housing facilities. Southwest states in its application that existing Compressor Station Nos. 3, 4, and 5 have experienced gradual increases in the number of hours they have been down due to both scheduled and unscheduled shutdowns. That fact, when considered in light of a continuing increase in Southwest's Priority 1 and 2 customers, has sharply increased the possibility that service to its Priority 1 and 2 customers could be disrupted should one of its compressor stations suffer an outage on a peak day. Accordingly, Southwest believes the proposed compressor station is necessary if it is to provide reliable service to Priority 1 and 2 customers. Southwest amended its filing in Docket No. CP 75-322 on July 24, 1975, because: (1) large fluctuations in line pack that occur on the system from day-to-day operations require the use of a three-day consecutive peak day average rather than a single day; (2) an increased volume of gas should have been allocated to Southwest's Placer County service area but was not because of a metering error at the Nevada-California border; (3) the installation cost of the proposed Station No. 6 was changed to reflect more recent cost estimates and the installation has been delayed so that the No. 6 station will be operational for the 1976-77 heating season; and (4) the new volumes create new delivery capacity within the system.

[1] The applications in Docket Nos. CP75-322 and CP75-327 were noticed on May 14, 1975.

[2] Southwest amended its initial filings in the instant dockets by filings of July 24, 1975; the amendments were noticed August 4, 1975 (40 FR 33863).

At a hearing held on November 12, 1975, the Commission on its own motion received and made a part of the record in Docket No. CP75-322 all evidence, including the application, the first amendment to said application, and the exhibits attached thereto, submitted in support of the authorization sought herein, and upon consideration of said record finds that Southwest should be granted the certificate of public convenience and necessity requested in Docket No. CP75-322.

In Docket No. CP75-327, Southwest requests authorization to amend the proration of impaired deliveries subsection of the Force Majeure provisions of its FPC Gas Tariff, Original Volume No. 1 to include a MDQR entitlement which, if approved, will limit volumes of Priority 1 and 2 gas that a customer is entitled to receive and which also represents the maximum daily delivery obligation to a customer from Southwest's northern Nevada system. Southwest states that the reason for the proposed volumetric limitation is that it is approaching its reliable capacity for its northern Nevada system and that if its application in this docket, as amended, is not approved it estimates that approximately 2,500 Priority 1 customers could lose service during the 1975-76 winter heating season. Southwest adds that while the restriction will deny natural gas to premises not previously served, it will not cause any discontinuance, modification, or restriction of service to any customer heretofore served. On July 24, 1975, Southwest filed a first amendment to its proposal in this docket. Southwest states the amendment was required because: (1) a three-day consecutive peak day average should have been used for the allocation basis; (2) the latest survey of Priority 2 industrial load reveals a reduction in those requirements; (3) the metering error at the Nevada-California border check meter requires a change in the allocation percentage based on the actual peak day demand for the 1974-75 heating season; and (4) the new allocation percentage has caused a change in the delivery capacities. We believe that a formal hearing should be held on the issues raised by Southwest's filing in Docket No. CP75-372 and shall order same, *infra*.

Petitions to intervene have been filed by Sierra Pacific Power Company (Sierra Pacific) and San Diego Gas & Electric Company (San Diego). A notice of intervention was filed by the Public Service Commission of Nevada. Sierra Pacific supports Southwest's application in Docket No. CP75-322 and states if said application be granted that "Southwest's application in Docket No. CP75-327 would be without merit and need not be processed * * *" by the Commission; but that "* * * in the event this Commission does not see fit to deny Southwest's application in Docket No. CP75-327, petitioner [Sierra Pacific] reserves the right to be heard on the merits of Southwest's application in Docket No. CP75-327." (Petition, p. 2). In light of the action taken, *supra*, Sierra Pacific shall have such opportunity. An answer in opposition to San Diego's petition to

intervene was filed by Southwest on the ground that the application in Docket No. CP75–327 "can have no possible direct effect on San Diego, nor is any segment of these dockets of any public interest to San Diego." We have carefully reviewed San Diego's petition for leave to intervene and Southwest's response thereto and conclude that San Diego has failed to set forth in its petition that it has an interest in the instant proceeding, as required by § 1.8 of the Commission's Rules of Practice and Procedure, that will or may be adversely affected by the ultimate disposition of this proceeding. Accordingly, we shall deny San Diego's petition for leave to intervene.

The Commisison finds: (1) Applicant, Southwest Gas Corporation, a California corporation having its principal place of business in Las Vegas, Nevada, is a "natural gas company" within the meaning of the Natural Gas Act.

(2) The facility hereinbefore described (Docket No. CP75–322), as more fully described in the application in this proceeding, is proposed to be used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, and the construction and operation thereof by Applicant are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The construction and operation of the proposed facilities by Applicant are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) The participation of Sierra Pacific Power Company in the proceedings in Docket No. CP75–327 may be in the public interest.

(6) The participation of San Diego Gas & Electric Company in the proceeding in Docket No. CP75–327 may not be in the public interest.

The Commission orders: (A) Upon the terms and conditions of this order, a certificate of public convenience and necessity is issued to Southwest Gas Corporation in Docket No. CP75–322, authorizing Southwest to construct the proposed facility hereinabove described, as more fully described in the application in this proceeding, and to operate such facilities, consistent with the provisions of the Natural Gas Act.

(B) Sierra Pacific Power Company is permitted to intervene in Docket Nos. CP75–322 and CP75–327 subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and, *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

(C) San Diego Gas & Electric Company's petition to intervene is hereby denied.

(D) Southwest shall file testimony and evidence in support of its application in Docket No. CP75–327 on all parties, including Commission Staff, on or before December 12, 1975.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (See Delegation of Authority, 18 CPF 3.5 (d)) shall preside at the hearings in the proceedings in Docket No. CP75–327 pursuant to the Commission's Rules of Practice and Procedure.

(F) The Presiding Law Judge shall convene a prehearing conference on December 18, 1975, for the purpose of establishing procedures for the orderly and expeditious resolution of the matters at issue in Docket No. CP75–327.

(G) Pursuant to the authority of the Natural Gas Act, a hearing will be held commencing January 6, 1976, at 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issues raised by the application in Docket No. CP75–327.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–31960 Filed 11–25–75;8:45 am]

[Docket No. CP76–151]

TENNESSEE GAS PIPELINE CO.

Notice of Application

NOVEMBER 17, 1975.

Take notice that on November 4, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76–151 an application pursuant to Section 7(c) of the National Gas Act as implemented by § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorzing the construction, during the calendar year 1976, and operation of certain natural gas purchase facilities all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or other pipelines authorized to transport gas for or exchange gas with Applicant.

The total cost of the proposed facilities would not exceed $12,000,000, and the total cost of a single onshore project would not exceed $1,500,000, and the total cost of a single offshore project would not exceed $2,50,000. Applicant would initially finance these expenditures from general funds of the company and/or from borrowings under the company's revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–31961 Filed 11–25–75;8:45 am]

[Docket No. RP75–56]

TEXAS GAS PIPE LINE CORP.

Notice of Further Extension of Procedural Dates

NOVEMBER 17, 1975.

No November 12, 1975, Texas Gas Pipe Line Corporation filed a motion to extend the procedural dates fixed by order issued March 7, 1975, as most recently modified by notice issued September 17, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Rebuttal, December 15, 1975.
Hearing January 5, 1976 (10:00 a.m. e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–31962 Filed 11–25–75;8:45 am]

[Docket No. RP75-19]

TEXAS GAS TRANSMISSION CO.

Notice of Compliance

NOVEMBER 17, 1975.

Take notice that on November 7, 1975, Texas Gas Transmission Company (Texas Gas) filed revised tariff sheets to its FPC Gas Tariffs, Third Revised Volume No. 1 and Original Volume No. 2. Texas Gas states that this filing is in compliance with the Commission's order dated October 6, 1975 approving the Stipulation and Agreement submitted by Texas Gas in June 12, 1975, in this docket. Texas Gas states that the revised tariff sheets are to become effective on the dates set forth on the respective tariff sheets, and that the appropriate refunds will be made in accordance with the Stipulation and Agreement.

Copies of this filing were sent to all parties to this proceeding, as well as non-intervenor customers and interested state commissions.

Any person desiring to be heard or to protect said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Novembtr 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31928 Filed 11-25-75;8:45 am]

[Docket No. E-9496]

UNION ELECTRIC CO.

Notice of Extension of Procedural Dates

NOVEMBER 18, 1975.

On November 11, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 11, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, November 28, 1975.
Service of Company Rebuttal, December 12, 1975.
Hearing, January 6, 1976 (10:00 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31937 Filed 11-25-75;8:45 am]

[Docket No. E-9147 (Phase I)]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Further Extension of Procedural Dates

NOVEMBER 18, 1975.

On October 30, 1975, Virginia Electric and Power Company, The Cooperative Intervenors and Electricities of North Carolina filed a motion to extend the procedural dates fixed by order issued January 22, 1975, as most recently modified by notice issued August 26, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Rebuttal, December 16, 1975.
Hearing, January 19, 1976 (10:00 a.m. e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31943 Filed 11-25-75;8:45 am]

[Docket No. ER76-217]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Tendered Supplemental Contract

November 18, 1975.

Take notice that on November 5, 1975, Virginia Electric and Power Company (VEPCO), tendered for filing a revised contract supplement for Elizabeth City Delivery Point (proposed FPC Rate Schedule No. 88-19, dated April 9, 1975). VEPCO states that the tendered supplement supersedes FPC Rate Schedule No. 88-4 dated April 10, 1967. The company requests an effective date of October 15, 1975. The company states that it no longer owns the protective equipment listed under item 5(3) of the contract supplement for Elizabeth City Delivery Point of the Albemarle Electric Membership Corporation (Membership Corporation) and that there will be no increase in the unit cost of electricity to Membership Corporation as a result of the corrections in item 5(3) of the contract supplement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31938 Filed 11-25-75;8:45 am]

[Project No. 848]

WELLS RURAL ELECTRIC CO.

Notice of Issuance of Annual License

NOVEMBER 18, 1975.

On July 14, 1954, a license was issued to Wells Rural Electric Company for Project No. 848, located in Elko County, near the town of Wells, Nevada.

The license for Project No. 848 was issued effective December 14, 1953, for a period ending December 13, 1973. Since the date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to to the Federal Power Act, pending the filing and completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Wells Rural Electric Company for continued operation and maintenance of Project No. 848.

Take notice that an annual license is issued to Wells Rural Electric Company (Licensee) under the Federal Power Act for the period December 14, 1975, to December 13, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 848, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31944 Filed 11-25-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-16]

ANGOLAN ROBUSTA COFFEE

Notice of Status Conference

Notice is hereby given that a status conference in connection with United States International Trade Commission Investigation No. 337-TA-16, Certain Angolan Robusta Coffee, will be held on Friday, December 5, 1975, at 10:00 a.m. E.S.T., in the Hearing Room of the United States International Trade Commission Building, located at 701 E Street, NW., Washington, D.C.

At the status conference counsel or other representatives for all parties or interested persons to this investigation should be prepared to consider the following:

1. The status of the allegations and responses made in this investigation regarding unfair methods of competition and unfair acts in the importation and sale of Angolan Robusta coffee;

2. The status of discovery in this investigation;

3. Procedural rules to govern the course of proceedings in this investigation;

4. The relationship of the litigation pending in the United States District Court for the Southern District of New York (74 Civ. 5191 (LFM)) with this investigation; and

5. The date for conclusion of this investigation and schedules for a prehearing conference and hearing.

Issued: November 20, 1975.

[SEAL] WILL E. LEONARD,
Presiding Officer.

[FR Doc.75-31994 Filed 11-25-75;8:45 am]

[Investigation No. 337-TA-7]

ELECTRONIC AUDIO AND OTHER RELATED EQUIPMENT

Prehearing Conference and Rescheduled Hearing

Notice is hereby given that, in order to permit the parties time to obtain discovery in connection with United States International Trade Commission investigation No. 337-TA-7, Certain Electronic Audio and Related Equipment, a second prehearing conference will be held on Friday, December 19, 1975, at 9:00 a.m., e.s.t., in the Commissioners' conference room, Room 206 of the U.S. International Trade Commission Building, located at 701 E Street, NW., Washington, D.C. The prehearing conference will further clarify issues discussed during the prehearing conference held on November 19, 1975, at the U.S. International Trade Commission.

Notice is also given that a public hearing will be held in the Hearing Room of the U.S. International Trade Commission Building on Monday, January 12, 1976, at 10:00 a.m. e.s.t., for the purpose of taking evidence and hearing argument as to whether there is a violation of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), and, if so whether or not an exclusion order or a cease and desist order should be issued.

This notice hereby revokes the Wednesday, December 17, 1975, date set for a public hearing in the investigation in its Notice of Hearing which was issued on October 29, 1975, and published in the FEDERAL REGISTER of October 31, 1975 (40 F.R. 50752) by the U.S. International Trade Commission.

Requests from interested parties and persons for appearances at the public hearing should be received by the Presiding Officer, in writing, at his office in Washington, D.C. 20436, not later than noon on Wednesday, January 7, 1976.

This notice and order shall become effective
unless objection and request for reconsideration of this action is filed by any interested party within this 10-day period. Any objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation.

Issued: November 20, 1975.

[SEAL] DANIEL MINCHEW,
Presiding Officer.

[FR Doc.75-31993 Filed 11-25-75;8:45 am]

[AA1921-Inq.-3]

PORTLAND HYDRAULIC CEMENT, OTHER THAN WHITE NONSTAINING

Notice of Inquiry and Hearing

Having received advice from the Treasury Department on November 18, 1975, that, during the course of determining whether to institute an investigation with respect to portland hydraulic cement, other than white nonstaining cement, from Mexico in accordance with section 201(c) of the Antidumping Act, 1921 (19 U.S.C. 160(c)), it concludes from the information available to it that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of importation of this merchandise into the United States, the United States International Trade Commission on November 20, 1975, instituted inquiry AA1921-Inq.-3 under section 201(c)(2) of the act to determine whether—

there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Relevant portions of the Treasury Department advice are as follows:

The merchandise in question is a heavy fungible commodity which appears to have United States market impact on a regional area. Within the petitioner's regional area, information available to Treasury indicates that the petitioner, from 1973 through June 1975, has had 90-95% of the regional market. While the market has decreased in the last 2 years, the petitioner states that "the entire cement industry in the United States is in a period of oversupply due to great decline of domestic demand due to the current economic conditions in the United States." Sales by the Mexican exporter to petitioner's regional area in 1974 appear to have been approximately 2.2% of the total market in that area of 272,000 tons of cement, which are down from 3.5% of the market in 1973.

Preliminarily, margins of sales at less than fair value appear to range from 10 to 12% on imports from Mexico during the first 6 months of 1975 of roughly $1,761,000. From the unverified data available to Treasury, it appears that the possible margins may exist solely because of required statutory deductions, such as transportation costs. Total imports for 1974 were valued at roughly $101,700,000, with domestic production of roughly $2 billion during the same period.

Hearing. A public hearing in connection with the inquiry will be held in El Paso, Tex., on Friday, December 5, 1975, the time and location of which will be announced at a future date. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission in writing, at its office in Washington, D.C.

Such requests must contain—

a. The name and organization of the witness or witnesses who will testify and the name, address, telephone number, and organization of the person filing the request; and

b. An estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearance the request is filed.

Written statements. Interested parties may submit statements in writing in lieu of, and in addition to, appearance at the public hearing. A signed original and 19 true copies of such statements should be submitted. Such statements should be received no later than December 11, 1975.

By order of the Commission:

Issued: November 21, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-31995 Filed 11-25-75;8:45 am]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

Meeting

NOVEMBER 21, 1975.

The next meeting of the Board of Directors of the Legal Services Corporation will be held on Thursday, December 11 and Friday, December 12, 1975 in the Auditorium of the D.C. Chapter of the American National Red Cross, 20th and E Streets NW., Washington, D.C. (Enter through the main E Street entrance).

The meeting will convene at 12:15 on Thursday and at 9:00 a.m. on Friday and will be for the purpose of hearing reports from the Committee on Appropriations and Audit, the Committee on Regulations, the Committee on Provision of Legal Services, staff reports concerning the evaluation of support center activities, and other matters relating to the activities of the Corporation.

The meeting will be recessed from 12:30 p.m. to 2:00 p.m. on Thursday for lunch.

The meeting is open to the public.

ROGER C. CRAMTON,
Chairman.

[FR Doc.75-32041 Filed 11-25-75;8:45 am]

COMMITTEE ON PROVISION OF LEGAL SERVICES AND COMMITTEE ON REGULATIONS

Meeting

NOVEMBER 21, 1975.

The next meetings of the Committee on Provision of Legal Services and the Committee on Regulations of the Board of Directors of the Legal Services Corporation will be held on Thursday, December 11, 1975 in the headquarters of the D.C. Chapter of the American National Red Cross, 20th and E Streets NW., Washington, D.C. (Enter through the main E Street entrance).

The Committee on Provision of Legal Services will convene at 9:00 a.m. in the auditorium.

The Committee on Regulations will convene at 9:00 a.m. in the Board Room on the second floor, for the purpose of discussing proposed state advisory council regulations.

The meetings are open to the public.

ROGER C. CRAMPTON,
Chairman.

[FR Doc.75-32042 Filed 11-25-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SPECIAL PROJECTS ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Special Projects Advisory Panel to the National Council on the Arts will be held on December 11-13, 1975 from 9:00 a.m.-5:30 p.m. at the Americana Hotel, 7th Ave. at 52nd Street, New York, New York.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer,
National Endowment for the Arts.

[FR Doc.75-31973 Filed 11-25-75;8:45 am]

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

CHARTER AND NOTICE OF MEETING

1. *Official Designation.* The name of this Presidential advisory commission is the National Study Commission on Records and Documents of Federal Officials.

2. *Objectives and Scope.* The Commission, established under Title II of the Presidential Recordings and Materials Preservation Act (Public Law 93-526; 88 Stat. 1698; 44 U.S.C. 3315 *et seq.*), shall study problems involving the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials. To facilitate the purposes for which it was created, the Commission may hold hearings and receive such evidence as the Commission may deem desirable. Ultimately, the Commission will develop legislative recommendations and other recommendations regarding appropriate rules and procedures with respect to such control, disposition, and preservation. The Commission must transmit a detailed statement of its findings, conclusions, and recommendations in a report to the President and to each House of Congress.

3. *Time Period to Complete Purpose.* According to the above-cited statute, the Committee must transmit its report not later than March 31, 1976.

4. *To Whom Responsible.* The Committee shall report to the President and to each House of the Congress.

5. *Committee Support.* The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services and assistance as the Commission may request.

6. *Duties.* The Commission has been created solely to advise the President and each House of Congress as to appropriate rules and procedures with respect to control, disposition, and preservation of records and documents produced by or on behalf of Federal officials.

7. *Annual Operating Costs.* The estimated annual operating cost for the Commission is $350,000.

8. *Frequency of Meetings.* The Commission will meet at the call of the Chairman or a majority of the Commission members.

9. *Termination Date.* The Commission will terminate 60 days after transmitting its report.

10. *Filing Date.*

Pursuant to Subsection 10(a) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the first meeting of the National Study Commission on Records and Documents of Federal Officials will be held Monday, December 15, 1975, at 10:00 a.m., in Room 105 of the National Archives Building, 8th and Pennsylvania Avenue, NW, Washington, DC.

Purpose: The Commission was established under Title II of the Presidential Recordings and Materials Preservation Act (Pub. L. 93-526; 88 Stat. 1698; 44 U.S.C. 3315 *et seq.*) to study problems involving the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials.

Agenda: The first meeting will be devoted to organizational and administrative matters.

The meeting will be open to the public. Individuals are welcome to attend to the extent of available space.

HERBERT BROMNELL,
Chairman.

[FR Doc.75-31925 Filed 11-25-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. P-636-A]

FLORIDA POWER & LIGHT CO.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Florida Power & Light Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated July 14, 1975, in connection with its plans to construct and operate two nuclear power reactors. At this time, final decisions have not been reached with respect to site selection, and it is possible that more than one site will be utilized. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application, consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., 20555. As soon as a site is selected, a Local Public Document Room will be established where related documents will be made available for public inspection. Docket No. P-636-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation on or before January 26, 1976.

Dated at Bethesda, Maryland this 20th day of November 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1-3, Division of Reactor Licensing.

[FR Doc.75-31859 Filed 11-25-75;8:45 am]

[Docket No. 50-534]

INSTITUTE FOR RESOURCE MANAGEMENT

Notice of Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on May 9, 1975 (40 FR 20370) and the Nuclear Regulatory Commission having found that:

(a) The application filed by Institute for Resource Management, Inc. Docket No. 50-534, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined

in said Act and regulations, the Commission has issued License No. XR–105 to Institute for Resource Management, Inc., authorizing the export of a research reactor with a thermal power level of 0.1 watt to the Kyung Hee University, Seoul, Korea.

The export of this reactor to Korea is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Korea Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 18th day of November 1975.

For the Nuclear Regulatory Commission.

G. WAYNE KERR,
Chief, Agreements and Exports Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.75-31855 Filed 11-25-75;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 12 and 10 to Facility Operating Licenses Nos. DPR–44 and DPR–56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendment is effective 30 days from the date of issuance.

The amendment incorporates into the Peach Bottom Atomic Power Station, Units 2 and 3 Technical Specifications, changes to the Administrative Controls.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a sigificant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 16, 1974, (2) Amendments Nos. 12 and 10 to Licenses Nos. DPR–44 and DPR–56, respectively, with Changes Nos. 13 and 10, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 10th day of November 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-31856 Filed 11-25-75;8:45 am]

[Docket Nos. 50-443A and 50-444A]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, ET AL.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated November 13, 1975:

On July 11, 1973, you requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application. On December 4, 1973, we informed you that we did not believe an antitrust hearing would be necessary with respect to this application. Subsequently, you transmitted to us a proposed amendment (No. 32) to this application in order to afford us an opportunity to render such additional advice as we might determine to be appropriate.

The amendment added two investor-owned utilities, Central Vermont Public Service Corporation and Green Mountain Power Corporation, as joint owners of the subject generating station. The former company was most recently before the Commission as a joint participant in the Montague Nuclear Power Station (NRC Docket Nos. 50-496A and 50-497A); on January 8, 1975, we recommended that no antitrust hearing be held on that application. Our inquiry into this matter has indicated that the competitive situation wth respect to all of the Applicants does not appear to be altered in any significant respect by the amendment. Accordingly, it remains our opinion that an antitrust hearing will not be necessary with respect to the instant application.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by December 27, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Acting Chief, Office of Antitrust & Indemnity Nuclear Reactor Regulation.

[FR Doc.75-31753 Filed 11-25-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.13, Revision 1, "Instruction Concerning Prenatal Radiation Exposure," describes the instruction that should be provided concerning biological risks to embryos or fetuses resulting from prenatal radiation exposure. Revision 1 includes minor changes of a clarifying nature incorporated as a result of public comment. No substantive changes have been made.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 8 Regulatory Guides currently being developed include the following:

Surface Contamination Limits
Dosimetry for Criticality Accidents
Performance Specification for Reactor Emergency Monitoring Instrumentation
Personnel Neutron Dosimeters
Acceptable Programs for Respiratory Protection
Bioassay for Plutonium
Occupational ALARA for Medical Institutions

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-31858 Filed 11-25-75;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee Nuclear Power Station located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

The amendment revises the provisions in the Technical Specifications which would allow the replacement of the tungsten filament incandescent bulbs used for primary control rod position indication with light emitting diodes (LEDs), and would correct the description of the secondary rod position indicating scheme to reflect the previously approved controls of Yankee-Rowe with four instead of six rod groups.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 28, 1975, (2) Amendment No. 20 to License No. DPR-3 with Change No. 125, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commision's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 19th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors' Branch #1, Division of Reactor Licensing.

[FR Doc.75-31857 Filed 11-25-75;8:45 am]

POSTAL SERVICE

INTERNATIONAL POSTAL RATES AND FEES

Increases

Correction

In FR Doc. 75-31016, appearing at page 53447, in the issue for Tuesday, November 18, 1975, on page 53448, in the first column, the last entry of Table I, A, now reading "Each additional 4 oz . . ." should be changed to read "Each additional 32 oz . . ."

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-11858; File No. SR-MSE-75-2]

MIDWEST STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 17, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change.

OLD RULE

ARTICLE XXXI—INSURANCE AS AN ANCILLARY ACTIVITY

Member Organizations May Sell Insurance

Rule 1. A member organization may also engage in the sale of insurance as an ancillary financial service to public customers.

Reports to Exchange Required

Rule 2. Prior to entering into any contract or relationship involving the sale of insurance a written plan describing such operations shall be filed with and approved by the Exchange. In addition, each such member organization shall report to the Exchange periodically on the amount and type of insurance sold, the insurance carriers and general agents through which such policies were written and such other information on the member organization's insurance activity as the Exchange may require.

Qualifications of Members' Employees

Rule 3. No employee of a member organization may engage in the sale of insurance unless his qualifications are first established to the satisfaction of the Exchange by evidence of prior satisfactory experience in such work, successful completion of an approved training course, or an Exchange-approved examination. Each such employee must be a full time employee.

Insurance Administration Charge

Rule 4. The Board of Governors may from time-to-time impose an insurance administration charge upon member organizations engaged in the sale of insurance measured by the gross commission income from the sale of insurance earned by (1) the member organization and (2) any corporate affiliate of the member organization the personnel of which are required to comply with the rules and policies of the Exchange applicable to the registration and regulation of registered representatives and securities salesmen. Gross commission income shall be deemed to include first year and renewal commissions received on policies sold on and after December 1, 1971, and all other income derived from the sale of insurance including, but not limited to, expense bonuses, allowances or reimbursements, persistency bonuses, production bonuses and service fees.

Qualifications of Insurance Carriers

Rule 5. The Board of Governors of the Exchange may establish criteria to help assure financial responsibility of insurance companies through which member organizations may sell insurance. All insurance companies through which a member organization proposes to write insurance must be admitted to do business in each state in which the organization proposes to write insurance with such insurers and meet such other standards which are established by the Board of Governors of the Exchange. Insurance carriers may be required to submit such information and reports to the Exchange as are deemed necessary by the Board of Governors to provide for the appropriate conduct of this business by the member organization.

Trade Practices

Rule 6. Advertising practices as to insurance shall be conducted in accordance with MSE Rules, Article XXVI. In addition, all member firms shall comply with all applicable state laws and regulations relative to the conduct of the business of insurance.

Existing policies of life insurance shall not be replaced except in accordance with applicable state laws and regulations and in all such cases an appropriate form disclosing the features of the new and replaced policies shall be furnished to the insured. If a state has adopted a specific form such form must be used. All other forms must be approved by the Midwest Stock Exchange. Where existing insurance is replaced the replacement form must be initialed by the immediate supervisor of the sales representative who sold the insurance.

Prompt Resolution of Customer Complaints

Rule 7. Any complaint initiated by a customer in regard to any aspect of the insurance operation must be communicated immediately to the supervisor of the registered representative. A written record of the action taken to resolve the complaint must be maintained in the member organization's files. Any complaint initiated by any insurance company or regulatory body or other entity against the member firm or any officer, employee, or person affiliated with a member organization or subsidiary of a member organization must be promptly reported to the Chief Executive Officer of the member organization and to the Department of Member Firms of the Exchange. Prompt action must be taken by the member organization to cooperate with any insurance company or regulatory body initiating any action or investigation.

Maintenance of Adequate Financial Records

Rule 8. Each member organization must organize and maintain an adequate accounting system and maintain financial records in order to account properly for the conduct of the insurance business.

NEW RULE

ARTICLE XXXI

Insurance as an Ancillary Activity

Member Organizations May Sell Insurance

Rule 1. A member organization may engage in the sale of insurance (directly, or through its corporate affiliate or subsidiary) only through full-time employees of such member organization each of whom is then in compliance with the licensing and any other requirements of applicable insurance laws and regulations.

Reports to Exchange Required

Rule 2. Each member organization which engages in the sale of insurance shall promptly report to the Exchange the name of each person through whom such member organization sells insurance, the training in the sale of insurance received by each such person, the state or states in which each such person is licensed to sell insurance, the names of the insurance companies for which each such person is licensed in each such state, and the type of license obtained by each such person in each such state.

Maintenance of Adequate Financial Records

Rule 3. Each member organization which engages in the sale of insurance shall also keep current in a separate file within the member organization the following information:

(1) A description of the member organization's supervisory program as related to the sale of insurance, the name of each member or employee within the member organization who has been given the responsibility of exercising supervisory control over the persons engaged in the sale of insurance and the specific responsibilities of each such persons.

(2) A description of the member organization's surveillance program as related to the sale of insurance, the name of each member or employee within the member organization who has been given the responsibility of exercising surveillance responsibilities and the specific responsibilities of each such person.

(3) Sales and other records relating to the member organization's sale of insurance as deemed appropriate by the member organization including, without limitation, records disclosing the types and amounts of insurance sold, the commissions earned and the commissions paid to individuals engaged in the sale of such insurance. Such records shall be maintained in a reasonably accessible location for inspection by the Exchange for not less than three years.

Midwest Stock Exchange's Statement of Basis and Purpose

The purpose of the rule change is to remove arbitrary and unnecessary restrictions on member firms' and member firm employees' ability to gain approval from the Midwest Stock Exchange, Incorporated, to sell insurance as an ancillary form of business.

One provision of the proposed rule change seeks to eliminate any registration or administrative charges for all member firms and member firm employees.

The proposed rule change will promote just and equitable principles of trade by making Midwest Stock Exchange, Incorporated-sponsored training courses and registration fees unnecessary for gaining access to the insurance business.

No comments have been solicited.

No burden has been placed on competition.

On or before December 31, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will: a. by order approve such proposed rule change, or

b. institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 26, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 20, 1975.

[FR Doc.75-31922 Filed 11-25-75;8:45 am]

[Rel. No. 11825]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Filing of Proposed Rule Changes

NOVEMBER 13, 1975.

In the matter of The National Association of Securities Dealers, Inc., 1735 K Street NW., Washington, D.C. 20006; (SR-NASD-75-4).

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on November 3, 1975, the National Association of Securities Dealers, Inc. ("NASD") a national securities association registered with the Commission pursuant to Section 15A of the Act, filed with the Commission copies of proposed rule change. The proposed rule changes would amend Section 14 of the NASD's Uniform Practice Code and Interim Rule 120 and National Envelope Settlement System ("NESS") Rule 14 of the Operating and Interim Rules of the National Clearing Corporation ("NCC"), a wholly-owned subsidiary of the NASD, to enable the NCC to provide a central facility for the collection of taxes owed by NCC members as a result of trading in corporate bonds affected by the New York City Tax on Sale and Purchase of Certificates of Indebtedness, which became effective on August 15, 1975, and for the submission of these tax funds to the appropriate taxing authorities. This new law makes mandatory the payment of applicable transfer taxes through securities clearing corporations and therefore those brokers and dealers that do make payment of such taxes through a clearing corporation affiliated with a registered national securities exchange must make such payment through the NCC.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule changes. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 26, 1975.

The Commission is directed under Section 19(b)(2) of the Act to approve a proposed rule change if it finds it to be consistent with the requirements of the Act and rules thereunder applicable to such organization. The Commission finds that the proposed rule changes are consistent with the requirements of Section 15A of the Act relating to national securities associations, including the requirements of present Section 15A(b)(8) thereof which provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that the rules of the association are designed, among other things, to pro-

tect investors and the public interest and to remove impediments to and perfect the mechanism of a free and open market. In addition, the proposed revision of Section 14 of the NASD's Uniform Practice Code, which would require members to pay the applicable transfer taxes through securities clearing corporations in accordance with the obligations imposed upon such members by New York law, are consistent with the requirements of new Section 15A(b)(6) of the Act, which shall become effective on December 1, 1975. Section 15A(b)(6) will provide that an association of brokers and dealers shall not be registered unless the Commission determines that the rules of the association are designed, among other things, to foster cooperation and coordination among persons engaged in regulating, clearing, settling, processing information with respect to and facilitating transactions in securities. The Commission also finds the proposed amendments to NESS Rule 14 and Interim Rule 120 of the NCC Operating and Interim Rules consistent with the requirements of the Act and the rules thereunder applicable to NCC.

Further, the Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of the filing thereof inasmuch as immediate approval of the proposed rule changes will insure that NASD members as well as the NCC and its members comply with the duties and obligations imposed upon them by the laws of the State of New York.

For the foregoing reasons, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of filing thereof.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-31921 Filed 11-25-75;8:45 am]

[Release No. 34-11859; File No. SR-PBWSE-75-8]

PBW STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 5, 1975 and November 18, 1975, respectively, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change and a clarifying amendment thereto, together providing as follows:

STATEMENT BY PBW STOCK EXCHANGE, INC. OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The PBW Stock Exchange, Inc. ("PBW") proposes to amend its policies relating to the intervals at which exercise prices of options are fixed (the "Exercise Price Amendments"). The proposed amendments to these policies are set forth below. Brackets indicate words to be deleted, and italic indicates words to be added.

Exercise prices are generally fixed at 5 point intervals for securities trading below 50, 10 point intervals for securities trading between 50 and [100] *200, and* 20 point intervals for securities trading [between 100 and 200] *above 200* [and 25 point intervals for securities trading above 200].

The purpose of the Executive Price Amendments is to enable the PBW to set the exercise price of series of options opened for trading on the PBW at a price per share which is closer to the market price per share at which the underlying stock is traded in the primary market.

The Exercise Price Amendments are authorized by Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act"). Although Section 6 of the 1934 Act, as recently amended by the Securities Acts Amendments of 1975, does not become effective until December 1, 1975, the Exercise Price Amendments will be consistent with that Section when such amendments to the 1934 Act become effective.

The Exercise Price Amendments are designed to permit the narrowing of the markets in options dealt in on the Exchange by enabling the PBW to set the exercise price of series of options opened for trading on the PBW at a price per share which is closer to the market price per share at which the underlying stock is traded in the primary market. The PBW believes that the Exercise Price Amendments will serve to promote just and equitable principles of trade and to protect investors in exchange traded option contracts.

The PBW has determined that the Exercise Price Amendments would not impose any burden on competition.

On or before December 31, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 22, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 20, 1975.

[FR Doc.75-31923 Filed 11-25-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

MADISON DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Madison District Advisory Council will hold a public meeting from 10:00 a.m. until 2.30 p.m., Friday, January 9, 1976, at the Security First National Bank of Sheboygan, Sixth Floor, 605 North Eighth Street, Sheboygan, Wisconsin 53081, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write Lucian G. Schlimgen, Jr., 122 West Washington Avenue, Room 700, Madison, Wisconsin 53703, (608) 252-5267.

Dated: November 19, 1975.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils, Small Business Administration.

[FR Doc.75-31865 Filed 11-25-75;8:45 am]

ST. LOUIS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration St. Louis District Advisory Council will hold a public meeting at 9:30 a.m., Friday, December 19, 1975, at Room 520, 210 North 12th Street, St. Louis, Missouri 63101, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write Thomas L. Holling, at the above address or call (314) 425-4516.

Dated: November 19, 1975.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils, Small Business Administration.

[FR Doc.75-31866 Filed 11-25-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-336]

AIR PRODUCTS AND CHEMICALS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists on behalf of the workers and former workers of Manufacturing Division, Wilkes Barre, Pennsylvania of Air Products and Chemicals, Incorporated, Allentown, Pennsylvania (TA-W-336).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with storage tanks for gryogenic liquids produced by Air Products and Chemicals, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31988 Filed 11-25-75;8:45 am]

[TA-W-334]

ARROW CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of The Arrow Company, Corinth, New York, a division of Cluett Peabody and Company, Incorporated, New York, New York (TA-W-334).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress shirts produced by The Arrow Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 8ee,e 1975.
ber 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31989 Filed 11-25-75;8:45 am]

[TA-W-141]

BROWN SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-141; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 12, 1975 in response to a worker petition received on September 12, 1975 which was filed by workers formerly producing women's leather shoes at the Owensville, Missouri plant of the Brown Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 43285) on September 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Company, its customers, the U.S. Department of Commerce, the International Trade Commission, the American Footwear Industries Association, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers decreased 8 percent from 1973 to 1974 and 17 percent in the first half of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Owensville plant decreased 20 percent from 1973 to 1974 and 39 percent in the first half of 1975 compared to the first half of 1974. Production declined 20 percent from 1973 to 1974 and 37 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. Imports of articles like or di-

rectly competitive with those produced at the Owensville plant increased from 167 million pairs in 1970 to 216 million pairs in 1973, while domestic consumption declined. In 1974 both imports and consumption declined.

The ratios of imports to domestic consumption and production increased from 40 percent and 66 percent, respectively in 1970 to 52 percent and almost 110 percent in 1973 The ratios for 1974 were higher than those for 1972 and prior years but lower when compared to 1973. Imports of women's and misses footwear competitive with those produced at the Owensville plant increased both absolutely and relatively to domestic consumption and production in the first half of 1975 compared to the same period in 1974.

The evidence developed by the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's shoes at the Owensville, Missouri plant of the Brown Shoe Company was related importantly to the increased share of the market supplied by competitive imports. Increased imports aggravated a poor market situation for shoes, associated with the recession.

Reduced sales of women's footwear by the Brown Shoe Company led to declining production at the Owensville, Missouri plant in late 1974 and in the first six months of 1975. The company responded to reduced sales and production by both reducing the workforce and by reducing hours of employment in the latter part of 1974 and in the first six months of 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Owensville plant of the Brown Shoe Compay contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of women's shoes at the Owensville plant of the Brown Shoe Company who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of November 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-31982 Filed 11-25-75;8:45 am]

[TA-W-172]

CHERRY KNITTING MILLS

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-172; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL-CIO) on behalf of workers and former workers producing men's and ladies' sweaters at Cherry Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44638) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cherry Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and,

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment of production workers at Cherry declined eight percent in 1974 compared to 1973, and declined nine percent in the first eight months of 1975 compared to the same period in 1974. Average weekly hours for production workers increased eleven percent in 1974 and declined 13 percent in the first eight months of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Cherry Knitting Mills produces men's sweaters both for direct sales to retailers and on a contractual basis to wholesalers. Total sales by Cherry increased one percent in 1974 from 1973 and declined 15 percent in the first eight months of 1975 compared to the first eight months of 1974.

Increased Imports Contributed Importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970-1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports in the first six months of 1975 were 60 percent greater than during the same period in 1974. Imports relative to domestic production were 24 percent in 1970, 33 percent in 1972, and 39 percent in 1974.

More than 90 percent of the sweaters produced by Cherry Knitting Mills during 1973-1975 were specialty products for use by postal workers and transit operators as a supplement to their uniform. The sweaters are manufactured according to the specifications of the organizations employing the workers for whom they are intended. Imported sweaters are not competitive with the specific type of sweater produced by Cherry. Customers of Cherry indicated that their reduced purchases from Cherry were due primarily to general economic conditions and not as a result of increased import competition.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Cherry Knitting Mills, Inc., Philadelphia, Pennsylvania did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C. this 18th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-31986 Filed 11-25-75;8:45 am]

[TA-W-332]

FAIRFAX MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Mound City, Missouri and Fairfax, Missouri plants of Fairfax Manufacturing Company, Fairfax, Missouri (TA-W-332).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ash trays, dresser valets, and pipe racks produced by Fairfax Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm

or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31990 Filed 11-25-75;8:45 am]

[TA-W-142]

JOSLYN STAINLESS STEELS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-142: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 15, 1975 in response to a worker petition received on September 15, 1975 which was filed by the United Steel Workers of America on behalf of workers formerly producing stainless steel at the Fort Wayne plant of Joslyn Stainless Steels, a Division of Joslyn Manufacturing and Supply Company, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 43786) on September 23, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Joslyn Stainless Steels, its customers, industry analysts, information and publications of the U.S. International Trade Commission, the U.S. Department of Commerce and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 22 percent in the first half of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales of stainless steel at the Fort Wayne plant declined 18 percent by quantity in 1974 compared to 1973. Sales in the first half of 1975 declined 42 percent by quantity compared to the like period in 1974. Production of stainless steel in the first six months of 1975 declined 17 percent by value compared to the like period in 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Fort Wayne plant of Joslyn Stainless Steels increased from 63.5 thousand tons in the first half of 1974 to 99.5 thousand tons in the first half of 1975.

The ratios of imports to domestic consumption and production increased from 8.5 percent and 9.1 percent, respectively in the first half of 1974 to 20.7 percent and 25.8 percent in the first half of 1975.

The evidence developed by the Department's investigation indicates that as prices of imported stainless steel became more attractive to consumers in the U.S. they switched from the domestic product to the imported product. In 1975, customers of Joslyn Stainless Steels found imported prices attractive and switched their purchases from stainless steel products made at the Fort Wayne plant to imported stainless steel. Separations of workers at the Fort Wayne plant were caused by the increase of competitive imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel produced at the Fort Wayne plant contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers engaged in employment related to the production of stainless steel at the Fort Wayne plant of Joslyn Stainless Steels Division of Joslyn Manufacturing and Supply Company who became totally or partially separated from employment on or after November 25, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of November 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-31983 Filed 11-25-75;8:45 am]

[TA-W-152]

MICHIGAN PLATING AND STAMPING CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-152: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 16, 1975 in response to a worker petition received on September 15, 1975 which was filed by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers formerly producing automobile bumpers at the Grand Rapids, Michigan plant of Michigan Plating and Stamping Company, a division of Gulf and Western Industries, Inc., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44212) on September 25, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Michigan Plating and Stamping, its customers, industry analysts, the Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the Grand Rapids plant de-

clined 37.7 percent in the first nine months of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Grand Rapids plant declined 38.6 percent from 1973 to 1974. Sales declined 28.8 percent in the first eight months of 1975 compared to the first eight months of 1974.

Increased Imports Contributed Importantly. Imports of bumpers like or directly competitive with those produced at the Grand Rapids plant decreased from 1,281 thousand units in the first eight months of 1974 to 865 thousand units in the first eight months of 1975.

The ratios of imports to domestic consumption and production decreased from 13.3 percent and 15.2 percent respectively in the first eight months of 1974 to 10.5 percent and 11.8 percent, respectively, in the first eight months of 1975.

During 1974 and 1975, economic conditions in the U.S. reduced the demand for new automobiles and thus reduced demand for auto bumpers produced by Michigan Plating and Stamping.

The major customer that reduced purchases from Michigan Plating and Stamping during 1975 reduced purchases of imported bumpers by a greater percentage.

Transfers of bumper production from Michigan Plating and Stamping to a Canadian subsidiary of Gulf and Western Industries represented less than five percent of the output of the Grand Rapids plant during 1975. Employment at the Grand Rapids plant increased during the month after the transfer.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with automobile bumpers produced at the Grand Rapids, Michigan plant of Michigan Plating and Stamping Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 18th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-31987 Filed 11-25-75;8:45 am]

[TA-W-339]

OUTBOARD MARINE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 18, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Allied Industrial Workers on behalf of the workers and former workers of Outboard Marine Corporation, Charlotte, North Carolina and Cushman Sales and Service, Lincoln, Nebraska, divisions of OMC-Lincoln-Cushman, Lincoln, Nebraska, a wholly owned subsidiary of Outboard Marine Corporation, Waukegan, Illinois (TA-W-339).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with golf cars produced by Outboard Marine Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31991 Filed 11-25-75;8:45 am]

[TA-W-144]

ROGERS FLIES AND LURES

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-114; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 16, 1975 in response to a worker petition received on September 15, 1975 which was filed by workers formerly producing crappie stoppers and spinner baits at the Lamar, Missouri plant of Rogers Flies and Lures, a subdivision of G & R Industries, Purdy, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44210) on September 25, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rogers Flies and Lures, its customers, the American Fishing Tackle Manufacturers Association, the Department of Commerce, the International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 61 percent in the first six months of 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Lamar, Missouri plant declined 33 percent in the last half of 1974 compared to the last half of 1973. Sales in the first half of 1975 declined 30 percent compared to the first half of 1974. The plant closed July 31, 1975.

Increased Imports Contributed Importantly. Imports of fishing tackle and equipment increased from $33.9 million in 1970 to $76.4 million in 1974.

Imports of artificial baits and flies like or directly competitive with those produced at the Lamar plant increased from $3.4 million in 1970 to $5.9 million in 1974. The ratios of imports to domestic consumption and production increased from 19 percent and 24 percent, respectively in 1970 to 22 percent and 28 percent, respectively in 1974.

The evidence developed by the Department's investigation indicates that increased imports of flies and lures contributed importantly to the total or partial separations of workers engaged in employment related to the production of crappie stoppers and spinner baits.

Flies such as crappie stoppers are labor intensive products hand made usually by women. In recent years flies and baits produced by low wage foreign labor have

sold at prices substantially below prices of domestically manufactured products. Rogers customers readily switched to lower cost imported flies. Faced with declining orders for its domestically produced flies which were no longer competitive with imports, Rogers parent company, G & R Industries began negotiating with a Mexican firm in the fall of 1974. In June 1975 a contract was signed under which the Mexican firm would supply 100 percent of G & R's annual requirements of flies at 50 percent of the cost of production at Lamar. All flies are being marketed under the Rogers brand name.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with crappie stoppers and spinner baits produced at the Lamar plant contributed importantly to the total or partial separation of the workers of that plant.

Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility shall not apply to any worker last separated from the firm or subdivision more than six months prior to April 3, 1975, the effective date of the new program.

In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers at the Lamar, Missouri plant of Rogers Flies and Lures who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of November 1975.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.75-31984 Filed 11-25-75;8:45 am]

[TA-W-26]

ROHR INDUSTRIES, INC.

Notice of Correction of Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, on July 18, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to certain workers and former workers of the Chula Vista, California facility of Rohr Industries, Inc. (TA-W-26). The notice of certification was published in the FEDERAL REGISTER (40 FR 31844) on July 29, 1975.

As a result of further evidence developed in a subsequent investigation the certification was revised on September 29, 1975 to encompass additional job classifications and departments. Notice of the revision was published in the Federal Register (40 FR 46167) on October 6, 1975. In an oversight the following two job classifications were omitted from the revised certification: * 2-4603, Molded Plastic Tool Builder A, * 2-4604, Molded Plastic Tool Builder B.

Accordingly the revised certification issued September 29, 1975 is hereby amended to include the two jobs classifications noted above.

Signed at Washington, D.C. this 14th day of November 1975.

JAMES F. TAYLOR,
Director,
Planning and Evaluation.

[FR Doc.75-31985 Filed 11-25-75;8:45 am]

[TA-W-338]

STETSON DEE CLOTHES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 14, 1975 the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Stetson Dee Clothes, Incorporated, Baltimore, Maryland (TA-W-338).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by Stetson Dee Clothes, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-31992 Filed 11-25-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 127]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 26, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 16, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76022. By order entered November 20, 1975, the Motor Carrier Board approved the transfer to Catawese Coach Lines, Inc., Catawissa, Pa., of the operating rights set forth in Certificate No. MC-116370, issued April 4, 1972, to Charles W. Napierski, doing business as Catawese Coach Lines, Inc., Catawissa, Pa., authorizing the transportation of passengers and their baggage in the same vehicle, in round-trip and special and charter operations, beginning and ending at Towanada, Pa., and points in Bradford County, Pa., within 15 miles of Towanda, and extending to New York, N.Y. Christina V. Graff, 407 North Front St., Harrisburg, Pa. 17101 and S. Harrison Kahn, 1511 K St., N.W., Washington, D.C. 20005, attorneys.

No. MC-FC-76089. By order of November 21, 1975, the Motor Carrier Board approved the transfer to Varied Transit, Inc., Pomona, New York, of that portion of Certificate No. MC-95375 issued October 23, 1968, to West Point Tours, Inc., Highland Falls, New York, authorizing the transportation of passengers and their baggage, restricted to traffic originating at the points indicated in charter operations, from New York, N.Y., and points in Rockland County, N.Y., to points in Pennsylvania, New York, New Jersey, Connecticut, Vermont, New Hampshire and the District of Columbia and return. Arthur J. Piken, One Lefrak City Plaza, Flushing, New York 11368, Attorney for Applicants.

No. MC-FC-76126. By order of November 20, 1975, Motor Carrier Board approved the transfer to Balistreri Trucking, Inc., 2930 Espy Avenue, Pittsburgh, PA 15216, the Permits in Nos. MC-128410 and MC-128410 (Sub-No. 1), issued July 25, 1975 and August 3, 1973, respectively, to Tom Balistreri, Pittsburgh, PA 15216 authorizing transportation of: varied

specified commodities, from, to or between points in Pennsylvania, West Virginia, Ohio, New Jersey, Delaware, New York, and Maryland, restricted to traffic moving under a continuing contract with Mulach Steel Corporation. Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219 Attorney for transferee.

No. MC–FC–75153. By order of November 21, 1975, the Motor Carrier Board approved the transfer to Ross Trucking Company, Pittsburgh, Pa., of Permit No. MC–139444 issued June 3, 1975, to Ross J. Aiello, d/b/a Aiello Trucking Co., Pittsburgh, Pa., authorizing the transportation of general commodities, from and to specified points in Pennsylvania. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pennsylvania 15219, Attorney for Applicants.

No. MC–FC–76179. By order entered November 21, 1975, the Motor Carrier Board approved the transfer to Twin Haulage Co., a corporation, Linden, N.J., of the operating rights set forth in Certificate No. MC–105607 (Sub-No. 5), issued May 22, 1975, to Edward C. Walkiewicz, doing business as Twin Haulage Company, Linden, N.J., authorizing the transportation of animal fats, animal fatty acids, inedible animal tallows, and animal greases, animal or red oil, fish oil and sea animal oil, and cocoanut oil and palm oil, from and to points in New Jersey, New York, and Pennsylvania. George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306, practitioner for applicants.

No. MC–FC–76190. By order of November 20, 1975, the Motor Carrier Board approved the transfer to H. & L. Trucking, Inc., Weston, Ohio, of Certificate No. MC-118842 issued by the Commission February 1, 1960, to C. & G., Inc., Versailles, Ohio, authorizing the transportation of poultry and eggs, when moving at the same time and in the same vehicle with traffic the transportation of which is not within the partial exemption provided by Section 203(b)(6) of the Act, and materials, containers and supplies used in the packaging and shipping of poultry and eggs, from points in Clermont, Columbia, Crawford, Darke, Henry, Holmes, Perry, and Wayne Counties, Ohio to Pittsburgh, Pa.; materials, containers, and supplies used in the packaging and shipping of poultry and eggs: From points in Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, and Pennsylvania, to points in Clermont, Columbia, Crawford, Henry, Holmes, Perry, and Wayne Counties, Ohio; from points in Ohio, Illinois, Indiana, Massachusetts, Michigan, New Jersey, and New York, to Pittsburgh, Pa.; and from points in Massachusetts, New Jersey, New York, and Pennsylvania to points in Darke County, Ohio; restricted against the transportation of egg containers from Piermont, N.Y., and Newark, N.J., to points in Darke County, Ohio. David A. Turano, Esquire, George, Greek, King, McMahon, & McConnaughey, 100 East Broad, Columbus, OH 43215.

No. MC–FC–76198. By order entered November 20, 1975, the Motor Carrier Board approved the transfer to Winter Hill Storehouse, Inc., Winchester, Mass., of the operating rights set forth in Certificate No. MC–18192, issued May 5, 1954, to C. Bain, Inc., North Billerica, Mass., authorizing the transportation of households goods, office furniture and equipment, and store fixtures, between Somerville, Mass. and points within 25 miles thereof, on the one hand, and, on the other, points in New York, Pennsylvania, Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont, and New Jersey. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32032 Filed 11-25-75;8:45 am]

[Notice No. 93]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 21, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before December 26, 1975 (unless otherwise specified). Failure reasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specified portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 109294 (Sub-No. 6) (Notice of petition to modify certificate), filed November 3, 1975. Petitioner: COMMERCIAL TRUCK CO., LTD., 230 Brunette Street, New Westminster, British Columbia, Canada. Petitioner's representative: Michael D. Duppenthaler, 515 Lyons Building, 607 Third Avenue, Seattle, Wash. 98104. Petitioner holds a motor *common carrier* certificate in No. MC 109294 (Sub-No. 6), issued December 23, 1966, authorizing transportation, over irregular routes, of *Lumber*, between Forks, Carlsborg, and points in Clark, Cowlitz, Pacific, Grays Harbor, Lewis, and Thurston Counties, Wash., on the one hand, and, on the other, ports of entry on the United States-Canada Boundary line at or near Blaine and Sumas, Wash., restricted to the transportation of traffic originating at or destined to points in British Columbia, Canada.

By the instant petition, petitioner seeks to eliminate the restriction in the above described authority or by issuing a formal opinion that Commercial can handle under the subject certificate shipments of lumber between specified Western Washington Counties and the United States-Canada International Boundary Line that either originates at/or destined for export shipment into or out of British Columbia via steamship. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 123778 (Sub-Nos. 1 and 21) (Notice of filing of petition to modify permits), filed October 15, 1975. Petitioner: JALT CORP., Doing business as, UNITED NEWSPAPER DELIVERY SERVICE, P.O. Box 398, Woodbridge, N.J. 07095. Petitioner's represntative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds motor *contract carrier* permits in Nos. MC 123778 (Sub-Nos. 1 and 21), issued December 10, 1974 and November 8, 1974, respectively, authorizing transportation, as pertinent, over irregular routes, in MC 123778 (Sub-No. 1), of *Magazines*, from Newark Airport, at Newark, N.J., and LaGuardia and John F. Kennedy Airports, at New York, N.Y., to points in Connecticut, New Jersey, that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State line, and on and east of U.S. Highway 11 betwen Syracuse and the New York-Pennsylvania State line,

that part of Pennsylvania on and east of U.S. Highway 15, Wilmington, Del., Baltimore, Md., and the District of Columbia, restricted to a transportation service to be performed under a continuing contract, or contracts with U.S. News & World Report, Inc., of Dayton, Ohio; and in MC 123778 (Sub-No. 21), of (1) *Newspapers* (otherwise exempt from economic regulations under section 203(b)(7) of the Act) when transported in the same vehicle with a regulated commodity (otherwise authorized) and (2) *magazines and advertising matter*, from Woodbridge, N.J., to Wilmington, Del., Baltimore, Md., the District of Columbia, and points in New Jersey and Connecticut, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and east of New York Highway 14, restricted to a transportation service to be performed, under a continuing contract, or contracts, with Select Magazines, Inc., of New York, N.Y.

By the instant petition, petitioner seeks to add McGraw-Hill Publications Company as a contract shipper in the last portion of operating authority on sheet 6 thereof; and in MC 123778 (Sub-No. 21) by adding the contract shippers of McGraw-Hill Publications and Rumford Press, Inc. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135185 (Sub-No. 16), (Notice of filing of petition to modify territorial description), filed October 23, 1975. Petitioner: COLUMBINE CARRIERS, INC., a Delaware Corporation, P.O. Box 22198, 5925 E. Evans Ave., Denver, Colo. 80222. Petitioner's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Petitioner holds a motor *contract carrier* permit in No. MC 135185 (Sub-No. 16), issued October 3, 1975, authorizing transportation, over irregular routes, of *Razors, razor blades, shaving cream, toilet articles, pens, markers, ink, stationery products, cigarette lighters, cleaning compounds, hair curlers, hair spray, shampoo, sponges, fire extinguishers, electric appliances, photographic equipment, materials and supplies*, and *store display racks, stands, and cabinets*, (1) from St. Paul, Minn., to Dallas, Tex., Los Angeles, Calif., Richmond, Va., Detroit, Mich., Andover and Boston, Mass., Kearny, N.J., Farmingdale, N.Y., Seattle, Wash., Denver, Colo., and points in Ohio and Pennsylvania; and (2) from Andover, Mass., to Dallas, Tex., Los Angeles, Calif., Detroit, Mich., and Seattle, Wash.; and (3) from Santa Monica, Calif., to Andover and Boston, Mass., and points in Illinois, under a continuing contract, or contracts, with The Gillette Company, of Andover, Mass.

By the instant petition, petitioner seeks to add La Mirada, Calif., as a destination point in parts (1) and (2) of the above described authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 139196 (Sub-No. 2) (Notice of petition to modify commodity description), filed October 17, 1975. Petitioner: RAY WAGNER & SON TRUCKING CO., INC., Box 117, Owen, Wis. 54460. Petitioner's representative: Ray Wagner (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 139196 (Sub-No. 2), issued October 15, 1974, authorizing transportation, as pertinent, over irregular routes, of (1) *Animal and poultry feed and animal and poultry feed concentrates*, in bulk, from Minneapolis, and St. Paul, Minn., to points in Ashland, Iron, Price, Taylor, Vilas, Oneida, Lincoln, Marathon, Langlade, Forest, Florence, Marinette, Oconto, Shawano, Menominee, Outagamie, Brown, Kewaunee, and Door Counties, Wis.; and (2) *Animal and poultry feed and animal and poultry feed concentrates* in bags, when moving in mixed loads with animal and poultry feed and animal and poultry feed concentrates, in bulk, from Minneapolis, Minn., to points in Ashland, Brown, Door, Florence, Forest, Iron, Kewaunee, Lincoln, Marinette, Menominee, Oconto, Oneida, Outagamie, Price, Shawano, Taylor, and Vilas Counties, Wis.

By the instant petition, petitioner seeks to modify the commodity description in the above authority to read, (1) *Animal and poultry feed and animal and poultry feed concentrates*, from Minneapolis, Minn., to points in Ashland, Brown, Door, Florence, Forest, Iron, Kewaunee, Lincoln, Marinette, Oconto, Oneida, Outagamie, Price, Shawano, Taylor, and Vilas Counties, Wis.; and (2) *Animal and poultry feed and animal and poultry feed concentrates*, in bulk, from Minneapolis, Minn., to points in Langlade, Marathon, and Menominee Counties, Wis. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 95876 (Sub-No. 179) (Partial correction), filed August 25, 1975 published in the FEDERAL REGISTER issues of October 22, 1975 and November 12, 1975, and republished, as corrected in part, this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. (14) *Lumber*, when moving as equipment, materials and supplies used in quarrying, fabricating and installation of granite, marble, slate and stone, (a) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Nebraska on and east of U.S. Highway 281, points in Kansas on and east of U.S. Highway 281, points in Oklahoma on and east of U.S. Highway 281 from the Kansas-Oklahoma State Boundary line, southerly along U.S. Highway 281 to its intersection with U.S. Highway 64, thence westerly along U.S. Highway 64 to its intersection with Oklahoma Highway 34, thence south on Oklahoma Highway 34 to its intersection with U.S. Highway 283 near Willow, thence southerly along U.S. Highway 283 to the Oklahoma-Texas State Boundary line, points in Texas on, east and south of U.S. Highway 283 from the Oklahoma-Texas State Boundary line, southerly to intersection with U.S. Highway 87, thence southerly along U.S. Highway 87 to intersection with U.S. Highway 377, thence southerly along U.S. Highway 377 to the International Boundary line between Texas and the Republic of Mexico, and points in States east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (b) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Nebraska, Kansas, Oklahoma, and Texas west of the above described area, points in North Dakota and all points in the states west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of points in Minnesota.

NOTE.—The purpose of this partial republication is to correct the authority stated above previously published in error. Common control may be involved. This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC-F-2623 published in the FEDERAL REGISTER issue of September 10, 1975. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

MOTOR CARRIER PASSENGERS

No. MC-F-12527. Authority sought for control and merger by UNITED TRAILS, INC., Marsland Centre, Suite 503, 20 Erb St., West, P.O. Box 84, Waterloo, Ontario, Canada, of the operating rights and properties of (B) ALL STAR TOURS LIMITED, Box 24, Galt, Ontario, Canada; (BB) LISHMAN COACH LINES LIMITED, 582 Frederick St., Kitchener, Ontario, Canada; (BBB) HABKIRK TRANSIT SERVICE LIMITED, 100 Main St., Seaforth, Ontario, Canada, and for acquisition by UNITED TRAILS (PROPERTIES) INC., also of Waterloo, Ontario, Canada, of control of such rights and properties through the transaction. Applicants' attorney: S. Harrison

Kahn, 733 Investment Bldg., Washington, D.C. 20005. Operating rights sought to be controlled and merged: (B) Passengers and their baggage, in round-trip charter operations, as a common carrier over irregular routes, beginning and ending at ports of entry on the United States-Canada Boundary line, and extending to all points in the United States (except Alaska and Hawaii), with restriction; (BB) Passengers and their baggage in the same vehicle with passengers, in round-trip charter operations, as a common carrier over irregular routes, beginning and ending at ports of entry on the United States-Canada Boundary line located in Michigan and New York and extending to all points in the United States, except those in Alaska and Hawaii; (BBB) Passengers and their baggage in the same vehicle with passengers, in charter and special operations, in round-trip sightseeing and pleasure tours, as a common carrier over irregular routes, beginning and ending at ports of entry on the United States-Canada Boundary line, and extending to points in the United States (except Alaska and Hawaii), with restriction. The holding Company, United Trails (Properties) Inc., owns all of the shares of both the Transferee and an Ontario Tour Company, All Star Tours Limited. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12657. (Correction) (BRIGGS TRANSPORTATION CO.—PURCHASE (PORTION)—ARROW MOTOR TRANSIT, INC.), published in the October 30, 1975, issue of the FEDERAL REGISTER. Prior notice should have read as follows: between points in a defined area in northern Illinois in the Counties of Winnebago, Boone, Lake, McHenry, Ogla, DeKalb, Kane, DuPage, Cook, as well as portions of Kendall, Lee, Stephenson, and Will.

No. MC-F-12675. To accomplish corporate simplification through reorganization, authority is sought (a) for control by O.N.C. FREIGHT SYSTEMS OF ROCOR TRUCK LINES and (b) for control by ROCOR INTERNATIONAL, a holding company, of (1) ALTRUK FREIGHT SYSTEMS, (2) TRACTOR, INC., and (3) AMERI-CON CARTAGE, and thus to continue in control of O.N.C. Freight systems and of operating authority of carriers and of freight forwarders presently controlled by it with Commission approval and embracing merger of certain carriers (hereinafter set forth) and redistribution and merger of the operating rights of such carriers. Rocor International is controlled by David P. Roush and Diane G. Roush. Applicants' attorney and representative: Roland Rice, 618 Perpetual Bldg., Washington, D.C. 20004, and C. J. Boddington, 260 Sheridan Ave., Palo Alto, CA 94306. The proposed reorganization involves redistribution of authority through mergers and transfers to surviving carriers, to wit: (1) Altruk Freight Systems, (2) Ameri-Con Cartage, (3) O.N.C. Freight Systems, (4) Rocor Truck Lines, and (5) Tractor, Inc. Said carriers are to be organized on a functional or type-of-service basis.

It is proposed that the resulting authority of Altruk Freight Systems would include all of the point-to-point specific commodity authority now held by it plus all such authority to be transferred to it from its affiliates including commodities moving in mechanically refrigerated equipment. Said affiliates involved in the specified commodities authority transfer to Altruk Freight Systems include West Nebraska Express, Inc. (MC 85465), O.N.C. Freight Systems (MC 71459), Crouch Freight Systems, Inc. (MC 26739), Cashmere Transfer Company (MC 121534), Ephraim Freight Systems, Inc. (MC 116999), Harp Freight Systems, Inc. (MC 67121), UTS Freight Systems (MC 37172), and Northwest Motor Freight Co. (MC 105937).

Ameri-Con Cartage, it is proposed, will continue as a short haul carrier concentrating on such service as pick-up and delivery for three freight forwarders, to wit: American Consolidators (FF-80), Ameri-Con Pacific Freight Systems (FF-277), and Ameri-Con Freight Systems (FF-341), which, under the proposed plan, would become the direct subsidiaries of Ameri-Con Cartage.

It is proposed that O.N.C. Freight Systems will retail that portion of its operating authority involving miscellaneous specific commodities, bulk commodity authorities, household goods authority, and heavy hauler authority and other miscellaneous authority not classified as either general commodity, perishable products, tractors or, iron or steel.

Rocor Truck Lines, it is proposed, will be under the direct control of O.N.C. Freight Systems, and would obtain a certificate embracing the entire general commodity authority of all carriers available for merger, excluding point-to-point and perishable commodity authority. The type of service it will render will be that of a general commodities carrier. The proposed transaction resulting in the general commodity operations of Rocor Truck Lines includes (a) the merger of Ephraim Freight System, Inc. (MC 116999), Crouch Freight Systems, Inc. (MC 26739), and Oregon Trails Cartage, Inc. (an intrastate carrier), into West Nebraska Express, Inc. (MC 85465), (b) the merger of Harp Freight Systems, Inc. (MC 67121), Northwest Motor Freight Co. (MC 105937), and Cashmere Transfer Company (MC 121534) into UTS Freight Systems (MC 37172), (c) the merger of UTS Freight Systems into West Nebraska Express, Inc. and (d) the merger of West Nebraska Express, Inc., into O.N.C. Freight Systems. The above proposed mergers will occur after the involved carriers have transferred portions of their authority as described herein.

Tractor, Inc., a newly formed corporation, would obtain those tractor rights presently authorized to be operated by Crouch Freight Systems, and the farm and agriculture machinery rights, and iron or steel authority appearing in the Crouch certificate. The resulting certificate would embrace point-to-point specific commodity, farm implement, tractor, and iron or steel authority. Basically, Tractor, Inc., would be a user of flat bed equipment.

This notice does not purport to be a complete description of the entire transaction involved. The above-stated summary is believed to be sufficient for purposes of public notice regarding the nature and extent of the corporate reorganization.

Pending before the Interstate Commerce Commission, at various stages are the following proceedings involving carriers controlled, directly or indirectly, by Rocor International, to wit: (1) MC-F-12398, O.N.C. Freight Systems—Control and Merger—Riteway Transport, Inc., (2) MC-F-11955, O.N.C. Freight Systems—Control—C-B Truck Lines, Inc., and C. B. Motor Freight Company, (3) MC-F-11787, O.N.C. Freight Systems—Purchase—William L. Damon, doing business as Damon Freight Lines, (4) MC-F-12240, O.N.C. Freight Systems—Purchase (Portion)—Best Way Motor Freight, Inc., (5) MC-F-12218, Crouch Bros., Inc.—Control—Caddo Express, Inc., (6) MC-F-12093, Crouch Bros., Inc.—Purchase (Portion)—Bestway Freight Lines, Inc., (7) MC-F-12437, Crouch Freight Systems, Inc.—Purchase—Mills Transfer Company, et al., (8) MC-F-12448, Crouch Freight Systems, Inc.—Purchase—World Freight Carriers Corporation, (9) MC-F-12505, Crouch Freight Systems, Inc.—Purchase—Bolack's Express, Inc., (10) MC-F-12531, Crouch Freight Systems, Inc.—Purchase (Portion)—Interocean Service Corp., and (11) MC-F-122599, Crouch Freight Systems, Inc.—Purchase (Portion)—Arrow Motor Freight Line, Inc. Disposition of the above stated pending proceedings will be determined on a basis unrelated to the instant application for which notice is hereby published.

No. MC-F-12676. Authority sought for purchase by A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Ave., Knoxville, TN 37917, of a portion of the operating rights of L & B EXPRESS, INC., P.O. Box 137, Madisonville, KY 42431, and for acquisition by A. A. METLER, also of Knoxville, TN 37917, of control of such rights through the purchase. Applicants' attorneys: Fred F. Bradley, P.O. Box 773, Frankfort, KY 50601, and Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Operating rights sought to be transferred: *Iron and steel* and *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as a *common carrier* over irregular routes, from points in Allegheny, Beaver, Mercer, Washington, and Westmoreland Counties, Pa., and Warren, Ohio, to points in Kentucky and Tennessee (except from Warren, Ohio, to Ashland, Ky., and points in the Ashland, Ky., Commercial Zone, as defined by the Commission), with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12677. Authority sought for purchase by WARD TRUCKING CORP., 2nd Avenue & 7th St., (Greenwood), Altoona, PA 16603, of the operating rights of KEYSTONE-LAWRENCE TRANSFER AND STORAGE COMPANY, 22 Ann St., Oakmont, PA 15139, and for acquisition by MID-STATE BANK & TRUST CO., TRUSTEE; G. WILLIAM WARD; J. RICHARD WARD; AND MICHAEL E. WARD, all of Altoona, PA 16603, of control of such rights through the purchase. Applicants' attorneys: Henry M. Wick, 2310 Grant Bldg., Pittsburgh, PA 15219 and Melvin Schwartz, 1112 Frick Bldg., Pittsburgh, PA 15219. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, between Pittsburgh and Sharpsville, Pa., serving all intermediate points and various off-route points; *general commodities*, with the usual exceptions, over irregular routes, between points in Mercer, Lawrence, Butler, Beaver, and Allegheny Counties, Pa., those in Armstrong and Westmoreland Counties, Pa., located south of U.S. Highway 422, west of Pennsylvania Highway 66, and north of U.S. Highway 22, and those in that part of Ohio beginning at the junction of the Ohio-Pennsylvania State line and Ohio Highway 88, and extending along Ohio Highway 88 to Parkman, Ohio, thence along U.S. Highway 422 to Cleveland, Ohio, thence along U.S. Highway 21 to Massillon, Ohio, thence along U.S. Highway 30 to Canton, Ohio, and to Canton, Ohio, and thence along Ohio Highway 43 to the Ohio-West Virginia State line, including the points named and those on the indicated portions of the highways specified, with restriction, from New Castle, Pa., and points in Pennsylvania within 20 miles of New Castle, to Indianapolis, Ind., and Baltimore, Md. Vendee is authorized to operate as a *common carrier* in Indiana, Maryland, New Jersey, New York, Ohio and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12678. Authority sought for control by JENKINS TRUCK LINE, INC., Route 3, Box 697, Jeffersonville, IN 47130, of LARRY L. FENNER TRANSPORT, INC., P.O. Box 402, Kewanee, IL 61443, and for acquisition by ROBERT JENKINS AND GERTRUDE JENKINS, both of 1623 Greentree Blvd., Jeffersonville, IN, of control of LARRY L. FENNER TRANSPORT, INC., through the acquisition of JENKINS TRUCK LINE, INC. Applicant's attorney: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, IN 46204. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC 120298 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in all of the States in the United States. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 120298 (Sub-No. 2), is a directly related matter.

No. MC–F–12679. Authority sought for purchase by C. T. TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077, of the operating rights of B & S TRANSPORTATION, INC., (FRANCIS J. OFFERMANN, JR., (Receiver)), 1776 Statler Hilton Hotel, Buffalo, N.Y. 14202, and for acquisition by M. J. MOROUN, T. J. MOROUN, CENTRAL CARTAGE CO. AND McKINLAY TRANSPORT LIMITED all of Sterling Heights, MI 48077, of control of such rights through the purchase. Applicants' attorneys: Jack Goodman, 39 S. LaSalle St., Chicago, IL 60603, and Francis J. Offermann, Jr., 1776 Statler Hilton Hotel, Buffalo, NY 14202. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 98455 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee holds no authority from this Commission. However, it is affiliated with (1) McKinley Transport Limited, (MC 123282), Highway 401 at 25, Milton, Ontario, Canada; (2) Central Transport, Inc., (MC 19311); (3) Michigan Express, Inc., (MC 67818); and (4) Mohawk Motor, Inc., (MC 77404), of 34200 Mound Rd., Sterling Heights, MI 48077, which are authorized to operate as *common carriers* in (1) Michigan and Ohio; (2) Michigan, Illinois, Indiana, Kentucky, Ohio, West Virginia, and Wisconsin; (3) all of the States in the United States (except Alaska and Hawaii); and (4) Michigan, Ohio, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC 12681. Authority sought for purchase by KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704, of a portion of the operating rights of TAKIN BROS. FREIGHT LINE, INC., P.O. Box 5000, Waterloo, IA 50704, and for acquisition by ALLEN E. KROBLIN; LOYAL H. FRISCH, AND KENNETH L. SCHADLE, all of Waterloo, IA 50704, of control of such rights through the purchase. Applicants' attorney and representative: Allen E. Kroblin, and Joseph P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Operating rights sought to be transferred: *Farm tractor engines* and *farm tractor parts*, as a *common carrier* over irregular routes, from Waukesha, Wis., to Charles City, Iowa; and return with *rough iron engine castings*, and *pallets* used in connection with transportation of engines and engine castings. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12682. Authority sought for purchase by SMITH'S TRANSFER CORPORATION, P.O. Box No. 1000, Staunton, VA., 24401, of a portion of the operating rights of O'DONNELL'S EXPRESS, 5 Davis Street, (P.O. Box 1029), Presque Isle, ME., 04767, and for acquisition by R. R. SMITH and R. P. HARRISON, both of the Staunton, VA., 24401 address, of control of such rights through the purchase. Applicants' attorneys: David G. Macdonal, 1000 Sixteenth Street, N.W., Washington, D.C., 20036 and Kenneth B. Williams, 84 State Street, Boston, MA., 02109. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Bangor, Maine, and Boston, Mass., serving all intermediate points, and those in Massachusetts with 15 miles of the State House in Boston, Mass., between Smithtown, N.H., and Boston, Mass., between Boston, Mass., and Haverhill, Mass., between Boston, Mass., and Lowell, Mass., serving all intermediate points, and the offi-route points of Bedford and Concord, Mass., between Boston, Mass., and Beverly, Mass., between Bangor, Maine, and Portland, Maine. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, District of Columbia, Georgia, Indiana, Illinois, Kansas, Kentucky, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under Sections 210a(b).

No. MC–F–12683. Authority sought for purchase by SANBORN'S MOTOR EXPRESS, INC., 550 Forest Avenue, Portland, Maine, 04101, of a portion of the operating rights and property of O'DONNELL'S EXPRESS, Five Davis Street, Presque Isle, Maine, 04769, and for acquisition by HOWARD L. SANBORN, H BLAINE SANBORN, and DWIGHT L. SANBORN, all of the Portland, Maine, 04101 address, of control of such rights through the purchase. Applicants' attorneys: Mary E. Kelley, 11 Riverside Ave., Medford, Mass., 02155, Herbert Burstein, 1 World Trade Center, N.Y., N.Y., 10048 and Kenneth B. Williams, 84 State St., Boston, Mass., 02109. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Fort Kent, Maine, and Bangor, Maine, serving all intermediate points, and the off-route points in Aroostook County, Maine, Between Haverhill, Mass., and Putnam, Conn., serving all intermediate points in Connecticut, without restriction, and those in Massachusetts restricted to traffic moving to or

from Connecticut, between New Bedford, Mass., and New London, Conn., serving all intermediate points in Connecticut, without restriction, and those in Massachusetts and Rhode Island restricted to traffic moving to or from Connecticut. *General commodities* with exceptions as a *common carrier* over irregular routes between Boston, Mass., and points within 12 miles of Boston, on the one hand, and, on the other, points in Connecticut. Vendee is authorized to operate as a *common carrier* in Vermont, Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a (b). MC 2770 Sub No. 19 is a directly related matter.

No. MC-F-12686. Authority sought for merger by NORTH & SOUTH LINES, INCORPORATED, 1610 South Main St., Harrisonburg, VA., of the operating rights and property of T. M. SIMMERMAN COMPANY, also of the Harrisonburg, VA., address, and for acquisition by ROBERT E. PLECKER, of the Harrisonburg, VA., address, of control of such rights and property through the transaction. Applicants' Attorney: John L. Boyd, Jr., 915 Pennsylvania Bldg., 425-13th St., N.W., Washington, D.C., 20004. Operating rights sought to be merged: *Specified commodities*, as a *common carrier*, over irregular routes, from, to, and between specified points in the States of Pennsylvania, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, West Virginia, Virginia, Ohio, Maine, New Hampshire, Vermont, North Carolina, South Carolina, Missouri, Illinois, Indiana, Michigan, and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC 112582 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. NORTH & SOUTH LINES, INCORPORATED is authorized to operate as a *common carrier* in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated December 17, 1974, Transferee acquired control of Transferor.

NOTICE

MISSOURI PACIFIC RAILROAD COMPANY, 210 North 13th Street, St. Louis, Missouri 63103, represented by Mr. Robt. S. Davis, Commerce Counsel, Missouri Pacific Railroad Company, 210 North 13th Street, St. Louis, Missouri 63103, hereby gives notice that, on the 4th day of November, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the Missouri-Kansas-Texas Railroad Company located between Milepost 317.05 and Milepost 317.62, a distance of approximately 7,079 feet located wholly within the City of Nevada, State of Missouri, which application was assigned Finance Docket No. 28039.

The involved track has been used for many years by applicant under a joint yard agreement with Missouri-Kansas-Texas. There will be no change in the use or operation but applicant will rehabilitate the track and maintain it in accordance with its standards and practices. Applicant will continue service to industries presently served by Missouri-Kansas-Texas.

Applicant states that the authority sought and the requested Commission action will have no significant effect on the quality of human environment. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy, Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence or any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32035 Filed 11-25-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter-Notices

NOVEMBER 20, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 8, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 102616 (Sub-No. E231), (correction), filed June 3, 1974. Published in FEDERAL REGISTER September 18, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Plastics*, restricted to petroleum products, in bulk, in tank vehicles, from Bayonne, N.J., and points within 15 miles thereof, to points in Iowa, Kansas, Minnesota, Nebraska, and Wisconsin, and points in Missouri (except points east of U.S. Highway 76 beginning at Crystal City and extending to the Arkansas-Missouri State line). The purpose of this filing is to eliminate the gateways of Baltimore, Md., Allegheny or Beaver Counties, Pa., Toledo, Ohio, and Peru, Illinois. The purpose of this correction is to reflect correct commodities.

No. MC 105045 (Sub-No. E10) (Correction), filed May 17, 1974. Published in FEDERAL REGISTER October 6, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Iowa on, east, and north of a line beginning at the Iowa-Illinois State line near Davenport, Iowa, thence along Interstate Highway 80 to junction Iowa Highway 35 at or near Ames, Iowa, thence along Iowa Highway 35 to the Iowa-Missouri State line near Silver Lake, Iowa, on the one hand, and, on the other, points in Missouri on and east of a line beginning at St. Louis, Mo., and extending along U.S. Highway 66 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Illinois. The purpose of this correction is to correct the territorial description.

No. MC 105045 (Sub-No. E15), (Correction), filed May 17, 1974. Published in FEDERAL REGISTER October 6, 1975. Applicant: R. L. JEFFRIES TRUCKING CO. INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Ave. NW., Washington, D.C. 20005. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Iowa on the one hand, and, on the other, points in Alabama, Florida, Georgia, Lower Peninsula of Michigan, Mississippi, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of points in Illinois, Indiana, or Kentucky. The purpose of this correction is to substitute Iowa for Louisiana as destination.

No. MC 105045 (Sub.-No. E94), (Correction), filed May 17, 1974. Published in FEDERAL REGISTER October 6, 1975. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with the construction operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), restricted to commodities which are transported on trailers, between points in Wisconsin on and east of a line starting at Ashland, Wisconsin and extending along Wisconsin State Highway 13 to junction with U.S. Highway 16, thence along U.S. Highway 16 to junction with Wisconsin Highway 78, thence along Wisconsin Highway 78 to Wisconsin-Illinois State line on the one hand, and, on the other, points in Iowa on and south of a line starting at Illinois-Iowa State line near Dubuque, Iowa and extending along U.S. Highway 151 to junction with Iowa Highway 149, thence along Iowa Highway 149 to junction with U.S. Highway 30, thence along U.S. Highway 30 to junction with U.S. Highway 65, thence along U.S. Highway 65 to Iowa-Missouri State line. The purpose of this filing is to eliminate gateway of points in either Indiana, Illinois, or Kentucky. The purpose of this correction is to correct typographical errors.

No. MC 105045 (Sub-No. E145) (Correction), filed May 17, 1974. Published in FEDERAL REGISTER October 3, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington, Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, which because of their size or weight require the use of special equipment (except plastic pipe and fittings used in or in connection with the discovery, development, production, refinings, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe (except the stringing or picking up of pipe in connection with main or trunk pipe lines)), from points in Ohio to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Evansville, Ind. The purpose of this correction is to substitute Colorado for Connecticut as a destination.

No. MC 111045 (Sub-No. E4), filed May 16, 1974. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: Michael Kovalak (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petrolum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (but not including liquid nitrogen or nitrogen tetroxide), in bulk, in tank vehicles, from points in Broward, Dade, Hillsborough and Orange Counties, Fla., to points in Georgia. The purpose of this filing is to eliminate the gateway of points in Bradford County, Fla.

No. MC 112822 (Sub-No. E224), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Chas. Midkiff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Oklahoma bounded by a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 81 to El Reno, Oklahoma, thence along U.S. Highway 66 to Oklahoma City, Oklahoma, thence along U.S. Highway 77 to Pauls Valley, Oklahoma, thence along Oklahoma Highway 19 to Ada, Oklahoma, thence along Oklahoma Highway 12 to Calvin, Oklahoma, thence along U.S. Highway 270 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Arkansas State line, and thence along the Oklahoma-Arkansas, Oklahoma-Missouri, and Oklahoma-Kansas State lines to points of beginning, to points in Colorado. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC 112822 (Sub-No. E225), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. BOX 1191, Cushing, Okla. 74023. Applicant's representative: Chas. Midkiff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from those points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, Missouri, and extending along U.S. Highway 63 to Jefferson City, Missouri, thence along U.S. Highway 54 to Camdenton, Missouri, thence along Missouri Highway 5 to Lebanon, Missouri, thence along U.S. Highway 66 to Springfield, Missouri, and thence along U.S. Highway 65 to the Missouri-Arkansas State line, to points in Idaho and Utah. The purpose of this filing is to eliminate the gateway of Kansas City, Kans., Ponca City, Okla.; Enid, Okla.; or Wichita, Kans.

No. MC 112822 (Sub-No. E226), filed May 15, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Chas. Midkiff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Houston, Tex., to points in North Dakota, South Dakota (except Rapid City), and those in Nebraska east of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of Kansas and points in Kansas within the Kansas City, Mo., Commercial Zone.

No. MC 113855 (Sub-No. E85), (Correction), filed May 30, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size or weight, require the use of a special equipment, and *related machinery, parts, and related contractors' materials, and supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers) . . . (a)(ii) between points in North Dakota on and west of U.S. Highway 83, on the one hand, and, on the other, points in North Carolina west of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties, and east of U.S. Highway 15, and points in South Carolina on and east of U.S. Highway 52 (South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line

and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania, on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

(b) Between points in South Dakota, on the one hand, and, on the other, points in New York on and east of U.S. Highway 15, points in Maryland (except Garrett County), the District of Columbia, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 87 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, and points in Virginia east of Alleghany, Rockbridge, Bedford, and Pittsylvania Counties (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15), to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.) The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct typographical errors. The remainder of the letter-notice remains the same as previously published.

No. MC 113855 (Sub-No. E111), (correction), filed May 30, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, S.E., Rochester, Minn. 55901. Applicant's Representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *airplane loading, maintenance and baggage handling equipment*, which by reason of size or weight requires the use of special equipment, and . . . (1) from points in Nevada on, west, and north of a line beginning at the Oregon-Nevada State line and extending along U.S. Highway 95 to junction U.S. Highway 40 to the Navada-California State line, to points in Florida. The purpose of this filing is to eliminate the gateway of San Leandro, Calif. The purpose of this partial correction is to correct typographical errors.

No. MC 113855 (Sub-No. E118), (Correction), filed May 30, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: INTERNATIONAL TRANSPORTATION, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representartive: Michael E. Miller, 502 First Nat'l Bank Bldge., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, and sign accessories*, which, because of size or weight, require the use of special equipment. . . (5) from points in Wisconsin, Iowa, Michigan, Ohio, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, District of Columbia, points in Illinois on and north of Indiana Highway 26, points in West Virginia on, north, and east of U.S. Highway 60, and points in Virginia on and north of U.S. Highway 60 and on and east of U.S. Highway 29, to points in Arizona on, west, and north of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line and points in Maryland (Clearfield, Utah)*; (8) from points in Minnesota to points in Arizona on, west, and north of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line, (points in Minnesota within 50 miles of Sioux Falls, S. Dak.; South Dakota; and Clearfield, Utah).* The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct typographical errors. The remainder of the letter-notice is to remain the same as previously published.

No. MC 113855 (Sub-No. E155), (Correction), filed May 30, 1975. Published in FEDERAL REGISTER October 21, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l. Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transport: (I) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment and (II) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts*, and *supplies* moving in connection therewith, restricted to commodities transported on trailers (except boats, aircraft, aircraft parts, aircraft engines, missiles, missile parts, missile propelling parts, missile engines, self-propelled street sweepers, tension wire stringing equipment, truck concrete mixers, trenching machines, lift trucks, front end shovel loaders, trucks, automobiles, buses, trailers, and machinery and equipment used in the maintenance servicing, repair, and operation of airplanes) . . . (D) (2) between points in Nevada east and north of the line described in (1) above, on the one hand, and on the other, points in Tennessee on and south of U.S. Highway 64. The purpose of this filing is to eliminate the gateway of California. The purpose of this partial correction is to correct the typographical errors in this letter-notice. The remainder of the letter-notice is to remain as previously published.

No. MC 119777 (Sub-No. E232), Correction), filed January 29, 1975. Published in FEDERAL REGISTER September 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Kentucky 43431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, skids, bases, boxes, crates, crating, wooden treads, wooden risers, wooden sills, moldings, cardboard cartons, nails, treated ples, treated crossarms, and treated crossties.* (1) from points in California, Connecticut, Delaware, District of Columbia, Idaho, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York (except Jamaica, Long Island), North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, and Wyoming to points in Alabama . . . The purpose of this filing is to eliminate the gateway of Kentucky. The purpose of this partial correction is to reflect the correct commodities. The remainder of the letter-notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32036 Filed 11-25-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

NOVEMBER 7, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commis-

sion under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before December 26, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 123383 (Sub-No. 68G), filed June 4, 1974. Applicant: BOYLE BROTHERS, INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: Chester A. Zyblut, 1522 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (a) from Millis, Mass., to points in New York, (b) from Oakfield, N.Y., to Camden, N.J., (c) from Akron, N.Y., to points in Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, and (d) from Baltimore, Md., to Fairless Hills, Pa. The purpose of this filing is to eliminate the gateway of points in New Jersey.

NOVEMBER 7, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of deducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 8, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 564 (Sub-No. E98) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER October 28, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in that part of Iowa within 150 miles of Austin, Minn., and on and west of Iowa Highway 4, on the one hand, and, on the other, points in Tennessee; (2) between points in that part of Iowa within 150 miles of Austin, Minn., and on and west of U.S. Highway 69, on the one hand, and, on the other, points in that part of Tennessee on and south of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to junction U.S. Highway 70, thence along U.S. Highway 70 to intersection U.S. Highway 11E, thence along U.S. Highway 11E to intersection U.S. Highway 321, thence along U.S. Highway 321 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5. The purpose of this correction is to reflect the correct "E" number E98 previously published as E2.

No. MC 37248 (Sub-No. E6) (Correction), filed May 31, 1974. Published in FEDERAL REGISTER October 21, 1975. Applicant: VIRGINIA CAROLINA FREIGHT LINES, INC., P.O. Box 4988, Martinsville, Va. 24112. Applicant's representative: T. C. Clark (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading * * * The purpose of this filing is to eliminate the gateways of points in Virginia within 150 miles of Wythe County, Virginia. Points in Virginia within 55 miles of Gaithersburg, Maryland and Baltimore, Maryland. The purpose of this partial correction is to reflect the correct docket number MC–37248 (Sub-No. E6) previously published as MC–37218 (Sub-No. E6). Everything else is to remain as previously published.

No. MC 52657 (Sub-No. E8) (Correction) filed June 4, 1974, published in the FEDERAL REGISTER May 7, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Truck bodies*, between points in Utah, on the one hand, and, on the other, * * * The purpose of this partial correction is to reflect the authority sought as being "between" rather than "from-to". The remainder of the letter-notice remains as previously published.

No. MC 52657 (Sub-No. E13) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER May 8, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Missouri, on the one hand, and, on the other, * * * The purpose of this partial correction is to reflect the authority sought as being "between" rather than "from-to". The remainder of the letter-notice remains as previously published.

No. MC 52657 (Sub-No. E18) (Correction) filed June 4, 1974, published in the FEDERAL REGISTER May 12, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movements in truckaway service, *parts* of trailers and trailer chassis * * * The purpose of this filing is to eliminate the gateway of Delta, Ohio. The purpose of this partial correction is to reflect the corrected gateway to be eliminated. The remainder of the letter-notice remains as previously published.

No. MC 52657 (Sub-No. E26) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 12, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Alaska, on the one hand, and, on the other, * * * The purpose of this partial correction is to reflect the authority sought as being "between" rather than from-to". The remainder of the letter-notice remains as previously published.

No. MC 52657 (Sub-No. E43) (correction), filed June 4, 1974. Published in the FEDERAL REGISTER May 8, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in South Dakota, on the one hand, and, on the other, * * * The purpose of this partial correction is to reflect the authority sought as being "between" rather than "from-to". The remainder of the letter-notice remains as previously published.

No. MC 52657 (Sub-No. E44) (correction) filed June 4, 1974, published in the FEDERAL REGISTER May 8, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Montana, on the one hand, and, on the other, * * * The purpose of this partial correction is to reflect the authority sought as being "between" rather than "from-to". The

remainder of the letter-notice remains as previously published.

No. MC 52657 (Sub-No. E45) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER May 8, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Nebraska, on the one hand, and, on the other, * * * The purpose of this partial correction is to reflect the authority sought as being "between" rather than "from-to". The remainder of the letter-notice remains as previously published.

No. MC 65941 (Sub-No. E12), filed May 10, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil, grease, paper, roofing, metal and clay products, and materials, equipment and supplies* used or useful in the production and packing of metal and clay products, *building stone, structural steel, and heavy machinery and equipment*, restricted to commodities which because of size or weight require the use of special equipment (except knitting machines); (1) between points in Erie, Warren, McKean, Crawford, Venango, Forest, Elk, Mercer, Clarion, Lawrence, Butler, Armstrong, Allegheny, Beaver, Washington and Greene counties, Pa., which are on and west of U.S. Highway 219, on the one hand, and, on the other, points in North Carolina on, west, and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 70 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line; (2) between points in Jefferson, Clearfield, Indiana, Cambria, Somerset, Fayette and Westmoreland counties, Pa., which are on and west of U.S. Highway 219, on the one hand, and, on the other, points in North Carolina on and west of U.S. Highway 52.

(3) between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in South Carolina; (4) between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Tennessee on, south, and east of a line beginning at the Tennessee-Arkansas State line and extending along Interstate Highway 40 to junction Tennessee Highway 20, to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Kentucky State line; (5) between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 460 to junction Virginia Highway 8, thence along Virginia Highway 8 to the Virginia-North Carolina State line; (6) between points in Ohio on and east of Ohio Highway 60, on the one hand, and, on the other, points in South Carolina; (7) between points in Ohio on, north and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70, thence along Interstate Highway 70 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 13, thence along Ohio Highway 13 to Lake Erie, on the one hand, and, on the other, points in North Carolina on and west of U.S. Highway 1; (8) between points in Ohio on, north and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Ohio-Michigan State line, on the one hand, and, on the other, points in North Carolina and South Carolina which are on the east of U.S. Highway 1; (9) between points in Ashtabula, Lake, Medina, Geauga, Trumbull, Mahoning, Belmont, Wayne, Tuscarawas, Portage, Carroll, Jefferson, Harrison, Summitt, Cuyahoga, Columbiana, and Stark counties, Ohio, on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 11; (10) between points in Ohio on and east of U.S. Highway 250, on the one hand, and, on the other, points in Virginia on the west of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Hancock, Brooke, Ohio or Marshall counties, W. Va., and Tazewell, Bland or Giles counties, Va.

No. MC 113855 (Sub-No. E84), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *street sweeping machines*, which, because of their size or weight, require the use of special equipment, and *related street sweeper parts and attachments* when their transportation is incidental to the transportation of the above-described commodities, and (2) *self-propelled articles* described in (1) above, each weighing 15,000 pounds or more, and *related machinery, and parts* moving in connection therewith (restricted to commodities transported on trailers), from points in Montana, to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Delaware, Virginia, North Carolina and Michigan; (points in South Dakota east of the Missouri River and Minneapolis, Minn.)* (B) (1) *road construction equipment and machinery and lift trucks*, which, because of their size and weight require the use of special equipment, (2) *self-propelled articles*, described in (1) above each weighing 15,000 pounds or more (restricted to commodities transported on trailers), from points in Montana, to points in Louisiana, Maryland, and the District of Columbia; (points in South Dakota east of the Missouri River, and points in Minnesota within 15 miles of the Minneapolis-St. Paul commercial zone)* (C) *road construction machinery and equipment*, as defined by the Commission, and *lift trucks*, in flat bed trailers only, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment, is performed by the consignor or consignee or both, from points in Montana to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Delaware, Virginia, North Carolina and Michigan (except Benton Harbor and Battle Creek); (points in South Dakota east of Missouri River and points in Minnesota within 15 miles of Minneapolis-St. Paul commercial zone.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E94), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities* which because of their size or weight, require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of the above-specified commodities, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities transported on trailers), (A) between points in Box Elder, Toole, Cache, Rich, Weber, Davis, Morgan, Summit, Salt Lake, Utah, Wasatch Counties, Utah, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 281. (South Dakota)* (B) (i) between points in Montana west and south of Phillips, Garfield, Prairie and Wibaux Counties, on the one hand, and, on the other, points in North Dakota on and south of North Dakota Highway 200 and on and east of North Dakota Highway 3; (ii) between points in Montana on and south of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 12, to junction U.S. Highway 10, to the Montana-Idaho State line, on the one hand, and, on the other, points in North Dakota north of North Dakota Highway 200 and east of North Dakota Highway 3; (iii) between points in Montana on and south of U.S. Highway 10 and on and west of U.S. Highway 89, on

the one hand, and, on the other, points in North Dakota on and east of U.S. Highway 83 and west of North Dakota Highway 3; (iv) between points in Montana (except Carter, Fallon, Custer, Powder River, Rosebud, Treasure, Big Horn, Carbon, Stillwater, Sweetgrass, Wheatland, Golden Valley, Musselshell, and Yellowstone Counties, Mont., on the one hand, and, on the other, points in Nebraska on and east of U.S. Highway 83.

(v) between points in Carter, Fallon, Custer, Powder River, Rosebud, Treasure, Big Horn, Carbon, Stillwater, Sweetgrass, Wheatland, Golden Valley, Musselshell, and Yellowstone Counties, Montana, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 281; (v) between points in Montana, on the one hand, and, on the other, points in Kansas on and east of Kansas Highway 25; (points in South Dakota east of the Missouri River) * (C) between points in Montana (except Richland, Sheridan, Roosevelt, Daniels, Valley, Phillips Counties), on the one hand, and, on the other, points in Minnesota; (points in South Dakota east of the Missouri River, and: points in North Dakota south of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1 to the United States-Canada International Boundary line; or points in Minnesota on or south of U.S. Highway 12 and on or west of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 65 to junction Minnesota Highway 50, thence along Minnesota Highway 50 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction unnumbered highway east of Ellendale to junction U.S. Highway 65 via Albert Lea to the Minnesota-Iowa State line) * The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E119), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *agricultural machinery and implements, tractors, attachments and parts* which, because of their size or weight require the use of special equipment, and *related machinery parts* when their transportation is incidental to the transportation by the above-described commodities, and (2) *self-propelled articles*, described in (1) above, each weighing 15,000 pounds or more, and *related parts* moving in connection therewith, restricted to commodities transported on trailers, (A) (i) from points in Montana north of U.S. Highway 212, to points in Oklahoma on and east of U.S. Highway 283, points in Texas on and east of U.S. Highway 183, and points in Missouri; (ii) from points in Montana, to points in Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, Virginia, Wisconsin, Illinois, Indiana, Kentucky, Michigan, West Virginia, Maryland, New York, Delaware, New Jersey, Connecticut, Vermont, New Hampshire, Maine, District of Columbia, Tennessee and North Carolina; (iii) from points in Montana west of a line beginning at the U.S.-Canada International Boundary line and extending along Montana Highway 242 to junction U.S. Highway 191, to the Montana-Wyoming State line; (points in South Dakota east of the Missouri River, and Gwinner, N.D.) * (B) (i) from points in Wyoming to points in the Upper Peninsula of Michigan.

(ii) from points in Wyoming on and north of U.S. Highway 15, to points in Michigan, Ohio and Florida; (iii) from points in Wyoming on and north of a line beginning at the Wyoming-Nebraska State line and extending along U.S. Highway 20, to junction U.S. Highway 26 to the Wyoming-Idaho State line, to points in South Carolina, North Carolina, Virginia and West Virginia; (iv) from points in Wyoming on and west of Wyoming Highway 789 and on and north of U.S. Highway 20, to points in Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine and the District of Columbia; (points in South Dakota east of South Dakota Highway 73, and Gwinner, N.D.) * (c) (1) from points in South Dakota on and north of U.S. Highway 212, and on and west of South Dakota Highway 47, to points in New York, Maryland, Virginia, North Carolina, South Carolina and points in Florida east of U.S. Highway 319; (ii) from points in South Dakota on and north of U.S. Highway 14 and on and west of U.S. Highway 281, to points in Vermont and New Hampshire; (iii) from points in South Dakota on and north of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 212 to junction South Dakota Highway 37, to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Wyoming State line, to points in Georgia; (iv) from points in South Dakota on and north of U.S. Highway 212, to paints in Mississippi, Tennessee and Alabama; (v) from points in South Dakota on and north of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 212, to points in Mississkota Highway 73, to the South Dakota-North Dakota State line, to points in Louisiana and Arkansas; (vi) from points in South Dakota on and north of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 12 to junction U.S. Highway 281, to the South Dakota-North Dakota State line, to points in Texas and Oklahoma; (Gwinner, N.D.) * The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E120), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *such agricultural implements, agricultural machinery, soil and beach cleaners, farm tractors and tractor attachments*, which are material handling equipment, (A) from points in California in and south of Sonoma, Napa, Yolo, Sacramento and El Dorado Counties (except those points in San Bernardino and Riverside Counties east of U.S. Highway 395 and Imperial County), to points in Oregon, Washington, Idaho and Montana; (B) from points in California in and north of Santa Barbara, San Luis Obispo, Fresno, Madera, Mariposa, Tuolumne and Alpine Counties, to points in Utah, Colorado, Wyoming, Missouri, Mississippi and North Carolina; (C) from points in California (except those points in San Bernardino and Riverside Counties east of U.S. Highway 395 and Imperial County), to points in North Dakota, South Dakota, Iowa, Minnesota, Wisconsin, and points in Nebraska on and east of Nebraska Highway 61 and on and north of Interstate Highway 80; (D) from points in California (except points in San Diego and Imperial Counties, and those points in San Bernardino and Riverside Counties east of U.S. Highway 395) to points in Illinois, Indiana, Ohio, Michigan, West Virginia, Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Vermont, New Hampshire, Maine and the District of Columbia; (E) from points in California west and north of Ventura, Kern and San Bernardino Counties, to points in Tennessee and Kentucky.

(F) from points in Kern, Ventura, Los Angeles and Orange Counties, Cal., and those points in San Bernardino and Riverside Counties, Ca., on and west of U.S. Highway 395, to points in Kentucky on and east of Kentucky Highway 61, points in Ohio, Michigan, West Virginia, Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Vermont, New Hampshire, Maine and the District of Columbia; (G) from points in San Diego County, Ca., to points in Ohio, Michigan, Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Vermont, New Hampshire, Maine and the District of Columbia, and points in West Virginia on and north of Interstate Highway 64. The purpose of this filing is to eliminate the gateway of Sparks, Nev.

No. MC 113855 (Sub-No. E164), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo,

N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *road construction* machinery and equipment, as defined by the Commission, and *lift trucks*, in flat bed trailers only, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both; and (B) (1) *road construction equipment and machinery and lift trucks*, which because of size and weight require the use of special equipment, and (2) *self-propelled articles*, described in (1) above, each weighing 15,000 pounds or more, (restricted to commodities transported on trailers), (i) from points in Idaho to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama and Mississippi (except Washington, Sharkey, Issaquena, Warren, Clairborne, Jefferson, Adams, Franklin, Wilkinson and Amite Counties); (ii) from points in Idaho on and north of U.S. Highway 12 to points in Washington, Sharkey, Issaquena, Warren, Clairborne, Jefferson, Adams, Franklin, Wilkinson and Amite Counties, Miss., and points in Arkansas; (Montana, points in South Dakota east of the Missouri River, and points in Minnesota within 15 miles of the Minneapolis St. Paul commercial zone) *.

(C) *street sweeping machines* which, because of their size or weight require the use of special equipment and *related street sweeper parts and attachments* when their transportation is incidental to the transportation in the above-described commodities, and (2) *self-propelled articles* described in (1) above, each weighing 15,000 pounds or more, and *related machinery and parts* moving in connection therewith (restricted to commodities transported on trailers); (i) from points in Idaho to points in Maine, Utah, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, and Mississippi (except points in Washington, Sharkey, Issaquena, Warren, Claiborne, Jefferson, Adams, Franklin, Wilkinson and Amite Counties); (ii) from points in Idaho on and north of U.S. Highway 12, to points in Arkansas, and points in Washington, Sharkey, Issaquena, Warren, Claiborne, Jefferson, Adams, Franklin, Wilkinson and Amite Counties, Miss., (Montana, points in South Dakota east of the Missouri River, and Minneapolis, Minn.) * The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E189), filed May 1, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg. Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *building materials and materials and accessories* used in connection with gypsum and gypsum products, restricted to iron and steel articles, as defined by the Commission, (A) from points in California and Oregon, to points in Iowa, Minnesota and Wisconsin; (B) from points in Washington, to points in Iowa, Minnesota, Wisconsin and Nebraska; (C) from points in Oregon (except Wallowa, Union, Baker, Grant, Malheur and Harney Counties), to points in Nebraska; (D) from points in Wallowa, Union, Baker, Grant, Malheur, and Harney Counties, Ore., to points in Nebraska (except Kimball, Banner, Cheyenne and Deuel Counties); (E) from points in California to points in Nebraska on and north of a line beginning at the Wyoming-Nebraska State line and extending along U.S. Highway 26 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Iowa State line; (F) from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras and Alpine Counties, to points in Nebraska south of the line described in (E) above; (G) from points in Idaho and Nevada to points in Minnesota, Iowa and Wisconsin; (H) from points in Idaho in and north of Idaho County, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Big Horn County, Wyo.

No. MC 114552 (Sub-No. E74), (Correction), filed August 21, 1975, published in the FEDERAL REGISTER October 16, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-West Virginia State line, and extending along U.S. Highway 250 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, to points in Alabama, on and south of a line commencing at the Alabama-Georgia State line, and extending along Interstate Highway 85 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama Highway 28, thence along Alabama Highway 28 to junction Alabama Highway 10, thence along Alabama Highway 10 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C. The purpose of this correction is to reflect the correct commodity description.

No. MC-114552 (Sub-No. E81) (Correction), filed August 21, 1975, published in the FEDERAL REGISTER October 16, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line and extending along U.S. Highway 701 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Winyah Bay, to points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C. The purpose of this correction is to reflect the correct commodity description.

No. MC 114552 (Sub-No. E90), (Correction), filed August 22, 1975, published in the FEDERAL REGISTER October 16, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William J. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line and extending along Interstate Highway 95 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to points in Ohio, on and north of a line commencing at the Ohio-Pennsylvania State line, and extending along U.S. Highway 30 to junction Ohio Highway 21, thence along Ohio Highway 21 to Lake Erie. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C. The purpose of this correction is to reflect the correct commodity description.

No. MC 126034 (Sub-No. E4), filed June 3, 1974. Applicant: BUCKS COUNTY CONSTRUCTION CO., P.O. Box 196, Penndel, Pa., 19047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *such machinery* (including pumps, condensers, dynamos, motors and parts) as would be embraced within construction machinery and equipment; (1) between points in New Jersey on and north of a line beginning at the Delaware River near Pennsville, New Jersey on New Jersey

Highway 49, thence east on New Jersey Highway 49 to its junction with New Jersey Highway 50, thence east on New Jersey Highway 50 to its junction with New Jersey Highway 585, thence north and east to the Atlantic Ocean on the one hand, and, on the other, points in Delaware and New Jersey within forty miles of Philadelphia, Pennsylvania, and points in Pennsylvania that are within forty miles of Philadelphia and on and north of a line beginning at the Delaware River on U.S. Highway 202, thence west on U.S. Highway 202 to Pennsylvania Highway 309, thence north on Pennsylvania Highway 309 to Pennsylvania Highway 113, thence south on Pennsylvania Highway 113 to Pennsylvania Highway 73, thence west on Pennsylvania Highway 73 to Pennsylvania Highway 100, thence south on Pennsylvania Highway 100 to the Pennsylvania Highway 23, thence west on Pennsylvania Highway 23 to the end of the forty mile radius, and (2) between points in New Jersey, on the one hand, and, on the other, points in New Jersey within forty miles of Philadelphia, Pennsylvania. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., and its Commercial Zone.

No. MC 126034 (Sub-No. E8), filed June 3, 1974. Applicant: BUCKS COUNTY HOME CONSTRUCTION COMPANY, P.O. Box 196, Penndel, Pa. 19047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *such lime*, fence materials, and building materials as are embraced within construction machinery: (1) from those points in Delaware south of Delaware Highway 18 to those points in New Jersey on and north of a line beginning at the Delaware River near Trenton, New Jersey on U.S. Highway 206, and extending south on U.S. Highway 206 to its junction with New Jersey Highway 37, thence extending south and east on New Jersey Highway 37 to the Atlantic Ocean near Seaside Heights, New Jersey; (2) from points in Maryland to those points in New Jersey on and north of a line beginning at the Delaware River near Woodbury, New Jersey on an unmarked highway, thence east to New Jersey Highway 534, thence east on New Jersey Highway 534 to its junction with the Atlantic City Expressway, thence east on the Atlantic City Expressway to the Atlantic Ocean near Atlantic City, New Jersey; (B) *such lime*, fence materials, and building materials as would be embraced within construction machinery and equipment, as would also be machinery and boilers, and factory equipment, together with stocks and supplies when part of a movement of a factory, (1) from points in Maryland east of Interstate Highway 81 to points in New York on and east of a line beginning at the Pennsylvania-New York State line on Interstate Highway 81 and extending north along said Highway to the United States-Canadian border, Connecticut, and Massachusetts; (2) from points in Maryland on and west of Interstate Highway 81 to points in Connecticut, Massachusetts, and that part of New York on and east of Interstate Highway 87; (3) from those points in Delaware south of Delaware Highway 18 to points in Connecticut, Massachusetts, New York (except Chautauqua County), those in Pennsylvania on and east of the Susquehanna River and Sayre, Pennsylvania; (C) *such lime, fence materials*, and *building materials*, as would be embraced within machinery and boilers, and factory equipment together with stocks and supplies when part of the movement of a factory and machinery further embraced within (including pumps, condensers, dynamos, motors, and parts) from those points in Delaware south of Delaware Highway 18 to those points in New Jersey north and east of a line beginning at the Delaware River on New Jersey Highway 206 near Trenton, New Jersey and extending south and east along New Jersey Highway 206 to its junction with the Atlantic City Expressway and extending east on the Atlantic City Expressway to the Atlantic Ocean near Atlantic City, New Jersey; (D) *such lime, fence materials*, and *building materials*, as would be embraced within machinery and boilers, and factory equipment, together with stocks and supplies when part of the movement of a factory, and as further embraced within construction machinery and equipment; (1) from points in Delaware south of Delaware Highway 18 to those points in New Jersey that are within a forty mile radius of Philadelphia, Pennsylvania and are on and north of a line beginning at the Delaware River near Woodbury, New Jersey on an unmarked highway, thence east to New Jersey Highway 534, thence east on New Jersey Highway 534 to its junction with the Atlantic City Expressway, thence east on the Atlantic City Expressway to the limits of the forty mile radius, and in Pennsylvania that are within forty miles of Philadelphia and are on and north of a line beginning at the Delaware River on the Pennsylvania Turnpike, thence east on the Pennsylvania Turnpike to its junction with Pennsylvania Highway 422, thence north and west on Pennsylvania Highway 422 to the limits of the forty mile radius.

(2) from those points in Maryland on and west of a line beginning at the Maryland-Pennsylvania State line on Interstate Highway 83, thence extending south on Interstate Highway 83 to its junction with Interstate Highway 695, thence south on Interstate Highway 695 to its junction with Interstate Highway 95, thence south on Interstate Highway 95 to the District of Columbia line to those points in New Jersey that are within a forty mile radius of Philadelphia, Pennsylvania and are on and north of a line beginning at the Delaware River near Woodbury, New Jersey on an unmarked highway, thence east to New Jersey Highway 534, to its junction with the Atlantic City Expressway, thence east to the eastern edge of the forty mile radius; (3) from those points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line on Interstate Highway 83, thence extending south along Interstate Highway 83 to its junction with Interstate Highway 695, thence south on Interstate Highway 695 to Interstate Highway 95, thence south on Interstate Highway 95 to the District of Columbia line, to those points in New Jersey that are within forty miles of Philadelphia, Pennsylvania and are on and north of a line beginning at the Delaware River near Woodbury, New Jersey on an unmarked highway, thence east on said highway to New Jersey Highway 534, thence east on New Jersey Highway 534 to the Atlantic City Expressway, thence east on the Atlantic City Expressway to the eastern edge of the forty mile radius.

(E) such line, fence materials, and building materials as would be embraced within machinery, including pumps, condensers, dynamos, motors, and parts and further embraced within construction machinery and equipment from those points in Delaware south of Delaware Highway 18 to those points in Pennsylvania and New Jersey that are within a forty mile radius of Philadelphia, Pennsylvania and are on and north of a line beginning near Lakehurst, New Jersey on New Jersey Highway 571 and extending north on New Jersey Highway 711 to its junction with Interstate Highway 195, thence extending west on Interstate Highway 195 to its junction with U.S. Highway 206, thence north on U.S. Highway 206 to its junction with U.S. Highway 1, thence south on U.S. Highway 1 to its junction with the Pennsylvania Turnpike, thence west on the Pennsylvania Turnpike to its intersection with Pennsylvania Highway 309, thence north on Pennsylvania Highway 309 to its junction with Pennsylvania Highway 113, thence northeast along Pennsylvania Highway 113 to its junction with Pennsylvania Highway 611, thence north to its junction with Pennsylvania Highway 32 at the Delaware River; (F) such lime, fence materials, and building materials as would be embraced within machinery and boilers, and factory equipment, together with stocks and supplies when part of the movement of a factory and further embraced within construction machinery and equipment; (1) from those points in Maryland that are on and west of a line beginning at the Pennsylvania-Maryland State line on Interstate Highway 83 and extending south on Interstate Highway 83 to its junction with Interstate Highway 95, thence south on Interstate Highway 95 to the Washington, D.C. district line, and are on and east of a line beginning on Interstate Highway 81 at the Pennsylvania-Maryland State line extending along Interstate Highway 81 to the West Virginia-Maryland State line, to those points in Pennsylvania and New Jersey that are within 40 miles of Philadelphia, Pa., and are on and north of a line beginning near Lakehurst, N.J., on New Jersey Highway 571 extending along New Jersey Highway 571 to junc-

tion Interstate Highway 195, thence along Interstate Highway 195 to junction US Highway 206, thence along US Highway 206 to junction US Highway 1, thence along US Highway 1 to junction Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 113, thence along Pennsylvania Highway 113 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 32 at the Delaware River.

(2) from points in Maryland west of Interstate Highway 81, to points in Pennsylvania and New Jersey that are within a 40-mile radius of Philadelphia, Pa., and are north of a line beginning near Millville, N.Y., on New Jersey Highway 47 extending along New Jersey Highway 47 to junction Interstate Highway 676, thence along Interstate Highway 676 to junction Pennsylvania Highway 291, thence along Pennsylvania Highway 291 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 32 at the Delaware River; (3) from points in Maryland east of Interstate Highway 95 including the Delmarva Peninsula), to those points in Pennsylvania and New Jersey that are within a 40-mile radius of Philadelphia, Pa., and are on and north of a line beginning near Toms River extending along New Jersey Highway 530 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 528, thence along New Jersey Highway 528 to junction Pennsylvania Highway 413, thence along Pennsylvania Highway 413 to junction U.S. Highway 13 thence along U.S. Highway 13 to junction Pennsylvania Highway 132, thence along Pennsylvania Highway 132 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 32 at the Delaware River.

(C) *Such lime, fence materials, and building materials* as would be embraced within machinery (including pumps, condensors, dynamos, motors, and parts) and further embraced within construction machinery, (1) from those points in Delaware south of Delaware Highway 18, to those points in Pennsylvania and New Jersey that are within a 40-mile radius of Philadelphia, Pa., and are on and north of a line beginning near Lakewood extending along New Jersey Highway 526 to junction Interstate Highway 195, thence along Interstate Highway 195 to junction U.S. Highway 206, thence along U.S. Highway 206 to Junction U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 132, thence along Pennsylvania Highway 132 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 32 at the Delaware River; (2) from points in Maryland on and west of Interstate Highway 81, to points in Pennsylvania and New Jersey that are within a 40-mile radius of Philadelphia, Pa., and are north of a line beginning near Millville extending along New Jersey Highway 47 to junction Interstate Highway 676, thence along Interstate Highway 676 to junction Pennsylvania Highway 291, thence along Pennsylvania Highway 291 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 32 at the Delaware River.

(3) from points in Maryland east of Interstate Highway 81, and west of Interstate Interway 95, to points in Pennsylvania and New Jersey that are within a 40-mile radius of Philadelphia, Pa., and are on and north of a line beginning near Lakewood extending along New Jersey Highway 526 to junction Interstate Highway 195, thence along Interstate Highway 195 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 113, thence along Pennsylvania Highway 113 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 32 at the Delaware River; (4) from points in Maryland east of Interstate Highway 95, to points in New Jersey and Pennsylvania that are within a 40-mile radius of Philadelphia, Pa., and are on and north of a line beginning at Millville extending along New Jersey Highway 47 to junction Interstate Highway 676, thence along Interstate Highway 676 to junction Pennsylvania Highway 291, thence along Pennsylvania Highway 291 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 32 at the Delaware River.

(H) *Such lime, fence materials, and building materials* as would be embraced within machinery (including pumps, condensers, dynamos, motors, and parts) as further embraced within machinery and boilers, and factor equipment, together with stocks and supplies, when part of the movement of a factory (1) from points in Delaware south of Delaware Highway 18, to points in New York, Connecticut, Massachusetts, that part of Pennsylvania on and east of the Susquehanna River and Sayre and Erie, Pa.; (2) from points in Maryland on and west of Interstate Highway 81, to points in New York east of Interstate Highway 87 (including New York City and Long Island), and points in Massachusetts, Connecticut, and Philadelphia, Pa.; (3) from points in Maryland east of Interstate Highway 81 and west of Interstate Highway 95 to points in New York east of Interstate Highway 81, Massachusetts, Connecticut, and that part of Pennsylvania on and east of the Susquehanna River; and (4) from points in Maryland on and east of Interstate Highway 95 (including the Delmarva Peninsula), to points in New York (except Chautauqua County), Massachusetts, Connecticut, and that part of Pennsylvania on and east of the Susquehanna River. The purpose of this filing is to eliminate that gateways of (A) unincorporated points in Bucks County, Pa., which are within 40 miles of Philadelphia, Pa., including Philadelphia and the Philadelphia commercial zone; (B) unincorporated points in Bucks County, Pa., which are within 40 miles of Philadelphia, Pa., points in New Jersey that are within 40 miles of Philadelphia, Pa.

(C) unincorporated points in Bucks County, Pa., and points in New Jersey that are within 40 miles of Philadelphia, Pa.; (D) unincorporated points in Bucks County, Pa., on and east of the Susquehanna River, and points in New Jersey within 40 miles of Philadelphia, Pa.; (E)(F)(G) unincorporated points in Bucks County, Pa., that lie within the Philadelphia, Pa., commercial zone, and points in New Jersey that are within the Philadelphia Commercial zone; and (H) unincorporated points in Bucks County, Pa., that are within the Philadelphia, Pa., commercial zone, and New Jersey.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32033 Filed 11-25-75;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

Nov. 21, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 56052 filed November 6, 1975. Applicant: KEEP ON TRUCKING COMPANY, INC., 370-8th Avenue, Oakland, Calif. 94606. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) Liquids, compressed gases, commodities in semi-plastic form and commodi-

ties in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (d) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (e) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) Logs; (g) Fresh fruits and vegetables; (h) Articles of extraordinary value; and (i) Automobiles, trucks, buses, and trailer coaches and campers. (1) Between all points and places in the Los Angeles Basin Territory, as described in Note A; and (2) Between all points and places in the Los Angeles Basin Territory, on the one hand, and, on the other hand, all points on and within five miles of points on Interstate Highway 5 between San Diego and San Ysidro, inclusive. In performing the service, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of such service.

Note A: Los Angeles Basin Territory: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence north-easterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue, northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

Colorado Docket No. 28586–Ext. filed August 15, 1975. Applicant: LITTON MOVING & STORAGE CO., 433 South Avenue, Grand Junction, Colo. 81501. Applicant's representative: Joseph F. Nigro, 400 Hilton Off. Bldg., 1515 Cleveland Pl., Denver, Colo. 80202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: (a) Conduct of a transfer, moving and general cartage business, from point to point in the Counties of Mesa, Garfield and Delta (including the City of Grand Junction) in the State of Colorado, and between points in said counties on the one hand, and points in the State of Colorado on the other; and (b) *Household goods,* between points in the State of Colorado. Restriction: The term "household goods" as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays and exhibits. Restrictions: (a) This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted, without further authority from this Commission, to establish a branch office, or to have an agent employed for the purpose of developing business at any point outside the City of Grand Junction, Colorado. (b) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be as much as twenty percent higher in all cases than those charged by scheduled carriers. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place is scheduled for January 14, 1976, 10 a.m., at 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32034 Filed 11-25-75;8:45 am]

federal register

WEDNESDAY, NOVEMBER 26, 1975

PART II:

PROPOSED CONSUMER REPRESENTATION PLANS

■

TABLE OF CONTENTS

Presidential Memorandum of November 24, 1975 55092
Memorandum for the President 55093
Schedule of Conferences 55094
Executive Summaries 55095
Agency Plans:
Department of Agriculture 55107
Department of Commerce 55115
Department of Defense 55125
Department of Health, Education and Welfare 55137
Department of Housing and Urban Development 55161
Department of the Interior 55169
Department of Justice 55173
Department of Labor 55195
Department of State 55205
Department of Transportation 55211
Department of the Treasury 55221
Energy Research and Development Administration 55225
Environmental Protection Agency 55231
Federal Energy Administration 55237
General Services Administration 55245
Small Business Administration 55249
Veterans Administration 55255

THE PRESIDENT

Memorandum of November 24, 1975

THE WHITE HOUSE, *Washington, November 24, 1975.*

Last April, I requested each of the Departments and Agencies in the Executive Branch to analyze their entire decision-making process to determine how additional consumer involvement could make Federal Agencies more responsive to the needs of the American consumer.

The plans developed by these Departments and Agencies are published in this issue of the FEDERAL REGISTER. They will be disseminated to consumers and all other interested groups.

To prevent any delay in providing public access to the decision-making processes of the Executive Branch, I have instructed each Department and Agency to proceed at once to put these plans into effect. Adjustments, if necessary, can be made as circumstances warrant.

Today's FEDERAL REGISTER also contains a schedule of public meetings to be held in various cities to explain how these plans work for the benefit of consumers and to seek suggestions and ideas for ways to make the Departments and Agencies of the Federal Government more responsive to public concerns.

I believe these steps will prove responsive to consumer concerns. I encourage all segments of the public to read and comment on these proposed plans.

This document shall be published in the FEDERAL REGISTER.

Gerald R. Ford

CONSUMER REPRESENTATION PLANS

Memorandum for the President

From:

James T. Lynn, Director, Office of Management & Budget.

Virginia H. Knauer, Special Assistant to the President for Consumer Affairs.

THE WHITE HOUSE, *Washington, November 24, 1975.*

In April 1975 you directed the Departments and Agencies to develop Consumer Representation Plans. Each Agency has now submitted such a plan tailored to its own circumstances, providing procedures by which consumers can participate and be effectively represented in the governmental decision-making process.

We are pleased to transmit to you a copy of each plan. A review of the Plans indicates that there are many common recommendations for improving consumer representation:

1. Creation or continuation of an organizational mechanism for consumer affairs.
2. Guidelines to the operating bureaus on how to improve consumer representation.
3. Greater involvement of line management in opening up the decision-making process to consumer input.
4. Early public announcement of issues under consideration to foster consumer input at an early stage in policy development.
5. Additional consumer representation on various advisory councils.
6. Specialized consumer information and educational materials to assist consumers.
7. Better coordination with national, state and local consumer groups and other special interests groups.
8. Increased involvement of agency field offices.
9. Increased use of consumer complaints as an information tool for policy and program development.

These plans will be published in the FEDERAL REGISTER and disseminated widely so that all interested parties may submit comments for 90 days from the date of publication.

Implementation of parts of these plans will begin immediately. We are now preparing for the extensive regional conferences which will be held in January. We believe we are well along the course you set for us in making this aspect of the functioning of government more open and responsive to the American people.

[FR Doc.75-32182 Filed 11-25-75;8:45 am]

SCHEDULE
WHITE HOUSE REGIONAL CONFERENCES
ON
CONSUMER REPRESENTATION

Date: Tuesday, January 13, 1976.
City: Chicago.
Location: Northwestern University.

Participating Departments and Agencies: Treasury, US Department of Agriculture, Commerce, Small Business Administration, General Services Administration, Department of Defense

For Registration Information Contact: Carol Morrison, P.O. Box A-3878, Chicago, Illinois 60690. 312-353-6790.

Date: Wednesday, January 14, 1976.
City: Kansas City.
Location: Muehlebach Hotel.

Participating Departments and Agencies: Housing and Urban Development, Health, Education, and Welfare, Labor, Justice, Veterans Administration, Department of Transportation

For Registration Information Contact: Tony Zahn, P.O. Box 15263, Kansas City, Missouri 64106. 816-374-2666.

Date: Friday, January 16, 1976.
City: Boston.
Location: Sheraton Boston Hotel.

Participating Departments and Agencies: Environmental Protection Agency, Energy Research and Development Administration, Federal Energy Administration, Interior, State

For registration Information Contact: Frank Prout, P.O. Box 8948, Boston, Massachusetts 02114. 617-223-6300.

Date: Monday, January 19, 1976.
City: Atlanta.
Location: Stouffer's Atlanta Hotel.

Participating Departments and Agencies: Treasury, US Department of Agriculture, Commerce, Small Business Administration, General Services Administration, Department of Defense

For Registration Information Contact: James Fields, P.O. Box 20636, Atlanta, Georgia 30320. 404-526-7526.

Date: Wednesday, January 21, 1976.
City: Houston.
Location: University of Houston.

Participating Departments and Agencies: Environmental Protection Agency, Energy Research and Development Administration, Federal Energy Administration, Interior, State

For Registration Information Contact: James Evans, P.O. Box 20694, Houston, Texas 77025. 713-226-4851.

Date: Friday, January 23, 1976.
City: Philadelphia.
Location: Sheraton Hotel.

Participating Departments and Agencies: Housing and Urban Development, Health, Education, and Welfare, Labor, Justice, Veterans Administration, Department of Transportation

For Registration Information: Joy Wadleigh, P.O. Box 329, Philadelphia, Pennsylvania 19105. 215-597-2766.

Date: Monday, January 26, 1976.
City: Denver.
Location: Brown Palace Hotel.

Participating Departments and Agencies: Environmental Protection Agency, Energy Research and Development Administration, Federal Energy Administration, Interior, State

For Registration Information Contact: Janice Cavaliere, P.O. Box 25628, Denver, Colorado 80225. 303-234-4215.

Date: Thursday, January 29, 1976.
City: San Francisco.
Location: Stanford University.

Participating Departments and Agencies: Treasury, US Department of Agriculture, Commerce, Small Business Administration, General Services Administration, Department of Defense

For Registration Information Contact: Cynthia Gray, P.O. Box 2600, Oakland, California 94626. 415-466-2162.

Date: Friday, January 30, 1976.
City: Los Angeles.
Location: Biltmore Hotel.

Participating Departments and Agencies: Housing and Urban Development, Health, Education, and Welfare, Labor, Justice, Veterans Administration, Department of Transportation

For Registration Information Contact: Frank Terry, P.O. Box 50, Los Angeles, California 90053. 213-688-3063.

Date: February.
City: Washington, D.C.
Location: To Be Announced.

During the month of February each of the above three groups of departments and agencies will hold a one day conference in Washington, D. C. Details on the dates, times, places, etc. will be announced shortly.

SPECIAL NOTICE

All of these conferences are open to the public at no charge. Every interested citizen is invited to attend and participate. There will be significant opportunity for such participation in the general question and answer session and the workshops that follow with agency and departmental spokesmen.

EXECUTIVE SUMMARIES

DEPARTMENT OF AGRICULTURE

This Consumer Representation Plan is designed to insure that each agency within the Department of Agriculture proceeds in an organized and systematic manner to meet the consumers' desire to be better informed about and more involved in the agency's decision-making processes.

To achieve these goals, each agency head will be responsible for:

A. Using appropriate procedures for informing consumers about ongoing activities as well as emerging issues.

B. Using appropriate procedures in obtaining views of consumers on ongoing activities as well as emerging issues.

C. Giving full consideration to consumer views in making necessary decisions.

D. Assuring that final decisions, and the rationale behind those decisions, are appropriately publicized.

The above standards assure the consumer a background of information relative to potential decisions in agency planning, program formulation, and sensitive projects and issues; and provide full and visible opportunity for consumer involvement in the decision-making process.

In addition to the above minimum standards, agency heads are urged to:

A. Consider the impacts and benefits of an agency decision on all citizens—whether they become involved in the process or not.

B. Develop a program of involvement activities which are designed to reach consumers who have not participated in the decision-making process in the past.

C. Institute programs whereby consumers, industry and government representatives are brought together to discuss mutual concerns, regarding specific issues.

Comments on the proposed plans can be submitted to: Nancy Steorts, Room 225W, Department of Agriculture, Washington, D.C. 20250, 202–447–3165. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF COMMERCE

In terms of function, the Department's consumer-related activities generally fall into one of the following categories: (1) inspection and grading, (2) standards-making, (3) technical assistance, (4) product information, or (5) commercial practices. Other activities, such as trade policy development, have an important, but indirect impact on consumers. The degree of consumer representation to date has varied among the operating units responsible for these programs. In some areas, the procedures for public disclosure and participation are well established and fully operational; in other areas, particularly with respect to new programs such as fire safety, these procedures are in the development stages.

National Marine Fisheries Service, National Oceanic and Atmospheric Administration

The National Marine Fisheries Service, NOAA, has utilized several consumer representation techniques extensively in administering the voluntary seafood inspection program and the voluntary seafood standardization program. Consumer views are actively solicited whenever new serivces or other program changes are under consideration, when regulation changes are contemplated, and when rate changes are deemed necessary. Methods regularly employed include notices in the Federal Register, announcements in the *Consumer Register* and *Consumer News*, articles in newspaper consumer columns, letters to consumer interest organizations, and personal contacts. The use of radio and television spot announcements is planned.

The National Marine Fisheries Services also develops voluntary product standards of quality, condition, and grade for fish and fishery products; provides technical assistance in elaborating international standards of identity and quality for fishery products; and establishes basic standards for plant sanitation and codes of hygienic practice for handling and processing fishery products. Consumer and trade input is solicited when considering the creation of a new standard, when reviewing a proposed standard, and when reviewing a standard after it has been formally published. As an integral part of the standard-making process, NMFS places proposed rulemaking notices in the Federal Register, holds public hearings if deemed necessary, and invites comment from trade associations, Consumers Union, National Association of State Purchasing Officials, Military Purchasing Center Offices, and other groups.

National Bureau of Standards

The National Bureau of Standards consumer-related programs are designed primarily to maximize the benefits of NBS-developed technology and expertise for the Nation's consumers in the areas of product performance, standardization, economy, and safety. These programs include an appliance labeling program to encourage manufacturers to provide consumers with information concerning the energy efficiency or energy consumption of household appliances; a consumer publications program to make available the results of NBS research on topics of consumer interest; and a product performance program to improve product design, develop better test methods for measuring product performance, and provide product performance information to the consumer.

The National Bureau of Standards also administers the Department of Commerce "Procedures for the Development of Voluntary Product Standards," as published in Part 10 of Title 15 of the Code of Federal Regulations. These standards may involve the health, safety, or economic characteristics of consumer goods. In addition, the Department's responsibilities under the Fair Packaging and Labeling Act (15 U.S.C. 1451) are assigned to NBS.

In carrying out the foregoing activities, NBS utilizes a variety of means to obtain consumer views. In some cases, consumer sounding boards, surveys, and representation on evaluation panels are used to supplement official notices in the Federal Register. In cooperation with the Office of Consumer Affairs, the agency has under study a nationwide consumer complaint data system for the collection, summarization, and analysis of consumer problems reported to State and local government con-

sumer offices. The agency is also contemplating the use of consumer consultants in drafting energy conservation publications for home buyers and owners.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

The Domestic and International Business Administration carries out a number of programs that affect consumers directly or indirectly. For the purpose of formulating consumer representation plans, the activities of primary interest are the development of legislative recommendations, participation in trade negotiations, the administration of short supply export controls, and the negotiation of international textile and apparel agreements. In the case of the legislative program, internal procedures have been established to ensure that interested agencies, persons, or groups are asked for their views during the formulation of Departmental positions. With regard to trade negotiations, there are statutory requirements for consumer representation on an advisory committee and provision for consumer participation in public hearings. Department procedures for the administration of the Export Administration Act of 1969 require, whenever practicable, full public disclosure and participation in decisions to establish, modify or terminate short supply export controls. In negotiating and monitoring international agreements to limit the importation of textiles and apparel, the Domestic and International Business Administration is advised by a committee of importers, whose interest tends to coincide with that of consumers. Meetings are held several times each year and are open to the public.

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

The National Fire Prevention and Control Administration, a relatively new agency established by the Federal Fire Prevention and Control Act of 1974, works directly with the public in both its research and educational programs. The agency will use surveys as one of the principal tools for ascertaining and evaluating consumer needs in the area of fire safety.

CONSUMER REPRESENTATION

The Department's consumer representation plan calls for the establishment of a permanent Consumer Affairs Division to ensure that consumer views are adequately considered in the decisionmaking process. The plan also includes the formation of a Department of Commerce Consumer Affairs Council as a coordinating mechanism to consider consumer views and prepare recommendations on consumer issues for operating officials. To improve communications among consumers, business, and government, the Department has scheduled a series of business-consumer relations conferences in various cities during the coming year.

Comments on the proposed plans can be submitted to: Fred Prince, Room 5867, Department of Commerce, Washington, D.C. 20230, 202–967–2921. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF DEFENSE

The Department of Defense has a long and successful tradition of providing protection for its members in policies, programs and plans that affect them as individuals, as members of the Defense team and as consumers in the market place.

This tradition has been enhanced by the "family" environment which characterizes military service and military communities. Inherent in the military establishment are numerous procedures at installation levels which permit Department of Defense personnel to initiate their views or "input" regarding their interest as consumers of military or civilian products or services offered in the market place. It is here—in the military community—where the service members' (or their dependents) likes and dislikes are first made known, where corrective action may be taken or where referrals to higher levels are accomplished. The accessibility of local assistance does not preclude the use of other available channels of communications.

The opportunities for consumer input—suggestions or complaints—are numerous and effective throughout the Military Departments in all areas. The primary means, available to all, are:

Inspectors General inquiry, interview and complaint systems
Quarterly and special sample surveys of military personnel
Commanders Conferences
Military Community Service Organizations
Resale In-Store Interviews
Patron Purchase Panels
Suggestion Boxes
Incentive Awards Program
Consumer Participation Conferences
Wives Clubs
Legal Assistance Program
Commissary Store Advisory Councils
Customer "Want" Slips
Direct contact with command and managerial personnel

In addition to the above, letters to Congressional and public sources containing consumer views are referred for Department of Defense consideration and response. These actions and numerous others discussed in detail elsewhere in this Plan have demonstrated effectiveness as protective mechanisms for the consumer interests of Department of Defense personnel throughout the years.

Comments on the proposed plans can be submitted to: Robert W. Workman, Room 3D281, Department of Defense, Washington, D.C. 20301, 202–697–3402. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The plan proposed by each operating unit is appended, each with its own executive summary. There are themes common to all or most of the plans:

1. A markedly high degree of consumer representation and participation already exists at HEW, both formal, i.e., consumer representation on advisory councils and boards at every level—particularly in health programs—and commitment to good-faith consideration of consumer comment on proposed regulations, and informal, i.e., continuing contact and discussion with consumer organizations.

2. Interest in improving and increasing consumer comment on proposed regulations through such techniques as advance notice of proposed rulemaking, simplification of language and style, explanations of consumer impact, and alerting the mass media to the consumer sensitiveness of appropriate proposed regulations.

3. Plans to improve the efficiency of consumer complaint and correspondence handling and its effectiveness through, for example, aggregation for national and regional program managers of complaints and inquiries to identify administrative problems or areas in need of policy review.

Noteworthy among individual agency proposals are the Public Health Service's plans to improve regional consumer representation for the Food and Drug Administration where national level consumer representation is already extensive, the Education Division's proposed Consumer Protection Policy Council, and the Social Security Administration's commitment to tests of the ombudsman concept to quickly resolve cases which are creating undue hardships for beneficiaries.

Comments on the proposed plans can be submitted to: Howard Seltzer, Room 3416 North Building, Department of Health, Education and Welfare, Washington, D.C. 20201, 202–245–1957. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

One of HUD's five primary national goals is "to assure that the basic rights of consumers are considered and respected in all housing and community development activities." To achieve this goal, HUD policy makers and program managers must design their programs with an understanding of consumer needs. That understanding presupposes that consumers are afforded a reasonable and timely opportunity to communicate their views to decision makers, have access to relevant background information, have a point of access in government that will respond to their questions and complaints, and have a knowledgeable advocate within the agency to represent their views in the decision making process.

Affirmative steps are being taken to assure that consumer needs are understood and considered by HUD policy makers. This plan identifies the actions being taken:

1. HUD has proposed legislation to consolidate its consumer and regulatory functions under an Assistant Secretary for Consumer Affairs and Regulatory Functions. The proposed office will provide a clear access point for consumers, represent consumer interests in Departmental policy making, act as a consumer ombudsman, and seek ways to improve HUD communication with consumers. The creation of a consumer office will not obviate the responsibility of other program offices to be responsive to consumer needs.

2. All program offices will actively solicit consumer and consumer interest group comments on pending policy decisions. The use of the Notice of Advanced Rule Making will be increased, regular meetings between HUD officials and consumer groups will be planned, and a consumer mailing list will be prepared.

3. HUD will establish a consumer complaint and inquiry handling system to expedite handling consumer complaints and information requests. A reporting system will also be developed to provide management with information as to the nature, frequency, and subject of the consumer complaints received.

4. HUD will improve and expand its consumer education materials. For example, decisions will be made as to how best to market test and disseminate the new HUD Home Buyer's Estimator of Monthly Housing Costs, and to evaluate its usefulness to condominium and mobile home purchasers.

5. HUD will establish a procedure for issuing consumer information news releases, and provide information on decisions of consumer interest to GSA and HEW for use in their consumer publications.

Since many of the decisions with the greatest impact on consumers arise from specific program activities, the following additional steps will be undertaken by individual offices within the Department:

1. Participants in Federal Insurance Administration programs will be advised to direct complaints to the Federal Insurance Administrator by a notice or "stuffer" included with their policies or renewal notices.

2. The Office of Interstate Land Sales Registration (OILSR) will continue its consumer education activities, and will explore the feasibility of evaluating the OILSR Property Report to improve its usefulness to purchasers.

3. The HUD booklet, "Settlement Costs," required under the Real Estate Settlement Procedures Act, will be the subject of a large scale market study, which will provide the basis for refining and improving the booklet.

4. The Mobile Home Construction and Safety Standards Program will be operational by June 15, 1976. In addition, guidelines for a consumer pamphlet on mobile home products will be developed, which will include identification of the appropriate mechanism for directing complaints to responsible state officials.

5. HUD will refine its condominium purchaser booklet and explore the possibilities of adding an Estimator of Monthly Costs.

6. FHA minimum property standards will be summarized in simple, readily understandable terms.

Comments on the proposed plans can be submitted to: Office of Policy Development, Policy Development and Research, Charles Fields, Room 8106, Department of Housing and Urban Development, Washington, D.C. 20410, 202–755–5521. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF THE INTERIOR

The Department's biggest effort in improving consumer representation will continue to be in getting timely information to the interested public. This effort will depend in part on the scope of the subject (i.e. national, regional, local, etc.), the relative importance of the subject for the present and future, and the interest shown by the public. The usual limiting factors of time, manpower, and money will come into play only after it has been determined that the public has been adequately informed.

Probably the key overriding issue facing the Department is how best can the U.S. meet the steadily increasing demands of its growing population with the least acceptable damage to the environment. If Interior is to be an adequate steward and guardian of much of our total national resources, then the administrative rules and regulations that are set must rest both on the foundations of rigorous conservation and responsible development. The actions which are undertaken by the Secretary involve sharply competing and equally legitimate claims upon the Nation's limited supply of land and water. The exploration and leasing of the Outer Continental Shelf, the enforcement of safe mining regulations, and the development of new recreation areas are three examples where Interior's activities ultimately affect the consumer.

Various techniques will be used to implement the Plan. These will include ways to assist both the flow of information into the Department from the consumer and the flow of official information to the consuming public. Public meetings, resource workshops, public participation plans, questionnaires, and complaint handling are avennes for improvement to provide for better consumer access to the Department. Of these, public meetings offer the best vehicle for exchanging information between the consumer and the public. The outflow of information from the Department will be assisted by wider and more timely dissemination of Environmental Impact Statements, proposed regulations and publications. The use of the news media, particularly at the local level, will be increased as a key part of the Plan to get information out to those affected.

Comments on the proposed plans can be submitted to: Charles Teague, Room 5116, Department of Interior, Washington, D.C. 20240, 202–343–2818. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF JUSTICE

Because the Department is primarily an enforcement agency, it is impractical to define its consumer plan in terms of specific input and output functions. Moreover, due to the fact that the primary operating units with consumer-related responsibilities are so divergent in their functions, a generic approach to consumer representation would be inappropriate. Therefore, each primary operating unit has developed its own program for enhancement of its consumer-related activities. The Department, however, is acutely aware of the need to ensure overall coordination of its consumer efforts. Accordingly, the Department is exploring the feasibility of establishing the position of a Consumer Affairs Advisor within the Office of Policy and Planning in the Attorney General's office. Such a position would not only provide a mechanism by which all Department efforts in the consumer area could be effectively coordinated, but would provide a focus for consumer concern and initiative within the Department.

Comments on the proposed plans can be submitted to: Ronald Gainer, Room 4236, Department of Justice, Washington, D.C. 20035, 202–739–4601. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF LABOR

The Department of Labor Consumer Representation Plan summarizes current policies and practices for obtaining and reflecting the views of specialized client groups and the general consumer in the Department's decision-making process. This process involves the formulation of general policy and the development of regulations to administer individual agency programs; the evaluation of existing and proposed programs; the transmission of data from client groups and the general consumer; and the dissemination of information and materials to client groups and consumers.

For the purposes of this plan, "consumers" are defined as client groups which include individuals or any group, such as labor unions, employer associations, or specialized organizations or institutions, which are affected by or make use of Department programs, services or information.

The Consumer Representation Plan attempts to (1) identify and enhance opportunities for client and consumer participation in policy formulation and rulemaking activities and (2) establish individual agency consumer representatives responsible for the development and implementation of agency consumer affairs programs.

The Departmental plan, which involves almost all the agencies which have contact with the public, analyzes Department activities in each of five consumer representation areas. The plan also highlights ways that consumers and client groups can influence and make input into the various agency policies and programs. It also lists opportunities for future improvement and recommendations to be implemented by agencies in their own consumer affairs programs.

Among the general recommendations as to how the Department, as a whole, can improve its responsiveness to client groups and individual consumers is the creation of individual agency consumer representatives to develop and coordinate agency programs to improve consumer relations. Consumer representation will also be improved by clearer and more concise press and informational releases; closer ties with existing consumer groups, improved complaint handling procedures and improving feedback methods to consumers so that they will know what effect they are having on Department decision-makers.

The Department of Labor is committed to increasing the methods of obtaining information and opinions from its client groups and the general consumers served by its programs and informational materials. By strengthening the methods of disseminating information about programs and policies, the Department is assured of dealing with an informed public. Effective government can only function if the public it serves is concerned and aware of the programs and policies developed on its behalf. A consumer representation plan, carefully developed and scrupulously adhered to, can insure the Department of vital citizen participation so necessary to the success of its programs and services.

Comments on the proposed plans can be submitted to: John W. Leslie, Room S–1032, Department of Labor, Washington, D.C. 20212, 202–523–7316. Deadline for submitting comments is February 24, 1976. In addition, to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF STATE

In order to fashion a viable blueprint for enhancing consumer participation within the Department of State, 39 Departmental entities and 3 associated agencies were inventoried to determine the strengths and weaknesses of existing Departmental mechanisms for reaction to and solicitation of consumer views. From this initial survey, 8 offices with potentially significant consumer profiles were isolated and examined in terms of appropriate consumer input/output/thruput. This analysis led to the conclusion that there exists positive consumer interaction along a broad spectrum of Departmental functions, as well as fragmented and unfocused activities in other areas of the Department. From these findings five separate recommendations emerged:

(1) Designation of a Special Assistant to the Under Secretary for Economic Affairs as Consumer Affairs Coordinator for the entire Department, and creation of an intra-Departmental "consumer communication channel."

(2) Creation of "Consumer Interest Guidelines" for dissemination and application in the Department, as appropriate.

(3) Inclusion of a "consumer impact statement" in Departmental decision memoranda, as appropriate.

(4) Utilization of professional public opinion analysts to input consumer attitudes throughout the Department.

(5) Facilitation of liaison between American consumer groups and similar organizations throughout the world.

Comments on the proposed plans can be submitted to: Anne Cary, Room 7208, Department of State, Washington, D.C. 20520, 202–632–0549. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF TRANSPORTATION

The Department of Transportation's Proposed Consumer Representation Plan seeks to strengthen the already advanced position of consumer representation throughout the Department.

Part I of the plan indicates that the Department of Transportation early recognized and acted on the premise that the entire Department must be attuned to the needs and desires of the consumer. The early establishment of an Assistant Secretary for Safety and Consumer Affairs, and of an Office of Consumer Affairs, testifies to the Department's commitment to consumer representation.

The four purposes of the Proposed Consumer Representation Plan are delineated in Part I. They are as follows:

(1) To outline the Department's consumer representation structure.

(2) To identify techniques used to involve consumers in the Department's activities.

(3) To identify mechanisms used to inform and educate consumers.

(4) To present initiatives for strengthening consumer representation throughout the Department.

Part II describes the organizational elements within the Department that have specific consumer responsibilities—the Assistant Secretary for Environment, Safety, and Consumer Affairs;[1] the Office of Consumer Affairs; the Consumer Affairs Coordinating Committee; the Citizens' Advisory Committee on Transportation Quality; the Office of Consumer Services in the National Highway Traffic Safety Administration; the Community and Consumer Liaison Division in the Federal Aviation Administration; and the Office of Boating Safety in the U.S. Coast Guard.

Part III of the plan highlights techniques now being used by Departmental elements to involve consumers in the development of policy and program planning, in rulemaking, and in program evaluation. A broad spectrum of activities is covered, ranging over such examples as: (1) the Federal Aviation Administration's advance notice of policy development requesting consumer input for its proposed airport noise policy; (2) the series of 54 public hearings for consumers held by Office of Consumer Affairs; (3) the requirement of both the Federal Highway Administration and the Urban Mass Transportation Administration that localities applying for Federal aid must include a provision for public involvement in their transportation planning processes; (4) the Department's utilization of citizens' advisory committees; (5) the Secretary's directive that Departmental elements implement the recomendations made in the Office of Consumer Affairs' report entitled "Consumer Involvement in Rulemakings", and (6) the Coast Guard's mailing of advance notices of proposed rulemaking to 50,000 addressees.

Part III also delineates techniques for handling consumer correspondence and for generating and utilizing data input from consumers. Described here are such procedures as: (1) the Federal Aviation Administration's Safety Improvement Support Program; (2) the National Highway Traffic Safety Administration's new regional Hotline now operating as a pilot project; (3) the National Highway Traffic Safety Administration's computerized complaint-handling system which converts defect-related correspondence into support data for standards compliance and defect investigation; (4) the Coast Guard's procedures for handling consumer complaints, based on a policy of replying to every complaint within five days; and (5) the Federal Highway Administration's recent regional conferences on carpooling.

Part IV identifies mechanisms for informing and educating consumers and for replying to their comments, complaints, and inquiries. Included are activities of public affairs offices, use of special communications devices, and development of various consumer education prorgams. Highlighted, for example, are: (1) the Department's new public affairs thrust which identifies news releases of special interest to consumers by stamping them "CONSUMER ADVISORY" or "REQUEST FOR PUBLIC COMMENT;" (2) the Federal Aviation Administration's and the Office of Consumer Affairs' use of specialized mailing lists of consumer organizations and individuals; (3) the National Highway Traffic Safety Administration's issuance of consumer protection bulletins; (4) the Coast Guard's classes in boating safety; and (5) the Office of Consumer Affairs' Transportation Consumer Education Project which will consist of a curriculum guide and four instruction modules for classroom use dealing with public transportation, transportation safety, bicycles, and the environment.

Although the Department of Transportation has, on the whole, a creditable consumer affairs program, it needs to be more evenly advanced and strengthened throughout the entire organization.

Part V contains a listing of initiatives for strengthening consumer representation. The complete list follows on the next page. page.

A. Organization

For all elements of the Department to be consistently responsive to consumer interests, each operating administration will have an identifiable consumer affairs focal point, the form and size varying according to the needs and resources of the administration. Such individual or unit, as the case may be, will have sufficient standing within the administration to be effective in increasing organizational sensitivity and responsiveness to consumer concerns. This will include participation in the development of Departmental policies, programs, and proposed rules of special interest to consumers.

B. Consumer Participation in the Development of DOT Policies, Programs, and Regulations

1. All elements of the Department will adopt, to the extent practical, a technique similar to the "Advance Notice of Policy Development" technique during the course of the formulation of significant policies or programs which would have a substantial effect on the general public or on those citizen/consumers who would be affected by the decision.

The Advance Notice of Policy Development is an early notification that a Departmental element plans to develop a policy dealing with a particular situation or problem and is inviting public comment prior to the statement of a firm Federal position.

a. The advance notices will be published in the Federal Register and publicized widely through all existing mechanisms for consumer output.

b. Each advance notice should be clear and easy to understand, written in layman's terms, and should include specific explanation of what the policy/program is to accomplish.

2. Each operating administration will compile a consumer mailing list that includes: (a) consumers interested in its area of responsibility; (b) national consumer organizations and State and local consumer groups; and (c) consumer editors. Consumers will be invited, through notices in the Federal Register, the media, and consumer newsletters, to add their names to the agency's mailing list.

3. All elements of the Department will, to the extent practical, experiment for one year with the use of consumer mailing lists to notify consumers of significant policy, program, or rulemaking activities in order to ascertain the effectiveness and cost of this technique.

[1] In 1973, the Assistant Secretary's responsibilities were enlarged to include environment as well as safety and consumer affairs.

4. All consumer affairs units within the Department will develop a system for increasing communications with State and local government consumer officials, including the scheduling of periodic meetings and conferences as a means of broadening the base for consumer input.

5. All elements of the Department will develop closer communication with consumer organizations for suggestions regarding consumer needs and wants in transportation-related matters.

6. Operating administrations will explore techniques for developing greater citizen involvement in, and awareness of, their programs and responsibilities.

7. Departmental procedures for the issuance of standards and guidelines of significant interest to consumers will be the same as those followed in rulemaking. The procedure will require the publication of such proposed standards and guidelines in the Federal Register with a minimum of 45 days allowed for public comment.

C. Consumer Outreach

The Department will explore new ways to strengthen its present efforts to:

1. Increase consumer awareness of the opportunities and techniques for participation in the development of DOT policies, programs, and rulemaking activities.

2. Increase consumer knowledge and understanding of Departmental policies and programs.

3. Expand distribution of consumer information and education material through low cost channels.

D. Data Transmission

1. Each administration will increase its efforts to establish and maintain formal liaison with consumer organizations and citizen groups. Key information from these contacts is to be distributed widely among agency personnel, and made part of formal dockets as necessary, for consideration in policy, rulemaking, and program planning and evaluation.

2. Each operating administration will increase its efforts to review consumer periodicals in order to broaden its understanding of consumer sentiment.

E. Correspondence and Complaint Handling

1. Each administration will analyze its methods and approaches for responding to consumer inquiries and complaints and will review with other administrations successful techniques which could improve its complaint-handling methods.

2. The use of a telephone Hotline by other elements of the Department will be considered if the current pilot project in NHTSA proves successful.

F. Assessing Impact of DOT Actions on Consumers

1. It will be the responsibility of each element of the Department proposing a rule, regulation, or policy which will have a substantial impact on consumers, to include in the advance notice published in the Federal Register and other media, a request for information relating to the probable cost and benefit of such proposal to the consumer.

2. Within a specified period of time following implementation of any rule or regulation having a substantial impact on consumers, an analysis of its impact including cost and benefit to consumers will be made by the applicable operating administration or secretarial office, with assistance from its consumer affairs unit. Market research and other techniques for obtaining consumer evaluation will be used in the analysis.

G. Implementation of Proposed Consumer Representation Plan

1. The Office of Consumer Affairs (OCA), in the Office of the Secretary, is assigned the overall responsibility for monitoring the implementation of the initiatives contained in this plan as well as all other proposals for greater consumer representation within the Department. In discharging this responsibility, the OCA will work in cooperation and coordination with the consumer affairs units within each operating administration and the DOT Consumer Affairs Coordinating Committee.

2. Within each operating administration, the consumer affairs unit will continuously monitor and review implementation of these initiatives and proposals and will periodically report the progress of such implementation to the Office of Consumer Affairs. In addition, each unit will meet periodically with the Office of Consumer Affairs to develop ways to improve the implementation of these initiatives. The OCA will periodically report to the Secretary the progress made within the Department in advancing the interests of consumers.

H. A Suggestion for Federal Action

It is recommended that a Government-wide effort be made to enlist the media's cooperation in a continuing effort to inform the public about Federal agencies' proposed rules that have strong consumer impact. The Federal Government's efforts to inform consumers about proposed rulemaking are so clearly in the public interest that it would not be inappropriate to consider requesting the media's cooperation in devoting public service space and time to disseminating news of proposed rulemaking. Public service organizations could also be approached for help in this undertaking.

Comments on the proposed plans can be submitted to: Ann Uccello, Room 9424, Department of Transportation, Washington, D.C. 20590, 202–426–4542. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF THE TREASURY

In order to have a viable plan for consumer representation in Treasury, it is necessary to examine the current mechanisms of consumer input and Treasury output. Five case histories of decisions made in Treasury during 1974–75 were examined to determine the effectiveness of these input-output mechanisms. Examples of all known mechanisms were found in the cases. Some mechanisms were well exploited. Others were not used in specific cases. From this examination several recommendations are made:

(1) Designation of the position of Special Assistant to the Secretary (Consumer Affairs) as a coordinator of a Treasury-wide consumer effort.

(2) Establishment of a monitoring system to insure timely solicitation and use of consumer inputs. No one per-

son in Treasury is able to completely monitor the entire department. However, each bureau and office will have a contact person familiar with the structure and detail of the consumer effort within that organization. Current lines of authority from the Secretary to bureaus and offices will be maintained. It is the responsibility of the bureau and office heads to insure that their organization complies with the spirit of this plan. The Special Assistant to the Secretary (Consumer Affairs) will be available to bureau and office heads for consultation and advice on the further development of a consumer representation effort within those organizations. It is anticipated that this liaison will effect an input to the Secretary with regard to a department-wide effort.

(3) Issuance by the Secretary of guidelines for all Treasury program managers to follow in planning and evaluation of their programs in order to obtain and make use of consumer views.

Comments on the proposed plans can be submitted to: David Lefeve, Room 1454, Main Treasury Department, Washington, D.C. 20220, 202–964–8079. Deadline for submitting comments is February 24, 1976. In addition, to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

The purpose of this Consumer Representation Plan is to strengthen two-way communication between the public and the decision-makers at the Energy Research and Development Administration in order to ensure wide participation in planning for our energy future by all sectors of the public. It is not meant to accommodate major technological or economic decisions only. Instead, it is meant to involve the public in the conduct of ERDA's mission, so that there can be continuous communication with energy users and concerned citizens.

The agency Plan focuses on two functions: Information Input and Information Output. Information from consumers is received by the agency through a number of existing mechanisms, such as hearings, conferences, meetings with consumer groups, correspondence, and the like. Many new mechanisms for information input are already planned: a series of public meetings, public opinion sampling, public interest group dialogue, school programs, and stronger internal communication mechanisms.

Evaluation of new and existing energy research programs is conducted internally by management, as well as by others in the Executive Branch. External evaluation includes Congressional and public scrutiny. The ERDA General Advisory Committee plays an important part in this process, as does consumer correspondence and complaint handling by management.

Information Output, i.e., communication to consumers on issues and decisions, is the other half of this dialogue. Techniques used to reach consumers with pertinent information will include: newsletters and digests, public education techniques, improved procedures for receiving public comments on rules, increased availability of documents and materials containing consumer impact analyses.

Other methods of communication with consumers include formal hearings, conferences, advisory boards, and formal and informal liaison with consumer groups. In-house techniques for this purpose include improved staff handling of complaints, development of information and materials reflecting the consumer perspective, speeches by key decision-makers, external liaison, and public meetings.

ERDA believes that the most important condition for a successful program of this type is not only the specific mechanisms involved, but a commitment by top management and all employees to participation of the concerned citizen in planning national energy policies and directions. This commitment is articulated numerous times in ERDA's *National Plan for Energy Research, Development and Demonstration: Creating Energy Choices for the Future.* "Encouragement of a continuous interactive process with the public is the one indispensable factor in the maintenance of stable national energy policies and options." (ERDA–48, Vol. 1, p. IX–5, Cf. also *ibid*, p. S–7, p. 111–3.)

Comments on the proposed plans can be submitted to: Bart J. McGarry, 8th Floor, Energy Research and Development Administration, Washington, D.C. 20545, 202–376–4074. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

ENVIRONMENTAL PROTECTION AGENCY

A. Summary of EPA's Current Consumer Participation Program

EPA has an active policy of public participation in its decision-making process. The Agency's "Standards and Regulations Development Process" calls for public input and participation in each phase of environmental policy and rulemaking development. Input is obtained through direct contacts with interested groups advance notification to affected parties, Federal Register notices, discussion with advisory committees containing public representatives, review by other Federal, State, and local agencies, and if sufficient interest or concern exists, public hearings and/or public opinion surveys.

To reach the people most affected by specific Agency actions, EPA is attempting to define the "consumer viewpoint" according to the particular needs and interests of each subgroup. EPA has initiated a concentrated effort to identify the issues relevant to each group and to reach these various individuals or organizations by means of public speakers at conventions, through distribution of booklets and pamphlets, through press releases

and film and slide shows, technical and non-technical reports, plus publishing advance notices and notices of proposed rulemaking in the Federal Register.

Consumers or constituency groups in turn, respond at public hearings, through mailed comments and complaints, through memberships on advisory committees, and by communicating directly with individuals at EPA. The final stage in EPA's program is following up on consumer responses as a means of maintaining real communication with the world outside EPA and to evaluate and improve Agency programs.

B. SUMMARY OF RECOMMENDED ACTIONS

The recommended plan calls for increased consumer input into the Agency's decision-making processes and improved Agency transfer of information to identified consumer groups.

Increased consumer input into the development of Agency policy and regulations will be accomplished by early public announcement of intent to develop such policy or regulation, revised internal mechanisms for communication of consumer comments and complaints to the office developing the program, and improved internal mechanisms to assure that consumer and consumer subgroup input is obtained. In addition, each regulation being developed will be reviewed to determine the need for additional efforts such as public opinion surveys and/or public hearings throughout the development process.

The recommended program to improve Agency transfer of information to consumers calls for: (1) expansion of the consumer-oriented Agency news releases program, (2) identification of consumer subgroups such as recreation and camping organizations, youth and elderly interest groups, farm and labor organizations, as well as organized consumer product and service groups; and (3) distribution of material written especially for these subgroups. A variety of communication media will be used to inform the consumer of EPA programs.

Comments on the proposed plans can be submitted to: Walt Barber (PM223), Room 3002, Environmental Protection Agency, Washington, D.C. 20460, 202–755–2265. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

FEDERAL ENERGY ADMINISTRATION

A. In order to develop an effective plan for consumer representation in FEA, it was necessary to examine the existing mechanisms for consumer input and information dissemination to the public. Eleven FEA program and policy areas in FEA were examined to determine the effectiveness of these input-output mechanisms. Examples of all mechanisms identified in the preceding section were found in the eleven analyses. Some mechanisms were well utilized. Others were not used in specific cases. From these analyses several recommendations have been developed.

1. Issuance by the Administrator of general Guidelines for all FEA Assistant Administrators or office directors to follow in obtaining consumer participation in FEA program and policy development. The Guidelines will include provisions for implementing the following improved procedures for consumer participation:

a. *Advisory Committees.*—FEA will reexamine the composition of the agency's Advisory Committees to ensure adequate consumer representation on each Advisory Committee. As a result of this investigation new policies for selection of Advisory Committee members will be developed which will be outlined in the Guidelines to be issued by the Administrator.

b. *Utilizing Consumer Complaints as an Information and Guidance Tool.*—The Office of Consumer Affairs/Special Impact plans to implement a computerized consumer complaint/correspondence processing system. This system will be designed to provide data on the energy problems of consumers by location and by type of complaint. These data will be circulated routinely to all program offices for use in policy and program planning, implementation and evaluation.

c. *Consumer or Citizen Conferences.*—Each regional CA/SI officer will conduct State Consumer Energy Workshops in coordination with the National office in order to provide a forum for the exchange of ideas and information and to obtain input on major FEA policies and programs from all interested consumer groups and citizens. The Office of Energy Resource Development will conduct consumer/citizen conferences in those areas where energy resource development has the potential to create boom towns in order to develop policies to relieve any adverse social and economic impacts resulting from rapid growth.

d. *Liaison with Consumer Groups.*—Each office shall have standing arrangements that provide to the maximum extent practicable for appropriate consultation and exchange of views with interested or affected persons and organizations on development or revision of major policies or programs prior to decision-making.

e. *Public Hearings.*—FEA will insure adequate notice of proposed changes in rules, regulations, orders, etc. by providing, the maximum possible notice of public hearings in the Federal Register in straightforward language, and will ensure publication of notices in national and local press and periodicals in the form of news articles.

f. *Staff Development of Consumer Information and Analytical Materials.* (1) The Assistant Administrator or Office Director shall provide, to the extent practicable, policy or technical information concerning major proposals and other important programs or policy actions at the earliest practicable time, and at places easily accessible to interested or affected persons and organizations, and inform consumers about the availability of such material to enable them to make informed and constructive contributions to the agency's decision-making process. Special efforts shall be made to summarize complex technical materials for public and media use.

(2) The office initiating a program or policy action will provide a response to interested or affected persons and organizations concerning their recommendations and suggestions (other than comment on rulemaking) within a reasonable period of time after receipt of such recommendations.

g. *Consumer Impact Evaluation.*—For any major proposal as defined by the FEA Directive for Implementation of Executive Order 11821 (which requires that major proposals for legislation and for the promulgation of rules and regulations by an executive branch agency be accompanied by a statement certifying that the inflationary impact of the pro-

posal has been evaluated) the Assistant Administrator or Office Director must indicate that where such a major proposal has been evaluated, the evaluation includes a section on consumer impact which contains:

(1) An analysis of the principal cost or direct price effects of the action on markets, consumers, business, regions of the country, and where feasible, an analysis of secondary cost and price effects. These analyses should have as much quantitative data and precision as practicable and should cover a time period sufficient to determine economic and inflationary impacts.

(2) An indication of the benefits to be derived from the proposed action. These benefits should be quantified to the extent practicable.

(h) *Increased Availability of Materials Containing Consumer Impact Evaluations.*—FEA will increase availability of materials containing consumer information at the earliest practicable time and at places easily accessible to interested or affected persons and organizations and inform them of the availability of this information through consumer organizations, press releases and speeches by FEA officials.

(i) *External Liaison.*—Media communication techniques will be utilized more fully to solicit consumer input and publicize agency decisions and their impact. This will be accomplished through providing increased accessibility for consumers to regular mailing lists, speeches by key officials outlining the opportunities for consumer input and influence on agency decisions, and wider dissemination of opportunities for participation through press releases, national periodicals and newsletters.

The public meetings which are to be held in early 1976 on both the Plan and the Guidelines will be publicized in the manner described above in order to obtain maximum consumer input.

2. The Director of the Office of Consumer Affairs will be responsible for coordinating the implementation of these recommendations and will report directly to the Administrator. Each program office will submit plans for implementation of the Plan and the Guidelines.

Comments on the proposed plans can be submitted to: Hazel Rollins, Room 4310, Federal Energy Administration, Washington, D.C. 20461, 202–961–6055. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

GENERAL SERVICES ADMINISTRATION

Although GSA is one of the world's largest consumers, it makes decisions in much the same manner as an individual would at the supermarket or the gas station. When it sets policy, it seeks information, evaluates it, and then acts on the basis of that evaluation. Since effective consumer representation demands interaction between agency and consumer in these areas, GSA's consumer representation plan will concentrate in information dissemination, policy evaluation, and program implementation.

Specifically, GSA will:

1. Work to reach the broadest possible audience of consumers in order to inform them of government programs so that they can participate more actively in these programs.
2. Examine the membership of advisory committees so as to obtain consumer representation where applicable and desirable.
3. Continue and further develop its participation in utility rate proceedings in a manner that will benefit consumers.

Comments on the proposed plans can be submitted to: Robert J. Yock, Room 6127, General Services Administration, Washington, D.C. 20405, 202–343–6119. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

SMALL BUSINESS ADMINISTRATION

All elements of SBA are involved in serving small business. Therefore, the following plan merely highlights specific activities which are devoted to increasing small business input into the activities of the Agency.

The primary thrust of the SBA Consumer Representation Plan is to keep the avenues for free flow and exchange of information open and to increase the participation of the small business community to assist SBA in fulfilling its mission.

It is because of the nature of the Agency and its Congressional and Executive mandate to represent the small business community that the SBA plan may be unique.

We are continually refining our procedures to increase the effectiveness of the Agency. There are specific SBA programs generally falling into the broad categories of financial, procurement, management, and advocacy assistance.

The Consumer Representation Plan pinpoints advocacy efforts as it is the Agency's visible arm but all program elements are involved in opening and maintaining rapport with the small business constituency. As a collateral effort to the following plan, SBA is currently reviewing all its paperwork requirements, both internal and external, in an effort to speed up the delivery of its programs.

Comments on the proposed plans can be submitted to: Nancy Lowe, Room 500, Small Business Administration, Washington, D.C. 20416, 202–382–5027. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

VETERANS ADMINISTRATION

The VA is characterized by considerable concern and involvement with its consumers. As a result, it is organized primarily along service lines and has no need for a special office of consumer affairs. Responsibility for consumer affairs is incoroporated into the functions of each organizational element. Input to the decision process begins with the smallest element and reaches up through each management level including the Administrator.

Consumer input is received from five major sources, the first of which is the veteran who expresses himself through telephone or face-to-face contact with VA employees, as well as through letters. Secondly, the veterans' organizations provide direct input by their responses to advance notice of upcoming policy changes, in addition to unsolicited comments and suggestions made through personal contact with VA officials, both at Central and Regional Office locations, and at conventions, seminars, meetings, and joint training ventures. Actually, veterans' organizations have three opportunities to respond to proposed changes in VA regulations and procedures. They receive draft copies, advance copies prior to publication, and the Federal Register. At each step they are invited to make suggestions and comments and whenever possible their recommendations are incorporated into the final version.

A third source of consumer input is data gathered in ongoing evaluations, studies and surveys conducted by internal VA elements, other government agencies, outside consultants, and veterans' organizations. The purposes of these tools are to increase knowledge to produce more responsive, effective programs; to evaluate management practices and to pinpoint areas in need of improvement; and to investigate instances of unsatisfactory service or alleged abuses or improprieties. Each operating unit maintains its own evaluation staff; at the Administrator's level is the Office of Planning and Evaluation which conducts management audits, cost-benefit or special studies and investigations. Professional groups, veterans' organizations, the General Accounting Office, and the Joint Commission on the Accreditation of Hospitals continuously are making on-site surveys at field stations and preparing reports for top VA officials. The Office of the Controller, through its Reports and Statistics Service, gathers data on the veteran population, its composition, its problems, its usage of available benefits, and the impact of the benefits used.

Advisory Committees are a fourth mechanism for consumer input. These committees represent diverse groups including veterans and members of the community who are prominent in the fields of education, medicine and law. They provide management with objective professional evaluations of VA programs and serve as a source of new ideas to serve the needs of the consumers. The fifth source of consumer input is community organizations, such as lending institutions and schools, which contribute constructive suggestions to facilitate consumer service by streamlining procedures.

To be responsive to over 29 million veterans and an even larger number of dependents is a significant challenge. The magnitude of the task is increased further by the diversity of the programs administered through the 171 VA Hospitals and 58 Regional Offices, each of which operates under a unique set of conditions. Consumer input is needed and sought at every level. There is an active outreach effort to keep veterans informed of their entitlement, rather than letting them seek out the VA on their own. In all possible ways, the VA encourages dialogue with its consumers and although not every problem has been averted, every effort is made to limit it to a one-time-only occurrence.

The importance of including the consumer has been recognized by the Administrator of Veterans Affairs who maintains an open-door policy to all veterans and takes a personal interest in finding out the problems and concerns of them and their beneficiaries. This attitude of openness and responsiveness to the consumer is in evidence among the Administrator's staff and within each VA organizational element. This encourages consumer input at every level.

Meetings with consumers' groups are encouraged. At the time of this writing the Administrator has scheduled five working meetings with representatives of nineteen veterans' organizations. In order to insure adequate representation of the Vietnam Era veteran, two Vietnam veterans serve as staff assistants to the Administrator and his Deputy. These individuals make every effort to maintain open dialogue with the youngest of our veterans and their various groups.

Consumer involvement in the Veterans Administration is particularly visible at the local level. All Hospitals and Regional Offices have daily contact with veterans, their dependents and their friends who are interested in their welfare. Scattered throughout the country, these field stations reach veterans with a variety of demands, problems, requests and complaints. The main functions of VA facilities at the local level are to provide service and to disseminate information. Within the Department of Medicine and Surgery, hospitals, outpatient clinics, domiciliaries and nursing homes furnish a full spectrum of health care. Regional Offices, within the Department of Veterans Benefits, are the contact points for veterans wishing to obtain information about their benefits, and serve also as administration points for all non-medical programs. In order to make it easier for the veteran to get information about VA benefits the VA has mobile vans which travel to remote communities throughout the country. This program has been effective in keeping veterans informed and in relaying their problems to the VA. The VA also provides veterans with toll-free telephone numbers to Regional Offices in most areas of the country. A group of veteran specialists knowledgeable in VA programs answer the phones, record any problems and relay them to the official able to solve them. These specialists also explain the various entitlements and seek out information about the veterans' desires. The bulk of this input from veterans is reviewed by station officials and results in necessary changes. Another method of reaching the consumer is the Veteran Representative on Campus. These are the veterans' assistance counselors who solve individuals' problems and relay information about the concerns of veterans back to the Regional Offices.

Because of the vast number of veterans served, the field stations are active in providing consumer information regarding their veterans' benefits. Therefore, they maintain close ties with the local media which disseminate prepared press releases and informational material, and which cover newsworthy VA activities. It is believed that good public relations, including appearances by VA directors before veterans' organizations and civic groups, gains public support and thus enhances consumer involvement. Any publicity given locally or nationally will improve consumer information and increase participation in administrative and legislative decisions. Veterans' organizations receive copies of Regional Office Newsletters, which are local publications providing information regarding changes in laws, regulations and procedures, and announcing a variety of VA activities. They send representatives to the Training Seminars and Conferences conducted by the Regional Office. Veterans' organizations are given office space within Hospitals and Regional Offices, which promotes communication with VA management on an informal and continuing basis. Additionally, field station directors hold monthly meetings with veterans' organizations to advise them formally of VA activities and to receive their response. Since Hospitals and Regional Offices are the veterans' first points of contact with the VA, their interests generally are limited to their own specific situations. However, professional non-consumers, such as lending institutions and schools, have con-

tributed many constructive suggestions which have aided consumer service by eliminating unnecessary delays.

The VA has launched a new program evaluation system. Currently two major programs are under evaluation: the educational programs and the Nursing Home Care Program. These evaluations center on desired goals vs. goals actually achieved. They consider the veteran as he/she enters the program and the effect on him/her in qualitative and quantitative terms. The evaluations will determine the effectiveness of the program in achieving goals in relation to costs, impact on related programs, and their structure and mechanism for delivery of services. Consumer impact will be a major consideration in these evaluations. After the two pilot programs have been completed, the evaluation system will be expanded to other VA programs and will be used as a continuing self-check mechanism.

A major source of consumer involvement at the local level is the complaint. When communication from a consumer indicates a complaint with service, there is a formal written procedure to ensure that special staff review be made of the complaint. In the hospital setting, the veteran can enter a complaint through the medical staff, the director or the veterans' organizations. All complaints at the Regional Office are forwarded to the Office of the Director to ensure prompt reply and to be certain corrective measures are taken to avoid similar complaints from other veterans. It is the policy of all field stations, both Hospitals and Regional Offices, to respond immediately to all complaints and to resolve them in an expeditious manner. Decisions affecting individual consumers also are relayed to their authorized representatives. In addition to complaints about service received, veterans can express dissatisfaction with decisions reached regarding a claim for benefits. In these instances, the Regional Office instructs the veterans in the proper procedure for having the case heard by the Board of Veterans Appeals. When a Regional Office discerns a pattern which indicates a problem more than local in scope, contact is made with the appropriate Central Office official. Also, information is referred to a Data Processing Center with the indication that immediate corrective action is required.

Complaints received at Central Office receive the same priority handling. Each request is answered promptly and is reviewed, together with other data, to determine if there is a need for any changes in policy, procedure, regulations or legislation. It is possible for veterans to influence VA policy through their complaints. For example, when Central Office receives the same type of complaint from a number of different hospitals (as when a badly designed form is causing long queues) they will change policy system-wide. When many Vietnam veterans were complaining that the VA was unresponsive to their needs, various measures were taken to change this situation. Direct correlation between changes in VA regulations and policy and the demands of the Vietnam veterans can be shown for: 1) the elimination of much of the military jargon from VA Hospitals; 2) the establishment of Drug Dependence Treatment Centers; and 3) the establishment of a committee of Vietnam veterans at each VA Hospital.

These and many other changes in the evaluation and processing of claims can be traced directly to input in the form of recommendations, suggestions of complaints.

Comments on the proposed plans can be submitted to: Errol D. Clark, Room 1120, Veterans Administration, Washington, D.C. 20420, 202–389–2265. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

DEPARTMENT OF AGRICULTURE

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Nancy Steorts, Room 225W, Department of Agriculture, Washington, D.C. 20250, 202–447–3165. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

OCTOBER 31, 1975

TABLE OF CONTENTS

I Statement of Purpose
II Operating Units Involved
III Executive Summary
IV Plan for Consumer Involvement
V Accountability Process
VI Recommendations:
Committee for Consumer Responsiveness
APHIS Consumer Representation Plan
Forest Service Consumer Representation Plan

I. STATEMENT OF PURPOSE

The purpose of this plan is to assure that the American consumers—the intermediate and ultimate recipients of the commodities, benefits and services administered by the Department of Agriculture—are well informed about Department actions affecting their interests, and that relevant Department decision-making processes are open to the effective expression of informed consumer viewpoints.

II. OPERATING UNITS INVOLVED

A. CONSUMER IMPACT GROUPINGS

The different agencies within the Department have varying degrees of impact on consumers—high impact with a direct relationship with consumers, high impact with an indirect relationship with consumers, and low impact with an indirect relationship with consumers.

1. High Impact—Direct Relationship With Consumers:

a. *Secretary's Representative for Consumer Affairs*—coordinates Department actions on problems and issues of importance to consumers.

b. *Office of Communications*—provides information on all consumer programs of the Department. Publications, slides, film strips and exhibits on a variety of subjects of interest to consumers are available free or for a minimal charge.

c. *Extension Service*—in cooperation with state and county governments, conducts continuing education programs for youth and adults in agricultural production, home economics, family life and related subjects.

d. *Food and Nutrition Service*—administers the Department's various food assistance programs, such as food stamps and child nutrition programs.

e. *Farmers Home Administration*—provides credit for those in rural America who are unable to get credit from other sources at reasonable rates and terms.

2. High Impact—Indirect Relationship With Consumer:

a. *Agricultural Marketing Service*—administers a broad program of standardization, grading, inspection, market news and regulatory functions to assist in the orderly marketing and distribution of food and farm products.

b. *Animal and Plant Health Inspection Service*—conducts regulatory control programs to protect the wholesomeness of meat and poultry products for human consumption; includes meat and poultry inspection, animal and plant quarantine, and disease and pest control programs.

c. *Forest Service*—promotes conservation and wise use of the nation's forest and land resources, including recreational uses.

d. *Rural Development Service*—coordinates social and economic development programs in rural areas of the nation, including a wide range of assistance measures for communities of 10,000 population or less.

e. *Agricultural Research Service*—provides the necessary knowledge and technology so that farmers can produce efficiently, conserve the environment, and meet the food and fiber needs of the American people. The agency conducts the Department's basic research in human nutrition and national dietary levels.

f. *Cooperative State Research Service*—administers funds for research conducted in the states on agriculture, rural development and human nutrition, primarily through land grant colleges.

g. *Rural Electrification Service*—makes loans to finance electric and telephone service in rural areas.

h. *Agricultural Stabilization and Conservation Service*—administers specified commodity and related land use programs designed for voluntary production adjustment, resource protection, and price, market, and farm income stabilization.

i. *Soil Conservation Service*—has the responsibility for developing and carrying out a national soil and water conservation program in cooperation with landowners and operators and other land users and developers, with community planning agencies and regional resource groups, and with other agencies of government—Federal, state and local.

j. *Foreign Agricultural Service*—is an export promotion and service agency for U.S. Agriculture.

k. *Packers and Stockyards Administration*—administers the Packers and Stockyards Act of 1921. The principal objective of the act is to assist in the maintenance of free competitive practices in the marketing of livestock, meat and poultry, as well as meat and poultry products.

l. *Economic Research Service*—develops and carries out a program of research to provide economic intelligence for agriculture, agriculture-related industries, and the public on all aspects of food production, consumption and prices.

m. *Commodity Credit Corporation*—its objective is to stabilize and protect farm income and prices, to assist in maintaining balanced and adequate supplies of agricultural commodities and their products, and to facilitate the orderly distribution of commodities.

3. Low Impact—Indirect Relationship With Consumers:

a. *Federal Crop Insurance Corporation*—promotes the general welfare by providing crop insurance against loss from unavoidable causes, such as weather, insects, and disease.

b. *Farmer Cooperative Service*—conducts studies to support cooperatives that market farm products, purchase production supplies, and perform related business services.

c. *Statistical Reporting Service*—prepares estimates and reports of production, supply, price and other items necessary to the orderly operation of the U.S. agricultural economy. These reports include statistics on field crops, fruits and vegetables, cattle, hogs, poultry, and related products. Other estimates concern prices received by farmers for products sold and prices paid by them for commodities and services.

B. APPLICATION

Since the mission of each agency differs, and the programs within each agency have a varying degree of impact on consumers, not all of the techniques outlined in this plan would be appropriate in every situation. However, these procedures are applicable when an agency is contemplating action which will affect consumers.

III. EXECUTIVE SUMMARY

This Consumer Representation Plan is designed to insure that each agency within the Department of Agriculture proceeds in an organized and systematic manner to meet the consumer's desire to be better informed about and more involved in the agency's decision-making processes.

To achieve these goals, each agency head will be responsible for . . .

A. Using appropriate procedures for informing consumers about ongoing activities as well as emerging issues.

B. Using appropriate procedures in obtaining views of consumers on ongoing activities as well as emerging issues.

C. Giving full consideration to consumer views in making necessary decisions.

D. Assuring that final decisions, and the rationale behind those decisions, are appropriately publicized.

The above standards assure the consumer a background of information relative to potential decisions in agency planning, program formulation, and sensitive projects and issues; and provide full and visible opportunity for consumer involvement in the decision-making process.

In addition to the above minimum standards, agency heads are urged to . . .

A. Consider the impacts and benefits of an agency decision on all citizens—whether they become involved in the process or not.

B. Develop a program of involvement activities which are designed to reach consumers who have not participated in the decision-making process in the past.

C. Institute programs whereby consumers, industry and government representatives are brought together to discuss mutual concerns, regarding specific issues.

IV. PLAN FOR CONSUMER INVOLVEMENT

The purpose of this plan is to develop a visible and systematic way to involve the consumer in ongoing programs and planning of the Department and its agencies.

These procedures will be applied sufficiently far in advance of proposed actions to permit adequate time for consideration and response by the consumer, except for emergencies requiring prompt action.

Following are procedures which agencies should use in determining which issues require public involvement, the extent of involvement necessary, and possible involvement techniques.

A. Agencies should define consumer concerns by:

1. Assessing the scope of impact—local, county, state, national or international.

2. Assessing the degree of consumer concern and potential controversy.

3. Identifying interested and/or affected consumers.

B. Participation Methods:

1. For better information output, agencies should use the necessary combination of the following channels for effective consumer participation: (a) Newspapers, (b) radio, (c) television, (d) magazines, (e) brochures, (f) displays, (g) public speaking, (h) individual contacts, (i) briefings, (j) letters to known interested groups and individuals especially those who have previously participated, (k) consumer newsletters, or (l) legal documents.

2. For better consumer input, agencies should use the necessary combination of the following channels for effective consumer participation: (a) Workshops, (b) listening sessions, (c) informal group discussion meetings, (d) advisory and ad hoc groups, (e) questionnaire and surveys, (f) written documents of any kind, (g) telephone responses, (h) written responses, or (i) public hearings.

C. Agencies should use the necessary combination of the following methods in analyzing consumer input:

1. Intuitive analysis—an interpretation of consumer attitudes and interests.

2. Simple tabulation—a numerical count of pros and cons received on a specific issue.

3. Content summary—the substance of comments is recorded in categories and summarized.

4. Content Analysis—combines content summary and tabulation.

D. Where appropriate, agencies should publicize alternative solutions.

E. Agencies will fulfill any legal requirements for formal publication of proposed solutions.

F. In announcing the final decision, agencies should explain, in a clear and concise manner, the rationale behind their decision. This is especially critical in those cases where, due to the nature of the problem, a reduced comment period was necessary.

V. ACCOUNTABILITY PROCESS

A. The Assistant Secretary for Marketing and Consumer Services will be responsible for program accountability.

B. The Special Assistant to the Secretary for Consumer Affairs will assist the agencies with implementation of the Department program:

1. A written review of agency action under the program will be provided to the Special Assistant on an annual basis. Such reviews will be presented by the end of January each year.

2. Each agency, will provide the Special Assistant with a status summary of newly emerging consumer concerns and significant changes in previously reported concerns. An appropriate reporting schedule will be worked out by the Special Assistant in cooperation with each agency administrator. On occasion, the office of the Special Assistant may review data on which the summary is based.

3. The Special Assistant will make periodic reports to the Secretary of Agriculture on consumer concerns with recommended actions.

4. On a regular basis, the Special Assistant will keep agency administrators informed about consumer concerns—ongoing actions as well as emerging issues. Also, the Special Assistant will advise agency administrators as to the current status of the Consumer Representation Plan.

VI. RECOMMENDATIONS

A. Each agency shall have a coordinator of consumer activities who will work closely with the Office of the Special Assistant on over-all Department concerns relating to consumers. These coordinators shall be so placed in the organizational chart to provide the necessary status and visibility needed to accomplish the goals of this program.

B. The formation of a Committee for Consumer Responsiveness which will meet periodically to determine if consumer concerns are being carefully considered in the actions taken by the various agencies.

COMMITTEE FOR CONSUMER RESPONSIVENESS

Purpose. This Committee is to coordinate the Department's interests and responsibilities in the government's effort to assure that American consumers are well informed about government actions affecting their interest, and to assure, through the agencies, that relevant government decision-making processes are open to the effective expression of informed consumer viewpoint.

Objectives. The objectives of the Committee are (1) to facilitate appropriate public input in the setting of priorities and goals of the Department; (2) promote continuing awareness among the public of proposed changes in the policies and regulations and the basis on which those changes are contemplated; and (3) serve as a focal point in the Department where consumer complaints and comments can be reviewed and appropriate action taken.

Functions. The Committee will advise the Secretary on the Department-wide activities as they relate to consumer participation. It will seek avenues through which further consumer participation is needed. It will ascertain whether appropriate consumer participation was sought and adequate consideration given to consumer opinions before any final decisions are made.

Committee Membership. The Chairman of the Committee will be the Assistant Secretary for Marketing and Consumer Services. The Vice-Chairman will be the Special Assistant to the Secretary for Consumer Affairs who will serve as the working chairman.

The Administrator of each of the following agencies will serve as a member of the Committee and a senior staff member will be designated as an alternate. The member, or alternate, will participate fully in Committee activities and have authority to speak for his agency on consumer-related matters.

Secretary's Representative for Consumer Affairs
Food and Nutrition Service
Animal and Plant Health Inspection Service
Extension Service
Office of Communication
Agricultural Research Service
Economic Research Service
Agricultural Marketing Service
Forest Service
Statistical Reporting Service
Cooperative State Research Service.

The Office of the Special Assistant to the Secretary for Consumer Affairs will provide the Executive Secretary and related staff support to the Committee.

Agency representatives will be called upon to provide or arrange for information and further staff assistance for the Committee as may be needed to deal effectively with activities and reports involving the programs and responsibilities of their agencies.

Other agencies and offices of the Department may be asked to participate from time to time on Committee matters of concern to them.

Liaison representatives from the Office of Consumer Affairs, Consumer Organizations, Food and Drug Administration, Environmental Protection Agency, National Science Foundation, and other agencies or individuals may be invited by the Chairman to attend Committee meetings.

The Committee for Consumer Responsiveness will establish effective liaison with other committees dealing with consumer-oriented matters, such as the Committee on Food Safety and Quality, and will work with those committees on matters of mutual concern to the extent feasible to avoid unnecessary duplication of effort.

APHIS CONSUMER REPRESENTATION PLAN

A. INFORMATION INPUT

1. *Existing Mechanisms*—(a) *Federal Register.* Each regulatory action taken by APHIS must be published in the Federal Register as a notice of proposed rulemaking or as a final notice. Comments on the proposals are solicited from the public and at least 30 days are provided for comments to reach APHIS. The comments received are analyzed and appropriate changes are made before final publication of the rule.

Using the Federal Register is, of course, a legal necessity. Its use as a vehicle for consumer input will be enhanced through the following actions, singly or in combination:

Extending the period for public comments;

Making direct mailing of Federal Register excerpts to consumer organizations;

Writing clearer, simpler Purpose Statements and Statements of Consideration to make the proposals more understandable;

Making greater use of public hearings at appropriate field and headquarter locations;

Making greater use of informal meetings with consumer groups to discuss proposals.

(b) *Public Meetings.* A number of public meetings have been held on various consumer and environmental issues to solicit the viewpoints of differing segments of the public. Sometimes these meetings are required, as is the case with our domestic plant quarantine actions. Each one of these actions must be the subject of an advertised public hearing. Sometimes the meetings are held because of the public interest in the subject, such as the meeting held concerning the construction of new APHIS facilities.

Public meetings will be enhanced by:

Giving more attention to the manner in which the meetings are advertised;

Planning the procedures, content and logistics of the meetings more carefully;

Holding more than one meeting on those subjects with nationwide interest;

Holding meetings on a greater range of subjects;

Holding meetings on a regional or local basis depending on the geographic area concerned.

(c) *Environmental Impact Statements.* An Environmental Impact Statement must be prepared for major Federal programs having a significant effect upon the environment. Several APHIS programs are covered by the requirement. A notice that such a Statement has been prepared must be published in the Federal Register. The Statement itself is circulated among interested groups, including industry and environmental groups, before it is made a final document. All comments received as a result of this procedure are analyzed and made part of the final Statement.

Although the procedures for processing the Statements are not completely within the control of APHIS, there are several things that can be done to enhance the dialogue with environmental groups:

Extending the period for public comment;
Writing clearer and more understandable Statements;
Making greater use of public hearings at appropriate field and headquarters locations;
Making greater use of informal meetings with environmental groups.

(d) *Advisory Committees.* APHIS has a number of Advisory Committees which provide input on various technical problems faced by our programs. Program officials are in the process of adding consumer representatives to these Committees. The completion of this process will enhance the actions taken by these Committees.

(e) *Consumer Complaints.* APHIS' programs receive a substantial amount of correspondence from the public. Not all of this correspondence is made up of complaints on specific items; the majority is designed to influence the agency to take action on various issues. All of the correspondence is answered and certain complaints (*i.e.*, food borne diseases) receive extensive investigation and analysis. Each program area handles its correspondence analysis with varying degrees of sophistication. This analysis will continue. Recommendations for improvements have been made and are under consideration at each program's staff level. In order to enhance the entire process, however, APHIS plans to initiate an agencywide system of public correspondence analysis. The initiative is covered further under "Future Mechanisms" (Section A2).

2. *Future Mechanisms*—(a) *Polls and Questionnaires.* There is a growing need to actively solicit the views of the general public. Since most consumer organizations represent specific segments of the public, there is no one place to get a general picture of consumer or environmental satisfaction or dissatisfaction with a particular program. One means for obtaining this information is through scientifically designed questionnaires or opinion polls. APHIS will study the use of these tools with a view toward employing them as an evaluative and planning device.

(b) *Consumer Advisory Committee.* APHIS intends to establish a formal agencywide Consumer Advisory Committee. The purpose of the committee will be to foster a three-way dialogue among consumer representatives, industry, and APHIS officials. The dialogues will take place on significant policy issues.

(c) *Analysis of Public Correspondence.* For purposes of both planning and evaluation, APHIS plans to initiate a formal system to analyze public correspondence on an agencywide basis. The analysis will include past as well as current correspondence and will search out trends, relationships and critical incidents. Correspondents will continue to receive responses relating the causes of the problem and what systems are in place or being put in place to solve the problem. In addition, the correspondent will receive a follow-up, where appropriate, explaining what further measures were taken as a result of the correspondence received on the matter. The system will be evaluated by asking, via questionnaire, a random sample of correspondents what reaction they had to the response they received from APHIS.

B. INFORMATION OUTPUT

1. *Communication To Consumers on Issues and Decisions*—(a) *Existing Mechanisms*—(1) *Federal Register.* In addition to its use as a means to solicit input from the public, the Federal Register is the primary existing mechanism for getting information to the public on all program issues and decisions. Its use as a device to communicate to the average consumer, however, is limited by its format, its specialized audience, and the language problem created because it must be legally accurate. APHIS will enhance its use as a mechanism by:

Making direct mailings of rulemaking proposals and final notices to consumer representatives;
Writing clearer, simpler Purpose Statements and Statements of Consideration;
Making better distribution of the press release accompanying the proposal and final notices. (See following Section B1(a)(2).)

(2) *Press Releases.* APHIS prepares press releases to accompany most Federal Register notices and all Environmental Impact Statements. In addition, press releases are prepared to cover all the significant issues and decisions not the subject of publication in the Federal Register. A start has been made in the preparation of radio and television spots to cover those decisions with the most public impact. The mechanism will be enhanced by:

Making direct mailings of press releases to consumer and environmental representatives;
Preparing better mailing lists to assure correct geographic coverage and to include local weekly newspapers;
Making releases through local APHIS officials;
Expanding the use of radio and television spot announcements;
Making greater use of APHIS' Regional Information Officers;
Issuing feature stories as well as press releases.

(3) *Press Briefings.* Recent successful use of press briefings (e.g., net weight and nutritional labeling) has proven the value of this mechanism for communicating to interested groups. These briefings will be expanded and their effect enhanced by:

Holding briefings on a regional and local basis;
Making knowledgeable program officials more available for press briefings.

(4) *Consumer Representative.* APHIS has a full-time Consumer Representative who maintains formal contacts with consumer representatives and prepares and makes presentations to consumer groups on various APHIS programs. The consumer representative's function will be enhanced by:

Giving greater visibility to the existence of the function;
Making greater use of the contacts provided through the function;
Making greater resources available for the function (See "Recommendations").

(b) *Future Mechanisms*—(1) *Dialogue With Consumer Reporters.* The growth of the journalistic specialty of media communication with consumers has made it necessary for APHIS to establish a direct dialogue with these reporters. While some informal contacts have been maintained, the communications with this important channel to the consuming public will be expanded and made more permanent. This dialogue, for the most part, should be carried on directly between program officials and the reporters themselves with the Information Division providing the support required.

(2) *Consumer Advisory Committee.* The Consumer Advisory Committee to be established by APHIS (See Section A2(b)), primarily to provide input, will also become an important channel for information flow to consumer and environmental groups as well as the general public.

(3) *Consumer Newsletter.* APHIS will initiate a consumer newsletter which will provide a run-down on the status of APHIS proposals, the effect of new regulations, the status of on-going programs and other issues of significance to the general public.

(4) *Speaker's Bureau.* APHIS will establish a formal mechanism to provide speakers to interested groups on request at relatively short notice. The speakers will be key APHIS officials who will be selected for their knowledge and speaking ability as well as their willingness to keep current on APHIS programs and speak on very short notice. These speakers will be provided with audio-visual aids and the latest documentation of policy actions. The speakers will be located in all parts of the country.

2. *Feedback to Consumers About Their Comments on Policies and Programs*—(a) *Existing Mechanisms:*

(1) Publication in the Federal Register of the final notice of rulemaking requires that the Statement of Consideration contains an analysis of the comments received after the proposed rulemaking was published.

(2) Each comment received regarding a draft Environmental Impact Statement is given an individual analytic response by APHIS officials. Each comment and each response is then printed as part of the final Environmental Impact Statement. The Statement is then distributed to all of the commenters as well as to the regular mailing list of such Statements.

(3) All incoming correspondence receives an individual reply. Feedback depends on the nature of the inquiry and varies widely in significance. However, this mechanism provides the most immediate communication link with those citizens interested enough to make voluntary comment.

(b) *Future Mechanisms.* Feedback to the consumer, environmental or public interest groups commenting on our programs will be improved by the initiatives already addressed by this plan:

(1) Consumer Advisory Committee (See Section A2(b)).

(2) Consumer Newsletter (See Section B1(b)).

(3) Analysis of Public Correspondence (See Section A2(c)).

3. *Consumer Education*—(a) *Existing Mechanisms.* APHIS has and will continue to emphasize consumer education in all of its information programs. Major programs continue in the following areas:

(1) *Food Safety Campaign.* APHIS has made available radio and television spots (e.g., Sal and Arnie, the Odd Couple), brochures and leaflets (distributed at food service establishments, supermarkets, schools, and food industry conventions by the hundreds of thousands), exhibits, feature stories and press releases.

(2) *International and Domestic Agricultural Quarantines.* APHIS has made a concerted effort to give travelers and the general public detailed information about what can and cannot be brought back into this country as well as restrictions on the movement of agricultural products within the country. Tools used include "Travelers Tips," radio and television spots, news releases, feature articles, paid advertising (in Hawaii), and handouts in hotels in Hawaii and along the Mexican Border. In addition, press releases are prepared on all changes in domestic quarantines.

(3) *Veterinary Services Regulatory Programs.* APHIS' objective in this area, as well as in the other campaigns, is to give specific information to the special public involved (e.g., farmers, dairymen) and general information to the public at large on program progress and problems. The tools used are press releases, speeches by program officials, slide sets and other materials. Particular emphasis at this time is being given to the regulatory programs in animal welfare and horse protection, emergency disease eradication efforts, and the local environmental impact caused by construction of new APHIS facilities.

(b) *Enhancing Existing Mechanisms.* Urgent study is being given to improving the manner in which these information campaigns are getting delivered to such hard-to-reach populations as the non-English speaking, the non-reading, the low income. The use of county agents, community leaders, volunteer groups and other government agencies (Federal, State, and local) is actively being pursued.

(c) *Future Mechanisms.* In addition to the existing effort, APHIS will experiment with innovative ideas for getting information to the proper audience, such as using meat and poultry food product labels themselves as the medium for conveying food safety information.

C. RECOMMENDATIONS

1. *General.* In order to embark on an extensive plan for expanded consumer representation, there are certain prerequisites. Simply stated, these are:

Adequate resources in both dollars and personnel;

Top management level support and evaluation;

Access to key program officials;

Appropriate visibility and status in the organizational hierarchy;

Authority and ability to fix responsibility for accomplishment.

To the extent any of these are lacking, the successful implementation of this plan will be made more doubtful.

We believe the best way to provide these prerequisites is to establish a consumer affairs unit with responsibility for coordinating and expanding the internal and external consumer activities of APHIS. The unit should be placed in the organizational hierarchy as close as possible to the Administrator in order to give the function the necessary status and visibility. The support necessary for such a unit will come from the Information Division and the program areas.

Substantial dollar and personnel resources, over and above those already committed to consumer affairs, will be needed for an extended period to conduct this expanded program.

2. *Barriers To Be Overcome*—(a) *Budget Issue.* A budget increase will be necessary to cover the costs of an adequate consumer affairs program. At present, budgets are strained just to keep up with current programs. We suggest that Department officials remain sensitive to the growing need for consumer representation in agency programs and give favorable attention to budget requests which seek to implement plans to meet the need.

(b) *Federal Register Issue.* At several places in this plan, APHIS has announced its intent to write clearer and simpler Purpose Statements and Statements of Consideration. These Statements as well as the content of the rulemaking are subject to review for legal sufficiency by the Office of the General Counsel (OGC). While we recognize that these dockets are legal documents and as such must be carefully worded, we also recognize that they convey a message to varying audiences.

We know that OGC has shown sensitivity in this area and has appealed to agency program officials for clearer writing and more thorough information. We intend to work closely with

OGC to reduce the legalese while still maintaining a legally sufficient document.

(c) *Advisory Committee Act Issue.* APHIS has been informed by OGC that bringing together ad hoc groups to discuss program problems makes us subject to the provisions of the Advisory Committee Act. This interpretation limits the holding of informal meetings with consumer groups as envisioned under this plan. We suggest that the issue be restudied with a view toward recommending legislative changes that would permit easy access to the advice of consumer representatives.

FOREST SERVICE CONSUMER REPRESENTATION PLAN

The Forest Service (USDA) actively seeks the involvement of the public in its forestry policy, program formulation, and decision-making processes. Impetus to this policy is carried out by two major Forest Service programs—the Inform and Involve Program and the Environmental Education Program.

These two programs offer natural resource and environmental education opportunities to assure that urban as well as rural publics are provided with information necessary for informed involvement in resource planning decision-making processes.

THE INFORM AND INVOLVE PROGRAM

The Forest Service instituted the "Inform and Involve" program in 1970. The program focuses on positive efforts to provide clear, comprehensive information to the public on proposed actions and to seek out opportunities for involvement by impacted or concerned citizens, groups, and organizations in the early stages of program policy and planning formulation. This Nation-wide effort is designed as an organized and systematic approach to meet public interest and concern in the quality of the environment and to meet the public's desire to be better informed and more involved in federal decisionmaking.

The major goals of the Forest Service Inform and Involve Program are:

A. To insure that the public is provided with full and timely information regardinig both Forest Service activities and the opportunities available for becoming involved in planning and decision-making processes.

B. To involve the public constructively, in such ways as citizen workshops, which will provide information, comment, and perspectives leading to better understanding of public attitudes, perceptions and preferences as they pertain to management programs, policies, and plans.

C. To develop open channels of communication with citizens, groups, and branches of government regarding Forest Service programs, policies, and plans.

D. To develop a program of involvement activities which is both visible and diverse, placing special emphasis on building two-way communications with citizens and groups that are affected by Forest Service activities who have not participated in the past.

E. To obtain and respond to public comment on the full range of management issues.

F. To work closely in cooperation with elected representatives of government and other government agencies in developing plans for Forest Service management that will have area-wide impact.

G. To consider the impacts and benefits of agency decisions on all citizens—whether they become involved in the process or not.

H. To emphasize interaction, sensitivity, and adjustment of various public views in the involvement program, especially through citizen workshops, clearly establishing that the goal is to develop understandinig and to exchange information—not to hold a plebescite or choose by majority ballot.

I. To assess, by means of scientific sampling, public understanding and preference on natural resources and forestry-related issues to determine current public trends toward and evaluation of Forest Service activities and proposals.

J. To involve professional, conservation, consumer, government, etc. organizations in developing and carrying out activities designed to provide information obtained through research to potential users, in a form conducive to timely and successful application.

The above goals of the Inform and Involve Program assure the public a background of information relative to potential decisions in land use planning, natural resource program formulation, and environmentally sensitive projects; and, provide full opportunity for public involvement in the various stages of the decision-making process.

THE ENVIRONMENTAL EDUCATION PROGRAM

The Environmental Education Program is an integral part of overall Forest Service public involvement efforts. Forest Service policy is to expand public understanding of environmental conservation.

The National Environmental Policy Act of 1969 recognized that increased public understanding of ecological systems and natural resources would lead to more effective decisions and actions affecting the environment. Thus, national policy to "enrich the understanding of the ecological systems and natural resources important to the Nation . . . and make available to states, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment . . ."[1] is Forest Service policy.

The principal differences between the objectives of the Inform and Involve Program and the Environmental Education Program are in the time span for likely public application of information, and specific relevancy. Inform and Involve efforts are designed to inform and involve the public on factors related to a current specific issue in a "real" decision-making situation.

Environmental Education is designed to provide citizens with a general base knowledge to improve understanding of the interrelationships of environmental, social, and economic factors in the human environment. This improved understanding then becomes a knowledge base for considering future proposals or for taking individual action. The primary focus of Forest Service Environmental Education efforts is in working with citizen groups, resource managers, and educators to encourage the use of self-discovery problem solving processes for investigating and understanding the environment.

In this way citizens acquire information and concepts with which to evaluate any aspect of an environmental or pollution problem they choose. It also focuses on the need to consider alternative solutions in the light of their environmental, social, and economic costs and benefits.

The approach to Environmental Education is a process that provides more than factual information about the environment. It involves citizens in a learning process which can assist them in identifying problems and analyzing alternatives. It enables citizens to better understand the benefits and costs of potential and actual decisions or local development projects, developments of regional impact, and areas of critical state and national concern.

---

[1] NEPA, 1969; Section 2; Section 102.

The Environmental Education Program as well as the Inform and Involve Program provide a scientific and impartial approach to the study and assessment of environmental, social, and economic factors in natural resource and land use decisionmaking.

Public involvement activities of the Inform and Involve and Environmental Education Programs are based on the need to improve *two-way* communications between citizens and decisionmakers. This two-way communication process is not complete until citizens have provided their recommendations into the decisionmaking process, and a decision is announced. In this sense, public involvement activities differ from the traditional information program in that they provide only the dissemination of information. This is clearly identified in the Public Involvement Planning overview as shown below:

PUBLIC INVOLVEMENT PLANNING

1. Preliminary definition of Public involvement issues:
   a. Assessment of scope of impact
   b. Assessment of degree of public concern and potential controversy
   c. Identification of groups or individuals who have possible interest in issue.
2. Preliminary public contacts: (a) Identification of key areas of public concern; (b) involvement technique selection; and (c) alternative development.
3. Integration of Inform and Involve planning with program planning as it develops.
4. Information diffusion.
5. Solicitation of public comment.
6. Analysis of public comment.
7. Distribution of Forest Service response to public comment.
8. Announcement of decision and rationale.
9. Evaluation of implementation and public understanding.

FOREST SERVICE RECOMMENDATIONS

The following recommendations are proposed by the Forest Service to supplement agency recognition and understanding of public desires and needs.

1. The Forest Service proposes to test on a pilot basis the use of a standard questionnaire (with Office of Management and Budget approval) for determining public understanding and preference within National Forests' zones of influence in the early stage of proposed Forest Service land use actions requiring an Environmental Impact Statement. This survey approach will obtain citizen preferences on natural resource priorities and will be carried out by professional scientific sampling procedures. The individual surveys will help determine public understanding and preference at the earliest possible stage of a planning effort and will not replace current agency efforts to obtain all possible comments and recommendations from the public through other means such as workshops, hearings, meetings, letters, etc.

This will fulfill to a degree a vital need for a scientific sampling of public views within local National Forests' zones of influence to supplement our current approach of voluntary response from interested and special publics. This policy will offer the public and the agency a dual perspective of citizen desires and needs as related to natural resources.

2. The Forest Service proposes to implement a series of national surveys for the purpose of assessing current trends and public concerns related to natural resources and environmental issues. This survey would be carried out in cooperation with the Department of Agriculture and the Office of Management and Budget. The survey might well include the cooperation of other federal agencies with related concerns on forestry and environmental issues.

PURPOSE OF RECOMMENDATIONS

The purpose of recommendations one and two is to allow the public to tell us how they feel about natural resource and forestry-related matters.

The information that the agency receives will help to identify public priorities on management of National Forests, policy guidelines, areas of limited public understanding, and differences among various public segments on natural resource priorities. This information will be used: (1) to assess areas of public concern; and (2) to provide a basis for initiating various inform and involve efforts best suited to meet the needs of the public for additional information of opportunities for involvement.

Additionally, it will identify scientifically the preferences of the public as a whole, within a given area, as a partial balance to public views received from individuals, groups, and organizations directly affected or interested in a proposed action.

DEPARTMENT OF COMMERCE

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Fred Prince, Room 5867, Department of Commerce, Washington, D.C. 20230, 202–967–2921. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

NOVEMBER 4, 1975.

TABLE OF CONTENTS

I Statement of purpose
II Primary Operating Units Involved
III Executive Summary
IV Agency Plans
A. National Marine Fisheries Service:
1. Voluntary Seafood Inspection Program
2. Voluntary Standardization Program
3. Consumer Education Program
B. National Bureau of Standards:
1. Consumer Product Technology Programs—
(a) Appliance Labeling
(b) Appliance Efficiency
(c) Consumer Publications
(d) Product Performance
2. Voluntary Standards Program
3. Fair Packaging and Labeling Standards Program
C. Domestic and International Business Administration:
1. Legislative Recommendations
2. Trade Negotiations
3. Short Supply Export Controls
4. Textile and Apparel Agreements
D. National Fire Prevention and Control Administration:
1. Research Program
2. Education Program
V Recommendations
A. Planned Actions
B. Schedule of Events
C. Allocation of Resources
D. Proposed Executive Action

I. STATEMENT OF PURPOSE

The U.S. Department of Commerce provides a wide range of services to the general public and to business at home and abroad in discharging its mission of encouraging economic growth for the benefit of all.

The Department was established by the Congress in 1903 to "foster, promote, and develop the foreign and domestic commerce . . . of the United States." In carrying out this mandate, its services bring into focus those economic opportunities that challenge the initiative of business and industry. Its programs promote the increased use of science and technology in the development of industrial capacity and the production of consumer goods.

To ensure that the resources of the Department of Commerce are utilized in ways that will better serve the public interest—both the producing and consuming sectors of the economy—the primary operating units have been directed to determine where and how consumer representation can be appropriately brought to bear upon decisions and actions. The procedures of the individual operating units for achieving this purpose are set forth below in section III.

II. PRIMARY OPERATING UNITS INVOLVED

Pursuant to its various statutory responsibilities, the Department of Commerce carries out several programs that affect consumers directly, and, as an agency of the Executive Branch, the Department participates in the policymaking process as it relates to many other Federal consumer activities. The organizational units regularly involved in major policy decisions and implementing actions that have a direct or significant consumer impact are as follows:

National Marine Fisheries Service, National Oceanic and Atmospheric Administration
National Bureau of Standards
Domestic and International Business Administration
National Fire Prevention and Control Administration

III. EXECUTIVE SUMMARY

In terms of function, the Department's consumer-related activities generally fall into one of the following categories: (1) Inspection and grading, (2) standards-making, (3) technical assistance, (4) product information, or (5) commercial practices. Other activities, such as trade policy development, have an important, but indirect impact on consumers. The degree of consumer representation to date has varied among the operating units responsible for these programs. In some areas, the procedures for public disclosure and participation are well established and fully operational; in other areas, particularly with respect to new programs such as fire safety, these procedures are in the development stages.

NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The National Marine Fisheries Service, NOAA, has utilized several consumer representation techniques extensively in administering the voluntary seafood inspection program and the voluntary seafood standardization program. Consumer views are actively solicited whenever new services or other program changes are under consideration, when regulation changes are contemplated, and when rate changes are deemed necessary. Methods regularly employed include notices in the *Federal Register*, announcements in the *Consumer Register* and *Consumer News*, articles in newspaper consumer columns, letters to consumer interest organizations, and personal contacts. The use of radio and television spot announcements is planned.

The National Marine Fisheries Services also develops voluntary product standards of quality, condition, and grade for fish and fishery products; provides technical assistance in elaborating international standards of identity and quality for fishery products; and establishes basic standards for plant sanitation and codes of hygienic practice for handling and processing fishery products. Consumer and trade input is solicited when considering the creation of a new standard, when reviewing a proposed standard, and when reviewing a standard after it has been formally published. As an integral part of the

standard-making process, NMFS places proposed rule making notices in the *Federal Register*, holds public hearings if deemed necessary, and invites comment from trade associations, Consumers Union, National Association of State Purchasing Officials, Military Purchasing Center Offices, and other groups.

NATIONAL BUREAU OF STANDARDS

The National Bureau of Standards consumer-related programs are designed primarily to maximize the benefits of NBS-developed technology and expertise for the Nation's consumers in the areas of product performance, standardization, economy, and safety. These programs include an appliance labeling program to encourage manufacturers to provide consumers with information concerning the energy efficiency or energy consumption of household appliances; a consumer publications program to make available the results of NBS research on topics of consumer interest; and a product performance program to improve product design, develop better test methods for measuring product performance, and provide product performance information to the consumer.

The National Bureau of Standards also administers the Department of Commerce "Procedures for the Development of Voluntary Product Standards," as published in Part 10 of Title 15 of the Code of Federal Regulations. These standards may involve the health, safety, or economic characteristics of consumer goods. In addition, the Department's responsibilities under the Fair Packaging and Labeling Act (15 U.S.C. 1451) are assigned to NBS.

In carrying out the foregoing activities, NBS utilizes a variety of means to obtain consumer views. In some cases, consumer sounding boards, surveys, and representation on evaluation panels are used to supplement official notices in the *Federal Register*. In cooperation with the Office of Consumer Affairs, the agency has under study a nationwide consumer complaint data system for the collection, summarization, and analysis of consumer problems reported to State and local government consumer offices. The agency is also contemplating the use of consumer consultants in drafting energy conservation publications for home buyers and owners.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

The Domestic and International Business Administration carries out a number of programs that affect consumers directly or indirectly. For the purpose of formulating consumer representation plans, the activities of primary interest are the development of legislative recommendations, participation in trade negotiations, the administration of short supply export controls, and the negotiation of international textile and apparel agreements. In the case of the legislative program, internal procedures have been established to ensure that interested agencies, persons, or groups are asked for their views during the formulation of Departmental positions. With regard to trade negotiations, there are statutory requirements for consumer representation on an advisory committee and provision for consumer participation in public hearings. Department procedures for the administration of the Export Administration Act of 1969 require, whenever practicable, full public disclosure and participation in decisions to establish, modify or terminate short supply export controls. In negotiating and monitoring international agreements to limit the importation of textiles and apparel, the Domestic and International Business Administration is advised by a committee of importers, whose interest tends to coincide with that of consumers. Meetings are held several times each year and are open to the public.

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

The National Fire Prevention and Control Administration, a relatively new agency established by the Federal Fire Prevention and Control Act of 1974, works directly with the public in both its research and educational programs. The agency will use surveys as one of the principal tools for ascertaining and evaluating consumer needs in the area of fire safety.

CONSUMER REPRESENTATION

The Department's consumer representation plan calls for the establishment of a permanent Consumer Affairs Division to ensure that consumer views are adequately considered in the decisionmaking process. The plan also includes the formation of a Department of Commerce Consumer Affairs Council as a coordinating mechanism to consider consumer views and prepare recommendations on consumer issues for operating officials. To improve communications among consumers, business, and government, the Department has scheduled a series of business-consumer relations conferences in various cities during the coming year.

IV. Agency Plans

Departmental components regularly involved in major policy decisions and implementing actions that affect consumers have developed consumer representation plans appropriate to their respective missions and functions. These individual plans are set forth in detail below.

A. NATIONAL MARINE FISHERIES SERVICE, NOAA

1. *Voluntary Seafood Inspection Program.* In lieu of a mandatory inspection such as that applicable to red meat and poultry, the Department of Commerce operates a voluntary *fee-for-service* inspection and grading program for fishery products. The purpose of this program is to assure consumers of a uniformly nutritious and palatable food.

Inspection service users pay fees for USDC inspectors to be in their plants during operation and evaluate and grade their raw materials to ensure the hygienic preparation of products and to assure quality. The USDC inspector, as a neutral observer, is objective in evaluating processing techniques and quality. The program operates under the authority of the Agricultural Marketing Act of 1946, as amended, and a Memorandum of Understanding with the Food and Drug Administration signed October of 1974.

POINT OF CONSUMER INPUT AND METHODS EMPLOYED

The key points at which consumer inputs are solicited are when new services or other program changes are under consideration, when regulation changes are contemplated, and when rate changes are deemed necessary. The procedures used by the National Marine Fisheries Service (NMFS) to solicit consumer opinion and a brief description of the effectiveness of each follow:

Federal Register notices are read by very few individual consumers, but are generally reviewed by organized consumer groups, lawyers representing consumer groups, and industry members. Responses to this procedure are usually low in number, but it represents the agency's effort to advise the public *officially* of an intended action. NMFS often places Statements of Interest and Intent in the *Federal Register*, inviting readers to respond in writing within 60 days concerning an outlined plan of action. The letters are collected, analyzed, and maintained on display for interested parties. Executive conferences are held on the responses and program decisions are made based on the results.

NMFS uses two types of releases in *Consumer News* to solicit consumer input for program decisions. One type is an offer of informative materials through the publication and the Pueblo, Colorado, Information Center. These efforts give a measure of interest in materials being prepared and often result in unsolicited written responses from consumers. The responses are evaluated and considered in program decisions. The *Consumer News* has a subscription list of 30,000, with free copies sent to all consumer groups and the media.

The other type of release appears in the *Consumer Register*, a supplemental section of *Consumer News*. These releases consist of rewrites in simple language of *Federal Register* notices. The rewrites are accompanied by a response blank that can be completed and mailed to the appropriate agency. This method of obtaining consumer input has usually produced more responses than *Federal Register* notices, and respondents usually include consumer group representatives, as well as individual consumers.

Placing articles with writers of consumer-oriented newspaper columns has provided the largest volume of written responses reflecting consumer attitudes. The columnist is asked to put the address of NMFS in the article so that readers can write directly. Responding to the consumers' letters requires considerable time and careful prior planning. The respondents are mostly individual consumers, rather than consumer organization spokesmen. The responses to the newspaper article are, of course, restricted to the geographic area of the paper's distribution. Despite the regionality and the time required to respond to the letters, analysis of the responses provides valuable insight into current consumer attitudes, which helps to form program policy.

There are occasions when letters directly to consumer interest groups are employed; if there is an especially sensitive issue for which input is needed, this means is used. The letter focuses the group leader's attention to specifics and results in a formal, documented response. This kind of input also reflects the official stand or position of the consumer group, rather than the opinion of an individual.

Personal contact is also utilized with consumer interest group leaders at meetings and conventions. This method provides a degree of candidness, but can be time consuming.

The future use of radio and television spot announcements to obtain consumer input and response is planned. Spot announcements are to be distributed nationally for exposure on public service time, provided free-of-charge by the broadcasting stations. The spots will be educational and provide an address to which interested parties may write. Response to this effort is best used to quantify the value of, or interest in, materials or programs that have been developed and are operational.

There is an additional procedure that has not been used specifically for NMFS purposes to date, the business-consumer seminar. These seminars are designed to provide a forum for business and consumer representatives to meet and discuss their respective points of view on specific issues. By opening this type of dialogue, NOAA will be able to bring the two groups into closer harmony and provide accurate, meaningful input from both interest areas from which sound consumer-oriented program decisions can be made.

EFFECTIVENESS OF CONSUMER PARTICIPATION

To date, NMFS has been quite successful in obtaining consumer input, and the mechanisms for gathering these opinions are being used advantageously. The methods used, if rated by the value and number of responses, would rank as follows: (1) newspaper column, (2) *Consumer Register*, (3) *Consumer News*, and (4) *Federal Register*. It is believed that the use of radio and television would far surpass any other procedures used so far.

INCREASING AND IMPROVING CONSUMER INPUTS

A far greater usage of individual consumer interest group publications, as well as radio and television, as media for soliciting consumer opinion on issues is planned by the National Marine Fisheries Service.

2. *Voluntary Seafood Standardization Program.* The purpose of this program is to develop and improve national and international standards and specifications of quality, condition, quantity, grade, and packaging for fish and fishery products and to recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices, protect consumer health, and facilitate international trade.

The scope of the standardization program is directed to fishery products, as well as processing plants and vessels. Under this program the following activities are carried out:

(a) Voluntary product standards of quality, condition, and grade are developed.

(b) Technical assistance is provided in elaborating international standards of identity and minimum quality for fishery products.

(c) Basic standards for plant sanitation and codes of hygienic practice for handling and processing fishery products are developed.

POINTS OF CONSUMER INPUT AND METHODS EMPLOYED

The points at which consumer and trade input is solicited are when considering the creation of a new standard, when reviewing a proposed standard, and when reviewing a standard after formally published.

NMFS places proposed rulemaking notices in the *Federal Register*, which invite the readers to respond in writing within 45 days concerning the standard in question. The letters are collected, analyzed, and maintained on display for interested parties. A subsequent *Federal Register* notice of public hearings, if deemed necessary, is published to invite interested parties to review the draft standards at meetings held in several locations around the United States. Executive conferences are held on the written and oral responses and decisions are made, based on the results. The *Federal Register* notices are also published in the National Marine Fisheries Service's four *Market News Reports*.

Letters are also sent directly to industry trade associations, Consumers Union, the National Association of State Purchasing Officials, all Military Purchasing Center Offices, and other consumer interest groups. The letter focuses the group leader's attention on specifics and usually results in a formal, documented response. This kind of input also reflects the official stand of the consumer group, rather than the opinion of an individual member.

Personal contact with consumer and trade group leaders at meetings and conventions provides a degree of candidness, but is much more time consuming than telephone contacts.

EFFECTIVENESS OF CONSUMER PARTICIPATION

The degree of consumer input to date in the standardization program has been far less than industry's, simply because the standards are technical in nature and designed primarily for fishery product processor use. Consumer response has increased recently, however, and will probably become stronger in the future. A rating of the procedures used for this program would place them in the following order: (1) *Market News Reports*, (2) letters, (3) personal contacts, and (4) *Federal Register* notices.

INCREASING AND IMPROVING CONSUMER INPUTS

Results are generally considered satisfactory and existing procedures will continue to be followed.

3. *Consumer Education.* In early 1974, the Administrator of NOAA established a program to increase consumer education regarding the functions of the voluntary fishery inspection service in assuring the availability of quality fishery products.

The consumer education office made contact with key consumer advocates, newspaper food editors, magazine editors, radio executives, TV executives, fishing industry members, advertising executives and consumer groups to develop meaningful approaches to explain the inspection program to consumers. Notices of intent to develop consumer educational programs and materials were placed in the *Federal Register* and the Office of Consumer Affairs publication, *Consumer News*. Consumer comments were invited.

Ninety-five responses (40 from industry members, 30 from consumers, and 25 from Congressmen) were received. Based on these responses, news releases, radio spot announcements, television spot announcements, teacher lesson plans, newspaper articles, magazine articles, convention exhibits, and other educational materials for consumers will be scheduled for release in the near future. All materials developed are reviewed by consumer interest representatives or communications specialists before final printing and distribution of the materials.

B. NATIONAL BUREAU OF STANDARDS

1. *Consumer Product Technology Programs.* In December 1974, in an effort to consolidate consumer product activities at the National Bureau of Standards, the Center for Consumer Product Technology (CCPT) was established within the Institute for Applied Technology. The Center's activities are designed primarily to maximize the benefits of NBS-developed technology and expertise for the Nation's consumers in the areas of product performance and safety.

(a) *Appliance Labeling Project.*—The purpose of this project is to encourage manufacturers to voluntarily provide consumers with information concerning the energy efficiency or energy consumption of household appliances and equipment and to encourage consumers to utilize this information in making purchase decisions. CCPT develops procedures and specifications, evaluates and develops standards and test methods, prepares consumer information materials, and monitors manufacturers' participation.

(b) *Appliance Efficiency Project.*—The purpose of this project is to develop energy efficiency goals for major appliances and to obtain agreements from the major manufacturers to comply with those goals by developing more energy-efficient appliances. (The necessity for consumer input is minimal, in that this program is directed toward industry.)

(c) *Consumer Publications Project.*—NBS, through the CCPT, publishes the Consumer Information Series and other pamphlets and reports, which contain the results of NBS research and the application of its expertise to topics of consumer interest. The scope of this activity has been broadened to include information on energy efficiency and safety.

(d) *Product Performance Project.*—The purpose of this project is to contribute to equitable and prudent consumer decisions in the marketplace by (1) improving the understanding of consumers' needs through studies of the behavior, perceptions, and physical abilities of product purchasers and users and developing methodologies for applying such knowledge to product design and performance standards; (2) developing and evaluating uniform test methods for measuring the performance of consumer products; and (3) disseminating product performance information to the consumer.

The general sequence for each of the activities described above is: (1) selection of products to be studied; (2) identification of product performance attributes and characteristics; (3) development of test methods; (4) preparation of information materials (brochures, pamphlets, labels); and (5) solicitation of industry compliance with program goals. Consumer input and coordination with other Federal agencies are necessary for adequate completion of steps 1, 2 and 4 preceding.

PRESENT CONSUMER INPUT EFFORTS

Currently, the CCPT employs six methods for obtaining input from consumers. The term "consumer" is used in a broad sense and includes the general public, as well as representatives from consumer organizations, industry and academe. The procedures are described below:

Federal Register Notices.—Appliance labeling and efficiency materials, particularly proposed specifications of labels, are published in the *Federal Register* for public comment. The replies are analyzed and considered in the preparation of the final specifications. Descriptions of these *Federal Register* notices are contained in the widely distributed *Consumer News* of the Office of Consumer Affairs, HEW. Responses to these publications are considered in the preparation of the final specifications.

Consumer Sounding Boards.—NBS is working with three local consumer sounding boards which are composed of a demographic cross-section of consumers convened for the purpose of providing standards-making organizations with direct consumer involvement in their programs. The CCPT is the focal point for NBS activities with the sounding boards.

Evaluation Panel.—An Evaluation Panel composed of leaders in research and management from industry, universities, and other areas convenes periodically to review and evaluate the functions and operations of the CCPT. The Panel considers the relation of the Center's programs to the mission of the Bureau, as well as the importance and relative priority of projects, the nature and composition of staff, and equipment needs. Recently, this panel has been expanded to include three representatives of the consumer point of view.

Consumer Surveys.—Formal consumer studies are routinely conducted in the course of implementing CCPT programs. The studies involve surveys of consumers to determine information needs, reaction to labels, and product use patterns.

American National Standards Institute Consumer Council's Task Group on Energy Consumption.—A subgroup of the ANSI Consumer Council has been established to assist in the development of labels for household appliances relating to energy consumption. The group was established in response to a request from NBS for assistance in the Appliance Labeling Program. The purpose of this task group is to provide insight into consumer reaction to various proposed labels.

Consumer Organizations.—The CCPT seeks comments and criticism from all identifiable consumer organizations in both the public and private sectors. This objective is accomplished by transmitting copies of the *Federal Register* notices and other relevant materials to these organizations with requests for reply.

FURTHER CONSUMER INPUT EFFORTS

CCPT plans to improve the current methods for soliciting consumer inputs. This will be accomplished by: (1) improving the representativeness, number, and geographic distribution of the consumer sounding boards; (2) increasing sample size and representativeness of respondents in consumer studies; and (3) establishing closer working relationships with consumer organizations.

Further, the CCPT proposes to set forth positive actions designed to increase consumer inputs, improve their relevance and timeliness, and further ensure their consideration in the organization's decisionmaking process by investigating several new approaches:

Improved Information.—In cooperation with the General Services Administration Consumer Information Center, the CCPT will develop methods for surveying consumers to determine the acceptance and utility of informational material published by the CCPT and other Federal agencies and to determine the consumer's interest and need for such information.

Consumer Use Patterns.—As part of the appliance labeling program, CCPT has equipped a home test facility at NBS with energy and behavioral monitoring devices to observe and collect data on kitchen-use behavior as related to energy use. Measurements of appliance-related energy use also will be collected in a sample of private homes.

Consumer Complaint Data Base.—In cooperation with the Office of Consumer Affairs, HEW, CCPT is planning a consumer complaint data system to collect, analyze, and distribute consumer response data related to products. This project will include a development of a uniform consumer complaint coding form and a computerized data collection, summarization, and analysis system. Complaints received by State and local government consumer organizations will be reported through this system, and those organizations will be supplied with appropriate data summaries. The data from this system could be used to set priorities for product research and identify needs for product standards and information. In addition, industry will be able to make use of the data monitor product performance and make appropriate improvements in product design and quality control.

Product Information Conference.—It is proposed that a conference of appropriate government, industry, and private representatives in the consumer affairs field be convened in fiscal year 1977. The purpose would be to provide a mechanism for improving consumer and industry awareness of NBS efforts in the consumer product technology area, as well as a means for achieving greater consumer impact through enhanced information dissemination channels. Conference participants would include representatives from such groups as the Society of Consumer Affairs Professionals in Business, the Conference of Consumer Organizations, and the National Conference of State and Local Consumer Office Administrators.

(Resources are not currently available for two of the four projects mentioned above; the "Complaint Data Base" and the Conference will require additional personnel and funding before implementation becomes possible.)

2. *Voluntary Product Standards Program.*—Voluntary standards developed under the U.S. Department of Commerce "Procedures for the Development of Voluntary Product Standards" are generally recognized as having substantial impact on consumers. Successful standards reduce costs; create a better understanding between manufacturers, distributors, and users or consumers; and simplify the purchase, installation, and use of the product.

The Department of Commerce acts as the unbiased coordinator in the development of voluntary product standards. The interests of the three segments of industry—producers, distributors, and consumers or users—are involved throughout the standards process.

A proposal may be circulated to the three segments to determine the need for such a standard. A committee, with equal representation of producers, distributors, and consumers or users, works to develop a draft that will be acceptable to the national interests. It recommends to the Department whether the standard should be circulated to a representative sampling of the three segments to determine its acceptability.

A standard achieves acceptance if it receives not less than 70 percent approval of the producer segment, the distributor segment, and the consumer or user segment, each being considered separately. The overall average of these three segments may not be less than 75 percent, with no valid or substantive objections. Standards are submitted to the American National Standards Institute for concurrent review. At appropriate times in the development process, public notice is published in the *Federal Register*, and press releases are issued to industry publications, newspapers, periodicals, and publications of the private standard-making sector.

When a standard is accepted and approved for publication, a standing committee of producers, distributors, and consumer or user representatives is established to review the standard continually in the light of advancing technology; to provide interpretation of provisions of the standard; and to make recommendations for revising or amending the standard, if needed. Care is taken in the formation of such committees to assure balance among the representation of the three segments.

NBS has increased efforts to secure consumer participation through the use of consumer sounding boards (to date, those of New York and Philadelphia) to review standards of direct interest. This increase in consumer input to the standards process should provide ideas for new standards, as well as amendments to, or revision of, developing or existing standards.

Further, an advisory panel has been formed to evaluate the programs of the Standards Application and Analysis Division. This panel consists of representatives of all areas concerned with standards, including a nationally known syndicated news columnist on consumer affairs.

3. *Fair Packaging and Labeling Standards.*—Under the Fair Packaging and Labeling Act (FPLA), Public Law 89-755, the Department of Commerce is authorized to conduct and promote package quantity standardization and uniform labeling standards for commodities distributed for sale at retail. One purpose of these activities is to assist consumers to make value comparisons when purchasing packaged products by reducing proliferation in the number of package sizes of consumer commodities. Another purpose is to help consumers select packaged commodities more readily and economically by securing uniform labeling regulations among the States.

Activities of the Consumer Laws and Regulations—FPLA project that have a substantial impact on consumers are these:

(a) The development of simplified package quantity standards and concomitant market surveillance activities; and

(b) The development of the Model State Weights and Measures Law, Model State Packaging and Labeling Regulation, Model State Unit Pricing Regulation, Model State Method of Sale of Commodities Regulation, and Model State Open Dating Regulation (copies of which are available to consumers free of charge).

It is planned that the FPLA project will make use of the Washington Metropolitan Consumer Sounding Board and other simi-

lar organizations which are composed of a cross-section of consumers. Members of the boards also will be able to review new metric quantity package standards that are to be issued in the near future. Additionally, these standards will be presented to the Standards Application and Analysis Division Evaluation Panel, which advises on the activities of this project and is broadly representative of all sectors of the community. A consumer advocate, a State weights and measures official, a scale manufacturer's representative, and other private industry representatives are members of the panel. The Consumer Products Coordinating Committee of the American National Metric Council will also participate in the review of these standards.

Development of the model laws and regulations is carried out through the National Conference on Weights and Measures (NCWM) and its Committee on Laws and Regulations. This conference—which serves as a mechanism to achieve uniformity, extend consumer protection, and maintain equity between buyers and sellers—is composed of weights and measures enforcement officials, Consumer organizations, as well as representatives of industry, are in attendance each year. For example, consumer representatives in attendance at the 1975 NCWM came from organizations such as the Consumer League Information Center; Consumer Federation; Public Interest Research Group; and Consumer and Corporate Affairs Department of the Center for Consumer Affairs. The private sector representatives ranged from measuring equipment suppliers to consumer goods manufacturers. One problem in attempting to get consumer representatives during the developmental and review stages of NCWM projects is that they are generally financially constrained, and thus are not able to attend and participate to the extent desired.

To date, the majority of the consumer input into the Fair Packaging and Labeling Act activities has been through the local or State weights and measures offices. Consumer-related issues brought before the Laws and Regulations Committee and NCWM by State, local, and regional weights and measures associations were in some cases complaints initiated by individual consumers and consumer organizations.

Positive action will be taken to increase consumer inputs, particularly at the interim meetings of the Committee on Laws and Regulations, which is the forum where issues are formulated and a course of action is determined. This will improve the timeliness of consumer input into the decisionmaking process.

The immediate plan of action to increase consumer input will be to issue a news release announcing the interim meetings and including a synopsis of some of the issues to be discussed. Also, consumer representatives will be provided the opportunity to submit comments on any of the items to be discussed during the meetings. NBS is exploring the feasibility of setting up an advisory group of selected consumer representatives to review packaging and labeling matters.

4. *Energy Conservation Retrofitting Program.* The energy-conservation-in-buildings program involves a number of activities which may have a substantial impact on consumers as homeowners or home buyers. One example is the recently produced consumer information pamphlet entitled "How to Make the Most of Your Energy Dollars," which provides guidelines for homeowner decisions concerning residential retrofitting for energy conservation. Also, under contract with the Energy Research and Development Administration, NBS is about to undertake development of similar documents providing guidelines for potential home buyers concerning energy conservation features in new or used homes and a manual for homeowners designed to help them operate their dwellings more efficiently. Further, in one way or another, most of the NBS work in energy-conservation-in-buildings affects occupants, either as homeowners or as employees. In this context, the energy conservation standards for building design may have a very significant impact on future home buyers and homeowners.

Actions to date, regarding the nature, extent and timeliness of consumer participation include the following:

(a) The Advisory Board for the NBS Center for Building Technology is broadly representative of the building community and includes consumer representation.

(b) Public affairs specialists within the NBS are called upon to review texts of materials designed for homeowner/buyer use concerning their clarity and appropriateness, and on specific occasions, they coordinate production of such pamphlets with the Office of Consumer Affairs and others with consumer interests.

Additional positive actions to increase consumer inputs and improve their relevance and timeliness will include the use of consumer representative consultants in drafting homeowner/buyer publications and test marketing of publications designed for consumers.

C. DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

1. *Legislative Recommendations.* The Bureau of Domestic Commerce regularly contacts interested groups about legislative issues and summarizes their comments and positions in a legislative abstract, which is then forwarded with the Bureau's recommendations to the General Counsel. In this process, both business and consumer views are considered in the development of Departmental positions on pending legislation.

The Bureau of Domestic Commerce frequently initiates studies designed to assess the economic impact of various existing or proposed regulatory actions, which may lead to recommended Departmental policy positions. Depending on the nature of the study, the consumer impact may be part of the analysis. In such cases, the Bureau obtains consumer input from existing data generated elsewhere in Government, private organizations, or consumer groups.

2. *Trade Negotiations.* Consumer views and consumer representation are taken into account in the multilateral trade negotiations at three levels:

The Trade Act provides in Section 135 that the President establish an Advisory Committee for Trade Negotiations to obtain overall policy advice on any trade agreement negotiated under the Act. The Committee is to be composed of not more than 45 individuals and must include, *inter alia*, representatives of consumer interests. This Committee is in the process of being established.

Under the Joint Commerce-Special Trade Representative industry consultations program, an industry sector advisory committee for the retail industry has recently been established to represent consumer interests. In addition to the industry advisory committee for the retail industry, the Commerce Department has emphasized in publicizing its industry consultations program that it actively solicits the views of any and all persons and organizations not represented on any of the formally established committees, and a procedure has been developed to incorporate their views into the reports of the advisory committees.

The Trade Act provides for public hearings on all aspects of the negotiations by the interagency Trade Policy Staff Committee, of which the Department of Commerce is a member. The Committee thus far has held over 9 weeks of public hearings. Numerous consumer organizations and individuals have presented testimony, which is being taken into account in the formulation of U.S. negotiating positions. Additional public hearings will be held from time to time as the negotiations proceed, and consumers will again have the opportunity to make known their views to U.S. negotiators.

3. *Short Supply Export Control Programs.* In developing short supply export control policies, it is frequently necessary to act without advance consultation with any interested groups, lest the very act of consultation alert exporters to the likelihood of controls and stimulate a sudden rash of exports of the commodity which the controls are intended to conserve for domestic use. Obviously, the practicability of advance consultation will vary widely, depending upon the article, material, or supply it is proposed to control. With this reservation, however, the following plan—most of whose elements have long been the practice—has been established to assure appropriate consumer representation and participation in the development and implementation of short supply export control policy.

Where the Department initiates a study of the supply/demand, price conditions, and prospects for any item, with a view toward determining whether or not it is necessary to impose, substantively modify, or terminate export controls on any item "to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand," pursuant to Section 3(2)(A) of the Export Administration Act of 1969, as amended and extended, the Department shall:

Review and tabulate, to the extent feasible, expressions of consumer attitudes toward the subject as reflected, *inter alia*, in correspondence with the Department and in telephone conversations and meetings between Departmental officers and consumer representatives.

Consider the practicability of scheduling a public hearing on the subject for the purpose of receiving oral and written testimony from interested parties, including the consuming public.

Review the practicability of inviting representatives of appropriate consumer groups to participate in any meetings scheduled with representatives of the affected industry(ies).

Carefully weigh the likely impact on the consumer of the action under consideration and the proposed method of implementing it, and modify these plans as necessary so as to give adequate consideration to the interests of the consuming public to lessen any adverse impact upon that group.

Publish notice of all new quantitative restrictions on the export of any article, material or supply in the *Federal Register* and include therein an invitation to all interested parties to submit written comments within fifteen days from the date of publication of the impact of such restrictions and the method of licensing used to implement them, as required under Section 5(2) fo the Export Administration Act.

Publicize widely each decision to establish, substantively modify, or terminate short supply export controls, through issuance of a press release explaining in simple terms the action taken and the rationale for taking it.

Review all written comments received in response to publication in the *Federal Register* and consider appropriate modifications in the scope of the controls and the methods of licensing selected, so as to provide adequate recognition of the legitimate concerns of those persons submitting comments, including representatives of consumer groups and interests.

In considering whether or not to grant requested exceptions to the published regulations on grounds of unique hardship, adequately weigh the probable impact on the consuming public of granting or of withholding approval of the hardship petition.

4. *Textile and Apparel Agreements.* The Department's textile program is the responsibility of the Deputy Assistant Secretary for Resources and Trade Assistance (DAS/RTA). This official, by Executive Order, is the Chairman of the Committee for the Implementation of Textile Agreements (CITA), an interagency committee charged with the mission of coordinating the implementation of textile agreements signed by the United States Government.

As the Chairman of CITA, the Deputy Assistant Secretary is advised by a formal advisory committee made up of representatives from the textile importing industry. The importers' interest tends to coincide with that of the American consuming public. These meetings are held in accordance with the Federal Advisory Committee Act and notices of meetings are published in the *Federal Register* at least 30 days prior to the meeting date. This advisory committee meets approximately every other month, and the minutes of these meetings are open to public review.

It is believed that the consumer's interest is adequately represented by this advisory committee and, therefore, there are no plans at present to change consumer representation.

Also in the Deputy Assistant Secretary's capacity as Chairman of the Management-Labor Textile Advisory Committee, he maintains contacts with consumer representatives, who frequently attend these public meetings and from time to time express their views.

D. NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

The National Fire Prevention and Control Administration (NFPCA) recognizes that in the fire-related area there are two groups of consumers: fire suppression and prevention personnel and the general public. The former are well represented through on-going personal and formal contact with NFPCA programs through meetings, symposia, interviews, correspondence, and publications. A primary vehicle for this is the NFPCA public mailing list of 6,500 persons, many of whom have a special expertise in fire-related matters.

A second category of consumers is the general public. NFPCA's mission and its ultimate measure of success is the reduction of fire losses by 50% in 20 years. Without public confidence and awareness, that goal is clearly unattainable. Consumer input is assured through these channels: Congressional communications, correspondence, interviews, and the general news media. A more detailed evaluation of consumer needs is available through the use of surveys. This technique is and will continue to be an inherent element of the NFPCA's management of programs of significant impact on the general public.

A more detailed outline of consumer input and NFPCA's plans to respond to it in specific program areas are set forth below.

1. *NFPCA Fire Safety Research.* Section 8 of the Federal Fire Prevention and Control Act of 1974 authorizes the NFPCA to develop, test, and evaluate residential smoke detectors and related equipment which are practical, acceptable, and widely available to homeowners. Favorable consumer reaction is not only a preference, it is a goal. Any device or system will be tested in actual communities. Responses will be carefully monitored and will control final conclusions about the equipment.

Section 10 calls upon the Administrator to encourage and assist local units in the development of master plans for fire prevention and control. Because this is a voluntary program, the fire specialists, as co-workers and as consumers, must be included in the study and drafting of any models. Seminars, conferences, and symposia will be held to exchange ideas, receive input, and disseminate information on alternatives. For example, NFPCA's first national conference was addressed to master planning. It was held in Orlando, Florida on October 28–30, 1975. The conference included not only presentations by master plan developers, but also discussion with those who will be the ultimate users. Fire prevention and control personnel, government officials, and architects were specially invited. The conference was open to the general public.

Section 12 empowers the Administrator to evaluate fire prevention and building codes. The Act further requires that the human impact in terms of comfort and habitability, as well as fire prevention and control values, be considered. Any program implementing that statutory language will incorporate careful regard for consumer viewpoints, as well as the technical advice of specialists.

Section 13 provides for a voluntary, cooperative program for the development of Fire Effectiveness Statements. Any such statements suggested to builders and managers must be practical to be accepted. It is likewise recognized that the Fire Effectiveness Statements must be understandable and acceptable to the public.

Section 18 sets out priorities for the Fire Safety Research Office. Through their legislators, both the specialists and the lay public have already made their voices heard. Future research areas will be determined only after rigorous survey and systematic observation. Finally, the cooperative nature of this function assures consumer input. The Act provides that the Secretary of Commerce shall encourage and assist the implementation and application of results, methods, and advances.

Section 22 provides for cooperation between the NFPCA and the Consumer Product Safety Commission (CPSC). The CPSC has the capability for a continuing survey of consumer injuries. This provides a constant, reliable source of actual consumer use information. In addition, the CPSC continues to gain experience with the practical limits of regulatory authority. That, in conjunction with the NFPCA's unique technical expertise and specialized knowledge of human behavior in the fire field, as well as its contacts with specialists, encourages a vast range of consumer input.

2. *Public Education.* Public fire education in America requires the willing cooperation of the two broad categories of consumers: fire service specialists and the general public. The specialists, whether volunteer or professional fire service personnel, commonly serve as teachers. As with all instructors, they select educational materials from among many available sources so as to maximize their effectiveness. The general public, already immersed in stimuli of countless varieties, must be impressed to the point of action by the educational efforts. Responsiveness to these consumers on the part of the National Fire Education Center is not a gratuity; rather, it is impelled by statutory language, is built into the programs implementing the Congressional purpose, and is recognized as the sole guarantor of success.

Section 6 of the Federal Fire Prevention and Control Act of 1974 authorizes the Administrator to "take all steps necessary to educate the public and to overcome public indifference as to fire and fire prevention". Those steps are to include publications, audiovisual materials, demonstrations, special information for vulnerable groups, and measures to determine the most effective means for public education.

Targets for educational efforts consistent with statutory imperative are isolated through continuing analysis of surveys (such as the NFPCA's National Household Fire Survey), Center employees' trained observations, and contact with fire prevention and control personnel at every level. To date, the areas scheduled for Center efforts include: (a) home safety inspections, (b) detection and extinguishing devices for home use, (c) procedures to follow in case of fire, (d) specialized information for occupancy categories—mobile homes, apartment buildings, and commercial establishments, (e) sources of ignition in the home—electrical appliances, flammable liquids, and smoking materials, and (f) programs tailored for the young and the elderly.

The Center's methodology is divisible into three functions: (a) research, (b) sponsoring of demonstration projects, and (c) serving as a resource exchange and dissemination office. The Center does not commence efforts in any area (such as those listed above) without extensive research into existing educational programs and possible alternatives. Research teams either include members of the target group or consult frequently with them. The demonstration projects involve selected population groups, whose reactions are carefully monitored. Each project is evaluated according to the participants' responses. Finally, in its resource exchange and dissemination role, the Center functions for those who ultimately bear the major burden of the teaching. The Center is not a monopoly; trade associations, unions, and most notably the National Fire Protection Association are active in this field. There is also a great variety of local initiative. Consequently, the Center must offer innovative, rigorous programs and materials, if it is to have an impact.

The Center does not attempt to usurp the entire fire prevention education effort. Tested educational programs and materials will be distributed to fire department education offices, schools, agricultural extension services, and organizations of the elderly. Their judgment on the quality of the Center's work will be reflected in their use of the end products. This locally-oriented instruction will be augmented by a national media campaign regionally coordinated with the particular educational program being carried out in that area.

V. Recommendations

A. Planned actions

1. *Consumer Affairs Division, Office of the Ombudsman.* In order to ensure that consumer views are adequately considered in the administration of Departmental programs, a permanent Consumer Affairs Division is being established in the Office of the Ombudsman. In addition to conducting periodic business-consumer conferences as noted above, the Division will serve as a point of contact for consumer inquiries and complaints, disseminate information on consumer issues to Field Offices, and seek to balance the views of business with the views of consumers in the decisionmaking process. The Office of Field Operations District Offices will assist in obtaining consumer views on current consumer issues.

2. *Department of Commerce Consumer Affairs Council.* As a coordinating mechanism, an intradepartmental group is being established to consider consumer-related issues and prepare recommendations for policy officials. This group will be comprised of representatives from each organizational unit having consumer-related responsibilities and programs, as well as representatives from the Office of the General Counsel, Office of Public Affairs, and Office of Policy Development. The Consumer Affairs Council will be co-chaired by the Assistant Secretary for Science and Technology and the Assistant Secretary for Domestic and International Business and will submit periodic reports on consumer matters to the Secretary of Commerce.

3. *Business-Consumer Relations Conferences.* The Department's Bureau of Domestic Commerce has scheduled a series of seven business-consumer relations conferences during the coming year to improve communications among consumers, business, and government. These sessions will be patterned after a pilot seminar held in Chicago on September 24, 1975. Consumer organizations will play a major role in developing the agenda for these conferences.

B. Schedule of events

(1) The Consumer Affairs Division will be established within 60 days following approval of this plan.

(2) The Department of Commerce Consumer Affairs Council is expected to become operational by December 1, 1975.

(3) Business-consumer relations conferences have been scheduled as follows: Los Angeles, February 5, 1976; Dallas, March 17, 1976; Minneapolis, April 21, 1976; Boston, May 19, 1976; and San Francisco, June 23, 1976.

C. ALLOCATION OF RESOURCES

The Consumer Affairs Division will be staffed through the reallocation of resources within the Domestic and International Business Administration; no significant increase in total funds or personnel is anticipated. Resources required by the Department of Commerce Consumer Affairs Council will be nominal. The business-consumer relations conferences will be co-sponsored by local organizations, thus requiring only minimal funding by the Department for such items as printing, transportation, etc.

D. PROPOSED EXECUTIVE ACTION

Heads of operating units are directed to take such steps as are necessary to ensure that a balanced viewpoint is obtained when considering legislation, regulations or administrative decisions affecting consumers. In the absence of voluntary participation by any affected group, operating units should make a positive effort to elicit the views of such groups. Where the Administrative Procedures Act applies to rulemaking or adjudicative proceedings, the operating units's consumer representation plan should supplement the statutory requirements for public disclosure and public participation; for activities that are exempt from the Administrative Procedures Act, the consumer representation plan should provide, at a minimum, comparable opportunities for public information and input.

DEPARTMENT OF DEFENSE

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Robert W. Workman, Room 3D281, Department of Defense, Washington, D.C. 20301, 202–697–3402. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

TABLE OF CONTENTS

I Purpose
II Scope
III Summary
IV Department of Defense Plan for Consumer Representation
Information Input:
Policy Advisory and Program Planning
Evaluation
Data Transmission
Correspondence and Complaint Handling
Information Output:
Communication to Consumers on Issues and Decisions
Feedback to Consumers About Their Comments
Consumer Education
V Department of Defense Activities Which Impact:
Significantly on the Civilian Community
Coordination With Regulatory Agencies
Consumer Product Information Program
Housing
Civil Defense Preparedness
Civil Works Program
VI Recommendations
Appendix I—Consumer Relations Activities in Military Exchanges and Commissary Stores.
Appendix II—Consumer Correspondence and Complaint Handling Personal Commercial Affairs.
Appendix III—U.S. Army Corps of Engineers Works Program Consumer Representation Plan

I. PURPOSE

This document describes the Consumer Representation Plan of the Department of Defense and provides recommendations of future policy and procedural changes designed to assure continued effective participation of Department of Defense consumers in the preparation of plans, policies and procedures affecting their interests in the market place. The Plan also highlights those Department of Defense activities which have a significant impact on the civilian community.

II. SCOPE

The plan encompasses all aspects of Department of Defense operations involving Department of Defense personnel as consumers of products or services offered in Department of Defense activities and in the general market place. Foremost among these are:

Exchanges
Commissaries
Personnel Commercial Affairs
Housing
Transportation
Consumer Education
Legal Assistance
Health Programs
Recreational Facilities

The above subjects are treated generically within a single Department of Defense Consumer Representation Plan.

It should be noted that the conduct of the Department of Defense resale activities (commissaries and exchanges) is a responsibility of the Military Departments under the broad policy guidance and general overview of the Office of the Secretary of Defense. Decisions affecting these activities are constrained by agreements with concerned Congressional Committees. This particularly affects the military exchanges wherein the House Armed Services Committee determines the items offered for sale and, in some instances, the maximum procurement cost of these items.

Department of Defense activities which also have a significant impact on consumers in the civilian community are discussed separately in that context in Section V of the Plan. These are:

Coordination with Federal Government Regulatory Agencies
Consumer Product Information Program
Housing
Civil Defense Preparedness
Civil Works Program

III. SUMMARY

The Department of Defense has a long and successful tradition of providing protection for its members in policies, programs and plans that affect them as individuals, as members of the Defense team and as consumers in the market place.

This tradition has been enhanced by the "family" environment which characterizes military service and military communities. Inherent in the military establishment are numerous procedures at installation levels which permit Department of Defense personnel to initiate their views or "input" regarding their interest as consumers of military or civilian products or services offered in the market place. It is here—in the military community—where the service members' (or their dependents) likes and dislikes are first made known, where corrective action may be taken or where referrals to higher levels are accomplished. The accessibility of local assistance does not preclude the use of other available channels of communications.

The opportunities for consumer input—suggestions or complaints—are numerous and effective throughout the Military Departments in all areas. The primary means, available to all, are:

Inspectors General inquiry, interview and complaint systems
Quarterly and special sample surveys of military personnel
Commanders Conferences
Military Community Service Organizations
Resale In-Store Interviews
Patron Purchase Panels

Suggestion Boxes
Incentive Awards Program
Consumer Participation Conferences
Wives Clubs
Legal Assistance Program
Commissary Store Advisory Councils
Customer "Want" Slips
Direct contact with command and managerial personnel

In addition to the above, letters to Congressional and public sources containing consumer views are referred for Department of Defense consideration and response. These actions and numerous others discussed in detail elsewhere in this Plan have demonstrated effectiveness as protective mechanisms for the consumer interests of Department of Defense personnel throughout the years.

IV. Department of Defense Plan for Consumer Representation

A. Information Input

1. Policy Advisory and Program Planning—(a) Highlights of Existing Mechanisms. The effect of consumer views on decisions regarding policy establishment, policy change and program planning is both direct and indirect. Specific examples follow:

Installation Staff Personnel.—Receives the views of consumers and transmits them to the local or higher level policy or planning agency. Consumer input to these personnel originates from numerous sources. Direct contact, indirect contact, correspondence, personnel survey data or reporting procedures are the most frequent sources.

Advisory Bodies.—The Army-Air Force Exchange Service Board of Directors and the Navy Resale System Advisory Committee are the senior advisory bodies for the Secretaries of the Army, Navy and Air Force regarding the conduct of military exchanges. Senior representatives of the Military Departments, including the senior enlisted member, are members. A primary responsibility of these bodies is to consider, approve or recommend basic policies, plans and programs for exchange operations. The agenda of the meetings permits the presentation of specific consumer views which often result in the prompt adoption of procedural changes or recommendations to the Secretaries concerned. These views are reflected in agenda items developed by each Department or Board representative, based on considerations of operational programs or procedures at installation levels. Such local considerations frequently originate with complaints or other concerns generated by consumers.

A Department of Defense Personal Commercial Affairs Board has been established as an advisory group to receive and consider the positions and recommendations of the Military Departments in commercial affairs matters. Recommendations are made for issuing internal policy guidance on the subject of insurance matters, indebtedness, credit union activities, on-base commercial activity and other areas of general commercial interest. Although input to this Board from consumers is generally indirect, the individual board members—representatives of the Military Department staffs—are knowledgeable of consumer problems. This knowledge is gained in a variety of ways, including direct consumer complaints originated at installation level and referred through established staff channels.

Legal Assistance.—The Offices of the Judge Advocates General of the Military Departments, through the medium of legal assistance officers at installation levels, provide direct aid to consumers, particularly in commercial transactions where there is a pattern of unethical or illegal business practices by specific merchants. Individual consumers report these unwarranted situations directly to the local legal assistance office. In addition, a preventive law program exists to decrease the volume of personal legal problems confronting military personnel and their dependents. Local commanders are required to publicize this program and counsel individuals on its timely use to help personnel avoid legal entanglement of their personal affairs. This subject is discussed further at Appendix II.

Transportation.—The Department of Defense is currently testing an innovative program designed to improve the service of household goods carriers; the program is expected to be adopted throughout the Armed Forces by July 1976. The central element of this program is a Carrier Evaluation and Reporting System through which the consumer provides information on the quality of the service provided by the carrier. Through the availability of this information, carriers are encouraged to improve their service, to monitor the performance of their agents and to provide properly managed effective transportation. Failure to comply could result in the carrier's loss of contract or reduction of awards.

Based on complaints from its personnel, Department of Defense representatives have appeared before the Interstate Commerce Commission when transportation companies have attempted to force these individuals to pay transportation charges on shipments which were lost or destroyed enroute. Additionally, relief has been sought through the Commission from circumstances wherein individuals failed to receive their automobiles or damage payments when interstate shipment has been used. These and other broad representations before the Commission have resulted in improved service and lower rates overall.

Other actions, generated indirectly by consumers, have caused Defense Department presentation before the Civil Aeronautics Board and the Federal Communications Commission. For example: The nation's airlines have over the years maintained reduced fares for military personnel by filing such fares with the Civil Aeronautics Board. These fares were initially instituted and supported by the Department of Defense. In other cases, the Department of Defense has supported the continuation of low fares and overseas charter flights applicable to Department of Defense personnel and the general public.

Consumer Product Standards.—Defense personnel are protected as consumers by the establishment of minimum standards for Defense purchases of products or services available in Defense Resale Activities. These standards are frequently thereafter applied to civilian consumers by the affected firms. The Department of Defense also conducts product research, conducts tests and inspects materials to assure that the required standards are met. These standards or "specifications" become generally accepted in industry and often favorably affect the product available to the public.

Housing.—It is the policy of the Department of Defense that the civilian community will be the primary source of housing for military families. The absence of adequate housing in a community constitutes the basis for the consideration of onbase housing construction. The standard of adequacy applied in evaluating housing for military families contributes to improved conditions in rental properties. The Department of Defense recently completed a personal preference survey of military families to determine their preferred life style as it relates to housing.

Health Programs.—The provisions of medical facilities and services for the care of military personnel and their dependents are essential in maintaining the effectiveness of the military establishment. Their availability rates among the foremost considerations of career motivated personnel. Of continuing concern to the Department of Defense is the excellence of in-hospital care and out-patient services. Periodic surveys among patients are designed to solicit views regarding the adequacy of care and service from both timeliness and professional competence considerations.

Recreational Facilities.—Department of Defense personnel use a variety of recreation services provided on military installations, including clubs and messes, athletic facilities, movie theaters, craft shops and other similar activities. Consumer views regarding the operation of these activities are generally obtained by steering groups, such as Advisory Councils elected by the membership, in the case of clubs and messes, or by the appropriate staff personnel of the local command.

(b) Opportunities for Future Mechanisms. The timely, effective actions established and maintained through the current mechanisms are considered to be appropriate to assure consumer representation in planning and programming deliberations. Periodic reviews are now accomplished and will be continued to assure that effectiveness is maintained and modifications, as required, are made.

2. Evalaution—(a) Highlights of Existing Mechanisms. Military consumer participation in the evaluation of existing and proposed programs is general in nature and begins, usually, at the installation level, utilizing numerous available mechanisms, some of which have been previously described. Highlights of some of these include:

Sample Surveys.—These surveys are conducted periodically on a percentage basis of total personnel.

Commanders Conferences.—Provides a direct contact with local commanders to review and discuss any aspect of a particular program or regulation.

Inspectors General.—Interviews permit personal discussions with assurances of full consideration without fear of retaliatory action.

Consumer Groups.—These may be developed on an ad hoc basis to convey the combined views of consumers to the local commanders.

On-Base Clubs.—Wives clubs and other social organizations often serve as vehicles for making consumer views known to local commanders or higher echelons.

Response to Questionnaires Distributed at Resale Sources.—These documents frequently describe proposed changes in resale procedures affecting consumers and solicit their views through responses to questions relating to the subject.

Public Hearings.—These activities are usually restricted to civil works or civil defense matters. Congressional hearings may on occasions be generated by the Congress to secure the views of the public on particular plans or procedures adopted by Defense resale activities.

Publication in Federal Register.—Except for Department of the Army Corps of Engineers policies and procedures as described in Appendix III, Department of Defense Directives (or regulations) are not generally in the rule making category. Accordingly, publication in the Federal Register is usually for the information, rather than comment, of the general public. Such publication provides a reaction to established policy which receives the consideration of the Department of Defense activity concerned.

(b) Opportunities for Future Mechanisms. The numerous methods by which consumers may evaluate policies require a continuing assessment of existing procedures with a view toward development of innovative changes. During periodic reviews this need will be emphasized.

3. Data Transmission. (a) Highlights of Existing Mechanisms. Consumer suggestions and comments are analyzed and passed from appropriate advisory groups and staff elements to the decision level which is appropriate to address the consumer input. It is at this point that suggestions or comments are integrated into the decision making process. In many cases, this is at the local level, however, some consumer comments must naturally be considered at higher levels of authority.

(b) Opportunities for Future Mechanisms. The procedures now in operation are effective and will be amplified as required to assure the continued flow of consumer data to appropriate staff levels.

4. Correspondence and Complaint Handling. (a) Highlights of Existing Mechanisms. The details of correspondence and complaint handling and corrective actions relating to the major consumer activities are identified in appendices to this document as follows: Military Exchanges and Commissaries—Appendix I; Personal Commercial Affairs—Appendix II.

In addition, all Department of Defense personnel—military and civilian—have the right to present complaints to Inspectors General without fear of retaliation. Procedures for handling these complaints vary slightly among the Military Departments. They are, however, essentially the same in assuring the right of each individual to present his or her complaint personally, directly, and in privacy. Whenever possible complaints are resolved locally. Matters that require resolution at higher levels are properly documented and forwarded to the appropriate staff agency. Responses from intermediate commands are carefully reviewed to assure completness, objectivity and appropriateness of the action taken. The availability of Inspectors General to consider complaints is widely publicized at local levels.

Further, members are encouraged to make their complaints known to their immediate superiors or to higher authorities.

(b) Opportunities for Future Mechanisms. The continuation and amplification of present procedures are viewed as acceptable for effectiveness in this area.

B. INFORMATION OUTPUT

1. Communication to Consumers on Issues and Decisions—(a) Highlights of Existing Mechanisms. In general, military consumer groups are aware of issues and pending decisions which would affect them through internal information, Service press, local press, installation newsletters and legislative releases. Final decisions are promulgated in various directives and regulations issued at Department of Defense or Military Department levels.

(b) Opportunities for Future Mechanisms. The continuation and amplification of present procedures are viewed as acceptable for effectiveness in this area.

2. Feedback to Consumers About Their Comments—(a) Highlights of Existing Mechanisms. Individual written comments from consumers receive a direct reply from the proper office. In addition, responsible local officials respond, as appropriate, to individual or group consumer suggestions presented in person. Furthermore, local commanders, or their representatives, participate in on-base consumer group activities such a personal advisory councils and wives' clubs to discuss the development and status of consumer suggestions of general interest.

Changes which are adopted as a result of consumer comments usually reach them indirectly through the general aware-

ness of the new policy. In addition, appropriate media is used to communicate new policies which have widespread interest. If appropriate, the Federal Register is used to communicate changes in Department of Defense policies.

(b) Opportunities for Future Mechanisms. The current procedures will be reviewed and amplified where necessary.

3. Consumer Education—(a) Highlights of Existing Mechanisms. A myriad of information activities contribute to the continuing efforts of the Department of Defense to educate its military members and civilian employees in the many policies, programs, and plans that affect them as individuals, as members of the Defense team, and as consumers.

The main thrust of troop education in this sense occurs at the base, ship and unit level, where the troops' own commander and his staff and assistants implement Defense policies, programs and plans, and describe and explain them to the troops in face-to-face information activities. These activities take many forms, including lecture periods, commander's call information programs, question and answer sessions, telephone and base newspaper "hotlines," and informal discussion.

Guidance and source materials for these "grass roots" level troop education activities flow to the commander from higher command echelons in such forms as directives, memoranda, bulletins, and information materials designed for his use in these activities. They are supplemented by a wide variety of information materials designed and prepared for distribution to, and use by, the individual member of the Armed Forces. These materials range in size and scope from books, pamphlets and fact sheets to films, periodicals, posters, and newspapers. They are produced and distributed at the various levels of command and may be single-Service or multi-Service oriented.

In order to insure that there is a commonality in purpose and information in many areas that are not parochial or single-Service-unique, the Defense Department established the Office of Information for the Armed Forces (IAF) to determine requirements for multi-Service information program materials and produce those materials for use by all the Services.

IAF supports the Services' information programs in these areas through printed media and materials, films, and radio and television. Films and radio and television news and programs, of course, are designed and disseminated to the mass audiences that make up the Armed Forces; films are shown in the Continental United States and overseas, while the radio and television programming is directed to members of the Armed Forces overseas and aboard Naval vessels.

The greatest flexibility in distribution, orientation, and use of IAF-produced information materials is in printed media, which can be for commanders and staff officers only; for specific staff Officer functions such as insurance counselors, CHAMPUS/health benefits counselors, and personal affairs/legal assistance officers; or for mass distribution to individual Service members.

Without enumerating the lengthy list of printed materials produced by IAF for multi-Service use, some indication of the breadth of their scope can be obtained by reviewing briefly some of them by type and purpose:

Commanders Digest—weekly periodical containing information on a government or Defense program or policy, describing the policy or program and its implementation by DoD and the Military Services; distributed to military unit commanders for their information and use.

American Forces Press Service Clip File—weekly clip sheet of articles, features, photos and artwork; distributed to the more than 1,400 base and ship newspapers published within the Armed Forces throughout the world.

Defense Information Guidance Series (DIGS)—a series of fact sheets published monthly on subjects ranging from health information to consumer protection guidance; distributed within the Services in limited quantities for reprinting or other use at local levels by commanders and information officers, depending on their usefulness in local information or education programs.

Posters—primarily reinforce information messages and programs disseminated in detail through other means.

Pamphlets—wide ranging in subject matter according to requirements determined by the Department of Defense and Military Department levels, which are distributed widely within the Armed Forces to provide Armed Forces members. Distribution of these pamphlets often is made during lecture, commander's call, or question-and-answer sessions at the unit level, when the commander can emphasize specific points contained in them and insure that his troops understand the importance and value of the information in them.

(b) Opportunities for Future Mechanisms—The current procedures are considered effective and will be reviewed periodically.

V. Department of Defense Activities Which Impact Significantly on the Civilian Community

Coordination With Regulatory Agencies.—The presentations before the Interstate Commerce Commission, Civil Aeronautics Board and Federal Communications Commission referred to in Section IV above, in addition to positively affecting Defense personnel have resulted, in some cases, in more favorable rates for members of the civilian community.

In addition, the Department of Defense has made presentations before the Postal Rate Commission as follows: Under the Postal Reorganization Act (P.L. 91-275 enacted 12 August 1970) the provisions of former Title 39, United States Code (USC) relating to mail classification and postage rates were placed under the jurisdiction of the newly created Postal Rate Commission. In January 1973, the U.S. Postal Service (USPS) filed a request with the Postal Rate Commission to establish a new Mail Classification Schedule. Review of the proposed USPS Mail Classification Schedule disclosed several imperfections relating to the application of postage rates to certain military mail. In order to correct such inequitable postage rates, the Department of Defense petitioned the Postal Rate Commission to intervene in the proceeding (Docket No. MC 73-1). Necessary presentations have been submitted to the Postal Rate Commission and a favorable disposition of the matter is expected. This is expected to result in reduced but equitable postage rates for certain mailings by members of the Armed Forces and the general public.

Consumer Product Information Program.—The Department of Defense participates in a government-wide Consumer Information Program. This program is designed to share with the civilian community the product knowledge gained through Department of Defense testing of products purchased for its own use. That information is provided to the General Services Administration which is responsible for its public dissemination.

Housing.—The Department of Defense in cooperation with the Energy and Research Development Agency and the Department of Housing and Urban Development intends to conduct an initial demonstration of Solar Heating systems in 50 military family housing units at various locations throughout the Continental United States. The objective of this effort is to provide early operational data and other application information in support of the National Solar Heating and Cooling Demonstration Program under the Energy Research and Development Agency. Commercially available solar heating and water heating booster

systems will be selected and adapted for use in 50 selected military family housing units (35 new and 15 existing) at various locations throughout the Continental United States. The prime goal is to demonstrate the effectiveness of the selected systems to reduce energy consumption in residential buildings while maintaining quality architectural design. The results may be applied to both military and civilian housing.

Civil Defense Preparedness.—The Director, Defense Civil Preparedness Agency is responsible for preparing plans and programs for the Civil Defense of the United States. This involves providing for all types disasters—including natural and other peacetime disasters. The Director and his staff work closely with representatives of other Federal and State and local governments in providing guidance and assistance for the development of emergency operating capabilities. The primary objective is to make the citizens in the community better prepared to protect life and property in the event of a threatened or actual attack or disaster of any type. A recent improvement in participatory management procedures of the Agency accords first consideration to local community needs in the overall objectives of the national program. These needs are screened through the States, appropriate Regions of the Defense Civil Preparedness Agency and thereafter referred to Headquarters, Defense Civil Preparedness Agency. The improved system recognizes that emergency preparedness needs and effort necessarily vary with each level of organization, such as—the citizen—the community—the State and—the Nation.

As part of the total Civil Defense Preparedness effort, the Director is authorized to publicly disseminate appropriate civil defense information by all appropriate means. Numerous publications are disseminated to and are available to the public at local and state civic preparedness agencies. In addition, a bimonthly magazine "Foresight" which provides a forum for the exchange of information and ideas on civil preparedness throughout the United States, is available upon request from the Headquarters, Defense Civil Preparedness Agency, Washington, D.C.

Civil Works Program.—The Secretary of the Army is responsible for the Civil Works Program as administered by the U.S. Army Corps of Engineers. The primary purpose of the Civil Works Program is to provide benefits to the American public. The program is discussed in detail in Appendix III.

VI. Recommendations

The current program of the Department of Defense for representation of the military consumers views has proved to be effective in meeting the requirements of Department of Defense personnel. There is, however, a need to assure a continuation of this effectiveness. A thorough review of existing mechanims and the resulting development of additional mechanisms, where necessary, should accomplish this purpose. Accordingly, the Department of Defense proposes to:

1. Reemphasize existing mechanisms.

2. Initiate a review within the Military Departments and Overseas Commands to evaluate existing mechanisms and institute changes, where necessary, with emphasis on the following areas of concern: (a) Efficient measurement, recording, transmittal and use of consumer expressions of satisfaction and dissatisfaction; (b) local, Intermediate and Departmental organizational structure and procedures for prompt consideration of consumer reactions or suggestions; (c) availability of forums for the communication of consumers views; (d) communication of Departmental or local decisions to consumers; (e) maintenance of data received from consumers or consumer groups; (f) opportunities for innovative changes of existing mechanisms; (g) effectiveness of consumer education techniques; (h) qualitative standards in local implementation of consumer advisory and representation systems.

Although the above areas will receive particular emphasis the review will encompass all phases of consumer representation mechanisms. It will be scheduled to begin during Demeber 1975 and the anticipated completion date is June 1976. Subsequent to the review, it is expected that updated policy guidance regarding this subject will be provided by the Department of Defense to appropriate operating elements.

Appendix I

Consumer Relations Activities in Military Exchanges and Commissary Stores

The first portion of this appendix deals with the Army and Air Force Exchange System (AAFES); the second part deals with Army and Air Force actions relating to commissary stores; the final portion discusses the Navy Resale System actions concerning both exchange and commissary operations.

Army and Air Force Exchange System

1. *Background.*—In 1969, the Army and Air Force Exchange Service (AAFES) conducted a worldwide customer attitude survey. Results revealed many customers had little or no knowledge of the exchange, its operations and the constraints which influence merchandise and services provided. A Customer Relations Branch was established in an effort to build and maintain effective communication channels with customers. In April 1972, a reorganization of headquarters AAFES brought together all elements of the headquarters concerned with communication to customers into one unified element—The Command and Public Relations Division. Numerous programs were started, culminating in an image improvement program. This gained further momentum under the present AAFES Commander who directed emphasis on person-to-person contact in all areas to better identify with the exchange customer.

2. *Methods of Obtaining Customer Opinions.*—(a) *Customer Opinion Surveys* range in scope from worldwide surveys to customer opinion area samplings on specific subjects. A worldwide survey of active duty personnel was conducted in October 1974, by the Army and Air Force for the AAFES. The purpose of this survey was to measure customer use and satisfaction with the exchange service. The questionnaire, with slight modifications, will now be mailed to 5,000 Army and Air Force retired personnel to arrive at an overall assessment of the degree of mission accomplishment. Small, random samplings (250-500) of customer opinion on special merchandising and services subjects are conducted in selected areas to assist procurement and operational elements of AAFES.

(b) *The Customer Direct Line to the Commander* program invites customers to offer their opinions. The customer communicates directly with the Commander, AAFES, through use of a two-part prepaid postcard available at selected exchanges. The program is rotated to another exchange every fourth month. The customer receives an immediate telephone response from the local exchange manager and a follow-up letter from a high ranking staff officer. The commander and pertinent division directors review each comment and response to assure customer satisfaction.

(c) *Customer Correspondence.*—Letters to this headquarters concern every aspect of AAFES operations. Each letter is reviewed with the exchange involved and the customer receives an immediate reply or acknowledgement. Even the most exaggerated complaint often indicates an area in the exchange where improvement can be made. The commander and pertinent division directors review each customer letter and response.

(d) *The Customer Comment Program.*—Comment boxes, forms and a writing ledge are placed in the entrance area of each major exchange outlet. The customer communicates his suggestions, or merchandise wants, to exchange management and is guaranteed a response in seven working days. Comments that cannot be answered locally are forwarded to the region or AAFES headquarters for a response.

(e) *The No-Notice Evaluation Program.*—The purpose of this program is to secure a meaningful assessment of the effectiveness of the AAFES customer service effort. Teams of military and civilian personnel are dispatched weekly to make unannounced visits to exchanges. During the greater portion of the visit, they remain unidentified and view the exchange operations from the standpoint of the customer. Such facets of the operations as general facility appearance, store housekeeping, adequacy of stock assortments and courtesy and knowledgeability of customer contact personnel are observed and evaluated. During the other portion of the visit, the team discusses its findings with the exchange manager and, in coordination with the installation commander, interviews a typical group of customers. These include married and single personnel, both officer and enlisted, male and female, and ethnic representation. At these customer interviews, comments regarding the service provided by the local exchange are solicited. Upon return from a visit, a detailed evaluation report covering all activities visited and interviews of managers and customers is prepared. Following the preparation of the report, the Commander, AAFES, and staff are briefed at the weekly staff meeting. The report is then forwarded to the exchange region chief for appropriate action. In the letter accompanying the report, the region chief is directed to contact the customers interviewed and express appreciation for participation in a program designed to improve exchange service. Semiannually, a list of the most common customer complaints and deficiencies observed during evaluation visits is forwarded to AAFES region chiefs and overseas commanders for information and appropriate action.

(f) *Customer Participation in Merchandise Procurement.*—As a means of enlisting the customer point of view, selected military personnel and dependents are invited to participate in merchandise clinics and selection panels at region, headquarters and overseas levels. Customer involvement in this program includes participation in selection of outdoor-living merchandise, ladies' wear, small appliances, children's wear, footwear and luggage.

(g) *Boards and Councils.*—Regulations provide that an installation commander may call upon military and dependent personnel for advice on exchange activities. This group, consisting of a cross-section of base personnel, including wives' clubs' representatives, meets with the installation commander and the exchange manager on a regular basis. They make recommendations for improving exchange operations and generally "voice" the various customer attitudes that are prevalent on the installation. This is not to say that individual patrons cannot make suggestions for improving operations or express personal dissatisfaction. However, it is often found that suggestions offered by the advisory group compliments the needs and desires expressed by individual patrons. Each AAFES region is responsible for hosting a regional Commanders' Exchange Council. This is a military council composed of installation commanders. The exchange region chief is an ex-officio member without vote. The council functions as an advisory and coordinating body and assists in the resolution of operational and technical problems that cannot be solved at the local level. Here the installation commanders express the desires of their personnel to the exchange region chief that is responsible for supporting their base/post exchange. The installation advisory group's role here involves helping to insure that the commander is aware of the various customer attitudes prevalent at his installation. By directive, the Commander, AAFES, is the executive agent for the Board of Directors for administration of the AAFES. The Board consists of general officers from the Department of the Army and the Department of the Air Force. The councils and advisory groups serve as direct advisors to management and, as such, directly to the Commander, AAFES.

(h) *Customer Participation Conferences.*—To establish and maintain close contact with senior NCO's of both the Army and Air Force, AAFES has an on-going program of orientation briefings at exchange, region, overseas systems and headquarters levels. Conferees are briefed on all phases of exchange operating philosophy and participate in question and answer sessions. The meetings generate a candid exchange of information which assists AAFES in gaining more insight about customer problems and desires. In addition, AAFES personnel carry the message to other groups such as newcomers' orientations, wives' clubs, NCO leadership schools, and to other organized groups, including those of Army and Air Force retired personnel. Opinions and recommendations received at operational and command levels are acted upon to assure that necessary corrective action is taken whenever possible to improve customer service.

3. *Communications.*—The high turnover of military personnel and movement of troops presents a communication problem that is unique to military service oriented organizations. Past surveys and experience in customer relations reveal that AAFES patrons lack knowledge of the exchange service and the Congressional limitations under which it operates. Here lies a source of some customer dissatisfaction. Efforts to inform the customer are as follows and include the aforementioned orientation briefings and responses to customer correspondence.

(a) *Military Oriented News Media Releases.*—Highest priority has been given to a media relations program that encompasses national, major military, unit and base, trade and ethnically oriented publications. This multi-faceted release of information includes: AAFES policy announcements, information about new programs, public service announcements on hazardous merchandise, recalls, and announcements of scheduled merchandise events. To illustrate the extent of this accelerated program, in 1971, some 63 news releases were dispatched. Last year, over 280 news releases were distributed to reach authorized AAFES patrons throughout the world. Distribution has been increased to include many publications for military retirees, reservists, National Guard and other groups who make up the AAFES clientele. Efforts to inform the AAFES have not been limited to official announcements from this headquarters. The upward trend in news releases has served as impetus for a burgeoning two-way communication that has seen reporters seek and obtain a variety of interviews with the Commander, AAFES, and top executives. Exchange personnel have also appeared on American Forces Network radio and television programs to further tell the AAFES story.

(b) *Merchandise and Services Special Event Publicity.*—The scheduled events (merchandise and services) are published in brochures that are given to customers on CONUS military installations, normally while shopping in an exchange facility. The effort in CONUS is low key compared to commercial establishments and the main purpose is to inform customers of merchandise availability. The AAFES "Rain Check" Program offers the customer a guarantee that specially priced items will be available as advertised, or a similar item of equal value will be made available if ordered during the specified sale period. In-store posters, signs, public address systems, and Post/Base daily bulletin announcements are also used to publicize the event.

(c) *"Plain Talk" Flyers and Folders.*—To improve customer knowledge of exchange operations, a series of institutional information "handouts" are made available to explain AAFES policies, procedures and limitations that effect customer shopping.

(d) *Welcome Booklets.*—The booklets are customized for the individual exchange and include listings of services available, operating hours, and a facility map of exchange operations at a particular military installation. Orientation booklets titled "AAFES and You" are also supplied to new customer arrivals.

(e) *Exchange Travel Guides.*—Customers traveling in Europe are informed of exchange facility locations along the route through a booklet published by AAFES, Europe. The guide includes health tips, camping aids, rules of the road, mileage charts and many other helpful bits of information to help service personnel enjoy their travels in a foreign country. Exchange Way Travel Cards are also published for the military traveler in CONUS.

(f) *The Commander's Digest.*—A publication of the Department of Defense recently devoted an entire issue to AAFES for the purpose of promoting a better understanding of its policies, procedures and programs. This publication is distributed to all Military Commanders and key personnel.

(g) *Letters to the Editor of Military and Commercial Newspapers.*—Great importance has been placed on speedy and factual responses to comments emanating from customers. These frank and open responses are part of the AAFES Commander's policy of "telling it like it is" to increase customer understanding about the Exchange Service and its policies.

(h) *Commander's Newsletter.*—The Commander, AAFES, publishes a quarterly newsletter which is distributed to Major Commands, Division/Wing Commanders, Base Commander, National Guard, and Reserve elements of both the Army and the Air Force. It deals with major plans, programs and problems in the AAFES. The purpose of this letter is to keep the commanders current on AAFES activities, to provide them an insight into the problems confronting the AAFES, and to inform and solicit their assistance in resolving related problems.

4. *Current AAFES Programs Implemented as a Result of Customer Comments Are as Follows.*—In a recent Progress Report for Commanders, the Commander, AAFES, stated that continued improvement in customer service, and increased efficiency of operation are twin objectives of AAFES.

(a) *Money Saver Program.*—This program was originally established in June 1973 to respond to the ever increasing customer demand for a lower price line of quality merchandise. Money Saver items are available throughout AAFES main retail stores and representative items are included in most categories of merchandise. To further AAFES concern for the prevailing economic conditions that low income service personnel and their families face, Money Saver menu "specials" are offered in food facilities every Monday. The "specials" are priced at 15% below the normal exchange price. Money Saver tools are also offered in auto parts stores. Since its conception, Money Saver items have received wide customer acceptance, resulting in the stockage of increased assortments of merchandise under this program. Money Saver mini-store displays have been established at AAFES CONUS exchange region offices to keep commanders apprised of the program and selected items are now available for display in officer, NCO and service clubs and retail stores to familiarize customers with the program.

(b) *Extra Dividends.*—Customer demand for specially priced merchandise to fill his everyday needs is fulfilled in the Extra Dividend Program. Features include a wide variety of high volume retail items that are temporarily reduced in price. Items included in this program represent exceptional savings to exchange customers.

(c) *Price Change Policy.*—Late in 1974, AAFES implemented a new policy which eliminated price increases of "on-hand" merchandise when a supplier's cost price increase is received. Supplier's cost price decreases are immediately reflected in the selling price of on-hand merchandise. This policy change was implemented in response to customer concern over price increases noted on merchandise that had been reticketed on store shelves.

(d) *Automotive "Package Pricing."*—New automotive "package pricing" policies were adopted by AAFES in 1974. This policy calls for a single all-inclusive customer price for selected types of repair work such as brake repairs, tune-ups, lube and oil changes, and front end alignment. The price includes both parts and labor and normally applies to all makes and models of U.S. manufactured cars. The adoption of the package program eliminates customer confusion and makes it easier to compare prices with commercial establishments.

(e) *Food Pricing Policy Change.*—AAFES reviewed and changed its food pricing policy in response to customer complaints about high prices in cafeterias and snackbars.

(f) *"Self-Service" Gasoline.*—AAFES has moved strongly into "self-service" gasoline dispensing in service stations. Facilities have been converted at nearly all CONUS installations, except where "self-service" is prohibited by state or local laws. Customers expect this service and benefit through lower gasoline prices.

(g) *Minority Group Products and Service.*—AAFES response to special requirements and unique services of this group of customers culminated in the establishment of a Minority Group Products and Services Office at that headquarters. AAFES is responsible for reviewing this specialized market and for developing store stock assortment listings that appeal to minority group customers. AAFES is directly supported by project offices located in each region and major overseas exchanges.

(h) *Black Hair Program.*—This on-going program was started in 1970 to insure that AAFES barbers and beauticians throughout the worldwide system was trained and qualified in haircare service for black patrons. AAFES contracts for a bimonthly publication titled: "Curly Cues" to keep these employees aware of the latest styling and techniques in haircare. Specified ethnic products are required in every barber and beauty shop.

(i) *AAFES Distribution Centers.*—The establishment of a Fashion Distribution Center in 1973 has enabled AAFES to make timely distribution of fashion and seasonal clothing assortments balanced as to styles, sizes, colors and fabrics appropriate to climatic conditions throughout the worldwide system. Three hundred and four retail stores throughout the world receive weekly shipments from this center. High volume exchanges receive multiple shipments each week from the center in Arlington, Texas. In July 1974, AAFES activated another center to support the high volume sales experienced in the Money Saver Program. Its success lead to expansion of this distribution center to include additional categories such as: ladies' handbags, hosiery, small leather goods and neckties. This center is now designated as the Specialized Distribution Center and is located at Fort Gillem, Georgia.

(j) *AAFES Sewing Centers.*—AAFES sewing centers were established in 1974 and expanded in 1975 in response to customer demand for lower priced clothing. This program is now geared to meet the total needs of the military "home sewer" in 215 centers throughout the worldwide systems. Special emphasis is placed on training to ensure professional customer service at each center. In addition, AAFES now conducts sewing seminars with factory trained personnel to assist both customers and employees in the latest sewing techniques.

(k) *Catalog Sales Center.*—In December 1974, central control and mechanization of all AAFES mail order catalogs began with the establishment of the Catalog Sales Center (CSC) at the Dallas headquarters. By 27 January 1975, the CSC was processing all orders and customer inquiries for the American Showcase AAFES, Europe, and AAFES, Pacific, catalogs. The new system has also improved customer service through more timely customer refund and claims handling by the CSC. Earlier in the fiscal year, authority was granted to distribute the two overseas catalogs to all overseas customers under a reciprocal program.

(l) *Sale of Convenience Items in Food Outlets.*—Since many military personnel are unable to patronize exchange retail stores due to their duty hours or work location, AAFES has added a limited assortment of convenience items for sale in food activities. Available space and customer demand determine the assortment. The improved service is reflected in higher sales in many food outlets by as much is 15 percent without impacting on retail store sales.

(m) *Mall Shopping Concept.*—AAFES new exchange construction continued through FY 75, reaching a high level of customer convenience and comfort. To further improve the exchange shopping environment, while faced with escalating costs, AAFES has altered its approach and will use the mall concept. This approach brings concessions or service activities on the inside, opening off a single corridor or mall. AAFES engineering studies indicate greater savings can be achieved in construction costs as well as operating expenses. The mall type centers allow for a more simple and economical building, less expanse of glass and better energy conservation. Exchange customers benefit from the concept of one-stop shopping in a quality facility.

(n) *Promotional Event Policy Change.*—Customer response to an Anniversary Sale Opinion Survey suggested a "percentage off" type sale similar to others used by leading commercial retailers. AAFES responded with a special one-day bonus sale designated as "Wonderful Wednesday" on 11 December 1974. The bonus included a 10% reduction in the selling price of all retail merchandise, including previously marked down items and "extra dividends." Customers realized a visible savings totaling $2,651,858 on regularly stocked merchandise. The sale received wide customer acceptance and similar events are now a regular part of the AAFES promotional event plan.

(o) *Facility Provisions for the Physically Handicapped Customers.*—In response to customer requests for facility improvements to aid them in shopping, AAFES established mandatory requirements for all facilities that are frequently patronized by handicapped customers. The improvements include: an appropriate number of parking spaces that are conveniently accessible to the facility and with sufficient space for individuals in wheelchairs to get in and out of automobiles onto a level surface, curb ramps, non-slip floor surfaces and 32" width entrance doors to accommodate wheelchairs. Doors in customer use areas that are potentially hazardous for customers with sight difficulty are specially equipped with special handles that are quickly identifiable to touch. Additional requirements for new constructions include extra wide sidewalks with a gradient no greater than 5 percent, specially safety designed ramps, an extra wide toilet stall with handrails, and specially designed stairs, water fountains, public telephones, and checkout lanes with fire alarms that are no higher than 48" from the floor.

(p) *The "Hazardous Merchandise Program."*—Through close liaison with Consumer Product Safety Commission and other United States regulatory protective agencies, hazardous, or potentially hazardous merchandise is identified and purged from the system. Customers are immediately alerted through news releases and the information is shared with other military service organizations, thereby providing a protective umbrella for the entire military shopping community.

(q) *Quality Assurance Program.*—The purpose of the Quality Assurance Program is to assure that customers receive the highest quality merchandise within selected price lines. The seven major programs to support the Quality Assurance mission are:

(1) Random sampling inspections performed worldwide at major warehouse sites. In addition, in CONUS, ten inspectors perform in-plant inspections which are scheduled by the quality assurance element of Headquarters AAFES, based upon established priorities.

(2) Store level inspection program requires store clerks to 100% inspect hanging outerwear garments.

(3) The Customer Returned Defective Merchandise Program is designed to capture data on customer returns so that corrective action can be taken.

(4) Hazardous Merchandise Program is designed to evaluate and take follow-up action relative to consumer product safety.

(5) In-depth tests and analysis are conducted in support of the procurement function.

(6) All diamonds and colored precious stones are subject to evaluation in the well equipped gemological laboratory.

(7) The film processing test program is conducted to determine the quality of work provided by vendors.

(r) *Overhead Cost Reductions.*—AFFES is tightening its belt in an all-out effort to hold retail and services sell prices to a minimum. Under this program, overhead functions and manpower sources throughout the system are being reduced by a carefully executed series of management actions to trim expenses while maintaining its present high level of customer service. This effort will produce identifiable savings of $82 million.

(s) *"Total Service for the Total Force."*—This is not just a trite, hackneyed, well-sounding, public relation phrase, but a meaningful goal of the Army and Air Force Exchange Service. It is a responsibility that is continuously stressed to enhance customer satisfaction. This satisfaction in the merchandise and service offered military personnel and their families is guaranteed in a posted policy statement signed by the Commander, AAFES. AAFES interest in the consumer movement is at an all-time high as evidenced in part by the participation of the Chief, Customer Relations Branch, in a Consumer Complaint Conference 11–13 September in Washington, D.C., that was hosted by Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, and the Georgetown University.

Army and Air Force Commissary Stores

1. Through the use of a number of methods, described below, consumer input is actively sought by managerial personnel of commissary stores. This input is considered and worthwhile suggestions are implemented:

(a) *Commissary Store Advisory Councils* composed of patrons, meet periodically with store managers to offer suggestions on store procedures and merchandise to be stocked.

(b) *Individual Want Slips* are available in commissary stores to enable consumers to express their desires for specific brands of merchandise to be carried.

(c) *Customer Suggestion Boxes* are available in commissary stores for use by individual consumers in offering recommendations and suggestions.

(d) *Commissary Stores Newsletters* provide consumers information about new merchandise, "best buys," operating hours, policies and procedures.

(e) *Daily Bulletins Notices* advise patrons of operating hours, store holidays and other general information.

(f) *Commercial Enterprise Newspapers and Magazines.*—Free publications, supported by revenue from advertisers, offer consumer information to commissary store patrons based on news releases and other sources available to the publisher.

(g) *Periodic Surveys by Military Departments* provide an indication of service members' views of the adequacy, value, and general worth of commissary stores.

(h) *Presentations to Clubs and Organizations* by commissary stores managers tend to educate consumers and provide useful feedback.

2. In addition, local installation staff personnel with responsibilities in the personnel service area maintain coordination, as appropriate, with commissary store managers concerning suggestions and complaints received from commissary patrons.

Navy Resale System

1. *Consumer Research.*—(a) *1974 Navy-wide Patron Attitude Survey.*—A comprehensive survey was conducted among a random sample of 5,000 active duty Navy personnel in both continental United States and overseas. This survey was designed to inform management as to prevailing attitudes, needs and concerns among all segments of Navy exchange and commissary store patrons.

(b) *Patron Purchase Diary Panels.*—Generated data regarding those items of merchandise that our customers buy in civilian stores rather than in Navy exchanges or commissary stores and their reasons for doing so.

(c) *Retail Price Comparison Surveys.*—Semiannual surveys are conducted to measure the actual dollar savings passed on to the Navy exchange and commissary store customers by comparing exchange/commissary store prices with prices in civilian stores.

(d) *Patron Survey of On-Base Eating Facilities, Clubs and Messes.*—A worldwide survey of present habits and preferences of today's Navy men and women with regard to eating and drinking facilities on- and off-base. This research is being initiated by the Assistant Chief of Naval Personnel for Personal Affairs and being carried out in conjunction with the Consumer Research Coordinator at the Navy Resale System Office.

(e) *Navy Exchange In-Store Interviewing Program.*—To specifically identify operational and merchandise "weaknesses" so that Navy exchange officers and their merchandise managers can better respond to the needs and preferences of their particular patron population.

2. *Consumers Opinion Actions—Results*—(a) Minutes of local Navy Exchange/Navy Commissary Store Advisory Board meetings (representatives from customers and management) are systematically reviewed by the Consumer Research Coordinator and other appropriate personnel at the Navy Resale System Office.

(b) Acceleration of patron-oriented programs such as 24-hour "hot lines," suggestion boxes, customer relations departments, etc., to more effectively accommodate customer requirements and complaints.

(c) The names of all cuts of meat sold by Navy commissary stores have been standardized and new meat labeling program implemented to give the customer detailed information on meat cuts.

(d) Education programs are being conducted to provide information on meat buying, tenderness of various cuts, cook times, etc.

(e) The Navy Resale Systems Office prepares a monthly consumer news bulletin which is distributed to commissary stores worldwide. In turn, the commissary stores incorporate this information in their local handouts. Items of consumer interest include: advance notice of price changes, meal planning suggestions, economical recipes that are highly nutritious, shopping tips, etc.

(f) Most Navy commissary stores have test kitchens. A program has been initiated to use these kitchens for cooking demonstrations to show customers that wholesome, tasty meals are possible at low cost.

(g) Store signs, posters and shelf talkers are used to warn patrons of dangers inherent in certain products, e.g., hazards by caustic products.

(h) A central meat processing facility is being tested in the Norfolk Commissary Store Region. This centralized processing enables store level personnel to concentrate on the preparation and display of a wider assortment of retail cuts and to better attend to individual customer requests.

(i) The first central warehouse facility has also been established in Norfolk and is operating very successfully. Central warehousing expedites the handling and movement of large shipments of merchandise and enables commissary stores to maintain optimum stock levels to satisfy customer needs.

(j) A mechanic certification program has been established for Navy exchange automotive service personnel in continental United States to achieve a higher level of patron confidence in automotive repairs performed by exchanges.

(k) A service station labor/pricing guide, which will standardize the services provided by exchanges, is being developed along with a patron follow-up form to enable customers to comment on the quality of service received at the exchange service station.

(l) Free safety checks and emission exhaust test will be offered by most exchanges during 1975.

APPENDIX II

CONSUMER CORRESPONDENCE AND COMPLAINT HANDLING PERSONAL COMMERCIAL AFFAIRS

Consumer communications are received in the Office of the Secretary of Defense, the Military Services, the Overseas Commands, and the military installations. Those inputs received in the Office of the Secretary of Defense are very small in number compared to those received at the lower levels.

The majority of consumer inputs received at the Department of Defense concern requests for information regarding our programs. A lesser number of complaints and suggestions are received. A reply to each consumer input received at the Department of Defense which is appropriate for reply at this level is made within the week except in unusual cases where additional time is required for research. Consumer comments are normally forwarded to the appropriate Military Service for action. In these cases, prompt action, generally of the time frame indicated above, is usually accomplished. Consumer inputs that reveal patterns or trends are brought to the attention of the DoD Personal Commercial Affairs Board for evaluation and consideration of a policy change to our directives.

Generally, specific consumer complaints at installation level are handled by the legal assistance officer. This assistance includes legal advice and, where appropriate, direct contact with the commercial enterprise in an attempt to resolve consumer problems.

In addition, the Services' senior lawyers encourage installation commanders to conduct so-called preventive law programs. This results in lectures being given to battalion-size units with group sessions frequently used for smaller outfits; films and special

presentations are also used and literature is distributed through units and at the Judge Advocate General Office. In addition, installation newsletters and newspapers publicize consumer activities.

The legal assistance officers work closely with the local Better Business Bureau, Fair Business Practices Committee, Board of Realtors and other business associations, as well as the consumer protection division of the attorney general's office, and the Armed Forces Disciplinary Control Board. This latter group is composed of representatives of all Services, as well as advisors from business and government. They look for patterns of abuse by particular merchants or companies. If a board detects such abusive behavior, it first seeks voluntary restraint and, if that fails, declares the establishment "off limits."

APPENDIX III

U.S. ARMY CORPS OF ENGINEERS WORKS PROGRAM CONSUMER REPRESENTATION PLAN

I. Purpose and Scope

The U.S. Army Corps of Engineers civil works program began in 1824 when Congress first asked the Secretary of the Army, and the Chief of Engineers, to assist the American consumer. In that year the consumers were those who benefitted from improved navigation along the Ohio and Mississippi Rivers. Since that time, the Congress has turned to the Secretary of the Army to manage a large portion of the nation's water resources for the benefit of the consumer. The primary purpose of the civil works program is to yield benefits to the consumer, the American public.

The civil works program is funded by Congress separately from the Department of Defense. The Secretary of the Army is responsible for the program, which is coordinated with other resouree management programs by the Office of Management and Budget and the President. In 1970, the Congress recognized the need for an Assistant Secretary of the Army especially for the civil works program, and created such a position in that year. The Chief of Engineers, backed by an organization of some 400 Army officers and 30,000 civilians, executes the program and brings the benefits of water resources management to the people. The program reaches out to all 50 States, the U.S. Virgin Islands, and the Commonwealth of Puerto Rico through some eleven regional offices and thirty-six district offices.

As the needs of the American society have changed through the years since 1824, so too has the scope of the Corps civil works program. Beginning with navigation, the Corps improves the ports and channels throughout the United States, resulting in a vast water transportation system which provides benefits to millions of consumers. In 1917, and most importantly in 1936, the Corps was given a responsibility by Congress to reduce the damages to property and to people from devastating floods along many of the country's major rivers and tributaries. The Corps not only has planned and constructed projects to reduce these flood damages, it has also sought to educate the people on flood hazards and to prevent even greater disasters. In spite of the millions of dollars of investment, and a continuing program for flood damage reduction, disaster strikes all too often. The Corps provides emergency assistance and repair work on such occasions.

Moving water provides recreation for thousands of people. But moving water also causes damage to the nation's coasts and waterways. In the 1930's, the Congress again turned to the Corps to protect the consumer from erosion of beaches and the resulting impact on the economy in coastal areas. As recreational opportunities increased in importance to consumers, the Congress directed the Corps to improve the opportunities in conjunction with its water resources projects.

The water in Corps reservoirs also provides hydroelectric power, water supply, and augmentation of low flows in rivers and their tributaries during dry periods, in addition to reducing damages from floods. The consumer benefits from all of these functions of a Corps project. In fact, the project cannot be implemented if the benefits to consumers do not exceed the costs of the project.

What about the nation's need for environmental preservation and the consumer's desire for environmental enhancement? The environment is treated as a consumer need, as well as a national need, in all Corps planning, design and construction activities. Trade-offs must often be made, but they are made with the advice of the consumer and are consistent with the national objectives of economic development and environmental quality.

Consideration of water quality is an important part of every Corps plan, particularly since the establishment of water quality goals by the Congress. Enhancement and preservation of fish and wildlife is also an integral part of all Corps civil works activities. Asthetics are considered by the designer, and the landscape architect is a part of the interdisciplinary planning team.

The Corps civil works program is dedicated to serving the needs of the people of the United States. Its success relies heavily on consumer involvement, for without the consumer, needs cannot be properly identified and alternative solutions cannot be properly evaluated. Working together, the Corps and the consumer are building tomorrow today.

II. Consumer Information Input to the Civil Works Program

To effectively execute the civil works program, the Chief of Engineers has established mechanisms to involve the consumer. Several of the most important of these are discussed in this plan, followed by some opportunities viewed by the Chief of Engineers to increase consumer involvement in the future.

Face to fact contact with top executives in the civil works program and consumer representatives is considered vital to the accomplishment of the civil works mission. The Chief of Engineers and top managers throughout the program participate in natural resources and public policy conferences to obtain input first hand from leaders in industry, nonprofit organizations and consumer groups. When letters to the Corps indicate an issue of significant consumer interest, the Office of the Chief of Engineers holds hearings to solicit consumer input to the policy formulation process. The Chief of Engineers further encourages Corps employees to participate in professional society activities in order to feel the pulse of the consumer.

Advisory Committees: When the Chief of Engineers identifies an area of continuing concern to the consumer, an advisory committee may be established to obtain a continuing source of input from consumer representatives. One such committee is the Chief of Engineers Environmental Advisory Board, composed of members representing conservation organizations, the news media, and other consumer interests. The Board aids the Chief of Engineers in defining and meeting the Corps' obligations and responsibilities in environmental matters and in promoting mutual understanding with the conservation community. The Board meets quarterly with the Chief of Engineers and communicates with the Chief of Engineers on a more frequent basis.

A mechanism recently emphasized by the Chief of Engineers is the publication of the Corps policies and procedures in the

Federal Register as they are updated and revised. Many of the regulations are published as proposed rule-making, allowing the consumer forty-five days or more in which to comment to the Chief of Engineers. The proposed rule-making process has resulted in more consumer oriented procedures for Corps field offices to follow in the conduct of the civil works program. Comments are individually acknowledged, to the fullest extent possible, and each comment considered on its merits regardless of the source. While most regulations do not elicit an abundance of comments from consumers, the Chief of Engineers has been most impressed with the quality of the comments received and the effort made by consumer representatives to participate in the policy formulation process.

In the Office of the Chief of Engineers, and throughout the Corps, letters received from consumers are answered in a timely manner. Responses to the letters are prepared by elements of the organization having the responsibility for, or the most knowledge of, the subject addressed by the consumer. The letters are normally signed by a middle or top executive in the organization. In this way, management becomes aware of consumer satisfaction or dissatisfaction with the civil works program. Statistics on consumer input by letter are not compiled except in the case of a large volume of letters on the same subject over a short period of time. Letters, particularly those which are sincere and well written, do influence the decision making process.

Opportunities do exist to more effectively obtain consumer input at the Washington level of the civil works organization. At present, those planned are improvements and extensions of the existing mechanisms. More frequent contact with consumer groups not now well represented in the policy formulation process will be sought. More time will be allowed for consumer comment on proposed rules published in the Federal Register to encourage maximum consumer participation prior to adoption of final rules and regulations.

Perhaps the greater and more visible consumer input to the civil works program is in the conduct of the program in the thirty-six district offices. Consumer input is essential from the beginning, for in most of the Corps planning activities, studies are initiated by a request from consumers to the Congressional representatives. The Public Works Committee of the United States Senate or the Public Works and Transportation Committee of the House of Representatives thereafter provide the Corps with the necessary authorization.

The policy of the Chief of Engineers is that the civil works program must be conducted in an atmosphere of public understanding, trust, and mutual cooperation. The Corps has established an objective to actively involve the consumer in water resources studies to insure that these studies respond to public needs and preferences to the maximum extent possible, within the bounds of local, State, and Federal programs, responsibilities and authorities. To accomplish this objective, the Chief of Engineers has directed that the Corps will:

(1) Open and maintain channels of communication with the consumer,

(2) Solicit the consumer's comments, views and perceptions of problems, needs, alternative solutions and related impacts, and any recommendations for Federal action, and

(3) Give full consideration to consumer needs and preferences in the planning process.

In the civil works program, consumer input is solicited by a variety of mechanisms. The most widely used formal mechanism is the public meeting. Public meetings are conducted by the Corps, at critical decision-making points in the planning process. Three meetings are recommended by the Chief of Engineers for studies conducted by the Corps: The first to obtain input from the consumer regarding the problems and needs of the area, and the need for a study; the second to review with the consumer alternative solutions to problems and needs identified in the study, and to obtain consumer reactions and preferences regarding the acceptability of the alternative solutions; and finally to obtain consumer reaction on the plan considered to best meet their needs, including any recommendations for the Federal government's participation in implementing the plan.

The public meetings are held to inform the consumer, and to give all interested parties an opportunity to fully and publicly express their views. The public meeting, as a mechanism, has been used by the Corps for many, many years, and has received consumer acceptance as an important, but certainly not the only means of entering the decision-making process.

In addition to public meetings, a number of other mechanisms are employd by the Corps offices to enable consumers to voice their opinions and provide input to the planning process. These include:

Workshops,

Informal meetings with consumer groups,

Request for comments on draft reports and draft Environmental Impact Statements, prepared under the National Environmental Policy Act of 1969 (NEPA),

Requests for comments on public information brochures prepared specifically to obtain consumer feedback,

Solicitation of advice from consumer by Corps planners through telephonic and face to face contact, and

The establishment of consumer advisory committees to insure that the consumer is represented throughout the study.

The primary responsibility of the Corps is to provide opportunities for consumer involvement and input, and to insure that a cross-section of consumer representatives are involved in the evaluation and decision making process. The consumer must also bear some responsibility for expressing an interest in the Corps activities and must be willing to spend some time in obtaining information on which to base feedback to the Corps.

Consumer input in the planning process has been institutionalized in the Corps by making public acceptability one of the required criteria by which alternative solutions are evaluated. Existing mechanisms in the Corps, established to insure that input from consumers is adequatly solicited and evaluated, require that:

A consumer involvement program is developed,

A Plan or Study (a document prepared to assist in the management of the Study) must describe the program,

A summary of consumer involvement program implementation, including a discussion of how the results of such programs influenced the study conclusions and selected plans, must be incorporated in planning reports, and

Testimony presented and discussions held, at public meetings, must be recorded verbatim and reviewed in the evaluation and decision-making process by the District Office and higher echelons.

A Chief of Engineers regulation enumerating the above policy on consumer involvement was adopted and published in the Federal Register in April 1975. A regulation on various mechanisms and detailed procedures by which Corps planners are to involve the consumer is currently being drafted and will be published in the Federal Register under proposed rule-making. A consumer involvement manual is also being developed to assist Corps planners in developing a better understanding of mechanims available to them, and how they can be effectively utilized. Additionally, a course is being planned to train Corps planners how to better communicate with consumers and effectively obtain consumer input in the planning process.

III. Information to the Consumer about the civil works program

The key to obtaining meaningful input from the consumer is providing the consumer with effective and timely information. The consumer must be educated and informed with mechanisms which are simple, interesting and composed for the level of understanding of the target audience. The Office of the Chief of Engineers and the Corps field offices have an extensive information program to facilitate consumer understanding of and participation in the civil works program.

The Office of the Chief of Engineers maintains three mailing lists for direct communications to the consumer: a general mailing list of about 300 major organizations, professional societies and news media outlets; a list of about 800 conservation groups, clubs and outdoor writers; and a list of about 80 construction writers. Each Corps field office also maintains mailing lists for studies conducted and some have general mailing lists for distribution of consumer information.

The Office of the Chief of Engineers and Corps field offices widely distribute several publications. A water resources booklet, which includes information on all Corps activities in that State, is prepared for each State. A catalogue of films available from Corps offices is widely distributed and the films are available for loan upon request. The films are made on a variety of water resources and related subjects. Each Corps office has a speakers bureau which provides a speaker, and often film, to requesting consumer groups.

The Office of the Chief of Engineers and every Corps regional and district office has a public affairs element which is prepared to provide the consumer with information on the Corps, a particular problem or Corps activity, and to answer specific questions. The public affairs office is not a public relations office. The public affairs personnel are essential to the Corps ability to effectively communicate with the consumer and to obtain the feedback required to make sound decisions. Continuing contacts are maintained with the news media so that the consumer can be advised of important actions and decisions made by the Corps. Press releases are made whenever possible to keep the consumer informed of significant actions involving the Corps.

The Corps publishes pamphlets on all of its reservoir recreation areas. Publications are also available on special subjects of high consumer interest, such as the Corps Permit Program. The Corps also provides consumers with flood plan information and boat safety information, and conducts training sessions for flood emergencies.

Another widely used mechanism for keeping the consumer informed of proposed or final Corps actions is the public notice. Notices are often released by the district office on specific plans and projects under consideration, permit hearings, and public meetings. The Corps has made a concerted effort in the past several years to make such notices less formal and more useful to the consumer. The Chief of Engineers has also recommended to Corps planners that information sheets, or pamphlets, be attached to the notice to provide the consumer with information to facilitate his participation.

Feedback to consumer on their comments, inquiries or complaints is normally handled by individual letter. Organizations and individuals comments on proposed regulations are acknowledged in the Federal Register when the final regulation is adopted. Copies of the final regulations are also sent to those parties who commented on the proposed regulation. The intent of these mechanisms is to provide consumers some positive indication that the Corps cares about their views and appreciates their interest in participating in their government's decisions. Giving the consumer individual attention is a great burden on limited staff resources, but the Chief of Engineers is committed to customer satisfaction. In the civil works program, the customer is the consumer.

In the future, the Chief of Engineers intends to expand the Corps information pamphlet series to a greater number of subjects with high consumer interest. The Corps will continue to strive to increase the number of presentations given by local and national speakers to educate the consumer on the Corps civil works program. And a continuing effort will be maintained to improve the effectiveness of public notices made by Corps offices for consumer information.

IV. Planned Actions and Schedules

1. Conduct training courses for Corps personnel on effective communication with the consumer: five sessions scheduled for FY 76.

2. Complete a comprehensive regulation on mechanisms to be utilized by the Corps to provide information to the consumer and receive feedback from the consumer: 30 June 1976, proposed rule-making; 31 December 1976, final.

3. Publish a manual to assist Corps personnel in relating consumer participation to civil works activities and understanding available mechanisms for involving the consumer in civil works decision processes: January 1976.

4. Publish and distribute five additional pamphlets on subjects of high consumer interest: September 1976.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Howard Seltzer, Room 3416 North Building, Department of Health, Education, and Welfare, Washington, D.C. 20201, 202–245–1957. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

NOVEMBER 7, 1975.

TABLE OF CONTENTS

I Statement of Purpose
II Primary Operating Units Involved
III Executive Summary
IV Proposed HEW Consumer Representation Plan
Proposed Office of Consumer Affairs Consumer Representation Plan
Proposed Public Health Service Consumer Representation Plan
Proposed Education Division Consumer Representation Plan
Proposed Social & Rehabilitation Service Consumer Representation Plan
Proposed Social Security Administration Consumer Representation Plan

I. STATEMENT OF PURPOSE

The Department of Health, Education, and Welfare is in the front rank of Federal agencies with statutory responsibilities to consumers. For example, of every dollar consumers spend in the marketplace an estimated 25 cents goes for products regulated by HEW through the Food and Drug Administration. Moreover, Medicare and Medicaid represented about 60 percent of the estimated public expenditures of $41.3 billion for medical care in Fiscal Year 1974. In addition, the Department's biomedical research and health care resources and delivery programs had inestimable impact on the effectiveness, availability and cost of the estimated $62.9 billion worth of health care services purchased privately in FY 1974.

Not only does the Department have regulatory authority and other influence over major classes of goods and services purchased in the marketplace, but it also provides health, educational and welfare services to millions of consumers, largely through intermediaries at the State or other levels. Thus, HEW serves two types of consumers:

The buyer of goods and services in the marketplace; and
The recipient of HEW services which do not bear directly on the marketplace.

This document focuses primarily on HEW programs which directly affect the buyer of goods and services in the marketplace and describes both the procedures the HEW agencies that execute these programs have established to assure consumers access to their decision- and policy-making processes and the initiatives the agencies have proposed to expand and improve consumer representation and participation in agency undertakings.

Briefly stated, the Department's purpose in developing this proposed plan has been to review, evaluate and recommend indicated improvements in its efforts to be fully aware of and responsive to consumers' needs.

II. PRIMARY OPERATING UNITS INVOLVED

A. Office of Consumer Affairs
B. Public Health Service
C. Social and Rehabilitation Service
D. Social Security Administration
E. Education Division (Office of Education and National Institute of Education)

III. EXECUTIVE SUMMARY

The plan proposed by each operating unit is appended, each with its own executive summary. There are themes common to all or most of the plans:

1. A markedly high degree of consumer representation and participation already exists at HEW, both formal, i.e., consumer representation on advisory councils and boards at every level—particularly in health programs—and commitment to good-faith consideration of consumer comment on proposed regulations, and informal, i.e., continuing contact and discussion with consumer organizations.

2. Interest in improving and increasing consumer comment on proposed regulations through such techniques as advance notice of proposed rulemaking, simplification of language and style, explanations of consumer impact, and alerting the mass media to the consumer sensitiveness of appropriate proposed regulations.

3. Plans to improve the efficiency of consumer complaint and correspondence handling and its *effectiveness* through, for example, aggregation for national and regional program managers of complaints and inquiries to identify administrative problems or areas in need of policy review.

Noteworthy among individual agency proposals are the Public Health Service's plans to improve regional consumer representation for the Food and Drug Administration where national level consumer representation is already extensive, the Education Division's proposed Consumer Protection Policy Council, and the Social Security Administration's commitment to tests of the ombudsman concept to quickly resolve cases which are creating undue hardships for beneficiaries.

OFFICE OF CONSUMER AFFAIRS

Proposed Consumer Representation Plan

I. STATEMENT OF PURPOSE

The Office of Consumer Affairs (OCA) is unusual among HEW agencies in two respects: it was established to represent the interests of consumers before all Federal agencies and departments as well as state and local governments, and its Director is also Special Assistant to the President for Consumer Affairs.

OCA's functions are specified in Executive Order 11583 of February 24, 1971. In summary, OCA:

Monitors and assists in the development and implementation of HEW and other Federal consumer programs.

Assures that the interests of consumers are presented and considered by the Federal Government and makes recommendations to the President, the Secretary of Health, Education, and Welfare, and other Federal officials for improvement of consumer programs.

Acts on consumer complaints.

Provides policy guidance to the Consumer Product Information Coordinating Center (GSA) and encourages development of consumer information by other Federal agencies.

Promotes, conducts, monitors, and evaluates consumer education and counseling programs.

Encourages and assists state and local governments and private enterprise in the promotion and protection of consumer interests.

The purpose of the OCA in developing its proposed consumer representation plan is to review and evaluate its extensive existing mechanisms for consumer representation and determine where improvement or expansion is necessary to assure that OCA remains responsive to the consumers it serves.

II. PRIMARY OPERATING UNITS INVOLVED

A. Office of the Director
B. Consumer Advisory Council
C. Office of the General Counsel
D. Office of Economic Policy and Planning
E. Office of Public Affairs
F. Office of External Liaison
G. Office of Program Development and Implementation
H. Office of Administrative Management and Finance
I. Executive Secretariat

III. EXECUTIVE SUMMARY

Consumer representation within the OCA is at present provided by its broadly representative Consumer Advisory Council [1]; its continuing and systematic contact with voluntary consumer groups, at the national, state and local levels as well as state and local government consumer officials; and its handling and analysis of some 30,000 individual consumer complaints and inquiries annually. OCA uses consumer input to shape its various policy, advisory, monitoring, coordinative and advocacy activities and its aggressive program of analysis and comment on proposed legislation and administrative regulations affecting consumers. The Consumer Advisory Council and other, less formal consultation with consumer groups help determine priorities for OCA proposals, encouragement and assistance to industry and government to create or alter programs to benefit consumers, and help identify subject areas of need for OCA consumer information and education programs.

At the same time OCA recognizes and plans to meet the need to monitor and make recommendations to the Secretary on HEW and the President on other Federal agency progress in consumer representation, the need for better data regarding consumer attitudes and perceptions of the marketplace, the need for review of consumer complaint handling by Federal field offices and non-Federal government, business and voluntary organizations, the need for improving the capacity of local government and consumer leaders to represent the consumer interest in marketplace transactions, the need for broader-based continuing information input and output from and to low-income and disadvantaged consumers and consumer groups, the need for improvements in the way many Federal agencies are developing and publishing proposed regulations, and the need for OCA to increase its resources for analysis and advocacy in order to more effectively represent consumers in the development of Federal legislation and regulations.

IV. CONSUMER REPRESENTATION REVIEW AND PLAN

A. Information input

1. Consumer Advisory Council: Twelve presidential appointees representative of all segments of the consuming public meet quarterly to advise and make recommendations on Federal policy and initiatives as they affect the consumer and to guide OCA planning and program implementation.

2. Voluntary Consumer Organizations: OCA maintains regular and systematic contact with well over a hundred organizations representing consumers, labor, women, education, religious, civic, and minority interests, all of which enable consumers to speak in an organized way on consumer problems.

3. State and Local Consumer Offices: From 16 such offices in the country in 1969 the number has grown to more than 325 at this time. OCA has a separate division to handle coordination and liaison.

4. Individual Complaint Handling: OCA is the central Federal facility for handling individual consumer complaints. More than 2000 such complaints are handled monthly. About 25% are referrals from the President, Members of Congress and other Federal agencies. The balance are direct communications from consumers. In each instance the complaint is carefully analyzed and the responsible agency, firm or trade association is asked to evaluate the complaint and to institute or recommend corrective actions. Complaints are aggregated and analyzed for policy implications.

In addition, OCA has funded the review and evaluation of complaint response mechanisms presently employed by Federal agencies. Phase I of the study, recently completed and released, provided a review of consumer complaint handling systems of 17 Federal agencies dealing with the consumer in the marketplace, including FDA and OCA. The study revealed that the government's capability for providing expeditious and substantive responses to consumer complaints should be improved and made recommendations for improvement. Phase II, which focuses on consumers as the recipients of Federal services and includes SSA, SRS, OE and PHS, is under way.

In order to eliminate the statistical chaos which exists in the area of complaint data gathering, OCA is working with the National Association of States Attorneys General in order to develop a common set of complaint data classifications designed to promote expeditious and substantive changes of information between Federal, state and local consumer protection officials.

5. Voluntary Complaint Handling by the Private Sector: One of the major thrusts and accomplishments of OCA has been the establishment of *Consumer Action Panels* (CAPS) by specific industries such as major appliances, furniture, carpet and rug, and auto sales. These CAPS consist of representatives of the industry, consumers and others chosen to play a mediation role. The CAP attempts by mediation and conciliation to solve problems that have reached an impasse. OCA is currently involved in the stimulation of similar programs in property and life insurance, audio and videotape, tire, and home moving industries. We are also continuing our efforts to increase consumer involvement in the national program involving warranties for new homes.

OCA has stimulated efforts by trade associations to resolve consumer complaints, obtaining commitments to attempt mediation of complaints from over 200 trade associations.

OCA recently announced commitments from the Tire Industry Safety Council, the Motor Vehicle Manufacturers Association and the Department of Transportation to incorporate State Consumer Protection Offices in tire and auto recall campaigns down to the consumer level.

OCA has been working with Council of Better Business Bureaus to improve its national efforts and cosponsored with CBBB and George Washington University a 1974 Public Policy Conference in Washington on consumer redress in the private and public sectors, the proceedings and recommendations of which are now available to public policy makers.

[1] See Appendix A.

6. Consumer Research: In the past two years OCA has stimulated research by consumer or consumer-oriented groups through contracts supported with OCA and other HEW funds. These have included—

An energy conservation campaign by the League of Women Voters under which one national and seven regional conferences have been held to foster a national community-level consumer education campaign on energy conservation. The final report under this contract will include information on resultant on-going activities and consumer perceptions and attitudes toward energy conservation.

Development and demonstration of techniques for consumer groups to evaluate and disseminate information on consumer services in their communities by the Washington Center for the Study of Services.

A study by a group at Kansas State University of savings institution advertising and promotional literature for compliance with standards in existing regulations and proposed legislation.

Development by the National Consumers League of a systematic way to report awards resulting from arbitration of consumer problems.

Two independent surveys under the aegis of the University of Wisconsin—one by an industry source, the other by a consumer source—of consumer education in schools of journalism.

An evaluation of the consumer redress mechanisms available in Erie County (Buffalo), New York by a group at the State University College at Buffalo.

B. *Information output*

1. Newspaper and Magazine Articles: A weekly newspaper column by the OCA Director for consumers is distributed to approximately 7000 newspapers with readership in the millions. In addition, 111 magazine articles have appeared under the Director's byline.

2. *Consumer News:* A four page semimonthly newsletter for consumers is published by OCA and it has readership through circulation and libraries in the millions. News articles and special features cover consumer-oriented programs of all Federal agencies.

3. *"HELP":* A four-minute weekly radio program, 52 of which have or are now being broadcast over more than 1200 radio stations across the country and at U.S. posts abroad. Government and industry experts on major problems affecting the consumer participate with the OCA Director, discussing consumer issues and giving information on budgeting, auto and appliance purchase and repair, inflation, job-seeking techniques, energy conservation, good nutrition, etc.

4. Public Appearances: Extensive travel has been undertaken by the OCA Director and staff across the nation, listening to consumers and informing the public about consumer issues and the Administration's consumer policies. This includes currently: miles traveled—592,991; speeches and remarks—492; press interviews—889; press conferences—163; and TV appearances—284.

5. State and Local Activities: OCA publishes annually a *Directory: Federal, State, County and City Government Consumer Offices* (only such comprehensive compilation available) to facilitate communication among Federal, state, and local government officials and to aid consumers. OCA publishes semiannually *State Consumer Action*, summarizing state and local laws, rules and regualtions, court decisions, enforcement action and other activities of state and local consumer offices. Spotlighting innovative and workable new solutions to consumer problems encourages other jurisdictions to take action and provides national overview of the status of consumer affairs. OCA has published the first national directory of consumer education activities carried on by state and local consumer offices.

6. Consumer Participation in Agency Rulemaking: OCA's semimonthly publication, *Consumer Register*, a translation of certain items in the *Federal Register*, makes consumers aware of and gives them an opportunity to comment on proposed regulations issued by Federal agencies. In a 1974 test project, it was demonstrated that inclusion of a comment form for responding to *Consumer Register* items increased the potential for citizen involvement in the important process of rulemaking. Since them, the comment coupon has been made a regular feature of *Consumer Register*.

Consumer Register has been expanded with a recent supplement—*Rate Register*—which informs consumers of regulatory agencies' proposals and final decisions concerning rate tariffs for such services as planes, trains and mail. Here again, consumer comment on proposals is encouraged.

7. Consumer Information Center: OCA provides policy coordination to GSA's *Consumer Information Center*, which has the responsibility to identify areas of needed consumer information, encourage the Federal agencies having the appropriate expertise to publish such information in a manner useful to the public, make the public aware that the information exists and finally distribute millions of copies of such information to the requesting members of the public.

OCA works with the Education Division, DHEW, and its designated representatives (FICE) throughout the Federal establishment to assist in the development of policy information, educational materials and programs to benefit the consumer.

OCA provides lead support to Federal Executive Boards in implementing their consumer affairs objectives. It is conservatively estimated that for one objective alone—assisting the elderly consumer—over 25,000 senior citizens have been the recipients of consumer education, information and referral services.

C. Analysis and evaluation

In addition to the review of OCA complaint and correspondence handling, mentioned under IV.A, the feedback resulting from day-to-day contact with consumer groups, and the quarterly review of OCA activities by the Consumer Advisory Council, the Office has created an economic analysis and planning unit with responsibilities in three major areas: (1) analytic support for specific programs, proposals, and policy advisory activity, including analyses of consumer (economic) impact, i.e., benefits and costs, of OCA programs and activities, as well as proposed new regulations or legislation affecting the consumer; (2) systematic development of economic planning data in the consumer area aimed at identifying programs having maximum impact in achieving defined consumer objectives, and (3) evaluation of programs and activities in terms of post-performance measurement of consumer impact.

The planning and analysis unit has provided analytic support in several areas. Among these are energy, inflation, productivity, credit, supply allocation, and food price problems. It is currently working with other OCA offices on development of an analytic framework for OCA participation in several additional key program areas, such as warranties, housing, and advertising. The analyses provided by the new unit, in combination with the legal expertise of the OCA Office of the General Counsel, the knowledge of government and industry practices supplied by the Office of Program Development and Implementation, and consumer input from the CAC, other consumer groups, complaints, surveys and studies, etc., form the basis for OCA's very active program of consumer advocacy—82 substantive public comments within the past year—in consideration of proposed legislation and regulations.

V. RECOMMENDATIONS

A. OCA shall monitor the performance of HEW's operating agencies and all other Federal agencies in implementing their consumer representation plans, assist the agencies in establishing or improving consumer participation mechanisms and identifying responsible consumer representatives, and report to the department or agency head and the President on accomplishments and problems encountered in these endeavors.

B. OCA is keenly aware of the inadequacy of the many consumer complaints it receives as an index to consumer concerns and priorities. In order to develop reliable data in this area OCA plans to sponsor a comprehensive survey of consumer attitudes based on a national sample selected to provide appropriate age, sex, income and geographic representation. The survey will seek to measure consumer satisfaction and dissatisfaction with durable and non-durable goods as well as services, and will gather systematic comprehensive information on respondents' attitudes toward every phase of market transactions for these products and services, from pre-purchase advertising and promotion to post-purchase problems.

C. OCA shall work with the *Federal Register* staff and the concerned Departments and agencies to simplify the language used in Federal regulations, increase the meaningfulness of explanations of the effect and impact on consumers of proposed rules, and increase the period provided for comments.

D. Recognizing its need to be better aware of low-income and disadvantaged consumer problems and concerns in order to better represent consumers in testifying and commenting on proposed legislation and regulations and assist agencies to improve low-income and disadvantaged consumer representation in decisionmaking, OCA shall establish a task force to increase systematic contact and continuing discussion with low-income and disadvantaged consumers.

E. Recognizing that television is a particularly effective way to reach low-income and disadvantaged consumers and in conjunction with efforts to increase low-income and disadvantaged consumer input into decision-making, OCA shall work with the commercial and public television networks to increase their output of in-depth information to these and all consumers on pending decisions of significant consumer impact.

F. OCA plans a third phase of its review of complaint handling procedures. The first two phases covered Federal regulatory and service agencies. The third phase would be a review and evaluation of complaint handling by non-Federal government, business and voluntary organizations and Federal field offices. It would be done in four parts. The first part would be a study of state and local governmental mechanisms for complaint handling in existence as of March 1975 in 93 state, 57 county, and 44 city consumer offices. The second part would be a study of consumer complaint mechanisms in 30 major retail business firms and a representative sampling of small business firms. The third part would be a study of consumer complaint mechanisms in voluntary organizations. The fourth part would be a study of the regional complaint handling mechanisms of the major agencies covered in the initial 15-agency study. Completion of this third phase is essential to a full understanding and analysis of the complaint handling process in the U.S. marketplace, and is particularly important because (a) restitution to the consumer is generally through the private sector, and (b) most consumer problems are subject to state and local regulations.

G. OCA plans 10 regional consumer leadership conferences of three days duration each during the coming 12 to 18 months. The emphasis would be on working with local government and consumer leaders so that they might be better able to represent the consumers' interests in marketplace transactions. The training would be oriented toward increasing the effectiveness of the leaders through a better understanding of the complexities and inter-relationships of government and business activities in the provision of goods and services in the marketplace at the local level. A related benefit to the training program would be facilitating the resolution of consumer complaints through local mechanisms rather than referrals to Federal offices.

H. In order to improve its capability to monitor consumer representation within and the responsiveness to consumer needs of Federal agencies, to pursue more comprehensively and aggressively its programs of consumed advocacy before government and business, and to effectively coordinate Federal complaint handling policies and procedures, OCA plans to request approval from Congress for increases in staff and budget devoted to these categories of activity.

PUBLIC HEALTH SERVICE

Consumer Representation Plan

OCTOBER 31, 1975.

TABLE OF CONTENTS

I Statement of Purpose
II Primary Operating Units Involved
III Executive Summary
IV PHS Plan
A. Programs with market place impact
B. Other Programs

I. STATEMENT OF PURPOSE

The purpose of this Consumer Representation Plan is to demonstrate how consumers are now involved in Public Health Service (PHS) programs and to outline means of increasing their access to the policy development process, particularly in those programs which have a direct marketplace impact.

The PHS is composed of six Agencies and a number of staff offices. All of these affect the consumer, several directly, others indirectly. Each Agency has developed the forms of consumer participation which it feels are most responsive. With the growing awareness and interests of consumers in many PHS programs, it is the intention of the PHS to increase the level of interchange. Since it is the belief that to the greatest extent possible, consumers should be able to deal closely with the appropriate Agency, without going through several layers of bureaucracy, the PHS does not envision creation of a separate office, committee, or position to deal exclusively with the consumer. Most of the PHS Agencies have an office or offices which represent them in consumer affairs and which work with consumers and consumer representatives.

Much of the recent health-related legislation has mandated consumer participation. Consequently, many PHS programs have consumers involved at the national, state, local or individual grantee level or at all levels.

II. PRIMARY OPERATING UNITS INVOLVED

The PHS is involved in a wide range of activities including industry regulation, provision of services, and conduct of biomedical, behavioral, and health services research. Consequently, it is difficult to design a single consumer plan which will meet the needs of the public and these diverse Agencies in terms of meaningful consumer representation. Thus, because of the nature of its activities and its direct marketplace impact, FDA, which regulates products which account for about 25¢ of every dollar consumers spend, has a very extensive and formalized system for consumer input and education. Other Agencies which have no direct marketplace impact, have less structured methods for contacts with the consumer population.

The primary operating units within PHS which are involved with consumers are:

Programs with direct marketplace impact:
- Food and Drug Administration (FDA)
- Office of Nursing Home Affairs (ONHA)

Programs which do not have direct marketplace impact, but which do have significant consumer involvement:
- Alcohol, Drug Abuse, and Mental Health Association (ADAMHA)
- Center for Disease Control (CDC)
- Health Resources Administration (HRA)
- Health Services Administration (HSA)
- National Institutes of Health (NIH)
- Staff Offices in the Office of the Assistant Secretary for Health (OASH)

III. EXECUTIVE SUMMARY

The Plan which follows consists of detailed descriptions of consumer-related activities in the Agencies with marketplace impact, as well as brief descriptions of activities of Agencies and staff offices which do not impact the marketplace, but do involve consumers.

The primary components of the Plan include the means now being used to involve and inform the consumer; and plans for increasing consumer participation.

Office of the Assistant Secretary for Health Summary

The Office of the Assistant Secretary for Health provides direction and policy coordination to the six PHS Agencies. OASH staff offices provide guidance and coordination, assuring that the PHS regulation process and correspondence control are responsive to consumer interests. Through the Forward Plan, the long-range recommendations for the direction of the PHS programs are developed and disseminated. There is direct consumer involvement in all these activities.

Alcohol, Drug Abuse and Mental Health Administration Summary

ADAMHA funds both research and service programs in alcohol, drug abuse, and mental health. Significant consumer involvement is achieved through advisory councils at both the national and local levels.

Future plans include:

The Minority Advisory Committee plans to hold at least six public meetings as vehicles for obtaining minority input. This input will then be provided to the Administrator, to be considered in determining ADAMHA policy.

ADAMHA also plans to improve contact with volunteer groups with an interest in ADAMHA funded programs. A workshop will be held as part of this effort.

Center for Disease Control Summary

CDC serves as the focal point for the control and prevention of infectious, vector borne, dental and other preventable diseases and conditions, evaluation of occupational health and safety problems and certain environmentally induced health problems. Also, CDC is the focal point for the Department's health education program. Consumers are involved in their activities through advisory councils. At the state and local level, CDC is encouraging health agencies to expand consumer involvement efforts, particularly in the areas of clinic assessment and information/education program development.

Health Resources Administration Summary

HRA is responsible for national programs of health planning, health manpower, health statistics, and health services research.

The most significant consumer participation is in the implementation of the Health Planning and Resources Development Act of 1974 (P.L. 93-641). Consumer participation at all levels is mandated by this law, and is spelled out very explicitly. In addition, consumers are also represented on advisory councils responsible for the health manpower programs.

Future plans for increasing consumer involvement include:

A series of conferences will be held to discuss and clarify consumer participation in the Health Planning and Resources Development Act implementation.

HRA is also considering a number of projects which would examine the consumer's role in various policy issues.

Health Services Administration Summary

HSA is primarily responsible for funding health service programs and for assuring the quality of health care. The most significant consumer involvement in these programs is at the local program level through governing boards or advisory councils.

The Bureau of Quality Assurance is planning a national symposium to be held in January 1976, which will bring together industry and consumer representatives to discuss the development of standards of care and patients' rights.

National Institutes of Health Summary

NIH supports both intramural and extramural biomedical research and development. Consumers participate in many of the advisory councils and boards, as well as Presidential panels and commissions which provide policy advice to NIH. The advisory councils of the Institutes approve or disapprove extramural grant applications, which account for a large part of the NIH budget.

Food and Drug Administration Summary

FDA is the Agency responsible for regulation of food, drug, and cosmetic industries, and for assuring the safety of radiological and medical devices and appliances. The Agency strategy for an ongoing interaction between the FDA and consumers is dependent upon broad involvement on the part of both FDA field and headquarters staff.

The field staff (CAO's) through their constant day-to-day contact with local consumer representatives maintain a continuing flow of information to headquarters relative to consumer attitudes and concerns.

Regularly scheduled Washington meetings between the Commissioner and the Ad Hoc consumer group, as well as the regional "Meet the Commissioner" meetings, provide FDA top staff with on-the-spot consumer input.

A major feature of the basic strategy for consumer involvement in FDA is representation of consumers on the National Advisory Food and Drug Committee and FDA's standing advisory committees and panels.

Preparation of lay-language versions of important Federal Register announcements and provision of simple, straightforward preambles to these announcements is another key element in the Agency Plan.

The Agency Plan also includes mechanisms for reaching special target groups such as college students, inner-city youth, and through use of specially designed education material, both low-literacy and non-English speaking groups.

The final element which completes the overall consumer involvement strategy is the response the Agency makes to more than 35,000 consumer letters each year. These letters cover a wide range of consumer concerns and provide the Agency with invaluable insight into public attitudes toward FDA regulatory activities. Since effective consumer representation requires that consumers be knowledgeable and informed, the Agency's strategy includes a variety of consumer education programs.

Office of Nursing Home Affairs Summary

ONHA serves as Departmental and PHS focal point for long-term care and nursing home affairs.

ONHA makes a special effort to review and consider the consumer viewpoint while developing regulations. Many national organizations and individual consumers comment on NPRM's and all comments are included in decisions leading to publication of final regulations.

All consumer correspondence is handled as quickly as possible. Periodic analyses of the nature of complaints are conducted. The results enable ONHA to determine if a pattern is emerging which indicates need for a change in specific regulations.

A series of twice-yearly provider/consumer meetings and symposia have been held to interpret Federal regulations and policy. In the future, these symposia will no longer be strictly informational. Instead, they will be forums at which consumers can contribute to policy and decision-making.

IV. PUBLIC HEALTH SERVICE PLAN

A. Programs with market place impact
   1. Food and Drug Administration
   2. Office of Nursing Home Affairs
B. Other Programs
   1. Office of the Assistant Secretary for Health
   2. Alcohol, Drug Abuse, and Mental Health Administration
   3. Center for Disease Control
   4. Health Resources Administration
   5. Health Services Administration
   6. National Institutes of Health

Food and Drug Administration

The Food and Drug Administration is a scientific regulatory agency whose responsibilities include food, drugs, veterinary medicine, cosmetics, medical devices, biological products and electronic and diagnostic products. The primary operating units in FDA are:

Bureau of Foods
Bureau of Drugs
Bureau of Veterinary Medicine
Bureau of Biologics
Bureau of Radiological Health
Bureau of Medical and Diagnostic Devices
National Toxicological Research Center
The Office of Legislative Services
The Office of the General Counsel
The Hearing Clerk

The agency provides participation, technical advice and council through three primary units, which focus and implement the Agency's efforts.

The Office of Professional and Consumer Programs—As the principal advisor to the Commissioner on development and implementation of policies and programs to convey important health protection concepts to consumers and in turn receive consumer input, this office performs the following functions.

1. Coordinates monthly meetings with consumer representatives and top FDA officials in Washington, D.C.

2. Designs and sponsors regional consumer forums in which the Commissioner and his top staff participate.

3. Provides consumer health education programs and policy guidelines to the more than 50 CAO's in the field (Technical input for these programs is provided by the various bureaus).

4. Creates demonstration projects for furthering of consumer input through lay language interpretation of Federal Register material.

5. Coordinates the actions of and serves as Executive Secretariat for the National Advisory Food and Drug Committee.

6. Selects the consumer non-voting members of the Agency's advisory committees and panels.

7. Answers over 35,000 written public inquiries per year on FDA related matters, and uses this correspondence to determine consumer interest and needs. These letters also provide consumer input and influence agency decisions.

8. Designs programs to increase college student knowledge of and participation in FDA activities.

9. Sponsors prototype law school courses on how the public might better interact with FDA through effective means of communication.

10. Designs and sponsors programs to increase participation of inner city youth and other special groups in FDA programs.

The Office of Public Affairs

1. Directs, with input from the Office of Professional and Consumer Programs, Bureaus and EDRO, all multi-media campaigns aimed at the consumer.

2. Produces the *FDA Consumer*, a consumer-oriented magazine to help consumers understand the agencies participation in matters related to their own health.

3. With input from various units within FDA, produces printed and visual material for consumers on single subject areas such as nutrition labeling and OTC drugs.

The Office of the Executive Director of Regional Operations

1. Provides the CAO's with administrative support necessary for orderly preparation and implementation of national consumer programs in the field.

2. Coordinates field input through a series of reports prepared by the field staffs on local consumer reactions to FDA health programs.

FDA plans to use all the appropriate mechanisms available to the Agency to interact with a broad geographic representative group of consumers. These include education programs, ad hoc meetings with consumer representatives in Washington, regional meetings, representation on advisory committees, emphasis on special groups and utilization of mass media channels. By constantly evaluating and revising current mechanisms, FDA hopes to achieve effective consumer involvement and input. This approach includes plans and programs focused on the following:

Conduct of special programs for targeted consumer groups such as youth, the aged, ethnic and minority groups, and others with particular involvement in FDA areas of interest. These will be either unilateral efforts or in cooperation with other Federal agencies or organizations and groups in the private sector with whom the FDA might have, or develop, mutual interest.

Efforts to reach public school and college students through the development of curricular components especially prepared to be integrated into various consumer education programs.

Utilization of the regulatory actions and activities of the Food and Drug Administration as a focus for the programs described above and as the basis for major multi-media campaigns designed for mass distribution of consumer information.

Information input

1. *Policy Advisory and Program Planning—Existing Mechanisms*: Examples of existing mechanisms are:

Meet the Commissioner Meetings
Consumer Ad Hoc Committee meetings
Consumer representation on standing FDA Advisory

Committees

Formal response to FDA proposed regulations through the Hearing Clerk

Response to selected lay language versions of Federal Register announcements in OCA's Newsletter.

Opportunities for Future Mechanisms: (1) FDA will use consumer input more effectively by seeking the consumers' ideas and suggestions earlier in the policy and program planning decision making process. In the future, consumer reaction to proposed guidelines will be sought earlier in their development, and ways of securing broader-based consumer participation will be effected. Consumer organization newsletters will be used whenever possible.

(2) Input from the Consumer Affairs Officers which reflect the consumers' ideas and recommendations will be utilized in the designing and implementation of new educational programs. All other direct and indirect contacts with consumers will be used as a forum to receive input on educational program design and implementation.

2. *Evaluation—Existing Mechanism:* (1) Consumers and Consumer Representatives are routinely requested to evaluate FDA conferences, seminars and workshops.

Opportunities for Future Mechanisms: (1) In the future FDA can improve the evaluation of its activities by including more consumer evaluations.

(2) The evaluation technique can be considered in the design of programs and the findings of evaluations of pilot projects used more effectively in finalizing the Agency programs.

(3) In the future, consumer evaluations, "in house" and outside evaluations can be combined in order to get a nonbiased, broad-based evaluation of Agency activities and programs.

(3) *Data Transmission—Existing Mechanisms:* Primary mechanisms for data transmission to and from consumers include: representation on advisory committees and panels, meetings with consumer groups, activities of the CAO's, use of the mass media, and response to consumer inquiries. CAOs contacted approximately 2,400,000 consumers at exhibits, workshops, conferences, and meetings.

Opportunities for Future Mechanisms: (1) Greater use will be made of:

(a) Educational institutions

(b) National and local organizations

(c) Consumer organizations

(d) FDA Regional and District Offices and the Consumer Affairs Officers

4. *Correspondence and Complaint Handling—Existing Mechanisms:* Consumer correspondence is received at two points: Office of Consumer Inquiries in the Office of the Assistant Commissioner for Professional and Consumer Programs at headquarters and at the field installations (Regional and District Offices and Resident Posts).

Letters requesting information on popular topics or issues can usually be answered by sending appropriate publications. In some instances a prepared response is sufficient. Some letters require staff research and individualized narrative responses.

Complaint letters are referred to the field office closest to the firm involved. The claim is investigated, resolved and reported to the consumer.

The consumer letters are classified and studied to determine high priority issues and concerns. This information is conveyed to the Commissioner through monthly, quarterly and annual reports for his consideration in decision-making.

How Petitions from Consumers are Handled by FDA: Any interested person may submit written documents to the Hearing Clerk on any filed petition. Petitions are filed by the Hearing Clerk, stamped, with date of filing and assigned a docket number. The Commissioner reviews and rules upon every petition filed. The Commissioner may grant or deny such a petition, in whole or in part and may grant such other relief or take such other action as he may determine to be warranted by the petition.

Consumers can submit a petition for reconsideration and/or a petition for stay of action. Additional data or information may be submitted. Requests, suggestions and recommendations made informally in routine correspondence are handled as routine correspondence.

The Commissioner's decision is published in the *Federal Register.*

Opportunities for Future Mechanisms: 1. In its effort to improve consumer complaint handling, FDA plans to increase personnel, and equipment.

2. The system for tracing and following through on complaints will be improved.

3. Consumers will be better informed through publications, conferences and consumer organizations as to how they can register their complaints with FDA. Consumers are added to or taken off mailing list upon request.

4. Findings and recommendations of studies and evaluations of our complaint handling will be studied, and where appropriate used to improve our complaint handling procedure.

Information output

Existing Mechanisms: Presently our mechanisms for the dissemination of information and education to the consumer consist of:

1. Public service television programs for national campaigns.

2. Movies and slide series on single health education subjects.

3. Printed materials—Information Memos, Brochures, Posters, Billboards, Exhibits, Newspaper articles, *FDA Consumer, FDA Today,* and magazine articles.

4. Speeches, Conferences, Workshops, and Seminars.

5. Consumer Phones.

6. Telephone calls and response to letters sent to the Office of Consumer Inquiries.

7. The Federal Register.

8. Articles in newsletters—(OCA—Virginia Knauer's Office) and also the newsletters of various consumer organizations.

9. Meetings between FDA and the public such as headquarters or regional meetings.

10. Meetings of FDA's panels and committees.

11. National consumer education programs (See attachment A)

Information, Dissemination, and Education: 1. Greater use of existing "mail-out operations" such as Social Security Mailings.

2. Better use of all libraries.

3. Use of advertising spaces on metropolitan buses and other public transit systems.

4. Expanded utilization of public education systems—primary, high school, college and university.

5. Expanded utilization of information and education networks of consumer organizations.

6. Additional educational programs to serve broader audiences and to meet the needs of special or unique audiences.

7. Increased attention to the advice and suggestions of consumers for whom the programs are intended and incorporation of their suggestions whenever appropriate, in program design, implementation and evaluation.

Recommendations: It is recommended that the Agency continue to expand its efforts to open its decision-making processes

to an informed public, to involve the public in Agency activities, to increase its public educational informational programs. This expansion would be achieved by actions such as the following:

(a) increasing the present field CAO force and increasing National programs involving consumer input to include all regional and district offices, as well as the FDA resident posts. (See attachment.)

(b) increasing the number of consumer survey contracts and initiating travel reimbursement arrangements for regional consumer representatives.

(c) expanding direct involvement of the consumer in FDA's regulatory processes through advisory committees and other initiatives including regional Ad Hoc consumer meetings.

(d) developing the necessary authorities to allow the use of trained volunteers for FDA consumer health programs focusing on feedback efforts on problems such as generic drug labeling, and other topics related to the Agency's activities in foods, drugs, biologics, medical devices, diagnostics, radiological health, and veterinary medicine.

(e) increasing interaction with consumer organizations across the country by formalizing the present loose network of consumer contacts into a clearly defined regionally based group of consumer leaders. FDA is considering a proposal which would establish a system of Regional Consumer Representatives, composed of representatives from local consumer organizations who would be selected by these organizations on the basis of background and interest in FDA-regulated activities (reference: *Federal Register*, May 27, 1975).

It is FDA's belief that through this plan, the consumer would become more aware of FDA activities and through this awareness, provide better input into Agency decision-making.

Attachment A

FDA Consumer Programs & Activities

I. There are currently six headquarters directed consumer education programs for implementation by the CAO's in their local community, which are aimed at increasing public understanding of FDA activities.

Nutrition Labeling—To help the consumer make better everyday decisions relation to the family's and her own personal diet.

Cosmetics—To provide information necessary to make value judgements on cosmetic selections and increase safe use of cosmetics.

OTC Drugs—To increase public awareness of the proper and safe use of OTC drugs.

Prescription Drugs—To increase consumer understanding of the complexities surrounding the field of prescription drugs.

Food Safety in the Home—To inform the consumer about good food handling practices and how to get information on food safety.

Radiological Health—To reduce consumer exposure to unnecessary radiation and to make the consumer aware of standards relating to radiological health established by the FDA.

II. The following are additional programs which have been designed and developed for field implementation:

Poison Prevention Week—Information for the general public designed to prevent ingestion of poisonous substances.

Microbiological Contamination in Foods—A national campaign designed to reduce foodborne illness.

Northern Virginia Community College Project—Series of seminars in nutrition education for health professionals designed as a prototype for a national program.

FDA Mini Lessons—A pilot program of curricular materials relating to FDA interests developed for use in grades K–12.

Undergraduate and Graduate Programs for Health Professionals—A prototype resource and training program that would focus on current nutrition issues for health professional students is being developed. This program is planned for utilization by health professional schools and will promote the desired interaction between the professional and the nonprofessional consumer in public health education.

Neighborhood Youth Consumer Education Program—A program to use youth organizations to conduct consumer education programs in their respective communities under the supervision of the community youth directors and the CAO.

George Washington University Law School Project—A course designed for undergraduates and law students in FDA administrative procedures, combining clinical and interdisciplinary classes to prepare the consumer to make positive contributions to the FDA's regulatory procedures. Plans are to expand this course and eventually offer it on a nationwide basis.

Consumer Representative Handbook—A handbook is being prepared to explain how consumer representatives who sit on FDA Committees as non-voting members, are selected and maintained on FDA advisory committees and what their roles and responsibilities entail.

Campus Consumer Consultant—The student consultant initiates FDA consumer education programs on campus and surrounding community to inform people about FDA's functions and programs. He provides feedback on student needs, feelings and reactions to Agency regulatory actions and programs.

Federal Register—A pilot project for the development of lay language statements as a means of increasing readership and serving as a vehicle for increasing consumer participation in FDA's decision making has been conducted in the Seattle District Office.

Briefings for Industry Consumer Representatives—Planning is underway to design format and implementation plans for regional briefings on nutrition education with FDA and consumer representatives from industry. The Agency holds briefings for industry consumer representatives from industry. The Agency holds briefings for industry consumer representatives to inform them of recent or proposed Agency actions.

Contacts with National Organizations—Contact is maintained with heads of national organizations and service organizations to insure the dissemination of information about FDA and its programs and to receive input concerning FDA regulatory activities from these organizations.

Monthly Meeting with onsumer Advocates—The Commissioner and his top staff meet monthly with an ad hoc group of consumers representing a wide variety of consumer groups; e.g., Consumers Union, Center for Science in the Public Interest, National Consumer's League, Consumer Federation of America, and National Council on Children. The subjects discussed typically focuses on current and proposed Agency decisions, regulations, and procedures.

Meet-the-Commissioner Meetings—The second in a series of Meet-the-Comimssioner meetings is being planned. These meetings developed out of a plan for extending the Commissioner's monthly meetings with Washington-based consumer leaders to regional meetings with consumer representatives nationwide. The first multi-regional meeting was held in New Orleans on November 20, 1974.

Public Calendar—A calendar is published weekly so that the public may know with whom (and for what purpose) key FDA officials are meeting.

Office of Nursing Home Affairs

The Office of Nursing Home Affairs (ONHA) serves as the Departmental and PHS focal point for long-term care (LTC) and nursing home affairs and as the focal point for the Assistant Secretary for Health's responsibilities in Departmental programs on aging.

In providing policy direction and coordination of LTC activities throughout the Department, ONHA deals directly with the HEW Regional Offices, the OS and with the headquarters elements of SSA, SRS, and Human Development (AoA). Within the Public Health Service, the ONHA monitors and coordinates the LTC activities, reviews plans and objectives for conformance with Department LTC requirements, and stimulates needed LTC activities.

Information input

1. *Policy Advisory and Program Planning:* The consumer described in this report includes both the providers of services within the nursing home industry and those clients (patients, families and others) who seek or use these health care services. Both of these consumer groups are described in terms of individual institutions and through national organizations. Consumer participation in the development of agency policy and program is predominantly general, although specific items such as fire safety, staffing patterns and patients' rights have had considerable input from both consumer groups. General advice useful to policy advisory/program planning is furnished by input from individual consumer experts and national groups, organizations and associations through their publications of newsletters, digests, journals and articles. The office is on the mailing list of these national organizations, receiving their publications either gratuitously or by subscription. Staff continuously review these publications since they give information on new concepts, ideas or specify positions taken by the consumers on issues developed in the Agency's present programs. These groups, organizations or associations include, for example, the American Health Care Association, American Association of Homes for the Aging, National Council of Health Care Services, American College of Nursing Home Administrators, the American Medical Association, American Nurses' Association, National League for Nursing, National Council on Aging, National Council of Senior Citizens, AART/NART, and Gray Panthers.

Additionally, these and other related groups, organizations or associations serve as a sounding board for new issues or ideas prior to their formulation as program alternatives as well as proposed rule making, guidelines or legislation for current or new programs.

This type of input will be maintained and expanded in ONHA's future plans, because it is essential to insuring effective development and implementation of programs that will improve the quality of care furnished our elderly and disabled population served by nursing homes. ONHA expects to expand relationships with the nursing home industry, provider and client groups, not only to obtain input to present and future programs, but to influence the nursing home industry in a way so that consistent improvement in their services will be made in the future.

2. *Evaluation of Existing and Proposed Programs:* Valuable consumer participation is built into the process of developing regulations even before publication of a notice of proposed rule making (NPRM) in the *Federal Register* and allowing for a period of public comment. As the regulations are developed for publication, informal discussions are held and draft versions are sent to the larger national organizations for review and comment. Upon publication, most NPRM's elicit a large volume of correspondence from individual nursing homes, citizens and clients, as well as from national organizations and associations, such as those mentioned above. Each comment is given full consideration in preparing the proposed rules in final form.

Flexibility has been evidenced in handling the more controversial regulations, extending the comment period for 15–30 days and even at the end of that extension allowing receipt of correspondence that has been incorrectly addressed, delayed in the mails, etc., for as long as staff discussions are continuing.

This public comment has proven to be essential to preparing meaningful and effective regulations. Not only has it shown where further definition or more clarity of meaning is needed but it has identified gaps in program efforts. The January 17, 1974, regulations for skilled nursing facilities, for example, deliberately left out certain items because of their cost or because of the need for further study. Public comment, from providers, professional groups and private citizens, was so strong on these missing points that the additional regulations on 7-day nursing coverage, medical direction and patients' rights were presented in a separate *Federal Register* in October 1974.

Future plans would continue with these efforts but provide for more interchange with consumers prior to publication. The provider/consumer meetings described later offer a forum for discussion of issues and the development of more meaningful regulations as a result.

3. *Data Transmission:* The Long-Term Care Facilities Improvement Campaign (LTCFIC) is the primary vehicle used by ONHA for improving the quality of care provided in long-term care facilities. It consists of a number of discrete but related projects, each addressing current problems in the long-term care field. The beginning point of the LTCFIC in 1974 was a survey of nearly 300 nursing homes aimed at obtaining baseline data on the quality of skilled nursing facility care. The data came from unannounced visits to the selected skilled nursing facilities looking at the structure, administration and patient care provided. The findings of the survey have been published as an Introductory Report this year and along with other in-depth studies which are being prepared will be widely distributed to consumers. Such data has already provided insights to consumer performance, problems and needs. It will, therefore, provide information important to future policies and program plans.

Data from individual consumers or consumer groups are mainly of a technical nature relating to the need for or their ability to comply with standards required for participation in Medicare and Medicaid. Through a recently developed Management Information System (MIS), current data of all surveys conducted in nursing homes are being computerized. When operational such a service will provide data indicating both general and specific problem areas encountered by providers in the survey and certification process. For example, the MIS when fully implemented will provide data on fire protection, indicating where specific emphasis needs to be placed in the agency's program efforts. The data will also be helpful in providing backup information for any necessary hearings or conferences dealing with the providers as a group or individually. Such data will also be made available to the public to meet their needs for information about providers of health services. It will also enable the office to evaluate program effectiveness and to establish trends important to programming efforts.

4. *Consumer Correspondence and Complaint Handling:* ONHA, through both its central and regional offices, receives numerous letters and phone calls from both consumer groups, primarily centered around new regulations or standards. Requests for information or complaints usually relate to the concern that there is either a too stringent or inconsistent application of the regulations by state agency personnel or that the regulations are too costly to implement in proportion to the

impact they have on quality of care. All correspondence is handled as expeditiously as possible by key professional staff with appropriate expertise in the area of concern. In every case, a response is prepared to the correspondent and communication is continued until there is resolution of the situation. Wherever feasible, the complaint is referred to the regional office for more direct determination of the nature of the problem and resolution of the complaint.

By periodically reviewing the nature of complaints, ONHA will be able to determine if there is a pattern emerging which would indicate that specific regulations need to be clarified, modified, revised or revoked. Through this means it is possible to help assure that regulations promulgated by the Federal Government consistently focus on achieving the highest quality of care that can be economically and effectively implemented and that they are consistently and correctly interpreted by the consumer.

In addition to the large volume of correspondence relating to the certification of providers, ONHA receives a considerable amount pertaining to reimbursement policy under Medicare or Medicaid. These are referred to SSA or SRS for necessary action and direct reply to consumers. Finally, not only does the office get correspondence from individual nursing homes, citizens groups and national associations, but it has also become the focal point for information on nursing home matters from members of Congress, the White House and the general public.

Correspondence from consumers will have considerable programmatic impact, as particular attention is paid to concentrations or patterns of concern reflected, considering these in the development and establishment of ONHA policy decisions, and the development of proposed regulations and guidelines. This aspect of consumer input is a continuous process which predictably will change only in the nature of the request or complaint as regulations are developed and promulgated. It is anticipated, however, that more reliance will be placed on regional operations to respond to the correspondence. Recent changes in staff organization will provide better regional office support and liaison to accomplish this decentralization of effort.

Information Output

1. *Communication to Consumers on Issues and Decisions:* The process of consumer input in terms of the development of final regulations was described earlier. Outputs of that system are pertinent in this section. Any correspondence received during the comment period is available for review by interested parties along with the summary of staff actions taken in the resolution of the problems presented. The final regulations, prepared after serious consideration of all submitted comments and published in the *Federal Register* with an explanatory preamble justifying why changes were or were not made, serve again as a source of output to the consumer. Subsequent to publication of new regulations, guidelines are provided, training and orientation at Federal-Regional-State level are conducted, and technical assistance and consultation provided as requested. In some instances, policy decision memoranda have been necessary to further clarify or establish a consistent yet responsive regulatory process.

Finally, a series of Provider/Consumer meetings and symposia have been held which were designed in the past to quickly bring to key national organizations, and they to their constituency, a concise and accurate interpretation of Federal regulations or policy issues. Previous symposia in 1974 and 1975 were responsive to the need to promulgate new nursing home regulations as expeditiously as possible. The October 1975 symposium, however, introduced a new element in that it presented a concept—patient assessment—and its present and future implications. It is expected that feedback from the audience of provider/client consumer groups as well as continuing communication will place consumer input into a more responsible position of participation in program development rather than in its present role of reacting to the regulatory process.

Future symposia will be based, as was the October 1975 one, on joint planning and exploration of mutual areas of concern, from which the agency will draw consumer inputs in designing policy issuances and program plans.

2. *Feedback to Consumers About Their Comments on Policies and Programs:* In addition to the measures described in Section 1, many other means are used to provide feedback to consumers on policies and programs. These include:

a. Testimony at Congressional hearings;

b. Formal presentations by key ONHA staff at national, regional and State general meetings of consumer groups;

c. Preparation of materials for presentation by Congressional and Administration leadership;

d. Publication of articles, editorials, and other technical materials in trade journals;

e. Preparation of booklets, pamphlets, reports for distribution to the field;

f. Development of other audio-visual aids for use at meetings and conferences to present policy issues and regulatory functions;

g. Use of media—TV, radio and newspaper to present agency concerns;

h. Participation in specially designed seminars, conferences planned and conducted by consumer groups;

i. Provision of consultation and technical assistance to consumers on individual or small group basis;

j. Development of short-term training offerings to client/provider consumer groups.

3. *Consumer Education:* Implicitly, all of the above mechanisms for imparting information and knowledge are part of consumer education. Of particular importance are the special client/provider consumer meetings and the short-term training of providers developed as a special initiative in response to the Administration's programming efforts in long-term care. These short-term training programs have been carried out since 1971 and have resulted in 100,000 short-term training opportunities for persons engaged in providing care in nursing homes. In addition to contracts with national professional and technical groups for training of individual disciplines, recent programming efforts have been directed to the development of a national network of centers of excellence based in provider institutions and providing a multiplicity of interdiscipline training efforts.

Office of the Assistant Secretary for Health

The Office of the Assistant Secretary is responsible for coordinating the activities of the Agencies and for determining PHS policies. At this level, there are many efforts to assure that PHS is responsive to consumer concerns.

Forward Plan—Each year, PHS publishes the Forward Plan for Health, which describes the long-range plans and direction of the PHS and provides major analysis for upcoming budget and legislative recommendations. Input from a wide range of organizations is sought during the Forward Plan's draft stage, both in writing and through face-to-face contact with representatives in informal meetings. After its publication, it is widely distributed and discussed. Initial planning for the 1978-1982 Health Forward Plan will be starting soon. Comments and suggestions will be solicited from professional, provider, consumer, and other organizations.

Regulations—Regulations are primarily developed at the Agency level, with input from concerned organizations. However, the primary consumer involvement in the regulation proc-

ess comes during the public comment period. At this point, proposed regulations are published and for a specified length of time, usually 30 days, comments are received and reviewed. OASH works closely with the PHS Agencies to assure that they are responsive to these comments, and frequently, changes are made because of them. The preamble to the final regulations provides the rationale for including or not including the suggestions, and the changes that were made. The preamble is written in language which is understandable, yet conforms to the technical requirements of the regulations. In addition, when regulations are obviously "consumer sensitive," steps will be taken to provide concerned consumer organizations with press releases.

Correspondence—All agencies and staff offices are required to respond to correspondence fom the public. The OASH has established the Executive Secretariat of the PHS, to decide which Agency can best reply, route correspondence to them, and follow up to assure that timely and meaningful responses are provided. In addition, the Agencies receive many inquiries directly. These are controlled through their own Executive Secretariat offices. OASH provides general oversight to assure that replies are responsive and timely.

Alcohol, Drug Abuse and Mental Health Administration

ADAMHA funds research, training, and service programs in alcohol, drug abuse, and mental health. Each of ADAMHA's three Institutes has a National Advisory Council whose membership includes consumers. These Councils provide advice on policy issues and make recommendations concerning grant applications. In addition, ADAMHA projects and programs are to be community based, with active participation of consumers.

Other consumer representation in ADAMHA is obtained and promoted through the Program Integration staff, Office of Program Coordination. This unit is responsible for facilitating the coordination and collaboration of components of ADAMHA and professional and citizen organizations and groups with common interests in preventing and reducing mental illness, alcohol and drug abuse, and improving mental health; and for promoting the increased utilization of volunteer services and activities within ADAMHA funded programs.

Another important link to consumers of ADAMHA programs is provided by the Minority Advisory Committee which advises the Administrator of ADAMHA on policy, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions. The following objectives have been set for the Committee in fiscal year 1976: (1) to hold at least six public meetings; (2) to provide relevant input from the various minority groups into ADAMHA deliberations; (3) to collect data which will be used to develop recommendations to the Administrator, ADAMHA.

Plans for fiscal year 1976 include improved relationships and information exchanges with the leadership of major volunteer and consumer organizations with an interest in ADAMHA funded programs. A two-day volunteer workshop will be held as part of this effort.

Center for Disease Control

CDC serves as the Department's focal point for the control and prevention of disease, occupational health and safety problems, and health education. Consumer participation on advisory groups, such as the Veneral Disease Control and Tuberculosis Control Advisory Committees, is part of the involvement, in addition to several other areas. During fiscal year 1976, CDC began a number of initiatives with Senate and local health agencies designed to promote the involvement of consumers in disease control efforts. The experience gained from these activities provided a basis for which to expand consumer involvement efforts during the current program year. A prototype survey designed was distributed to all VD project grantees which could be used to determine patient attitudes toward clinic services. The purpose of such a survey is to provide a mode through which consumers of medical services can influence the provision of these services. Feedback to the Center indicates that such client surveys were conducted in at least 24 local programs. The extent to which these consumer assessments affected clinic policies is now being examined on an individual program basis. During the current year, client surveys will be further promoted with local clinic managers through consultations conducted by the Center staff. Also to be examined is an ongoing feedback system in clinics of both the "suggestion box" type and a system similar to the "service rating" cards found in many hotels and restaurants.

During fiscal year 1975, CDC cooperated with a number of local health departments in projects to involve young people residing in areas of high disease incidence in the planning and implementation of information/education programs which would be better received by high risk population groups and more successful in motivating potentially infected patients to seek examination. While the results to date have been mixed in terms of measurable evaluation criteria, the informational materials which have been developed are more favorably received by intended audiences than those previously produced. During the current year local control programs are being urged to involve representatives of target populations for whom new informational materials are being considered in the development and design of the materials.

CDC is also the locus for the Bureau of Health Education. The principal liaison initiative with the private sector in fiscal year 1975 was a contract with the National Health Council to conduct a feasibility study of a proposed private sector based National Center for Health Education, recommended in 1973 by the President's Committee on Health Education. Such a Center was found feasible, and is now coming into being. With the National Center in existence, there is now a private sector focus which can complement governmental health education activities and perform functions which can more effectively be performed through private enterprise. Such a liaison is particularly important since the great bulk of health education is actually performed by and through private sector agencies.

Health Resources Administration

HRA administers programs in health planning, health manpower training, health statistics, and health services research. Consumers are represented on several national advisory councils, such as the National Advisory Councils on Health Professions Education and Nurse Training.

The Bureau of Health Planning and Resources Development (BHPRD) was created to effectively implement the National Health Planning and Resources Development Act of 1974, P.L. 93-641, which is an effort to regionalize health planning and to develop a more effective and efficient use of health resources. In accordance with the legislative mandates of this Act, the Bureau is currently in the process of developing the regulations and other materials regarding the Health System Agencies (local), Statewide Health Planning and Development Agencies and the State Health Coordinating Councils. At all levels, national, area, state, and local, significant consumer input is required.

At the national level, the legislation mandates that there be established a National Council on Health Planning and Development. The Council will be composed of fifteen members of

which not less than 5 of the voting members are not to be providers of health services.

The input of interested consumers as individuals and consumer agencies has been selected in determining goals and standards for these guidelines.

Each Health Systems Agency must have a governing body for health planning of which the majority, but not more than 60 percent of the members, are to be residents and consumers of health care in the health service area (Section 1512).

The State Health Planning and Development Agencies are to be assisted and advised by Statewide Health Coordinating Councils (SHCC). Each Statewide Health Coordinating Council will be composed of no less than 16 representatives appointed by the Governor from the health systems agencies within the State; each HSA will have two representatives on the SHCC, and not less than one-half of them shall be consumers. The Governor may appoint additional individuals to serve on the SHCC, but not exceeding 40 percent of the total membership; a majority of this 40 percent shall be consumers (Section 1524). The regulations for the Health Systems Agencies call for an open process of establishing agencies and for the development of Health Systems Plans and Annual Implementation Plans. Consumers as individuals and groups are provided opportunities and encouraged to participate actively in these processes.

HRA has prepared an article on the training of consumer boards, and a publication providing guidance on consumer involvement in Health Systems Agencies governing boards is to be issued. Also, HRA is currently involved in the development of projects which will examine various areas of consumer input. These projects include studies on ways to enhance consumer input in policy areas. Consumer participation in P.L. 93-641 is being discussed and clarified at a series of eleven conferences for representatives of consumer-based organizations, especially those representing racial/ethnic minorities and low income groups and Federal and state personnel charged with responsibility for the new law's implementation.

Health Services Administration

HSA administers health service programs in many areas. The PHS hospitals and Indian Health Service provide direct service, other programs use grants to reach their target populations.

All of the programs in HSA are required to have consumers on their advisory boards or other policy making group. Several key examples are:

Indian Health Service. One of the major goals of the Indian Health Service is to promote and assist the Indian community in managing and staffing their own health programs. An integral part of this self-determination goal is the concept of consumer evaluation. During calendar year 1974, seven Tribal Evaluation Organization Studies were performed by Indian people themselves through their Tribal Evaluation Organizations. These studies provide both experience and understanding of health delivery systems, and thus, serve as an important avenue to Indian consumers in the management of their own health programs.

Tribal health boards have been established and are functioning at all three administrative levels within the IHS organizational structure (reservation, areawide, national). The Indian health boards advise and recommend to IHS on all matters involving the delivery of health services to Indian and Alaskan Native people.

Health Maintenance Organizations. HMO's must be organized in such a manner that "no later than one year after becoming operational as a qualified Health Maintenance Organization, at least one-third of the membership of the Board of Directors will be members of the organization; that there be equitable representation on the member portion of the policymaking body of members from the medically underserved population in proportion to their enrollment relative to the entire enrollment; and (the HMO) must be organized in such a manner that provides meaningful procedures for hearings and resolving grievances between the Health Maintenance Organization and the Members of the organization."

National Health Service Corps. Consumer participation in the National Health Service Corps (NHSC) is a fundamental element in both the philosophy of program operations and the achievement of program and community goals relative to the improvement of primary health care services in underserved areas of the country. Because of the fact that all NHSC projects are initiated in areas of the country which suffer from critical shortages of health manpower, consumer participation is of necessity required for the successful operation of the program at the national, regional, and community levels. Consumers play a major role from the very beginning of their involvement with the NHSC program. This role begins with the planning and development of the application to the Corps for placement of needed health professionals. The major responsibility for planning and developing a successful primary care practice within a given community rests with the citizens of that community.

Family Planning. PHS regulations require that family planning service projects provide an opportunity for participation by (1) persons broadly representative of all significant elements of the population to be served, and (2) by others in the community who are knowledgeable about community needs in the development, implementation, and evaluation of the project. Over 900 consumers are trained each year to increase their capability to participate as grantee board members.

Bureau of Quality Assurance. The Bureau of Quality Assurance is responsible for assuring that health care services provided under Federal programs are medically necessary and furnished in the most economical manner consistent with professional standards of care. BQA is planning a national symposium to be held in January 1976, which will bring together industry and consumer representatives to discuss the development of standards of care, and patients' rights.

National Institutes of Health

NIH is primarily responsible for biomedical research and development, both intramural and extramural. While the nature of the work done at NIH requires much input from biomedical professionals, there is also a need for contribution from the consumers. Public representatives participate in the guidance of NIH programs through membership on the advisory councils and boards, and on Presidential panels and commissions which address United States biomedical needs and the NIH. The general public is required to be represented on the membership of both the National Cancer Advisory Board and the National Heart and Lung Advisory Council. In addition, non-professionals are represented on eleven other NIH advisory councils.

EDUCATION DIVISION

Consumer Representation Plan

I. STATEMENT OF PURPOSE

The President has announced his support for measures designed to improve the ability of consumers to be heard in the governmental decision-making process. The Education Division of the Department of Health, Education, and Welfare describes herein those activities which are designed to respond to the Presidential objective.

The Education Division is concerned at every level of education—from pre-school programs to adult continuing education activities—about the impact of its programmatic decisions on the

ultimate consumer. Consumers in the field of education appear in a variety of forms, but they almost always are participating in some education process. They may be students or teachers or administrators or planners or they may be parents. They may organize into groups for the purpose of furthering a particular objective. They may be institutions, or makers and purchasers of the large quantities of educational materials used in our schools. They may receive grants or loans now available to large numbers of college and university students. They may be State Legislators, Congressmen, and administrators who are consumers of education policy studies and initiatives. Consumers of education constitute the second largest group of consumers—second only to those Americans who purchase general goods and services in the market place.

II. PRIMARY OPERATING UNITS INVOLVED

The major components of the Education Division are: (a) the Office of the Assistant Secretary for Education and its immediate agencies, the Federal Interagency Committee on Education, the Fund for the Improvement of Postsecondary Education, and the National Center for Education Statistics; (b) the National Institute of Education; and (c) the Office of Education.

A. The Office of the Assistant Secretary for Education is responsible for the general direction and supervision of the Education Division, provides leadership for the education activities of the Department, and provides assistance to each of its agencies with guidance and policy direction in accordance with Federal laws and regulations. In this task the Assistant Secretary is assisted by a Policy Development Staff which develops options for the Federal role in education. This Staff conducts studies for use by Federal, State, and local policy makers.

The HEW Assistant Secretary for Education chairs the Federal Interagency Committee on Education, which represents 30 major Federal agencies and departments administering educational support programs. Its operational organs consist of 11 subcommittees devoted to critical educational issues. One of the most important of these is the Subcommittee on Educational Consumer Protection.

The Fund for the Improvement of Postsecondary Education, a relatively small program modeled on the foundation concept, seeks to encourage reform, improvement and innovation in postsecondary education. The director and a small professional staff report to the Assistant Secretary for Education and are assisted by a Board of Advisors in the determination of funding priorities and a review of proposals. The appointment of a Board of Advisors is stipulated in the Charter for the Fund. Eight of the 15 members must be representative of the public at large rather than be professional educators.

The Fund's entire grant competition is "consumer-oriented" in the broadest definition in that one primary criterion for award is the need to document in proposals the impact of proposed actions on postsecondary learners.

The National Center for Education Statistics has a basic mandate to collect and disseminate data on the condition of American education. NCES, reassigned in 1974 to the Office of the Assistant Secretary for Education, provides technical assistance and information for planning, program development and administration to the Education Division itself, and to State, local, institutional and other Federal decision-makers. The provision of this statistical information is invaluable for the planning and evaluation of educational needs.

B. The National Institute of Education, established under the Education Amendments of 1972, is the Federal research and development agency for improving education in America. NIE seeks to develop improved educational practices and products, and to help States and local education systems identify problems and to develop appropriate solutions. The Institute's research efforts consist of both short-term policy studies and long-term research and development. Efforts by NIE to involve consumers in setting budget and program priorities are detailed in this report.

C. The Office of Education is the largest component of the Education Division, administering approximately 130 legislated programs for all levels and areas of education. The on-going operations of the education system are predominantly a State and local responsibility.

Nevertheless, OE has not only provided for a number of consumer input mechanisms at the State and local level but has increasingly established similar mechanisms in OE itself. Perhaps the largest assemblage of consumers acting as advisors to local programs is found in the requirement that there must be a parent council for each school district that receives funds under Title I of the Elementary and Secondary Education Act. This involves a good majority of the some 20,000 school districts in the Nation.

It should be recognized that each bureau within the Office of Education also has significant responsibilities to the public and endeavors to involve the best thinking of distinguished and concerned citizens in fulfilling its legislated mandate.

III. EXECUTIVE SUMMARY

The Education Division of the Department of Health, Education, and Welfare has a unique responsibility to the American public. Because of this responsibility as well as a moral commitment, interested and concerned citizens have been involved at every level, in every aspect of the Federal education decision-making process. Constant attention is paid to processes by which this involvement may be improved and enlarged.

While full details of the Education Division's plan are contained in the following section, a summary, by agency, shows the following efforts toward inclusion of consumers in the decision-making process:

A. Office of the Assistant Secretary for Education—Special Assistant to the Assistant Secretary for Education. Prepared external affairs plan with emphasis on improved contact with educational organizations as well as further improvement, informing public about input into decision-making process.

Federal Interagency Committee on Education. Instrumental in supporting the Education Commission of the States in developing State legislation for consumer protection. Recently completed a strategy paper reviewing the Federal responsibilities for protecting the educational consumer. Established work groups in the fall of 1975 focusing on mechanisms to deal with educational complaints; appropriate disclosure of information by institutions; improved dissemination of student rights information, etc.

Fund for the Improvement of Postsecondary Education. Grants require analysis of the impact on postsecondary learners. Project on "Better Information for Student Choice," initiated in 1974, receives major attention.

National Center for Education Statistics. Major education associations will be solicited for nominations for the new Advisory Council on Education Statistics.

B. National Institute of Education. While program funds go primarily to educational organizations rather than individual consumers, definite plans for more direct consumer contact are underway. A national council, composed of representatives from outside the Federal Government, serves as a policy-making body for NIE. Regular public sessions of the national council provide a larger forum for input from the general consuming public.

C. Office of Education. Major activities in the consumer area are seen in the following areas. Initiation of the Office of Consumer Education in accordance with P.L. 93-380. Implementa-

tion of new regulations in the Guaranteed Student Loan Program to reduce and eliminate abuses in the program and to the consumer. Strengthening of accreditation standards by the Bureau of Postsecondary Education to insure that students who use Federal grants and loans will not be defrauded by misrepresentation on the part of educational institutions. Maintenance of the complex network of advisory bodies both at the OE level and the local implementation level.

IV. CONSUMER-ORIENTED ACTIVITIES WITHIN THE EDUCATION DIVISION

A. *Office of the Special Assistant for External Affairs to the Assistant Secretary for Education.* The Special Assistant has prepared an external affairs plan for the period of September 1975 through December 1975. Since the external affairs operation covers a variety of complex interactions, the following plan elements have been selected as most directly related to consumer interests: (The numbers are those used in the plan document.)

Overall goal

To insure that the Education Division elicits external input for decision-making and maintains two-way communications with its constituents regarding its policies and practices.

Objective #2: Improve on-going relationship with external organizations.

Action steps

3. Begin development of a better system of informing organizations about the issuance of regulations, award of grants and contracts and better solicitation of requests for proposals.

4. Identify key points during the development of policy, regulations, etc., where external input is useful.

Objective #3: Develop a better informational system with the Education Division.

Action steps

2. Provide periodic review of mailing lists.

3. Devise orderly system of giving feedback from external organizations to those who handle programmatic activities.

Objective #6: Improve communications with Members of Congress and their staffs.

Action steps

4. Continue series of mailings to Members of Congress regarding additional information on programs such as Basic Education Opportunity Grants and other programs with a particularly heavy constituent demand.

B. *Federal Interagency Committee on Education.* The following is a summary of activities of the Federal Interagency Committee on Education (FICE) which impact on the consumer of education.

1. FICE has a standing Subcommittee on Educational Consumer Protection. Established in 1972, this Subcommittee is chaired by John Proffitt, OE, and includes members from 16 agencies.

Significant activities of this Subcommittee include:

a. Multi-agency support of the Education Commission of the States (ECS) in the development of model legislation for the regulation of vocational proprietary schools. This model legislation was endorsed by ECS and has already been adopted by several States. It is being actively considered for adoption by several additional States.

b. Multi-agency support of two National Invitational Conferences on Educational Consumer Protection organized by the Education Commission of the States. The first of these was held in Denver in March 1974, and the second in Knoxville in November 1974. Reports on outcomes of these conferences, including recommendations for action were published by ECS and widely distributed. Invitees included members of State legislatures, Federal, State and local government officials, school administrators, college and university administrators, as well as members of consumer organizations, student organizations and students.

c. Responding to a charge by the chairman of FICE, the Assistant Secretary for Education, to prepare a strategy paper dealing with the Federal role in educational consumer protection, the Subcommittee completed in the fall of 1974 a study, *Toward a Federal Strategy for Protection of the Consumer of Education.* This study included a review of the Federal agency responsibilities for the consumer of education and some recommended principles and action steps for adoption by Federal agencies in December 1974. Agency heads have indicated strong support for the principles and action steps in the report. The report is now published and available for distribution.

d. Following acceptance of the above report, the FICE Subcommitee on Educational Consumer Protection was charged by its chairman with developing action steps for implementing recommendations of the report.

e. Implementation work groups established during the summer focused on the following: (1) Educational complaint systems; (2) disclosure of information by institutions; (3) student Tuition Insurance mechanisms; (4) improving dissemination of information to students outlining their rights and responsibilities when applying for and receiving a Federally Insured Student Loan, a Guaranteed Student Loan, or VA benefit payments; (5) improvements in review mechanisms to assure consumer related provisions as requirements for institutional eligibility in Federal funding programs; and (6) mechanisms for maintaining linkages between the Federal agencies and appropriate non-Federal groups.

C. *Fund for the Improvement of Postsecondary Education.* 1. The Fund's entire grant competition is "consumer-oriented" in one important respect—a primary criterion for awards is the need to document in proposals the impact of proposed actions on postsecondary learners.

2. In FY '74, the Fund launched one targeted competition which is of particular relevance: a "national project" entitled "Better Information for Student Choice." Fifteen agencies and institutions were selected out of more than 200 applications to develop, over 15 months, an "educational prospectus" which will provide applicants to postsecondary institutions improved information on a range of topics of considerable concern to the consumers of education. A press release documenting range of grantees in this national project will be released from HEW shortly.

3. The Fund continues to rely heavily on its Board of Advisors, eight of whom must be lay members out of a total of 15. The Secretary appoints both the lay and professional members on the basis that they must have a demonstrated interest in higher education activities. One of the members must be a student. The current student member is a third-year law student who has served as a graduate advisor and a tutor in a law tutorial program. The chairman of the Board of Advisors is an Adjunct Professor of Health Policy at a major university.

This Board of Advisors has direct influence on the selection of programs proposed by the Fund for approval.

D. *Office of Education.* A number of activities of the Office of Education should be included in the Division Consumer Representation Plan.

1. An article is planned for a coming issue of "American Education" centering around consumer protection in postsecondary education. Reprints will be distributed by the Edu-

cation Division not only to external organizations but also in conjunction with the Consumer Information Center adjunct to the Office of Consumer Affairs. This will satisfy a long-existing need for mass distribution of key information to students about their rights, responsibilities and protection in student loans.

2. A consumer education program has been initiated by the Office of Consumer Education in accordance with the mandate of Public Law 93-380.

The Consumers' Education legislation under P.L. 93-380 provides a broad charge of "bringing consumer education to the public." The law established a contracts and grants program with a broad funding authority to be administered by the Bureau of Occupational and Adult Education. The rationale for the placement of Consumers' Education in this Bureau was, as expressed to the authorizing and appropriations committees by the Commissioner, "to insure that there would be coordination and little or no duplication between this program and the Part F, Home Economics and Consumer Education section of the Vocational Education Act."

The Office of Education has responded to the legislation by creating an Office of Consumers' Education and appointing a director. The Office reports directly to the Deputy Commissioner for Occupational and Adult Education.

An integrated Consumers' Education program is feasible in the following respects:

a. A direct linkage with the Office of Consumer Affairs of DHEW—both on a continual programmatic level, and with a policy level involving the role of ASE. An example of a programmatic role is the joint Office of Consumer Affairs, Office of Consumers' Education Conference on Consumers' Education planned for early 1976.

b. Linking the research and dissemination efforts and responsibilities of the Consumers' Education legislation with NIE.

c. Supporting and supplementing the Consumer Education efforts of the Part F, Vocational Education Act.

d. Developing a linkage with similar programs in OE as well as DHEW—Metric Education, Indian Education, Environmental Education, Career Education, Administration of the Aging, and several programmatic areas of the Office of Consumer Affairs.

e. Strengthening the emerging role of OE in Consumers' Education with efforts of national consumer organizations.

f. Linking the programmatic efforts of this program with the increasing Federal efforts in consumer information, consumer protection and consumer complaints. This is the only Federally legislated program specifically and directly dealing with consumer education, particularly not only in the education system but in public and private agencies and in non-profit environments.

3. Activities by the Bureau of Postsecondary Education in the area of accreditation have been augmented so that efforts to ascertain that students who use Federal grants and loans will not be defrauded by misrepresentation on the part of the educational institutions are well under way. Criteria have been developed to provide consumer protection features for nationally recognized accrediting agencies and associations.

Overall, the criteria have placed increased emphasis upon responsibility to the public interest and reliability of operations. Specifically, the criteria require:

a. Consideration of the rights, responsibilities, and interests of students, the general public, the academic, professional, or occupational fields involved, and institutions;

b. Inclusion of representatives of the public in its policy and decision-making bodies, or in an advisory or consultative capacity that assures attention by the policy and decision-making bodies;

c. Availability of public information regarding accreditation standards, procedures, accreditation status, date of next review of accredited institutions or programs, names and affiliations of policy and decision-making bodies, name(s) of its principal administrative personnel, description of the ownership, control and type of legal organization of the agency or association;

d. Written procedures for the review of complaints pertaining to institutions or program quality which provide for timely treatment of complaints in a manner that is fair to the complainant and to the institution or program;

e. Capability and willingness to foster ethical practices, including nondiscriminatory practices in admissions and employment, and equitable tuition refunds;

f. Maintenance of a program of evaluation of the validity and realiability of educational standards;

g. Encouragement of experimental and innovative programs to the extent that these are conceived and implemented in a manner which insures the quality and integrity of the institution or program;

h. Accreditation of only those institutions or programs which meet the published standards of the agency or association;

i. Assurance that institutions or programs clearly specify the areas and levels for which accreditation has been received;

j. Securing of information which demonstrates that the institution or program conducts an on-going program of evaluation of outputs;

k. Acceptance throughout the United States of its policies, evaluation methods and decisions by educators, educational institutions, licensing bodies, practitioners, and employers;

l. Regular review of standards, policies, and procedures, in order that the evaluative process shall support constructive analysis, emphasize factors of critical importance, and reflect the educational and training needs of the student;

m. Reflection in the composition of agency policy and decision-making bodies of the community of interests directly affected by the scope of accrediting activities;

n. Demonstration that the agency or association performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution;

o. Demonstration that the agency or association provides in its operation against conflict of interest in the rendering of judgments and decisions;

p. Provision of advance notice of proposed or revised standards to all persons, institutions, and organizations significantly affected by its accrediting process, and provision of adequate opportunity to comment on such standards prior to their adoption.

4. The implementation of new regulations by the Guaranteed Student Loan Program.

The Office of Guaranteed Student Loans, through the Federal Insured Student Loan Program (FISLP), is protecting the student borrower as a consumer with a number of new regulatory provisions. First, participating institutions must establish procedures and records insuring proper and efficient administration of funds received from student loans. Second, each participating institution is required to establish and make known a fair and equitable refund policy for unearned tuition and institutional room and board charges to a student who does not matriculate or complete the period of study for which the loan was obtained. Third, each participating institution must make a good faith effort to present each prospective student with a complete and and accurate statement about the school, its curriculum, faculty, facilities, and, if the course of study is designed to prepare the

student for a particular vocation, trade or career field, data about the average starting salary and the percent of previously enrolled students who were successful in finding positions for which claims to prepare a student for a vocation or career field must establish appropriate admissions criteria to determine if there is a substantial and reasonable basis to conclude that a prospective student has the ability to benefit from such training. Finally, additional standards for evaluating an eligible institution and sanctions for institutional non-compliance have been established to implement the above provisions.

4. Maintenance of the Office of Education Public Advisory Committees. Advisory committees have long been a feature of the operation of OE. They serve to provide public input into the program developments within OE by reacting to proposals, making recommendations for change and improvement in programs and by calling attention to educational needs. OE views the effective functioning of these committees to be vital for the operation of OE programs.

Constant vigilance by the Committee Management Staff is necessary to see that memberships are up to date, that proper notices and information are given to the committees, and the committees serve to represent a diversity of viewpoints. Special attention is now being given to providing for this diversity. Care is taken to see that minorities, women and students have membership. While advisory committees are appointed either by the President or the Secretary, most recommendations for membership come from the Commissioner assisted by his staff. The Commissioner is especially concerned that the committees be largely public in constitution as contrasted with a solely professional membership.

The present array of committees is as follows:

By Presidential appointment:

- National Advisory Council on Adult Education
- National Advisory Council on the Education of Disadvantaged Children
- National Advisory Council on Education Professions Development
- National Advisory Council on Equality of Educational Opportunity
- National Advisory Council on Extension and Continuing Education
- National Advisory Council on Indian Education
- National Advisory Council on Quality in Education
- National Advisory Council on Vocational Education
- National Council on Women's Educational Programs

By Secretarial appointment:

- Advisory Committee on Accreditation and Institutional Eligibility
- *Advisory Committee on Education of Bilingual Children
- *National Advisory Council on Bilingual Education
- National Advisory Council for Career Education
- Community Education Advisory Council
- Advisory Council on Developing Institutions
- Advisory Council on Environmental Education
- National Advisory Council of Ethnic Heritage Studies
- Advisory Council on Financial Aid to Students
- National Advisory Committee on the Handicapped

5. Continuation of the Provisions for Public Comment on Proposed Rules and Regulations. All proposed rules and regulations of OE contain provisions for public comment. For legislation approved during the period 1965–72, public hearings are mandatory. For legislation since that time, public hearings are called at the option of the Bureau responsible for the particular program. This option is often used. This rule making process is coordinated by the Rules and Regulations Staff within OE.

This Staff seeks to maximize the opportunity for comment but in many instances time restraints are encountered. Typically, 30 days are allowed, but it is felt that up to 60 days would be helpful for more complex and comprehensive legislation.

All proposed rules and regulations appear in the *Federal Register*. In many instances, the publication of OE, "American Education," carries summary notices of pending program considerations as well as information about application procedures, grant awards, and statistical data about grants. "Education Daily" also carries notices of proposed rules and regulations.

The restrictions covering the rule making process don't always provide for the widest consumer input. There is a Secretarial edict that no advance notice be given to proposed rules. The first mention, therefore, is the publication in the *Federal Register*. The purpose of the Secretary's restriction is to eliminate favoritism which might occur if some organizations and/or individuals had advance notice while others did not. However, program officers are encouraged to discuss the issues inherent in the regulations in general items with interested parties prior to the actual formulation of the regulations.

In nearly all instance a Bureau has to take timely action in order to see that the program is established. This often prohibits longer periods of time in which comments may be received. (Very recently, the question of the amount of time allowed for replies has been raised by the Secretary. The reply by OE will attempt to define the different reply time requirement for different types of legislation.)

There is concern within the Rules and Regulations Staff that responses are often meager, i.e. a handful of written replies. The largest response, some 300 letters, were received with respect to the Vocational Education Act—Title I but this was exceptional.

6. On August 26, 1975, the Commissioner established an OE Task Force on Implementing the Consumer Protection Strategies recommended in the FICE report discussed elsewhere in this document. The committee's mission is to coordinate all strategies pertaining to the financial needs of students in higher education in terms developed by the FICE committee.

7. The Office of Education receives more than 120,000 mail and telephone inquiries each year. In order to respond quickly and accurately to this volume of requests, the Information and Materials Branch sees that requests are routed to the responsible officials within OE and then follows through by use of a monitoring system so that a reply is given in two weeks in most instances. Most correspondence, of course, is routine but it is estimated that some 20,000 letters deal with matters of substance. The various offices in OE are informed monthly about the status of their replies to members of the public.

E. *National Institute of Education.* Most of the National Institute of Education's program money is used for grants and contracts with various educational organizations (colleges, universities, research institutes and professional associations) to conduct research, development, dissemination and evaluation projects related to education.

The Institute does have a general policy-making body, the National Council on Educational Research, which consists of 15 citizens appointed by the President and confirmed by the Senate. This group provides a type of consumer representation for the agency, since its members are individuals from outside the Federal Government who do engage in policy decision-making and provide a mechanism for transmitting information from the public to the Institute. Moreover, the National Council holds

* Membership is identical for both.

regular public sessions at which representatives of various education groups and the general public are given the opportunity to address the Council and to hear the discussions of the Council.

The Council gives prior public notice of its meeting dates, places, agenda; releases to the public the approved minutes of the meetings, as well as resolutions, policy papers and reports; and expects NIE staff members to solicit public opinion as part of the normal program planning process and to reflect this opinion in material presented to the Council (NCER Resolution No. 013074–8).

The present director of NIE has made it a policy to visit personally with many of the organizations and associations involved in or concerned with educational research, "to try to develop some kind of coalition of organizations dealing with education." This plus letters and visits from interested individuals and groups provides a considerable amount of input for the agency.

NIE has sponsored several special conferences in which teachers, school administrators, and researchers have been invited to participate and share their views on research related to reading, teaching, and bilingual education.

Organizations and individuals have been invited to respond to NIE's program plans. Several booklets on particular NIE programs have been published and widely distributed in order to get feedback and input. The responses have been used to modify or redirect some of these plans. Program plans have been announced in the *Federal Register* to solicit comments from the public. One of the programs in NIE held debriefing sessions with losers of a recent competition in order to explain the selection process, to get comments, and to outline this year's program.

There are several programs which indirectly impact on the market place such as ERIC (Educational Resources Information Center), and the Publishers Alert Service. In the case of the ERIC program some of its contractors deal with the market place. The ERIC Document Reproduction Service sells microfiche and paper copy reproductions of research reports. The ERIC Computer Facility sells computer tapes of ERIC generated abstracts and some special spin-off publications. Macmillan Company publishes and markets *Current Index to Journals in Education* and the *Thesaurus of ERIC Descriptors* as well as some specialized ERIC products.

The Publishers Alert Service announces to the publishing industry new educational products generated with NIE/OE research funds. The publishers can elect to publish and market these products under limited copyright with royalties going to the Federal Government.

V. RECOMMENDATIONS

This set of recommendations on behalf of the Education Division must begin with a candid observation. The interest of this agency (and likely most agencies) in responsiveness to the consumer has been a phenomenon (a growing phenomenon) of only recent years. However, the concern for public input into educational decision-making is real with the Education Division. The individuals who contributed to this report invariably stressed their desire that the consumer input mechanisms be improved.

Many of these mechanisms are in place and functionally successful. The practice of using advisory committees, the rule making process, the alerts now given to students who receive funds for postsecondary education, and other mechanisms are not new but today they carry the imprint of concern for the consumer to a much greater degree. Appeals processes have been a part of Federal regulations for years but today they are used more frequently and the consumer may have a better chance of establishing his point of view.

An agency responsible for more than 130 programs is difficult to monitor but the effects of the Division leadership in stressing concern for the consumer can be noted. The resolution (NCER Resolution No. 013074–8) from NIE directing staff members to solicit public opinion as part of the normal program planning process is a prime example of leadership's influence.

In order to insure that mechanisms now in place are improved and that full consideration to further consumer-oriented activities be given, the following recommendations are made.

1. We should consider the establishment of a Consumer Protection Policy Council by the Assistant Secretary with representation from the primary operating units described in Section II. The task of the Council would not be to supplant any existing agency within the Education Division nor to do that agency's work but rather to monitor, stimulate, and recommend policy to the Assistant Secretary and other key officials and to consider appropriate legislative proposals. The FICE report, "Toward a Federal Policy for Protection of the Consumer of Education" should guide the committee in developing an operating policy for the Division.

2. A need exists to sensitize the personnel of the Education Division toward a greater interest in responding to consumer concerns. No surer way can be found to solve a problem than to have competent, interested, and knowledgeable personnel at all levels to carry out the Division's policy directions. The Assistant Secretary will consider ways in which the Presidential objective can become more of a reality. It might be that greater stimulation would occur if each advisory council was apprised of the Consumer Representation Plan and was asked to make recommendations for its respective bureau or agency, similar to the resolution approved by the NIE Advisory Council.

3. The FICE report, "Toward a Federal Strategy for Protection of the Consumer of Education," was endorsed by all participating agencies and the recommendations were strongly supported. It is an invaluable guide to every agency that deals with education in one form or another. The report urges that all Federal agencies consider ways to implement the FICE recommendations. It is strongly recommended that the overall Consumer Representation Plan emphasize the value of the FICE report.

4. A number of legislative proposals to assist the educational consumer are presently under consideration by Congress and the Office of Management and Budget. These proposals range from a process for specific redress of injuries to the more general protective mechanisms for consumers. As the authority for the higher education legislation expires next year, serious attention should be given to the needs of the consumer in this area.

5. An attitude of continuing concern must be established. No single decision or set of decisions will guarantee outcomes stipulated in a consumer representation plan. Much legislation still has to be considered. Consistency of decision-making requires time and coordination. It is the intent of this report to show the efforts within the Education Division for consumer interests which we believe have been substantial. The further purpose of this report is to suggest ways in which these gains can be consolidated and contribute to a greater continuing effort on behalf of the consumer.

SOCIAL AND REHABILITATION SERVICE

Consumer Representation Plan

I. STATEMENT OF PURPOSE

The Social and Rehabilitation Service (SRS) assists States in providing medical, monetary and social services to eligible

Americans most in need. SRS helps persons move from dependency toward self-support and greater independence. In doing so, SRS serves more than 25 million people each year with nearly $15 billion in Federal funds, together with $10 billion in State and local funds. To carry out its mission successfully, SRS works closely with State and local governments and private and voluntary agencies.

In keeping wtih the President's commitment to involve consumers in the Government's decision-making process, the Social and Rehabilitation Service has developed a consumer representation plan which assures the participation of beneficiaries in the development of policy and regulations governing Federal-State programs of medical assistance, cash payments assistance and social services.

II. PRIMARY OPERATING UNITS INVOLVED

As stated above, the mission of SRS is to provide assistance to people in need through the awarding of grants to the States in support of the Federal-State cash assistance, medical assistance and social services programs. This responsibility is administered through three major SRS operational units:

The Assistance Payments Administration—responsible for the cash assistance program, aid to families with dependent children (AFDC), in all States; and for the "adult" programs (i.e. old age assistance, OAA, aid to the blind, AB, and aid to the permanently and totally disabled, APTD) in Guam, Puerto Rico and the Virgin Islands.

The Medical Services Administration—responsible for the medical assistance program (Medicaid) in 49 States (all but Arizona), the District of Columbia, Guam, Puerto Rico and the Virgin Islands.

The Community Services Administration—responsible for the social services programs for eligible families, children, and aged and handicapped individuals.

Additionally, the *Office of the Administrator*, SRS, is an operational unit that provides management, fiscal and research support for the public assistance programs.

Since the three major SRS programs are closely related, i.e. medical assistance and social services benefits are generally tied to eligibility for cash assistance, SRS has established one, all-inclusive, consumer representation plan.

III. EXECUTIVE SUMMARY

The SRS Consumer Representation Plan provides for the systematic participation of program beneficiaries, or consumers, at every level in the development of final program regulations. Prior to the publication of "proposed" regulations, consumer groups and individuals are invited to become involved in and to submit input to the planning process through their participation at meetings and consultations with SRS officials. The subsequent publication of a proposed regulation always includes the solicitation of public comments, which are reviewed, analyzed and seriously considered before decisions are made resulting in the promulgation of "final" regulations. After the issuance of final regulations, consumer interests and comments continue to be received, reviewed and taken into consideration as the regulation implementation process develops.

A sophisticated, computerized tracking and control system assures that every comment to a proposed regulation is, in fact, reviewed and every consumer who writes to the Social and Rehabilitation Service receives an expeditious reply. The consumer knows that his letter has been received in the proper office and that his comments are being considered. The same control system assures that consumer complaints or comments received after publication of a final regulation are reviewed and considered.

A survey of recently published agency regulations was made to evaluate the degree to which consumer views affected the development of agency policy.

IV. AGENCY PLAN

A. Information input

1. SRS seeks consumer input in the early stages of policy development through contact with public interest groups, national organizations, State and local representatives, in the development of proposed regulations. Examples of this include recent regulations on:

a. *Child Support Enforcement.* Title IV–D of the Social Security Act was passed by the Congress in January 1975. Its purpose is to enforce the support obligations owed by absent parents to their children, to locate absent parents, establish paternity and obtain child support. Implementing final regulations became effective on July 1, 1975.

Final regulations were decided upon by the Department only after lengthy consultations with representatives of the National Council of State Welfare Administrators, the American Association of Public Welfare Attorneys, the National District Attorneys' Association and other interested groups and the drafting of a set of proposed regulations. These were published in the Federal Register and public comments were invited, which in turn were reviewd, analyzed, considered and utilized in the final decision making process.

b. *Title XX.* Title XX of the Social Security Act became law on January 4, 1975. Its purpose is to provide social services to children and families (AFDC), the aged, blind, and handicapped and other needy people such as childless couples, singles, intact families and neglected or abused indiviuals, the latter without reference to program eligibility. The title separates social services from income maintenance, as formerly provided under titles IV–A and VI of the Act, and broadens the populations served and programs offered as determined by the individual States according to their local needs.

Consumer groups and other interested parties were consulted by SRS officials in the development of the proposed regulations, including the American Public Welfare Association (APWA), National Governors Conference, National Association of Social Workers, Child Welfare League, Black Child Development Association, and others.

c. *Various Medicaid Provisions.* Examples are as follows:

Regulations designed to increase the availability of home health services for Medicaid patients and permit more health care organizations to provide them;

Regulations providing for one percent penalties imposed upon States which fail to implement the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program for low-income children (i.e., one percent of the State's Federal share of costs under the AFDC program for each quarter of inadequate performance);

Regulations to reduce the cost of prescription drugs to the Medicaid (and Medicare) program, and to consumers, by the establishment of maximum allowable costs (MAC) without reducing the quality or availability of medical care and prescription drugs under the program;

Revision of regulations that guide hospitals and other facilities in reviewing the admission and treatment of Medicaid (and Medicare) patients to prevent Federal funding of unnecessary admissions and inappropriate medical procedures;

Regulations that authorize the inclusion under Medicaid of care in Intermediate Care Facilities, including public

institutions for the mentally retarded or persons with related conditions and establish standards for these facilities;

Regulations governing allowable copayment, deductible or coinsurance charges which may be imposed on Medicaid recipients and limitations on enrollment fee charges or premiums which may be imposed, at State option, on the medically needy;

Regulations revising the existing requirements for utilization review and establishing specific requirements for review of inpatient hospital and other institutional services.

The above-mentioned Medicaid regulations are viewed by SRS as having an impact on the consumer of Medicaid services since, in general, these affect the consumer directly, as in amount, duration, and scope of services and cost-sharing, or indirectly, as in actions that limit or expand the accessibility or availability of sources of care. Accordingly, prior to the development of proposed regulations, consumer groups were invited to consult with SRS officials and to provide significant input. Such groups are the National Welfare Rights Organization (NWRO), APWA, National Health Law Project (a legal rights group in Los Angeles), State ombudsmen, and the Accreditation Council for Facilities for the Mentally Retarded.

2. The above-mentioned portion of the SRS Consumer Representation Plan, i.e., the early involvement of interested consumer groups in the development of regulations through participation in meetings and consultations, may be considered herein as "an existing mechanism." In recent months, SRS has designated an opportunity for a "future plan mechanism" and has initiated its implementation. Reference is made to the circulation of proposed regulations in draft form to States and appropriate consumer groups before their publication in the FEDERAL REGISTER as proposed regulations.

Examples of recent implementation of this procedure are:

a. Title XX proposed regulations

b. Child Support Enforcement proposed regulations

c. Medicaid proposed regulations concerning the care of the mentally retarded or persons with related conditions in Intermediate Care Facilities

3. In addition to the publication of all proposed regulations in the FEDERAL REGISTER, several thousand copies of the proposed regulation (depending on interest in the subject matter) are sent to public interest groups, legal aid societies, interested individuals, applicable professional societies (medical, dental, etc.), national organizations and associations.

4. Notices of Proposed Rulemaking which have measurable impact upon consumer interests are accompanied by a press release. Press releases are sent to all major newspapers, television and radio stations, national organizations, professional societies, etc. Many comments received in SRS in response to published proposed regulations have been received from individuals who have learned of the regulations through local newspapers. Recent examples: family planning (abortion) and "strikers" regulations.

Additionally, SRS has initiated special mailings of background materials, fact sheets and the like, whenever proposed regulations are expected to impact upon large numbers of consumers.

5. A listing of 1600 potential addressees is maintained by SRS. Mailing lists are grouped within identifiable "audience" headings and within each of these groups, are listed by individual addressees. The mailing lists are effectively used for contacting the individuals and groups mentioned above in paragraphs 2, 3 and 4. Examples of "audience headings" are:

a. Member Agencies—Council of Social Agencies

b. Member Agencies—Child Welfare League of America

c. Member Agencies—Family Services Association of America

d. Graduate Schools of Social Work

e. Undergraduate Schools of Social Work

f. Individuals, Organizations, Others

g. Miscellaneous Audience Outside Government

h. Nursing Homes

i. Editors of Publications

j. Television Stations

6. A recent opportunity for a "future mechanism" of the SRS plan was introduced with the title XX program. SRS stipulated in the implementing regulations that each individual State's proposed plan for social services for its residents must be announced in newspaper ads throughout the State. The message had to be delivered in a prominent display advertisement in the general news section of the paper and briefly describe the State's services program, the kinds of people to whom services would be offered, criteria for eligibility for services, the amount of Federal allotment for the program year, how much of it the State planned to spend along with its own money and that of local communities, and where a detailed summary of the plan could be obtained at local public offices or obtained by calling a toll-free number. Most important, the ad had to include a solicitation of public comment on the plan for a period of 45 days. Following the comment period, the final services plan had to be published in a display ad which explained differences, if any, between the proposed and final service plan.

7. New programs which affect many citizens throughout the country are introduced by briefings or public meetings, as appropriate, in selected cities. The title XX program and the Child Support Enforcement program are recent examples. SRS officials are aware, that, although the national interest groups and State agencies that had participated in developing the new law and regulations would keep their constituencies informed in areas of their special concern, these groups could not be considered responsible for making the overall Federal law known to the public at large. This was—and remains—a Federal responsibility. Accordingly, SRS officials arranged and participated in meetings throughout the United States for a period of several months to explain the new programs.

8. The interests and concerns of consumers of SRS programs are also considered directly, as required by Executive Order, through the requirement that environmental and inflationary aspects of any new regulation must be considered and addressed before the publication of proposed regulations.

9. All public comment letters received in response to publication of proposed rulemaking are answered and considered before the development of final regulations. When there is sufficient public interest, the public comment period is extended to allow additional time for consumer input.

10. Consumer comment letters are accepted as significant contributions to the development of final regulations. SRS program officials review, analyze and sort comments by consumer groups. The analyses frequently result in substantive differences between proposed and final regulations. A detailed analysis of the comments is included in the preamble to the final regulations. Specific examples of proposed regulations which were changed in final as a result of consumer comments are:

a. Title XX: Examples:

Proposed Regulation: No provision for meals in child day care centers, senior citizen centers and the home.

Final Regulation: In response to 3,700 letters received, provision was included which makes it possible to provide meals in child day care centers and in senior citizen centers, and permits home-delivered and congregate meals.

Proposed Regulation: With respect to child day care centers and group day care homes, one adult was required to three children under 18 months.

Final Regulation: One adult required for four children under 3 (6 weeks to 36 months).

Proposed Regulation: Training costs for students preparing for employment in title XX programs excluded.

Final Regulation: Training costs—with specified controls—included.

In all, more than 25 sections of the proposed regulation were revised in response to public comments.

b. Medicaid Regulation: Eligibility of Intermediate Care Facilities for the Mentally Retarded in the Medicaid program.

Proposed Regulation: Standards for Residential Facilities were lower than JCAH standards for the purpose of enabling large numbers of existing facilities to participate.

Final Regulation: Standards equivalent to JCAH Standards.

Reasons: (1) Comments received from consumer-oriented organizations, such as the National Association for Retarded Citizens. (2) A landmark Alabama case Wyatt v. Stickney decreed standards equivalent to JCAH standards.

11. Final regulations may be amended as a result of letters received from consumers (other than comment letters concerning proposed regulations). Thus, such letters are used as additional policy input. A recent example is the final regulation on "Payment for Reserve Beds in Long Term Care Facilities." (Medicaid).

An interim regulation on the above subject was issued on June 19, 1974, as a revision of 45 CFR 250.30 to specify the condition under which FFP would be available in State payments to reserve a bed in a long-term care facility for recipients undergoing hospitalization or on therapeutic home visits. Although issued as an interim regulation, it became effective as of the date of issuance and limited FFP for periods of up to 15 days for hospitalization for an acute condition and up to 3 days for therapeutically indicated home visits.

Comments received, among others, from one State Ombudsman Project and two national organizations raised issue with the restriction on home visits unless they were part of a plan of deinstitutionalization and also questioned whether the limitations of 15 days and 3 days represented total annual reserves. As a result, a revised regulation was issued December 17, 1974, to be effective retroactive to November 25, 1974, broadening these areas of concern. Hospital stays, involving the reservation of beds in long term care facilities, were covered up to 15 days per individual hospitalization. Home visits did not have to be part of a plan of deinstitutionalization but only had to be provided for in the patient's plan of care, and 6 home visits of up to 3 days each could be covered in any 12 month period. In addition, home visits for residents of Intermediate Care Facilities for the Mentally Retarded were excluded from any limitations. Because some States had special rehabilitation summer camp programs, States were authorized to request special limits for recipients involved in these programs.

Considerable correspondence has been received from States and the general public taking issue with the remaining limitations on home visits, primarily because it is felt that 3 days may not be sufficient where extensive travel is involved. Accordingly, a further revision of the regulation is currently in clearance removing limitations on individual home visits but retaining the limit of 18 days per year.

B. Information output

Other ways in which consumers are kept informed or participate in the decisionmaking process include:

1. Every quarter a revised listing of all current SRS policy issuances is sent to State agencies, public interest groups, legal aid societies, and interested individuals.

2. Information Memoranda on numerous issues are prepared, as necessary, and sent to a potential consumer audience of 2500 to 3000. In addition to SRS Central and Regional Office staffs, memoranda are forwarded to: (a) State Administrators for use in their consumer education programs; and (b) Individuals and groups as listed in A-5 above.

3. SRS plans to publish all requests for research and demonstration (R & D) projects in the *Federal Register*. All requests for contracts are presently published in the *Commerce Business Daily*. Examples of the types of R & D projects approved by SRS are: (a) The development and demonstration of feasible alternatives and models of non-institutional long term care; (b) a research project to develop technical informational materials related to physical and developmental screening, preventive care and related areas, focused on strengthening Periodic Screening, Diagnosis and Treatment at the State and local levels; and (c) similar research and demonstration projects in the areas of child day care centers, home health services, meals-on-wheels, etc.

4. As part of the evaluation strategy of the agency, evaluation contracts often require contractors to conduct recipient surveys to evaluate the impact and effectiveness of SRS related services.

5. The National Welfare Rights Organization reviews all SRS Section 1115 demonstration projects. The Section 1115 projects are experimental, pilot, or demonstration projects which, in the judgment of the HEW Secretary, are likely to assist in promoting the objectives of the Federal-State programs of medical assistance, cash assistance and social services.

6. Citizens whose applications for Aid to Families with Dependent Children, Work Incentive program or Medicaid benefits are denied for any reason may request a fair hearing.

V. SRS WILL CONTINUE ITS PRESENT PRACTICE OF INVOLVING CONSUMERS IN THE DECISIONMAKING PROCESS AND BEING RESPONSIVE TO THEIR COMPLAINTS/INQUIRIES

SRS will encourage States and local officials to continue consumer education programs (e.g. home financial management) and consumer information efforts by assuring that they are included as essential parts of Federal regulations. As mentioned above, this was done in the title XX regulations.

SRS has pledged that every effort will be made to improve the content of Federal regulations, issuances and preambles so that consumers will better understand them.

Addenda

Consumer interests are served by several programs initiated and/or administered by the Office of the Administrator, SRS. These programs, not mentioned above in the body of the SRS Consumer Representation Plan, nevertheless, constitute an important part of the plan since their objective is to better target resources and make the most effective use of tax dollars on behalf of both consumers and taxpayers.

1. *Quality Control of AFDC.* New quality control regulations and intensive Federal monitoring showed 1973–74 AFDC errors in 37.9 percent of the cases, costing $1 billion annually. A major corrective action effort began January 1, 1974, and continues at the present time. Its target is an interim tolerance level of 3 percent for ineligibility and 5 percent for overpayment and underpayment errors. The purpose of quality control is primarily to insure that aid goes, in the correct amounts, to eligible consumers. The potential effect on welfare costs is the better utilization or savings of almost $1 billion annually.

2. *Work Incentive Program* (WIN). SRS shares responsibility for WIN with the Labor Department. WIN assists AFDC consumers find jobs and become self-supporting. In the last two year period, WIN placed ½ million persons in jobs. The program is being improved by giving States more authority and responsibility to train and place recipient consumers in jobs.

3. *Medicaid Utilization Review and Control.* The program objectives are to improve overall quality of care on behalf of consumers, to assure that patients receive the kind of care they need, and to provide for the more effective use of funds. Congress mandated this program with financial sanctions against States that do not develop effective control systems.

SRS also plans to combat provider abuses and fraud, which appear to be widespread and varied. SRS is presently reviewing volume medical and drug providers, nursing home charges, charges for services not provided and other factors for possible abuse and fraud.

Legislatively mandated PSROs (Professional Standards Review Organizations) will eventually coordinate or take over the utilization control functions for Medicaid agencies. The potential effect on health care costs of the Utilization Review—PSRO programs will be substantial, for Medicaid is the largest SRS program both in number of persons and in dollars.

4. *Early and Periodic Screening, Diagnosis and Treatment of Children Under 21.* (EPSDT). Not specifically administered by the Office of the Administrator, this program is the responsibility of the Medical Services Administration. It is closely monitored by the Administrator, SRS, because of its importance, complexity and impact upon the consumer population. EPSDT is the largest program for poor children ever undertaken, designed to save 13 million Medicaid-eligible poor children from handicapping conditions that lead to chronic and disabling ailments. Consumer interests are at the heart of this program since children comprise 50 percent of Medicaid patients but in recent years accounted for only 21 percent of Medicaid expenditures. To date, it is estimated that more than 5,000,000 children have been screened and treated as appropriate. It is anticipated that the numbers of children screened and treated will increase more rapidly as State screening systems gear up to full capacity.

SOCIAL SECURITY ADMINISTRATION

Consumer Representation Plan

I. STATEMENT OF PURPOSE

The Social Security Administration is responsible for administering a contributory social insurance program protecting nine out of ten workers against the risk of loss of income to the worker and his family because of retirement, disability or death; a health insurance program for people age 65 and over and certain disabled under age 65; and a federally financed program of assistance to the needy aged, blind and disabled. In bringing the programs to the public, the consumer, the agency strives to achieve the highest possible degree of accuracy, equity and uniformity in the application of the laws, formation of policy, promulgation of rules and regulations, and dissemination of information. Informing the public of program rights and responsibilities is a significant part of administering the programs, as is specific knowledge of program impact on the public. A consumer representation plan must aid and abet agency responsibilities and objectives by developing ways of strengthening the communications processes by which the consumer is completely informed about rights and responsibilities, as well as the processes through which the concerns, complaints, problems and suggestions of the public are communicated to units of the organization which will be as responsive as possible in translating these concerns into agency action.

II. PRIMARY OPERATING UNITS INVOLVED

Three major organizational units have the most significant impact on the consumer.

1. The Office of Program Operations, responsible for administration of the cash benefit programs through a network of district and branch offices which deal directly with the public, organized in ten regions, each under a Regional Commissioner. Its headquarters components include three program bureaus responsible for developing national operating and service standards for the programs; Bureau of Retirement and Survivors Insurance, Bureau of Disability Insurance, and the Bureau of Supplemental Security Income (for the needy aged, blind and disabled); and the Bureau of Data Processing which maintains centralized computerized records.

2. Office of Program Policy and Planning, responsible for the formulation of policies and promulgation of rules and regulations for the cash benefit programs.

3. Bureau of Health Insurance, responsible for administration, formulation of policies, promulgation of rules and regulations for the Medicare health insurance program against the costs of hospital and medical care.

The plan which follows represents a composite of all SSA components as separate plans are not practicable due to the organizational structure.

III. EXECUTIVE SUMMARY

The Social Security Administration has traditionally recognized the value of consumer participation in the administration of its programs and has provided for this participation in a variety of ways. The plan proposed contemplates a strengthening of present efforts and development of additional methods. These involve intensification and improvement of all informational programs, making greater use of organizations and groups having consumer concerns, assuring prompt and accurate processing of consumer communications, greater use of public or other published surveys and other media which promote and assure positive consumer participation. It contemplates an outflow of information to the public in the form of communications to consumers on issues and decisions, both in the formative and final stages; opening and maintaining additional channels of communication from the public; increased emphasis on response and reaction to consumer comments, complaints, and concerns; and an indepth public information program designed to educate and inform the consumer.

IV. AGENCY PLAN

A. Information input

1. Policy advisory and program planning—Consumer participation is accomplished in several ways, including:

a. Publication in FEDERAL REGISTER—this method is used to allow and encourage consumer participation. All proposed regulations are published in the FEDERAL REGISTER. Interested persons are given 30 days in which to make their views known. Input usually is made by organizations and groups having a particular interest or expertise in the subject matter and, to a very limited degree, by individuals.

As an illustration, proposed regulations dealing with Medicare have elicited comments from nursing home associations, AMA, nurses, and other medically-oriented groups. Regulations relating to the supplemental security income program have elicited comments from, among others, welfare-rights organizations, State agencies, and private individuals. Each comment is analyzed and answered in writing. Consideration is given each comment in the promulgation of the final regulation.

Efforts must be made to effect simplification of language in future, as well as, existing regulations. Public comprehension can be improved through a more definitive and explanatory discussion in the preamble and descriptive analysis of all comments.

b. Meetings and conferences with organizations and groups having consumer interests are used to obtain public attitudes, concerns and recommendations. For example, a meeting was held with top-level representatives of organizations concerned with the welfare of beneficiaries to explore their reaction to the affect on recipients of mailing social security monthly checks on a staggered basis. A yearly meeting has been held for sometime attended by outside national leaders in the social insurance field who have specific interest in the development and future direction of the program in providing income security to the public. A broad spectrum of the public is represented. Included are labor groups, such as A.F. of L. and CIO, universities, and government agencies.

Greater use will be made of these meetings—extend the contacts and build up an on-going exchange of source material and dialogue essential to the accomplishment of mutual concerns.

c. Advisory groups—the Social Security Advisory Council, appointed by the Secretary, has been an excellent source for program improvement. Generally, it provides universal consumer representation—and can form a valuable basis for program improvement through legislative recommendations. An equally persuasive advisory group is the Health Insurance Benefits Advisory Council. This group, established by title XVIII, Section 1867 of the Social Security Act, as amended, includes persons who are outstanding in fields related to hospital, medical, and other health activities, persons who are representative of organizations and associations of professional personnel in the field of medicine, and at least one person who is representative of the general public. Another is a Medical Advisory Committee which develops medical criteria for use in administering the disability insurance program and makes recommendations regarding examinations, treatment, and modifications in the program.

2. Evaluation of existing and proposed programs—Source material is derived from public criticisms, analyses of existing policies and programs, suggestions, individual appeals, civil action, etc. It comes in the form of personal and group correspondence, articles in newsletters and the magazines of consumer groups, personal confrontations, and court rulings. Considerable consumer representation is derived from these various sources.

We recommend that we make full use of all evaluations of whatever source in testing the validity of existing programs.

a. Correspondence—consumer participation is evident in the volume of mail received at SSA headquarters and at the various field installations. Inquiries are tabulated, analyzed and forwarded to the appropriate component for consideration and action.

Close attention must be given to criticisms of the program—particularly to any dramatic change in emphasis. A flurry of letters voicing concern or opposition to an agency policy or practice is given immedicate attention by the agency, with corrective action taken where indicated.

b. Personal and group contacts—personal and group contacts are made centrally and in the field. These contacts may be made as the result of invitations or stimulated by SSA personnel. They serve as a valuable source of dissemination of information, explanation of the programs, and the receiving of criticism and suggestions for improvement. Illustrative of the impact of public concern: a policy initiated early in the implementation of the SSI program related to the extent of land ownership which would disqualify an individual because his home and land appertaining to it exceeded a certain value. This restricted eligibility of farm owners. As a result of public protest showing the inequity, the policy was subsequently liberalized.

Efforts in this direction should be intensified. In the field, pressure of work over the past year or so has somewhat curtailed this function.

c. Organization Liaison—SSA maintains liaison with those organizations which have a professional or consumer interest in the various programs that are administered by this agency. With some groups, this liaison is in the form of public information exchange. With others, SSA has permanent representatives who hold membership in good standing in the groups, including national board memberships in the American Public Welfare Association, National Conference of Social Welfare, and American Foundation for the Blind. These representatives bring back to SSA the criticisms, suggestions, and recommendations of the particular group. Regular meetings with national organizations of consumer representatives are held bi-monthly to exchange information, discuss proposed programs and projects and to obtain suggestions and recommendations for implementation. During the fiscal year ending June 30, 1975, more than 150 formally organized meetings were held at the central office level with national and regional organizations. Many of these meetings were initiated and planned by the Social Security Administration staff to facilitate dialogue about development of the supplemental security income program for the purpose of achieving a two-way flow of communications. "External" concerns were reported to internal (SSA) program policy planners and SSA's rationale and planning activities affecting consumers were communicated to them by their representatives. Many other meetings were held in the various local communities. These meetings included those initiated by SSA and held on social security premises as well as those external meetings at which SSA was invited to participate. The following are representative (and are listed only as examples) of the many different organizations involved:

1. National Council of Organizations for Children and Youth
2. National Federation of the Blind
3. National Caucus of the Black Aged
4. National Association of Retarded Citizens
5. American Public Welfare Association
6. National Association of Social Workers
7. National Senior Citizens Law Center
8. National Council of Senior Citizens
9. Blinded Veterans Association
10. National Urban League

d. Organization conventions—national organizations periodically convene local, regional, and national conventions at which SSA is given opportunities to participate. Frequently, SSA exhibits are erected and manned by trained employees for the purpose of responding to inquiries and accepting suggestions throughout the period of the convention. In addition, thousands of pieces of informational literature are distributed at these conventions. SSA representatives may also be asked to take a formal role in making a presentation, or in being available as a resource person to respond to questions and concerns, which are reported back to the agency for appropriate action or for informational purposes.

Recently the National Council on the Aging held its 25th Annual Conference in Washington, D.C. SSA was an official cosponsor of the meeting. An exhibit was manned by trained SSA personnel for the 3-day meeting. Staff representatives also participated as panel members or resource persons for several of the sessions.

At the recent convention of the National Association for Retarded Citizens in Las Vegas, Nevada, an SSA staff member explained the program and consulted the leaders and members of the group. SSA maintains a listing of scheduled organizational meetings and frequently volunteers to provide speakers or resource personnel if they have not been previously invited.

e. Public surveys—in many instances SSA does not rely on the voluntary comments or suggestions from the public but initiates information-gathering and attitudinal surveys and studies to make sure that the various policies and programs are adequately serving the purpose for which they were intended. A great number of surveys are conducted on a case sampling basis as personal contact is made with the public at the field installations. Other surveys are conducted by professional survey groups under contract. All surveys are conducted to obtain the consumer consensus for planning and improvement purposes.

A recent survey was conducted to measure the clarity with which three alternate versions of a Medicare handbook described the provisions of hospital insurance. SSA wanted to learn about the effects of three basic format patterns for the handbook, and reactions to presentation layout, phrasing key terms, and the form of technical description which best facilitated comprehension. The survey was conducted under contract with National Analysts, a division of Booz, Allen and Hamilton, Inc. A total of 14 groups of 25 each of Medicare beneficiaries were assembled in various cities for discussion of, and the administration of, a quiz on the booklets to determine which version was most effective. The results of the survey resulted in a high quality and more easily understood Medicare handbook with information drawn from the maximum strengths contained in all three versions.

f. Third-party agencies—consume revaluation of SSA programs comes through other agencies which have public contact. State disability offices, welfare departments, health agencies, as well as companion HEW agencies keep SSA informed of public dissatisfaction, program adequacies or deficiencies. An example of this type of cooperation comes from the Administration on Aging. Its Field Liaison Staff regularly transmits to SSA comments and recommendations obtained from their various nationwide public contacts. These agencies also cooperate with SSA in improving service to the public by engaging in joint projects such as SSI-Alert, a national campaign to inform the public of the provisions of supplemental security income.

3. Data transmission—Consumer groups and professional organizations that have access to certain information or statistical data essential to SSA programs provide such information to SSA when it will enhance service to the public. Examples are the social welfare organizations (APWA, National Conference of Social Welfare), advocacy groups (Senior Citizens Law Center, national organizations for the aged, disabled, etc.), and professional specialty groups (AMA, surgeons, psychiatrists, etc.).

4. Consumer correnspondence and complaint handling—the correspondence received centrally by the Office of Public Inquiries is routed throughout the agency; complaints are handled with dispatch. In addition, the inquiries are categorized as to types and periodic reports are made to top management showing an analysis of current public concerns. Significant trends, showing either increased or decreased concerns, are reported weekly. Every benefit program administered by SSA has an appeals procedure with progressive steps from reconsideration at the local level to a hearing before an Administrative Law Judge. The reversals experienced during this process may be the basis for our modifying certain approaches or conclusions. A high percentage of reversals at this level of initial determinations that an individual did not meet the criteria to be considered disabled has resulted in intensive study of this difficult area. The ultimate in the complaint process is civil relief where, unless successful in appeal, SSA conforms its policy and procedures as directed by the court, such as a recent case holding it unconstitutional to deny monthly benefits to a widower with children, but paying a widow under the same conditions.

B. Information output

The Social Security Administration carries out an active public information program. SSA administers economic security programs which the public may claim either as an earned right or where need is established, a supplement to their income. The agency historically has maintained a vigorous program to keep the public informed of its rights and responsibilities under the various social security programs. Based on agency records, persons nearing retirement age are notified of the desirability of making application for any benefits due. While continuous outreach activities relating to all SSA programs are carried on at the national and local levels through publicity of all types, plans are being formed to intensify the information output using all forms of media available. Concentration is scheduled to begin early in 1976.

1. Communications to consumers on issues and decisions—upon the implementation of new programs or new benefit categories or other major changes, the Office of Information issues for public consumption informative leaflets, pamphlets, posters, etc., to increase public awareness. At the national level and on the regional and local levels, newspaper articles, radio, and TV spot announcements and public addresses are presented in proliferation.

Articles in organization newsletters and magazines are used to reach special interest groups with specialized information about SSA affairs. Special leaflets and pamphlets are developed and distributed to groups with special needs, such as physicians, nursing home operators, therapists, etc. Public meetings with special interest groups and the general public are also conducted regularly to keep the public informed. The Office of Information maintains a vast array of public information material in print, on film, tape and disc. These materials are continually updated and reproduced for general, as well as specific, audiences.

2. Feedback to consumers—SSA responds to all correspondence. The Office of Public Inquiries (OPI) exists in order that replies may be made to each piece of correspondence received centrally. When the consumer inquiry is concerned with a particular issue, the affected component provides OPI with an appropriate reply explaining what consideration was or will be given to the comment or suggestion.

When a recommendation comes from an individual who is an expert in his field or from a group with special interest, or from the Congress, the response is usually from the Commissioner or the Secretary. Ocasionally these individuals or groups are singled out for personal contact and further discussion of the issues by high-level decision makers.

3. Consumer education—as stated above, public information materials are being distributed continually to the public in order that people will be made aware of their rights. Meetings with consumer groups, especially national organizations of consumer representatives, and publication of informative articles serve to keep the public aware of SSA affairs.

V. RECOMMENDATIONS

A. Intensify organizational contacts. Make greater use of organizations and groups having consumer concerns. A fruitful source for obtaining consumer representation may be through an expansion of work relationships with organizations and groups having these consumers as a primary concern.

SSA is working with the American Legion Auxiliary (1 million members and 13,000 local posts) on their national project

on Aging. We have provided informational kits for 150 officers and leaders, have volunteered to provide training, and will participate in developing their program that will provide an opportunity for them to work closely with SSA to promote and improve our procedures.

Arrangements have been initiated with the National Interfaith Coalition on Aging (29 major denominations representing 86 million members) to explore ways of making SSA benefits known and available to persons who cannot be reached through the usual informational channels. Also to develop nontechnical brochures that can be more readily understood.

B. Intensify and improve all informational programs. Intensify informational processes with particular emphasis on subject matter and wider distribution of printed materials—simply written—which will inform the public as to the rights and responsibilities and the eligibility requirements of the various programs. Give attention to the use of every available media and source. This will necessitate greater concentration by field installations.

C. Establish a "Speakers Bureau." We are engaged in establishing centrally a Speakers Bureau which will be responsible for providing highly qualified individuals to speak on various aspects of the social security programs. Listings of persons who are experts in the specific areas or knowledgeable on the total programs are being made to establish a similar program regionally with concentrated efforts at the local levels.

D. Ombudsman. Plans are underway to conduct a pilot project in selected locations to test the desirability of making a social security ombudsman available to persons experiencing problems on social security matters. The precise manner in which such individuals may function is being developed for test purposes. It is anticipated presently that such individuals will be highly-qualified social security employees placed in selected district offices to assist persons who believed they were not able to resolve problems through regular channels. In addition to acting as an advocate for the individual, specific concerns and problems requiring study and corrective action will be identified and referred for appropriate attention.

E. Toll-free informational service. Telecommunications has been reasonably successful. It is suggested that consideration be given to the establishment of a toll-free service. Perhaps on a test basis this could be established centrally where there is a source of trained technical personnel. The test, however devised, could be conducted without undue interruption to the flow of ongoing work.

F. Informational newsletter. A new informational service has been initiated to provide current information to organizations interested in social security programs, Medicare and supplemental security income. *Social Security Information Items* (now in its third issue) is used to summarize new legislation, revisions in regulations and policies, changes in processes and other developments directly affecting the consumer public. Approximately 300 organizations are currently receiving the newsletter. This group includes the organizations previously discussed in IV.A.2.c. of this plan.

Organizations are invited to reproduce in their own publications, articles of interest to their membership. Comments and suggestions are solicited to make the letter more useful.

Response thus far has been tremendous. The present distribution is limited. We suggest use of this media can do much towards eliciting consumer participation.

APENDIX A

CONSUMER ADVISORY COUNCIL

Mr. Adolfo G. Alayon
Executive Director
Consumer Action Program
of Bedford-Stuyvesant

Hon. Slade Gordon
Attorney General
State of Washington

Mrs. Linda Lee Graham

Mrs. Camille A. Haney
Consumer Affairs Coordinator
Dept. of Justice, State Capitol

Mrs. Edna DeCoursey Johnson
Director, Consumer Services
Baltimore Urban League

Dr. Stewart M. Lee (new chairman)
Chairman, Dept. of Economics
& Business Administration

Dr. Jean Mayer
Professor, Dept. of Nutrition
Harvard School of Public Health

Mr. George E. Mayers
Assistant Managing Director,
Washington Office
CUNA, Inc.

Mrs. Elly M. Peterson

Dr. Hans B. Thorelli
Professor of Bus. Admin.
Graduate School of Business
Indiana University

Dr. Edward R. Willett
Professor of Finance
College of Business Admin.
Northeastern University

Dr. Robert Lee Wright, Jr.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Proposed Departmental Consumer Representation Plan

Comments on the proposed plans can be submitted to: Office of Policy Development, Policy Development and Research, Attn: Charles Field, Room 8106, Department of Housing and Urban Development, Washington, D.C. 20410, 202–755–5521. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

NOVEMBER 5, 1975.

TABLE OF CONTENTS

I. Executive Summary
II. Background
A. The HUD Consumer Protection Goal and Objectives
B. HUD Involvement in Consumer Related Regulatory Activities
C. Consumers and the Regulatory Process
III. The Departmental Plan
A. The Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions
B. Departmental Wide Consumer Representation Actions
IV. Selected HUD Consumer Protection Programs: Summary Descriptions and Recommended Actions
A. Interstate Land Sales Registration
B. Federal Insurance Administration
C. Real Estate Settlement Procedures Act
D. Mobile Home Construction and Safety Standards
E. Minimum Property Standards
F. Condominiums
G. Lead Based Paint Research

I. EXECUTIVE SUMMARY

One of HUD's five primary national goals is "to assure that the basic rights of consumers are considered and respected in all housing and community development activities." To achieve this goal, HUD policy makers and program managers must design their programs with an understanding of consumer needs. That understanding presupposes that consumers are afforded a reasonable and timely opportunity to communicate their views to decision makers, have access to relevant background information, have a point of access in government that will respond to their questions and complaints, and have a knowledgeable advocate within the agency to represent their views in the decision making process.

Affirmative steps are being taken to assure that consumer needs are understood and considered by HUD policy makers. This plan identifies the actions being taken:

1. HUD has proposed legislation to consolidate its consumer and regulatory functions under an Assistant Secretary for Consumer Affairs and Regulatory Functions. The proposed office will provide a clear access point for consumers, represent consumer interests in Departmental policy making, act as a consumer ombudsman, and seek ways to improve HUD communication with consumers. The creation of a consumer office will not obviate the responsibility of other program offices to be responsive to consumer needs.

2. All program offices will actively solicit consumer and consumer interest group comments on pending policy decisions. The use of the Notice of Advanced Rule Making will be increased, regular meetings between HUD officials and consumer groups will be planned, and a consumer mailing list will be prepared.

3. HUD will establish a consumer complaint and inquiry handling system to expedite handling consumer complaints and information requests. A reporting system will also be developed to provide management with information as to the nature, frequency, and subject of the consumer complaints received.

4. HUD will improve and expand its consumer education materials. For example, decisions will be made as to how best to market test and disseminate the new HUD Home Buyer's Estimator of Monthly Housing Costs, and to evaluate its usefulness to condominium and mobile home purchasers.

5. HUD will establish a procedure for issuing consumer information news releases, and provide information on decisions of consumer interest to GSA and HEW for use in their consumer publications.

Since many of the decisions with the greatest impact on consumers arise from specific program activities, the following additional steps will be undertaken by individual offices within the Department:

1. Participants in Federal Insurance Administration programs will be advised to direct complaints to the Federal Insurance Administrator by a notice or "stuffer" included with their policies or renewal notices.

2. The Office of Interstate Land Sales Registration (OILSR) will continue its consumer education activities, and will explore the feasibility of evaluating the OILSR Property Report to improve its usefulness to purchasers.

3. The HUD booklet, "Settlement Costs," required under the Real Estate Settlement Procedures Act, will be the subject of a large scale market study, which will provide the basis for refining and improving the booklet.

4. The Mobile Home Construction and Safety Standards Program will be operational by June 15, 1976. In addition, guidelines for a consumer pamphlet on mobile home products will be developed, which will include identification of the appropriate mechanism for directing complaints to responsible state officials.

5. HUD will refine its condominium purchaser booklet and explore the possibilities of adding an Estimator of Monthly Costs.

6. FHA minimum property standards will be summraized in simple, readily understandable terms.

II. BACKGROUND

President Ford, in his April 17, 1975 letter to the Congress, stressed the importance of assuring that consumer interests "receive full consideration in all Government actions." The President directed that each agency and department undertake a review of its policies and procedures as they affect consumer representation in agency decision making. This request came at the same time that the Department of Housing and Urban Development (HUD) was examining its own consumer protection and regulatory activities.

A. HUD CONSUMER PROTECTION GOAL AND OBJECTIVES

When HUD specified its goals and objectives for fiscal year 1976, four primary national goals initially emerged: promoting viable communities, providing decent housing, achieving equal opportunity, and effectively coping with natural disasters. Against a background of increasing HUD regulatory and consumer responsibilities, a fifth major national goal also emerged:

To assure that the basic rights of consumers are considered and respected in all housing and community development activities.

This goal encompasses three objectives:

To develop, promulgate, and, to the extent appropriate, assist in the enforcement of meaningful guidelines, standards and regulations that are aimed at protecting consumers against abuses in housing and community development.

To assure, to the extent appropriate, that effective remedies are available to consumers.

To provide for effective communication between HUD and consumers on issues of policy, and to respond in a timely fashion to consumer complaints and information requests.

B. HUD INVOLVEMENT IN CONSUMER RELATED REGULATORY ACTIVITIES

HUD programs impact upon consumers in areas such as real property transactions, minimum property standards, mobile home safety, insurance protection from flood, riot and crime, and research on lead based paint hazard elimination.

Within the past year, significant new consumer and regulatory functions have been assigned to the Department. HUD developed and is implementing mobile home construction and safety standards. The Interstate Land Sales Full Disclosure Act now requires that purchasers be given three business days to consider land offering disclosure statements. The disclosure of settlement costs was made subject to HUD supervision under the Real Estate Settlement Procedures Act of 1974. Consideration is now under way in the Congress concerning a HUD role in formulating uniform Federal disclosure and consumer protection standards for condominium sales, as well as in developing and implementing energy conservation standards for housing construction.

These consumer and regulatory responsibilities require HUD to strike a delicate balance between the needs of the consumer and the needs of the marketplace, since the citizen is both a consumer and producer of housing goods and services. Consumers require protection against abusive private marketplace transactions; yet that protection should not lead to a reduced provision of needed services. For example, families will not enjoy the benefits of new housing if HUD rules and regulations deter builders or bankers from participating in housing construction. Likewise, the regulation of real estate settlements may work against consumers if these requirements are so onerous as to limit mortgage lending. Thus, the need to regulate must be balanced by an awareness that over regulation can disproportionately increase the cost of housing services or decrease their availability, thus limiting the range of consumer choice.

HUD consumer and regulatory functions also require defining the proper Federal and local government roles in protecting consumers. Often the responsibility for consumer protection should remain primarily a local matter while, in other cases, it may properly be a joint undertaking of Federal, State and local governments.

C. CONSUMERS AND THE REGULATORY PROCESS

The careful balances which must be drawn make the process of government regulation of the marketplace exceedingly complex. When consumers have difficulty in dealing with these complex regulatory systems, they lose the ability to influence governmental decisions that directly affect their lives. And, when the consumer interests intended to be served are not conveyed to government decision makers, the regulatory process loses its capacity to weigh the competing needs of consumer and producer. Yet, this breakdown in communication occurs frequently, because governmental regulatory systems are outside the everyday experiences of most citizens. Accordingly, HUD will take steps to provide consumers with greater access to its decision making process.

HUD policy makers and program managers should design their policies and procedures with a clear understanding of the needs of the intended beneficiaries, including consumer and constituent industry groups.

Consumers, as well as other constituent groups, should have reasonable and timely opportunities to communicate their views to program designers and operators.

Consumers should have access to relevant background materials, in order to provide informed comments on proposed policies or regulations.

Knowledgeable advocates of consumer interests, within HUD, should be solicited for views on highly technical issues.

Consumers should be able to contact someone in HUD for a timely answer to their questions or a prompt response to their complaints.

III. THE DEPARTMENTAL PLAN

The HUD consumer representation plan focuses on this need to provide consumers with meaningful access to the decision making process. The plan addressed three basic questions:

First, whether HUD is organizationally structured to respond adequately to the needs of the consumer in discharging its regulatory responsibilities;

Second, whether there has been sufficient consumer involvement in the formulation of HUD policies;

Third, how can specific HUD programs be made more responsive to consumer needs.

A. THE OFFICE OF THE ASSISTANT SECRETARY FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS

Current HUD regulatory responsibilities were examined in order to determine whether consumer needs are adequately addressed. Presently, those regulatory responsibilities are scattered throughout the Department, so that no one office has or feels it has the mandate to provide the comprehensive perspective and coordination required. Nor has there been a clear point of access for consumers. Consequently, the Department has not developed a coherent approach to its goal of protecting consumers in carrying out its regulatory functions.

The Department plans to upgrade and centralize several interrelated regulatory functions by establishing an Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions (CARF). By organizationally integrating consumer and regulatory concerns, the coordination between the two will be improved to the consumer's benefit. Congressional action is pending on HUD's proposal to create the CARF office.

In defining CARF areas of responsibility, primary attention was given to the consolidation and rationalization of existing regulatory functions. CARF's major responsibilities will be to enhance the existing regulatory programs' responsiveness to consumer needs; to serve as a HUD liaison with consumer groups and state and local officials on regulatory issues; and to develop long term policy and program initiatives to ensure that consumer concerns are adequately addressed by the Department as a whole.

The organization of CARF would initially center around four major program areas.

1. *Real Estate Practices.*—This area concerns the relationships between real property buyer and seller, landlord and tenant, or lender and borrower. It would also be concerned with

certain housing consumer service relationships involving property management, contractors, and repair firms. For example, it would include the administration of the Real Estate Settlement Procedures Act, and any new regulatory activities arising from pending condominium legislation. CARF would work to improve consumer housing information services and to assist industry efforts (e.g., by the National Association of Home Builders and National Association of Realtors) to improve private warranty policies for newly purchased residences.

2. *Interstate Land Sales Registration.*—This area would be concerned with providing the public a measure of protection against fraudulent and deceptive land sales operations. It would be responsible for all those operations now administered by the HUD Office of Interstate Land Sales Registration.

3. *Technical Standards and Code Enforcement.*—Initially, emphasis would be placed on implementing the new Departmental responsibilities, under Title VI of the Housing and Community Development Act of 1974, to develop and enforce mobile home safety and durability standards and to strengthen the capacity of state and local governments to protect mobile home users. Though promulgation of the mobile home standards and guidelines, the monitoring of industry compliance, and the provision of consumer information services, the office would ensure that a major segment of the Nation's housing consumers are afforded safe and desirable shelter. This group would also be responsible for implementation of the proposed energy conservation standards, if enacted by Congress, and supporting efforts to upgrade local building and housing codes, as appropriate.

4. *Program Development and Liaison.*—The CARF Office would undertake evaluations of consumer related housing issues, such as the interplay of governmental regulatory systems in housing and community development and the impact they have upon consumers.

Another important CARF responsibility would be to seek ways to improve the level of consumer responsiveness of existing Departmental programs. The office would act as a central access point for consumers and as a consumer advocate in HUD decision making by taking part in the Departmental policy clearance process. It would perform informally as a departmental consumer ombudsman, prepare and disseminate consumer education materials, and provide complaint referral and consumer liaison functions, as needed. Liaison activities would include communications with state and local regulatory agencies, consumer advocacy groups and other Federal agencies.

The proposed CARF office, however, will have to work closely with the existing program offices, which will continue to make many of the decisions that affect the consumer. The creation of a consumer office must not be allowed to detract from the responsibility of other HUD program offices to be responsive to consumer needs.

B. DEPARTMENTAL WIDE CONSUMER REPRESENTATION ACTIONS

The second question addressed by the Plan is whether there has been adequate consumer representation in HUD decision making. HUD program offices generally have sought consumer involvement in their policy and decision making processes. However, more can and should be done to reflect consumer needs and concerns. HUD proposals for improving the general responsiveness of the Department follow.

1. *Improving Consumer Representation in Departmental Policy Considerations and Program Planning.*—Several specific efforts will be made to improve communications between HUD program offices and consumers or consumer interest groups concerning major policy and regulatory decisions.

a. HUD often solicits industry comments on policy proposals and wants to do the same for consumers, but identifying consumer groups has been a difficult problem. HUD will publicly solicit the names of individuals and organizations who are interested in receiving HUD announcements about pending policy decision and proposed regulations. The names may be obtained by general advertisements in appropriate media and will be updated annually. From this process, separate mailing lists will be developed for various program offices. When a program office solicits public comment, those on the mailing list will be individually advised, whenever feasible.

b. HUD will make maximum use of the Notice of Advanced Rule Making, by advertising in the *Federal Register* for public comment prior to formulating regulations or policy decisions. Combining this with the use of special mailing lists should enhance the level of developmental involvement by consumers and consumer groups.

c. HUD program officials will periodically meet with consumer groups under the auspices of the Assistant Secretary for Consumer Affairs and Regulatory Functions. In this way, face to face discussions on overall Departmental policy, as it affects consumers, can be achieved.

2. *Improving Consumer Complaint and Information Request Handling.*—A consumer complaint and information request handling system serves two objectives. The first is to provide accurate and prompt responses to consumer inquiries. In areas such as Interstate Land Sales Registration and Federal Insurance Programs, this is crucial since complaints deal directly with the regulated activity. Prompt response should also be made in nonregulatory areas, where consumers have more generalized concerns or seek information. Consumers expect and deserve prompt and adequate answers from their government. The second objective is to utilize complaint information for evaluation purposes, through analysis of the nature and frequency of the complaints to identify emerging programmatic problems.

In late 1974, a special study of the HUD complaint system was conducted (TARP study) under contract from the Office of Consumer Affairs, HEW. At the same time, analysis of consumer complaint handling in both HUD Central and Field Offices was undertaken by the Special Assistant to the Secretary for Consumer Affairs. Both studies found no focal point in Field or Central Offices for effective coordination of consumer complaint handling. They found a general failure to utilize complaints to identify programmatic problems and an absence of a systematic compilation of complaint data. With few exceptions, while there was a system of tracing "controlled" consumer complaints, often there were no effective quality controls of the responses, assurances of timeliness, or evaluations of system performance. Since many of the questions or complaints received by Central Office were local in nature, close to 80 percent were sent out to the field for response, and no follow up taken. The assumption made was that, if dissatisfied, the consumer would write again—an assumption no longer acceptable to HUD.

HUD will implement a consumer inquiry and complaint handling system on a Department wide basis. The proposed system will involve the designation of a complaint handling officer in the office of each Administrator or program Assistant Secretary. Each officer will develop a consumer complaint and information plan that expeditiously handles requests by setting clear deadlines for responses and tracing their progress; has the ability to track and control requests that are "bucked" between Central Office and Region/Field; and provides for complaints to be summarized statistically and narratively for purposes of program problem spotting. Central coordination of this function and referral of complaints to appropriate program offices will be provided by the proposed CARF office.

The complaint system will provide regular feedback to program offices. Elementary information will be compiled and weighed regarding the subject, nature, veracity, severity and frequency of complaints and inquiries, as well as the response intervals, offices and manhours involved in response resolution, etc.

3. *Improving the Distribution of Consumer Education Materials.*—HUD has traditionally published consumer oriented literature on a variety of topics ranging from home purchasing to home maintenance. A partial list of such documents follows:

Get the Facts Before Buying Land
Bridge Over Troubled Waters: The National Flood Insurance Program
The FAIR Plan: Basic Property Insurance
Federal Crime Insurance Against Burglary and Robbery Losses
Wise Home Buying
Buying a Home? Don't Forget those Closing Costs
Home Mortgage Insurance
HUD–FHA Program for Home Mortgage Insurance
Questions and Answers on FHA Home Property Appraisals
Buying and Financing a Mobile Home
Mobile Home Financing Through HUD
Questions about Condominiums—What to Ask Before You Buy?
Fixing Up Your Home
Designing Kitchens for Safety
Homeowner's Glossary of Building Terms
Protecting Your Housing Investment
HUD–FHA Program for Protecting Your Home Against Weather Damage
Watch Out for Lead Paint Poisoning
Be an Energy Miser in Your Home
Buying Lots from Developers
Consumer Protection: Interstate Land Sales
Fair Housing U.S.A.
Your Housing Rights
HUD Disaster Aids
Questions and Answers on Temporary Housing
When you Return to a Storm Damaged Home
Settlement Costs

The Department will continue its efforts to provide practical tools for the consumer. For consumers to deal effectively with sellers, lenders, and real estate firms, they need to know what questions to ask and where potential problems exist, so that they can dig for revealing information and can decide whether the particular transaction under consideration is advisable. Examples of HUD consumer literature designed to provide such information include the RESPA booklet, "Settlement Costs," and the condominium booklet, "Questions About Condominiums."

Another illustration of HUD determination to improve the consumer's effectiveness in marketplace transactions is the recent development of a Home Buyer's Estimator of Monthly Housing Costs. When properly used, the Estimator can assist a family to determine the total monthly cost of owning a home, to compare the costs of different homes, and to determine if it can afford to purchase a particular dwelling. The Estimator is now being field tested in actual purchase situations and the Department intends to place it into public use as soon as possible. Also, since the Estimator can be adapted for use in condominium purchasing, consideration will be given to incorporating the Estimator into a condominium buyer's guide.

HUD will improve the distribution mechanisms for its consumer oriented publications. All Field Offices will be supplied with adequate copies of consumer related publications and a management system will be implemented to ensure that each Field or program office has an adequate inventory and display or dissemination capacity for these materials.

HUD will also seek to expand the list of its publications in the GSA Index of Selected Federal Publications of Consumer Interest.

4. *Improving the Mechanisms for Public Notification of HUD Decisions.*—HUD will establish a formal procedure for public dissemination of information on consumer related actions through the Office of Public Affairs in the form of consumer news releases. In addition, short descriptions of such actions will be provided to the Office of Consumer Affairs at HEW for use in its Consumer Newsletters.

IV. Selected HUD Consumer Protection Programs: Summary Descriptions and Recommended Actions

Since most HUD actions which impact on consumers arise from specific program activities, the third level of the HUD Departmental Plan consists of steps to be taken by individual program offices to encourage greater consumer representation. Short program descriptions and recommended actions are provided for each of the following programs:

Interstate Land Sales Registration
Federal Insurance Programs
Real Estate Settlement Procedures
Mobile Home Construction and Safety Standards
Minimum Property Standards
Condominiums
Lead Based Paint Research

A. Interstate Land Sales Registration

In 1968, Congress acted to protect the public against fraudulent and deceptive land sales operations. The resulting Interstate Land Sales Full Disclosure Act requires that most developers offering fifty or more lots for sale or lease under a common promotional plan register with HUD's Office of Interstate Land Sales Registration (OILSR).

To register, a developer submits a Statement of Record and a Property Report, which contain specific information about the developer and the lots offered. If the developer's submission is found to be complete and accurate in all material respects by OILSR, the developer and subdivision are thereby registered. The developer is required to submit a copy of the Property Report, which is a summary of the more comprehensive Statement of Record, to each purchaser before he signs a sales agreement or contract. The buyer has three business days after receipt of the Report to cancel the contract if he so chooses.

In addition, buyers can void their contracts and receive refunds if the developer is not registered with HUD or does not supply the Property Report. If the Statement of Record and Property Report contains misstatements or omissions of fact, if fraudulent sales practices are used, or if other provisions of the law are violated, the buyer can also recover damages against the developer in Federal court.

HUD can investigate, subpoena witnesses, otherwise secure evidence, and seek court injunctions to prevent violations of the law. Under certain circumstances, HUD also may seek criminal indictments for violations of the statute through the Department of Justice.

When a consumer complaint is received by OILSR on a transaction covered by the Act, the complaint is sent to the seller with a request for a reply and explanation. OILSR does not attempt to resolve factual disputes. However, if the property Report was not delivered or is found patently incorrect, HUD expects a refund to be made to the complainant and other corrective action to be taken. Over 12,000 complaints and related inquiries were processed in fiscal year 1975.

A field review staff operates to discover subdivisions operating in violation of law, including registered subdivisions whose Propery Reports do not conform with the facts as revealed by field inspection, or whose advertising sales practices do not conform to OILSR guidelines. Numerous sales practice and advertising violations have been discovered and corrected. Over the past year, the OILSR staff has discovered approximately 3,500 subdivision developers who appear to be subject to the Act, but who have not registered or filed for an exemption.

OILSR notifies interested groups of proposed regulation or rule changes and solicits their views through an extensive mailing list which includes developers, various Federal and state consumer protection agencies and consumer groups. Proposals are publicized through various news media and in the Federal Register. OILSR has also conducted public hearings in 17 communities to solicit suggestions for additional reforms.

Recommended Actions: (1) HUD will continue its advertising campaign to notify the public of Interstate Land Sales regulatory protections. (2) The department also will explore the feasibility of evaluating the OILSR Property Report to determine how it can be made more useful to the consumer.

B. FEDERAL INSURANCE ADMINISTRATION

The Federal Insurance Administration (FIA) provides special purpose property insurance protection to the general public including flood and crime insurance, and riot reinsurance. In addition, the FIA studies insurance availability problems.

1. *National Flood Insurance Program.*—This program provides federally subsidized flood insurance to property owners in areas prone to flood, mudslide, or flood related erosion. The Flood Disaster Protection Act of 1973 requires that Federal financial assistance (including disaster assistance, mortgage loans from federally supervised lending institutions, and Federal Housing Administration, Farmers Home and Veterans Administration insured loans) used for property acquisition or construction in areas of special flood hazard be conditional on the purchase of flood insurance, where available. In addition, after July 1, 1975, or one year after identification by FIA, whichever is later, flood prone communities must establish participation in the flood insurance program or be denied all such federally related assistance within identified flood hazard areas.

The FIA assists communities in preparing the flood plain management measures required for participation in the Federal Flood Insurance Program. First, FIA furnishes the community with a Flood Hazard Boundary Map indicating high risk areas. Subsequently, FIA publishes a Flood Insurance Rate Map based on a detailed study within the community.

In its flood plain mapping, FIA actively seeks the inputs of affected citizens. Draft maps are reviewed by the subject community. Individual property owners are encouraged to contact FIA with specific information. Maps often are amended as a result of these contacts.

The following additional actions have been taken recently to encourage more effective consumer representation in the program.

(a) New regulations concerning flood plain management requirements were published for public comment. Public hearings on these proposed regulations were held in seven cities, preceded by a nationwide public education and information campaign.

(b) Several new procedures for mapping flood prone areas were adopted during fiscal year 1975;

(1) Prompted primarily by consumer requests, all future flood maps will be published on a curvilinear rather than a block basis, and all existing maps are being revised to incorporate this change.

(2) All new or revised Flood Hazard Boundary Maps are being sent to the appropriate community for a three-week review, to provide additional local input before the maps are published as final.

(3) Procedures were established to allow a property that was inadvertently included in a flood hazard area to be administratively removed and not remain subject to the provisions of the Act.

During the past year, approximately 6,000 communities were enrolled in the National Flood Insurance Program bringing the total to 12,500, so that now over 6 million of the 6.4 million structures in high flood hazard areas are eligible for flood insurance. Some 600,000 flood insurance policies are currently in effect, providing over $14 billion of insurance protection.

2. *Riot Reinsurance.*—The Riot Reinsurance Program is designed to assist property owners in urban areas to obtain essential insurance coverage (against loss from fire, vandalism and malicious mischief) on property located in areas subject to possible civil disturbances. Reinsurance is offered to insurance companies that participate in Full Availability Insurance Report (FAIR) Plans. Such FAIR Plans exist in twenty-seven jurisdictions and are reviewed by FIA on a continuing basis.

FIA examination of FAIR Plan operations has brought about many procedural improvements. For example, FIA solicitation of views from consumer groups resulted in a Federal requirement that the FAIR Plan must, at a minimum, provide for insurance against direct loss from fire, wind, vandalism, and malicious mischief. Another illustration of FIA action in behalf of consumers is its regulatory interventions. For example, FIA suspended its reinsurance for an entire state when FAIR Plan participation was closed to new applicants in that state. FIA continued the suspension until the Plan resumed accepting new applications, thus protecting consumer interests.

3. *Federal Crime Insurance Program.*—The Federal Crime Insurance Program enables businessmen and residents of homes and apartments to purchase burglary and crime insurance in states where it is difficult to obtain in the private market. Citizens of the designated states may purchase this insurance through any licensed insurance agent or broker or through the servicing company for the state. This program is currently available in the District of Columbia and fourteen states.

Prior to an FIA decision to designate a state for eligibility, consumer views are solicited. In addition, FIA annually solicits the views of the state insurance commissioners who are responsible for protecting the interests of their insurance consumers. Supporting information is made available to aid state insurance commissioners in their responses.

Since the FIA enabling statute indicates a Congressional desire that states be given an opportunity to resolve insurance availability problems, FIA also aids consumers by informing them of the assistance available through their local and state government and communicates with state authorities about the consumer complaints it has received.

Recommended Actions: (1) In the flood, crime and riot insurance programs, insureds will be advised to direct complaints and consumer oriented inquiries to the Federal Insurance Administrator. This could be accomplished by including a notice, or "stuffer," with the policy or renewal notice sent to the insured. (2) Consideration will be given to furnishing FIA Regional Office flood insurance specialists and servicing company representatives with a short film explaining the individual and community benefits of the flood insurance program for use in addressing local community groups. In addition, consideration will be given to composing a series of one-page handouts explaining the benefits of the program for distribution to non-participating communities urging them to implement sound flood plain manage-

ment in exchange for the benefits of flood insurance. Similarly, posters could be sent to local insurance agents and brokers in eligible communities for display in their offices as a reminder of the availability of flood insurance.

C. REAL ESTATE SETTLEMENT PROCEDURES ACT

Congress, in the Real Estate Settlement Procedures Act (RESPA) of 1974, sought to correct abuses that had plagued the real estate settlement process. Congress was concerned that buyers seldom decided who would provide settlement services; the choice usually depended upon advice from the broker, escrow agent, seller, or settlement attorney. The conveyancing process was pictured as involving an elaborate system of referral fees and rebates to induce the placement of settlement business, rarely to the benefit of the homebuyer. In fact, many homebuyers went to settlement without even knowing how much in total costs they would be required to pay.

The principal provisions of RESPA are as follows:

1. Advance disclosure of settlement costs and uniform settlement statement—At the time the borrower applies for a mortgage, the lender must provide him with "Settlement Costs," an informational booklet prepared by HUD. At least twelve days prior to settlement, the lender also must give the borrower and the seller an itemized advance disclosure of estimated closing costs. Finally, a uniform settlement form prescribed by HUD must be used to record actual charges.

2. Disclosure of previous selling price—In sales of most one to four unit residential properties owned for less than two years by a nonresident seller, the seller is required to disclose the previous selling price and the cost of any subsequent improvements.

3. Prohibition against unearned fees—RESPA prohibits the payment and receipt of fees for the referral of settlement business other than for settlement services actually performed. Criminal penalties are provided, as well as treble damage civil actions.

4. Limitation on escrow for taxes and insurance—Deposits in escrow for taxes and insurance are limited to the amounts needed to pay current expenses.

At the present time, the Senate is considering suspension of several RESPA provisions, including the advanced disclosure requirement. Congress is concerned that the disclosure requirements, in their present form, are resulting in added costs and delay to lenders, sellers, and consumers.

Recommended Actions: (1) With suspension of the advanced disclosure provisions possible, detailed consumer education about "how to shop" becomes even more important. A seven marketplace HUD study of RESPA involving over 20,000 families is being undertaken, with the results to be tabulated for use in the spring of 1976. On the basis of this study, the HUD booklet, "Settlement Costs," will be evaluated and improved. (2) In order to avoid causing unnecessary, costly settlement delays, HUD has administratively relaxed rules governing waiver of the twelve-day waiting period before settlement. Public dissemination of this regulation change will be made.

D. MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Concern over the quality of mobile home construction, the proliferation of manufacturers, and possible safety hazards provided the impetus for Title VI of the Housing and Community Development Act of 1974. The resulting Mobile Home Standards Program involves mobile home research, promulgation of national mobile home construction and safety standards, and enforcement of those standards.

In June 1975, the Department published proposed mobile home construction and safety standards in the Federal Register for public comment. After receipt and consideration of comments, the final Standards were published in the Federal Register on September 2, 1975, to be implemented on June 15, 1976.

The Standards address virtually all aspects of mobile home planning, construction, durability, and safety with special sections on fire safety and resistance to wind damage. Better insulation characteristics will be required for colder regions; the Department estimates that the average yearly saving resulting from such insulation alone will nearly offset the increased costs that may result from all the Standards. State and local standards not identical to the Federal standards will be preempted.

Manuafcturers must assure HUD that their designs are in compliance with HUD standards by providing detailed plans and specifications for each model of mobile home to be manufactured. Manufacturers must also submit quality control manuals describing every manufacturing process and production test used. These plans will be evaluated by private or state inspection agencies approved by HUD.

Manufacturers are required to notify initial purchasers of units found to be defective and to provide for prompt repair of the defects. A defect which presents an unreasonable risk of injury or death to the occupants and is related to an error in design or assembly either must be repaired without cost to the purchaser or a replacement or refund of the purchase price must be provided.

HUD contemplates state enforcement of the Standards, and is preparing regulations for HUD acceptance of state enforcement plans. The enforcement plan requirements will include use of civil and criminal penalties, monitoring of manufacturers' defect notifications and corrections of defects, monitoring of manufacturer recall campaigns, and state reporting. HUD also is encouraging state involvement in dealer and installation inspections to assure consumers that factory inspected units are not modified in violation of the Standards after they leave the plant.

The HUD Office of Mobile Home Standards will retain broad enforcement powers, including the authority to subpoena witnesses and records, to inspect factories, and to seek civil or criminal penalties for violation of the Federal requirements.

Consumer representation is structured into the program through the National Mobile Home Advisory Council, which consults with the Secretary on the mobile home construction and safety standards. Of its twenty-four members, eight are specifically identified with consumer interests, representing associations of retired persons, mobile homeowners, and the Center for Auto Safety. All meetings of the Council are open to the public.

Recommended Actions: (1) HUD will develop guidelines for a consumer booklet to be provided by the manufacturer/dealer to each mobile home purchaser. The booklet could, for example, contain a version of an Estimator of Housing Costs adapted to mobile home purchasers. (2) Consideration will be given to use of appropriate "stuffers" for incorporation into the booklet as a mechanism for directing consumer complaints to the appropriate state enforcement agency.

E. FHA MINIMUM PROPERTY STANDARDS

A primary goal of the Federal Housing Administration (FHA) mortgage insurance system is to encourage improvement in housing standards and conditions, a mandate directly tied to consumer interests.

FHA mortgage insurance has brought about a revolution in home financing to the benefit of consumers. Before its initiation, only a minority of American families owned their own homes; today a substantial majority do so, largely due to the low down-payment, long term, fully amortized mortgage, which FHA pioneered.

The FHA system has built-in consumer protections. Families with FHA insured mortgages on their homes have the benefit of a Federal appraisal of the value of the structure. In addition, FHA requires that a builder furnish a new home buyer with a one year warranty. A builder's failure to respond adequately to consumer complaints and honor this warranty results in HUD restricting his future participation in FHA programs.

Properties with FHA mortgage insurance also must meet the FHA Minimum Property Standards (MPS). The original purpose of the MPS was to establish a uniform system for assessing the quality, hence value, of housing in order to determine its eligibility for FHA mortgage insurance. An important indirect benefit was better quality housing.

FHA efforts to improve the MPS have often led to new construction industry standards. A recent example of how the consumer benefits involves carpet standards. For years, FHA had accepted industry self-inspection as a means of certifying that carpets in FHA approved housing met durability standards. That system proved unworkable. Acting upon consumer complaints, FHA tested approved carpets and found that 60 percent failed to meet the FHA standard. As a result, FHA has tightened up its carpeting standard and requires third party inspections to assure the consumer of the quality of the carpets he is purchasing.

Because the original thrust fo MPS was mortgage underwriting, no formal system for providing consumers with information about MPS was developed. Consumer publications on parts of the MPS were issued, but only in response to particular expressions of interest. Increasing concern for incorporatng consumer views has led to a partial modification of this policy. Presently, HUD does notify the public of changes, additions or deletions to the MPS when the subject would have a major consumer impact or is known to be controversial, such as the new carpet standards. In such cases, public notice is given through the Federal Register.

Recommended Action: (1) HUD will summarize many of its highly technical Minimum Property Standards and related issuances into consumer booklets written in simple, readily understandable terms.

F. CONDOMINIUMS

The condominium market has grown dramatically from a mere 85,000 units in 1970 to over 1.25 million units nationwide in 1975. In 1973 and 1974, 25 percent of forsale housing starts in the United States were condominiums and in certain markets, condominiums constituted a substantial portion of all increments to the housing supply.

Coupled with this growing popularity has been a growing concern about abuses, leading to Congressional consideration of condominium legislation. In the Housing and Community Development Act of 1974, Congress mandated HUD to study the condominium market. During its study, HUD sought consumer inputs through public hearings, surveys of condominium unit owners and owners' associations, and unsolicited letters from consumers. Views were also solicited from industry representatives, state and local housing officials, and representatives of other Federal agencies concerned with condominiums.

The value of the HUD study has been to focus legislative discussions on the real problems facing the condominium industry and its clientele. HUD identified some problems traceable to the newness of the condominium concept and the lack of experience with condominiums of consumers, developer/builders, attorneys, and government officials. Many problems were exacerbated by the legal and conceptual complexity of the condominium form of property ownership.

Although HUD found many of the problems occurred infrequently on a national level, their effects on individual consumers were serious. Furthermore, some problems, common to all housing, such as poor construction, are aggravated in condominiums because of the interdependence of the unit owners and the need to obtain the approval of a majority of owners before remedial action can be taken.

Since the early 1960's, every state has enacted basic enabling legislation to allow for the creation of condominiums. In response to recent problems and abuses, a number of states have passed legislation providing varying degrees of consumer protection. To extend such protections, Congress is now considering providing national minimum consumer protection and disclosure standards for the sale of both new and conversion condominiums.

Recommended Actions: (1) HUD could serve an important consumer protection function by designing a series of booklets to inform potential purchasers, lenders, sellers, and other participants of the basic definition of a condominium, potential pitfalls involved in condominium ownership, and other information necessary for a knowledgeable purchase decision. Thus, while the Congressional mandate is not yet clear, it is now appropriate for HUD to improve its condominium purchasers booklet and to consider including with it aids like the Home Buyer's Estimator of Monthly Housing Costs. An improved condominium purchasers' guide would be an expansion of current brochures, incorporating lessons about consumer related problems from the HUD condominium study. (2) Additionally, HUD could provide homeowners associations, developers, and individual unit owners with information about the proper management and maintenance of the condominium.

G. LEAD BASED PAINT RESEARCH

The Lead Based Paint Poisoning Prevention Act of 1971 directs the Secretary of HUD to determine the nature and extent of the problem of lead based paint poisoning, and to develop methods to overcome this hazard. The law was enacted in response to a growing concern about lead based paint poisoning in children who live in older housing once painted with high lead content paint. HUD's resulting program illustrates how directed research can lead to consumer oriented programs and solutions.

Currently, HUD is engaged in a four city, 250 unit Experimental Hazard Abatement Project in which over twenty hazard elimination techniques, not commonly in use, are being tested and evaluated for cost and effectiveness characteristics. The department is also experimenting with a promising approach which uses bad-tasting or acerbic paints. Rather than concentrating on physically removing the lead paint, this approach discourages children from eating the paint. If this method proves effective, all that a house or apartment would need is an inexpensive repaint of acerbic paint to eliminate the lead hazard to children.

HUD is working closely with the Center for Disease Control to fund demonstration programs in several communities, including local programs to demonstrate more effective screening, treatment and abatement capabilities.

It is apparent that a mechanism is needed to quickly pass on the latest developments in detection and hazard elimination to local lead poisoning control programs, health departments, community groups, homeowners and renters. Therefore, a technical assistance program and clearinghouse will be created to aid those with responsibility in lead poisoning control.

The Department is acutely aware not only of its research responsibilities, but also of its roles as owner of real property, mortgage insurer, and provider of housing subsidies. Therefore, HUD is preparing new regulations to comply with the Lead Based Paint Act. These new regulations require the inspection

for and elimination of immediate lead based paint hazards in all residential structures built prior to 1950 and owned, or to be financially assisted under programs administered, by the department. HUD procedures have already been established to assure that tenants and purchasers receive notice of the symptoms of lead poisoning and the preventative measures, of both a health and housing nature, that can be taken to minimize the risks of lead paint exposure. Thousands of copies of warning notices have been provided to purchasers and tenants.

DEPARTMENT OF THE INTERIOR

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Charles Teague, Room 5116, Department of Interior, Washington, D.C. 20240, 202–343–2818. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

TABLE OF CONTENTS

NOVEMBER 5, 1975.

I Statement of Purpose
II Primary Operating Units Involved
A. High Impact Units/Programs
B. Medium Impact
C. Low Impact
III Executive Summary
IV Departmental Plan
A. Implementation
B. Guidelines
C. Techniques of Implementation

Appendix—Off Road Vehicle Regulations Case Study

I. STATEMENT OF PURPOSE

The purpose of this Consumer Representation Plan is to commit the Department to increased public participation in its administrative decisionmaking process without any appreciable loss of time. This process is to be basically accomplished within existing organizations and through existing basic mechanisms. Existing organizations and mechanisms will continue to be the principal vehicles for increased public participation. The need is to insure by means of this Plan that specific steps are taken which can aid the consumer in making his interactions with the Department more effective.

Several recommendations are directed toward a central thrust of this Plan, which is to get timely information to the interested public, namely:

Requirement that all affected parties and publics to be notified, if possible, prior to, or at same time a formal rule or notice is published in the *Federal Register*. The affected public should not be dependent on the *Federal Register* as its sole source of notification.

All public meetings should follow a prescribed format outlined in this Plan. This format will also assure adequate consumer representation.

Copies of environmental impact statements (EIS's) will be made available at no cost where printing costs are reasonable.

II. PRIMARY OPERATING UNITS INVOLVED

The jurisdiction of the Department of the Interior, a cabinet department created in 1849, includes the administration of over 500 million acres of Federal land, including National Park and National Wildlife systems, and trust responsibilities for approximately 50 million acres of land, mostly Indian reservations; the conservation and development of mineral and water resources; the promotion of mine safety and efficiency; the conservation, development, and utilization of fish and wildlife resources, the coordination of Federal recreation programs; the preservation and administration of the Nation's scenic and historic areas; the operation of Job Corps Conservation Centers and Youth Conservation Corps Camps, and coordination of manpower and youth training programs; the reclamation of arid lands in the West through irrigation; and the management of hydroelectric power systems. The Department of the Interior is also concerned with the social and economic development of the territories of the United States and in the Trust Territory of the Pacific Islands; and administers programs providing services to Indians and Alaska Native people.

The Department's operations are under the direction of the heads of ten major bureaus and several offices and administrations. While central direction and policy originates in Washington, program operations are generally conducted through the bureaus' own network of regional and field offices. It is at the regional and field office level where the consumer-agency interface normally takes place. Where more than one Interior unit is involved in the same problem, the Secretary's Field Representatives, located in most of the standard regional cities, become involved.

A. HIGH IMPACT UNITS/PROGRAMS

Listed below are the programs with *high* consumer impact for the Department:

1. *Resource Management Lands.*—Management of 500 million acres of lands, located primarily in the West and Alaska, is the responsibility of the Department. Decisions on the use of such lands are made by the Secretary with participation of public and private groups, and other governmental organizations having an interest in the management and use of these lands.

2. *Recreation Lands.*—Interior administered lands also provide for recreation use by the general public as well as for resource management. The National Park System, Fish and Wildlife Service's wildlife refuges, designated Bureau of Land Management lands, and other areas are set aside for public use in accordance with administrative regulations.

3. *Setting Wholesale Power Rates.*—Rates for the wholesale marketing of electric power and energy generated at Federal hydroelectric projects, Federal reservoir projects and certain projects constructed and operated by the Department of the Army are periodically set by the Secretary of the Interior subject to approval and usually confirmation by the Federal Power Commission.

4. *Land Use and Water Planning.*—The Office of Land Use and Water Planning, which serves as a Departmental focal point for discussions and coordination of land use and water planning policies for Federal and non-Federal agencies, maintains liaison with national organizations having an interest in land use planning.

5. *Geological Survey Topographic Mapping Program.*—Maps are sold to the general public.

B. MEDIUM IMPACT

The units and programs of the Department of the Interior which have a *medium* impact on the consumer are listed below:

1. *Hearings and Appeals.*—The Office of Hearings and Appeals renders decisions in cases pertaining to contract disputes; Indian probate and administrative appeals; public and acquired lands and their resources; submerged offshore lands of the Outer Continental Shelf; mine health and safety and claims under the Alaska Native Claims Settlement Act; and enforcement of the importation and transportation of rare and endangered species. Although quasi-judicial in nature, the operations of the office having consumer impact include public hearings at the program level which contemplate actions affecting consumer interests and formal rulemaking hearings required by statute where consumer interests may be involved. In the Office's ordinary caseload, consumers may petition to intervene.

2. *Indian Affairs.*—In pursuance of a policy of Indian self-determination promulgated by the Secretary of the Interior, the Bureau of Indian Affairs has established certain consumer programs aimed specifically at the Indian consumer living on or off Indian reservations. Examples of such programs are: regulation of business operations on the Navajo, Hopi, and Zuni reservations; loans and loan guarantees to Indians; student loans and grants; safety education; and involvement of tribal councils in setting educational priorities for their own tribes.

3. *Fish and Wildlife.*—In addition to its involvement in recreation, one of the Department's programs having high consumer impact, the Fish and Wildlife Service administers two other consumer-impact programs. They are: (a) Migratory Bird Hunting Stamp. Revenues from sales of the Migratory Bird Hunting Stamp, popularly known as "Duck Stamp", are used for acquisition and preservation of habitat to maintain national migratory bird resources. A valid stamp, the current annual price of which is $5, is required for all persons 16 years of age or older who hunt waterfowl. (b) Excise taxes on certain sporting goods and equipment. Federal excise taxes on sporting arms and ammunition and certain types of fishing tackle were established by acts of Congress. The general purpose of these acts is to help provide the States with the capabilities for management of fish and wildlife resources.

4. *State Recreation Assistance and Planning.*—Two programs administered by the Bureau of Outdoor Recreation which have medium consumer impact are (1) the Land and Water Conservation Fund financial assistance program to states and localities for funding acquisition and development of recreation projects; and (2) participation in the preparation of Statewide Comprehensive Outdoor Recreation Plans.

5. *Natural Resource Lands.*—In addition to administering recreational uses of national resource lands, located primarily in the western states, the Bureau of Land Management is involved with consumers in the following ways: (a) Occasionally sells tracts of land at fair market value, or greater, at public auction; (b) acts as leasing agent for mineral rights on national resource and other public lands; (c) provides facilities for the examination of tract books and other records relating to these lands; (d) issues leases, licenses, or permits to farmers and ranchers to graze livestock on approximately 292 million acres of Federal land; (e) issues permits for rights-of-way across national resource land for oil, gas and other pipelines; and (f) issues regulations for the control and direction of Off-Road Vehicle use on the national resource lands. (See Appendix).

6. *Environmental Awareness and Improvement.*—The *Johnny Horizon Program* provides materials and services to individuals, organizations, and schools in furtherance of the Department's Nationwide Environmental Awareness and Improvement Program.

7. *Visitor Information.*—The Department maintains a Visitor Information Center for dissemination of information concerning Departmental activities and locations and distribution of publications and other literature available to the public free of charge.

8. *Mine Health and Safety.*—The mission of the Mining Enforcement and Safety Administration (MESA) is to develop and implement regulations which are designed to improve and maintain mine conditions which protect the health and safety of the nation's mines. In carrying out its mission, MESA's regulatory actions may increase the cost to the consumer of coal and mineral products.

C. LOW IMPACT

Listed below are Departmental programs which have a low or negligible impact on the consumer:

1. *Territorial Affairs.*—The Office of Territorial Affairs is responsible for the promotion of the economic, social and political development of the territories of Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

2. *Bicentennial Activities.*—The function of the Coordinator, Interior Bicentennial Activities Office, is to provide information concerning Department-wide Bicentennial activities.

3. *Indian Arts and Crafts.*—The responsibility of the Indian Arts and Crafts Board is to encourage the development of authentic Indian, Eskimo and Aleut arts and crafts and to refer consumer complainis about misrepresentation of such products to appropriate Federal or local authorities for action.

In addition to the above Department of the Interior programs, the Department maintains a roster of Information Officers by Area of Interest, as well as a listing of Bureau Information Officer personnel, and keeps a roster of Field Office personnel, together with the location by region of each Field Office.

Permanent and ad hoc advisory committees also exist representing a broad spectrum of interests. These committees contain experts from scientific, academic, commercial and user groups.

III. EXECUTIVE SUMMARY

The Department's biggest effort in improving consumer representation will continue to be in getting timely information to the interested public. This effort will depend in part on the scope of the subject (i.e. national, regional, local, etc.), the relative importance of the subject for the present and future, and the interest shown by the public. The usual limiting factors of time, manpower, and money will come into play only after it has been determined that the public has been adequately informed.

Probably the key overriding issue facing the Department is how best can the U.S. meet the steadily increasing demands of its growing population with the least acceptable damage to the environment. If Interior is to be an adequate steward and guardian of much of our total national resources, then the administrative rules and regulations that are set must rest both on the foundations of rigorous conservation and responsible development. The actions which are undertaken by the Secretary involve sharply competing and equally legitimate claims upon the Nation's limited supply of land and water. The exploration and leasing of the Outer Continental Shelf, the enforcement of safe

mining regulations, and the development of new recreation areas are three examples where Interior's activities ultimately affect the consumer.

Various techniques will be used to implement the Plan. These will include ways to assist both the flow of information into the Department from the consumer and the flow of official information to the consuming public. Public meetings, resource workshops, public participation plans, questionnaires, and complaint handling are avenues for improvement to provide for better consumer access to the Department. Of these, public meetings offer the best vehicle for exchanging information between the consumer and the public. The outflow of information from the Department will be assisted by wider and more timely dissemination of draft Environmental Impact Statements, proposed regulations and publications. The use of the news media, particularly at the local level, will be increased as a key part of the Plan to get information out to those affected.

IV. Departmental Plan

A. Implementation of the Plan

The Assistant Secretary—Management or the Secretary's designee is the accountable official responsible for the implementation of this Plan. The Secretary has delegated him the responsible focal point, with access to the Secretary, to see to it that the Plan and special applications under the following guidelines will be carried out by the operating bureaus.

B. Guidelines

Three sets of guidelines are put forth for implementing this Plan. The first set of guidelines provides a model of the steps and time required for satisfactory consumer representation when compliance with the National Environmental Policy Act is required. The emphasis is a continuing one of allowing opportunities for the consumer to provide input *prior* to the promulgation of any Departmental action. As a part of this continuing responsibility, frequently in the form of periodic public hearings, as many as 11 steps can take place before the official action takes place. These steps, the time required and whether there is consumer input, are listed below:

Months prior to effective date	Consumer input	Action
1. 6 to 24	Possible	Initiation of consideration of proposed action
2. 5 to 18	NA	Announcement of study proposed and initiation of study and associated environmental assessment (EA) or statement (EIS).
3. 5 to 18 [1]	Yes	Preparation of study, draft proposal, and EA/draft EIS.
4. 3 to 6	NA	Announcement of completion of study, draft proposal, and EA/draft EIS.
5. 3 to 6 [1]	Yes	Comments on study, draft proposal, EA/draft EIS (Normally 45-day comment periods).
6. 1 to 6	Yes	Preparation of final proposal and final EIS (final EIS not required if EA).
7. 1 to 2 [2]	NA	Announcement of completion of final EIS.
8. 1 to 2 [2]	Possible	Wait period following publication of final EIS (Normally 30-day wait period).
9. 0	NA	Announcement of decision.
10. (1 to 2) [3]	Yes	Comments on decision.
11. (0) [3]	NA	Effective date of action.

NA—Not applicable.

[1] May have hearings at this time.
[2] Step not required if EA.
[3] These steps only used when effective date is other than the date of decision.

The second set of guidelines pertains to actions when no EIS is required. In such cases time is less crucial and therefore omitted as a consideration. The actions to be taken are:

Contact various individuals, groups, or agencies. This is the most important step.
Send letters to interested parties. Issue press releases. This step will help assure other affected parties will be notified.
State workshops: Give sufficient lead time to groups and individuals.
Send questionnaires identifying conflicts and alternatives to all interested parties.
Present recommendations to local and regional governments.
Hold general public meetings in accordance with the prescribed format.
Distribute brochures containing decisions for management to all interested parties.

The third set of guidelines inovlves the types of interests and groups to be contacted. At least nine categories of interest/groups are involved in Departmental actions. Some examples are: mining; livestock; environmental, wildlife, recreation; watershed; forest products; Government; media; utilities; and realty.

The principal concerns of these groups vary. Some typical concerns are cited. The mining interests are interested in the opportunity to explore and extract minerals and energy resources. Forage availability and range allotment management plans interest livestock users. Environmental, wildlife and recreational groups direct their attention on land use, pollution, environmental quality, wildlife habitat and other similar concerns. Watershed groups also are interested in land use in addition to erosion problems, water allocation and watershed improvement. Other examples of concerns relating to a group include:

Government—program coordination
Media—conflicts and decision making
Utilities—rights-of-way
Realty—private development potential and road access

C. Techniques of Implementation

Information Input

Public meetings will continue to be one of the most vital means for exchanging information. Generally these meetings have been conducted in such a manner as to avail the consumer of the opportunity of expressing his views.

However, in order to assure adequate consumer representation all future public meetings should be: (a) held to accommodate the public's time and travel schedules; (b) preceded by notice to news media covering the area of interest; (c) preceded by letters or notices to all affected parties; (d) conducted by acceptable parliamentary procedures; (e) conducted within fair time limits depending upon size of meeting; and (f) normally followed by a period of not less than seven days where all written comments are accepted.

Resource workshops are held in order to obtain public assistance on technical data for use in land planning decisions. Emphasis is on soliciting information from user groups, interested individuals, and technical experts who can add to Interior's knowledge of the area. Workshops allow the public to help develop management opportunities for an area by obtaining the widest possible scope into long-range potentials. The workshops may be generally informal.

An ideal format for future workshops may be: brief the groups on the planning system; explain the phase now under study; present the resource data collected to date; and get suggestions for development of the resource along with supporting needs for the resource.

Public participation plans are used by some bureaus as a checklist against which they can evaluate the completeness of their input from the public.

To improve on this input, all land and water management bureaus are encouraged to maintain their own plans which will deal with the types of publics contacted, methods of contact and an implementation schedule.

Questionnaries are used in obtaining from interested parties an idea of the *specific* resource conflicts and various solutions involved in issues affecting the public.

Such questionnaires should continue where deemed useful along with requesting supplementary written comments by the public on how the conflicts should be resolved. The Assistant Secretary—Management should be consulted prior to sending questionnaires to the public. Where appropriate, OMB clearance will be sought.

Consumer complaints are currently handled by each bureau according to their own procedures set up for public inquiry mail. These procedures will be improved by expediting complaints to the office directly responsible for the particular program involved. The program office should, in most cases, respond within one week to the consumer. If a complaint cannot be fully answered within a week due to need to research answer, then an acknowledgement will be made.

Information Output

Draft and final environmental impact statements (EIS's) including required attachments, are generally made available to the public at no cost whenever possible. In those cases where the cost of reproduction of such statements is substantial, the public may be charged a fee no greater than the incremental costs of reproduction.

In the future, notices of initiation of all draft EIS's should be made through press release and, where appropriate, in the *Federal Register*.

Public use regulations, including the establishment of fees, are now posted at the particular site or facility affected.

Along with the required posting, there exists the opportunity to more adequately disseminate fee and other public use information through the media and other suitable public announcements in areas from which large numbers of visitors normally come.

Inquiries concerning regulations are encouraged. For example, the public may find out how a particular fee was established by contacting the local administering office.

The news media, including newspapers, radio and television, is a highly effective means to disseminate information on pending administrative actions. For example, local and regional newspapers may be asked to publish articles pertaining to planning for future public land management such as the progress and scheduling of public meetings. TV and radio may be encouraged to surface and offer a forum for discussion of issues.

Letter correspondence is an effective means in reaching special interest groups. In the future, follow-up letters are encouraged in announcing workshops and public meetings.

Brochures will continue to be a suitable means to inform the interested public on official recommendations, and decisions. However, the unit cost of these publications should be held to a minimum by avoiding excessive or unnecessary printing costs.

Technical publications make available to the public the results of research undertaken by Interior's scientists. However, the greatest use is by scientists, engineers, and certain other professional users.

A major effort will be made to translate and reformat selected technical publications so that they will be more useful to decision-makers and the general public.

Indexes and catalogs of Interior publications will continue to be issued free by the originating bureaus. Bureaus are to update these indexes and catalogs as the need arises. The Geological Survey will continue to distribute its topographic map State indexes to reference libraries and commercial sales outlets handling the maps within each State.

APPENDIX

A CASE STUDY: OFF ROAD VEHICLE REGULATIONS ESTABLISHED BY THE BUREAU OF LAND MANAGEMENT (BLM)

In the case of the Off Road Vehicles (ORV's), the following actions were taken by BLM over an extended period of time. Show-me trips and presentations were made to interested groups including district, State and National BLM Advisory Boards. Advisory committees were usually comprised of a broad spectrum of interests and views. Experts from scientific, academic, commercial, and user groups were consulted. The media was informed. Question and Answer sheets were developed and distributed by BLM. A letter from the BLM Director concerning ORV's and ORV regulations was sent to about 50 national organizations.

At the 118 local meetings held there were 9,689 people in attendance with 4,766 statements submitted. These statements were reviewed by the BLM State Offices with summaries sent to the Washington Office. In addition, over 2,500 comments were submitted directly to Washington. All of these comments were reviewed and analyzed with the result that changes were made in the proposed regulations. Replies were then made to the public comments, normally within 4 weeks.

The end result of this process was that in 1974 regulations were issued for the control and direction of ORV use on BLM lands. (3CFR322, et seq.) These regulations guide the consumer on how the vehicle is to be equipped and where ORV's can be operated. The public has benefited through the new safety regulations while the resource has benefited through sound conservation management.

DEPARTMENT OF JUSTICE

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Ronald Gainer, Room 4236, Department of Justice, Washington, D.C. 20035, 202–739–4601. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

TABLE OF CONTENTS

I Statement of Purpose
II Primary Operating Units Involved
III Executive Summary
IV Department of Justice Proposed Plan
- Overall Proposed Plan
- Antitrust Division Proposed Plan
- Criminal Division Proposed Plan
- United States Attorneys Proposed Plan
- Drug Enforcement Administration [DEA] Proposed Plan
- Federal Bureau of Investigation [FBI] Proposed Plan
- Law Enforcement Assistance Administration [LEAA] Proposed Plan

V Recommendations
Appendix A—Organization Chart of the Department of Justice
Appendix B—Department of Justice Publication entitled *Antitrust Enforcement and the Consumer*
Appendix C—Selected Federal Consumer-Related Statutes
Appendix D—Non-Block Awards Relating to Fraud, Consumer Fraud, Consumer Education and Fraud Prevention (FY 69–FY 75)
Appendix E—LEAA Subgrants from Block Grants Relating to Consumer Fraud, Fraud, Consumer Education and Fraud Prevention (FY 69–FY 76)

I. STATEMENT OF PURPOSE

The purpose of this Consumer Representation Plan is to evaluate the current functions and activities of the Department of Justice as they relate to consumers in order to ensure that the needs and views of consumers are duly considered in the Department's decision-making process. In this regard, the Department of Justice is unique among the Cabinet Departments in that its major service is legal in nature. As the only cabinet Department with direct litigative responsibility, the Department of Justice recognizes its unusual role and the opportunity it has to service consumer needs. It should be recognized, however, that a significant portion of the Department's activities in the consumer field consists of representing in litigation other executive agencies that have primary consumer responsibility.

A goal of this plan is to demonstrate the congruence of consumer concerns and available legal remedies and to encourage formation of an active and well-educated consumer constituency. Experience has demonstrated, however, that effective enforcement requires a willingness by consumers to report promptly all suspected violations and abuses to the authorities. While an evaluation of existing and potential mechanisms of consumer input is contained in the plan, the Department's litigative role necessitates that prime emphasis be directed toward an increased output function. This focus should result in an ultimate increase in both quantitative and qualitative input by customers throughout government.

In the broadcast sense, the Department's major consumers can be defined as Government and the general public, both of whom are directly affected by the Department's actions. The Department represents the Government in legal matters, furnishes legal advice to the President and the heads of executive departments, and interprets the laws under which other departments act. The Department also enforces Federal laws through investigative and litigative activities as well as provides fiscal and technical assistance to state and local criminal justice efforts.

More specifically, the Department has several operating units which have activities directly related to the protection of consumer interests. These units are enumerated and their activities described in the following sections.

II. PRIMARY OPERATING UNITS INVOLVED

While each of the operating units of the Department of Justice has some relationship with consumer and consumer matters, the primary thrust of the Department's consumer effort is carried out by the following entities: The antitrust Division, the Criminal Division, the United States Attorneys' offices, the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Law Enforcement Assistance Administration.

Because the responsibilities of the units of the Department vary so widely, the consumer representation plan of the Department is really a collection of individual plans from the relevant departmental units. In general, the litigating divisions have the most direct impact on consumer interests. The Antitrust Division is responsible for maintaining competitive conditions in the free enterprise system. The Consumer Affairs Section of Antitrust, in particular, is responsible for the institution of civil and criminal proceedings in cases referred to the Department by other agencies, such as the Federal Trade Commission and the Food and Drug Administration, which have primary responsibility for consumer protection activities. The Criminal Division's role is to oversee the enforcement of the majority of the federal criminal statutes, many of which directly affect the consumer. The United States Attorneys' offices are responsible for the prosecution of consumer-related crimes and regulatory violations. A number of the larger United States Attorneys' offices have divisions specifically designated as consumer protection units.

The Drug Enforcement Administration (DEA) services consumers of legitimately manufactured drugs through its regulatory and compliance program. The DEA is responsible for scheduling drugs according to their abuse potential, establishing of drug production quotas, registering firms and distributors of drugs, monitoring drug inventories and transactions, and conducting investigations. The Federal Bureau of Investigation is vested with the responsibility to investigate violations of Federal laws, many of which are consumer-related.

The Law Enforcement Assistance Administration assists state and local governments in their consumer efforts by providing research funds, direct block grants, discretionary monies, and technical assistance in support of their law enforcement and crime prevention activities.

III. Executive Summary

Because the Department is primarily an enforcement agency, it is impractical to define its consumer plan in terms of specific input and output functions. Moreover, due to the fact that the primary operating units with consumer-related responsibilities are so divergent in their functions, a generic approach to consumer representation would be inappropriate. Therefore, each primary operating unit has developed its own program for enhancement of its consumer-related activities. The Department, however, is acutely aware of the need to ensure overall coordination of its consumer efforts. Accordingly, the Department is exploring the feasibility of establishing the position of a Consumer Affairs Advisor within the Office of Policy and Planning in the Attorney General's office. Such a position would not only provide a mechanism by which all Department efforts in the consumer area could be effectively coordinated, but would provide a focus for consumer concern and initiative within the Department.

Set forth below are sumaries of the primary operating units' consumer representation plans.

A. Antitrust Division

The Division is primarily a law enforcement agency, investigating and prosecuting antitrust violations. During the last three years, for example, the Division brought actions concerning such products as bread, milk, shoes, tires, frozen pies, gasoline, and broiler chickens. The Division also took action involving such basic and essential goods as steel, dyes, and gypsum wallboard products. Fees by real estate brokers, engineers, anesthesiologists, and attorneys have also been the subject of recent antitrust lawsuits. Since the aim of antitrust litigation is the preservation or restoration of competition and the elimination of anticompetitive practices or structures, the ultimate result of every case should benefit the consumer through downward price pressure.

In today's complex economy, the Division is not only concerned with law enforcement but has become in many respects the principal analyst of and advocate for competition policy. In addition to its antitrust investigations and prosecutions, the Division serves as litigation counsel for various federal agencies, such as the Interstate Commerce Commission and the Federal Communications Commission.

In addition, the Consumer Affairs Section of the Division is responsible for the institution of civil and criminal proceedings in cases referred to the Department of Justice by other agencies, such as the Federal Food and Drug Administration and the Federal Trade Commission, which have primary responsibility for consumer protection activities.

B. Criminal Division

Like the Antitrust Division, the Criminal Division is primarily a law enforcement organization, supervising the investigation and prosecution of the vast majority of Federal criminal laws. The Division also participates actively in the development and implementation of crime prevention programs designed to eliminate or minimize the impact of crime on the public. Several of these crime prevention programs directly or indirectly relate to consumers and their economic well-being. For example, the Division, along with the Department of Transportation, has developed and implemented a comprehensive national auto-theft prevention program as well as an interagency national cargo theft prevention program.

C. United States Attorneys

The United States Attorneys' offices are the main point of contact on the local level for the Department in dealing with consumer problems. This proposal outlines a model based on an operational plan for a possible consumer component within a United States Attorney's office. The model projects use of the following elements: consumer protection designees; contact with the public; liaison with other consumer groups; enforcement efforts; coordination with investigative and regulatory agencies; coordination among United States Attorneys' offices; and public information.

D. Drug Enforcement Administration

DEA, as an enforcement and regulatory agency dealing with drug trafficking and the control of dangerous drugs, has limited direct impact on consumer affairs. Nevertheless, there are several areas in which there are broad indirect influence and direct impact on special subgroups licensed by DEA.

The three operating units involved are the Office of Public Affairs, the Compliance Investigations Division in the Office of Enforcement, and the Office of Science and Technology. The major fields of activity are in communication of DEA programs, functions and control, information on drugs, drug abuse and the drug problem, and research in drug control and regulatory activities.

E. Federal Bureau of Investigation

The FBI deals both directly and indirectly with consumers, conducting a wide range of personal contacts, educational programs, and the investigative operations.

The purpose of the FBI Consumer Representation Plan is to support the objective of sustained high quality performance through solicitation of information from consumers and consumer representative groups.

It is anticipated that this emphasis will be continued in the future with the Inspection Division and the Office of Planning and Evaluation analyzing operations to ensure that consumer interests receive full attention.

F. Law Enforcement Assistance Administration

LEAA, through its program of channeling funds to state and local criminal justice agencies as well as to other groups, has played a major role in combatting consumer-related crimes. It has awarded more than 4 million dollars to consumer-related projects, including the Economic Crime Project administered by the National District Attorneys Association. It also provides technical assistance to help implement these programs and is conducting its own research in the area of consumer fraud.

IV. Department of Justice Overall Proposed Plan

A. Information Input

1 and 2. Policy advisory and program planning and evaluation.

At present, policy advisory and program planning and evaluation with regard to consumer-related matters have been conducted primarily by the individual operating units under the supervision of the Attorney General and the Deputy Attorney General. To enhance its effectiveness in this area, the Department is considering the appointment of a Consumer Affairs Advisor within the Office of Policy and Planning in the Attorney General's Office.

Operating through the Office of Policy and Planning, the Consumer Affairs Advisor would be responsible for, among other things:

(1) advising the Attorney General on all Department policies, procedures, and programs affecting consumers;

(2) reviewing the effectiveness of existing Department policies, programs, and activities affecting consumers and, where appropriate, recommending new programs and initiatives;

(3) coordinating the consumer programs and activities of all operating units of the Department;

(4) collecting and assessing statistical data concerning the Department's efforts in the consumer area;

(5) suggesting additional legislation that may be necessary to serve the consumer interest;

(6) recommending for or against Department participation in agency proceedings affecting consumer interests;

(7) establishing and maintaining liaison with other federal, state, and local agencies whose activities affect consumers with regard to matters within the jurisdiction of the Department;

(8) formulating a coordinated consumer education and consumer awareness program with respect to Departmental policies and practices.

3. Data transmission

Data pertaining to consumer matters come basically from complaints filed by consumers with the United States Attorneys' offices, the Federal Bureau of Investigation, Departmental Divisions, and other Department units. Data is also obtained from other governmental and private agencies working in the consumer field and through the Department's own investigative efforts, as well as through the state criminal justice plans submitted to LEAA. It is expected that as a result of the recommendations made in this plan, the flow of data from consumers about matters within the Department's jurisdiction will increase.

4. Correspondence and complaint handling

Each of the various Department entities receives correspondence and complaints relating in varying degrees to consumer matters. To the extent that the matter is within the particular operational unit's jurisdiction, appropriate action is taken by that unit. Matters falling outside of the receiving party's jurisdiction are referred to the appropriate agency, whether within the Department or outside of it. A further discussion of this topic can be found in the plans of the Antitrust Division and the United States Attorneys' offices described below.

The Department will also explore with other agencies the feasibility of assisting in the development among state and local governments of a national consumer complaint subject index and information system designed to provide rapid exchange of information concerning consumer problems.

B. INFORMATION OUTPUT

Information is disseminated to consumers by the Department in four basic ways: (1) response to consumer complaints; (2) general information through the media about Departmental actions; (3) speeches and policy statements by Departmental representatives; and (4) consumer education. Response to consumer complaints has been discussed previously. With regard to media information, the Department's Public Information Office issues press releases concerning indictments, civil suits, or other significant legal actions. Press information is also provided by other operational units, such as the Federal Bureau of Investigation and the ninety-four United States Attorneys' offices. Speaking engagements are undertaken by representatives of all of the Department's Divisions, Bureaus, Offices, and Agencies in order to provide the public with information concerning their policies and programs. Many of the Departmental entities are involved in consumer education of different types, ranging from the training programs conducted by the FBI for state and local law enforcement agencies to the Drug Enforcement Agency's film libraries and other educational programs described in more detail below.

ANTITRUST DIVISION

Proposed Consumer Representation Plan

I. STATEMENT OF PURPOSE

The Antitrust Division of the Department of Justice is responsible for the enforcement and advocacy of the basic economic policy of competition and the prohibition of restraints of trade and monopolization. In addition to the civil and criminal enforcement of the antitrust statutes, the Division has litigation responsibilities under certain consumer statutes such as the Food, Drug, and Cosmetic Act and the Consumer Product Safety Act and has jurisdiction to initiate actions to recover civil penalties for violations of cease and desist orders arising out of the Federal Trade Commission Act.

Antitrust enforcement has a major impact on consumer welfare. Basically, the antitrust laws prohibit business practices which prevent or limit competition, such as agreements to fix prices or allocate customers. Anticompetitive practices deprive the consumer of the benefit of sellers competing against others. Competition brings lower prices and improved quality of goods and services, and encourages technological and marketing innovations.

The Division's plan seeks to demonstrate the relevance of antitrust remedies to consumers. Specifically, the plan seeks to encourage the formation of an active and well-educated consumer/antitrust constituency. Another goal of the plan is to develop a program for increased input by that constituency into the Division's decisions and activities.

II. PRIMARY OPERATING UNITS INVOLVED

The Antitrust Division's consumer activities and representation are primarily located in the following sections: Consumer Affairs, Public Counsel, Legislative, Special Regulated Industries, Trial Sections, Appellate, Judgments and Judgment Enforcement, and Evaluation.

III. EXECUTIVE SUMMARY

The Division is primarily a law enforcement agency, investigating and prosecuting antitrust violations. During the last three years, for example, the Division brought actions concerning such products as bread, milk, shoes, tires, frozen pies, gasoline, and broiler chickens. The Division also took action involving such basic and essential goods as steel, dyes, and gypsum wallboard products. Fees by real estate brokers, engineers, anesthesiologists, and attorneys have also been the subject of recent antitrust lawsuits. Since the aim of antitrust litigation is the preservation or restoration of competition and the elimination of anticompetitive practices or structures, the ultimate result of every case should benefit the consumer through downward price pressure.

In today's complex economy, the Division is not only concerned with law enforcement but has become in many respects the principal analyst of and advocate for competition policy. In addition to its antitrust investigations and possessions, the Division serves as litigation counsel for various federal agencies, such as the Interstate Commerce Commission and the Federal Communications Commission.

The Division also has responsibility for studying, reporting, and advising on the competitive considerations involved in policies of federal departments and agencies, and for making recommendations with respect to such policies. Specific statutory responsibility to render such advice includes: Nuclear Regulatory Commission licensing of nuclear power reactors; activities connected with the nation's defense program; the Interstate Oil Compact; disposal of government-owned surplus property; and the filing of reports on the competitive factors involved in proposed bank mergers. These activities take the form of comments and testimony on pending legislation, participation in interagency committees, and formal intervention in regulatory proceedings.

In addition, the Consumer Affairs Section of the Division is responsible for the institution of civil and criminal proceedings in cases referred to the Department of Justice by other agencies, such as the Federal Food and Drug Administration (FDA) and the Federal Trade Commission (FTC), which have primary responsibility for consumer protection activities.

IV. Proposed Plan

A. The Division's Present Activities

1. Antitrust law enforcement

The primary mission of the Antitrust Division is the promotion and maintenance of competition in the American economy. It is the basic economic policy of the United States to preserve competitive markets because competition tends to produce better goods and services at lower prices, to create more flexible market conditions, and to encourage a higher rate of innovation. In order to maintain these economic values, anticompetitive conduct is subject to criminal penalties and civil remedies under the Sherman and Clayton Acts. Thus, the Division concentrates its resources and attention on the enforcement of these statutes which prohibit monopolization, conspiracies in restraint of trade, and anticompetitive mergers.

The Division's court litigation and related investigatory work is conducted by eight sections in Washington and eight field offices located throughout the United States. Four of the Washington section, General Litigation, Special Litigation, Trial, and Special Trial, are responsible for general enforcement. Other sections have more specialized litigation functions: the Patent Section has the responsibility to prevent fraudulent procurement and anticompetitive use of patents; the Judgments and Judgment Enforcement Section assists in the preparation of antitrust decrees and supervises compliance with such decrees; the Foreign Commerce Section investigates and prosecutes antitrust violations in United States foreign commerce; and the Public Counsel and Legislative Section have responsibilities for antitrust enforcement in certain industries subject to economic regulation.

The Division's field offices are responsible for enforcement and antitrust litigation in the regions which they served. In FY 1975, the Antitrust Division opened its eighth field office in Dallas, Texas. The other seven field offices are located in Chicago, Cleveland, New York, Philadelphia, Atlanta, Los Angeles, and San Francisco. All antitrust enforcement litigation and investigation by the Washington sections and field offices is supervised and directed by the Office of Operations. Novel and difficult issues of antitrust law and policy often are referred to the Evaluation Section for analysis and comment.

In response to suggestions from a consumer group, the Division recently released its first publication on antitrust enforcement designed specifically for consumer education. This pamphlet, which is attached as Appendix B, is entitled *Antitrust Enforcement and the Consumer* and is available from the Division's Consumer Affairs Section. The pamphlet describes the antitrust laws from a consumer viewpoint, discusses potential violations which consumers may encounter, and tells how and where consumers may contact antitrust enforcement authorities.

2. Regulatory agency activities

The Division continues to expand its efforts to ensure that agencies with economic regulatory powers exercise such powers consistent with antitrust principles and sound competitive policy. The Division serves as an advocate for increased competition and the elimination of unnecessary government regulation of economic affairs in regulatory agency proceedings and appeals.

In some instances, the Division is required by statute to provide other agencies with antitrust advice, and in other instances such antitrust advice is requested by the regulatory agency. But in many instances the Division offers its competitive analysis through participation in administrative proceedings under regulatory statutes as authorized under Department of Justice regulations. The principal areas in which the Division argues the competitive viewpoint in regulatory proceedings are transportation, energy, communications, securities, and banking. Additional regulated areas will be addressed by the Division as it continues to expand its regulatory agency activities.

3. Consumer affairs section

The Antitrust Division has important and growing responsibilities for supervising litigation by several federal agencies under consumer protection statutes such as the Federal Food, Drug, and Cosmetic Act, the Hazardous Substances Act, the Federal Trade Commission Act, the Fair Credit Reporting Act, the Consumer Product Safety Act, and the Truth in Lending Act.[1] These responsibilities involve advising the agencies, aiding in the preparation of pleadings, reviewing proposed cases, and cooperating with United States Attorneys in trials and appeals of these matters. The Section supervises civil seizure actions, injunctive suits and criminal prosecutions recommended by the Food and Drug Administration and the Consumer Product Safety Commission. Upon request from the United States Attorneys or the agencies, assistance also is rendered in the preparation and presentation of these cases, including trial litigation.

The Division's Consumer Affairs Section is responsible for the prosecution of civil penalty actions for violations of Federal Trade Commission cease and desist orders issued under the FTC's trade regulation authority, including the revision of complaints drafted by the FTC, the conducting of discovery in pretrial proceedings, and the filing and settling of such cases.

B. The Division's Awareness of Consumer Concerns and Its Ability to Deal With Them

As noted above, many of the Division's consumer-related litigation and law enforcement activities do not lend themselves to direct expression of consumers' views in specific cases. Nevertheless, the Division believes its enforcement policies and general policies with respect to its non-enforcement activities raise important issues of consumer protection, and it seeks to publicize such policies through speeches, interviews, and press releases, and thus obtains consumer comments, complaints, and suggestions. As the size of the Division's nonenforcement activities increase, and as new techniques of communications become available, the Division should improve its ability to solicit and evaluate communications of consumers' concerns.

---

[1] A complete list of these statutes is available in Appendix C.

1. Consumer correspondence and complaints

Approximately 300 items of mail from consumers arrive monthly at the Antitrust Division. Many of these letters are addressed directly to the Department of Justice, but the majority of them are written to other government agencies, to the White House, or to Congress, and are referred to the Department of Justice for handling and response.

All incoming consumer correspondence is first recorded chronologically, and a file card is prepared and filed by the consumer's last name. This file card lists the date of receipt, Department of Justice file number, name and address of writer, and a brief statement of the letter's content.

Unsigned letters or carbon copies of letters addressed to someone else, where no specific assistance is requested of the Division, are ordinarily filed without response. Most of the consumer letters this section receives involve complaints for which the Department has no jurisdiction. In appropriate cases an attorney will contact the company complained against and seek to settle the dispute.

To determine if there have been previous complaints against a particular company, an index of complaints is listed alphabetically.

When referring a letter to another agency, a letter is sent to the consumer, stating where the consumer's letter has been sent and why. A copy of this letter is sent to the agency and serves as a cover letter.

The Division plans to add additional trained consumer specialists to its staff to ensure more prompt and effective responses to individuals. The Division also plans to have the Consumer Affairs Section assist the Department's Consumer Affairs Advisor and consumer agencies outside the Department.

2. Use of consumer and other publications

The Antitrust Division library subscribes to many consumer publications. Currently these publications are reviewed by Consumer Affairs staff attorneys when particular activities are under investigation or are in litigation. The Division's Consumer Affairs Section plans to review and possibly expand the list of these publications, and begin a systematic review procedure for the purpose of achieving increased staff awareness of consumer group activities and concerns. Information contained in consumer publications is frequently corroborative of evidence provided in individual consumer correspondence.

Newspapers are also reviewed on a daily basis by attorneys within the various divisions for notices of mergers, acquisitions, and other activities which may affect antitrust enforcement.

Finally, the Antitrust Division library maintains subscriptions to approximately 400 trade publications. Although attorneys involved in investigations or enforcement actions within given industry areas presently stay abreast of trade news, the Division plans a systematic review to provide more complete coverage of industry concerns and activities.

3. Consumer conferences

Antitrust Division attorneys and economists frequently are involved as speakers and participants in conferences on consumer-related topics. It is believed that the Division's present practices utilize this type of resources in a satisfactory manner.

C. THE DIVISION'S PLANS FOR INCREASING CONSUMER AWARENESS OF ITS ACTIVITIES AND ABILITY TO EVALUATE THEM

Speeches, press releases, correspondence, and public conferences will continue to be the mainstay of the Division's efforts to inform the public of its policies and activities. But increased efforts are underway as part of the Division's plan to improve this public information function.

1. General policy on publicity

Press releases are prepared and disseminated from the Division when enforcement actions are filed, when settlements are proposed and when regulatory agency filings are submitted. Speeches and Congressional testimony by Division officials are also released in their entirety. A conscious effort is made to write releases in laymen's language, and the Division plans to place more emphasis on the consumer impact of antitrust enforcement activities.

Additionally the Division plans to experiment with a series of public service announceemnts based on the relationship between consumer issues and appropriate antitrust remedies. Thirty-second and sixty-second announcements for radio and television would increase the exposure of current Division activities and serve to generate additional input in the form of inquiries and complaints.

While Division officials often present addresses to business and professional organizations in other cities, the Division will experiment with scheduling local television appearances relating to the consumer impact of antitrust enforcement. Additionally, the Division will continue its meetings with local U.S. Attorneys and state Attorneys General concerning current antitrust and consumer statute enforcement.

2. Publicity concerning proposed consent judgments

Under the Antitrust Procedures and Penalties Act, which became effective in June of 1975, the Division's Judgments and Judgment Enforcement Section prepares a competitive impact statement designed to provide summarized information concerning the anticipated impact of every proposed settlement of an antitrust enforcement lawsuit. These statements describe the nature and purpose of the proceeding, the practices or events giving rise to the alleged violation of the antitrust laws, the proposal for a consent judgment, and the anticipated effects on competition of such relief. The remedies available to potential private plaintiffs damaged by the alleged violation also are outlined, as well as the procedures available for modification of the proposal and a description and evalution of alternatives to such a proposal.

A summary of the terms of the proposed order, a summary of the competitive impact statement, and a list of the materials and documents available for public examination are published in the Federal Register and in newspapers of general circulation both in the locality of the lawsuit and in Washington, D.C. This procedure provides an opportunity for consumers who may be affected by the judgments to make comments prior to the entry of the proposed order of the court. If the comments submitted disclose facts or considerations which indicate that the proposed order is inappropriate, improper, or inadequate, the Division has the right to withdraw or withold its consent.

Since the initiation of this statutory procedure, the Section has received responses on approximately one-half of the statements filed. Although the majority of these responses are from parties who have a direct interest in the outcome of the lawsuit, there have been responses from uninvolved consumers or consumer representatives. Some antitrust lawsuits, particularly those involving basic consumer commodities, generate considerable consumer interest. Accordingly, the Division plans to provide more information on such cases to consumers.

3. Business review procedure

The Division in certain circumstances reviews proposed business plans upon the request of private firms and states its enforcement intentions. Under this procedure, known as the business review procedure, the Department's regulations provide that the requesting party submit to the Division in writing a description of the proposed conduct, including complete information concerning its competitive aspects, and copies of all

relevant documents and detailed statements of any collateral oral understandings. This information is frequently supplemented by further requests to the parties or by additional independent investigation by Division personnel. On the basis of its review, the Division issues a letter to the requesting party which either states its present enforcement intention or declines to pass on the request because of insufficient information or other reasons. When the business review letter states that the Division does not presently intend to bring suit against the proposed conduct, the letter includes the provision that the Division reserves the right to take action in the future if additional evidence or subsequent developments warrant such action.

During FY 1975, the Division amended the business review regulations to provide that 30 days following the date upon which the Division takes any action pursuant to a business review request, the request, the information supplied to support it, and the Division's letter in response will be indexed and placed in a publicly available file. The amended regulations also provide that the Division may exclude information supplied by the requesting party from the public file if it decides that good cause has been shown.

After amending its business review regulations, the Division in Fiscal 1975 made public 29 letters issued between late 1972 and mid-1974. These letters, as well as other letters released earlier and all letters issued under the current regulations are available for public inspection in the Legal Procedure Unit of the Antitrust Division. The public has been notified of their availability. The Division has received a number of requests for business review information, and the Division believes that the limited expeirence available under its new disclosure policy indicates that the new policy functions well as a public information technique. Accordingly, the Division plans to publicize through the Administration's regional consumer representation conferences the availability of information on its business review letters.

4. Proposed education program concerning Federal statutes providing direct protection for consumers

The Division is considering the preparation and dissemination to consumers of a listing and description of federal statutes which provide directly for consumer protection, violations of which consumers are likely to readily recoguize. Such a program would serve to increase consumer awareness of federally-protected rights and generate investigative leads to assist effective law enforcement. Dissemination of this information could be by Department publication or a public service announcement program, and might be coordinated with consumer groups and publications.

In kind, consumer complaints can be a significant enforcement aid. Examples of statutes as to which enforcement could be enhanced by notification from consumers of violations include: the Automobile Information Disclosure Act, which requires that suggested resale price stickers be affixed to new automobiles; the Truth-in-Lending statute, which requires certain kinds of credit disclosures in consumer credit transactions; statutes requiring notice of opportunity to rescind when a security interest in real property is involved; and laws providing a prohibition against issuance of credit cards without request or application.

Publications should include a clear explanation of the necessity of exercising prosecutorial discretion and selectivity to avoid over-burdening court dockets. It should also clearly explain the Department's lack of authority to sue on behalf of consumers for refund or restitution. It should emphasize the availability of private remedies where Congress has so provided, and also should suggest possible concurrent jurisdiction of State and local law enforcement agencies.

C. OTHER CONSUMER-RELATED PLANS OF THE DIVISION

1. Advocacy of consumer interests before the Federal Trade Commission

The Division plans to continue its efforts to advocate and explain antitrust principles before regulatory agencies. By recent amendment to the Federal Trade Commission Act, the Commission has been given authority, and a mandate, to conduct appropriate administrative proceedings leading to adoption of trade regulation rules defining acts and practices which are unfair or deceptive to consumers. Such rules will have the force of law; violations will be deemed violations of Section 5 of the Act, and will be subject to civil penalty actions brought by the Department of Justice (or the Commission if the Department does not undertake prosecution within 47 days of notice by the agency). The Division may have a useful role to play, consistent with its consumer protection mission, in the development of these rules through participation and comment in the rulemaking proceedings.

The Division could analyze proposed rules for possible comment from three perspectives:

(1) The Division's experience in responding to consumer complaints might suggest useful comments on ways in which consumer interests were or were not adequately protected under existing federal or state law.

(2) The Division might analyze costs resulting from proposed regulations, and suggest the availability of less restrictive alternatives.

(3) As the agency bearing responsibility for prosecuting violators of the final rule, it could make appropriate suggestions to enhance its enforceability, pointing out potential loopholes or problems of proof raised by the proposal.

2. Responsibility for consumer representation

The Division plans to designate the Chief of its Consumer Affairs Section to coordinate the Division's activities with the Consumer Affairs Advisor with those of the Department's office, and other entities concerned with consumer representation.

3. The Division's legislative program

One of the Division's most important legislative priorities is the enactment of amendments to the Antitrust Civil Process Act (ACPA). This legislation would significantly improve the investigatory procedures available to the Antitrust Division, and thus would allow the Division to utilize its investigatory resources more effectively.

The Division has also testified in favor of the passage of S. 1284, an omnibus antitrust bill now pending before the Senate Judiciary Committee. S. 1284, one title of which includes the ACPA Amendments discussed above, also contains procedural authority for pre-notification to the Division of mergers and acquisitions, additional FTC enforcement authority, and a right of action for state Attorneys General to seek damages on behalf of their citizens for antitrust violations. The latter provision, establishing what is known as *parens patrie* authority, is also before the House of Representatives, and the Division has supported the bill there as well.

Another legislative effort in which the Antitrust Division has been heavily involved is the reform of the Robinson-Patman Act. This legislation, passed in the 1930s, was meant to "protect" small retailers from the competitive advantage of larger enterprises which were able to use their greater bargaining power to exact non-cost-justified discounts from suppliers.

The Division has also strongly supported repeal of the Fair Trade exemption to the Sherman Act. Legislation to lessen anti-competitive regulatory restraints in the airline industry, the trucking and railroad industries, and financial institutions is

now pending. The Division is continuing to examine these and other areas, such as insurance and agriculture.

Finally, the Antitrust Division has testified in favor of the concept of a proposed Consumer Fraud Act which would impose criminal sanctions on persons who commit unfair consumer practices enumerated in the bill. Legislation of this type would supplement existing federal and state consumer protection statutes, which currently do not effectively prevent these practices.

V. RECOMMENDATIONS

As previously discussed, the Division's plan includes the following specific proposals:

A. Efforts to heighten the Division's awareness of consumer viewpoints.

1. Increase the staff available to handle consumer complaints.

2. Review and improve the use of consumer and trade publications.

3. Continue participation in consumer and industry conferences.

B. Efforts to inform consumers of Antitrust Division activities.

1. Increase publicity of actions having direct effect on consumers.

2. Publicize the availability of notices and information on proposed consent judgments and the accompanying competitive impact statements.

3. Publicize the availability of business review information.

C. Other new activities which impact on consumer interests.

1. Expansion of the Division's advocacy of competition policy and consumer concerns before regulatory agencies.

2. Designation of the Chief of the Consumer Affairs Section as coordinator with the Department's Consumer Affairs Advisor and other consumer relations entities.

3. Advocacy of appropriate legislation in the consumer field, including improvements in antitrust enforcement.

The Division anticipates that these recommendations could be instituted with no additional personnel and resources beyond the increases which are expected for the next fiscal year.

CRIMINAL DIVISION

Proposed Consumer Representation Plan

I. STATEMENT OF PURPOSE

The Criminal Division supervises the enforcement of all Federal criminal laws except those that are specifically assigned to other divisions of the Department. Accordingly, a significant portion of the Division's work has a direct impact on the consumer interest. In this regard, the Division works closely with the Federal Bureau of Investigation, the United States Attorneys, the Postal Inspection Service, the Drug Enforcement Administration, and other governmental agencies—and with the public at large—to discharge its responsibility.

II. PRIMARY OPERATING UNITS INVOLVED

The Division is divided into ten operating sections, five of which have significant impact on consumers. These five sections are:

The Fraud Section
The General Crimes Section
The Government Regulation Section
The Narcotics and Dangerous Drug Section
The Management and Labor Section

III. EXECUTIVE SUMMARY

The Criminal Division is primarily a law enforcement organization, supervising the investigation and prosecution of the vast majority of Federal criminal laws. The Division also participates actively in the development and implementation of crime prevention programs designed to eliminate or minimize the impact of crime on the public. Several of these crime prevention programs directly or indirectly relate to consumers and their economic well-being. For example, the Division, along with the Department of Transportation, has developed and implemented a comprehensive national auto-theft prevention program as well as an interagency national cargo-theft prevention program.

The specific functions of the primary operating units of the Division whose activities impact on the consumer are set forth below:

A. FRAUD SECTION

The Fraud Section supervises the enforcement of a variety of fraud-related statutes which include use of the mails or interstate wire facilities in fraudulent schemes, misapplications, and embezzlements in Federal and federally insured financial institutions, fraud in bankruptcy proceedings, violations of the securities laws, and frauds perpetrated against the Federal Government.

The Fraud Section is divided into several operating units covering such areas as program frauds, mail fraud, securities violations, and banking and bankruptcy offenses. The program fraud unit has been working closely with the United States Attorneys and the Department of Housing and Urban Development and interested investigative agencies in a program to combat fraudulent abuses in inner city housing projects financed with Federal funds.

B. THE GENERAL CRIMES SECTION

This Section supervises the enforcement of statutes relating to protection of Government integrity (bribery, graft, conflict of interest), channels of interstate commerce (aircraft hijacking, cargo theft, transportation of stolen property, forged or counterfeit securities), the public (crimes on Federal lands and the high seas, riot, explosive and weapons control offenses, bank robbery, kidnapping, extortion, interception of communications) and legal procedures (obstruction of justice, false testimony, prison offenses). In addition, a unit within the Section focuses on the traffic in stolen and counterfeit securities.

The duties of the Section include coordinating prosecutions, on both policy and operational levels, with other departments and agencies; fostering anticrime measures through coordination with Federal, State, and private agencies and institutions; and reviewing and recommending proposed legislation. When possible, either on request or as otherwise deemed appropriate, attorneys of the Section directly participate in field operations, presenting cases to Federal grand juries, arguing preliminary motions, appearing at trial in selected prosecutions, and briefing and arguing appeals.

C. GOVERNMENT REGULATIONS SECTION

The Government Regulations Section supervises litigation to enforce criminal and civil sanctions of a wide variety of statutes providing for the regulation of private activity by Federal departments and agencies. These include statutes for protection of consumers; regulation of all modes of transportation; regulation of communications; and protection of miners, longshoremen, and other workers. The Section also supervises criminal and civil litigation under the obscenity laws; criminal and civil sanctions of the customs laws; and the enforcement of miscellaneous criminal satutes affecting consumers.

The Section supervises criminal and civil actions to enforce a wide variety of regulatory statutes administered by the Department of Agriculture, including the Agriculture Marketing Agreement Act, the Animal Quarantine and Laboratory Animal Welfare Acts, the Federal Seed Act, the Grain Standards Act, the Wholesome Meat Act, the Wholesome Poultry Products Act, the Egg Products Inspection Act, the Packers and Stockyards Act, the Plant Quarantine Act, the Twenty-Eight Hour Law, and the Warehouse Act.

D. NARCOTICS SECTION

This Section is responsible for criminal litigation arising out of Federal laws pertaining to narcotics and other dangerous drugs. It is also responsible for all litigation arising out of the regulatory functions of the Drug Enforcement Administration.

E. MANAGEMENT AND LABOR SECTION

Federal criminal statutes relating to employee-employer relationships, private pension funds, and the internal operations of labor unions clearly have a direct impact on consumer affairs. These statutes are supervised by the Management and Labor Section. Primary statutes within the Section's jurisdiction are those prohibiting interference with interstate commerce by extortion, embezzlement of a union's assets by an officer or employee of the union, improper payments by employers to union officials, embezzlement of the assets by an officer of employee funds, and the payment of kickbacks to influence the acts of trustees or agents of pension and welfare funds.

The Section also is responsible for supervision of prosecutions for violation of the explosive statutes whenever explosives are used in connection with a labor dispute, for violations of the reporting requirements of the Welfare and Pension Plan Disclosure Act, and for violations of the Labor-Management Reporting and Disclosure Act.

IV. Proposed Plan

Since the Criminal Division, particularly in the area of the enforcement of consumer laws, basically depends on the enforcement policies of the various Federal agencies having primary investigative and enforcement responsibilities (such as the Department of Agriculture), "consumer" input into the Criminal Division's enforcement efforts is determined largely by the investigative and enforcement efforts of the primary level agency. Notification by consumers of possible violations of laws to the primary, non-Criminal Division level, can greatly assist the Criminal Division's enforcement efforts.

The Division recognizes, however, that there is a possibility of enhancing the "output" of information flowing to consumers concerning its activities. Efforts to increase this "output" flow must of course be consistent with the ethical and legal proscriptions imposed on law enforcement agencies with regard to the dissemination of information about investigations and prosecutions.

The Division is currently participating, along with other agencies, in programs designed to stimulate community involvement and participation in crime prevention programs. These programs include:

A. INTERAGENCY COMMITTEE ON AUTO-THEFT PREVENTION

The Interagency Committee on Auto-Theft Prevention consists of Federal agencies which have cognizance over certain aspects of the auto-theft problem. This committee's objective is to reduce auto theft by bringing about the improvement of automobile security systems and by making it more difficult to fence stolen automobiles in the marketplace. In achieving its objective of reducing auto theft, this committee has been in contact with the automobile manufacturing industry, the insurance industry, the rental industry, local law enforcement authorities, and consumer agencies. If the committee attains its objective of reducing auto theft by 50 percent within five years, a significant savings will be passed on to the consumer in the form of reduced insurance premiums and auto locking systems which provide greater protection to the consumer's property.

B. INTERAGENCY COMMITTEE ON CARGO SECURITY

The Interagency Committee on Cargo Security consists of Federal agencies which have primary cognizance over areas affecting the nation's transportation system and the enforcement of crimes involving cargo in transit. At the national level, this committee works closely with leaders of the private sector in the initiation of preventive measures which will effectively curb cargo thefts. Also, government representatives—state and Federal—work together in 15 major cities with local representatives of the transportation industry for the purpose of preventing cargo theft and increasing law enforcement efforts where needed.

C. FEDERAL-STATE LAW ENFORCEMENT COMMITTEE

The Criminal Division has taken an active role in the formation of Federal-State Law Enforcement Committees. These committees, now actively operating in 27 states, were formed with the assistance of the Criminal Division to improve the coordination of the various law enforcement agencies and concerned private and commercial groups in the effort to reduce the impact of crime in our society. One of the primary goals of the committees is to insure that federal investigators and prosecutors are not working at cross purposes with their state and local counterparts. However, the committees are also vitally interested in establishing effective two-way communication with the various private and commercial groups that are being victimized by crime. Accordingly, the United States Attorneys who chair these committees regularly invite participation by representatives of affected groups in the private sector.

D. FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

The Criminal Division is also actively involved in the work of the Federal Advisory Committee on False Identification. This committee, which consists of representatives from the private, commercial, and governmental sectors, is studying the scope of the criminal use of false identification and will be making recommendations to counter such use in June of 1976. False identification frauds result in billions of dollars worth of losses to consumers in such areas as the passing of bogus checks and credit cards; the taking of scare jobs by illegal aliens; the obtaining of food stamps and other government benefits under false pretenses; the fencing of lost, stolen, or spurious securities and other commercial paper; and many other crimes.

Within the framework of these committees, consideration will be given to establishing mechanisms for greater consumer input and output. This may take the form of consumer presentations at committee meetings and the establishment of formal liaison with relevant interested groups.

The Division in the past has publicized the objectives of its crime prevention efforts in various trade publications and newspapers. Consideration is being given to an expansion of this effort to provide more flow of information to consumers regarding crime prevention.

The Division has been expanding its consumer-oriented enforcement efforts particularly with respect to sophisticated and widespread fraudulent schemes. Fraudulent financial institu-

tions, mutual funds, and land schemes victimize broad segments of the consuming public. Enhanced efforts have included additional staff allocated to the Fraud Section to focus on consumer-related offenses.

Finally, the Criminal Division, in the context of the proposed Federal Criminal Code, S. 1 and H.R. 3907, (94th Cong., 1st Sess.) has suggested a number of legislative changes aimed at further protecting consumers. Among other things, the proposed code includes a careful delineation of the criminal responsibility of an organization for the conduct of its agents as well as a clear statement on criminal liability of an agent for acts of an organization; an injunctive relief provision to halt fraudulent activities when they are discovered; a provision to make illegal the pyramid sales scheme; clarified and appropriately-graded penalties for large-scale theft, embezzlement, and fraud offenses; expanded and clarified offenses for commercial bribery and labor bribery; new offenses to help reduce the trafficking in forged, counterfeit, or stolen securities; and a reckless endangerment offense graded as a felony to reach those violations of federal regulatory law that may endanger human life. In order to facilitate restitution by aggrieved parties, the proposed code contains a requirement that an individual found guilty of an offense involving deceptive practices or an organization found guilty of any offense may be required to give notice of the conviction to the persons affected by the offense. In addition, the code includes a general tenfold increase in corporate and individual fine limits—as well as a potential maximum fine of double the gain realized or the loss caused by any criminal activity—in order to deter willful violation of the existing regulatory statutes by raising the penalty level so that the fines available will not be viewed simply as a minor cost of doing business.

V. Recommendations

A. Consideration will be given to developing additional mechanisms for consumer input and output in crime prevention programs.

B. Methods will be explored for fuller utilization of the mass media potential in relation to the Division's crime prevention programs as one means of providing a flow of relevant information to the consumer.

C. A continued enforcement emphasis will be placed on those fraud schemes which impact on consumers.

UNITED STATES ATTORNEYS' OFFICES

Proposed Consumer Representation Plan

I. Statement of Purpose

Because of the diversity among United States Attorneys' offices—in size, population density of the district they serve, geographical location, and enforcement problems encountered—it is impossible to design a single consumer representation plan covering all such offices. United States Attorneys have, however, moved aggressively and innovatively in responding to consumer problems in their districts. Set forth below as representative of one such innovative approach is a plan based on an actual operating United States Attorney's Consumer Protection Division. It is recognized, however, that this plan is not necessarily transferrable in whole or in part to other districts. It is presented for illustrative purposes only as an example of Department actions directly impacting on the consumer and his problems.

II. Primary Operating Units Involved

The United States Attorneys are the chief law enforcement representatives of the Attorney General within the ninety-four judicial districts covering the United States and its possessions. They are the field units of the Department of Justice and range in size from one or two attorneys to over 150 attorneys. In a very real sense, they are the Department's eyes and ears, as well as its enforcement arm, throughout the country, and therefore they are a principal point of contact for the Department with consumers and the general public.

Many United States Attorneys' offices have specialists assigned to consumer protection matters and some of the larger offices have established special divisions to deal with cases falling within the area. For example, in the District of New Jersey, eight Assistant United States Attorneys work full time on consumer protection and fraud matters.

III. Executive Summary

The United States Attorneys' offices are the main point of contact on the local level for the Department in dealing with consumer problems. This proposal outlines a model based on an operational plan for a possible consumer component within a United States Attorney's office. The model projects use of the following elements: consumer protection designees; contact with the public; liaison with other consumer groups; enforcement efforts; coordination with investigative and regulatory agencies; coordination among United States Attorneys' offices; and public information.

IV. Proposed Model Plan

A. Consumer protection designee

The United States Attorney should designate an Assistant United States Attorney to be responsible for all consumer protection matters. In smaller offices, this function may require only the part-time service of one attorney. In the larger offices, several Assistant United States Attorneys may be assigned to work full time on such matters. The individual chosen for this assignment should have an overview of all consumer-related matters within the office. He should be responsible for reviewing all consumer-oriented complaints and evaluating them for patterns of misconduct requiring enforcement action. Furthermore, he should work with the federal investigative agencies and other governmental and private groups having an interest in the consumer area to develop effective enforcement and prevention programs.

B. Contact with the public

It is essential that the public be encouraged to contact United States Attorneys' offices with consumer complaints. While it is recognized that many consumer complaints will not be amenable to action by a United States Attorney's Office. Only through the contact with the public can a United States Attorney's Office keep abreast of consumer problems and detect patterns of consumer fraud or other consumer-related violations. Distribution of the Consumer Protection Designee's telephone number and address among various consumer agencies and, if appropriate, through the media should be considered.

Once a complaint is received it should be evaluated for enforcement potential, federal distribution, and potential for federal intervention. Where warranted, the complaint should be referred to the Federal Bureau of Investigation or other appropriate federal investigative agency for investigation. If federal action is not indicated, the consumer should be referred to another source that can be of assistance to him and promptly advised of the disposition of his compliant by the United States Attorney's Office.

C. LIAISON WITH OTHER CONSUMER GROUPS

The consumer protection designee should establish liaison with governmental consumer agencies and consumer groups in the community. These community groups should be acquainted with the limits of federal jurisdiction so that referrals are limited to cases in which United States Attorney action is likely. Liaison with these consumer groups can also lead to coordinated projects and the acquisition of information about significant developments in the consumer field in the district.

Consistent with this planning objective, the consumer protection designee should belong to the Federal Executive Board (FEB) Community Consumer Council, if one has been established in his District. These councils were established by the FEB with the goal of providing federal coordination for federal, state, local, and private consumer efforts within the Districts.

D. ENFORCEMENT EFFORTS

Enforcement efforts should encompass both criminal prosecution and civil litigation. Consideration should be given to local consumer problem areas and other specific programs devised for combatting those problems. Establishment of enforcement priorities is one mechanism for focusing resources on particular consumer problem areas. United States Attorneys' offices have in the past made imaginative use of the mail fraud, wire fraud, and interstate transportation of stolen property statutes to combat consumer frauds. It is envisioned that enforcement efforts can include the following types of cases:

1. Frauds against the public

These include various categories of cases which impact directly upon the consuming public. Representatives of such cases are:

a. mail order frauds, including: (1) failure to provide product; (2) falsely advertised product; and (3) chain-type income earning opportunity schemes;
b. franchise and distributorship frauds;
c. pyramid sales frauds;
d. land sales frauds;
e. securities and investment frauds;
f. fake charity frauds;
g. "bust-out" schemes;
h. "Ponzi" schemes;
i. advance fee swindles;
j. bait and switch advertising;
k. home improvement swindles;
l. confidence swindles;
m. fraudulent contests;
n. estates and missing heirs schemes;
o. matrimonial frauds;
p. membership frauds;
q. school frauds;
r. travel frauds.

2. Frauds against the business community

These include frauds involving the same legal concepts as frauds against the public but which have as their primary victims business establishments. To the extent that such business establishments are themselves consumers, there is consumer fraud. However, more importantly, the cost of these frauds is usually passed along to the public and often, as in the case of credit card frauds, there is a direct impact on the consumer as well. Examples include:

a. credit card frauds;
b. failure to pay for merchandise;
c. insurance company frauds;
d. false billing frauds;
e. fraudulent directories;
f. coupon redemption schemes.

3. Regulatory violations and offenses

Many regulatory violations and offenses also impact directly on the consumer. Cases may arise under various provisions including:

a. Department of Transportation Ultrahazardous Substances Act;
b. Department of Transportation Motor Carriers Safety Act;
c. Interstate Commerce Commission Act;
d. Department of Agriculture Acts relating to food stamps, meat inspection, transportation and vaccination of animals;
e. Odometer tampering violations;
f. Securities and Exchange Act violations;
g. Consumer Product Safety Act violations;
h. Consumer Credit Act violations;
i. Food and Drug Act violations relating to the contamination, adulteration, and mislabeling of food, drugs and cosmetics;
j. Violations relating to medical laboratory procedures.

4. Frauds against the Government

These situations again do not impact directly on the consumer. However, there are a number of governmental programs in which frauds perpetrated against the program would have a definite impact on segments of the consuming public. Examples include:

a. Frauds relating to the Federal Housing Authority mortgage insurance program in which the low and moderate income homeowners are subject to a possible loss of their homes as a result of fraudulent submissions by brokers and mortgage companies.
b. Frauds relating to the Department of Health, Education, and Welfare's medicare and medicaid programs in which patients and nursing home residents may suffer a cut-off of services because of misconduct on the part of physicians or nursing home operators.

5. Restitution and injunctive efforts

While there is presently no specific statute authorizing United States Attorneys' offices to sue on behalf of a consumer or class of consumers to recover monies lost due to another's violation of federal law, where appropriate United States Attorneys' offices, can assist in securing restitution for victims through plea negotiations, allocution at sentencing, referral to state and local consumer agencies with powers to require restitution. While there is no specific statute authorizing injunction action to prohibit further violations of federal law, where appropriate, United States Attorneys' offices can proceed with the injunctive process in consumer-related cases where specific statutory authorization permits (such as in FDA and postal matters) or where supportable by controlling case law.

E. COORDINATION WITH INVESTIGATIVE AND REGULATORY AGENCIES

The previous elements of this plan emphasize the need for coordination with a larger number of investigative and regulatory agencies. With regard to many consumer problems there will be overlapping jurisdiction and responsibility among the agencies. The United States Attorney's office within the districts is in a unique position to coordinate all agencies thereby enabling the federal government to make the most efficient use of these resources.

F. COORDINATION AMONG U.S. ATTORNEYS' OFFICES

The development of consumer protection designees within the United States Attorneys' offices can facilitate an exchange of information as well as cooperative case efforts among the offices. Many of the consumer problems handled on a federal level, particularly large scale frauds, overlap district boundaries and require coordination. Development of consumer specialists within each office will make this coordination easier and more effective.

The Department has already taken steps in this area and, in 1974, held its first Consumer Protection Conference for United States Attorneys' offices. This exploratory conference resulted in a valuable exchange of information and the establishment of cooperative links on consumer matters among many of the offices represented.

G. PUBLIC INFORMATION

Because of the ethical and legal limitations on disclosures by any prosecutor's office, information output to consumers from United States Attorneys is necessarily limited. However, the media impact of indictments, convictions, and federal civil actions in the consumer area has been substantial in the past and can be expected to continue. Moreover, in speaking engagements, U.S. Attorneys are subject to certain limitations in describing consumer-related litigation due to potential prejudice.

V. RECOMMENDATIONS

A. Designate Assistant United States Attorneys with consumer protection responsibility in each United States Attorney's office.

B. Encourage the filing of consumer complaints with United States Attorneys' offices by members of the public.

C. Establish liaison between United States Attorneys' offices and other governmental and private agencies active in the consumer protection field.

D. Increase both civil and criminal enforcement efforts in cases involving consumer related frauds against the public, frauds against the business community, regulatory violations and offenses, and frauds against the government.

E. Coordinate consumer enforcement projects with investigative and regulatory agencies.

F. Improve, through conferences and information exchanges, coordination of consumer efforts among United States Attorneys' offices.

G. Provide the public with information about consumer related civil litigation and criminal prosecutions undertaken by United States Attorneys' offices.

DRUG ENFORCEMENT ADMINISTRATION

Proposed Consumer Representation Plan

I. STATEMENT OF PURPOSE

The purpose of the Drug Enforcement Administration (DEA) is to protect the health and safety of the United States consumer by enforcing the Controlled Substances Act of 1970 (CSA-1970) which provides authority to control and regulate narcotics and dangerous drugs; to limit the availability of substances controlled by the Act; to protect the general public through programs of state, industry, and professional coordination and general consumer information and education.

DEA is primarily an enforcement and regulatory agency with limited direct contact with the citizen-consumer. The DEA Consumer Representation Plan is designed to improve the communications flow from those groups and organizations which are most directly concerned among the public, to elicit informed opinion on regulatory matters, and to provide adequate information on the functions and activities of DEA to registrants, to their organizations, and to the general public.

II. PRIMARY OPERATING UNITS INVOLVED

Within DEA there is little direct contact with consumers. However, DEA's programs do indirectly impact on the consumers. The consumer related programs are identified within the following units:

A. OFFICE OF ENFORCEMENT—COMPLIANCE INVESTIGATIONS DIVISION

ACTIVITIES

1. Preparation of Federal Register Announcements.
2. Committee of Registrants: Industry, Distributors, Pharmacy, and Prescribers.
3. Pharmacy Theft Prevention Pilot Program.
4. Co-Sponsor: Community and Consumer Project (e.g., Medicine Tips).
5. "Open Door" Policy in Compliance Investigations Division.
6. Newsletters on Regulatory Affairs.

B. OFFICE OF PUBLIC AFFAIRS ACTIVITIES

1. News Releases.
2. Continuing contact with mass media.
3. Publications: *Drug Enforcement* Magazine, and General drug information publications.
4. Response to Public Inquiry.
5. Advisory and Technical Assistance.
6 Programs for Registrants under CSA-1970 in Self-Regulation (with Enforcement).
7. Congressional Liaison.

C. OFFICE OF SCIENCE AND TECHNOLOGY ACTIVITIES

1. Drug Control Program.
2. Study of State Regulatory Boards.
3. Drug Abuse Warning Network (DAWN).

III. EXECUTIVE SUMMARY

DEA, as an enforcement and regulatory agency dealing with drug trafficking and the control of dangerous drugs, has limited direct impact on consumer affairs. Nevertheless, there are several areas in which there are broad indirect influence, and direct impact on special sub-groups licensed by DEA.

The three operating units involved are the Office of Public Affairs, the Compliance Investigations Division in the Office of Enforcement, and the Office of Science and Technology. The major fields of activity are in communication of DEA programs, functions, and control; communication of information on drugs, drug abuse, and the drug problem; and research in drug control and regulatory activities.

Specific activities addressed in the DEA plan are: improvement of information on public hearings for drug control; attention to requests by the public and specific interest groups for drug-related information and data; utilization of research and surveys to improve regulatory control at both federal and state levels; utilization of existing special interest committees of the drug industry, drug distributors, pharmacy, and prescribers for two-way communication; continuation and improvement of media communication; inclusion in the agendas of conferences the discussion of consumer issues.

Recommended actions are: coordination of DEA's Consumer Representation Program through its Office of Public Affairs; opening of advisory group meetings to concerned consumer par-

ticipation where appropriate; improvement of Federal Register announcement communication, including pre-hearing information releases; issuance of policy guidelines when appropriate; and issuance of an impact statement regarding the importance of DEA's activities to, and their impact on, the public health and safety.

IV. Proposed Plan

The consuming public is indirectly affected by most of DEA's activities. Certain groups of the public are more directly involved. These groups include physicians, pharmacists, veterinarians, dentists, drug wholesalers, and manufacturers.

The public, as a consumer of information, is directly affected by DEA's public information and education programs. CSA–1970 authorizes the dissemination of information on drugs, drug abuse, and the drug problem.

Obtaining information on drug control and drug abuse, and dissemination of it to the public, is accomplished through the mechanisms described below.

A. Information Input and Output

Public hearings.—When it is determined to revise CSA schedules, Federal Register announcements provide for hearings which are open to interested parties. Notice is given to DEA's registrant committees and registrant organizations.

***Action.*—DEA will provide individual notice to registrant organizations through its Registrant Newsletter, and in addition, by new releases, where appropriate, on control actions and other Federal Register announcements.**

Requests by the public for information.—Replies to requests for information and publications are provided through the public inquiry program of the Office of Public Affairs, and through DEA regional offices. A number of publications are distributed, providing information of common interest.

Action.—Publications for the public and specialized groups in law enforcement, the registrant professions, the academic community, and others will continue to be prepared and distributed upon request. A review of specific kinds of requests has been carried out, and an evaluation of publications required for specific requests is being made to assure more responsive replies. DEA film libraries are maintained to reply to requests for general information on the drug problem.

Surveys and research.—The Office of Science and Technology carries on two activities which concern consumers. The first is the Drug Abuse Warning Network (DAWN) program, which compiles data on drug-related overdoses in 23 major metropolitan areas. The second is a survey and report on the functions of State Regulatory Boards, which is designed to recommend improvements in the regulation of controlled substances and to develop a Model State Act for regulatory agencies.

Action.—DAWN is now being compiled in a more readable format to permit its wide distribution to drug abuse prevention and treatment workers, as well as to law enforcement agencies and segments of the public. Significant trends in abuse will be reported to the press and through DEA publications to registrant organizations.

Upon completion of the study of state regulatory boards, the Model State Act will be presented to state legislatures where appropriate, and the needs and problems in state regulation reviewed. This project should have a broad impact on the health and safety of the American public by improving state control and regulation of dangerous substances.

Registrant committees.—The Compliance Investigations Division of the Office of Enforcement maintains working committees in the following fields: industry, distributors, pharmacies, and prescribers.

These committees provide two-way communication between DEA and those specialized groups interested in drugs and drug regulation. They assure that Federal Register announcements are communicated to registrants; that the special concerns of professions, registrant organizations, and other interested groups are represented; and that DEA's positions are carefully examined.

Action.—DEA will examine the structure of these committees and if feasible, seek to include a broader representation and direct consumer involvement, either through presentation of such views at regular meetings or through the establishment of a representative committee on public concerns. The format will be determined through an analysis of present program effectiveness.

Compliance and self-regulation.—The Compliance Investigations Division, Office of Enforcement, is directly responsible for preventing the divergence of legitimately manufactured controlled substances. In this capacity, this Division establishes drug production quotas, registers firms and wholesale distributors of drugs, ensures the proper labeling of controlled substances, monitors drug inventories and transactions, and conducts compliance investigations. The Office of Public Affairs, through its Preventive Programs Section, conducts, in cooperation with the Compliance Investigations Division, State programs designed to stimulate voluntary action to protect the public from diversion of legal drugs and to prevent careless handling and prescribing of controlled drugs. The basic objective is to avoid the need for additional regulation by increased awareness of registrants ethical, legal, and professional responsibilities to the public.

Action.—Seven state conferences are planned for FY 76, and the program is continuing. The program will be reevaluated to determine the appropriateness of inclusion of the consumer viewpoint during the proceeding. Reports of these meetings will be provided to the trade press, and where feasible, to the mass media through press releases.

B. Within-Agency Techniques

Information flow improvements.—The following communications techniques can be utilized to improve consumer-related information flow:

1. Coordination in the Office of Public Affairs;
2. Speakers for drug enforcement and control-related matters to the public and concerned organizations;
3. Improved media communication, through press releases and briefings on drug enforcement and regulatory matters;
4. Federal Register announcements directly released to media and registrants;
5. Advisory and Working Committee intercommunication, via meeting minutes, opening meetings to press representatives, and reporting of proceedings.

V. Recommended Actions

The following administrative and procedural actions will be explored:

1. Internal and external coordination through the Office of Public Affairs and an inter-office coordinating committee.
2. Opening of advisory group meetings to the media and concerned interest organizations outside the registrant field.
3. Improved Federal Register announcement procedures and dissemination of information on hearings, prehearing announcements, and releases explaining and clarifying technical language.
4. Issuance of guidelines to DEA regional offices regarding the need for coordination of information on consumer-related issues.
5. An impact statement to be released and disseminated on the relationships of drug regulation, control, and enforcement in-

dicating DEA's role in the protection of the public's health and safety.

FEDERAL BUREAU OF INVESTIGATION

Proposed Consumer Representation Plan

I. Statement of Purpose

The FBI impacts on consumer representation through the investigation of criminal violations and civil matters assigned to it by Congress, and through the provision of a wide range of service functions to private citizens, business entities, and other Federal, state and local agencies.

The purpose of the FBI Consumer Representation Plan is to support the objective of sustained high quality performance. This is being accomplished in part through continued solicitation from the consumers of the FBI's services and from consumer representative groups and individuals.

II. Primary Operating Units Involved

Of the three broad elements mentioned above, those dealing most directly with consumers are criminal investigations and service functions, such as identification data, laboratory examinations, training facilities, computer services and the like, which are generally available to duly constituted law enforcement agencies.

III. Executive Summary

The FBI deals both directly and indirectly with consumers, affecting this class through a wide range of personal contacts, educational programs, and investigative operations.

The purpose of the FBI Consumer Representation Plan is to support the objective of sustained high quality performance through solicitation of information from consumers and consumer representative groups.

It is anticipated that this emphasis will be continued in the future with the Inspection Division and the Office of Planning and Evaluation analyzing operations to ensure that consumer interests receive full attention.

IV. Proposed Plan

A. POLICY ADVISORY AND PROGRAM PLANNING

The FBI has a headquarters division, the Office of Planning and Evaluation, the sole purpose of which is the planning for and evaluation of operations for the entire organization. Policy guidance is received from the Department of Justice and Congress. The Bureau also receives input from consumer advisory boards and groups in such areas of its operations as the forensic laboratory, management and statistical data assistance, identification matters, and general law enforcement training programs. Continued liaison is anticipated with these existing consumer-relaetd organizations and the Bureau remains alert for new opportunities to receive consumer input.

B. EVALUATION

The FBI's operations are internally reviewed by both its Office of Planning and Evaluation and its Inspection Division. Over the wears the FBI has maintained a policy of making itself completely available to the general public. All allegations reported to the Bureau by the public receive appropriate attention. The individual United States Attorney's offices throughout the country and Departmental attorneys are consumers of the Bureau's services and are in particularly advantageous positions to furnish meaningful constructive criticism. The advisory groups mentioned previously, in addition to furnishing valuable input at the initiation of certain Bureau services, also carry out ongoing evaluation functions.

C. DATA TRANSMISSION

The FBI has always maintained and encouraged open and two-way communication with the elements it serves. Consumer data is acquired in part through the following sources:

1. General public

The Bureau operates 59 field offices strategically located throughout the continental United States, Alaska, Hawaii, and Puerto Rico. These offices are manned and available to the public 24 hours a day, seven days a week. All complaints and other data received from public contacts are subjected to some form of positive action.

2. United States Attorneys and departmental attorneys

The United States Attorneys' offices and Departmental attorneys utilize the FBI's services to assist in the adjudication of criminal and civil matters within the Bureau's jurisdiction. Continued contact with the United States Attorneys, their Assistants, and Departmental attorneys in work situations, as well as in organized conferences, has produced data which led to improved investigations and reporting techniques.

3. American Society of Crime laboratory directors

The American Society of Crime Laboratory Directors is an association of senior officials of state, local, and Federal crime laboratories throughout the United States. Representatives of the FBI Laboratory participate in regularly conducted American Society of Crime Laboratory Directors seminars. This group has been instrumental in effecting some change in FBI Laboratory policy since its formation in 1974. Representatives and officials of the FBI Laboratory have performed a vital role in the organization of the American Society of Crime Laboratory Directors.

4. NCIC policy advisory board

This Board consists of 20 representatives elected by the users of the National Crime Information Center (NCIC), plus six individuals appointed by the Director of the FBI. The six appointed members represent the correctional agencies, the prosecutors, and the judiciary. The Board meets periodically with the objective of ensuring that maximum efficiency is gained from NCIC operations.

5. UCR committee on uniform crime records, International Association of Chiefs of Police

Not only did the International Association of Chiefs of Police cooperate in the implementation of the Uniform Crime Reports (UCR) program, but, through its UCR Committee on Uniform Crime Records, it continues to perform a policy and program advisory function.

6. Field training coordinators

Each of the FBI's field offices has a Special Agent who serves as a Field Training Coordinator for his division. Each coordinator maintains continuous liaison with training officers and other pertinent officials of the state and local law enforcement agencies in each field division. Through this liaison, each coordinator ascertains areas in which the FBI may be of assistance with its training services. This provides feedback evaluation of Bureau-conducted training sessions and FBI instructors, as well as constructive criticism in areas of the Bureau's general operations, resulting in continuous updating and expansion of the FBI's services to law enforcement agencies.

7. FBI training facility—Quantico, Va.

The FBI National Academy is an eleven-week training course for local and state law enforcement officials conducted at the Bureau's training facility at Quantico. It is offered four times a year and is accredited by the University of Virginia. Officers attending this and other shorter training programs are a valuable source of input affecting the FBI's operations and, particularly, its training assistance programs.

8. Civil rights matters

Close liaison is maintained with the United States Commission on Civil Rights which, on a continuing basis, contacts consumers and consumer groups regarding their problems in such fields as civil rights generally and discrimination in housing and employment. The Commission regularly analyzes FBI cases in accordance with the law and with Department of Justice policies and procedures. The FBI also receives input on civil rights matters from individuals and groups.

9. Miscellaneous liaison

In addition to direct input by consumers of the FBI services enumerated, the FBI receives input through various liaison activities with special interest groups such as the American Bankers Association; the American Trucking Associations, Inc.; the American Association of Certified Public Accountants; the American Bar Association; various labor organizations, professional athletic organizations, colleges, and universities; and other professional groups and organizations. Through such organizations, the Bureau continuously receives input which enables it to evaluate and improve its consumer services.

D. CORRESPONDENCE AND COMPLAINT HANDLING

The FBI, through its enforcement of more than 150 statutes assigned to it by Congress, has an indirect impact on many consumer activties, although the effect may be more direct in certain areas such as those dealing with automobile pricing and unsafe refrigerators. In some of the areas, such as those dealing with fair housing laws, welfare pension plans, and the like, the initial complaint may be received from another government agency rather than from an individual consumer.

A number of violations of federal laws investigated by the FBI have a serious, even though indirect, impact on the public. Thefts from interstate shipments, labor racketeering, and kickback payments all lead to rising insurance rates, increased transportation costs, and higher retail prices paid by the ultimate purchaser. Instances of corruption not only deprive the consumer of government services to which he is entitled but also contribute directly to higher tax rates and less efficient conduct of government business. In combatting these violations, the FBI contributes to the overall protection of the American consumer.

The consumer of FBI services, or anyone who desires, has immediate access to the 59 field offices or headquarters of the FBI where he may offer suggestions or lodge complaints. Prompt and positive action is taken on any legitimate complaint and all suggestions are scrutinized to ensure that those having merit are adopted. Some complaints are received on behalf of third parties from individuals such as Congressmen and individual rights groups such as the American Civil Liberties Union. All complaints against the Bureau are promptly investigated and appropriate action taken to correct any deficiencies. A response to the complainant is made as soon as possible.

E. INFORMATION OUTPUT

Through news media liaison programs, the FBI provides continued public exposure of its activities and thus invites criticism which, when forthcoming, is continually analyzed and utilized to improve its services to the consumer. This Bureau's External Affairs Division acts as a conduit to provide information to the public regarding the conduct of Bureau operations. In addition, the FBI continually explains its functions and responsibilities and encourages consumers to request services any time they are needed. This is accomplished through law enforcement training programs; through educational programs offered to various consumer interest groups; and through a program whereby FBI speakers are available to private groups, clubs and organizations free of charge. The FBI also makes available its facilities, both at headquarters and in the various field offices, for guided tours which explain the functions of the FBI to members of the public who desire to take such tours. Last year approximately 500,000 individuals toured the FBI's headquarters facilities alone.

The FBI also distributes numerous publications to various consumer groups and the general public delineating its responsibilities and encouraging the public to avail themselves of the FBI's services. One such publication is the FBI's Law Enforcement Bulletin which is published monthly and distributed to various law enforcement agencies and to others concerned with the criminal justice system. The FBI continually reevaluates its programs to ensure that the public is aware of its activities and encourages suggestions aimed at improving its operations and ultimately the consumer product.

V. PROGRAMS AND RECOMMENDATIONS

A. PROGRAMS

Throughout its history, the FBI has maintained an open stance with the consumers of its services. The Bureau will continue to strive to make its services readily available to individuals and organizations who are entitled to them. In addition, the Bureau will continue to scrutinize suggestions and criticism in an effort to improve its services and to maintain the respect and confidence of the consumer; to emphasize the need for consumer input to aid in fulfilling its responsibilities; and to keep the consumer fully informed of its jurisdiction, activities, and performance.

In an effort to serve consumers more effectively in the white-collar crime field, the FBI is coordinating a four-pronged program consisting of research, intensified investigation, development of public awareness of the problems, and training. White-collar crimes include such offenses as bank fraud and embezzlement, bribery, antitrust violations, federal housing frauds, fraud against the government, copyright infringement, public corruption, and Hobbs Act violations. According to figures provided by the United States Chamber of Commerce, such white-collar crimes cost citizens no less than $40 billion annually.

In 1975, the FBI, in cooperation with the Police Foundation, launched a pilot Crime Resistance Program with the purpose of determining through planning and study at a local level how communities can implement successful efforts to resist, and thereby to reduce, crime, including consumer-related violations. The FBI has joined four police departments in this crime resistance trial campaign. This particular program addresses itself to crimes against the elderly, crimes against women, crimes against youth, and trafficking in stolen property. To attack these problems the Crime Resistance Program teams two FBI Special Agents with two police officers in the selected cities with a view toward planning and initiating steps to encourage low-cost efforts to deter crime through citizen actions. Additional Crime Resistance Programs are under study in areas of primary FBI investigative jurisdiction.

B. RECOMMENDATIONS

Through the services of its Inspection Division and its Office of Planning and Evaluation, the Bureau will continue to analyze its operations and policies regarding consumer awareness on a regular basis to ensure that consumer interests receive full attention.

In view of the fact the FBI currently has the mechanism for receiving and processing data from consumers, and is pursuing efforts to ensure the consumer is aware of and benefiting from all possible services to which he is entitled, no recommendation is being made relative to the allocation of additional resources to further implement the Consumer Representation Plan.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Proposed Consumer Representation Plan

I. STATEMENT OF PURPOSE

The Law Enforcement Assistance Administration (LEAA) will continue and strengthen its assistance to state and local governments in their consumer efforts by providing research funds, direct block grants, discretionary monies, and technical assistance in support of their law enforcement and crime prevention activities. Some of the consumer-related activities assisted by LEAA funds include public education programs, consumer protection units, and guidelines for the investigation and prosecution of consumer crimes.

II. PRIMARY OPERATING UNITS INVOLVED

The primary operating units involved are the LEAA National Staff, including the National Institute of Law Enforcement and Criminal Justice and the National Criminal Justice Reference Service, as well as the state criminal justice planning agencies and their local counterparts.

III. EXECUTIVE SUMMARY

LEAA through its program of channeling funds to state and local criminal justice agencies as well as to other groups, has played a major role in combatting consumer-related crimes. It has awarded more than 4 million dollars to consumer-related projects, including the Economic Crime Project administered by the National District Attorneys Association. It also provides technical assistance to help implement these programs and is conducting its own research in the area of consumer fraud.

IV. PROPOSED PLAN

The keystone of LEAA's plan is to prevent direct economic losses to the consumer from crimes against persons and property. LEAA, through local, state, and federal efforts, will pursue this program by continuing and increasing funding of programs in this area, initiating new and innovative programs to cope with crimes against consumers, and encouraging the consumer, public authorities, and commercial establishments to take steps to curtail economic crime.

LEAA can help to cope with the problem of crime against the consumer through its funding process which channels LEAA funds through criminal justice state planning agencies and, in individual states, regional planning units. All of these groups have consumer representatives who can identify state and local crime problems that bear directly on consumers and make known to LEAA their thoughts and ideas on how a consumer crime program should be initiated, how it should be organized and administered, and what should be its goals.

Until recently, the primary avenue in prosecuting economic crime has been in the criminal area principally because of limited legislative authority. However, several states have broadened prosecutorial power to permit local and state jurisdictions to proceed into civil prosecution for more comprehensive and effective adjudication. In other instances, the civil process may be the only available means to try non-criminal consumer-related offenses. LEAA's mandate is principally in the area of criminal law enforcement, but pending legislation would amend the present act to broaden the responsibilities of the National Institute of Law Enforcement and Criminal Justice, LEAA's research center, to include the civil justice system. This would authorize the Institute to engage in research related to the civil process as well as criminal justice, and could lead to the detection of circumstances in which the civil process of trying consumer-related offenses might be more desirable than resorting to criminal proceedings. This could have a significant impact on economic crime directly related to the consumer.

LEAA also has awarded grants totaling $2.7 million to fund programs devoted exclusively to economic crime. Six more grants totaling $1.2 million are being processed to combat major consumer frauds, antitrust activities, and conspiratorial economic crime. (See appendices D, E, for a summary of LEAA consumer-related grants.) Another LEAA-funded program that has launched a nationwide attack on various kinds of economic crime—ranging from detecting land fraud to uncovering illegal warranty schemes to ferreting out auto repair swindles—is the Economic Crime Project. This program is administered by the National District Attorneys Association and directly involves 15 district attorneys' offices across the country and indirectly involves some 30 others. The district attorneys investigate economic crime and distribute information on such crimes among themselves and to other law enforcement agencies and the public through an information clearinghouse. Two participating offices, those in King County (Seattle), Washington, and San Diego, California, were cited as exemplary programs because of their success in the area addressing the problem of economic crime.

Through its Technical Assistance Program, LEAA encourages other jurisdictions to implement the programs in their local municipalities or state. Two other technical assistance programs that will have a significant impact on crimes against consumers are an improved burglar alarm system and anti-hijacking system for trucks. The burglar alarm system will use ordinary household or commercial wiring, thus lowering installation costs dramatically. To combat the growing problem of truck hijacking and pilferage, LEAA is working to develop devices that would trace a vehicle's route, spot deviations, and transmit this information to a station which would dispatch aid.

A grant to the National Association of Attorneys General is focusing on antitrust and consumer protection. Under one part of the grant, a national clearinghouse will be established and managed by attorneys with experience in these areas. They will signal the nation's 55 attorneys general when special and critical problems arise in these areas. In addition, they will disseminate information on antitrust and consumer protection through a monthly newsletter and research reports. Two consumer protection seminars, five regional antitrust seminars, and a national meeting of the association's Antitrust Committee will be funded through this grant.

The Institute currently is conducting research into police responsibilities in responding to white-collar crime, consumer fraud, and computer abuse. The police research program will develop guidelines for police agencies to aid them in determining strategies, techniques, and allocations to deal with consumer fraud. The research will examine all white-collar crimes, then focus on two specific topics—landlord-tenant relations and con-

sumer fraud. The other research will compile, analyze, and disseminate public record information on consumer fraud. After gathering the information, researchers will conduct a detailed survey of consumer fraud laws at federal, state, and local levels, examine current strategies used by enforcement agencies, and select promising enforcement methods to curtail consumer fraud.

The project on computer abuse will catalogue the extent and types of social, economic, and human injuries suffered by victims. In examining all aspects of the problem, the project will develop policies and programs to prevent and control computer abuse.

A major LEAA service that aids the flow of consumer information is the National Criminal Justice Reference Service, which has a computerized data base of 10,000 documents and over 32,000 registered domestic users. It is a free service open to anyone who wants easy access to current literature in all criminal justice fields. LEAA encourages not only criminal justice practitioners to register but also consumers and consumer-oriented organizations.

To coordinate these various activities, the LEAA Administrator may consider appointing a Special Assistant for Consumer Affairs. The Special Assistant would be the liaison for the Administrator among the consumer representatives on the state planning agencies and regional planning units, the proposed Department-wide Consumer Affairs Advisor, and the President's Special Advisor on Consumer Affairs. The Special Assistant would monitor trends in LEAA's specific areas of consumer responsibility, identify problem areas, and take appropriate action with the responsible officials. Some of the specific duties for the Special Assistant might include reviewing proposed legislation, initiating public discussion on LEAA matters that relate directly to the consumer, monitoring the number of inquiries directed toward the agency from consumers, and advising the LEAA Administrator on consumer affairs.

The LEAA Administrator also could consider naming a consumer representative in each of the agency's ten regional offices and requesting the state planning agencies to designate a consumer representative at the state level.

V. Recommendations

LEAA's plan includes the following proposals for implementation:

(1) Increase criminal justice research in the consumer area;

(2) Provide technical assistance with regard to consumer related crimes to state and local employment agencies;

(3) Encourage consumer use of the National Criminal Justice Reference Service;

(4) Consider the appointment of a Special Assistant for Consumer Affairs in LEAA; and

(5) Consider the appointment of consumer representatives in LEAA's ten regional offices.

VI. Summary of Department Recommendations

The Department's specific recommendations have been enumerated in the individual plans of the primary operating units and are summarized below.

A. General Recommendations

(1) Explore the feasibility of establishing a Consumer Affairs Advisor within the Office of Policy and Planning in the Office of the Attorney General.

(2) Consider providing support for the development among the state and local governments of a national consumer complaint subject index.

B. Antitrust Recommendations

(1) Heighten the Division's awareness of consumer viewpoints.

a. Increase the staff available to handle consumer complaints.

b. Review and improve the use of consumer and trade publications.

c. Continue participation in consumer and industry conferences.

(2) Inform consumers of Antitrust Division activities.

a. Increase publicity of actions having direct effect on consumers.

b. Publicize the availability of notices and information on proposed consent judgments and the accompanying competitive impact statements.

c. Publicize the availability of business review information.

(3) Initiate other activities which impact on consumer interests.

a. Expand the Division's advocacy of competitive policy and consumer concerns before regulatory agencies.

b. Designate the Chief of the Consumer Affairs Section as coordinator with the Department's Consumer Affairs Advisor and other consumer relations entities.

c. Support appropriate legislation in the consumer field, including improvements in antitrust enforcement.

C. Criminal Recommendations

(1) Consider developing additional mechanisms for consumer input and output in crime prevention programs.

(2) Explore methods for fuller utilization of the mass media potential in relation to the Division's crime prevention programs as one means of providing a flow of relevant information to the consumer.

(3) Continue to place enforcement emphasis on those fraud schemes which impact on consumers.

D. United States Attorneys' Recommendations

(1) Designate Assistant United States Attorneys with consumer protection responsibility in each United States Attorney's office.

(2) Encourage the filing of consumer complaints with United States Attorneys' offices by members of the public.

(3) Establish liaison between United States Attorneys' offices and other governmental and private agencies active in the consumer protection field.

(4) Increase both civil and criminal enforcement efforts in cases involving consumer related frauds against the public, frauds against the business community, regulatory violations and offenses, and frauds against the government.

(5) Coordinate consumer enforcement projects with investigative and regulatory agencies.

(6) Improve, through conferences and information exchanges, coordination of consumer efforts among United States Attorneys' offices.

(7) Provide the public with information about consumer related civil litigation and criminal prosecutions undertaken by United States Attorneys' offices.

E. Drug Enforcement Administration Recommendations

(1) Coordinate consumer efforts through the Office of Public Affairs and an inter-office coordinating committee.

(2) Open advisory group meetings to the media and concerned interest organizations outside the registrant field.

(3) Improve Federal Register announcement procedures and dissemination of information on hearings, pre-hearing announcements, and releases explaining and clarifying technical language.

(4) Issue guidelines to DEA regional offices regarding the need for coordination of information on consumer-related issues.

(5) Release and disseminate an impact statement on the relationships of drug regulation, control, and enforcement indicating DEA's role in the protection of the public's health and safety.

F. FEDERAL BUREAU OF INVESTIGATION RECOMMENDATIONS

(1) Analyze consumer-related operations and policies within the FBI to insure that consumer interests receive full attention.

(2) Pursue efforts to ensure that consumers are fully aware of and benefiting from all possible services within the FBI to which they are entitled.

G. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION RECOMMENDATIONS

(1) Increase criminal justice research in the consumer area.

(2) Provide technical assistance with regard to consumer-related crimes to state and local employment agencies.

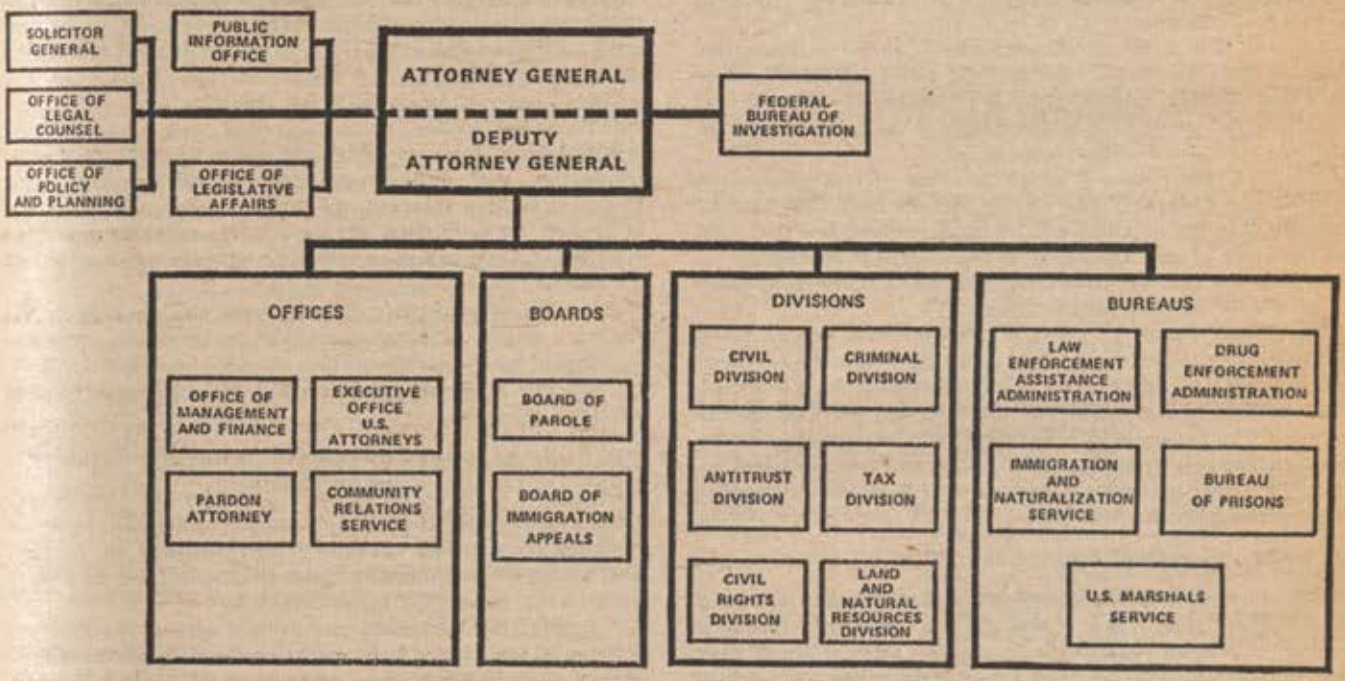
(3) Encourage consumer use of the National Criminal Justice Reference Service.

(4) Consider the appointment of a Special Assistant for Consumer Affairs in LEAA.

(5) Consider the appointment of consumer representatives in LEAA's ten regional offices.

APPENDIX A

DEPARTMENT OF JUSTICE ORGANIZATION CHART



APPENDIX B

ANTITRUST ENFORCEMENT AND THE CONSUMER

(Prepared by: U.S. Department of Justice, Washington, D.C. 20530)

Preface. Many consumers have never heard of antitrust laws, but when the laws are effectively enforced, they can save consumers millions and perhaps billions of dollars a year in illegal overcharges. Many states have antitrust laws, and so does the federal government. These laws, basically, prohibit unfair business practices which prevent competition. Such practices, if allowed, deprive the consumer of the benefits of one or more sellers competing against others. The most common benefit of competition is lower prices. The most usual antitrust offense is price fixing, which occurs when two or more sellers conspire to get together and agree they will increase prices a certain amount, or that they won't sell below a certain price. Price fixing is a crime under federal antitrust law, a felony which carries a maximum penalty of three years in prison and a $100,000 fine for an individual, and $1 million for corporations.

This pamphlet was prepared at the suggestion of consumer groups in order to inform consumers of the importance of the antitrust laws and how they are enforced.

1. WHAT DO THE ANTITRUST LAWS DO FOR THE CONSUMER?

Antitrust laws were passed to protect competition which helps the consumer by encouraging lower prices as well as new and better products.

The consumer normally wants to purchase items as cheaply as possible. When more than one firm manufactures a product, each will try to lower prices in order to encourage the consumer to buy its product.

In a monopoly only one firm provides a product or service. Unless there is another product or service that can be substituted, a monopolist can raise prices without fear of competition.

With competition, in order to lower prices and still make a profit, the producer must cut costs by increasing efficiency. Competition stimulates firms to look for new and more efficient methods of production.

The consumer benefits from competition through lower prices and by greater innovation. Inefficient firms or companies which fail to understand the consumer's needs may soon find themselves filing for bankruptcy.

When the competitive system is operating effectively, there is less intrusion by the government and more freedom of choice for the consumer.

But when competing firms get together to fix prices, to boy-

cott competitors, to limit output, to sell only to customers in a certain geographic area, or to make other anticompetitive arrangements, competition is harmed and ultimately the consumer pays more for inferior products or services.

The antitrust laws make such business actions illegal.

II. WHAT ANTITRUST LEGISLATION IS THERE? WHEN WERE THE LAWS PASSED? WHAT DO THEY PROVIDE?

There are three major antitrust laws.

On July 2, 1890, the first antitrust legislation, the Sherman Antitrust Act, was passed. Congress felt so strongly about the necessity of antitrust legislation that there was only one dissenting vote in both houses. The Sherman Act outlawed all contracts, combinations and conspiracies which restrain interstate trade. In addition, this act made it a crime to monopolize any part of interstate commerce. Violation of this act is now punishable as a felony, carrying a fine of up to $1 million for corporations, and a maximum fine of $100,000 and three years in prison for individuals.

In 1914 two more important pieces of antitrust legislation were passed: the Clayton Act and the Federal Trade Commission Act. Neither carries criminal penalties. The Clayton Act prohibits anticompetitive business, as well as price discrimination and exclusive dealing contracts.

The FTC Act outlawed unfair methods of competition and created the Federal Trade Commission to curb violations by investigating the organization, business conduct, practices, and management of companies involved in interstate commerce.

One of the best-known activities of the FTC is its enforcement of laws against false advertising.

The establishment of the FTC followed the establishment of the Justice Department's Antitrust Division, which had been created early in this century during Theodore Roosevelt's administration. Both the Antitrust Division and the FTC operate primarily in response to complaints from consumers or competitors, but only the Antitrust Division may seek criminal action. Both enforce the antitrust laws, and work closely together to prevent duplication of effort.

III. WHAT AS A PRACTICAL MATTER DO ANTITRUST LAWS PROHIBIT?

Most important to the consumer is that the antitrust laws forbid price fixing, which occurs when the manufacturers of a particular product conspire to fix a single price at which they will sell that item. When they agree to fix prices, they inflate prices, boost their profits and increase costs to the consumer.

The antitrust laws also forbid mergers that would lessen competition or tend to create a monopoly.

Finally the antitrust laws prohibit price discrimination by manufacturers or wholesalers selling to dealers. By charging one buyer more than another buyer for a particular product without justification, a seller puts one dealer at a disadvantage in relation to competing dealers.

IV. WHO ENFORCES THE ANTITRUST LAW?

There are three main ways in which the antitrust laws are enforced: by the Antitrust Division of the Department of Justice, by the Federal Trade Commission, and by private parties asserting damage claims.

The Antitrust Division's home offices are in the Main Justice Building at Tenth Street and Pennsylvania Avenue, N.W., in Washington, D.C.

The Federal Trade Commission is located at Sixth Street and Pennsylvania Avenue, N.W., in Washington, D. C.

There is a provision in the Clayton Act that permits private parties to bring suit in federal courts for three times the actual damages caused by anything forbidden in antitrust laws, as well as court costs and attorneys' fees. This type of action is becoming more and more popular.

Antitrust legislation also exists in varying degrees on the state level. These laws are enforced similarly to federal laws, but through the office of the State Attorney General. Natural monopolies, notably public utilities, are often regulated by offices such as a state public utilities commission, or they may be regulated by one of the federal regulatory commission established by Congress.

V. HOW DO ANTITRUST VIOLATORS CHEAT THE CONSUMER?

While consumers rarely can get money back when antitrust violators lose civil or criminal cases, it is the consumer who pays the extra cost the antitrust violators puts on the price tag. Antitrust violators cheat consumers just as effectively—although indirectly—as do confidence operators or sellers of shoddy goods.

Consider one important example—the Antitrust Division's criminal case against the electrical equipment conspiracy. The electrical equipment conspiracy began some time in the mid-1940's, when manufacturers met and fixed prices on some of their equipment and also agreed to fix bidding, all involving a total of $7 billion in sales.

The conspiracy escaped official attention until 1959, when the Tennessee Valley Authority complained about frequent identical bids. Someone talked—in order to avoid further incrimination—and, by the summer of 1960, 29 corporations and 45 executives had been indicted in the biggest price fixing case in history. All were fined and some of the manufacturers were even jailed. Private suits were filed and claimants received approximately $450 million in damages.

While the consumer has gained a great deal from successful antitrust action—in terms of lowered prices and in some cases recovery of treble damages—this example indicates that without effective antitrust enforcement consumers could be bilked of billions each year.

VI. WHAT CAN THE CONSUMER DO FOR ANTITRUST ENFORCEMENT AND FOR HIMSELF

The consumer has a variety of courses of action if he or she feels that the antitrust laws are being threatened. On the state level he can contact the State Attorney General, his state representative, or the public utilities commission.

Federally, the consumer can contact either the Antitrust Division of the Justice Department or the Federal Trade Commission at their Washington offices or any of their field offices, which were established in convenient locations to encourage people with complaints to come forward. These two agencies have found that approximately ninety-five percent of all matters initiated are a result of complaints received from consumers or businessmen by phone, mail, or in person.

How can a consumer or a businessman know if there are antitrust violations? First, he should know they are often very difficult to uncover. Conspiracies are the most difficult of crimes to uncover and prove, and antitrust conspiracies are the most difficult kind of conspiracies to find. If a businessman knows or suspects that a competitor or supplier is violating the antitrust laws, he should alert the antitrust agencies so that they can investigate the situation. If he suspects his own firm, he should realize that antitrust violations can be a federal felony; if he knows of it and says nothing, he could later be held criminally responsible himself.

A consumer should keep an eye out for tell-tale signs. For instance:

—if there are large price changes involving more than one seller of a highly similar product, particularly if the price changes are of equal amount and occur at the same time;

—if competing sellers have identical pricing of the same or slimilar products, and if prices among competing sellers seem to move in the same direction at the same time;

—If a seller ever tells a consumer "Oh no, we don't sell in that area; so-and-so is the only firm that sells in that area, according to our agreement."

Those signs are not conclusive evidence of antitrust violations. Much more investigation by trained lawyers would be required to determine that. But they may be indications, and the people who enforce the antitrust laws—the Antitrust Division and the Federal Trade Commisison—want to hear about them.

VII. THE ROLE OF THE PUBLIC IN ANTITRUST ENFORCEMENT

Effective antitrust enforcement requires not only consumer interest but public support. Antitrust enforcement has historically had bi-partisan support.

What will weaken antitrust enforcement more than anything is public ignorance and public apathy. Whether you are a business person, a consumer, or simply an observer, if you encounter business behavior which seems to violate antitrust laws, don't hesitate to inform the enforcement agencies of your suspicions. That is often the only way violations can be uncovered, and failing to uncover and punish antitrust violations not only penalizes the consumer but also the vast majority of honest businessmen who scrupulously observe the antirust laws.

Persons may contact the Antitrust Division of the Department of Justice at any of the following locations:

10th Street and Pennsylvania Avenue, NW., Washington, D.C. 20530, 202-739-2544.

Room 420, 1776 Peachtree Street, NW., Atlanta, Georgia 30309, 404-526-3828.

2634 Everett Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604, 312-353-7538.

995 Celebrezze Federal Building, 1240 East 9th Street, Cleveland, Ohio 44199, 216-552-4070.

Room 1444 U.S. Court House, 312 North Spring Street, Los Angeles, California 90012, 213-688-2500.

Room 3630, 26 Federal Plaza, New York, New York 10007, 212-264-0390.

501 U.S. Customs House, 2nd and Chestnut Streets, Philadelphia, Pennsylvania 19106, 215-597-7405.

450 Golden Gate Avenue, Box 36046, San Francisco, California 94102, 415-556-6300.

U.S. Federal Building and Court House, 1100 Commerce Street, Dallas, Texas 74202, 214-749-7050.

Persons can contact the Federal Trade Commission at any of the following locations:

6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20004, 202-963-1110.

730 Peachtree Street, NE., Atlanta, Georgia 30308, 404-526-5836.

2200-C JFK Federal Building, Government Center, Boston, Massachusetts 02203, 617-223-6621.

Suite 1437, 55 East Monroe Street, Chicago, Illinois 60603, 312-353-4423.

1339 Anthony J. Celebrezze Federal Office Building, 1240 East 9th Street, Cleveland, Ohio 44199, 216-552-4207.

Room 452-B, 500 South Ervay Street, Dallas, Texas 75201, 214-749-3056.

2806 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106, 816-374-5256.

13209 Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024, 213-824-7575.

2243-EB Federal Building, 26 Federal Plaza, New York, New York 10007, 212-264-1200.

450 Golden Gate Avenue, Box 36005, San Francisco, California 94102, 415-556-1270.

908 Republic Building, 1511 3rd Avenue, Seattle, Washington 98101, 206-42-4655.

Gelman Building, 2120 L Street, NW., Washington, D.C. 20037, 202-254-7700.

APPENDIX C

SELECTED FEDERAL CONSUMER-RELATED STATUTES

Statutes	*Description*
7 U.S.C. 1-13	Commodity Exchange Act—Regulates the Commodity Exchange Authority and proscribes violations of regulations promulgated to protect consumers dealing on the commodities exchanges.
7 U.S.C. 51-65	U.S. Cotton Standards Act—Regulates cotton growers' facilities for classification of cotton.
7 U.S.C. 71-87h	U.S. Grain Standards Act—Protects consumers of grain as well as producers, merchandisers, etc.
7 U.S.C. 91-99	Naval Stores Act—Protects consumers of "naval stores", defined as spirits of turpentine and rosin.
7 U.S.C. 136-136y	Federal Insecticides, Fungicide, and Rodenticide Act—Protects the environment and consumers from injury from various insecticides and poisons.
7 U.S.C. 181-231	Packers and Stockyards Act—Protects against economic harm to growers and consumers stemming from monopoly practices in livestock business.
7 U.S.C. 241-273	U.S. Warehouse Act—Primary concern is to establish standards for safe storage of agricultural products in federally licensed warehouses. However, standards for grading and classifying agricultural products for quality and value are covered.
7 U.S.C. 601-644	Agricultural Adjustment Act—Establishes standards and conditions to effectuate orderly marketing of agricultural commodities in the interest of producers and consumers.
7 U.S.C. 511-511q	Tobacco Inspection Act—Protects tobacco growers and persons buying and selling tobacco in commerce from unreasonable fluctuations in price by establishing uniform standards of classification, inspection and evaluation of tobacco.
7 U.S.C. 717-717w	Natural Gas Act—Protects consumers of natural gas from excessive rates.
7 U.S.C. 155-161	Federal Seed Act—Regulates traffic in seeds to inform user of seeds of what he is buying and protect him against adulteration.
7 U.S.C. 1281, *et seq.*	The Agricultural Adjustment Act—Administered by the Department of Agriculture, and designed to assure an adequate and steady supply of commodities by conserving national resources, preventing the wasteful use of soil fertility and to assist in the marketing of agricultural commodities for domestic consumption and for export.
12 U.S.C. 378, 582, 617, and 631.	Prohibits banking operations harmful to the national economy, to investors in banks and to consumers of banking services.
12 U.S.C. 1181	Bank Protection Act of 1968—Demands the use of banking institution funds for certain security measures.
12 U.S.C. 2606, 2607.	Real Estate Settlement Procedures Act of 1974—Applies to practically all single family real estate mortgage transactions. It proscribes all kickbacks between parties to these transactions, and punishes failure to make certain disclosures required by the Act.
15 U.S.C. 45 and 52	Federal Trade Commission Act—Prohibits unfair and deceptive business practices and false advertising. (This Section's responsibility extends to deceptive and false practices that affect consumers and unfair methods of competition which are a violation of a cease and desist order previously entered by the FTC.)
15 U.S.C. 68, et seq	Wool Products Labeling Act—
15 U.S.C. 69, et seq	Fur Products Labeling Act—
15 U.S.C. 70, et seq	Textile Fiber Products Identification Act—
	Establishes requirements for accurate labeling and advertising of quality and composition of covered products. Federal Trade Commission obtains cease and desist orders for violations. Department prosecutes civil penalty actions for violation of orders. Criminal sanctions also available under Textile Fiber Product Identification Act.

Statutes	Description
15 U.S.C. 77e, 77q, 77x.	Securities Act of 1933—Proscribes use of instrumentalities and mails in furtherance of fraudulent offers and sales of securities.
15 U.S.C. 78(q)(f)(1).	Authorizes SEC to establish national data bank on lost, missing, stolen and counterfeit securities and to require validation against this data bank at times of certain securities transactions to help to protect the assets of the investing consumer. (civil statute)
15 U.S.C. 78(q)(f)(2).	Requires all brokers, transfer agents, and others who handle securities to be fingerprinted to determine whether they have any criminal records which would disqualify them from working in the brokerage industry. (civil statute)
15 U.S.C. 78l, 78j, 78ff.	Securities Exchange Act of 1934—Proscribes use of instrumentalities and mails in furtherance of fraudulent purchases and sales of securities.
15 U.S.C. 1191, et seq.	Flammable Fabrics Act—Provides for the establishment by administrative regulation of flammability standards for wearing apparel and interior furnishings, and prohibits manufacture and sale of products mailing to conform to applicable standards.
15 U.S.C. 1211–124.	Household Refrigerator Act—Protects consumers by requiring that refrigerator doors can be opened from inside.
15 U.S.C. 1231 et seq.	Automobile Information Disclosure Act—Requires manufacturers of new automobile distributed in commerce prior to delivery to any dealer to securely affix to the window of the automobile a label on which certain disclosures about the automobile are to be made. The Act also prohibits the removal or alteration of any label affixed to a new automobile.
15 U.S.C. 1261 et seq.	Hazardous Substances Act—Prohibits the introduction or delivery for introduction into commerce of any banned hazardous substance or misbranded package of a hazardous substance, and prohibits the alteration, mutilation, destruction, obliteration, or removal of any part of any label of a hazardous substance.
15 U.S.C. 1261, 1261 note, 1262 and 1274.	The Child Protection and Toy Safety Act of 1969—Adds to the Hazardous Substances Act any toy or other article intended for use by children which is by regulation determined to present an electrical, mechanical, or thermal hazard.
15 U.S.C. 1331 et seq.	Cigarette Labeling and Advertising Act as amended by the Public Health Smoking Act—Prohibits the manufacture, import, or package for sale or distribution within the United States of any cigarette package which does not bear the warning statement located in a conspicuous place in clear and legible type in contrast to the rest of the package. Prohibits advertising of cigarettes or "little cigars" on radio or television.
15 U.S.C. 1381.....	National Traffic and Motor Vehicle Safety Act of 1966—Administered by the Department of Transportation. This Act is intended to reduce traffic accidents and death and injuries to persons resulting from traffic accidents by establishing safety standards for motor vehicles and equipment.
15 U.S.C. 1451 et seq.	Fair Packaging and Labeling Act—Prohibits any person engaged in the packaging or labeling of any consumer commodity for distribution in commerce from distributing in commerce any consumer commodity if the attached label does not disclose the identity of the commodity, the name and address of the manufacturer, packer, or distributor and the net quantity of contents.
15 U.S.C. 1471.....	Poison Prevention Packaging Act—Authorizes the establishment by regulation of standards regarding household substances, and to require special packaging to protect children from injury or illness from such household substances.
15 U.S.C. 1601, et seq.	Consumer Credit Protection Act—Requires certain disclosures to be made in consumer credit transactions, prohibits the issuance of a credit card except in response to a consumer request, and prohibits the obtaining of or giving of information held by a consumer reporting agency. Criminal prosecutions only.
15 U.S.C. 1644.....	Credit card statute—Proscribes fraudulent misuse of credit cards in transactions affecting interstate commerce.
15 U.S.C. 1703, 1717.	Interstate Land Sales Full Disclosure Act—Proscribes fraudulent practices in the sale of land subdivisions in interstate commerce.
15 U.S.C. 1981.....	Title IV—Motor Vehicle Information & Cost Savings Act—Prohibits the alteration of automobile odometers and requires mileage disclosure forms to be given by transferors of motor vehicles. Provides for injunction to restrain violations.
15 U.S.C. 2051, et seq.	Consumer Product Safety Act—Establishes a new Commission whose purpose is to protect the public against unreasonable risks of injury associated with consumer products; assist consumers in evaluating the comparative safety or consumer products; develop safety standards for consumer products; and promote research into causes and prevention of product-related injuries. The Act transfers jurisdiction to CPSC of the Poison Prevention Packaging Act, Flammable Fabrics Act, Hazardous Substances Act, and Refrigerator Safety Act. The section represents the Commission in the Federal courts except under the imminent hazard provisions of the statute.
16 U.S.C. 824–825u...	Federal Power Act—Regulates the wholesale sales of electric energy in interstate commerce.
17 U.S.C. 1–216.....	Copyright Law—Grants valuable enforceable rights to authors, publishers, and the like, to encourage production of creative works for ultimate benefit of the public.
18 U.S.C. 13.....	Assimilative Crimes Act—State statutes re: consumer protection made applicable under this Act and the District of Columbia Code.
18 U.S.C. 33.....	Protects against unauthorized sale of insignia of veteran organizations.
18 U.S.C. 152.....	Federal Bankruptcy Act—Proscribes fraud upon the individual consumer creditors in bankruptcy frauds.
18 U.S.C. 201, 210, 211, 217.	Protects against bribery of federal officials and jurors.
18 U.S.C. 203, 205, 207, 208, 209.	Prohibits conflict of interest of present and former federal officials.
18 U.S.C. 212, 213, 215, 216.	Protects against conflict of interest: bank examiners and bank officers.
18 U.S.C. 224.....	Prohibits bribery in sporting contests.
18 U.S.C. 471–290...	Protects users of U.S. and foreign currency and obligations from loss of value due to the circulation of worthless imitations, facilitates trade based on paper currency, and supports the use of a single accepted form of legal tender.
18 U.S.C. 497.....	Prohibits the forgery of letters patent—protects patentees from false claims by third parties.
18 U.S.C. 505.....	Forgery of seals of courts—Protects consumers from impersonation of court officials.
18 U.S.C. 641.....	Prohibits thefts of government property.
18 U.S.C. 656, 657, 1005 and 1996.	Banking violations—Proscribe false statements and entries in banking transactions. Of primary importance to consumers is the fraudulent practice of manipulation of consumer accounts in National banks, Federal Savings and Loan Associations, and credit unions, and banking institutions the deposits of which are insured by a federal agency.
18 U.S.C. 659.....	Theft from interstate shipment statute—prohibits theft from interstate shipments, the multibillion dollar annual cost of which is passed on to the consumer in the form of higher prices for goods.

Statutes	Description
18 U.S.C. 706	Prohibits the unauthorized use of the Red Cross Sign.
18 U.S.C. 707	Prohibits the unauthorized use of the 4–H Emblem.
18 U.S.C. 708	Prohibits the unauthorized use of the Coat of Arms of the Swiss Confederation.
18 U.S.C. 709	Prohibits false advertising or misuse of names to indicate federal agency.
18 U.S.C. 710	Prohibits the unauthorized sale of military cremation urns.
18 U.S.C. 712	Prohibits the misuse of names by collection agencies or private detective agencies to indicate federal agency.
18 U.S.C. 713	Prohibits the unauthorized use of the Great Sale, Presidential Seal, and Vice Presidential Seal.
18 U.S.C. 891–896	Prohibits extortionate credit transactions.
18 U.S.C. 911–917	Prohibits false impersonation of officials and certain other individuals.
18 U.S.C. 1001, 287	False statements and claims to Government agencies—generally proscribes submission of false claims and statements in connection with federal programs, indirectly affecting the consumer by increasing the cost of these programs.
18 U.S.C. 1010, 1014.	Department of Housing and Urban Development (HUD) frauds—proscribe the submission of false statements and claims in connection with HUD programs. Frauds having particular impact on consumers including those dealing with abuses in inner city housing projects financed with federal funds.
18 U.S.C. 1341	Mail fraud statute—proscribes schemes to defraud through the use of mails, including fraudulent chain-referral schemes, land fraud swindles, insurance frauds, work-at-home swindles, merchandise frauds, advance fee schemes, precious metal frauds, etc.
18 U.S.C. 1343	Fraud by wire statute—Proscribes the use of interstate wire, including telephone and telegram communications in furtherance of fraudulent schemes of the same nature as those involved in mail fraud.
18 U.S.C. 1361	Prohibits destruction of government property.
18 U.S.C. 1421–1427.	Designed to protect the naturalization and citizenship process and persons involved in that process.
18 U.S.C. 1691–1737.	Statutes protecting the operation and integrity of the Postal Service.
18 U.S.C. 1951	Anti-racketeering Act—protection of operators of businesses from extortion by union officials and/or racketeers and/or government officials.
18 U.S.C. 1954	Prohibits kickbacks to employers and officials of employee benefit plans.
18 U.S.C. 2312–2313.	Interstate auto theft statutes—Prohibits interstate trafficking in stolen autos which organized rings sell to unsuspecting consumers with altered vehicle identification numbers and false titles.
18 U.S.C. 2314–2315.	Interstate transportation of stolen property statutes—Prohibits interstate trafficking in stolen goods such as stolen airline tickets which are sold to unwitting consumers. Section 2314 also prohibits inducing persons to travel in interstate commerce in furtherance of a fraud scheme, such as fraudulent land subdivision promotions or phoney stock sales.
19 U.S.C. 1304	Tariff Act of 1930—Informs ultimate purchaser of the country of origin of merchandise.
19 U.S.C. 1306	Authorizes the Secretary of Agriculture to prevent the importation of cattle, sheep or other ruminants or swine or meat of such animals from foreign countries in which the Secretary determines that rinderpest or hoof-and-mouth disease exists.
21 U.S.C. 61–64	Filled Milk Act—Protects consumers from filled milk.
21 U.S.C. 301 et seq.	Food, Drug, and Cosmetic Act—Prohibits the introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, any "new" drug that does not have an approved new drug application, and any food where under Section 344 a permit is not in force. The refusal to permit access for inspection or copying and examination of records is also prohibited.
21 U.S.C. 451–470	Poultry Products Inspection Act—Secures wholesome poultry and poultry products to the public, free of adulteration and misbranding.
21 U.S.C. 601–695	Federal Meat Inspection Act—Secures wholesome meat to the public, free of adulteration and misbranding.
21 U.S.C. 1031–1056.	Egg Products Inspection Act—Secures wholesome eggs and egg products to the public, free of adulteration and misbranding.
29 U.S.C. 186	Prohibits kickbacks to, and bribery of, union officers.
29 U.S.C. 215–216	Fair Labor Standards Act—minimum wage laws.
29 U.S.C. 501(c)	Prohibits embezzlement of union property.
35 U.S.C. 33	Prohibits the unauthorized practice of patent law.
36 U.S.C. 181	Prohibits the unauthorized sale of veterans' service flags.
36 U.S.C. 379	Prohibits the unauthorized use of the Olympic insignia.
39 U.S.C. 3001, et seq.	The Postal Reorganization Act—Mail Matter administered by the U.S. Postal Service, provides for the detention of mail where there is evidence satisfactory to the Postal Service that the addresser is engaged in conducting a scheme or device for obtaining money or property for an obscene or indecent thing. It also provides for injunctions against the mailing of pandering advertisements which the addressee believes to be erotically arousing or sexually provocative.
42 U.S.C. 262—263a	Regulates the licensing of establishments engaged in the production of biological products and of clinical laboratories.
42 U.S.C. 264–272	Contagious Disease Prevention Act—Protects against introduction or spread of communicable diseases from foreign countries into U.S.
42 U.S.C. 1395nn, 1396h.	Medicare and medicaid frauds—Proscribe frauds which have an impact upon the consumer by increasing the cost of the programs because of the fraudulent acts of others.

Statutes	Description
45 U.S.C. 1–16	Safety Appliance Act—Insures safety in operations of railroads and motor carriers.
45 U.S.C. 38–39	Accident Reports Act—Insures safety in operations of railroads and motor carriers.
45 U.S.C. 61–66	Hours of Service Act—Insures safety in operations of railroads and motor carriers.
46 U.S.C. 801–842	Shipping Act—Secures just and reasonable charges without unjust discriminations or preferences and secures adequate service in transportation by ocean carriers in foreign commerce.
49 U.S.C. 1–1022 (except § 26 and § 304).	Interstate Commerce Act—Secures just and reasonable charges without unjust discriminations or preferences and secures adequate service in transportation by railroad, motor carrier, pipelines, certain water carriers and freight forwarders.
49 U.S.C. 26, 303, 304, 322 and 325.	Interstate Commerce Act—Insures safety in operations of railroads and motor carriers.
49 U.S.C. 1301–1542.	Federal Aviation Act—Secures just and reasonable charges without unjust discriminations or preferences, insures adequate service in transportation by air, and promotes safety in air transportation.
50 U.S.C. App. 501–590.	Soldiers' and Sailors' Civil Relief Act—Protects servicemen and their dependents from various financial and legal difficulties while the servicemen are disabled from tending to their affairs as a consequence of military service.

APPENDIX D

NONBLOCK LEAA AWARDS RELATING TO FRAUD, CONSUMER FRAUD, CONSUMER EDUCATION AND FRAUD PREVENTION (FISCAL YEAR 1969–FISCAL YEAR 1975)

Title:	Award amount
Continuation of a Study of Office of State Attorney General	$159,289
Decentralized Investigation and Referral of Consumer Crimes and Abuses	141,460
Study of Consumer Crime: The Impact of Its Victims	94,829
Noncriminal Disposition of Criminal Cases	107,067
Conduct Organized Crime Law Enforcement Training Sessions	332,000
Consumer Protection Bureau	153,361
Securities Fraud Section, ID and Enforcement Unit	99,000
Criminal Fraud Investigative Unit	224,665
Midwest Regional Conference on Organized Crime	11,926
Technical Assistance	2,500
Attorney General Department Research and Planning Unit	43,945
Establishment of an Organized Crime Investigations and Prosecution Unit	73,185
Loan Sharking in the United States	10,000
Economic Crime Unit	99,783
Economic Crime Project Center	1,433,416
Criminal Fraud Investigative Unit	224,665
Economic Crime Unit	199,799
Decentralized Investigation and Referral of Consumer Crimes and Abuses	141,460
Study of Consumer Crime: The Impact on Its Victims	94,829
Combating Felonious Crime by Citizen Involvement	147,706
Loan Sharking in the United States	10,000
Criminal Consumer Fraud Unit	25,140
Consumer Fraud Prosecution Unit	40,000
Consumer Protection Bureau	153,361

APPENDIX E.—*LEAA subgrants from block grants relating to consumer fraud, fraud, consumer education, and fraud prevention (fiscal years 1969 to 1976)*

State	Amount	Number of grants
Alabama	$353,115	8
Alaska	13,535	2
Arizona	130,068	2
Arkansas	25,240	1
California	369,684	7
Colorado	297,039	4
Connecticut	10,105	1
District of Columbia	174,558	5
Florida	48,876	1
Georgia	48,210	3
Illinois	111,484	2
Indiana	19,137	5
Iowa	54,366	4
Kansas	317,060	17
Kentucky	46,788	1
Louisiana	1,268,799	15
Maine	5,822	3
Maryland	246,519	5
Michigan	959,900	16
Minnesota	286,628	3
Mississippi	336	1
Missouri	231,564	9
Montana	3,201	8
Nebraska	151,287	5
Nevada	45,757	6
New Hampshire	877	1
New Jersey	299	1
New Mexico	12,077	1
New York	1,356,633	9
North Carolina	59,653	1
North Dakota	47,053	3
Ohio	94,365	5
Oregon	147,517	6
Pennsylvania	1,312,786	16
South Carolina	62,037	1
South Dakota	12,538	9
Tennessee	2,366	3
Utah	13,239	2
Vermont	59,379	4
Virginia	9,828	3
Washington	192,151	3
West Virginia	17,000	1
Wisconsin	126,011	8
Wyoming	630	2
Puerto Rico	104,709	2
Grand total	8,850,238	215

DEPARTMENT OF LABOR

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: John W. Leslie, Room S–1032, Department of Labor, Washington, D.C. 20212, 202–523–7316. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

OCTOBER 31, 1975.

TABLE OF CONTENTS

I Statement of Purpose
II Primary Operating Units Involved
III Executive Summary
IV Departmental Plan
1. Policy Advisory and Program Planning:
Highlights of Existing Mechanisms
Future Improvements
2. Evaluation:
Highlights of Existing Mechanisms
Future Improvements
3. Data Transmission:
Highlights of Existing Mechanisms
Future Improvements
4. Correspondence and Complaint Handling:
Highlights of Existing Mechanisms
Future Improvements
5. Communication to Client Groups and Consumers on Issues and Decisions:
Highlights of Existing Mechanisms
Future Improvements
6. Feedback to Consumers About Their Comments:
Highlights of Existing Mechanisms
Future Improvements
7. Consumer Education:
Highlights of Existing Mechanisms
Future Improvements
8. Structure of Consumer Affairs Organization:
V Recommendations
1. Planned Actions
2. Schedule of Events
3. Allocation of Resources

I. STATEMENT OF PURPOSE

The purpose of the Department of Labor's Consumer Representation Plan is three-fold: To identify and enhance opportunities for client group and individual consumer participation at decision points in policy formulation, rulemaking activites and program evaluation; to identify and strengthen mechanisms for the dissemination of information and feedback to client groups and individual consumers; to establish designated agency consumer representatives within the Department responsible for the development and execution of agency consumer affairs programs.

II. PRIMARY OPERATING UNITS INVOLVED

Both the regulatory and informational activities of many Department agencies affect, directly and indirectly, a large variety of client groups.

The *Manpower Administration*, decentralized with the passage of the Comprehensive Employment and Training Act (CETA), serves numerous client groups with a variety of services. *CETA* programs, designed to provide jobs and job training for the disadvantaged and unemployed, are usually sponsored by cities, counties or states known as prime sponsors. CETA programs may also be sponsored by business or labor organization and private consortia. These client groups, in turn, develop programs and policies to aid the disadvantaged, older workers, migrants, Indians, offenders, unemployed workers and minority group members.

The Bureau of Apprenticeship and Training works with Federal and State agencies, industry sponsors, and labor organizations to create and maintain programs to upgrade journeyman skill levels and compile statistics for future program development.

The *Job Corps*, which provides education and job training in a residential environment, directly serves disadvantaged and unemployed young people. Through its unique training program and civilian conservation centers, the Job Corps also serves labor unions and other governmental agencies—particularly the Interior and Agriculture Departments—as client groups.

The Work Incentive Program (WIN) provides work opportunities for welfare family heads to enable them to become self-supporting. Welfare families and perspective employers are among the client groups served.

Employment service activities are among the most important of Manpower consumer functions. Through a nationwide network of offices, the U.S. Employment Service (USES) works to match unemployed people with prospective employers. Using State ES offices, a computerized job bank system and a special veterans employment program, the Employment Service aids the unemployed, prospective employers and veterans. Special programs have been designed to improve services and, in some cases, provide loans to client groups in rural areas making a broader range of services available and in some cases to transfer business or employment from one area to another.

Apprenticeship Information Centers, which place persons in apprenticeship programs, make labor unions another client group served by ES activities.

Unemployment Insurance (UI) benefits to serve the unemployed worker. The UI Service works with State agencies to develop better programs for aiding unemployed workers. States, therefore, become a client group recipient of UI activities.

Finally, through research and development programs, the Manpower Administration serves other government departments, colleges and universities, as well as its own programs by providing technical assistance, evaluation studies and institutional grant projects. In addition, policy officials and technicians of foreign countries benefit from international seminars on manpower planning and organization.

The Occupational Safety and Health Administration (OSHA), through workplace inspections, safety and health standards, and educational and training programs, directly affects many client groups.

OSHA inspectors visit individual work sites to check for possible health and safety violations. Individual workers, employers and unions are the affected client groups.

OSHA also develops safety and health standards on possible hazardous substances (such as toxins) and working conditions (such as construction worksite safety). Unions, industries, private interest groups and individuals can contribute opinions during public hearings held before standards are issued and are later directly affected by the standards when they become law.

OSHA also works with States and other Federal agencies to develop their own safety and health plans. Through its training and education programs, OSHA works with Federal and State compliance officers, industry and union representatives, and schools and private organizations to conduct and develop training and educational programs to improve safety and health programs and practices.

Unions and employers are the major client groups served by the *Labor-Management Services Administration*. The landmark Employee Retirement Income Security Act of 1974 (ERISA), assures workers in private industry that they will receive their entitled pensions. This complex law directly affects employers, employees, fiduciaries, insurance companies, and corporation trusts. In some cases, information must be reported to the Internal Revenue Service and the Pension Benefits Guaranty Corporation, making these agencies client groups.

The Labor-Management Reporting and Disclosure Act requires unions to make financial disclosure reports to the Secretary of Labor. Employees and others must report arrangements and expenditures made to influence the collective bargaining process through third parties. Besides unions, and individual union members who avail themselves of LMRDA protections, other government agencies—often Federal courts—are served as client groups since information may be passed on for possible action in cases of criminal violations.

Other labor-management services include providing assistance to employers, unions and state and local governments to establish procedures for resolving disputes and instituting collective bargaining or like procedures in the public sector. By providing technical assistance to special advisory committees and boards, other government agencies become client groups. Federal government departments and agencies and labor unions are client groups under Executive Order 11491 which requires the Assistant Secretary for LMSA to supervise representation elections and decide cases involving unfair labor practices.

The Office of Veterans Reemployment Rights (OVRR) guarantees that veterans are not denied their reemployment rights. Veterans and employers are the client groups served directly but OVRR also works with the Veterans Employment Service of the Manpower Administration and the Department of Defense, making these governmental agencies client groups also.

Through policy development and research, LMSA works with other Federal agencies, like the Bureau of the Census and the Treasury Department to collect data and make surveys on public sector labor relations and multi-employer pension plans.

The *Bureau of International Labor Affairs* administers the Trade Act of 1974 which provides assistance to workers who lose their jobs because of increased imports. Individuals, unions, or other groups of workers may file petitions with the Secretary of Labor requesting assistance.

The Bureau participates in multilateral trade negotiations (MTN). The Trade Act of 1974 requires advice on MTN from organized labor. Therefore, unions, through a Labor Policy Advisory Committee, and six labor sector advisory committees are providing advice on negotiations. Industries and unions are directly affected by the MTN decisions.

Foreign countries are client groups served by the Bureau's Technical Assistance Corps which arranges technical aid projects. Exchange programs are arranged in cooperation with the Agency for International Development, the State Department, and the United Nations. Federal agencies, foreign nations, and international organizations are the affected client groups for these programs.

The Bureau also provides assistance to U.S. foreign affairs agencies of the federal government and sponsors a series of traveling seminars to foreign countries.

The *Bureau of Labor Statistics* (BLS) collects a great deal of statistical data which are available to the general public. Printed material, including the Consumer Price Index, Wholesale Price Index, employment series, wages and hours of work, work stoppages, family budgets, labor turnover, productivity, economic growth indicators and occupational safety and health statistics and manpower structure and trends, can help many client groups understand important economic situations and can help them plan programs and policies for the present and future. This data can be used by State and local governments, making them another affected client group.

The Consumer Price Index is used in many situations in the private sector where there are automatic cost of living adjustments.

Data is collected and analyzed for other government departments and agencies, state and local governments and foreign countries. All these are directly affected client groups.

The Directory of National Unions and Employee Associations is useful to labor and management organizations and the Occupational Outlook Handbook, providing descriptions and job outlooks for over 800 occupations, serves many client groups interested in potential occupational growth and development.

The programs of the *Employment Standards Administration* (ESA) directly affect many client groups. Provisions of the Fair Labor Standards Act (FLSA) concerning minimum wage, overtime and equal pay regulations affect employers and all groups of workers including women and children.

The Farm Labor Contractor Registration Act, requiring registration by crew leaders and safe and healthful living conditions for farm workers, affect farmers, crew leaders and migrant workers who fall under provisions of the Act.

Provisions of the Service Contract Act and the Davis-Bacon and related Acts insure prevailing wage rates, fringe benefits, and other labor standards for employees working on Federal service contract and Federally financed construction projects. Contractors, unions, and individual employees are among the affected client groups.

ESA serves as a central clearinghouse for labor standards information and provides technical assistance to State labor agencies, foreign nations, and international labor organizations, all of whom become client groups.

The Office of Federal Contract Compliance Programs (OFCCP) enforces E.O. 11246 which requires equal employment opportunities for all workers on Federal or Federally assisted projects as well as Section 504 of the Rehabilitation Act and Section 2012 of the Vietnam Era Veterans Readjustment Act. Women, minority group members, the handicapped, and Vietnam era veterans are directly affected as are employers and unions involved in Federal contract work.

Workers and employers are also affected by wage garnishment provisions of the Consumer Credit Protection Act. Workers' compensation provisions of the Federal Employees' Compensation Act, the Longshore Harbor Workers Compensation Act, and the Black Lung Benefits Act aid workers injured

or disabled on the job. Unions, employers, entire industries and individuals are the client groups served by these regulations.

The Age Discrimination in Employment Act affects employers of—over 20 people and workers 40–65 years old.

The *Office of the Solicitor* represents the Secretary of Labor and other Department officials in all legal proceedings. The Solicitor advises other government agencies concerning statutes administered by the Department. Individuals can become clients since the Solicitor handles appeals under the Freedom of Information Act and the Privacy Act when the availability of records is at issue. The Solicitor's office also represents individuals in suits against employers under the authority of the various statutes for which the Department has responsibility.

Clearly, many programs and informational activities of the Labor Department affect a broad spectrum of specialized client groups as well as the general consumer.

III. Executive Summary

The Department of Labor Consumer Representation Plan summarizes current policies and practices for obtaining and reflecting the views of specialized client groups and the general consumer in the Department's decision-making process. This process involves the formulation of general policy and the development of regulations to administer individual agency programs; the evaluation of existing and proposed programs; the transmission of data from client groups and the general consumer; and the dissemination of information and materials to client groups and consumers.

For the purposes of this plan, "consumers" are defined as client groups which include individuals or any group, such as labor unions, employer associations, or specialized organizations or institutions, which are affected by or make use of Department programs, services or information.

The Consumer Representation Plan attempts to (1) identify and enhance opportunities for client and consumer participation in policy formulation and rulemaking activities and (2) establish individual agency consumer representatives responsible for the development and implementation of agency consumer affairs programs.

The Departmental plan, which involves almost all the agencies which have contact with the public, analyzes Department activities in each of five consumer representation areas. The plan also highlights ways that consumers and client groups can influence and make input into the various agency policies and programs. It also lists opportunities for future improvement and recommendations to be implemented by agencies in their own consumer affairs programs.

Among the general recommendations as to how the Department as a whole, can improve its responsiveness to client groups and individual consumers is the creation of individual agency consumer representatives to develop and coordinate agency programs to improve consumer relations. Consumer representation will also be improved by clearer and more concise press and informational releases; closer ties with existing consumer groups, improved complaint handling procedures and improving feedback methods to consumers so that they will know what effect they are having on Department decision-makers.

The Department of Labor is committed to increasing the methods of obtaining information and opinions from its client groups and the general consumers served by its programs and informational materials. By strengthening the methods of disseminating information about programs and policies, the Department is assured of dealing with an informed public. Effective government can only function if the public it serves is concerned and aware of the programs and policies developed on its behalf. A consumer representation plan, carefully developed and scrupulously adhered to, can insure the Department of vital citizen participation so necessary to the success of its programs and services.

IV. Departmental Plan

1. Policy formulation and program planning

A number of opportunities exist for client and general consumer representation in the Labor Department's decision-making process. These include, but are not limited to, participation in the regulations development process, in public hearings, in advisory committee meetings, in special task forces, in surveys and in research projects and in special consultations.

The most widely used procedures of a formal nature for client group and individual consumer input into decision-making and policy formulation and public hearings are the comment procedures provided in the regulations process, and participation in open advisory committee meetings.

Development of Regulations. A major function of the Department is to implement and enforce the various laws it administers. The primary means of implementation is the development and promulgation of regulations and standards in accordance with statutory procedures. By participating in this process client groups and individuals can have direct input into the decision-making process at nearly every stage.

The procedures used to develop regulations and standards are fairly consistent throughout the Department and provide extensive opportunities for formal comment and participation.

Client groups and consumer can participate in the regulations process from the beginning.

The first way is through initiating action to develop a standard or regulation. In nearly every Department agency, procedures provide that companies, organizations, individuals and other client groups can petition an agency or its administrator to develop or amend a particular standard or regulation.

A second means of participation is by a continuous review of the Federal Register which publishes policy statements, notices of proposed regulations, announcements of public hearings and meetings of the Departments advisory committees. Program agencies are required by law to publish these types of notices and invite public comment and participation.

Most agencies publish "Advanced Notices of Proposed Rulemaking" in the Register, soliciting public comments from client groups and individuals as well as the general public on whether a new standard or regulation is needed and what its contents should be.

Another opportunity for input comes with the publication of the "Notice of Proposed Rulemaking" which includes specific provisions of the proposed regulation or standard and invites interested persons to submit written data or arguments within a specified time period.

At a later stage in the rulemaking process, Environmental Impact Statements and Inflation Impact Statements for proposed regulations and standards are issued when required for comment by client groups in the *Federal Register*.

Once a final regulation or standard is published in the Federal Register, another opportunity for participation exists by parties or persons who think they are adversely affected by the regulation or standard. They can petition for an amendment to the regulation and begin the rulemaking process again or, in some cases, can appeal the rule through the court systems depending upon the program involved.

Public Hearings. During the rulemaking process, Department agencies often determine that public hearings are needed either to provide a forum for input to formulate new regulations or to solicit additional input on proposed regulations or public poli-

cies generally. The need for hearings can be determined by the agency head and, in most of the Department's agencies, individual and client groups can petition to have hearings held.

Notices of hearings are also published in the Federal Register and give the time, location and date of the hearing, as well as information on how interested parties can participate. Public hearings are held both in Washington and in locations across the country to allow the maximum input by various client groups and individuals.

Public hearings are one of the best mechanisms for client groups and individuals to make impact on policy and regulations because they provide an open forum for the presentation of arguments and technical data from client groups and individuals.

Formal and Informal Consultations. Throughout the rulemaking and policy making processes, drafts of proposed regulations and standards are circulated to client groups directly affected for comment, Congressional officials, private organizations, technical experts and, in some cases public interest groups. Special meetings and consultations are held which provide an additional opportunity for specialized input.

Advisory Committees and Councils. Agencies in the Department have both advisory committees and councils to aid them in the development of general and specific policies and regulations. In many cases, the committees and their membership are established by law to include a representative balance of client groups, for example, labor, management and public members.

In programs conducted jointly with state and local governments, as with the Manpower Administration's Employment Service, state advisory councils are also created to aid in program review and to make policy recommendations. Ad hoc committees to deal with specific policy or standards areas are also appointed by Department agencies, and their members, selected from different client groups, usually have expertise in a specific area.

In addition to representation on these two types of committees and councils, client groups and interested individuals can participate in the open meetings of the committees and councils. Notices of the meeting date, times and locations are published in the Federal Register, along with information on the proposed agenda and how interested parties can participate.

Department advisory councils make meeting records and information and technical documents available to client groups and individuals who request to inspect them.

Information Support. To promote increased participation of client groups and individuals, Department agencies issue news releases which coincide with publication of Federal Register Notices seeking comments at specific stages of regulations development, and announcing public hearings and advisory committee or council meetings. These releases are widely distributed to print and electronic media, wire services and specialized publications nationally. In addition, the Department distributes the releases to interested or affected client groups through special mail lists maintained by the individual agencies.

Other Sources of Informational Input. In addition to the opportunities for client group and individual participation in the rulemaking, public hearing and advisory committee processes, other vehicles are used throughout the Department to solicit both technical and general information input into decision-making and policy formulation.

One way is through the scheduling of conferences and seminars sponsored by individual Department agencies throughout the country. For example, the Manpower Administration conducts annual and biannual multi-state and multi-occupation apprenticeship conferences in the North-East, Mid-Atlantic, Southern and Rocky Mountain States, in addition to a number of individual state conferences. Conferences of this type provide the forum for client and public input on matters relating to the formulation of policy, regulations and program operations.

Examples of Client Group Influence. Ideas and information supplied to the Department by affected client groups have had direct influence on policy and program development. At an OSHA hearing concerning proposed amendments to testing procedures to determine flash points of flammable and combustible liquids, a company that processed organic peroxides put on a dramatic demonstration. The company showed slides of a test in which a thimble-full of organic peroxide, when heated, practically exploded upward in a plume of flame. This so impressed the OSHA representatives at the hearing that the final standard was issued excluding organic peroxides from any of the flash-point determination methods required.

In the early 1960's, users of the current population survey felt that some improvements were needed in the methods for measuring employment and unemployment. A committee, appointed by the President, agreed that these changes would improve the survey and changes, in line with the client group recommendations, were introduced in 1967.

In response to comments and recommendations from the public, the Department is proposing a shorter, simpler form for pension and welfare plan reports. The new form will ease the filing task of plan administrators under the Employee Retirement Income Security Act of 1974 and will permit quicker and cheaper data processing.

Future Improvements. To strengthen and enhance the participation of client groups and individual consumers at decision points in policy formulation and rulemaking activities, the Department will take the following actions:

(1) Assure that deadlines published in the Federal Register notices for public comment, submission of data and notification of intent to appear at public hearings and advisory committee meetings are reasonable and allow for maximum participation by client groups and consumers in the rulemaking process.

(2) Increase formal and informal contacts with client groups to gain their input into the development of regulations and standards and the formulation of Department policies.

(3) Increase contacts with major consumer groups to solicit their advice, opinions and technical information in rulemaking and policy formulation.

(4) Maximize the use of members of Department advisory committees and councils as sources of client group and consumer input and explore the addition of public members to these councils and committees where feasible.

(5) Utilize Department conferences and seminars with outside groups as a forum for information input by client groups and individuals consumers into decision-making.

Department agencies will adapt these recommendations to the framework of their policy development and rulemaking procedures and will develop specific written procedures to execute them in their individual agency consumer affairs programs.

2. EVALUATION OF EXISTING AND PROPOSED PROGRAMS

There are several mechanisms that client groups and general consumers can use to participate in the evaluation of existing and proposed Department programs. These include participation in the comment procedures provided in the rule making and public hearing processes, in the on-going program evaluation process, in the meetings of advisory and special review councils and in the conduct of Congressional oversight hearings.

Rule-making Comment Procedures. One of the most effective ways for clients and individuals to impact the evaluation of

programs is by making either written or oral comments during the development of regulations. As discussed before, the comment process is provided for in the publication of Notices in the Federal Register. The opportunity for comment and participation is thus provided from the earliest stage of regulations and policy development with the publication of the "Advanced Notice of Proposed Rule-making." It is carried through the process with the publication of the actual proposed rules, the inflation impact statement, the environmental impact statement and the schedule of public hearings.

All testimony and comments from interested groups and individuals are fed directly into the formulation of standards and regulations at each step in their development. For example, comments received from an "Advanced Notice of Proposed Rulemaking" allow client groups and consumers to participate in the basic decision of whether a new standard or regulation is needed. Later in the process, they have the opportunity to comment on specific provisions of proposed regulations and to present data and arguments at public hearings. Through this process, client groups and individual consumers can evaluate the need for and quality of proposed programs.

Program Evaluation Process. A second way client groups can become involved in the evaluation of programs is by taking part in the Department's on-going evaluation and audit procedure.

Department agencies conduct regular reviews and evaluations of their programs. In addition to this on-going process, clients and individual consumers can request an agency to look into the operation of a specific program. By bringing specific problem areas to the attention of individual agencies, clients can aid the Department in its evaluation function.

On the basis of information received from internal reviews and from client groups and individuals, an agency can make a special request that the Department's Directorate of Audit and Investigations conduct a full audit on the program in question.

The Directorate of Audits and Investigations is the focal point for the Department's audit function. It audits contracts and grants awarded by agencies to such groups as prime sponsors for local job training and employment programs under CETA, States for planning state-operated job safety and health programs, and universities for research and development projects. Additionally, the Directorate conducts internal audits and reviews of Department programs and agencies to determine how well the agency functions and how well a program is achieving desired results. Both of these types of audits are conducted on a regularly scheduled basis.

Advisory Committees and Councils. Another means for consumers to make input into the program evaluation process is by participation in the open meetings of the Department's various advisory committees. Notices of these meetings appear in the Federal Register and general news releases are issued with the time, date, location and subject of the meetings. As discussed before, advisory committees are charged with making recommendations either to an agency head or the Secretary on new policies, programs and regulations. Another part of their responsibility is to review existing programs and make recommendations for their improvement. An example is the Unemployment Insurance Services' Federal Advisory Council, established "for the purpose of reviewing the Federal-State program of unemployment compensation and making recommendations . . . for improvement of the system." Typically, this council has public, employer and employee members which allows for input by client groups and individuals. In addition to the Federal Council, counterparts exist on the state level in the state advisory councils whose functions and membership are similar. Participation in the open meetings of advisory bodies give client groups and individual consumers direct input into existing and future program evaluation.

Congressional Hearings. Another effective means for client group and individual input into program evaluation is through participation in the Congressional hearing process. Several types of Congressional hearings are held. They include oversight hearings into particular program operations and hearings on proposed legislation, including appropriations. Both types of hearings afford client groups and individuals an important opportunity to impact the evaluation of existing and proposed Department programs.

Oversight hearings offer two separate opportunities for client groups and individuals to participate in the evaluation of existing programs. First, affected groups and the general citizenry can initiate a Congressional review of the operation of a Department program or law by requesting that an oversight hearing be held by a legislative committee. Secondly, once they are scheduled by a committee, client groups can participate in the open hearings by appearing to give testimony or technical data. The significance of oversight hearings is the fact that they can result in changes in the existing program or laws and lead to new legislation.

In addition to oversight hearings, standing committees in Congress, such as the Government Operations Committees; and committees specifically concerned with Department affairs, such as the House Education and Labor Committee and the Senate Labor and Public Welfare Committee, hold hearings on proposed legislation including appropriations at the full and subcommittee level. These hearings are open to the public and afford both client groups and individuals the opportunity to attend and participate by testifying in the evaluation of new laws and programs.

In both cases Notices are published in the Congressional Record giving the time, place and date of the proposed hearings and information on how interested groups and individuals can participate.

Future Improvements. To strengthen and enhance client group and individual consumer participation in the evaluation of existing and proposed Department of Labor programs, the Department will:

(1) Enhance existing opportunities and develop new techniques for client group and individual consumer participation in the evaluation of Department programs and operations.

(2) Strengthen the procedural mechanisms for the incorporation of client group and individual consumer input in the program and policy evaluation process.

(3) Increase contacts with major consumer groups and organizations to gain their general and technical input in the evaluation of existing and proposed Department programs.

(4) Develop summaries of existing client group and consumer economic and marketing studies to be used in evaluating Department programs.

(5) Develop consumer impact assessments for proposed programs.

Individual agencies will adapt these general recommendations to the framework of their program evaluation process and will develop written procedures to execute them in their agency consumer affairs programs.

3. DATA TRANSMISSION

Client groups and individual consumers provide the Department with a great deal of both technical and general information. This data is an invaluable aid in planning policy, developing programs, formulating standards, and publishing accurate informational materials.

There are numerous ways that client groups can bring data to the attention of the Department. Investigations are one of the most important and widely used methods of data transmission available to client groups of the Department. In the course of a routine inspection. Department representatives can be made aware of legal violations through evidence supplied by affected client groups. This data can initiate legal proceedings against the parties in violation. Data supplied in petitions can support a client group request for an investigation or inspection. This frequently occurs in wage-hour investigations and health and safety inspections.

Data transmission from client groups also occur when suits are initiated by the Department for violations of statutes it enforces.

Conferences, both formal and informal, between representatives of the Department and client groups allow an interchange of views and the presentation of data and evidence. Quite often this is an ad hoc process, conducted as the need arises. Department representatives, often from the Office of Policy, Evaluation and Research, meet with client groups and concerned individuals prior to preparing legislation or developing new programs. These may consist of informal interviews, held in the field and in the work place. This background data brings Department policy makers into contact with the realities confronting affected client groups.

The Department has numerous advisory committees, many of which are set up in response to legal requirements. Composed of representatives of affected client groups, these committees provide up-to-date data which can be used to evaluate policy and program effectiveness.

The Labor Policy Advisory Committee and the six Labor Sector Advisory Committees, established under Trade Act, consists of representatives of the AFL–CIO and numerous unions. These committees advise the Department by providing data on the impact of imports on workers in industries affected by trade negotiations.

The Manpower Planning Council, composed of prime sponsors of CETA programs, transmits data on the effectiveness of the operation of CETA programs to the Manpower Administration. In this way, client group data is transmitted from the field through the planning councils to the Department, which funds the localized programs.

OSHA provides numerous opportunities for client groups to transmit data. Public hearings allow client groups to present data on proposed standards or to submit a proposal and back-up material requesting that a new standard be promulgated. After a proposed standard is published in the Federal Register, a mandatory 30 day comment period allows client groups to submit written evidence concerning the standard. Only after all material from client groups is analyzed and synthesized with other available data is a final standard issued. Even after a standard becomes effective, client groups, with supporting data, can challenge it in the courts.

Many client groups provide OSHA with data. The scientific and academic communities provide the latest empirical data; employers detail how a standard could affect their operations or industry as a whole; and individuals and labor unions describe the effects of the standard of hazard in the workplace.

OSHA has three standing and three ad hoc committees which provide technical data input into the standards making process. All these committees must have members representing management, labor, state agencies, and HEW. They may also have representatives from the health professions and the public.

To gather the vast amount of statistical data for its many publications, the BLS employs many methods of data transmission from a wide variety of client groups. Mail surveys and personal interviews are the most important means of transmitting data used by client groups affected by BLS informational programs. Household surveys are conducted for BLS by the Census Bureau through personal interviews of a sample composed of 47,000 households. Self-mailing questionnaires are occassionally used. In analyzing employment trends and occupational outlooks, BLS receives technical data from business firms, professional societies, trade associations, labor unions, educational institutions and other government agencies. Information on personal earnings is received through interviews and prices are surveyed and data compiled from stores, businesses and other sources. Data is also supplied by trade and technical publications, government and corporate reports, interviews with industry users, equipment producers, labor and government experts. International data is supplied by foreign technical publications and statistical agencies.

Future Improvements. To increase the flow of information and transmission of data from client groups to Department agencies, the Department will:

(1) Strengthen and expand formal and informal contacts with client groups for the purpose of gaining general and technical data.

(2) Utilize members of advisory committees and councils as conduits of information data from their respective client organizations and public interest groups.

(3) Expand written and oral contacts with general consumer groups to solicit information, analysis and research materials that reflect consumer positions on issues.

Department agencies will adapt these recommendations to the framework of their policy development and rulemaking procedures and will develop specific written procedures to execute them in their individual agency consumer affairs programs.

4. CORRESPONDENCE AND COMPLAINT HANDLING

Correspondence is an important method by which client groups and individual consumers can make their views known to the Department. Often requests for information, inquiries about programs and policies, and complaints can have a direct effect on future Department policy making and program development.

Correspondence Processing and Response. Client group correspondence and complaints are usually answered by letter from the particular agency responsible for handling the material in question. Each agency handles its own correspondence which is routed to it from the Department's central mail room. Correspondence addressed to the Department in general is forwarded to the proper agency by the mail room.

Many of the larger agencies have their own publications units which provide books, pamphlets, and other materials requested by client groups. These units enable agencies to respond promptly and accurately to client group inquiries and requests.

If an inquiry requires opinions or information from more than one agency, as in the case of possible job discrimination or a letter requiring a legal opinion, the agency receiving the original letter usually coordinates material gathered from other involved organizations—both within the Department and with other government agencies—and prepares a personal reply.

Many inquiries to the national office can be handled most expeditiously by field representatives of the various agencies. In such cases, the letter is forwarded to the field office and the correspondent is informed, either by letter or by telephone, that a prompt and detailed response can be expected from the field office. This practice is particularly prevalent in the Manpower Administration when handling employment inquiries and in ESA when investigating wage-hour complaints.

Many inquiries and complaints from client groups and the general public are sent directly to the field offices and replies are drafted and sent from there.

In cases requiring an immediate response, a telephone call to the correspondent or complainant often precedes a letter. Sometimes the call is sufficient to answer the question or supply the desired information.

Policy Influence. Certain agencies, especially those which enforce statutes or portions of statutes, have specific procedures established to handle inquiries or complaints. By law, OSHA is required to inspect an establishment when a valid employee complaint has been registered. By writing and asking for an investigation or detailing what the consumer believes to be a dangerous situation, client groups can have immediate impetus in initiating OSHA policy development and investigation procedures. By responding to an individual or group complaint, OSHA can begin a complex series of investigations, studies, public hearings, and rule making procedures which could affect an entire industry or client group.

ESA also has legal jurisdiction to investigate complaints rising from the federal labor laws and executive orders it administers. In certain cases complaints are forwarded to appropriate Federal compliance agencies for resolution. The Employment Service has a complex "monitor-advocate" system for handling complaints concerning migrant and seasonal farm workers and complaints from veterans are forwarded directly to the State Veterans Employment representative.

Correspondence containing suggestions for improving existing programs or for initiating new policies are regularly forwarded to policy makers within the affected agency. In this way, client group input has an openline to Department policy making bodies and individuals.

Time Requirements. The Department has specific time requirements for replies to letters. These are listed in Supplement No. 6—February 1973—in the U.S. Government Correspondence Manual. Normal correspondence should be answered within two weeks. Inquiries under the Freedom of Information Act must be answered within 10 days of its receipt by the disclosure officer. If a delay in response is anticipated, the correspondent should be notified within ten days of this delay.

Future Improvement. To improve correspondence and complaint handling, the Department, at the request of the Secretary, began a review of agency control of correspondence, especially those letters requiring the Secretary's signature. Interim recommendations included hand carrying correspondence through review channels, using interim replies when appropriate, and periodically checking on the system and procedures and initiating corrective action as necessary.

OASA has developed its own correspondence manual which includes shorter reply deadlines than Department policy now required. It has been recommended that other agencies adopt the OASA manual.

In addition, a complete study has been initiated to investigate the Department's mail system. Recommendations for improvements from this "top-to-bottom" review are expected by the end of 1975. These recommendations will include proposed improvements in mail room layout and equipment upgrading. A feasibility study concerning the possible consolidation of independent mail rooms (those serving agencies in other buildings) with the main Departmental mail room is being conducted. In addition, a handbook on procedures and duties is being prepared and a mail routing guide is in the process of being written. Implementation of these recommendations will facilitate improved mail handling procedures within the Department.

5. COMMUNICATION TO CLIENT GROUPS AND CONSUMERS ON ISSUES AND DECISIONS

The Department of Labor conducts a broad-based public information program to keep client groups and individual consumers informed about Department issues, policies, programs and decisions. An additional purpose of the information effort is to solicit client group and consumer input into decision-making and to inform client and consumer about opportunities for their participation at decision points in the Department's rulemaking process.

The Department uses various methods to transmit information to and communicate with client groups and consumers. The primary methods of communication include news releases, news briefings and conferences, speeches, seminars and conferences, specialty news services, periodicals, publications and pamphlets and broadcast materials.

News Releases. Agencies issue news releases on a timely basis to inform client groups and consumers about key policy decisions, regulations, program and compliance activities and statistical data that affect them. The various types of releases, ranging from publication of employment and price to announcement of a new program to protect the pensions of workers, are widely distributed to national and local print and electronic media by the Department in Washington and in the field.

As a communications vehicle, news releases are particularly useful in reaching client groups and consumer because of their timely nature, broad coverage and widespread distribution.

News releases play a key role in informing client groups and individual consumers about opportunities for participation in the Department's rulemaking process. Nearly all Department agencies issue news releases to coincide with their publication of notices required by law in the Federal Register, at all stages in the development of regulations and standards.

For example, when an "Advanced Notice of Proposed Rulemaking" is published in the Register, a news release is issued with specific information on the type of rule being considered and with the request for public comment within a specified time period. The tandem issuance of Register notices and releases is continued throughout the regulations process, with the announcement of policy statements, public hearings and advisory committee meetings and final regulations. The widespread circulation of news releases supplements the limited distribution of Federal Register notices.

News Briefings and Conferences. Department officials and program administrators conduct numerous news briefings and conferences, both in Washington and in the field, to communicate with client groups and consumers through the media. Topics for these briefings and conferences may vary from discussions of new program initiatives to technical explanations of statistical data.

In addition to providing an opportunity for transmitting information, press conferences and briefings also provide a forum for answering specific questions posed by the media on programs, issues and problems facing the Department.

News conferences are an excellent method for communicating with clients and consumers because they are so widely reported in news and broadcast media.

An example of the type of briefings held in the Department is the weekly news briefings Secretary Dunlop holds with major media representatives who regularly cover the Labor Department. Topics of the briefings vary from general policy to highly technical explanations of program operations.

Speeches. Speeches are another method used to communicate with client groups and individual consumers on a variety of general and technical subjects. Department officials and pro-

gram heads maintain an active schedule of speaking engagements before such client and consumer groups as management associations, labor unions, research organizations, colleges and universities and trade associations.

Speeches also provide the opportunity to focus on particular aspects of a program, problem or issue that directly affect or concern a specific audience.

Conferences and Seminars. Department agencies often hold special seminars and conferences to communicate information about major decisions and new programs to interest client groups and individual consumers. Conferences are an especially effective means of presenting detailed information about provisions and responsibilities under a law that affects client groups and consumer and are widely used throughout the Department. For example, after the passage of the Employee Retirement Income Security Act, LMSA held various regional conferences across the country with pension plan administrators, insurance companies and employer groups, all of whom were affected by the provisions of the new law.

Specialty News Services. In a special effort to communicate with particular client groups and individuals who are affected by Department programs and use Department services, the Labor Department issues one monthly and four weekly press packets to the media serving blacks, Hispanic Americans, union members, women and small town residents. Information contained in these news services includes specially tailored news stories and features on individuals being helped by Department programs.

Periodicals. Department periodicals such as Job Safety and Health, Manpower, Monthly Labor Review and the Occupational Outlook Quarterly provide client groups and consumers with in-depth information on Department programs, labor force trends and data, and occupational safety and health research and standards. These periodicals supplement in great detail the information contained in Department news releases and are available to the public through the Superintendent of Documents.

Publications, Pamphlets. In addition to periodicals, Department agencies issue a wide range of publications and pamphlets, which explain the general and technical aspects of manpower programs, fair labor standards enforcement programs, job safety and health regulations, trade adjustment assistance programs labor force data collection and pension plan protections. The Department also publishes two general pamphlets on the functions of the Department and its agencies and on the types of publications available to client groups and consumers from the Department of Labor. These publications are a valuable source of information on specific programs and areas of interest to client groups and consumers. Single copies of Department publications and pamphlets are available from the various agencies by request and bulk and subscription orders are handled by the Superintendent of Documents at the Government Printing Office.

Broadcast Materials. Agencies also produce radio and television spot announcements to inform client groups and general consumers about their rights and responsibilities under Department programs and laws. These radio and TV public service announcements are distributed to and aired by stations across the country. In the past, these broadcast materials have dealt with the provisions of the equal pay, age discrimination and wage/hour laws as well as with job safety and health standards.

In addition to the production and distribution of spot announcements, the Department also maintains a Spotmaster audio news service in Washington which airs actualities recorded by Department officials, dealing with news worthy program developments and activities and policy. These actualities can be recorded by the broadcast media for later use on news programs.

Other Information Materials.—In addition to communicating with client groups and individual consumers through news releases, briefings, speeches, periodicals and publications, Department agencies also utilize newsletters, fact sheets, consultations and other methods to transmit information on Department programs and activities.

Future Improvements. To strengthen and enhance communications with client groups and individual consumers about issues and decisions affecting them, the Department will:

(1) Require the issuance of "Advanced Notices of Proposed Rulemaking" in the Federal Register to assure client and consumer participation in the rulemaking process from its inception.

(2) Require the timely issuance of Federal Register notices to inform client groups and individual consumers of proposed regulations, policy statements, public hearings and advisory committee meetings.

(3) Require the issuance of general press releases to coincide with the publication of Register notices at various stages in the development of regulations and standards.

(4) Improve the clarity of Federal Register notices and publish a summary statement preceding the actual notice.

Department agencies will adapt these recommendations to the framework of their policy development and rulemaking procedures and will develop specific written procedures to execute them in their individual agency consumer affairs programs.

6. FEEDBACK TO CONSUMERS ABOUT THEIR COMMENTS

Client groups and the general consumer can ascertain the effect of their comments and complaints on Department programs and policies in a number of ways.

Personal letters written in response to client group or general consumer inquiries, requests, or complaints are the most frequently used method of consumer feedback. The information supplied in these letters informs the recipient that his or her letter has been noted and what action has been taken. Often the client group or consumer can see concrete evidence of his or her input in the form of subsequent investigations, changes in rules or policy, or in additional informational materials.

The initiation of investigations is another method of consumer feedback. Enforcement agencies such as OSHA and ESA conduct investigations into violations of statutes or standards in response to client group and individual complaints. Client groups can see the direct impact of their actions through the initiation of Department investigations.

All client group comment or data submission made in connection with public hearings or open advisory committee meetings becomes a matter of public record. This record is available for any client groups or consumers to inspect and determine if their recommendations and complaints have been noted.

Many pamphlets and information guides are written and published by the Department in response to specific problems and needs raised by client groups. The availability of this type of information clearly reveals to client groups the efficacy of their input and serves as a method of consumer feedback.

Finally, consumer feedback is incorporated in the finished product. Whether it be a rule, standard, law, or piece of information, improvements, changes or additions often come about through client group action and can be seen as part of the actual program or policy of the Department. Consumer feedback is thus accomplished in the very process of Departmental program and policy making and implementing.

Future Improvements. To strengthen the feedback of information to client groups and individuals about their comments,

complaints and input into the decisionmaking process, the Department will:

(1) Identify and utilize new opportunities for feedback of information to client groups and individual consumers.

(2) Establish written procedures to assure that client groups and individual consumers receive appropriate responses and information about the results of their input to encourage continued participation in the Department decision and policy-making.

Department agencies will adapt these recommendations to the framework of their policy development and rulemaking procedures and will develop specific written procedures to execute them in their individual agency consumer affairs programs.

7. CONSUMER EDUCATION

A vital function of the Department is its continuing programs of consumer education. These programs are carried out in several ways ranging from highly specialized seminars and consultations to the most general types of informational pamphlets and booklets.

Specialized Programs. Special seminars are held to inform particular client groups of their responsibilities under certain rules and statutes enforced by the Department. Results of research and development projects were utilized in providing technical assistance materials to CETA prime sponsors in areas such as youth guidance, job development, and relations with employers. The International Manpower Institute for Training and Education conducted manpower seminars for policy officials and technicians of developing countries. These seminars included information on manpower planning and forecasting and the organization, management, and operation of manpower training programs and institutions.

OSHA's training and educational efforts are twofold. At their Rosemont, Ill. training institute, OSHA trains Federal and State compliance officers so that they can provide fair and competent enforcement of OSHA rules and standards. These compliance officers are also responsible for educating employers and employees in their rights and responsibilities under the law.

OSHA also contracts with private sector organizations to provide job safety and health education to employers and employees of small and medium-sized businesses. These services are provided at no cost to the recipient. Recipients of those OSHA training contracts provide instruction to employees and union representatives across the country.

The Construction Industry Standards Digest and General Industry Standards Digest were prepared by OSHA and distributed to unions, trade associations, insurance companies, and other interested groups. These pocket-size handbooks explain, in clear, concise language, how to comply with standards cited in the great majority of all workplace compliance inspections.

Many Department agencies participate in international, national, and regional seminars and conferences with representatives of many specialized client groups. The Bureau of International Labor Affairs conducts traveling seminars and exhibits in foreign countries and representatives of the BLS participate in statistical conferences like the North American Conference on Labor Statistics. Client groups attending this conference included State and municipal agencies, educational associations, economic planning and research organizations and businesses.

Special information programs have also been conducted in connection with legislation enforced by the Department. Special seminars were set up to inform client groups on the complicated Employee Retirement Income Security Act. Similar programs were set up to explain the intricacies of the Black Lung program, OSHA standards, and similar Department programs. Joint conferences of Federal and State representatives are frequently held, particularly in the fields of unemployment insurance and employment service activities. This type of ongoing client group education is vital if Department policies are programs are to be implemented promptly and effectively for use by affected client groups.

Generalized Programs. The Department also publishes a vast quantity of booklets, pamphlets, brochures, and statistical data which is useful to both specialized client groups and to the general consumer. These publications inform consumers of Departmental policies, programs, and their rights and responsibilities under them.

BLS publishes its statistical data which informs the public on wages, hours, prices, the employment situation, labor turnover, and other information useful for client group planning and evaluation. Many agencies publish general information pamphlets explaining laws and policies. For example, LMSA has published "Often-Asked Questions About the Employee Retirement Income Security Act of 1974" which explains, in layman's language, what the Act covers, which plans are covered, the process of reporting and disclosures, and enforcement procedures. Another pamphlet, "Rights and Responsibilities Under the LMRDA" is designed to assist union members, employers, labor oraganizations, and surety companies understand their responsibilities under the Labor-Management Reporting and Disclosure Act.

OSHA regularly publishes several series of short monographs on job health hazards and programs and policies in addition to its many other specialized publications. These concise pamphlets, like "OSHA Inspections," detail for any interested client group or consumer the basic components of OSHA policy and enforcement procedures. "Carcinogens," a monograph in the Job Health Hazard Series, describes potential carcinogens, what employers must know about them, and what they must do to comply with OSHA standards and regulations.

ESA regularly publishes booklets describing its programs, policies, and legal enforcement responsibilities A recent publication, "Handy Reference Guide to the Fair Labor Standards Act," provide general information about the application of FLSA as amended.

In addition to these specialized publications, the Department's Office of Information, Publications and Reports prepares and distributes a general pamphlet describing the functions of the Department as a whole with separate sections devoted to a brief analysis of each agency's programs and functions. A flyer, "Information, Please," informs client groups and general consumers the proper procedure to follow when requesting materials from the Department under the Freedom of Information Act. Other general publications include "Important Events in American Labor History," and "Labor Day: How It Came About; What It Means . . .".

All Departmental publications are available from the information offices of the originating agencies or from the Superintendent of Documents. They are provided free of charge or for a nominal price. Some specialized anthologies do cost more.

Posters, films, film strips, records, and spot announcements on radio and television are also part of the Department's efforts to educate consumers. OSHA, for example, has produced detailed films illustrating potential job safety hazards like trenching and shoring which are available to interested client groups. Posters graphically display important points in particular regulations and procedures. These posters, many of which are required, by law, to be posted where employees can see them, explain agency policies and regulatory responsibilities to consu-

Finally, the Department's Art and Graphics Division regularly prepares exhibits which are set up at conferences, conventions, and meetings of important client groups. Unions and

trade associations often request a Department exhibit be set up at their convention. Literature is provided and often agency experts accompany these exhibits to answer questions from client groups about Department programs and policies.

The Department recognizes the importance of consumer education as a vital ingredient in government service to the public. The effective functioning of programs and policies relies heavily on an educated consuming public which understands its rights and responsibilities under the laws and regulations of the Department. By stressing its consumer education efforts, the Department insures itself the continuing interest and input from its client groups, adding an important dimension to government program and policy making.

Future Improvements. In order to strengthen consumer education programs and make them more consistent Department-wide, the Department will take the following actions:

(1) Require the development of agency consumer information and education programs to answer their specific information needs of their client groups and individual consumers.

(2) Prepare articles for Department of Labor publications and the general and trade media outlining the ways client groups and individual consumers can participate in the policy, rulemaking and evaluation process.

The Department is currently taking steps to increase its output of general program information to client groups and general consumers by preparing a series of numbered one-page consumer fact sheets highlighting the major laws and programs administered by the various Department agencies. Special emphasis is being placed on explaining in simple language the benefits, protections and services available to consumers under laws and programs. These fact sheets will also include information on where and how consumers can obtain assistance or additional information. In addition the fact sheets will be updated periodically and new ones will be issued when appropriate.

Department agencies will adapt these recommendations to the framework of their policy development and rulemaking procedures and will develop specific written procedures to execute them in their individual agency consumer affairs programs.

3. STRUCTURE OF CONSUMER AFFAIRS ORGANIZATION

As indicated in the statement of purpose, a third facet of the Department's Consumer Representation Plan is the establishment of designated agency consumer representatives within the Department to supervise and monitor the development and execution of consumer affairs programs.

The Department of Labor does not have any office or organizational structure to coordinate and consolidate consumer affairs activities. Therefore, the Department recommends issuance of a Secretary's Order which would:

(1) Establish guidelines to assure and enhance client group and individual consumer participation at appropriate levels of decision-making and program activities.

(2) Establish and enhance consumer information programs Department-wide.

(3) Assign responsibilities for management of consumer affairs programs to agency consumer representatives.

Under this organizational set-up, the Director of the Office of Information, Publications and Reports would become the Department's consumer representative whose specific responsibilities would include:

(1) Working with the Office of Consumer Affairs and other outside agencies and groups on consumer activities.

(2) Establishing procedures for the development of agency consumer affairs programs.

(3) Reviewing and monitoring agency consumer affairs programs to increase consumer participation in decision-making.

(4) Making recommendations to agency heads and the Secretary of Labor on future consumer affairs activities.

Department agencies would also designate high level agency consumer representatives to work with the Department's Consumer Representative in developing and executing consumer affairs and education programs under the Department's Consumer Representation Plan.

V. RECOMMENDATIONS

1. PLANNED ACTIONS

As stated in the Executive Summary section, there are three major steps in the implementation of the Labor Department's consumer representation plan:

(1) The implementation of a Secretary's Order assigning responsibilities for consumer affairs programs.

(2) The appointment of a Department of Labor Consumer Representative and the designation of individual agency consumer representatives.

(3) The development of agency consumer affairs programs.

2. SCHEDULE OF EVENTS

The Department plans the following schedule for implementing its Consumer Representation Plan:

(1) Transmission of final draft of Consumer Representation Plan to the White House, Oct. 31.

(2) Signing of plan by President Ford and publication in the Federal Register, Nov. 15.

(3) Formulation of a Secretary's Order containing guidelines for the implementation of the Consumer Representation Plan and establishing agency consumer representatives, Nov. 30.

(4) Public conferences on the Consumer Representation Plan, beginning Jan. 5.

(5) Finalization of the Department's Consumer Representation Plan, Feb. 15. Draft of agency consumer affairs programs to implement Department plan.

(6) Implementation of Consumer Representation Plan and agency consumer affairs programs beginning March 1.

3. ALLOCATION OF RESOURCES

The Department plans to implement its Consumer Representation Plan and its consumer affairs programs through the reallocation of existing personnel and resources.

DEPARTMENT OF STATE

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Anne Cary, Room 7208, Department of State, Washington, D.C. 20520, 202–632–0549. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

TABLE OF CONTENTS

I Statement of Purpose
II Primary Operating Units Involved
III Executive Summary
IV The Plan
A. Information Input Source Now in Use
B. Information Output
V Recommendations
A. Recommended Actions
B. Proposed Schedule of Events
C. Allocation of Resources
D. Proposed Executive Action

Appendices
APPENDIX A—Areas of the Department of State Identified as Engaging in Consumer Related Activities
APPENDIX B—Position Description—Consumer Affairs Coordinator
APPENDIX C—Consumer Interest Guidelines
APPENDIX D—Department of State Airgram CA–5650

I. STATEMENT OF PURPOSE

The purpose of the Department's plan is twofold: to confirm and reinforce the Department's sensitivity to consumer rights and interests as they impact upon the Department and to take those steps necessary and feasible to promote and channel these rights and interests with respect to the maintenance and expansion of an international dialogue and awareness.

The Department of State's primary mission is to represent, on a government-to-government basis, U.S. interests abroad. As such, the Department enunciates not only positions prepared by all elements of the Executive, but also exercises a variety of statutory responsibilities. Since the Department's efforts impact principally upon foreign governments, its consumer activities are inherently different from those which more naturally attach to the many domestic agencies of the U.S. Government. Nevertheless, the Department fully recognizes the need to strengthen the ever-broadening dialogue that now exists both domestically and internationally, and has undertaken—without the creation of additional bureaucracy—to utilize and vitalize ongoing machinery and encourage the development of new techniques for assuring consumer representation within the Department of State.

II. PRIMARY OPERATING GROUPS INVOLVED

Although the ongoing consumer-oriented activities and responsibilities of the Department are exercised by a wide and disparate range of offices, it is expected that a still more cohesive consumer consciousness will develop as the "consumer communications channel" matures to full effect. At the moment, the principal bureaus with the greatest degree of public contact on issues of concern to consumers and consumer groups are the Bureau of Economic and Business Affairs (EB), the Bureau of Oceans, International Environmental and Scientific Affairs (OES), the Bureau of Security and Consular Affairs (SCA), the Bureau of Public Affairs (PA) and that portion of the Bureau of European Affairs (EUR) dealing with European community and Atlantic community political and economic affairs. These bureaus have, in many and different respects, an ongoing relationship with the public and with non-governmental organizations (Appendix A).

III. EXECUTIVE SUMMARY

In order to fashion a viable blueprint for enhancing consumer participation within the Department of State, 39 Departmental entities and 3 associated agencies were inventoried to determine the strengths and weaknesses of existing Departmental mechanisms for reaction to and solicitation of consumer views. From this initial survey, 8 offices with potentially significant consumer profiles were isolated and examined in terms of appropriate consumer input/output/thruput. This analysis led to the conclusion that there exists positive consumer interaction along a broad spectrum of Departmental functions, as well as fragmented and unfocused activities in other areas of the Department. From these findings five separate recommendations emerged:

(1) Designation of a Special Assistant to the Under Secretary for Economic Affairs as Consumer Affairs Coordinator for the entire Department, and creation of an intra-Departmental "consumer communication channel."

(2) Creation of "Consumer Interest Guidelines" for dissemination and application in the Department, as appropriate.

(3) Inclusion of a "consumer impact statement" in Departmental decision memoranda, as appropriate.

(4) Utilization of professional public opinion analysts to input consumer attitudes throughout the Department.

(5) Facilitation of liaison between American consumer groups and similar organizations throughout the world.

IV. THE PLAN

The activities of the Department of State and its associated agencies primarily affect the consumer as the Department functions as an international conduit and arbiter to other governments for other Federal agencies. The Department provides the facilities, communications and expertise necessary for the representation of U.S. interests abroad which may affect the American consumer in varying degrees. The Department views its principal function in the consumer area as coordinator of a variety of primarily domestic Federal programs in a foreign policy context. Our analysis of Departmental actions and reactions further shows that for the most part consumer input now occurs at an early stage outside of the action parameters of the Department and prior to the Departmental preparation of U.S. positions on international questions. For example, the OECD Committee on Consumer Policy undertakes a number of important studies of broad interest to consumers. Recent meetings have considered safety requirements for toys, guidelines for controls over household products, package standardization,

product labeling, unit pricing, deceptive or undesirable practices and consumer credit. The U.S. position advanced on these subjects is one that is prepared by a number of domestic U.S. agencies. It must also be noted that there are constraints which exist because of other legitimate competing interests, such as the requirement that communications between governments and OECD meetings be privileged, which can only be waived by unanimous consent.

In other circumstances, the Department of State is constrained by statute in its activities. For example, in the important multilateral trade field, the Trade Act of 1974 vests responsibility for negotiations now being conducted at Geneva in the President's Special Trade Representative (STR). The Development" technique during the course of the formulation STR and assists that office in the conduct of trade negotiations. Similarly, the U.S. would, in the long run, act detrimentally to U.S. consumer interests if there are premature disclosures of policy options in the early stages of international negotiations.

It is fully recognized, however, that there are intermediate stages where public discussion is desirable and indeed necessary for development of a broad domestic and international consensus on a variety of U.S. interests and positions. Therefore, information inputs from consumers, thruputs between initiating parties and potential users, and outputs from the Department properly occur in varying degrees and at varying levels in this process. Inputs are directed toward existing or prospective programs, and can be solicited or unsolicited. Thruputs—a critical element in the Department's mode of operation—are manifested by interaction between the international community and the U.S. public and private sectors. Outputs are designed to educate and/or reply to the consuming public. The introduction of the "consumer communication channel," as monitored by the Consumer Affairs Coordinator, will provide the linkage to enhance the effectiveness of these ongoing efforts.

A. INFORMATION INPUT SOURCES NOW IN USE

1. Advisory Committees.—There are more than twenty public advisory committees currently operating in the Department of State, some of them with subcommittees that may meet separately from the parent body. Most deal with specific and highly technical subjects, and their membership reflects their purpose. The Advisory Committee on "Foreign Relations of the United States", for example, deals with the Historical Office publication of the same name. The Committee on International Intellectual Property deals with issues of international copyright and thus includes representatives of libraries, authors and publishers. There are a variety of committees relating to fisheries issues and to law of the sea. These committees, many of which are quite technical in nature, are already conscious of the potential consumer interest in their activities and continue to publicize committee meetings despite the fact that consumer groups have to date expressed little interest in attending. The Department plans to continue to publicize the existence and meetings of these committees in accordance with Public Law 92-463, which specifies that such meetings are open to the public except when exempt under law.

2. Public Hearings.—The Department, often in conjunction with other Government agencies, frequently participates in public hearings in a variety of program areas. For example, the Bureau of Economic and Business Affairs, International Trade Policy Division, held public hearings throughout the United States earlier this year on the proposal that a broad range of products produced in certain developing countries be granted duty free treatment when imported into the U.S. The consuming public was invited and encouraged to participate in these hearings and that will continue to be the Department's practice in the future.

3. Consumer Correspondence and Complaints.—Direct consumer inquiries to the Department of State have not been commonplace and prior to the creation of the Consumer Affairs Coordinator there was no single channel for coordination of these communications, unless they were forwarded by the office of a Congressman. Congressional inquiries are answered within three working days, generally through the Office of Congressional Relations. Consumer inquiries will continue to be answered by the office most directly involved, although coordinated by the Consumer Affairs Coordinator.

4. Public Interest Groups.—The Department routinely assists a number of public interest groups by providing information, speakers and briefing materials on particular issues. Many of these groups, such as the League of Women Voters, are long established with a wide range of interests. Other groups, such as one recently formed by parents and friends of American prisoners in Mexican jails, involve specific and narrow issues and are currently interacting with the Bureau of Security and Consular Affairs. The Bureau of Cultural Affairs is especially active in dealing with public interest groups throughout the U.S. in the implementation of its educational and cultural affairs programs. In addition, the newly established Office of Environmental Affairs regularly deals with a large number of public interest groups ranging from the Wilderness Society to the Canoe Cruisers Association.

5. Consumer Publications.—The Department has had little interaction—either as a contributor or as a subject—with consumer information publications. However, publications of the major consumer groups are carefully reviewed by the Department and, in particular, by the Bureau of Oceans and International Environmental and Scientific Affairs and the Bureau of Economic and Business Affairs.

6. Monitoring the Public Media.—Primarily through its public affairs and press bureaus, and, overseas, by the U.S. Information Agency, the Department not only monitors the public domain for all manner of current views on foreign affairs, including consumer news, but seeks out public opinion of its activities, thus learning of those groups with whom communication on consumer issues would be of mutual benefit.

7. Responses to Media Announcements.—Notices of Proposed Rule Making are routinely published in the *Federal Register*, and the responses to these notices are weighed in the decision making processing. For example, the Visa Office recently sought to change the standards for visa refusals under the public charge provisions of the Immigration and Nationality Act. A considerable number of responses followed the *Federal Register* announcement, resulting in substantial changes in the proposed new rules.

B. INFORMATION OUTPUT

1. General.—The Department has been generally very successful in publicizing general policy, contemplated actions, and specific areas of concern through speeches by its principal officers. These speeches are well publicized and often commented on editorially, and are frequently reprinted later in State Department publications which are sent to a varied audience. The Department also conducts daily press briefings in which general announcements of interest are made and specific questions on these and other issues are answered. These daily conferences are supplemented by press releases. Congressional presentations and public hearings provide additional forums for informing the public of the actions of the Department. The publications of the Office of Public Affairs range from "Country Notes", summarizing the basic facts about the countries of the world, to "Gist", brief discussions of current issues in American foreign policy, to comprehensive studies of the history and evolution of U.S. policy in particular regions.

2. *Federal Register Announcements.*—The Department uses the *Federal Register* for a variety of announcements, including Proposed Rule Making, compliance with the Privacy Act, and announcements of changes in regulations. Although the *Federal Register* has format and audience limitations, the Department believes that interested groups do recognize the *Federal Register* as a source of valuable information and that it is read accordingly. A special effort is being made by the Department to assure that *Federal Register* items are clear, as brief as possible, free from jargon, and timely.

3. *To Specific Interests Groups.* The various offices and bureaus of the Department described above produce written and other material for their specific clientele. The Bureau of Security and Consular Affairs, for example, has an annual campaign to inform the traveling public, and especially younger Americans, of the penalties for drug related offenses abroad. This effort is timed for the spring, before the summer school vacations, and is carried out by means of pamphlets given to passport applicants, radio and television spots, and press interviews. The information given is specifically designed to help prevent Americans abroad from getting into difficulty and explaining what the U.S. consular officers can and cannot do to help.

4. *Miscellaneous.*—Department officers are encouraged to meet the American public as much as possible during their assignments and home leaves in the United States. The Bureau of Cultural Affairs has an office devoted exclusively to sending speakers to many organizations, some to speak on specific topics, others to give the general public a chance to express views on whatever subjects interest them. In addition, personnel sent on recruiting or examining trips frequently find themselves explaining the Department's position on various issues and receiving the views of the public in turn. The Department believes that these small group interchanges are especially valuable because they directly expose policy makers and future policy makers to public opinion.

5. *Individual responses.*—Individuals or groups of individuals with private particular interests often write, visit or telephone the Department of State seeking information or guidance on areas of concern. Every effort is made to be responsive to these requests as fully and as quickly as possible. Some areas of the Department which have frequent and regular contact with the public, such as the Passport Office and the Visa Office, have special sections set aside to inform and assist the public. The Department believes that speedy, personal replies to inquiries are essential and endeavors to provide them in every case.

V. Recommendations

A. Recommended actions

Our analysis of the inventory of consumer inputs, thruputs and outputs currently viable within the Department suggests the implementation of five intra-Departmental actions:

1. That, to enhance existing consumer mechanisms and to tailor a centralized focus for consumer interest within the Department, a more refined "consumer communication channel" be developed by the designation of a Special Assistant to the Under Secretary for Economic Affairs as Consumer Affairs Coordinator for the Department (Appendix B).

2. That the Department draw and issue "Consumer Interest Guidelines" for those appropriate areas of activity (Appendix C).

3. That, where appropriate, a "consumer impact statement" examining, by criteria checkoff, the character of the effect of an action, be included within decision-making memoranda (Appendix C).

4. That the Department budget for the employment of professional public opinion analysts to collect and evaluate data relevant to the American or international consumer in order that particular viewpoints will be regularly and fully noted by the decision-making level of the Department.

5. That the Department, through its worldwide representatives, help establish liaison between American consumer organizations and similar groups in other parts of the world as they emerge, mature and institutionalize. to this end, the Department will, upon publication of the State Department plan in the *Federal Register*, send an airgram to all posts alerting them that the instructions contained in Circular Airgram number 5650, sent to all overseas posts by the White House Office of Consumer Affairs, remain in effect, and transmitting the State Department plan for consumer representation (Appendix D).

B. Proposed schedule of events

1. Draft Plan Submitted to the White House: October 30, 1975.

2. Revision of Plan Submitted to the White House: November 14, 1975.

3. Appropriate Implementation of Plan: Immediately.

4. Public Hearing Revision of Plan as Necessary: January–February 1976.

C. Allocation of resources

It is anticipated that personnel requirements and operating costs will be kept at a minimum and will be drawn from exiting resources in order to implement the consumer representation plan.

D. Proposed executive action

"Consumer Interest Guidelines" will be issued and implemented upon approval (Appendix C).

Appendix A

Areas of the Department of State identified as engaging in consumer related activities

United States Information Agency (USIA)
Agency for International Development (AID)
Bureau of Economic and Business Affairs (EB)
- International Resources and Food Policy, Office of Food Policy and Programs (EB/ORF/OFP)
- International Resources and Food Policy, Office of International Commodities (EB/ORF/ICD)
- International Trade Policy (EB/ITP)
- International Finance and Development, Office of Investment Affairs (EB/IFD/OIA)
- International Resources and Food Policy, Office of Fuels and Energy (EB/ORF/FSE)
- Transportation and Telecommunication, Office of Aviation Affairs (EB/TT/OA)
- Transportation and Telecommunications, Office of Maritime Affairs (EB/TT/OM)
- Office of Business Practices (EB/CSB/BP)

Bureau of European Affairs, Director, OECD (EUR/RPE)
Office of the Inspector General of Foreign Assistance (IGA)
Office of Management, Office of Equal Employment Opportunity (M/EEO)
Bureau of Oceans and International Environmental and Scientific Affairs (OES)
- Office of Soviet and Eastern European Science and Technological Affairs and Office of Bilateral and Multilateral S & T Affairs (OES/APT)
- Office of Oceans and Fisheries Affairs (OES/OFA)
- Office of Nuclear Energy Technology (OES/NET)
- Office of Environmental Affairs (OES/ENP/EN)

Bureau of Security and Consular Affairs (SCA)
Passport Office (SCA/PPT)
Visa Office (SCA/VO)
Office of Special Consular Services (SCA/SCS)

APPENDIX B

CONSUMER AFFAIRS COORDINATOR (CAC)

I. *Introduction.* The incumbent of this position will ensure that attention is given at a high level in the Department to the Consumer impact of Departmental decisions and policies. He will oversee the intra-Departmental "consumer communications channel", facilitate communication between the consumer, the Department and other elements of the U.S. Government, and advise the Secretary, the Deputy Secretary, and other officers, as appropriate, on consumer matters.

II. *Duties and Responsibilities.* The Consumer Affairs Coordinator (CAC) will review proposed policy decisions and give advice as required in the preparation of consumer impact statements. He will encourage public discussion of Departmental policy and will monitor consumer inputs to the Department. He will review existing mechanisms of consumer input, thruput and output and seek ways of improving these linkages via the "consumer communications channel". He will recommend Departmental policy on consumer issues to the Secretary, and will serve as the Department's primary liaison with consumer groups and with the Office of the Special Assistant to the President for Consumer Affairs.

III. *Location of Position.* This position will be located in the Office of the Under Secretary for Economic Affairs and will be filled by a Special Assistant to be designated Consumer Affairs Coordinator. He will report regularly to the Deputy Secretary of State.

APPENDIX C

U.S. DEPARTMENT OF STATE CONSUMER INTEREST GUIDELINES

1. Each element of the Department and its associated agencies that has been identified as engaging in activities that have identifiable consumer impact will designate a "consumer contact person" within the organization to act as liaison to the Consumer Affairs Coordinator. This designee may be this capacity, or may be altered if required. This person must be thoroughly familiar with the activities of the organization and must be able to have a complete overview of activities that have consumer impact. The position is not envisioned as a full-time job. The sum of these designees will constitute the "consumer communications channel".

2. All bureaus and offices whose activities are designated as having consumer impact will insure that consumer input is obtained and/or consumer interests considered when legislation, regulations, and policy decisions affecting consumers are under consideration.

3. Contact with consumers and exchange of information with consumer groups by Department officials is strongly encouraged.

4. Each decision-making memorandum should include a "consumer impact statement," where appropriate. This statement should include the following: (a) a description of the proposed action, legislation, regulation, change of policy, etc.; (b) a description of the present situation with regard to the issue; (c) a description of the consumers likely to be affected (these consumers may be identified as individuals or as members of a group, such as "those who purchase coal for heating" or "members of Friends of the Earth"); (d) a discussion of the likely impact of the proposed change (for example, "People living in downtown Des Moines will not have to go so far to apply for a passport," or "Tuna fishermen based in X will suffer severe economic difficulties, but those who buy tuna will pay less," with details); (e) is the proposed change and/or its effects likely to be irreversible?; (f) cite the alternatives to the proposed policy. In addition, specific consumer inputs already received on an issue should be mentioned or included as part of the statement.

APPENDIX D

AIRGRAM CA-5650—CONSUMER POLICY IN THE UNITED STATES

DECEMBER 20, 1971.

The rapid developments and increasing interest in consumer affairs, both in the United States and in many other countries, foreshadows the need for all field posts to be abreast of current developments in U.S. consumer policy and to anticipate handling increased requests from government and private organizations for information in this subject area. It is suggested that a post officer be assigned to act as liaison for consumer affairs and to otherwise serve as prime contact regarding consumer matters. The Department, in cooperation with the Office of Consumer Affairs, Executive Office of the President, will provide backup service to liaison officers, to handle requests and to provide pertinent informative materials.

Descriptive of the growth in interest and activity in consumer affairs are the following developments on the national and international level.

President Nixon has sent two separate and successive messages (October 1969 and February 1971) to Congress specifically dealing with consumer proposals. These proposals are generally directed to providing increased recognition of consumer rights, and increasing the representation, protection and education afforded consumers in our marketplace. Details on these proposals are described below.

Congress has before it more than 650 bills dealing with over 200 substantially different consumer matters with principal current attention being given to proposals to establish a separate agency to represent consumer interest, and to afford greater protection of consumers from deceptive trade practice and from hazardous consumer products.

In the U.S., 43 States and over 23 local (city or county) governments have established, by statute, some type of office, commission, council or other mechanism to provide consumers with access to the highest level of government and a means for redress of grievances. This number contrasts with 16 such offices in the entire nation five years ago.

Consumers have become increasingly aware and outspoken concerning their rights as evidenced by the increase in consumer complaints coming to government agencies, business and private organizations. Government agencies and business organizations have reacted by appointing high level personnel to work full time on consumer matters, while consumers in many areas have formed their own voluntary organizations to speak out with stronger voice on matters affecting them. Over 60 such voluntary consumer organizations exist on the national, State and local level—almost all having been formed during the past five years.

Interest in consumer matters has also been evidenced on the international level.

During the past two years, the Organization for Economic Cooperation and Development (OECD) in Paris has established and maintained a separate Committee on Consumer Policy with the responsibility of making recommendations to the 22-nation body regarding consumer issues. Mrs. Virginia Knauer, Special Assistant to President Nixon for Consumer Affairs, represents the United States on the OECD Consumer Policy Committee where she has become increasingly aware of the developing international interest in consumer matters, especially those in the United States.

In addition, the counsel and leadership of the President's

Special Assistant for Consumer Affairs, Mrs. Knauer, has been sought by the European Economic Community and the World Council of Governments for assistance in Planning consumer oriented programs. The EEC has established a "Special Service for Consumers" with a full-time Director.

Additionally, a private, international consumer organization, the International Organization of Consumer Unions, with offices in The Hague, has grown over the past 10 years to now number over 56 national-level members in over 32 countries. Many of their members are national *government* agencies responsible for such activities as consumer product testing, protective legislation, and information and education programs.

Coupled with these foregoing developments is the wide scale involvement of the United States Government in consumer affairs.

The broad goals of U.S. consumer policy are to protect consumers against fraudulent and deceptive acts, against unsafe products, to promote competition through vigorous enforcement of the antitrust laws, and to provide the consumer with maximum choice through a free market economy. These goals are evident in the proposals outlined in the President's Consumer Message to Congress on February 24, 1971 when he again urged Congress to enact a legislative program aimed at establishing a "Buyer's Bill of Rights" to assure "the consumer that he receives what he is, in every way, fully entitled to."

The major features of the President's present consumer program are: (There may be further initiatives presented to the 2nd Session in 1972.)

Creating the Office of Consumer Affairs in the Executive Office of the President by Executive Order 11583 dated February 24, 1971 with responsibility for coordinating all Federal activities in the field of consumer protection;

Creating in August the National Business Council for Consumer Affairs, composed of 116 representatives of business and industry, to serve as a forum for the development of voluntary industry actions in the field of consumer affairs; (this body was called for in the President's Consumer Message of February 24, 1971)

Creating in February a National Institute for Consumer Justice which will study methods to settle disputes between consumers and business;

Proposing legislation to establish a product safety program within the Department of Health, Education and Welfare. The Secretary of HEW would have authority to fix minimum safety standards and bar products that failed to meet the standards;

Proposing a Consumer Fraud Protection Act which would disallow a broad range of unfair and deceptive consumer practices. The Department of Justice and the Federal Trade Commission would enforce the Act;

Proposing amendments to the Federal Trade Commission Act which will increase the effectiveness of the Commission; legislation to amend the FTC Act passed the Senate November 8 and awaits action by the House. (Version passed was not in the exact form of the Administration proposals)

Proposing a Fair Warranty Disclosure Act which will provide for clearer warranties and prohibit the use of deceptive warranties. Warranty legislation has been passed by the Senate, awaits House action.

Proposing a Consumer Products Test Methods Act to provide incentives for increasing the amount of accurate and relevant information provided consumers about complex consumer products;

Resubmitting the Drug Identification Act which would require identification coding of all drug tablets and capsules;

Other reforms, including exploration of a Consumer Fraud Clearing-house in the FTC, increased emphasis on consumer education and new programs in the field of fraud and drug safety.

The President's Special Assistant for Consumer Affairs, Mrs. Virginia Knauer, has supported legislation passed by the House (H.R. 10835, the "Consumer Protection Act of 1971") which would provide statutory underpinning to the existing Office of Consumer Affairs in the Executive Office of the President and establish a Consumer Protection Agency. The principal function of the Agency would be to serve as a consumer advocate before Federal agencies and courts.

In order to acquaint our Missions with current policy and the wide variety of consumer services offered by various government agencies, each post is being sent a kit of materials as a basic reference file. Of special interest will be the newly revised editions of the Office of Consumer Affairs' publications, *A Guide to Federal Consumer Services and Consumer Education Bibliography.* Further, each Mission will be placed on the mailing list to receive the biweekly edition of OCA's informative newsletter "Consumer News."

At the option of each Embassy, any of the above publications may be discussed with interested host governments. Additional copies for presentation, though limited, are available upon request. In any discussion of U.S. federal consumer services, however, the Embassy should make it clear that requests for further information should be channeled through the Embassy to the Department of State. The Department will work directly with the Office of Consumer Affairs to assist foreign governments with information.

As suggested earlier, the Department believes it would be useful if Ambassadors and principal offices would fix responsibility at each post for an individual officer to be concerned with and alert to consumer protection developments and interests in the host country.

Contents of Kit:

Guide to Federal Consumer Services
Consumer Education Bibliography
Newsletter
Executive Order 11566
Executive Order 11583
President's Messages (October 26, 1970 and February 24, 1971)

IRWIN II, *Acting.*

Enclosure As Stated Above.

DEPARTMENT OF TRANSPORTATION

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Ann Uccello, Room 9424, Department of Transportation, Washington, D.C. 20590, 202–426–4542. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

TABLE OF CONTENTS

Executive Summary
I Introduction and Statement of Purpose
II Existing Department Organization for Consumer Representation
III Existing Mechanisms for Consumer Input
A. General Policy and Program Planning
B. Regulatory Areas
C. Evaluation of Programs
D. Data Transmission
E. Correspondence and Complaint Handling
IV Existing Mechanisms for Information Output to Consumers
A. Communication/Information to Consumers on Issues and Decisions
B. Response to Consumer Comments and Concerns
C. Consumer Education
V Proposed Initiatives for Strengthening Consumer Representation

EXECUTIVE SUMMARY

The Department of Transportation's Proposed Consumer Representation Plan seeks to strengthen the already advanced position of consumer representation throughout the Department.

Part I of the plan indicates that the Department of Transportation early recognized and acted on the premise that the entire Department must be attuned to the needs and desires of the consumer. The early establishment of an Assistant Secretary for Safety and Consumer Affairs, and of an Office of Consumer Affairs, testifies to the Department's commitment to consumer representation.

The four purposes of the Proposed Consumer Representation Plan are delineated in Part 1. They are as follows:

(1) To outline the Department's consumer representation structure.

(2) To identify techniques used to involve consumers in the Department's activities.

(3) To identify mechanisms used to inform and educate consumers.

(4) To present initiatives for strengthening consumer representation throughout the Department.

Part II describes the organizational elements within the Department that have specific consumer responsibilities—the Assistant Secretary for Environment, Safety, and Consumer Affairs*; the Office of Consumer Affairs; the Consumer Affairs Coordinating Committee; the Citizens' Advisory Committee on Transportation Quality; the Office of Consumer Services in the National Highway Traffic Safety Administration; the Community and Consumer Liaison Division in the Federal Aviation Administration; and the Office of Boating Safety in the U.S. Coast Guard.

Part III of the plan highlights techniques now being used by Departmental elements to involve consumers in the development of policy and program planning, in rulemaking, and in program evaluation. A broad spectrum of activities is covered, ranging over such examples as: (1) the Federal Aviation Administration's advance notice of policy development requesting consumer input for its proposed airport noise policy; (2) the series of 54 public hearings for consumers held by Office of Consumer Affairs; (3) the requirement of both the Federal Highway Administration and the Urban Mass Transportation Administration that localities applying for Federal aid must include a provision for public involvement in their transportation planning processes; (4) the Department's utilization of citizens' advisory committees; (5) the Secretary's directive that Departmental elements implement the recommendations made in the Office of Consumer Affairs' report entitled "Consumer Involvement in Rulemaking"; and (6) the Coast Guard's mailing of advance notices of proposed rulemaking to 50,000 addressees.

Part III also delineates techniques for handling consumer corespondence and for generating and utilizing data input from consumers. Described here are such procedures as: (1) the Federal Aviation Administration's Safety Improvement Support Program; (2) the National Highway Traffic Safety Administration's new regional Hotline now operating as a pilot project; (3) the National Highway Traffic Safety Administration's computerized complaint-handling system which converts defect-related correspondence into support data for standards compliance and defect investigation; (4) the Coast Guard's procedures for handling consumer complaints, based on a policy of replying to every complaint within five days; and (5) the Federal Highway Administration's recent regional conferences on carpooling.

Part IV identifies mechanisms for informing and educating consumers and for replying to their comments, complaints, and inquiries. Included are activities of public affairs offices, use of special communications devices, and development of various consumer education programs. Highlighted, for example, are: (1) the Department's new public affairs thrust which identifies news releases of special interest to consumers by stamping them "CONSUMER ADVISORY" or "REQUEST FOR PUBLIC COMMENT"; (2) the Federal Aviation Administration's and the Office of Consumer Affairs' use of specialized mailing lists of consumer organizations and individuals; (3) the National Highway Traffic Safety Administration's issuance of consumer protection bulletins; (4) the Coast Guard's classes in boating safety; and (5) the Office of Consumer Affairs' Transportation Consumer Education Project which will consist of a curriculum guide and four instruction modules for classroom use dealing with public transportation, transportation safety, bicycles, and the environment.

Although the Department of Transportation has, on the whole, a creditable consumer affairs program, it needs to be more evenly advanced and strengthened throughout the entire organization.

Part V contains a listing of initiatives for strengthening consumer representation. The complete list follows on the next page. (The initiatives are also printed on pages 55213–4, following the complete Proposed Plan.)

* In 1973, the Assistant Secretary's responsibilities were enlarged to include environment as well as safety and consumer affairs.

INITIATIVES

A. ORGANIZATION

For all elements of the Department to be consistently responsive to consumer interests, each operating administration will have an identifiable consumer affairs focal point, the form and size varying according to the needs and resources of the administration. Such individual or unit, as the case may be, will have sufficient standing within the administration to be effective in increasing organizational sensitivity and responsiveness to consumer concerns. This will include participation in the development of Departmental policies, programs, and proposed rules of special interest to consumers.

B. CONSUMER PARTICIPATION IN THE DEVELOPMENT OF DOT POLICIES, PROGRAMS, AND REGULATIONS

1. All elements of the Department will adopt, to the extent practical, a technique similar to the "Advance Notice of Policy Development" techniques during the course of the formulation of significant policies or programs which would have a substantial effect on the general public or on those citizen/consumers who would be affected by the decision.

The Advance Notice of Policy Development is an early notification that a Departmental element plans to develop a policy dealing with a particular situation or problem and is inviting public comment prior to the statement of a firm Federal position.

a. The advance notices will be published in the *Federal Register* and publicized widely through all existing mechanisms for consumer output.

b. Each advance notice should be clear and easy to understand, written in layman's terms, and should include specific explanation of what the policy/program is to accomplish.

2. Each operating administration will compile a consumer mailing list that includes: (a) consumers interested in its area of responsibility; (b) national consumer organizations and State and local consumer groups; and (c) consumer editors. Consumers will be invited, through notices in the *Federal Register*, the media, and consumer newsletters, to add their names to the agency's mailing list.

3. All elements of the Department will, to the extent practical, experiment for one year with the use of consumer mailing lists to notify consumers of significant policy, program, or rulemaking activities in order to ascertain the effectiveness and cost of this technique.

4. All consumer affairs units within the Department will develop a system for increasing communications with State and local government consumer officials, including the scheduling of periodic meetings and conferences as a means of broadening the base for consumer input.

5. All elements of the Department will develop closer communication with consumer organizations for suggestions regarding consumer needs and wants in transportation-related matters.

6. Operating administrations will explore techniques for developing greater citizen involvement in, and awareness of, their programs and responsibilities.

7. Departmental procedures for the issuance of standards and guidelines of significant interest to consumers will be the same as those followed in rulemaking. The procedure will require the publication of such proposed standards and guidelines in the Federal Register with a minimum of 45 days allowed for public comment.

C. CONSUMER OUTREACH

The Department will explore new ways to strengthen its present efforts to:

1. Increase consumer awareness of the opportunities and techniques for participation in the development of DOT policies, programs, and rulemaking activities.

2. Increase consumer knowledge and understanding of Departmental policies and programs.

3. Expand distribution of consumer information and education material through low cost channels.

D. DATA TRANSMISSION

1. Each administration will increase its efforts to establish and maintain formal liaison with consumer organizations and citizen groups. Key information from these contacts is to be distributed widely among agency personnel, and made part of formal dockets as necessary, for consideration in policy, rulemaking, and program planning and evaluation.

2. Each operating administration will increase its efforts to review consumer periodicals in order to broaden its understanding of consumer sentiment.

E. CORRESPONDENCE AND COMPLAINT HANDLING

1. Each administration will analyze its methods and approaches for responding to consumer inquiries and complaints and will review with other administrations successful techniques which could improve its complaint-handling methods.

2. The use of a telephone Hotline by other elements of the Department will be considered if the current pilot project in the National Highway Traffic Safety Administration proves successful.

F. ASSESSING IMPACT OF DOT ACTIONS ON CONSUMERS

1. It will be the responsibility of each element of the Department proposing a rule, regulation, or policy which will have a substantial impact on consumers, to include in the advance notice published in the *Federal Register* and other media, a request for information relating to the probable cost and benefit of such proposal to the consumer.

2. Within a specified period of time following implementation of any rule or regulation having a substantial impact on consumers, an analysis of its impact including cost and benefit to consumers will be made by the applicable operating administration or secretarial office, with assistance from its consumer affairs unit. Market research and other techniques for obtaining consumer evaluation will be used in the analysis.

G. IMPLEMENTATION OF PROPOSED CONSUMER REPRESENTATION PLAN

1. The Office of Consumer Affairs (OCA), in the Office of the Secretary, is assigned the overall responsibility for monitoring the implementation of the initiatives contained in this plan as well as all other proposals for greater consumer representation within the Department. In discharging this responsibility, the OCA will work in cooperation and coordination with the consumer affairs units within each operating administration and the DOT Consumer Affairs Coordinating Committee.

2. Within each operating administration, the consumer affairs unit will continuously monitor and review implementation of these initiatives and proposals and will periodically report the progress of such implementation to the Office of Consumer Affairs. In addition, each unit will meet periodically with the Office of Consumer Affairs to develop ways to improve the implementation of these initiatives. The OCA will periodically report to the Secretary the progress made within the Department in advancing the interests of consumers.

H. A SUGGESTION FOR FEDERAL ACTION

It is recommended that a Government-wide effort be made to enlist the media's cooperation in a continuing effort to inform

the public about Federal agencies' proposed rules that have strong consumer impact. The Federal Government's efforts to inform consumers about proposed rulemaking are so clearly in the public interest that it would not be inappropriate to consider requesting the media's cooperation in devoting public service space and time to disseminating news of proposed rulemaking. Public service organizations could also be approached for help in this undertaking.

PROPOSED CONSUMER REPRESENTATION PLAN

I. INTRODUCTION AND STATEMENT OF PURPOSE

When DOT was established in 1966, the enabling legislation marked as a goal for the new agency: ". . . the identification and solution of transportation problems . . . with full and appropriate consideration of the needs of the public. . . ."

The Department of Transportation (DOT) early recognized and on the premise that the entire Department must be attuned to the needs and desires of the consumer.

In DOT's view, "the consumer" is every individual citizen who is affected by the Nation's transportation system such as: the shopper or worker on the local bus or subway; the commuter on the suburban train; the traveler on a plane, train, or intercity bus; the person who has his or her household goods moved; the person who buys or operates a car, boat, plane, motorcycle, or bicycle; the person who lives near an airport, a railroad crossing, or a highway; the person who is deprived of needed public transportation.

To focus on consumer needs, the Secretary of Transportation established, in 1970, an Assistant Secretary for Safety and Consumer Affairs. The next year, the Secretary created the Office of Consumer Affairs, headed by a Director who reports to the Assistant Secretary.

The mission of the Office of Consumer Affairs is to encourage two-way communication between DOT and consumers. Toward that goal, the office undertakes two kinds of activities: first, identifying consumers' needs and preferences, and presenting these views to the Department's policymakers and decisionmakers; and second, producing and distributing information to help consumers become more knowledgeable about transportation goods and services.

In addition, the Office of Consumer Affairs advances the development of consumer projects and programs throughout DOT by working with six of the Department's seven operating administrations—the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the National Highway Traffic Safety Administration, the Urban Mass Transportation Administration, and the U.S. Coast Guard. The Department's seventh operating administration, which does not have a consumer charge, is the St. Lawrence Seaway Development Corporation, a self-sustaining Federal corporation that develops and maintains the U.S. portion of the Seaway.

In its liaison work with the Department's operating administrations, the Office of Consumer Affairs has urged them to seek consumers' views through such devices as public hearings, to initiate procedures for greater consumer involvement in rulemaking procedures and in the planning process, and to develop educational and informational programs to better inform the consumer.

All of these activities are described in detail in this proposed consumer representation plan which has these purposes:

To outline the consumer representation structure that already exists in the Department of Transportation, and to pinpoint the organizational elements that have specific consumer responsibilities.

To identify traditional and innovative techniques used by elements of the Department to involve consumers in the development of policy and program planning, rulemaking, and program evaluation.

To highlight processes and techniques used by Departmental elements to inform and educate consumers, and to respond to their inquiries and complaints.

To focus on the initiatives that the Department proposes to take in order to further advance and strengthen consumer representation in the Department of Transportation.

II. EXISTING DEPARTMENT ORGANIZATION FOR CONSUMER REPRESENTATION

While all the agencies within DOT share a continuing concern for the consumer's interests, certain organizational units are directly charged with a responsibility to consumers. This chapter focuses on those units, explaining their functions and describing where they fit into the Department's structure. Specific activities of these units are described in the following two chapters.

The Department is headed by the Office of the Secretary, with the seven operating administrations reporting to the Secretary. At both of these levels, there are organizational units that are charged with consumer responsibility.

A. OFFICE OF THE SECRETARY

1. In the Office of the Secretary, the responsibility for consumer activities rests clearly with the *Assistant Secretary for Environment, Safety, and Consumer Affairs*. In 1973, the Assistant Secretary's responsibilities were enlarged to include environment as well as safety and consumer affairs. One of the five assistant secretaries in DOT, this official is responsible for coordinating Department-wide programs concerning the consumer. Emphasis is also put on such issues as transportation safety, security of passengers and cargo, and the impact of the transportation system on the environment. The presence of this office at this level underscores the Department's commitment to developing significant consumer programs. This assistant secretaryship includes four offices which have a direct impact on the consumer—the Office of Environmental Affairs, the Office of Safety Affairs, the Office of Hazardous Materials Policy, and the Office of Consumer Affairs, with its specific consumer responsibility.

2. *The Office of Consumer Affairs (OCA)*, in order to promote two-way communication between the Department and consumers, places emphasis on conducting public hearings and consumer conferences and also undertakes surveys and other research into consumer attitudes and viewpoints. OCA also maintains continuing contact with citizen/consumer organizations and other public groups. On the basis of these activities, OCA reviews the Department's programs and recommends to the Secretary measures for improving DOT's awareness of and responsiveness to consumers. In addition, OCA reviews and develops consumer legislation and monitors opportunities throughout the Department for increasing consumer involvement in rulemaking procedures. Development of consumer education/information programs has a high priority with OCA, as does effective response to consumer complaints and inquiries. OCA represents DOT in Federal interagency coordination on behalf of consumers.

3. The *Consumer Affairs Coordinating Committee* is a Departmental committee made up of a representative from each operating administration as well as from each secretarial office. Functioning primarily in the areas of consumer education and information, the committee acts as a consumer pipeline within the Department. It provides the machinery for developing and coordinating Department-wide approaches and programs to stimulate consumer awareness and responsiveness. The Com-

mittee, which meets at the request of the Director of the Office of Consumer Affairs (OCA), has worked with OCA to coordinate a number of OCA's research studies, consumer education projects, and publications, and to increase opportunity for consumer involvement in DOT rulemaking.

4. The *Citizens' Advisory Committee on Transportation Quality* consists of 21 citizen members from a cross-section of the public who are appointed by the Secretary for three-year terms. The main function of the Committee, which meets three or four times annually, is to assess the Department's transportation policies from the consumer's viewpoint and to make recommendations. The Committee's members are consumers who come from a variety of socio-economic backgrounds and geographical locations. The Committee is under the sponsorship of the Assistant Secretary for Environment, Safety, and Consumer Affairs, and receives staff support from the Office of Consumer Affairs.

B. OPERATING ADMINISTRATIONS

Of the Department's seven operating administrations, only two have established units with specific consumer functions—the National Highway Traffic Safety Administration and the Federal Aviation Administration. In a third administration—the U. S. Coast Guard—there is an Office of Boating Safety which is designed to carry a strong consumer responsibility.

1. *The National Highway Traffic Safety Administration (NHTSA)*, maintains an Office of Consumer Services, a division in the Office of Public Affairs and Consumer Services. NHTSA's Office of Consumer Services makes extensive efforts to obtain consumer input concerning safety-related defects in automobiles. It also makes recommendations for development of NHTSA's consumer service program and advises the Director of NHTSA's Office of Public Affairs and Consumer Services on the potential consumer impact of motor vehicle and highway safety policies. In addition, the Office of Consumer Services responds to consumer complaints and inquiries, develops publications to promote consumers' understanding of highway safety programs, and acts as NHTSA's representative in coordinated consumer-related activities within the Department and with other government agencies as well as with private consumer organizations.

2. *The Federal Aviation Administration (FAA)* maintains a Community and Consumer Liaison Division within the Office of Information Services. FAA's Community and Consumer Liaison Division monitors FAA activities relating to consumers and also advises agency management on ways to improve responsiveness to consumers. It also fosters consumer involvement in FAA rulemaking by special efforts to inform consumers of proposed rules and to encourage their attendance at hearings and conferences. The Community and Consumer Liaison Division also responds to consumer complaints and inquiries and prepares information materials on FAA programs and procedures to be distributed to consumers as well as to the news media and to consumer organizations.

3. The U.S. Coast Guard's *Office of Boating Safety* (OBS) is responsible for developing and implementing boating safety construction standards and regulations as well as boating operator regulations. In addition, OBS maintains an education division which is responsible for disseminating safety information and for developing safety training programs for consumers who own or use boats.

III. EXISTING MECHANISMS FOR CONSUMER INPUT

A. GENERAL POLICY AND PROGRAM PLANNING

A variety of techniques is employed in the Department to: (1) obtain consumer input to general policy and program planning; (2) solicit consumer views as a "sounding board" for new policies or programs initiated; and (3) obtain advice and analysis on such consumer-oriented issues as environmental impacts, noise abatement, auto safety standards, and related matters.

Every technique is not used by every operating administration, nor do the administrations always use the techniques in precisely the same manner or with the same frequency. Listed below are highlights of the most productive techniques in use. In all cases, at least one agency making significant use of the technique is indicated.

1. Consultative planning process

Developed and used by the Federal Aviation Administration, this process serves as a useful device for obtaining inputs and ideas and also helps generate understanding and support for agency programs. Several kinds of meetings are utilized in the consultative planning process:

a. Aviation Review Conference—widely publicized annual meeting with FAA officials usually lasting for several days in Washington, D.C., that is open to the public. Participants review and make suggestions on topics ranging across the entire spectrum of FAA's activities.

b. Consultative Planning Conference—meeting between FAA officials and interested and affected groups dealing with a specific topic or area of interest to the agency or the group. Conferences may be suggested by either the agency or the outside group and are held in the field or in Washington, D.C.

c. Listening Session—meeting with FAA officials normally requested by an outside group or individuals wishing to present views on a broad range of topics to the agency's management. Held in the field or in Washington, D.C.

2. Advance notice of policy development

This technique calls for soliciting consumer views and ideas when an agency is first considering formulation of a basic policy. A notice is published in the *Federal Register* describing the situation surrounding the policy to be formulated and requesting consumer suggestions. Extensive use is also made of news releases. In addition, consumer public hearings are held throughout the country in most areas that could be affected by the policy.

An example of this technique is the Federal Aviation Administration's effort to obtain views in the formulation of a national airport noise policy. Announced in the *Federal Register*, July 1975, as a Notice of Proposed Airport Noise Policy, the comment period runs until January 1, 1976—thereby giving consumers ample time for input. Additionally, a number of hearings are being held across the country to give those who live around airports as well as the general public and the aviation industry and operators an opportunity for presenting their views. (It should also be noted that, by law, an opportunity for public hearings must be offered on any action involving location of airports, runways, etc.)

3. Informal consumer public hearings

Through nationwide informal consumer public hearings, the individual consumer is encouraged to express his views on a broad range of transportation topics, including the Department's policies and programs as they affect him. From 1971 to 1974, the Department's Office of Consumer Affairs conducted a series of 54 consumer hearings where citizens' opinions were solicited on dozens of significant transportation issues. The results were presented to the Secretary in a report titled "The Voice of the Transportation Consumer," which has been circulated among agency decisionmakers.

In addition, DOT agencies employ public hearing techniques to solicit consumer input on a specific subject. For instance, when

the National Highway Traffic Safety Administration (NHTSA) held hearings on whether to relax bumper standards, consumers voiced strong support for NHTSA's position that standards should not be relaxed. As a result, bumper standards were not relaxed.

4. Establishment of a consumer office at an agency's policy-making level

One administration has taken this step. The National Highway Traffic Safety Administration (NHTSA) has set up its Office of Consumer Services at the agency's top policymaking level and has given the consumer office responsibility for transmitting consumer opinion to the agency's decisionmakers. Thus, NHTSA provides for continuing and direct consumer input into the Administration's policy and program planning processes.

5. Informal local conferences

This technique involves both sponsorship of and attendance at informal conferences in areas which will be affected by contemplated actions. Often key decisionmakers from the Department respond to comments and questions from the audience and this useful contact with consumers serves as input when the operating administrations develop their final actions. Both the Federal Highway Administration and the Federal Aviation Administration make use of the conference technique in a variety of forms.

6. Requiring local federally-aided plans to have consumer input

Under recently published regulations, both the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) now require that every locality applying for Federal aid must have a comprehensive transportation planning process that ensures public involvement. FHWA's Federal-Aid Highway Program requires that the States provide opportunity for and publicize public hearings concerning proposed highway locations, and also that proposed draft environmental impact statements be prepared and circulated for comment before these public hearings. UMTA requires that each grant applicant hold a well-publicized public hearing on the economic, social, and environmental effect of the proposed project, and that a transcript of the hearing be submitted with the grant application.

7. Market research

The Department as a whole makes use of market research—professional polls, informal polls, and similar devices—when there is a need to measure public opinion, behavior, and attitudes and to obtain other data for policy decisions and programs. One type of polling situation occurred in 1973 when the Department sought to determine public preferences on year-round observance of daylight saving time. To gather this data, two separate devices were used—an informal consumer survey conducted by the Department's Office of Consumer Affairs, and a professional poll contracted for by the Office of the Secretary.

Another use of market research is illustrated by the Federal Highway Administration's (FHWA) heavy reliance on polls conducted by the Transportation Research Board of the National Academy of Sciences. The results of these polls—as well as results of other studies and conferences—are carefully considered by FHWA in recommending legislative changes to the highway program.

8. Advisory committees

The Department has 27 advisory committees, several of them statutory, ranging from citizens' committees to highly technical bodies. They have periodic meetings which are publicized and are open to the public. Committees which provide mostly nontechnical or semi-technical consumer input include the following:

a. The Citizens' Advisory Committee on Transportation Quality is located in the Office of the Secretary and advises the Secretary on a wide variety of subjects of special interest to the consumer/citizen.

b. The National Boating Safety Advisory Council was established by Congress in 1971 to advise the Coast Guard in its boating safety operations. The Council consists of seven members representing the general public, seven from the boating industry, and seven State officials. The Council is informed when the Coast Guard establishes a project and advises whether further analysis or study is needed before implementation. The Council has subcommittees and panels of nonmembers who provide technical expertise.

c. The National Motor Vehicle Safety Advisory Council is an advisory committee to the National Highway Traffic Safety Administration. A majority of the 25 Council members represents the general public; these members are not associated with the motor vehicle industry. The remaining Council members—a minority of the total—do represent the industry. By law, the Secretary consults with the Council in the development and promulgation of motor vehicle safety standards. The Council, in turn, holds public meetings on important motor vehicle safety issues and develops reports and recommendations for the consideration of the Secretary.

d. The National Highway Safety Advisory Committee is an advisory committee to the National Highway Traffic Safety Administration. The 38-member Committee reviews and advises the Secretary on highway safety standards and reviews the Department's highway safety programs. The Committee by statute is composed of representatives of State and local governments, public and private interests concerned with highway safety, and research scientists and other experts in the field. Through public meetings, forums, and conferences in Washington and across the country, the Committee provides affected and concerned groups and individuals the opportunity to review DOT highway safety programs and to improve their quality and public acceptability. The Committee reports to the Secretary and makes recommendations.

e. The Youths Highway Safety Advisory Committee is an advisory committee to the National Highway Traffic Safety Administration (NHTSA). The Youths Committee, composed of young people between the ages of 16 and 25, recommends ways to involve youth in highway safety. The Committee also reviews NHTSA programs and advises the Administrator on ways to improve their effectiveness and their acceptability to young people.

B. REGULATORY AREAS

1. Rulemaking

The Department of Transportation is making a concerted effort to increase consumer involvement in the rulemaking process. At the direction of the Secretary, all elements of the Department are implementing the recommendations contained in the June 1974 report of the Department's Office of Consumer Affairs (OCA) entitled "Consumer Involvement in Rulemaking." These recommendations, which are designed to increase public participation in the Department's rulemaking process, grew out of the Secretary's directive that OCA should analyze what the Department was doing to obtain consumer input in rulemaking and how it could be done better.

The analysis began with OCA's workshop on the subject of consumer involvement in DOT rulemaking. Consumers were invited to attend, along with the Department's Citizens' Advisory Committee on Transportation Quality. After consumers at the workshop made recommendations for improving consumer involvement in the Department's rulemaking procedures, OCA incorporated those recommendations into its report to the Secretary.

Included in the OCA report are the following recommendations:

a. That operating administrations give 45 days as the minimum time for public comment on a notice of proposed rulemaking.

b. That the operating administrations make the fullest practical use of the advance notice of proposed rulemaking procedure.

c. That operating administrations expand the use of notice and comment rulemaking procedures to include matters exempted from such procedures.

d. That operating administrations maintain liaison with the Department's Office of Consumer Affairs which monitors the implementation of these recommendations.

In addition, the operating administrations use various information-gathering techniques designed to elicit consumer response to proposed rulemaking. These techniques include public hearings, surveys, mailing of advance notice of proposed rulemaking to mailing lists, publishing of digests, and utilization of news media. Where necessary, particular stress is put on eliciting consumer input for rules dealing with certain subjects of special concern to target consumer audiences.

2. Guidelines

Operating administrations issue different types of guidelines depending upon the circumstances. Some guidelines are directed to consumers, such as those on boating safety by the Coast Guard; others are directed primarily toward governmental officials, such as those issued by the Urban Mass Transportation Administration. Regardless of their audiences, operating administrations seek public involvement and comment when developing guidelines. The Urban Mass Transportation Administration's policy, for instance, is to publish all proposed guidelines; final guidelines are not adopted until after public comment has been made and considered.

3. Legislation

The Department has no formal procedure for eliciting consumer input concerning proposed legislation. Input in this regard comes from the same sources that provide input to the rulemaking process and policy planning, but no specific proposed legislation is presented to the public for comment. The Office of Consumer Affairs as well as the operating administrations and other offices within the Office of the Secretary are aware of public sentiment concerning transportation issues and, in general, utilize this information in commenting on or in developing proposed legislation.

In addition, proposed legislation which may affect consumers is referred to the Office of Consumer Affairs (OCA) for analysis and comment. OCA provides analysis from the consumer viewpoint as gleaned from public hearings and from publications of national consumer organizations. This consumer-oriented analysis is considered during the development of the Department's position.

The lists below summarize each operating administration's activities in regulatory areas.

a. Federal Aviation Administration (FAA)

(1) Rulemaking

(a) Follows requirements of Administrative Procedures Act and Secretary's directive concerning the Office of Consumer Affairs' recommendations for increasing consumer involvement in rulemaking.

(b) Solicits consumer input through the consultative planning process, conferences, and hearings. In the case of an advance notice of proposed rulemaking concerning air transportation of handicapped persons, six hearings were held throughout the United States. Publication of the advance notice elicited additional comments.

(2) Guidelines

(a) Guidelines have been issued to airport planners and developers requiring them to give the public effective opportunity to comment at all appropriate stages in the decisionmaking process and to comment upon draft statements. By law, public hearings must be held on proposals for new airport locations and for runway locations or extensions.

(b) FAA will soon issue a guideline titled "Citizen Participation in Airport Planning" suggesting how to organize citizen participation programs, including workshops and planning groups.

b. National Highway Traffic Safety Administration (NHTSA)

(1) Rulemaking

(a) NHTSA's role under Highway Safety Act of 1966 is primarily one of "suggestion and persuasion" to the States, which are responsible for regulation and enforcement.

(b) Consumer comment is directed to State governments and appropriate Congressional delegations.

(c) Under the rulemaking responsibility provided by the Motor Vehicle and Highway Safety Act of 1966, NHTSA uses notices provided for in Administrative Procedures Act and in the Secretary's directive concerning increased consumer involvement in rulemaking.

(d) Also uses for consumer input such sources as: digests; media releases; fact sheets; newsletters; consumer inquiry, comment and complaint; public hearings; opinion from advisory councils, advocacy organizations, technical groups; data received from local organizations and from NHTSA's new regional Hotline now operating as a pilot project.

c. U.S. Coast Guard

(1) Rulemaking

(a) Follows Administrative Procedures Act and implements Secretary's rulemaking directive.

(b) Mails advance notices of proposed rulemaking to 50,000 addressees.

(c) Obtains opinions from National Boating Safety Advisory Council.

(d) Maintains liaison with local and State boating authorities.

(e) Conducts surveys, regional conferences, and hearings to obtain consumer input.

(f) Monitors consumer complaints as a source of information on the need to develop improved safety regulations.

(2) Guidelines

(a) Publishes pamphlets describing boating safety guidelines in layman's language.

(b) Encourages consumers to comment on safety guidelines.

d. Federal Highway Administration (FHWA)

(1) Rulemaking

(a) Follows Administrative Procedures Act and Secretary's rulemaking directive.

(b) Requires that States hold public hearings and circulate draft environmental impact statements concerning proposed highway locations.

(2) *Guidelines*

(a) Promotes State Action Plans in which goals are established by FHWA but methods for obtaining consumer input are responsibility of States.

(b) Utilizes workshops, mailing lists, and such information techniques as news releases and study teams.

e. Federal Railroad Administration (FRA)

(1) *Rulemaking*

(a) Follows Administrative Procedures Act and implements Secretary's rulemaking directive.

(b) Under rulemaking procedure, any person may petition for rulemaking; appropriate office recommends action to Administrator and petitioner is notified of grant or denial of petition.

(c) Receives correspondence and complaints—directly from consumers and through their Congressional representatives—which provide input into rulemaking process.

f. Urban Mass Transportation Administration (UMTA)

(1) *Rulemaking*

(a) Follows Administrative Procedures Act and implements rulemaking directive.

(b) When developing rules for planning mass transportation facilities, UMTA places particular stress on eliciting comment from two target audiences—the elderly and the handicapped. As an example of its efforts to discover special problems and needs of the target audiences, UMTA recently held six public hearings throughout United States on proposed rules concerning these audiences.

(c) Also receives consumer input indirectly through State and local officials who are required by directive of the Office of Management and Budget to be given opportunity to comment on proposed major rules and guidelines.

(2) *Guidelines*

(a) Publishes proposed guidelines.

(b) Adopts proposed guidelines only after the public or its elected representatives have had opportunity to comment.

(c) Is undertaking codification, in *Code of Federal Regulations*, of UMTA External Operating Manual which sets forth application procedures for discretionary capital grants and other elements of UMTA program. This codification will involve publication in *Federal Register* with request for public comment.

C. EVALUATION OF EXISTING AND PROPOSED PROGRAMS

A number of techniques and procedures provide opportunities for consumers and consumer organizations to prevent evaluations of the Department's activities. Highlights of these include:

1. ***Market research*** provides information on consumer needs and preferences to aid in the evaluation of new programs.

2. ***Consultative planning process*** developed by the Federal Aviation Administration offers the public an opportunity to evaluate and criticize existing and proposed programs, plans, and regulations. Other agencies within the Department obtain similar evaluation through workshops in which consumer groups participate.

3. ***Advisory committees***, such as the Citizen's Advisory Committee on Transportation Quality and the Coast Guard's National Boating Safety Advisory Council, evaluate progress and direction of programs.

4. ***Consumer newsletters, magazine articles, trade paper feature articles and editorials*** which evaluate various DOT policies or programs are monitored by key Department officers and are subscribed to by libraries within DOT.

5. ***Consumer comments*** from individuals and consumer groups, directly resulting from the agencies' news releases, consumer advisories, investigative reports, and enforcement bulletins, provide a form of program evaluation.

6. ***Consumer inquiry and complaints*** relating to individual needs provide an indirect evaluation of existing programs.

7. ***Consumer comments in response to the advance notices and notices of proposed rulemaking*** provide guides to consumer thinking on proposed programs.

8. ***Public hearings*** including hearings on airport location, proposed highway location, environmental impact statements, and proposed safety regulations enable the Department to determine consumer evaluation of its progress.

9. ***Hotline***, recently initiated by the National Highway Traffic Safety Administration (NHTSA), is a technique new to the Department. Presently in the pilot stage, it may generate consumer evaluation of NHTSA's programs.

D. DATA TRANSMISSION

Throughout the Department, particularly in the National Highway Traffic Safety Administration, consumers' complaints and their reports on experiences with goods and services are a source of valuable data leading to agency action. This data is transmitted to decisionmakers in the Department through special reports, as well as through periodic summaries of specific data furnished by consumers or consumer groups.

1. ***In the National Highway Traffic Safety Administration consumer complaints or reports*** concerning auto problems are computerized immediately into support data for automobile safety standard compliance and defect investigations.

2. ***The Coast Guard also computerizes complaints*** and utilizes the data in investigating boat defects as well as in developing new safety rules.

3. ***The Coast Guard Auxiliary*** (a volunteer group of citizens/consumers) ***distributes Engine/Equipment Failure Notification forms*** to all boaters encountered in rescue situations. These reports provide a data base on which to build studies for future action.

4. ***The Coast Guard's Boating Accident Report forms*** generate data input from consumers concerning specific circumstances of serious boating accidents.

5. ***The Federal Aviation Administration's Safety Improvement Report Program***—aimed at pilots as consumers—has generated over 15,000 reports over the past few years.

6. ***In the Urban Mass Transportation Administration (UMTA), applications for grants*** are a prime source of consumer input since they always include transcripts of local public hearings and sometimes also include research and studies on mass transit demands and usage. UMTA's transit marketing program also provides a continuous flow of data from surveys measuring consumer demands for mass transit.

7. ***Information from local consumer groups*** was helpful in arranging the consumer public hearings held by the Department's Office of Consumer Affairs.

8. ***Workshops*** in which consumer groups participate—conducted by agencies within the Department, and by advisory committees of the Department—generate additional data from consumers and also keep open the line of communication between the Department and consumer groups. The dual-communications function of such workshops is illustrated by recent regional conferences on carpooling, conducted by the Federal Highway Administration. The conferences sought to elicit information on successful local carpooling programs and simultaneously to inform other localities of the energy-saving advantages of carpooling and more efficient use of highway facilities.

E. CORRESPONDENCE AND COMPLAINT HANDLING

Consumer correspondence—particularly complaints—constitutes by far the most voluminous and constant source of broad and varied consumer input and data. It reflects consumers' understanding or lack of understanding of the Department's role and its authority. Consumers comment upon: (1) the need for more or less enforcement, regulation, or protection through Federal intervention; and (2) the positive and/or negative aspects of virtually every Department policy, program, and regulation. The correspondence also reflects consumer concerns and suggestions in areas in which the Department may or may not be specifically involved.

Correspondence handling varies throughout the Department, according to the nature of the communication, from simple referral to the appropriate agency and office for reply, to the very sophisticated computerized complaint-handling system of the National Highway Traffic Safety Administration (NHTSA) which converts defect-related correspondence into support data for standards compliance and defect investigation. In fact, consumer complaints in regard to auto problems are so valuable to NHTSA's program of standards compliance and defects investigations that it actively solicits consumer auto-related complaints through various techniques, such as news releases, speeches, and most recently the installation of an experimental telephone Hotline.

Although it must be emphasized that correspondence procedures vary in the different administrations, it may be useful to describe how one operating administration—the Coast Guard—handles its consumer correspondence. Consumer correspondence and complaints received by the Coast Guard fall into three categories: requests for information or statistical data; notifications of boat defects; suggestions from consumers.

Requests for information or statistical data comprise 45% of the total consumer mail received by the Coast Guard. When possible, requests for information are filled by the appropriate division of the Coast Guard. Requests for statistical data are handled by the Coast Guard's management information office, where special studies are conducted, when necessary, on how to meet consumers' needs.

Notifications of boat defects account for another 45% of the Coast Guard's mail. These notifications often result in the Coast Guard evaluating the problem, requiring the manufacturer to evaluate it, and sometimes requiring the manufacturer to recall and repair affected products.

Suggestions from consumers make up the remaining 10% of the Coast Guard's mail. These letters are handled by the appropriate Coast Guard division. Since each division weighs the merits of all comments, many such consumer suggestions contribute to the development of policy and regulations.

The Coast Guard's policy is to reply to every consumer complaint within five days. Letters received by the Coast Guard are computerized to reveal trends and patterns. In addition, many consumer complaints result in the Coast Guard's initiating case evaluations and recall campaigns involving products belonging to thousands of consumers.

IV. Existing Mechanisms for Information Output to Consumers

A. COMMUNICATION/INFORMATION TO CONSUMERS ON ISSUES AND DECISIONS

Information is disseminated to consumers by public affairs offices, by the Department's Office of Consumer Affairs, and by regional offices and field offices. In addition, various operating administrations needing to reach consumers with specialized data utilize additional mechanisms such as consumer mailing lists and toll-free telephone messages.

1. Public affairs offices

Information on Departmental decisions and issues is communicated to the public through extensive use of news releases issued by the Department's Public Affairs Offices, as well as through other material prepared for the media and through consumer publications. The Office of the Secretary has its own Office of Public Affairs which issues news releases concerning decisions by the Secretary and/or members of his staff. Although the Office of Public Affairs handles news releases for operating administrations as well, each operating administration has its own Office of Public Affairs or equivalent that distributes news releases concerning the activities of that administration.

The Office of the Secretary and the operating administrations, through public affairs offices and consumer affairs offices, distribute brochures, pamphlets, news letters, fact sheets and public service announcements for use by radio and television. These offices also provide films and exhibits for conferences and for showing to the general public. Most offices hold special conferences, at intervals, designed to communicate certain decisions on particular issues to the public. The Office of Public Affairs within the Office of the Secretary also schedules news conferences and helps in the preparation and scheduling of speeches by Department officials.

In a new move to improve the Department's flow of consumer news to the public, the Public Affairs Office in the Office of the Secretary has adopted an innovation that originated with the National Highway Traffic Safety Administration. News releases of special interest to consumers are now stamped with attention-catching labels that identify the release as a "CONSUMER ADVISORY" or a "REQUEST FOR PUBLIC COMMENT." The hope of course, is to catch editors' eyes and prompt them to highlight consumer information; and the Department's intent is for this procedure to be utilized by all operating administrations.

2. Departmental consumer information

The Office of Consumer Affairs (OCA) in the Office of the Secretary publishes "Transportation Topics," a newsletter distributed to a large mailing list. OCA also records public service announcements on consumer issues and produces pamphlets on consumer-related issues, such as octane ratings of gasoline. Single copies of pamphlets are distributed to the public upon request.

3. Regional offices and field offices

The Federal Aviation Administration (FAA) makes extensive use of 12 regional public affairs offices and more than 260 local coordinators nationwide to maintain contact with consumers on the local or regional level and communicate FAA decisions and issues to them. FAA also maintains in field offices a staff of accident prevention specialists who meet with private pilots at regional safety meetings and also oversee more than 3,000 volunteer counselors who give guidance to individual pilots who do not follow safety rules.

4. Consumer mailing lists

The Office of Consumer Affairs in the Office of the Secretary, the Federal Aviation Administration, as well as other operating administrations have their own mailing lists of consumer groups and individuals who receive their newsletters and other publications.

5. Consumer safety announcements

The National Highway Traffic Safety Administration (NHTSA) makes wide use of radio and television public service

announcements for such items as seat belts and utilizes a daily codaphone which is a toll-free message to inform the public of current programs and decisions. NHTSA also issues consumer protection bulletins, auto defect histories on individual inquiry and special safety-public alerts.

The Coast Guard publishes a Boating Safety Newsletter and a Boating Safety Circular which is mailed to a centralized mailing list and it issues consumer safety bulletins to a mailing list which includes the media, consumer groups, and organizations with special interest in boating. The Coast Guard also distributes consumer pamphlets explaining complex rules and provides information to consumers through in-house newsletters of the U.S. Coast Guard Auxiliary and the U.S. Power Squadron.

6. Disseminating consumer information to professionals

In the Urban Mass Transportation Administration (UMTA), in addition to press and media activities of the Office of Public Affairs, special attention is given to helping localities improve their information output to consumers by widely publicizing the results of research and development projects on transit that are funded or coordinated by UMTA; certain projects relate directly to consumer information input.

In short, although the extent of communication varies with each operating administration, generally the Office of the Secretary and each operating administration makes extensive use of all available communications means and media, to inform the consumer.

B. RESPONSE TO CONSUMER COMMENTS AND CONCERNS

While response procedures vary in the different agencies, generally consumers receive timely replies to their letters and telephone calls. Highlights of the response procedures follow:

Comments and inquiries are answered automatically and completely by the National Highway Traffic Safety Administration (NHTSA). Response procedures in NHTSA are more centralized, whereas the Federal Aviation Administration permits each office to handle its own consumer inquiries and complaints.

In the Office of the Secretary, letters received by the Office of Consumer Affairs are usually referred to the proper secretarial office or operating administration for reply. Information requests are usually fulfilled immediately unless they require special study or computer processing.

The Coast Guard answers all complaints within five days of receipt. After evaluation campaigns resulting from consumer complaints have been initiated, the Coast Guard periodically publicizes the current list of the campaigns and subject matter of boating defects through news releases to inform consumers and consumer groups.

The Urban Mass Transportation Administration's (UMTA) policy, in dealing with complaints in areas where it has special jurisdiction, such as mass transit for the elderly and the handicapped, is to investigate the matter thoroughly and to contact the complaining consumer directly with a report on UMTA's disposition of the matter.

Procedures also vary in regard to the administrations' responses to consumer comments on proposed regulations. All administrations publish in the *Federal Register* a preamble to each final rule, summarizing the number and content of comments received from the public and noting the changes made as a result of consumer input.

C. CONSUMER EDUCATION

Consumer education activities of the Department range from: (1) basic plans for developing and disseminating consumer materials; to (2) extensive programs of consumer education.

1. The basic consumer education activities include the production and distribution of fact sheets, brochures, digests of program operation, newsletters, and other informational materials. Operating administrations develop such materials in varying degrees, depending on consumer needs.

2. The extensive consumer education programs include the following:

a. The Office of Consumer Affairs in the Office of the Secretary is presently developing a Transportation Consumer Education Project consisting of a curriculum guide and four instruction modules for use in schools (kindergarten through grade 12) and continuing education. These modules cover the subjects of bicycles, the environment, public transportation, and transportation safety. Efforts will be made by the contractor to have these modules utilized in school systems throughout the United States.

b. The Department, through the Program of University Research, is supporting consumer/citizen-related studies. One being undertaken by George Washington University ("Consumer Motivation and Participation in Planning and use of Transportation Services") will produce a handbook of principles for incorporating citizens' input in the planning process and encouraging consumers to make choices among various types of transportation. Another study, at Villanova University ("Optimization of Citizen Participation in the Transportation Planning Process") will analyze and evaluate the current techniques used for involving consumers in transportation planning.

c. The Federal Aviation Administration (FAA) has an extensive accident prevention program in the field of general aviation for private pilots. This includes pilot safety meetings which are conducted at convenient locations where FAA provides films, talks, and demonstrations which illustrate safe flying practices. In addition, accident prevention specialists conduct meetings to answer consumer/user questions and to clarify and interpret FAA procedures and regulations.

d. The Coast Guard utilizes several special techniques in consumer education in addition to the production of news releases, information pamphlets, brochures, and public service announcements on radio and television. The Coast Guard concentrates on boating safety and conducts classes itself as well as through its Auxiliary, and through power squadrons, Red Cross, Boy Scouts of America, boat clubs and other groups. The Auxiliary provides motor boat examinations free of charge.

V. INITIATIVES FOR STRENGTHENING CONSUMER REPRESENTATION

Although the Department of Transportation has, on the whole, a creditable consumer affairs program, it needs to be more evenly advanced and strengthened throughout the entire organization. To strengthen consumer representation in the Department of Transportation, the following initiatives are proposed:

A. ORGANIZATION

For all elements of the Department to be consistently responsive to consumer interests, each operating administration will have an identifiable consumer affairs focal point, the form and size varying according to the needs and resources of the administration. Such individual or unit, as the case may be, will have sufficient standing within the administration to be effective in increasing organizational sensitivity and responsiveness to consumer concerns. This will include participation in the development of Departmental policies, programs, and proposed rules of special interest to consumers.

B. CONSUMER PARTICIPATION IN THE DEVELOPMENT OF DOT POLICIES, PROGRAMS, AND REGULATIONS

1. All elements of the Department will adopt, to the extent practical, a technique similar to the "Advance Notice of Policy Development" technique during the course of the formulation of significant policies or programs which would have a substantial effect on the general public or on those citizen/consumers who would be affected by the decision.

The Advance Notice of Policy Development is an early notification that a Departmental element plans to develop a policy dealing with a particular situation or problem and is inviting public comment prior to the statement of a firm Federal position.

a. The advance notices will be published in the *Federal Register* and publicized widely through all existing mechanisms for consumer output.

b. Each advance notice should be clear and easy to understand, written in layman's terms, and should include specific explanation of what the policy/program is to accomplish.

2. Each operating administration will compile a consumer mailing list that includes: (a) consumers interested in its area of responsibility; (b) national consumer organizations and State and local consumer groups; and (c) consumer editors. Consumers will be invited, through notices in the *Federal Register*, the media, and consumer newsletters, to add their names to the agency's mailing list.

3. All elements of the Department will, to the extent practical, experiment for one year with the use of consumer mailing lists to notify consumers of significant policy, program, or rulemaking activities in order to ascertain the effectiveness and cost of this technique.

4. All consumer affairs units within the Department will develop a system for increasing communications with State and local government consumer officials, including the scheduling of periodic meetings and conferences as a means of broadening the base for consumer input.

5. All elements of the Department will develop closer communication with consumer organizations for suggestions regarding consumer needs and wants in transportation-related matters.

6. Operating administrations will explore techniques for developing greater citizen involvement in, and awareness of, their programs and responsibilities.

7. Departmental procedures for the issuance of standards and guidelines of significant interest to consumers will be the same as those followed in rulemaking. The procedure will require the publication of such proposed standards and guidelines in the Federal Register with a minimum of 45 days allowed for public comment.

C. CONSUMER OUTREACH

The Department will explore new ways to strengthen its present efforts to:

1. Increase consumer awareness of the opportunities and techniques for participation in the development of DOT policies, programs, and rulemaking activities.

2. Increase consumer knowledge and understanding of Departmental policies and programs.

3. Expand distribution of consumer information and education material through low cost channels.

D. DATA TRANSMISSION

1. Each administration will increase its efforts to establish and maintain formal liaison with consumer organizations and citizen groups. Key information from these contacts is to be distributed widely among agency personnel, and made part of formal dockets as necessary, for consideration in policy, rulemaking, and program planning and evaluation.

2. Each operating administration will increase its efforts to review consumer periodicals in order to broaden its understanding of consumer sentiment.

E. CORRESPONDENCE AND COMPLAINT HANDLING

1. Each administration will analyze its methods and approaches for responding to consumer inquiries and complaints and will review with other administrations successful techniques which could improve its complaint-handling methods.

2. The use of a telephone Hotline by other elements of the Department will be considered if the current pilot project in the National Highway Traffic Safety Administration proves successful.

F. ASSESSING IMPACT OF DOT ACTIONS ON CONSUMERS

1. It will be the responsibility of each element of the Department proposing a rule, regulation, or policy which will have a substantial impact on consumers, to include in the advance notice published in the *Federal Register* and other media, a request for information relating to the probable cost and benefit of such proposal to the consumer.

2. Within a specified period of time following implementation of any rule or regulation having a substantial impact on consumers, an analysis of its impact including cost and benefit to consumers will be made by the applicable operating administration or secretarial office, with assistance from its consumer affairs unit. Market research and other techniques for obtaining consumer evaluation will be used in the analysis.

G. IMPLEMENTATION OF PROPOSED CONSUMER REPRESENTATION PLAN

1. The Office of Consumer Affairs (OCA), in the Office of the Secretary, is assigned the overall responsibility for monitoring the implementation of the initiatives contained in this plan as well as all other proposals for greater consumer representation within the Department. In discharging this responsibility, the OCA will work in cooperation and coordination with the consumer affairs units within each operating administration and the DOT Consumer Affairs Coordinating Committee.

2. Within each operating administration, the consumer affairs unit will continuously monitor and review implementation of these initiatives and proposals and will periodically report the progress of such implementation to the Office of Consumer Affairs. In addition, each unit will meet periodically with the Office of Consumer Affairs to develop ways to improve the implementation of these initiatives. The OCA will periodically report to the Secretary the progress made within the Department in advancing the interests of consumers.

H. A SUGGESTION FOR FEDERAL ACTION

It is recommended that a Government-wide effort be made to enlist the media's cooperation in a continuing effort to inform the public about Federal agencies' proposed rules that have strong consumer impact. The Federal Government's efforts to inform consumers about proposed rulemaking are so clearly in the public interest that it would not be inappropriate to consider requesting the media's cooperation in devoting public service space and time to disseminating news of proposed rulemaking. Public service organizations could also be approached for help in this undertaking.

DEPARTMENT OF THE TREASURY

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: David Lefeve, Room 2454, Main Treasury Department, Washington, D.C. 20220, 202–964–8079. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

TABLE OF CONTENTS

I Statement of Purpose
II Primary Operating Units Involved
III Executive Summary
IV Departmental Plan
A. Information Input sources now in use. Suggestions and recommendations for improving input
B. Information Output mechanisms analyzed. Suggestions and recommendations for improving output
V Recommendations
A. Planned Actions
B. Schedule of Events
C. Allocation of Resources
D. Proposed Executive Action
Appendix A.—Position Description for the Special Assistant to the Secretary (Consumer Affairs)
Appendix B.—Guideline for Consumer Representation

I. STATEMENT OF PURPOSE

The purpose of this Consumer Representation Plan is to insure that persons who are affected by any Treasury-sponsored legislation, regulation, or program decision have the opportunity to present their views on the subject, and that these views are duly considered in the Department's decision-making process. It is Treasury's intent to more actively solicit consumer opinion and to make the bureaus and offices more responsive to the consumer *without* adding personnel or creating an additional layer of bureaucracy. It is a basic premise of this plan that the machinery and the techniques for assuring consumer representation already exist within Treasury, and that the plan's purpose is to see that they are regularly and effectively applied.

II. PRIMARY OPERATING UNITS INVOLVED

A. IMPACT GROUPING

Treasury bureaus and offices fall into three groups according to frequency of contact with, and impact on consumers. These bureaus and offices are categorized by their end user contact frequency, not by contact with intermediaries. Units of the Office of the Secretary fall into each of these categories. Example: the Assistant Secretary (Tax Policy) has high consumer impact, while the Special Assistant to the Secretary (National Security) has almost no public contact or direct effect on consumers. These units are not delineated here, but will be contacted separately for plan implementation by the Special Assistant to the Secretary (Consumer Affairs).

1. *High Consumer Contact or Impact.*—(a) Internal Revenue Service; (b) Bureau of Alcohol, Tobacco and Firearms; (c) U.S. Customs Service; (d) Comptroller of the Currency; and (e) U.S. Savings Bonds Division.

2. *Moderate Consumer Impact.*—(a) Bureau of the Mint; (b) Bureau of Government Financial Operations; and (c) Bureau of the Public Debt.

3. *Low-Consumer Impact.*—(a) Bureau of Engraving and Printing; (b) U.S. Secret Service; and (c) Federal Law Enforcement Training Center.

B. APPLICATION

Emphasis of background research and case histories has been on high impact group, but the techniques and guidelines delineated below are applicable as and when each bureau and/or office takes action which will affect consumers.

III. EXECUTIVE SUMMARY

In order to have a viable plan for consumer representation in Treasury, it is necessary to examine the current mechanisms of consumer input and Treasury output. Five case histories of decisions made in Treasury during 1974–75 were examined to determine the effectiveness of these input-output mechanisms. Examples of all known mechanisms were found in the cases. Some mechanisms were well exploited. Others were not used in specific cases. From this examination several recommendations are made:

(1) Designation of the position of Special Assistant to the Secretary (Consumer Affairs) as a coordinator of a Treasury-wide consumer effort.

(2) Establishment of a monitoring system to insure timely solicitation and use of consumer inputs. No one person in Treasury is able to completely monitor the entire department. However, each bureau and office will have a contact person familiar with the structure and detail of the consumer effort within that organization. Current lines of authority from the Secretary to bureaus and offices will be maintained. It is the responsibility of the bureau and office heads to insure that their organization complies with the spirit of this plan. The Special Assistant to the Secretary (Consumer Affairs) will be available to bureau and office heads for consultation and advice on the further development of a consumer representation effort within those organizations. It is anticipated that this liaison will effect an input to the Secretary with regard to a department-wide effort.

(3) Issuance by the Secretary of guidelines for all Treasury program managers to follow in planning and evaluation of their programs in order to obtain and make use of consumer views. (See Appendix B)

IV. PLAN

Consumers, in relation to the Treasury Department, take many forms. For purposes of this plan, they are deemed to be consumers of services as well as products. They are taxpayers, travelers, bondholders, welfare recipients. They are the end recipients of the services performed by Treasury. They may be a large set of people, taxpayers, or a small subset; e.g., people who have lost social security checks, or they may be in many subsets of Treasury consumers. They are differentiated from

special interest groups by their position. They are the final recipient of our product or service, not an intermediary. It is toward this defined consumer that this plan is directed.

Participation in the consumer decision-making process occurs in two phases: Input from consumers and output from the department. Inputs from consumers can be directed toward existing programs or planned programs. It can be solicited or unsolicited. The techniques of input are detailed below along with our current uses of each and some opportunities for expanded use.

Information output from Treasury is designed to educate and/or reply to the consuming public. Output techniques are detailed below along with our current uses of each and some opportunities for expanded use.

A. INFORMATION INPUT SOURCES NOW IN USE

1. *Advisory Committees* range from the Secretary's advisory committees (4) to IRS advisory committees (4); to advisory committees (2) to the Director of the Alcohol, Tobacco and Firearms Bureau. The Comptroller of the Currency is also in the process of rechartering 14 Regional Advisory Committees on Banking Policies and Practices and on National Advisory committee on Banking Policies and Practices.

Under Public Law 92-463 the Advisory Committee Act of 1972, these committees are chartered, and their meetings are open to the public except when exempt under provisions of the law. The intent of this law is to keep the number of advisory committees at a minimum. It is recommended that the membership of the present committees be reviewed with the objective of security consumer representation where applicable and desirable. This review process would be the responsibility of the Committee Managers in consultation with the Special Assistant to the Secretary (Consumer Affairs) with review by the Assistant Secretary (Administration).

2. *Public Hearings* are used currently by most bureaus and offices when substantial consumer impact is determined to exist as a result of a decision regulation or legislation. In the case studies of five 1974-75 decision-making processes, public hearings were initiated in three of the five processes. These hearings were held in Washington, D.C. and with one exception, the Financial Institutions Act, had minimal consumer representation.

A problem exists in obtaining consumer input at public hearings. There is either insufficient interest on the part of consumers, or our informative mechanisms are deficient. These problems will be addressed under Section B of this plan. The one instance in our case studies where public hearings were not used was the IRS decision to allow district conferees $2,500 settlement authority in appeals involving tax deficiencies. It would seem a universal truth that consumers would be in favor of such a move, so the necessity of public hearings can be seriously questioned.

It is recommended that full use of public hearings be maintained and expanded. Where consumer participation is limited it is recommended that direct solicitation of opinion be employed.

3. *Public Interest Groups* have been moderately used in the past. In one of the five cases studied, ATF ingredient labeling for alcoholic beverages, the action was initiated by a public interest group. In another case, Comptroller of the Currency's interpretive ruling that distant electronic terminals do not constitute "branches" under 12 U.S.C. 36f, consumer input was almost totally from public interest groups. Representation of these groups has been moderate in public hearings. There appears to be a minimum of solicited input from public interest groups. A list of these groups can be obtained from the Special Assistant to the Secretary (Consumer Affairs). These groups serve as a unique consumer viewpoint in addition to direct consumer participation and should be consulted.

4. *Special Interest Groups* constitute the largest, most organized source of input to the decision-making process in Treasury. In all of the five cases studied their input overshadowed public input. If it were not for the allowances made by the executives in the process, the preponderance of evidence and testimony would have been in favor of the special interest groups. Unlike public interest groups, special interest groups appear to have sufficient input into the decision-making processes at this time.

5. *Consumer Correspondence and Complaints* are handled in many ways in Treasury. One office uses a log of correspondence, in and out. Many of the bureaus use a similar system at the upper levels. In many instances, however, there is no accountability in following up inquiries and complaints. An inquiry may be logged into one office and referred to a second office for action. In many cases the first office does not follow up to insure that the inquiry has been answered. The policy of this department is that all legitimate inquiries and complaints be answered in a reasonable length of time. It is recommended that bureaus and offices set up procedures that ensure compliance with this policy.

Policy change, in our survey, was not normally initiated by consumer correspondence and/or complaints.

6. *Digests of Consumer Publications.* Publications by the major consumer groups are not widely used in Treasury. The Special Assistant to the Secretary (Consumer Affairs) will solicit these publications and the Treasury Library will maintain a central clearing service. Bureaus and offices are encouraged to actively solicit consumer input from these sources.

Special interest group publications were found to have wide circulation within bureaus and offices. This is not surprising due to the better organization, funding and unity of purpose of the special interest groups.

7. *Responses to Media Announcements.* Announcements of proposed rule making, of public hearings published in the Federal Register and announcements of actions soliciting comments were found to evoke minimal response from the general public. There are problems: The circulation of the Federal Register is primarily to businesses and special interest groups (60% of total circulation), and the format and wording in the Federal Register is undecipherable to the layman. Accompanying press releases, unless they are written in news format, are seldom published. Bureaus have had some success in releasing feature articles to the media. Notices in trade and interest group publications do evoke sizeable responses. Our study shows that these responses are weighed in the decision-making process. It is recommended that additional efforts be made by bureaus and offices in soliciting consumer response to media announcements by implementing the suggestions in Section B of this plan.

8. *Public Opinion Surveys* have been used by the IRS in assisting its taxpayer service program. In 1974, 14,000 questionnaires were sent to taxpayers on a random basis soliciting taxpayer opinion. The response was 41% to the survey. This was statistically significant and it did aid IRS in the assessment of its program.

Professional public opinion pollsters can be used to solicit the consumer viewpoint, however, they are expensive. It is suggested that in the decision-making process of a consumer-related issue that bureaus and offices use public opinion surveys when other methods provide inadequate input. Preparation of a questionnaire and addressee determination should be coordinated with the Special Assistant to the Secretary (Consumer Affairs).

Our study shows that every technique and method of consumer input is used somewhere in Treasury, but all techniques are not used at any one bureau or office. The object of this plan

is to create a monitoring apparatus in the Office of the Secretary and in the bureaus to insure that these known techniques of consumer input are fully used and that the results are weighted in the decision-making process. It is desired that a balanced viewpoint be an integral prerequisite of decision-making. Intelligent application of the above techniques will insure that balance.

B. INFORMATION OUTPUT

Information output is the remainder of the cycle between Treasury and Consumer. Each of the input techniques listed in IV. A. has a secondary effect of informing the public. The information programs and responses to consumer inquiries described below serve, in turn, to stimulate further dialogue between Consumer and Treasury.

Information output techniques fall into three categories:

1. *General Publicity* press releases, speeches, publications in the Federal Register, news media coverage:

Press releases are generated by each Bureau and the Office of the Secretary. In the past, there has been a problem in getting news articles published. This is especially true in the more technical areas of output. More success has been realized by releasing feature articles to the media. It is suggested that bureau and office heads explore this area more thoroughly. It is further suggested that consumer advantages be spelled out in the articles. Too often we assume that the reader sees advantages we consider clear.

The Federal Register language is undecipherable to the layman. While it is realized that many technical areas are covered in the Register, a lead paragraph summarizing the article content should precede the main announcement. If the Register is to be used to solicit consumer input and media output, we must make information more readily decipherable and easier to use. In addition, a news release should be prepared in conjunction with submission of items for the Federal Register. Included in the news release should be an address to which interested parties may respond.

Speeches by Treasury officials offer the best means of media coverage. Speech content should be reviewed for consumer-related content. The consumer is interested in what is being done to ease his burden today. Adverse consumer impact should also be delineated. A straight forward approach may raise controversy, but is the best way to deal with the intelligent average consumer.

Treasury's network of regional and local offices can and should be used as a distribution point for department, bureau and office publications. Cooperation between bureaus is encouraged. For example, it is not unreasonable to assume that Customs publications be made available in IRS regional offices and vice versa. The objective is the widest possible distribution of consumer-oriented publications of general interest.

Consumer education is widely employed in many units of Treasury. IRS conducts tax courses for specific groups of taxpayers; such as, small business associations, or people who have suffered losses in natural disasters. The Secret Service conducts classes in the detection of counterfeit currency and how to safeguard against check and bond forgery. These types of educational activities are to be strongly encouraged. Treasury officials at all levels should also actively make themselves available as speakers to local groups in order to further the educational goals of the department toward consumers.

2. *Group-Specific Output* to consumer groups and special interest groups: Many special interest groups request that they be placed on the mailing list of various bureaus and offices. This is to be encouraged. However, the same type of relationship is encouraged with public interest and consumer groups. Lists of these groups are available from the Special Assistant to the Secretary (Consumer Affairs). Reciprocal exchange of ideas, publications and views is strongly encouraged.

3. *Individual Responses* to consumers making complaints or requesting information: Most written items are answered in writing. This is not necessarily the most efficient use of time or effort. Whenever possible, call the individual. The personalization and faster response time, coupled with time saved in not writing a letter, plus the contact with the public should reduce bureaucratic insulation. We are in a service business and our response should serve our public quickly and efficiently.

V. RECOMMENDATIONS

A. RECOMMENDED ACTIONS

1. Designation of the position of Special Assistant to the Secretary (Consumer Affairs) completed August 1975.

2. Establishment of a monitoring system to insure timely solicitation and use of consumer inputs.

3. Issuance by the Secretary of guidelines for all Treasury program managers to follow in planning and evaluation of their programs in order to obtain and make use of consumer views. (See Appendix B.)

B. PROPOSED SCHEDULE OF EVENTS AND DATE

1. Consumer Plan submitted to White House, October 30.

2. Public Hearings on Plan in 6 cities in U.S., January–February 1976.

3. Revision of Plan as a result of public hearings, March 1976.

4. Implementation of Plan, from November 1975.

C. ALLOCATION OF RESOURCES

It is anticipated that minimal additional personnel or funds will be required to implement the Consumer Representation Plan and Guidelines. Existing mechanisms will continue to operate and current lines of authority will be maintained. The Special Assistant to the Secretary (Consumer Affairs) will coordinate the implementation of this plan with bureaus and offices.

D. PROPOSED EXECUTIVE ACTION

Issuance of Consumer Representation guidelines by the Secretary. (Appendix B)

APPENDIX A

SPECIAL ASSISTANT TO THE SECRETARY FOR CONSUMER AFFAIRS

I. *Introduction.*—The purpose of this position is to provide a senior level advisor for consumer matters for the Secretary and Deputy Secretary of the Treasury. The incumbent will help achieve a flow of ideas between the consumer and the Treasury and will work to inform the public as to what the Treasury is doing to help the consumer.

II. *Duties and Responsibilities.*—The Treasury Department is a diverse and highly decentralized department. It would be almost impossible for the consumer representative to perform as an ombudsman in the traditional sense. Such a person will not be able to be involved in the handling of individual complaints against the various Treasury bureaus such as IRS and Customs, or even in the Office of the Secretary. Instead, the existing mechanisms will continue to operate and current lines of authority will be maintained. Within this context, though, the Special Assistant will follow trends and when a problem area is iden-

tified, he or she will take appropriate consultative action with the responsible officials.

Specific duties and responsibilities for the Special Assistant to the Secretary for Consumer Affairs include:

A. *Insure Appropriate Consumer Input*

1. Review proposed legislation for possible consumer related improvements.

2. Encourage or initiate public discussions on Treasury related matters (e.g., hearings on proposed rulings, conferences on legislation, etc.).

3. Monitor consumer inputs into the department and the various bureaus (e.g., keep track of number of inquiries, type, etc.).

4. Review input procedures to the bureaus and agencies with the idea of making it easier for consumers to penetrate the bureaucracy.

5. Advise Treasury officials concerning consumer goals within their respective areas, and recommend departmental policy to the Secretary.

B. Inform Public of Treasury Actions and Programs Beneficial to the Consumer

1. Review speeches and press releases to encourage more consumer related content.

2. Work with the Office of Public Affairs to identify and publicize consumer programs in the Treasury.

3. Sample consumer correspondence to maintain appropriate consumer "sensitivity."

C. Work Within the Department To Improve Consumer Services

1. Serve as a consultant to senior officials to assist them in improving consumer programs.

2. Serve as a consultant to the various bureaus and agencies to help improve their relationships with the consumer.

3. Discern trends which are adverse to the consumer and act as a troubleshooter.

III. *Reporting Responsibilities.*—The Special Assistant to the Secretary for Consumer Affairs will work on consumer matters with both the Secretary and the Deputy Secretary and will report on a daily operating basis to the Deputy Secretary of the Treasury.

APPENDIX B

U.S. TREASURY DEPARTMENT GUIDELINES FOR CONSUMER REPRESENTATION

1. Each bureau and office that has high, moderate, or low consumer impact as defined in the Departmental plan will designate a contact person within the organization to act in the capacity of consumer representative. This person should be thoroughly familiar with the organization and be at a level that insures a complete overview of consumer contact. This position should not be a full-time position. The specific duties of this position are to be found in paragraph II. A., B., and C. of Appendix A of the Departmental plan. In addition, the consumer representatives will coordinate their activities with the Special Assistant to the Secretary (Consumer Affairs).

2. All bureaus and offices will insure that a balanced viewpoint is obtained when considering legislation, regulations or administrative decisions affecting consumers. In the absence of voluntary participation by any specifically affected group, direct solicitation of that group will be employed. The techniques of soliciting consumer input are outlined in the Departmental plan.

3. Contact with consumers, by department, bureau and office officials is strongly encouraged.

4. When public meetings, hearings, or briefings are scheduled outside the District of Columbia, the sponsoring bureau or office will, as a matter of courtesy, notify the two Senators from that state and the Representative from the district in which the meet-is scheduled.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Bart J. McGarry, 8th Floor, Energy Research and Development Administration, Washington, D.C. 20545, 202–376–4074. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

"The Congress finds that . . . it is necessary to establish an Energy Research and Development Administration to bring together and direct Federal activities relating to research and development on the various sources of energy, to increase the efficiency and reliability in the use of energy, and to carry out the performance of other functions, including but not limited to the Atomic Energy Commission's military and production activities and its general basic research activities. In establishing an Energy Research and Development Administration to achieve these objectives, the Congress intends that all possible sources of energy be developed consistent with warranted priorities." (Energy Reorganization Act of 1974, Sec. 2(b))

TABLE OF CONTENTS

I Executive Summary
II Statement of Purpose
III Primary Operating Units Involved
IV Departmental (Agency) Plan
A. Information Input
1. Existing Mechanisms
2. Future Mechanisms Already Planned
3. Evaluation of Existing Mechanisms
a. Internal (and Executive Branch)
b. External (Congressional, etc.)
4. Data Transmission
5. Consumer Correspondence and Complaint Handling
B. Information Output: Communication to Consumers on Issues
1. Techniques of Consumer Representation
a. Newsletters, Digests
b. Consumer Complaints as Information and Guidance Tool
c. Improve Procedures for Comments on Rules, Orders, Guidelines, and Other Decision-making Vehicles of the Agency
d. Increased Availability of Documents and Materials Containing Consumer Impact Analysis
e. Marketing Surveys or Consumer Behavior Research
f. Formal or Informal Intervention
g. Formal Hearings
h. Consumer or Citizen Conferences
i. Tie-in to Existing Consumer Forums
j. Technical Consumer Advisory Boards
k. Non-specialized Advisory Boards (and Groups)
l. Formal and Informal Liaison With Consumer Groups
2. In-House Techniques
a. Improved Staff Handling of Complaints and Grievances
b. Development of Information and Analytical Materials Which Present and Reflect the Consumer Viewpoints or Perspective
c. Speeches by Key Decision-Makers
d. External Liaison
e. Consumer Consultants
C. Recommendations

I. EXECUTIVE SUMMARY

The purpose of this Consumer Representation Plan is to strengthen two-way communication between the public and the decision-makers at the Energy Research and Development Administration in order to ensure wide participation in planning for our energy future by all sectors of the public. It is not meant to accommodate major technological or economic decisions only. Instead, it is meant to involve the public in the conduct of ERDA's mission, so that there can be continuous communication with energy users and concerned citizens.

The agency Plan focuses on two functions: Information Input and Information Output. Information from consumers is received by the agency through a number of existing mechanisms, such as hearings, conferences, meetings with consumer groups, correspondence, and the like. Many new mechanisms for information input are already planned: a series of public meetings, public opinion sampling, public interest group dialogue, school programs, and stronger internal communication mechanisms.

Evaluation of new and existing energy research programs is conducted internally by management, as well as by others in the Executive Branch. External evaluation includes Congressional and public scrutiny. The ERDA General Advisory Committee plays an important part in this process, as does consumer correspondence and complaint handling by management.

Information Output, i.e., communication to consumers on issues and decisions, is the other half of this dialogue. Techniques used to reach consumers with pertinent information will include: newsletters and digests, public education techniques, improved procedures for receiving public comments on rules, increased availability of documents and materials containing consumer impact analyses.

Other methods of communication with consumers include formal hearings, conferences, advisory boards, and formal and informal liaison with consumer groups. In-house techniques for this purpose include improved staff handling of complaints, development of information and materials reflecting the consumer perspective, speeches by key decision-makers, external liaison, and public meetings.

ERDA believes that the most important condition for a successful program of this type is not only the specific mechanisms involved, but a commitment by top management and all employees to participation of the concerned citizen in planning national energy policies and directions. This commitment is articulated numerous times in ERDA's *National Plan for Energy Research, Development and Demonstration: Creating Energy Choices for the Future.* "Encouragement of a continuous interactive process with the public is the one indispensable factor in the maintenance of stable national energy policies and options." (ERDA–48, Vol. 1, p. IX–5. Cf. also *ibid*, p. S–7, p. 111–3.)

II. Statement of Purpose

The purpose of this Consumer Representation Plan is to strengthen two-way communication mechanisms to induce consumer and public interest group participation in planning and conducting the national energy technology program assigned to ERDA. If successful, the various mechanisms identified in the Plan could ensure sufficient quantitative and qualitative inputs from such groups to provide ERDA's research, development and demonstration (RD&D) program management with continuing counsel and viewpoints from the ultimate direct and indirect users of these technologies.

The Plan is intended to make it easier for the public and consumer groups to focus their attention on issues of special concern within broad technology programs, particularly when RD&D decisions are being made. For instance, areas of public concern might include environmental impact analysis of energy development projects; potential equipment costs to consumers for improved heating and cooling systems; health and safety issues; the impact on lifestyles of new personal transportation systems, and the like.

III. Primary Operating Units Involved

The entire range of energy RD&D programs is included in this Plan. The Consumer Representation Plan, however, is not meant to accommodate major technological or economic decisions solely. Instead, it is meant to function in the conduct of ERDA's day-to-day business so that there is a continuity in communication with energy users and concerned citizens. The full value of the Plan may be measured by its capacity to accommodate consumer inputs at key points where such counsel will have maximum leverage in the decision-making process. Examples of issues that may be subject to such scrutiny are those which:

Require major expenditures of taxpayer resources at the front-end;

Require major long-term resource commitments to achieve anticipated benefits (new energy sources);

Require consumer acceptance of the technology to achieve commercialization (solar heating and cooling; building and automotive energy efficiency systems and equipment);

Require consumer support to shift from market-ready status to commercialization and which require major investments, by the private sector, in order to do so (synthetic fuels).

It is assumed that the public will tend to focus most of its attention toward technologies which, if adopted by the market, will impact on their daily lives sometime in the future (more efficient residential appliances and equipment, energy-efficient building designs, technologies that may place considerable burdens on the job markets of the future). Also, the communication program will be designed to induce comment on broad issues that go beyond single technologies. An example would be examination of the notion that energy development efforts can only be accomplished at heavy cost to the environment and/or by not pursuing or lowering the emphasis on conservation strategies.

In June 1975 ERDA published, and forwarded to the President and the Congress, Volume 1 of A National Plan for Energy Research, Development and Demonstration: Creating Energy Choices For The Future. On the subject of public involvement, the National Plan states:

"To attain the national energy goals, it is necessary not only to demonstrate the technical feasibility of new energy systems but to ensure that the environmental, health, and safety aspects of these systems are socially acceptable. This will require that environmental effects assessment be initiated early in the RD&D process and that environmental and safety controls be developed as an integral part of energy system design. Ensuring social acceptability demands vigorous program overview and assessment, open reporting of findings and progress, and frequent public interaction on the part of the RD&D establishment." (ERDA–48, Vol. 1, p. S–7)

"Encouragement of a continuous interactive process with the public is the one indispensable factor in the maintenance of stable national energy policies and options." (ERDA–48, Vol. 1, p. IX–5)

"The RD&D program that is necessary to find solutions to today's energy problem must . . . ensure that its results are economically, environmentally, institutionally and socially acceptable. Such a program cannot be limited to technological considerations but must seek to ensure success on a broader basis, as measured by corporate and public implementation and acceptability." (ERDA–48, Vol. 1 p. 111–3)

These statement in the National Plan have placed on the record ERDA's intention to make public accountability a responsibility of it RD&D program management and of its senior executives. Therefore, accomplishment of the Consumer Representation Plan is entrusted to the same persons who will conduct the National (RD&D) Plan.

Definition of "consumers, public interest groups," as used in the ERDA Plan

In developing this Consumer Representation Plan, ERDA had to make certain assumptions regarding the nature of its "publics." Therefore, these are the individuals and groups that are either referenced or implicit in the Plan and who need to be included in the communication process to receive views on the planning and conduct of the ERDA energy technology program.

For example, such persons include:

Environmentalists;

Safety and health professionals;

Energy users (especially valuable would be views pertaining to future sources, the substitution of plentiful energies for scarce ones, and ideas about adoption of technology options);

Persons having regional views on the RD&D programs discussed in ERDA–48;

Concerned citizens wanting to know and provide others with more information on energy options for the future.

IV. Departmental (Agency) Plan

A. Information Input

1. *Existing Mechanisms.*—Both before and after the issuance of the June 1975 ERDA–48 RD&D Plan, energy users have been generous with comments, suggestions and proposals for programs, policy directions and the pursuit of various energy technologies. Some of this input reflects what the public favors in terms of priorities in the national energy research and development program. Generally, the public supports the pursuit of a major energy research, development and demonstration program for the reasons stated in ERDA–48. About 14 thousand copies of the report were sent to the public and private sectors in response to requests.

Clearly, however, existing communication mechanisms may not provide the consumer with sufficient information to permit value judgments to be made on the rationale for the full range of energy technologies being recommended in that document.

Examples of the formal and informal mechanisms are:

Hearings and Notices (specific program milestones e.g., program EISs, NEPA requirements);

Press releases in which public comment is sought (numerous activities);

Public meetings, conferences, speech appearances, open houses and facility tours;

Meetings of executives and managers with consumer groups;

Media interviews, editorial boards, TV-radio appearances;

Congressional proceedings;

Correspondence, telephone calls, visits;

Broad information placement—films, booklets, technical briefs, conference reports, fact sheets, school materials, teacher-student conferences and presentations;

ERDA employee and contractor employee suggestions and feedback.

2. *Future Mechanisms.*—Recognizing that its mission is far more extensive and essential than any entrusted to its predecessor agencies, ERDA has designed new public outreach mechanisms to broaden and sharpen the interface process. New initiatives include:

Public Meetings throughout the U.S. to increase the dialogue on the ERDA energy technology plan and receive suggestions and counsel from consumers. ERDA senior management participates in the sessions. It is envisioned that the meetings will improve communication with regional consumer groups and that the dialogues will continue into the future.

Public Interest Group Dialogue. A program to disseminate energy technology program fact sheets, fact books, reviews of draft EISs, and the like. As many local public interest and consumer groups as possible will be included in the program. In adidtion, other materials will be disseminated on an information basis (school program materials, booklets, speech texts, press releases).

Public Opinion Sampling. Conducted by a commercial firm, these periodic samplings will attempt to gain insight into public perceptions and viewpoints regarding the conduct of the national RD&D program: Is there such an RD&D program and why? What is it intended to accomplish? Is there a perception by the public of RD&D timeframes and is it correct? Is there a perception of RD&D costs and who pays those costs? Does the public perceive that it can make inputs to the management of an RD&D program and has it ever attempted to do so (regarding any technology activity, any other government activity)?

Broad Public Awarness Program. A new activity to establish and maintain frequent communication with the consumer. For instance, we plan to work with private sector groups to conduct energy seminars throughout the Nation and to enlist individuals to aid in the dissemination of energy RD&D information; place RD&D information materials directly with energy users (through utility company bill stuffers, public interest group, business and labor publications); use public service and educational TV/radio to disseminate energy education materials.

School/Education Programs. Nearly three of 10 persons in the U.S. are employed in some segment of education. The ERDA school programs activity will be designed to provide opportunities for this broad cross-section of the U.S. population to learn more about the national RD&D program and to keep abreast of changes and progress in it. The education programs will provide lesson plans and other materials aimed at kindergarten through twelfth grade (academic and vocational studies) and undergraduate levels.

Consumer/Public Affairs Function. ERDA has appointed an executive and staff to be the focal point for stimulating communication with the consumer. The major function of the group will be providing information; consumer input will remain largely a responsibility of RD&D program management.

Public Input Process. The practice is to channel inquiries, proposals and suggestions to the senior official concerned with the subject at issue (specific technology, administrative procedures, pending executive decision, and the like). This line management involvement in the handling of public inquiries is further strengthened by the fact that ERDA has facilities throughout the United States. This is particularly important when follow-up and prompt feedback are required by the nature of the inquiry.

Internal Communication. ERDA has embarked on a variety of new activities designed to enlist the aid of employees and contractor employees, through increased knowledge of all agency programs, in the effort to inform the public. Noteworthy among these projects is a biweekly newspaper which will receive broad distribution; an enlarged ERDA speakers program to expand the number of persons available to meet and talk with consumer groups; and briefing sessions to keep employee groups abreast of current RD&D activities, plans and objectives. By expanding the employee knowledge base, the agency is providing the public with a far greater number of knowledgeable individuals to who the consumer can provide suggestions and counsel and from whom they can gain information.

In short, through these various communication initiatives, ERDA is attempting to provide a series of interlocking mechanisms by which the public can learn of program activities, considerations and milestones and through which the consumer can input the process.

3. *Evaluation of Existing and Proposed Programs.*—Agency objectives, programs, milestones and decisions are under constant and intensive review both internally and externally. The review process is not unique to ERDA but relating it here may provide useful insight.

a. *Internal (including Executive Branch).*—Program management and program executives analyze an RD&D idea and make judgments as to its importance in achieving the overall technology program objectives; in-house resources necessary to conduct the activity; need for private sector/Federal agency assistance; projected milestones and timeframes, and the like.

Draft plans may be reviewed by program executives at various stages in their development prior to submission to the Administrator and Deputy Administrator.

The RD&D program plan for the discrete technology is given exhaustive scrutiny by various disciplines through an appraisal process leading to preparation of a Program Approval Document (PAD). A PAD contains all pertinent elements that are necessary to conduct the program (manpower, money, purpose, objectives, essentiality, other options [to achieve the same objective], benefits to be derived, costs to the national RD&D plan if not derived, start-up dates, timeframes to completion, anticipated milestones).

Assuming executive concurrence with the program plan, it is then readied for additional steps in the approval process, budgetary review being a major one. (It may be worth noting that the RD&D activity under consideration may be the product of various cooperative efforts between the public and private sectors in that it may have begun as a proposal from an individual, research laboratory, or small businessman.)

Customarily, the RD&D plan is scrutinized by others in the Executive Branch (energy-related agencies, the Office of the

President and OMB) and may be submitted for review by interested groups in the private sector (business, elected officials, other energy researchers). For instance, the ERDA–48 RD&D plans are being discussed in a series of public meetings throughout the country.

b. *External.*—Finally, the RD&D plan is included in the President's annual funding request to the Congress. Subcommittees of the Congress may elect to hold public hearings on the annual request and invite written comments and suggestions from a variety of publics. It is at the Congressional review stage of the approval process that the Nation's news media begins reporting on the RD&D plans, thereby aiding information dissemination. Because of the annual budget cycle, established RD&D programs are subjected to this scrutiny also; therefore public and private sector inputs may pertain to both old and new programs.

4. *Data Transmission.*—With the adoption of the new communication mechanisms, particularly those that invite one-on-one situations (ERDA–48 public meetings, interaction with ERDA's local people) it is anticipated that communication with consumers will be strengthened considerably. The work of the ERDA General Advisory Committee will be significant; as will social research on a continuing basis; public reactions to this Plan; an increased number of ERDA employees relating with the public in open forums; frequent placement of programmatic information and discussion papers with public interest groups; expanded programs to achieve public education on the entire range of ERDA RD&D programs; participation in conferences, conventions and other forums to present the ERDA–48 RD&D Plan; and top management commitment to seeking and reviewing public inputs.

5. *Consumer Correspondence and Complaint Handling.*—ERDA believes it is important that persons conducting energy research programs and agency executives be involved directly in providing feedback to the public in response to comments and counsel. Such a method of handling comments and grievances helps ensure that there are no artificial barriers between the consumer and research personnel or senior management. For instance, the ERDA Office of Public Affairs (outside of routine requests for printed materials) receives fewer than 100 pieces of public correspondence of the approximate 800 incoming letters to the ERDA headquarters building each month.

Tracking mechanisms for public inquiries (and follow-up) are entrusted to RD&D program managers or staff offices—the recipients of the inquiries. In this way, the persons who must be responsive to a grievance/criticism/suggestion are not delayed in receiving and acting on the correspondence.

B. INFORMATION OUTPUT: COMMUNICATION TO CONSUMERS ON ISSUES AND DECISIONS

As stated previously in this Plan, a number of established methods exist to convey such information (hearings, press releases, seminars, correspondence, and the like) and these activities are being strengthened with the adoption of a number of new communication programs.

These various activities are meant to disseminate information on all ERDA programs and, in so doing, aid the consumer in participating in the formulation of the national energy RD&D program. We believe it is logical to expect that any outreach measures will strengthen consumer interest and discussion.

1. *Techniques of Consumer Representation.*—With the adoption of all the input/output mechanisms identified this Plan, the agency will not be dependent on just a few of them to carry most of the communication load. Following the receipt of significant consumer input and the perception (by ERDA) of major public concerns, specially constructed opinion polls, speech texts, public forum presentations and meetings with public interest groups are among the methods the agency might employ to analyze an issue and broaden the number of persons exposed to it.

a. *Newsletters, Digests.*—In addition to employing newsletter approaches, ERDA plans to prepare fact sheets and fact books on energy technology subjects. These materials will be shared with consumers and public interest groups in an attempt both to inform and elicit comments. Subject matter, for example, would include: synthetic fuels, program EIS briefs, and RD&D milestones achieved in established programs. The intent of the effort, as much as practicable, is to inform the consumer of evolving programs and new options.

b. *Consumer Complaints as Information and Guidance Tool.*—Various steps are being taken to increase the use of consumer inputs from the available literature in addition to taking more targeted action to receive fresh information. Examples include:

- Analysis of behavioral and social research from the public and private sectors;
- Review of consumer inputs to other Energy Resources Council agencies and the Office of the President;
- Review of public hearing proceedings, responses to notices, news story analysis, correspondence analysis; or
- Follow-up on consumer concerns expressed in the public meetings series and other public forums.

c. *Improve Procedures for Comment on Rules, Orders, Guidelines, and Other Decision-Making Vehicles of the Agency.*—Reliance on formal procedures to obtain input would not be satisfactory to ensure broad public participation in decision-making. Also, the decision process may have moved to an advanced stage (in consideration of a new project) by the time it had been committed to rules and guidelines.

ERDA believes that it is far better, for all concerned, to strengthen the communication process earlier in the life of an RD&D plan. Therefore, it plans to focus particular attention on communications during the formulative stages of RD&D planning.

Also, it is unlikely that ERDA, not being a regulatory agency, will generate a significant number of rules, guidelines and orders. Therefore, frequent, informal communication becomes that much more essential in relating the program plans of the agency and receiving counsel and suggestions from potential consumers.

d. *Increased Availability of Documents and Materials Containing Consumer Impact Analysis.*—Techniques to broaden the availability of such materials will be examined, as will locating such materials in a greater number of locations, such as operations offices in the field. Normally, major RD&D projects are assigned to a team or task group representing the variety of technical and administrative disciplines required to analyze its prospects and prepare for its management. This effort is a concentrated and time-constrained one, in the main, and generates various issue and option papers at a rapid pace for consideration, revision and redrafting. Seldom is it possible to finalize an issue or option paper during the time the task group is in operation (in a form sufficiently complete to be of use to an outside person) because the manuscript may have moved through several drafts before a concerned observer could respond to an earlier draft.

However, what may be workable would be to list and describe the range of issues which are being analyzed by the task group. Perhaps a "guideline" for analysis could be prepared which includes the kinds of issues that may be typical of the concerns of public interest groups (environmental and socio-economic impacts, for instance). This "guideline" could be shared with

the private sector and help alleviate any concern that such issues may or may not have been analyzed early in RD&D planning.

Of course, guiding the formulation of ERDA's RD&D programs is the key question: Will the private sector accept and adopt the energy technology? Put another way—What will be the market response to this new technological option?

It is just as important perhaps, that the private sector have access to analysis of these questions as it is that they were asked (by the RD&D community). Therefore, broader availability of analysis materials must be accomplished in the immediate future. Currently, ERDA is examining the possibility of locating such materials at numerous public libraries and at universities, in addition to major offices of the agency.

e. *Marketing Surveys or Consumer Behavior Research.*—ERDA plans to conduct such research activity on a continuing basis through commercial firms. The objective of the program would be to aid the agency in determining the perceptions and viewpoints of consumers toward the national energy RD&D program and its various parts. Survey results could provide ERDA management with helpful viewpoints regarding the public's perceptions of RD&D priorities, perceptions of research timeframes and costs, knowledge of U.S. energy resources, prospects and plans.

Also, the agency would analyze various public and private opinion polls on the subject of energy policy, energy use and development, conservation, environmental issues, and the like. Careful analysis of these broad surveys and topics will aid ERDA in determining consumer priorities and concerns and permit its own consumer research activities to be more targeted toward energy technology issues.

f. *Formal or Informal Intervention.*—We believe that the broad range of communication mechanisms described in this Plan will afford ample opportunities for such intervention. Were these mechanisms, in practice, to prove inadequate or leave major gaps, the agency would consider new ones.

g. *Formal Hearings.*—There has been a practice, going back more than 20 years, for ERDA's predecessor agencies to conduct or participate in such hearings on a regular basis. When such hearings are required, it is customary for the agency to use various methods (Federal Register, press releases, public notices) to inform interested publics of their scheduling and to invite participation.

h. *Consumer or Citizen Conferences.*—ERDA is conducting three trial public meetings, beginning in October 1975 on through January 1976. The specific subject is examination of ERDA-48. During this period, careful analysis is being made of the effectiveness of the meetings. Among the questions that need answering are:

- Are two-day conferences sufficient to air regional views and the concerns of special interest groups?
- Is there strong public interest and participation?
- What hours of the day/what days/what arrangements are most conducive to a successful meeting?
- How many persons/what kinds of groups take advantage of opportunities to offer oral and/or written positions?
- Should there be follow-up meetings in the same locations/regions and, if so, what format should be used?

i. *Tie-In to Existing Consumer Forums.*—ERDA plans to cooperate with various public interest groups to strengthen and accelerate its communication with the public. Among the proposals is a seminar series, arranged and conducted by public interest groups, to which would be invited civic leaders, elected officials, business, youth groups and private citizens. The proposed national energy RD&D program would be examined, debated and exposed to persons beyond those in attendance. Reports on the sessions would be published and furnished to other public interest groups for information and appropriate action.

Eventually, ERDA hopes to see seminars and conferences broadened to include every region of the Nation and more direct involvement of representatives of concerned persons throughout the private and public sectors. Also, ERDA would attempt to provide discussion materials to the program chairpersons of leading public interest, labor and business groups for use in panels and presentations at their own annual meetings, conventions and public forums.

j. *Technical Advisory Boards.*—Technical expertise and a variety of private sector viewpoints are received through a range of technical advisory groups with whom ERDA has an established and continuing relationship. Included in these advisory groups from the private sector are historians, safety engineers, labor experts, utility plant experts, physicists, operating engineers, economists, and a host of other disciplines.

k. *Non-specialized Advisory Boards (and Groups).*—The ERDA General Advisory Committee, whose members are appointed by the President, is drawn from the private sector entirely, and will have a variety of individuals representing various interests available to it for advice, counsel and to perform special studies, if necessary.

However, the work of the GAC, no matter how valuable, cannot match the continuing fresh inputs of individual citizens and organized public interest groups. Therefore, as detailed in this Plan, ERDA places greatest stress on the various communication programs with which it hopes to maintain a dialogue with the consumer.

l. *Formal and Informal Liaison With Consumer Groups.*—Both approaches will be pursued by ERDA. It is anticipated that much of the informal relationship will consist of interface between ERDA management and the public throughout the Nation. Perhaps the preponderance of successful communication will occur in the execution of the Consumer Representation Plan.

2. *In-House Techniques*—a. *Improved Staff Handling of Complaints and Grievances.* Perhaps the most important factor in improving (and maintaining) agency performance with regard to public inquiries would be employee awareness of the essentiality of such dialogue.

We believe that the awareness is genuine and that there is a good record of performance.

b. *Development of Information and Analytical Materials Which Present and Reflect the Consumer Viewpoint or Perspective.* Economic, market impact analysis, safety, environmental and similar consumer impact studies are prepared, routinely, as part of the process of considering RD&D projects. Federal law (NEPA, for instance) and good management practice require these studies to be performed. Many such studies are disseminated to the public and private sectors for review and comment; others are available for review. The latter needs to be strengthened both from the standpoint of providing information on their availability and broadening the number of locations at which they can be reviewed.

c. *Speeches by Key Decision-Makers.* Speeches by top management and program management people are considered important tools by which public concerns can be aired and discussed. In addition, feedback, gleaned at such occasions, will be used to construct public forum presentations, using members of the ERDA speakers' services group, in which energy issues can be discussed in-depth. It is worth mentioning that top management exposure to local issues—before the speech in discussions, editorial board meetings, and following the speech in Q&A—may be the most valuable result of speaking engagements.

d. *External Liaison.*—Various means will be used to provide timely specific information on individual technologies and program decisions in order to invite direct comment, including: working with public interest groups, public meetings, regional seminars, speeches, presentations and group discussions, printed materials and the like.

e. *Consumer Consultants.*—ERDA expects to find the most valuable approaches to be informal ones (day-to-day interface with the public, consumer associations, elected officials, and various spokespersons).

We will continue to work with other institutions that represent consumer viewpoints: state and local government and their regional and national associations, Federal agencies, national public interest groups, the Congress, and others in the private sector.

C. *Recommendations.*—ERDA believes that the paramount requirement in a successful program to interface with the public is a commitment by agency management and employees to seek participation of the concerned citizen in planning the national energy RD&D program. The Consumer Representation Plan will be a useful guideline and monitoring device to measure progress toward the achievement of that objective.

ENVIRONMENTAL PROTECTION AGENCY

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Walt Barber (PM223), Room 3002, Environmental Protection Agency, Washington, D.C. 20460, 202–755–2265. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

OCTOBER 31, 1975.

TABLE OF CONTENTS

I Statement of Purpose
II Primary Operating Units Involved
III Executive Summary
A. Summary of EPA's Current Consumer Participation Programs
B. Summary of Recommended Actions
IV Agency Plan for Consumer Representation
A. Consumer Information Input
1. Consumer Participation in Regulatory Policy
2. Complaint Handling Procedures
B. Consumer Information Output
1. Communication to Consumers on Issues and Decisions
2. Feedback on Consumer Comments
3. Consumer Education Programs
C. Examples of Consumer Participation in the Agency Programs
1. Example 1. Public Participation in the Drinking Water Program
2. Example 2. Consumer Participation in the EPA Automobile Fuel Economy Program
3. Example 3. Electric Utility Rate Increase Studies
D. Improving Consumer Participation
1. Improving Consumer Input Into Regulatory Actions
2. Improved Consumer Information Programs
E. Recommendations

I. STATEMENT OF PURPOSE

This proposed plan has been developed to provide a mechanism for giving EPA a better understanding of the consumer's viewpoint and for facilitating consumer participation in both general policy formulation and the development of individual standards and regulations. EPA's authorizing legislation has extensive provisions for public participation in environmental programs and the Agency has developed a program to solicit and incorporate public comment. This plan extends those procedures particularly to include consumer interests and consumer representation.

II. PRIMARY OPERATING UNITS INVOLVED

The principal authorization for the Environmental Protection Agency's regulatory programs is included in the following laws:

Clean Air Act.—Provides for the establishment of air quality standards to protect public health and welfare and for States to develop and implement air pollution controls to attain the standards. Establishes limits on the discharge of pollutants from automobiles.

Federal Water Pollution Control Act.—Provides for the establishment of limitations on the discharges of pollutants from industrial and municipal sewers and for the control of other sources of water pollution. Authorizes federal grants to municipalities for the construction of sewage treatment facilities.

Safe Drinking Water Act.—Provides for the establishment of national drinking water quality standards and for enforcement of these standards by the States.

Federal Insecticide, Fungicide, and Rodenticide Act.—Provides for control of the sale and use of domestic and agricultural chemicals.

Noise Control Act.—Provides for the control of noise emissions from major sources of noise, including aircraft and other transportation vehicles, and for labeling consumer products.

In addition, the Agency has environmental programs in the areas of solid waste disposal, radiation control, toxic substances control, ocean dumping and research and development.

EPA is a decentralized Agency with Regional Offices and laboratories responsible for implementing and enforcing the policies, programs and regulations developed by the headquarters offices. This plan applies to all elements of the Agency, but has its principal focus at the headquarters level where regulatory policy is developed and public affairs authorities are coordinated. Implimentation of the plan will involve the participation of all offices developing standards, regulations and policy recommendations and will be coordinated by the Offices of Public Affairs and Planning and Management.

III. EXECUTIVE SUMMARY

III–A SUMMARY OF EPA'S CURRENT CONSUMER PARTICIPATION PROGRAM

EPA has an active policy of public participation in its decision-making process. The Agency's "Standards and Regulations Development Process" calls for public input and participation in each phase of environmental policy and rulemaking development. Input is obtained through direct contacts with interested groups advance notification to affected parties. Federal Register notices, discussion with advisory committees containing public representatives, review by other Federal, State, and local agencies, and if sufficient interest or concern exists, public hearings and/or public opinion surveys.

To reach the people most affected by specific Agency actions, EPA is attempting to define the "consumer viewpoint" according to the particular needs and interests of each subgroup. EPA has initiated a concentrated effort to identify the issues relevant to each group and to reach these various individuals or organizations by means of public speakers at conventions, through distribution of booklets and pamphlets, through press releases and film and slide shows, technical and non-technical reports, plus publishing advance notices and notices of proposed rulemaking in the Federal Register.

Consumers or constituency groups in turn, respond at public hearings, through mailed comments and complaints, through memberships on advisory committees, and by communicating directly with individuals at EPA. The final stage in EPA's program is following up on consumer responses as a means of maintaining real communication with the world outside EPA and to evaluate and improve Agency programs.

III–B SUMMARY OF RECOMMENDED ACTIONS

The recommended plan calls for increased consumer input into the Agency's decision-making processes and improved Agency transfer of information to identified consumer groups.

Increased consumer input into the development of Agency policy and regulations will be accomplished by early public announcement of intent to develop such policy or regulation, revised internal mechanisms for communication of consumer comments and complaints to the office developing the program, and improved internal mechanisms to assure that consumer and consumer subgroups input is obtained. In addition, each regulation being developed will be reviewed to determine the need for additional efforts such as public opinion surveys and/or public hearings throughout the development process.

The recommended program to improve Agency transfer of information to consumers calls for: (1) expansion of the consumer-oriented Agency news releases program, (2) identification of consumer subgroups such as recreation and camping organizations, youth and elderly interest groups, farm and labor organizations, as well as organized consumer product and service groups; and (3) distribution of material written especially for these subgroups. A variety of communication media will be used to inform the consumer of EPA programs.

IV. Agency Plan for Consumer Representation

Every citizen has a right, by law, to know what EPA is doing. This "right to know" is fulfilled by putting information on public record or by responding to requests for information. Some of the tangible evidence of this public record are found in technical publications, testimony, speeches, official statements, regulations, and similar documents.

EPA's present and proposed consumer program is based on the principle that the public not only has the right to know, but also the "need to know." The difference is one of initiative. Under the concept of right to know, the information must be made available to the citizen who wants it. But if he needs to know, he must be sought out and informed.

The right to know and the need to know are basic to the operation of the Environmental Protection Agency programs for two major reasons: (1) EPA programs have a direct effect on an individual's health and well-being; and (2) many EPA programs need full and active citizen support and participation if pollution control is to succeed.

This section indicates the extent of consumer participation with EPA activities, presents current and improved methods of participation, and lists a series of recommended actions to be implemented.

IV–A. CONSUMER INFORMATION INPUT

IV–A.1. *Consumer Participation in Regulatory Policy.*— Currently, consumers participate in EPA regulatory policy decisions through the general public participation mechanisms required by EPA's legislative authority and operating policies. This participation takes the form of responses to requests for comments in Federal Register notices, participation at public hearings, consumer compaints, representation on advisory committees, opinion surveys, and direct communication between interested consumers or consumer representative groups with individuals at EPA responsible for developing a program or regulation.

EPA Order 1000.6 entitled "Policy and Procedures for the Standards and Regulations Development Process" provides for participation and review by interested members of the public in development of standards. This order and the implementing "Standards and Regulations Manual" establish a policy and procedural framework for the development, internal coordination, external clearance, and promulgation of environmental standards, regulations, guidelines and notices of proposed internal EPA offices, and external sources that have an interest in any contemplated EPA action, can have the opportunity to provide input. The Order established a Steering Committee composed of senior representatives of the Agency's principal offices. The Steering Committee evaluates the majority of the Agency's standards, regulations and guidelines during the planning and development phases, and reviews them prior to publication in proposed or final forms. The Office of Planning and Management coordinates the Agency's standard-setting activities, and ensures that interested groups and individuals have the opportunity to participate.

Prior to proposal of standards, regulations, and major policies, the working group chairman responsible for their development contacts groups or individuals who are known to have an interest, or are impacted by this program and gives them an opportunity to provide data and other information. In some instances, information is solicited formally by publishing in the Federal Register an Advance Notice of Proposed Rulemaking (ANPRM) which requests individuals and organizations to participate by providing information. When deemed appropriate, the Agency holds one or more public hearings.

In addition to contacts initiated by the working group chairmen, a number of environmental interest groups are advised periodically of the status of EPA's standards and regulations under development. For example, on February 11, 1975, the then-current status of all of the Agency's standards and regulations under development, including brief summaries of each, was supplied to 41 environmental interest organizations. Participation and comment by these groups were requested and organizations which responded were given direct access to working group chairmen as well as a point of contact in the Office of Planning and Management to facilitate participation.

Public participation is also obtained through the use of advisory committees. Committees, such as the National Air Quality Criteria Advisory Committee and the National Drinking Water Advisory Council meet regularly to review pertinent policy issues and specific forthcoming standards and regulations. All these committees have members representing the general public.

The Agency conducts detailed economic analyses of its regulatory actions prior to their proposal. These analyses range from micro-economic studies of the impacts of a particular action, general industry studies, and studies of the overall impact of pollution control requirements on inflation, GNP, and unemployment. Outside organizations have an opportunity to comment on these studies. In addition, EPA prepares Environmental Impact Statements for many significant actions. Draft versions are issued at the time of proposal of regulations or policy, and the public is invited to comment on these statements.

Prior to proposal, the Agency frequently distributes draft versions of policy statements and regulations to its Regional Offices, the EPA Offices of Legislation and Public Affairs, other Federal agencies, representatives of State and local governments, affected parties, and interested private citizens and environmental groups. Comments are reviewed and meetings are held with interested organizations and individuals, as appropriate, to resolve problems or questions which may have been identified.

After proposal in the Federal Register, the public is afforded an opportunity to comment on the proposed regulations. Should the rulemaking be of major significance, or be controversial, one or more public hearings may be held.

Prior to promulgation of a policy or regulation, the EPA Office having the responsibility for its preparation prepares a detailed summary of comments received, their disposition, and the rationale for the action taken. Internal and external review of the action to be promulgated is repeated. A summary of comments received and the Agency response is prepared and incorporated into the Federal Register promulgation.

IV–A.2. *Complaint Handling Procedures.* The Environmental Protection Agency receives complaints and inquiries from the public by letter and by telephone at headquarters and at each of the ten Regional Offices. Letters are sent either to the Public Information Center or to an EPA program office in Washington, D.C. or in the Regions. Policy-oriented or technical mail is usually sent to the program offices which either reply directly to the consumer, or draft a reply for the Administrator's signature.

Mail sent to the Public Information Center for handling is read and sorted and then distributed to an information specialist or to the publications group. The publications group answers standard inquiries or requests with form letters and provides appropriate publications. Non-standard inquiries or policy questions are investigated by the information specialist or are referred to the appropriate EPA Program Office.

Complaints and inquiries concerning local situations are referred to the appropriate Regional Office which replies directly.

Phone calls to EPA concerning inquiries or complaints are generally routed to the Public Information Center. These calls are channeled to the appropriate information specialist who conducts an investigation and responds to the consumer by telephone.

IV–B. CONSUMER INFORMATION OUTPUT

EPA consumer information programs recognize the need of private individuals to understand the Agency's many regulations and policies before they can be expected either to contribute to Agency planning or to support regulations already in force.

Rather than wait for people to come in, EPA is trying to reach out to people, to help them understand environmental programs and their impact on private citizens.

Present and planned EPA consumer information programs recognize that there is no single consumer viewpoint. If by popular usage "consumer" means essentially "a person consuming things in his or her role as a private individual," then clearly everyone is a consumer. However, not every consumer shares a single viewpoint on environmental matters.

There are many ways to divide consumers into different interest groups. For example, "automobile drivers" as a group do not share the identical interests or mutual concerns as would "home gardeners" or "subway riders in New York City." Groups also fade out of existence or their membership changes. Children represent indirect or potential consumers as a group, yet are not always concerned with the problems and issues that adults face. Clearly there is no such element as "THE consumer viewpoint."

In view of the variety of consumer interests and concerns, the EPA attempts to identify those people who have interest in a given issue, or who are most affected by any given action of the Agency. Examples of such people might include: commuters whose daily habits are affected by EPA transportation control plans; people living in an area where a waste treatment plant is planned; or farmers who need to know about substitutes for pesticides that have been cancelled.

EPA identifies these groups or individuals according to their needs, distributes practical information; and provides guidelines on how people can contribute to environmental goals. EPA currently uses news releases, pamphlets, booklets, newsletters, fact sheets, film and slide shows, radio and TV, speakers and seminars to provide information.

Finally the EPA consumer program recognizes the importance of the feedback consumers provide on their attitudes and understanding of the Agency's policies and actions. The Agency recognizes the importance of following up on the public's input as a means of maintaining real communication and of evaluating and improving EPA programs.

IV–B.1. *Communication to Consumers on Issues and Decisions.*—Information on issues and decisions of EPA is provided to consumers through the following channels:

Federal Register
Conferences
Press Releases
Communication with environmental and citizen groups
General mailings and media coverage
Mailings tailored to specialized groups.

All standards, regulations and guidelines are published in the Federal Register. In addition, copies of the regulations are prepared and distributed to known interested parties. EPA maintains a mailing list and distributes press releases on significant Agency decisions and findings. Each release provides the name and telephone number of an individual to contact for further information. Press conferences are held on significant Agency actions and findings. The public and the press are afforded an opportunity for discussion through a question-and-answer session following the conferences.

There are a number of environmental news reporting services which are kept up-to-date on EPA activities. Through their publications a large segment of the concerned public is kept informed of actions and activities of the Agency.

IV–B.2. *Feedback on Consumer Comments.*—Feedback to the consumer is handled within the Agency on a program by program basis. A major portion of the general information is handled by the Office of Public Affairs at both the headquarters level and by regional public affairs staff. Technical responses are provided by the appropriate program office.

When the consumer or group has raised a technical point or has contributed technical data in support of a proposed rulemaking or policy, a staff member of the office preparing the rulemaking or policy generally contacts the consumer, either by mail or telephone to deliver EPA's response. Often, a meeting is set up to provide and obtain further information.

As indicated in Section IV–A.1., each received comment related to a proposed Agency action is analyzed, and a response is prepared. This response is either an indication of concurrence with the commenter, or explains the rationale for the rejection of the comment. A detailed report analyzing all the comments is prepared and made available to the public. In addition, the preamble to the promulgated regulation provides a summary of response to major comments. Copies of the promulgated regulations, including such summaries, are often sent to individuals who have provided or requested information.

IV–B.3. *Consumer Education Programs.*—Public education plays a major role at EPA and substantial information is available on every major EPA program. Perhaps the best known example is the Agency program on automobile fuel economy (see section IV.C.2 for a detailed discussion of this program). Another major consumer education program is related to the safe use of pesticides. Over 34,000 pesticide products have been registered by EPA, and information on all of these is available, as well as general information about the pesticide program.

Pamphlets and reports are available at all technical levels ranging from the elementary school level to highly technical reports presented at scientific conferences. In addition to these reports, a number of reports are prepared for Congress, such as "The Economics of Clean Water", "Progress in the Prevention of Air Pollution", etc.

The public education program is not limited to reports and booklets. Other communication media have also been used to transfer information. These include informal public meetings and workshops, news releases, public service advertising, and television shows where viewers can discuss issues by telephone, advisory boards, and lectures by EPA officials to clubs and related organizations. Most recently, "town forum" type meetings have been initiated, where high level EPA officials meet with the public to informally discuss EPA's programs.

IV–C. EXAMPLES OF CONSUMER PARTICIPATION IN THE AGENCY PROGRAMS

EPA attempts to obtain public participation in all Agency actions. In addition to participation which is mandated by Federal law EPA has taken a number of actions to assure consumer input and to provide information to the public on Agency actions. Three programs are summarized below to illustrate public involvement in EPA programs.

IV–C.1. *Public Participation in the Drinking Water Programs.*—Although less than one year old, the "Safe Drinking Water Act" of 1974 (SDWA) has already had significant impact on consumers, and public participation has influenced the standards and regulations being proposed.

The Safe Drinking Water Act (SDWA) provides for the safety of drinking water supplies throughout the United States by establishing and enforcing national drinking water standards. The Federal government—EPA—has the primary responsibility of establishing the national standards; the States are responsible for enforcing the standards and otherwise supervising public water supply systems and sources of drinking water.

Specific public participation is required by this legislation. The SDWA provides for a 15-member National Driking Water Advisory Council to advise the EPA Administrator on scientific and other responsibilities under the Act. Consumer interests are represented through the five members appointed from the general public and through five members from private organizations or groups that have demonstrated an active interest in the field of water hygiene and public water supply. In addition the Act provides for citizen suits against any party believed to be in violation of the Act.

The Act requires public water systems to give notice to the users of the system and to the public under five separate circumstances: (1) when the system fails to comply with a maximum contaminant level requirement of national primary drinking water regulation; (2) when the system fails to use any of the required treatment techniques of a national primary drinking water regulation; (3) when the system fails to perform testing or monitoring as required by such a regulation or by Section 1445; (4) when the system has received a variance because it is unable to meet a maximum contaminant level requirement or has received an exemption from a requirement; or (5) when the system has failed to comply with any schedule or control measure prescribed pursuant to a variance or exemption.

The purpose of the notice requirement is to educate the public on the performance of the public water systems serving them. Such public education is considered essential to develop public awareness of the problems facing public water systems, to encourage support for expenditures necessary to solve these problems, and to advise the public of potential health hazards.

In keeping with this purpose, certain methods and frequencies are presented for giving notice to the public. The regulations of the Administrator must be reasonable and related to the purpose expressed above. Notice should inform the public, not unduly alarm it. It is required that the regulations assure that unduly technical language, small print, or other methods which would hinder public awareness are not used. Moreover, it may be necessary to require bilingual notice in certain communities to assure adequate notice is given to all segments of the public.

Other actions taken by EPA related to this Act have involved public participation. On March 14, 1975, Interim Primary Drinking Water Regulations were proposed. EPA held public hearings on the proposed regulations in Boston, Chicago, San Francisco and Washington. Over 5,000 pages of comments from almost 500 written submissions and 77 witnesses were received and evaluated. This testimony including that from public interest groups has had a significant influence on development of these regulations. EPA's response to these comments will be published in the Federal Register at time of promulgation of these regulations.

In the development of other standards and regulations required by this Act, EPA is acting to insure public and consumer input. This will include public hearings and contacts with consumer groups both prior to and after publication of regulations, as well as preparation of a series of publications describing EPA's role and how the public can participate.

IV–C.2. *Consumer Participation in the EPA Automobile Fuel Economy Program.*—Early in 1972, EPA technical staff began studies on the question of fuel economy of cars. EPA used the emission data that were on file from tests of 1957 through 1973 model year cars to prepare a comprehensive report on the subject of automobile fuel economy. That report was published in November 1972.

In his Energy Message to the Congress of April 10, 1973, the President announced that he had assigned to the EPA, in cooperation with the Council on Environmental Quality, responsibility for developing and implementing a program to inform the public as to the fuel economy characteristics of automobiles. EPA responded by including the fuel economy performance of each car tested in the *Federal Register* publication of emission tests results; this was issued on May 2, 1973 for 1973 model year cars. During the summer of 1973, EPA launched a Voluntary Fuel Economy Labeling Program for 1974 models to encourage manufacturers to place on each car a label that reflected fuel economy data. Manufacturers representing about 95% of all vehicles sold in the U.S. agreed to participate. In November 1973 and again in February 1974 EPA published a consumer booklet, *1974 Gas Mileage Guide for New Car Buyers*, to provide specific fuel economy information on vehicles being sold. The public response to this effort exceeded expectations. The requests for the booklet was great and over 600,000 copies were printed and distributed.

As a result of widespread public interest, the 1975 fuel economy program was expanded to include both city and highway fuel economy numbers so that the consumer can judge approximately what his own gas mileage would be.

City and highway test results were made available in the 1975 edition of the *Gas Mileage Guide*, which EPA produced in November 1974 and again in February 1975 in cooperation with the Federal Energy Administration. The results are also included on labels on vehicles manufactured by companies participating in the 1975 voluntary fuel economy labeling program. Approximately 2,000,000 of these Gas Mileage Guides were distributed to the public.

The decision to publish separate city and highway results was based on a consumer survey conducted in early 1974 which indicated a clear preference for such separate fuel economy data. Interviews were conducted in Houston and Baltimore to obtain consumer attitudes. A summary "decision report" was prepared. An additional consumer survey as being conducted this year sponsored by the Federal Energy Administration.

Since this has been a voluntary program, formal public hearings were not held. However, many comments have been received from the public and EPA has responded to each of these. In ad-

dition a related consumer survey, "Impact of the Fuel Shortage on Public Attitudes Towards Environmental Protection" was conducted to assess attitudes of the public towards driving smaller cars, relaxing auto pollution standards including removal of anti-pollution devices, and other energy questions. Such surveys and opinions of consumers are used to help shape EPA's policies.

IV-C.3. *Electric Utility Rate Increase Studies.*—EPA has promulgated a number of regulations related to the utility industry ranging from control of air emissions for both new and existing plants to control of water effluents including thermal discharges. In addition, EPA has proposed standards controlling releases of radioactivity from the nuclear fuel cycle.

Since this industry is a major discharger of pollutants to the environment, (e.g. about 60% of the total sulfur oxides emitted to the air are from coal-fired steam electric plants) and, in addition, has recently experienced significant rate increases, it is not all surprising that there has been considerable consumer concern.

EPA, has solicited public comments in proposing regulations related to this industry. In the case of effluent limitations for thermal and chemical discharges from power plants, organizations known to have interest were contacted prior to proposal of the regulations, and draft reports were distributed to these groups. The proposed rulemakings contained notices to the public, soliciting comments. Finally, a public hearing was held. The "Effluent Guidelines and Standards, Steam Electric Power Generating Point Source Category" promulgated in the Federal Register on October 8, 1974 (39 FR 36185) provides a summary of the public participation, a list of commenters on these regulations, as well as a summary of the Agency's response to the comments received.

There has been much concern that expenditures for pollution abatement were a major contributor to recent electric rate increases. In order to determine the magnitude of the costs associated with environmental clean-up, and the corresponding impact on the consumer, EPA sponsored an analysis of these utility rate increases. Based on this analysis, it appears that environmental requirements on a national basis are responsible for no more than 5% of the increase in electric rates during 1974. Since the bulk of the impact to the consumer of environmental regulations will be incurred during the 1975–1985 period, a report "The Economic Impact of Environmental Regulations on the Electric Utility Industry" is being prepared under contract to EPA.

Estimates of the cost imposed by individual regulations and the impact of these on rates have been prepared as part of the material supporting each regulation. Although highly technical in nature, summaries of these are made available to the public in the preamble to each of the regulations when published in the Federal Register.

IV-D. IMPROVING CONSUMER PARTICIPATION

IV-D.1. *Improving Consumer Input Into Regulatory Actions.*—There are a number of approaches that can be taken by EPA to improve consumer input in the development of Agency policy and regulations. Various alternatives have been considered including direct consumer participation in the development of regulations, and establishment of consumer representative/consumer advisory groups.

There are several areas where the existing regulatory process can be changed to improve consumer participation. The Agency could take more aggressive action to attract consumer attention to pending regulatory actions at early stages in their development. More surveys could be taken to obtain consumer opinion. Formal procedures could be adopted to assure that the consumer sector is adequately informed of regulatory actions. Exchanges of information could be facilitated between Regional Offices where consumer complaints are received, and the headquarters office developing a policy related to such complaints. Finally, the "Standards and Regulations Development Process" could be revised to provide for direct communication between consumer organizations and program offices.

The recommendations presented in the following section (IV-E) identify specific actions to be taken by the Agency to assure that consumer input is solicited, and that the concerns of the consumer are considered in the decision-making process leading to promulgation of policy or regulation.

IV-D.2. *Improved Consumer Information Programs.*—Consumer information programs can be improved by identifying each "consumer subgroup" concerned with EPA programs, and tailoring programs to provide information for each such group. While it is difficult to identify all of the constituencies affected by, or concerned with Agency activities, some of the definable ones are included below, along with proposed Agency efforts to improve information services.

1. *Organized Labor.*—EPA initiatives related to occupational health and safety are of prime concern to leaders of organized labor along with the impact of environmental programs on employment and economic growth. Recreational opportunities that emerge as a result of environmental pollution control, mass transit programs, and other complementary EPA programs that improve the urban environment would be other areas of direct interest.

In addition to reaching out to this group by news releases and speakers, EPA plans to hold periodic background briefings for the labor press.

2. *Farm Organizations.*—Farmers are concerned about a number of EPA activities that range from the Agency's pesticide decisions to the impact of air and water land-use programs on rural areas.

EPA currently supplies information to farm organizations and publications via news releases, booklets, fact sheets, and audiovisuals on the pesticide certification program and other agricultural concerns. A special interest booklet is planned that is directed to farmers and ranchers on measures they might take to improve and enhance the environment.

3. *Outdoor Recreation and Camping Organizations.*—These groups are generally concerned with the impact of environmental degradation on their activities. This recreation/outdoor audience includes all age groups, cuts sharply across all segments of society and is based in rural as well as urban areas.

4. *Youth Interests.*—The interest of younger people in the environment remains high. Student interest is supplemented by the direct support that scouting and other youth organizations have in maintaining open spaces and in sponsoring various environmental programs.

EPA currently has developed two supplemental education packets for the 3,000,000 young people who query the Agency on an annual basis. One packet is directed to kindergarten through 6th grade; the other is for grades 7 through 12.

5. *Retired People and the Elderly.*—The health and well-being of older people are especially impacted by the Agency's air pollution control programs, as well as by other EPA activities.

Leaflets and fact sheets are in the development stage on the health aspects of EPA programs related to older people.

6. *Urban Constituencies.*—Viable communities continue to function in older urban areas, but tend to suffer a great deal from environmental degradation. These communities often include minority ethnic groups. They need to be reached through special programs including the use of bilingual notification

which will be incorporated into EPA's neighborhood improvement and community action objectives.

EPA has worked with inner city constituencies on transportation control plans and envisions other outreach programs especially via speakers and personal contact.

7. *Local Government Officials and Associations.*—There is a need for informing State and local governmental officials who will be implementing EPA programs. Specific EPA inputs for an area would depend on the kinds of programs being considered and local conditions and attitudes.

Regional EPA offices are currently the best sources for most of this local, inter-governmental initiative. EPA headquarters is assisting this effort with publications and other support activities. A recent national conference in Denver was sponsored by EPA to bring together EPA information officers with State environmental information officers.

8. *Conservation and Environmental Organizations.*—These groups have both common and diverse goals. They range from land acquisition programs to maintenance of open spaces and promotion of responsible pesticide use. They include urban environmental groups concerned with air pollution control, community clean-up programs, or mass transit alternatives.

EPA is currently working with several of these organizations on the automobile inspection and maintenance program, on air quality boards, and on water quality restoration programs. Meetings are being conducted by EPA in major cities across the country to learn from citizens their environmental problems and to get consumer feedback on Agency policies and actions.

9. *Organized Consumer Groups.*—These organizations which are concerned with products and product services need to be involved in environmental programs. The current and proposed EPA information program for established consumer organizations call for briefing of national and/or regional conferences of these groups on resource recovery, pesticide safety, miles-per-gallon data on cars, and other related consumer concerns. Consumers in the homemaker category may be reached with EPA public service TV and radio announcements and inclusions in daytime TV and radio programming.

IV–E. RECOMMENDATIONS

As indicated in the analysis of existing procedures and in examples of EPA programs, the Agency's enabling legislation and operating policies call for both formal and informal involvement of interested parties and the public throughout the development of standards and regulations implementing environmental programs. EPA believes that its current procedures for public involvement in regulatory decisions are basically sound and that increased consumer participation should be obtained through extensions and modification of these procedures rather than the establishment of new programs. Accordingly, the recommended consumer participation plan calls for revisions to operating procedures to facilitate consumer access to the decision making process and to improve the Agency transfer of information to identified consumer groups. Specific recommendations for modifications to the regulatory decision and public information programs are outlined below:

1. *Revisions to Standards and Regulations Development Procedures.*—(a) Make periodic public announcements of regulations under development through formal notices in the Federal Register, press releases or direct mailings to consumer interest groups. Provide points of contact for formal and informal contact with agency staff developing the regulations. (b) Provide an internal mechanism for Regional Offices, the Office of Public Affairs and the Office of Legislation to communicate consumer comments and complaints to the program office for incorporation into the development of regulations. Require program offices to advise these interested consumers of the disposition of their comments. (c) Provide an internal mechanism to inform consumers and consumer subgroups of potential Agency regulatory actions. This would consist of formally keeping the Office of Public Affairs informed of development plans for new regulations, and involved in the review process for standards and regulations. (d) Determine, prior to approval of the development plan whether the program is of sufficient interest to the public in general, and consumer and other groups, in particular, or sufficiently controversial, to determine public opinion. This determination would be made by the lead office with the assistance of the Office of Public Affairs. At the same time, the need for public hearings either prior to or after proposal of such program would be reviewed. (e) Inform individual consumers and groups that participated in the development of a policy or regulation of the Agency's decisions.

2. *Expansion of Consumer Education and Information Programs*—(a) Expand the news release program that explains EPA policies, programs, and actions in terms of interest to most consumers. Expand the coverage to include (1) columnists on food, health, garden, family, and other consumer-oriented issues, (2) writers and editors for consumer magazines, and (3) producers of radio and television programs reaching the consumer audience such as local talk shows and mid-day news broadcasts. Continue the preparation and distribution of materials of interest to consumers on specific EPA programs, such as the popular booklet "Safe Pesticide Use Around the House." Continue the newly-established "Environmental Town Meeting" program so that a dialogue on environmental topics and policies can be developed between citizens and EPA leaders. (b) Develop a listing of consumer subgrouping and contacts within each subgroup. This listing would include representatives from organized labor, farm organizations, recreation and camping organizations, youth interest groups, retired and elderly groups, and urban constituencies, local government officials, conservation and environmental organizations and organized consumer groups. (c) Prepare and distribute brochures and pamphlets written for these specific subgroups. Provide information about environmental matters for publication in their newsletters. Make available speakers for local meetings and conventions.

FEDERAL ENERGY ADMINISTRATION

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Hazel Rollins, Room 4310, Federal Energy Administration, Washington, D.C. 20461, 202–961–6055. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

NOVEMBER 18, 1975.

TABLE OF CONTENTS

PREAMBLE
I STATEMENT OF PURPOSE
II PRIMARY OPERATING UNITS INVOLVED
III DEVELOPMENT OF PLAN
IV EXECUTIVE SUMMARY
V AGENCY PLAN
A. Information Input
B. Information Output
VI RECOMMENDATIONS
A. Recommended Actions
B. Proposed Schedule of Events
C. Allocation of Resources
D. Proposed Executive Action

PREAMBLE

The Federal Energy Administration was established during a crisis resulting from the sudden energy shortage created by the Oil Embargo of 1973. Its functions were primarily regulatory in that the agency was mandated to allocate available petroleum products to consumers at equitable prices. During the first year of the agency's existence, an analytical and data gathering arm was established to assist the President in developing a national energy policy as required by the Federal Energy Administration Act of 1974. Therefore the FEA is in the unique position of acting as both a regulatory and policy formulating agency. Additional programs grew out of the energy policy articulated by the President. In addition, the agency has been continuously required to respond on short notice to requests for energy analysis from both Congress and the Administration.

As the crisis atmosphere subsided and as agency officials became sensitized to the need for public acceptance of agency policies and goals, the mechanisms for involving consumers have been used more frequently. The development of this plan for consumer representation provides the basis for and a commitment to, more complete involvement of consumers in the agency's activities.

Consumer participation techniques have always been used in the agency's regulatory process to the extent required by law, and consumer and public interest groups have in fact participated in the rulemaking and other activities by which FEA regulatory policies are effectuated. Those offices which are responsible for the development and implementation of programs have, to some extent, used one or more of the consumer participation techniques listed in this Plan (see page 2).

When the agency has failed to solicit consumer involvement in the early stages of policy formulation it has been due to the nature of the energy crisis, which involves national security considerations and the need for a rapid response to Congressional and Administration requests. In those instances where the agency has failed to provide specific impact information, it has been due to the fact that FEA initially used supply, demand and consumption data compiled by other agencies and industry. Those data were not compiled in a format which allowed detailed specific impact evaluation. FEA has now developed its own data base and has supplemented identified data gaps. We will continue to refine our data system to provide more specific impact information.

I. STATEMENT OF PURPOSE

The purpose of this Consumer Representation Plan is to ensure to the greatest extent possible that persons who are affected by any major FEA sponsored legislation, regulation, policy, decision or program action have the opportunity to comment on the subject before a decision is reached, and that these views are duly considered in the agency's decision-making process. It is FEA's intent to more actively solicit consumer opinion and to make the individual offices more responsive to the consumer.

It is a basic premise of this plan that where the machinery and the techniques for assuring consumer representation already exist within FEA they are to be strengthened and that where they do not exist they will be instituted.

II. PRIMARY OPERATING UNITS INVOLVED

Due to the influence of petroleum on American life and the role that this agency plays in determining national energy policy, actions of virtually every office in FEA have high impact upon consumers. Those offices and their functions are as follows:

The Office of Consumer Affairs and Special Impact is presently housed in the Office of Intergovernmental, Regional and Special Programs, but by special provision the Director of OCA/SI has independent and direct access to the decision-making process and the Administrator. The functions of this office are as follows:

1. Review and analyze the actual and potential impact of FEA policies, programs and energy related problems on the consumer, the poor, the handicapped, and the elderly.
2. Advise the Administrator on the results of reviews and analyses so that he may consider those factors in the development of FEA policies and programs.
3. Provide information on FEA policies and programs to Federal, State, and local agencies, and private organizations representing consumer and special impact concerns.
4. Review the policies and programs of other Federal agencies with potential for alleviating the energy-related problems of consumers, the poor, the handicapped, and the elderly.
5. Recommend new or modified Federal policies and programs to alleviate the adverse effects of energy problems on consumers, the poor, the handicapped, and the elderly and assist in the development and implementation of new programs.
6. Review the policies and programs at State and local levels with potential for alleviating the energy-related problems of the consumer, the poor, the handicapped, and the elderly.

7. Recommend new or modified State and local level programs to alleviate the adverse effects of energy problems on consumers, the poor, the handicapped, and the elderly and assist in the development and implementation of new programs.

In performing these functions OCA/SI has sought maximum consumer involvement. With respect to policies and programs which originate in other offices, OCA/SI has both coordinated consumer input upon request by those offices and encouraged the offices to solicit consumer input on FEA policies.

Office of Energy Resource Development assesses the adequacy of energy resources to meet demands in both the short and long-term for all sectors of the economy and for the general public; develops and implements policies and programs which promote the development of energy resources to insure adequate supplies; and facilitates the development, on a site-specific basis, of necessary energy projects.

Office of Regulatory Programs develops plans and programs for dealing with energy shortages; promotes stability in energy prices to the consumer; promotes free and open competition in all aspects of the energy field; prevents unreasonable profits within the various segments of the energy industry; and assures that energy regulations are designed and implemented in a fair and efficient manner so as to minimize hardship and inequity.

Office of Conservation and Environment develops and oversees voluntary energy conservation programs to promote the cost effective substitution of labor, material, capital and technology for energy.

Office of Policy and Analysis collects, evaluates, assembles and analyzes energy information on reserves, production, demand and related economic data; develops plans and programs for dealing with energy production shortages; assesses the adequacy of energy resources to meet demands in the immediate and longer range future for all sectors of the economy and for the general public by forecasting short and long range supply and demand; analyzes the economic impact of energy policies on consumers, industry and the economy; and recommends policies to the Administrator with respect to the establishment of a comprehensive national energy policy in relation to the energy matters for which the Administration has responsibility and has responsibility for preparing inflation impact evaluations.

Office of Management and Administration administers a broad range of FEA-wide management activities which include organization program formulation and analysis.

Office of Intergovernmental, Regional and Special Programs develops effective arrangements for the participation of State and local governments, small business and consumers in the resolution of energy problems and acts as a liaison between the National FEA office and the ten regional offices.

Office of Congressional Affairs responds to requests from Congress and acts as FEA's Congressional liaison and processes consumer/constituent communications which have been sent by the consumer to members of Congress.

Office of Communications and Public Affairs responds to public/consumer inquiries and disseminates information from the agency to the public.

Office of Nuclear Affairs develops policies and programs to assure a viable nuclear option in the development of energy resources for meeting the nation's energy needs.

Office of International Affairs directs development, analysis, evaluation, monitoring, coordination and implementation of international aspects of energy policy, analyzes domestic energy policy from an international perspective and seeks to assure appropriate integration of domestic and international policies.

Office of Private Grievances and Redress receives and evaluates petitions filed by persons adversely affected by any order, rule or regulation issued by the Administrator in carrying out the functions assigned to him under the FEA Act and petitions filed by persons requesting special redress, relief or other extraordinary assistance and makes recommendations to the Administrator for appropriate action.

Office of General Counsel serves as the chief legal advisor to the Administrator in all matters of law and policy, and particularly with regard to implementation of statutes administered by the Federal Energy Administration and regulations promulgated pursuant to such statutes; provides continuing legal review of agency operations, compliance and enforcement activities, and represents the agency, through the Department of Justice, in all litigation where the agency is a party.

III. Development of the Plan

In developing this plan we have selected, analyzed and evaluated major FEA programs and policies which have had significant consumer impact. In assessing those programs and policies we have identified the following Consumer Participation Techniques:

1. Consumer Participation Techniques

Using consumer newsletters; preparing digests
Utilizing consumer complaints as an information and guidance tool
Improving procedures for comment on rules, orders, etc.
Increasing availability of documents and materials containing consumer impact evaluation
Performing marketing surveys or consumer behavior studies
Intervention in agency proceedings
Holding formal hearings
Conducting consumer or citizen conferences
Tying-in to existing consumer forums
Organizing Technical Consumer Advisory Boards
Forming liaison with consumer groups

2. Agency Techniques

Improving staff handling of complaints and grievances
Development of consumer information and analytical materials by staff
Speeches by key decision makers
Forming external liaisons
Soliciting the advice of consumer consultants for specific problems

IV. Executive Summary

A. In order to develop an effective plan for consumer representation in FEA, it was necessary to examine the existing mechanisms for consumer input and information dissemination to the public. Eleven FEA program and policy areas in FEA were examined to determine the effectiveness of these input-output mechanisms. Examples of all mechanisms identified in the preceding section were found in the eleven analyses. Some mechanisms were well utilized. Others were not used in specific cases. From these analyses several recommendations have been developed.

1. Issuance by the Administrator of general Guidelines for all FEA Assistant Administrators or office directors to follow in obtaining consumer participation in FEA program and policy development. The Guidelines will include provisions for implementing the following improved procedures for consumer participation:

a. *Advisory Committees.* FEA will reexamine the composition of the agency's Advisory Committees to ensure ade-

quate consumer representation on each Advisory Committee. As a result of this investiagtion new policies for selection of Advisory Committee members will be developed which will be outlined in the Guidelines to be issued by the Administrator.

b. *Utilizing Consumer Complaints as an Information and Guidance Tool.* The Office of Consumer Affairs/Special Impact plans to implement a computerized consumer complaint/correspondence processing system. This system will be designed to provide data on the energy problems of consumers by location and by type of complaint. These data will be circulated routinely to all program offices for use in policy and program planning, implementation and evaluation.

c. *Consumer or Citizen Conferences.* Each reigonal CA/SI officer will conduct state Consumer Energy Workshops in coordination with the National office in order to provide a forum for the exchange of ideas and information and to obtain input on major FEA policies and programs from all interested consumer groups and citizens. The Office of Energy Resource Development wil conduct consumer/citizen conferences in those areas where energy resource development has the potential to create boom towns in order to develop policies to relieve any adverse social and economic impacts resulting from rapid growth.

d. *Liaison with Consumer Groups.* Each office shall have standing arrangements that provide to the maximum extent practicable for appropriate consultation and exchange of views with interested or affected persons and organizations on development or revision of major policies or programs prior to decision-making.

e. *Public Hearings.* FEA will insure adequate notice of proposed changes in rules, regulations, orders, etc. by providing, the maximum possible notice of public hearings in the Federal Register in straightforward language, and will ensure publication of notices in national and local press and periodicals in the form of news articles.

f. *Staff Development of Consumer Information and Analytical Materials.* (1) The Assistant Administrator or Office Director shall provide, to the extent practicable, policy or technical information concerning major proposals and other important programs or policy actions at the earliest practicable time, and at places easily accessible to interested or affected persons and organizations, and inform consumers about the availability of such material to enable them to make informed and constructive contributions to the agency's decision-making process. Special efforts shall be made to summarize complex technical materials for public and media use.

(2) The office initiating a program or policy action will provide a response to interested or affected persons and organizations concerning their recommendations and suggestions (other than comment on rulemaking) within a reasonable period of time after receipt of such recommendations.

g. *Consumer Impact Evaluation.* For any major proposal as defined by the FEA Directive for Implementation of Executive Order 11821 (which requires that major proposals for legislation and for the promulgation of rules and regulations by an executive branch agency be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated) the Assistant Administrator or Office Director must indicate that where such a major proposal has been evaluated, the evaluation includes a section on consumer impact which contains:

(1) An analysis of the principal cost or direct price effects of the action on markets, consumers, businesses, regions of the country, and where feasible, an analysis of secondary cost and price effects. These analyses should have as much quantitative data and precision as practicable and should cover a time period sufficient to determine economic and inflationary impacts.

(2) An indication of the benefits to be derived from the proposed action. These benefits should be quantified to the extent practicable.

h. *Increased Availability of Materials Containing Consumer Impact Evaluations.* FEA will increase availability of materials containing consumer information at the earliest practicable time and at places easily accessible to interested or affected persons and organizations and inform them of the availability of this information through consumer organizations, press releases and speeches by FEA officials.

i. *External Liaison.* Media communication techniques will be utilized more fully to solicit consumer input and publicize agency decisions and their impact. This will be accomplished through providing increased accessibility for consumers to regular mailing lists, speeches by key officials outlining the opportunities for consumer input and influence on agency decisions, and wider dissemination of opportunities for participation through press releases, national periodicals and newsletters.

The public meetings which are to be held in early 1976 on both the Plan and the Guidelines will be publicized in the manner described above in order to obtain maximum consumer input.

2. The Director of the Office of Consumer Affairs will be responsible for coordinating the implementation of these recommendations and will report directly to the Administrator. Each program office will submit plans for implementation of the Plan and the Guidelines.

Agency Plan

Information Input

Input from consumers occurs through those techniques outlined in Section Three. The FEA utilization of these techniques is described in greater detail below.

1. *Advisory Committees.* There are currently 15 FEA Advisory Committees in addition to the Consumer Affairs/Special Impact (CA/SI) Advisory Committee. Each of these has 1 or 2 consumer representatives. The majority of the members of the CA/SI Advisory Committee represent various consumer sub-groups. FEA will reexamine the composition of the other Advisory Committees to ensure adequate consumer representation on each one. In reassessing consumer representation on all advisory committees, FEA will examine the number of representatives, their expertise and whether or not they represent diverse regional and economic interests. In addition, the following questions will be considered: Do the consumer representatives have adequate staff to assist them in developing issues and proposals? Are the members able to spend the necessary time to be on the Advisory Committee? Should there be a stated length of service time in order to encourage turnover and the development of new ideas? Can the Management Office responsible for the Advisory Committee provide adequate staff support? As a result of this investigation, new policies will be developed which will be outlined in the Guidelines to be issued by the Administrator.

2. *Utilizing consumer complaints as an information and guidance tool.* In general, the FEA system for processing con-

sumer complaints does not presently lend itself to use in the policy formulation and implementation process. Consumer mail is not fully analyzed nor is information which is obtained from correspondence referred to appropriate offices for use as a policy making tool.

The Office of Consumer Affairs/Special Impact will implement a computerized consumer complaint/correspondence processing system. In addition to collecting, storing and providing data on correspondence received by the various offices within the Federal Energy Administration, including the Office of Communications and Public Affairs, the system will be designed to remedy the defects which currently exist in FEA's correspondence and complaint handling procedures as those defects relate to policy formation.

First, all correspondence and complaint data will be located at one point, for easy reference. Data stored will include the type of complaint, by region, State and discernible socio-economic characteristics of the complainee. By arranging this information in various combinations, data emerges which will be helpful in providing support for policy formulation which accurately reflects the interests and concerns of consumers as they are expressed in their correspondence. For example, if correspondence data reveals that a current policy or regulation is having an undesirable effect on a specific part of the population, such as the elderly, this information can be used to support a recommendation to change that policy or regulation.

Second, this system will produce summary sheets on a monthly basis which, it is planned, will be circulated to all program offices. The sheets will provide those offices with an accurate profile of the types of complaint by region, State and socio-economic characteristics of both the correspondence which has been received during the month and a summary of all correspondence received prior to that date. If more detailed information is desired by any office, a request can be made and the appropriate data will be provided.

It is anticipated that, along with the institution of the computer system, a correspondence unit will be added to the Office of Consumer Affairs/Special Impact, enabling that office and therefore FEA, to more effectively and rapidly deal with consumer correspondence by giving it the capability to refer complaints and problems to other governmental agencies and provide organizations which have the ability and authority to solve the complaints and aggressively follow referrals. The system will be capable of maintaining referral information, including follow-up, to determine whether the referral agency was successful or helpful.

In the future, the system will be capable of storing and producing correspondence information not only from energy-related consumer correspondence that is received by FEA, but also that from State and local energy offices, when that information is provided to FEA by the agencies, on a voluntary basis. This will yield an even greater data base for use in the formulation of Federal energy policy.

3. *Consumer or Citizen Conferences.* Consumer/citizen conferences have been used for both general and informational purposes such as the Consumer Energy Workshops, and for specific program planning circumstances, e.g., the Utility Conservation Action Now (UCAN) Program.

OCA/SI has held seven regional Consumer Energy Workshops. The purpose was to present energy issues and options and solicit consumer response and recommendations on those issues and options. From each workshop a summary of recommendations was prepared and forwarded to the Administrator.

Now that the series of Workshops has been completed, OCA/SI is preparing an overall summary which will contain major findings and specific policy and program recommendations which were presented by citizens at those workshops.

The workshop format was designed so that, if successful, it could be used on a state-by-state basis. The workshop participants overwhelmingly judged them to be successful in survey forms which were distributed in each city, and the regional OCA/SI officers are now moving forward to assist State energy offices and other groups in the planning of state-level workshops. OCA/SI has found this consumer/citizen conference format to be extremely useful in obtaining citizen opinions and ideas for use in policy formulation and revision, and it will be used more frequently by other FEA offices in the future. In fact, the Office of Energy Resource Development is now planning to hold consumer/citizen conferences in those areas where boomtowns are likely to grow as a result of energy-related development activity in order to obtain citizen input in the development of policies to relieve any adverse social and economic impact resulting from that growth.

Consumer/citizen conferences have also been useful in specific program planning circumstances. For example, the Utility Conservation Action Now (UCAN) Program was designed by the Office of Conservation to enable utilities, regulatory agencies and consumers to interact with each other in the formulation of action plans to achieve conservation and efficiency goals in electricity and natural gas. Consumer/citizen conferences were held to facilitate this interaction.

4. *Liaison with Consumer Groups.* FEA maintains regular contacts with consumer groups at both the national and regional levels. For example, the Office of Consumer Affairs notifies these groups of proposed rulemakings and solicits their comments for those proceedings. On occasion, contracts have been let or demonstration projects conducted containing specific provisions which require the solicitation of consumer opinion. The major problem is that this is not done often enough.

Each FEA office will improve utilization of this technique by developing standing arrangements that provide, to the maximum extent practicable, for appropriate consultation and exchange of views with interested or affected persons and organizations on development or revision of major policies or programs prior to decision-making. Such arrangements could include either maintaining a list of all persons interested in participating in the decision-making process and contacting interested and affected persons and organizations before issues are resolved, or advising the OCA/SI office that they would like to solicit consumer input. In addition, each FEA office will regularize this contact with consumer groups by periodically scheduling meetings to permit consumers to present their views on major program or policy actions. The offices will provide program, policy or technical information for such meetings to interested or affected individuals.

5. *Public Hearings.* Public hearings are held whenever they are required by the FEA Act and other laws. The typical problem inherent in these proceedings is providing adequate public notice. One method of overcoming this problem, as described in the previous section on Liaison with Consumer Groups, is to actively solicit input through mass mailings to groups with interest in a particular issue. However, this procedure alone is inadequate. Suggested further measures include providing the maximum possible notice of public hearings in the Federal Register, publication of notices in national and local press and periodicals in the form of news articles, and use of straightforward language in the text of the notice. Specific recommendations for the institution of these measures will be incorporated in the Guidelines which are to be promulgated by the Administrator.

6. *Marketing Surveys and Consumer Behavior Research.* The institution of a successful nationwide energy program is de-

pendent upon public acceptance. FEA has conducted pilot conservation projects to determine opinions regarding programs such as PROJECT CONSERVE. Opinion polls and marketing surveys are conducted each month on consumer attitudes towards energy policy issues and energy conservation behavior. The use of this technique will be increased in developing conservation policies and evaluating responses of consumers to those policies.

A traditional marketing effort will be conducted to support conservation initiatives. These efforts will be preceded by market research to determine the conservation needs and the most effective methods to successfully influence the various specific target audiences. The objective of this program element is to familiarize each of the specific target audiences with the FEA program most relevant to their energy conservation needs. These marketing campaigns present the savings potential of the various FEA programs, create a general understanding of the means to achieve these savings, provide specific technical assistance and motivation to the recipient, and increase the active participation rate made by individual homeowners, building owners/managers, industrial and commercial establishments and utilities.

B. INFORMATION OUTPUT

1. *Consumer Education.* Recognizing the complexity of the energy problem, a constant attempt has been made to translate highly technical information and its many facets into a form that is relevant to and understandable by the general public.

FEA has implemented a public service advertising campaign, distributed educational materials to a cross section of the American public, implemented citizens' training seminars, and implemented marketing strategies for many conservation programs (i.e., Vanpool Program, Project Conserve, Lighting and Thermal Operations), and developed a consumer research program.

During FY '77, FEA plans to expand its public awareness and education programs so that the number of persons aware of the energy situation will increase, and the quality of knowledge about energy conservation will improve. FEA also will expand its marketing efforts to reach a larger audience in both the private and industrial sectors. Through these efforts, it is anticipated that the public will better understand the critical nature of our energy shortage, and necessary institutional and private energy conservation changes will be made possible.

2. *Increased Availability of Documents and Materials Containing Consumer Impact Evaluations.* Subsection 7(i), paragraph (E), of the Federal Energy Administration Act of 1974 states that all internal rules and guidelines related to the development of a rule, regulation or order should be publicly available, with adequate provisions for ensuring confidentiality Part 202 of the Federal Energy Guidelines sets forth in detail the procedures for handling requests for information.

The problem involved in ensuring that information is available to the consumer is that frequently the public is not aware of the types of useful information which have been developed by FEA and are available upon request. Further, even an awareness of a document's existence does not guarantee its accessibility.

The Guidelines promulgated by the Administrator will contain provisions to ensure that the availability of informational materials is adequately publicized and that accessibility is increased. In addition, FEA will provide policy, program and technical information at the earliest practicable time and at places easily accessible to interested or affected persons and organizations so they can make informed and constructive contributions to agency decisions. FEA will publicize the availability of this information through consumer newsletters, special mailings to consumer organizations, press releases and speeches by FEA officials.

3. *Improved Staff Handling of Complaints and Grievances.* Because of the nature of the jurisdiction conferred upon the agency by its enabling legislation, rarely is a consumer complaint resolved by the FEA office which receives it. In most cases, the complainant must be referred to another Federal agency or to one at the State or local level with authority to resolve the particular problem. Limited staffs in both major correspondence offices (Public and Consumer Affairs) make it necessary to accomplish referrals by a letter to the consumer with a copy of the letter to the referral agency. There is not adequate staff available to refer the consumer's letter directly to another agency and then perform follow-up to make certain that it is received and acted upon.

From time to time, when FEA has jurisdiction to act or the subject matter of the correspondence warrants attention, a letter is referred for resolution or response to a program office within the agency which is involved in policymaking. This is only done when the correspondence is technical in nature or involves an issue about which the Office of Communications and Public Affairs cannot comment.

As mentioned in the section on Consumer Correspondence, FEA is planning to implement a computerized complaint processing system.

While FEA's authority to resolve individual consumer complaints will not be increased, the computerized system will permit improved analysis of significant consumer complaints and trends. This analysis will provide aggregate data which will be used to identify and resolve recurring consumer energy problems.

4. *Staff Development of Consumer Information and Analytical Materials.* Generally, consumer information and analytical materials have not been developed specifically for distribution to consumers during the early stages of policy and program formulation. For the most part this has been due to those factors outlined in the Preamble which have limited the agency's ability to widely publicize proposed policies and programs.

However, FEA will improve utilization of this technique through the issuance of Guidelines requiring that policy, program or technical information be made available to interested or affected persons or organizations at the earliest practicable time, at places easily accessible and that consumers are informed about the availability of such material so they can make informed and constructive contributions to agency decisions. FEA will provide feedback to consumers on their recommendations and suggestions.

5. *Speeches by Key Decision-Makers.* FEA officials have sought public input through their speeches. However, FEA will expand this function after promulgation of the Guidelines and key officials will publicize FEA's effort to improve consumer input by publicly soliciting that input.

6. *External Liaison.* Currently, the FEA Office of Communications and Public Affairs provides news releases on major policy decisions, speeches by key officials, notices of hearings, and other agency activities, to interested press officials via routine mailing. Consumer groups and other interested individuals can be added to the mailing lists upon request but are generally not aware that this service exists. The Office of Consumer Affairs will submit its mailing list (see following page) for addition to that of the Office of Communications and Public Affairs. Further, it will make certain that this mailing service is publicized through all available channels.

A special newsletter, The Energy Reporter, provides information on FEA policies to consumers and community leaders in

nontechnical language. Often ideas for articles submitted by recipients are followed up in order to provide a publication which is responsive to consumers.

The Office of Communications and Public Affairs also is responsible for scheduling and coordinating appearances by key officials on radio and television. In addition, it arranges newspaper and magazine interviews for those persons.

The communication tools described above have rarely been used to solicit consumer input. The Guidelines promulgated by the Administrator will include provisions to ensure that media communication techniques are utilized to both publicize opportunities for consumer input and provide feedback on agency decisions. The public meetings which are scheduled for January and February 1976 on both the plan and the Guidelines for Consumer Representation will be publicized through improved use of media communication techniques in order to solicit maximum consumer input.

Both the Office of Consumer Affairs and the Office of Public Affairs maintain mailing lists of public interest groups which are categorized according to the areas of specific interest or expertise.

The mailing list maintained by the Office of Public Affairs is the mailing list for the Energy Reporter. This system has the capability to access public interest groups by category of interest, region or state. Currently the circulation of the Energy Reporter is limited to 30,000 due to budgetary constraints. However, consumer interest in the publication has steadily increased. It is hoped that circulation can be expanded to 100,000 within the next year since the circulation level is nearing the point where requests must be denied. In addition, the Office of Consumer Affairs/Special Impact maintains a categorized list of public interest groups and interested citizens. This list is not computerized. However the computer system for the Energy Reporter mailing list has the capacity for additional sub-systems of data. Therefore OCA/SI will computerize its existing mailing list by adding a special sub-system to the Energy Reporter computer system. This is intended to provide a flexible and accessible mailing list for disseminating information to interested groups and soliciting input for public hearings and informal liaison meetings on specific issues and policies.

7. *Consumer Consultants.* Over the past year as the Federal Energy Administration has become sensitized to the techniques for consumer participation and consumer involvement, a trend has begun to contract with public interest groups or individuals to prepare papers or special studies.

Two studies were recently completed by public interest groups through contracts with the Office of Consumer Affairs/Special Impact. One of the studies was a handbook for State Energy Offices for dealing with consumer energy problems and the second evaluated and analyzed the existing data on the adverse impacts of energy issues and actions on special consumer groups. Other studies are now underway through contracts with public interest groups to identify techniques that consumers can use to influence transportation decisions within their community and on various conservation strategies for citizens.

This trend is expected to continue. In fact, several consumer consultant studies are currently under consideration.

VI. Recommendations

A. Recommended Actions

1. The Administrator will issue Guidelines for all FEA Assistant Administrators and Office Directors to follow in obtaining consumer participation in major FEA program and policy development. The Guidelines will include provisions for implementing the following improved procedures for consumer participation.

a. *Advisory Committees.* FEA will reexamine the composition of the agency's Advisory Committees to ensure adequate consumer representation on each Advisory Committee.

b. *Utilizing Consumer Complaints as an Information and Guidance Tool.* The Office of Consumer Affairs/Special Impact plans to implement a computerized consumer complaint/correspondence processing system. This system will be designed to provide to all program offices regular data on the energy problems of consumers by location and by type of complaint.

c. *Consumer or Citizen Conferences.* Each regional CA/SI officer will conduct state Consumer Energy Workshops in coordination with the National office in order to provide a forum for the exchange of ideas and information and to obtain input on FEA policies and programs from all interested consumer groups and citizens.

d. *Liaison with Consumer Groups.* Each program office will have standing arrangements that provide, to the maximum extent practicable, for appropriate consultation and exchange of views with interested or affected persons and organizations on development or revision of plans, programs, or other significant actions prior to decision making.

e. *Public Hearings.* FEA will ensure adequate notice of proposed changes in rules, regulations, orders, etc., by providing the maximum possible notice of public hearings in the Federal Register in straightforward language, and will insure publication of notices in national and local press and periodicals in the form of news articles.

f. *Staff Development of Consumer Information and Analytical Materials.* (1) The Assistant Administrator or Office Director shall provide, to the extent practicable, policy or technical information concerning major proposals and other important programs or policy actions at the earliest practicable time, and at places easily accessible to interested or affected persons and organizations, and inform consumers about the availability of such material to enable them to make informed and constructive contributions to the agency's decision-making process. Special efforts shall be made to summarize complex technical materials for public and media use.

(2) The office initiating a program or policy action will provide a response to interested or affected persons and organizations concerning their recommendations and suggestions (other than comment on rulemaking) within a reasonable period of time after receipt of such recommendations.

g. *Consumer Impact Evaluation.* For any major proposal as defined by the FEA Directive for Implementation of Executive Order 11821 (which requires that major proposals for legislation and for the promulgation of rules and regulations by an executive branch agency be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated) the Assistant Administrator or Office Director must indicate that where such a major proposal has been evaluated, the evaluation includes a section on consumer impact which contains:

(1) An analysis of the principal cost or direct price effects of the action on markets, consumers, businesses, regions of the country, and where feasible, an analysis of secondary cost and price effects. These analyses should have as much quantitative data and precision as practicable and should cover a time period sufficient to determine economic and inflationary impacts.

(2) An indication of the benefits to be derived from the proposed action. These benefits should be quantified to the extent practicable.

h. *Increased Availability of Materials Containing Consumer Impact Evaluations.* FEA will increase availability of

materials containing consumer information at the earliest practicable time and at places easily accessible to interested or affected persons and organizations and inform them of the availability of this information through consumer organizations, press releases and speeches by FEA officials.

(i) *External Liaison.* Media communication techniques will be utilized more fully to solicit consumer input and publicize agency decisions and their impact. This will be accomplished through providing increased accessibility for consumers to regular mailing lists, speeches by key officials outlining the opportunities for consumer input and influence on agency decisions, and wider dissemination of opportunities for participation through press releases, national periodicals and newsletters.

The public meetings which are to be held in early 1976 on both the Plan and the Guidelines will be publicized in the manner described above in order to obtain maximum consumer input.

2. The Director of the Office of Consumer Affairs will be responsible for coordinating the implementation of these recommendations and will report directly to the Administrator. Each program office will submit plans for implementation of the Plan and the Guidelines.

B. PROPOSED SCHEDULE OF EVENTS AND DATE

1. FEA Consumer Representation Plan submitted to the White House.	November 1975.
2. Issuance of Guidelines by the Administrator and interim implementation of Proposed Plan.	December 1975.
3. Public Meetings on the Plan and Guidelines (Recommendations and changes will be incorporated into the Proposed Plan and Guidelines).	January–February 1976.
4. Implementation of Final Plan and Guidelines.	March 1976.
5. Implementation of Computerized Complaint Processing System.	March 1976 (Contingent upon Congressional approval of 1976 funds).
6. Establishment of computerized OCA/SI consumer mailing list.	January 1976 (Contingent upon Congressional approval of 1976 funds).

C. ALLOCATION OF RESOURCES

FEA does not anticipate that any additional personnel or funds other than the monies provided by the FY '76 and FY '77 budget appropriations, will be required to implement the Consumer Representation Plan and Guidelines. Consumer impact evaluations will be performed by Policy and Analysis staff who are responsible for preparing inflationary impact evaluations. The Director of the Office of Consumer Affairs will be responsible for coordinating the implementation of this Plan with other FEA offices and will report directly to the Administrator.

D. PROPOSED EXECUTIVE ACTION

The Administrator will issue guidelines for the FEA Consumer Representation Plan in December 1975.

GENERAL SERVICES ADMINISTRATION

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Robert J. Yock, Room 6127, General Services Administration, Washington, D.C. 20405, 202–343–6119. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

TABLES OF CONTENTS

Introduction—Statement of Purpose
Primary Operating Units Involved
Executive Summary
Plan
- Consumer Information Center
- Federal Information Centers
- Business Service Centers
- Office of the Federal Register
- Office of General Counsel—Regulatory Law Division

Recommendations

INTRODUCTION—STATEMENT OF PURPOSE

As business manager for the federal government, the General Services Administration (GSA) is responsible for emergency preparedness, records, communications and data processing, office buildings, and procurement. GSA performs these functions through five major operating units.

The Federal Preparedness Agency plans response to both civil and military emergencies. It also works to achieve independence from foreign sources of supply.

The National Archives and Records Service operates fifteen records centers and six presidential libraries that contain the permanently valuable records of the federal government; but NARS does more than just store records. In order to make the public aware of actions taken by the federal government, it publishes the *Federal Register*, the *Code of Federal Regulations*, and the *United States Government Manual*.

The Automated Data and Telecommunications Service procures, maintains and manages general purpose data processing and telecommunications systems. It provides federal agencies with the latest in computers and high-speed communications.

The Public Buildings Service is one of the largest landlords in the world, building, managing, and maintaining federal buildings. In recent years, it has set the pace for industry in fire safety, energy conservation, and value management.

The Federal Supply Service purchases $2 billion worth of goods and services each year. Acknowledging environmental responsibilities, it has established major programs to buy recycled products and to reduce energy consumption and harmful emissions by government-owned vehicles.

In cooperation with the Office of Consumer Affairs and the Federal Energy Administration results of tests and techniques used to reduce energy consumption in the operation of GSA's Federal buildings and motor vehicles are being distributed to consumers through our Consumer Information Centers, Federal Information Centers and Business Service Centers. These efforts are being expanded to include information, valuable to the consumer, as a result of our life cycle costing procurement of such energy intensive products as washers and dryers, refrigerators and freezers, air conditioners, water heaters, gas ranges and dishwashers.

The guidelines for agency implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is an example of the Federal Management Circular program that provides assistance to state and local governments and consumers directly. This particular circular applies to all projects of a Federal agency which involve the acquisition of real property or the displacement of people, businesses, or farm operations.

Because of these roles, GSA is aware of the problems that face individual consumers and is actively involved in passing on the information that is has gained. So that it can serve their interests, GSA is also open to response from consumers. By means of this plan, the General Services Administration will improve its output of consumer-related information, expand consumer representation in its activities, and continue to act, where possible on behalf of the consumer.

PRIMARY OPERATING UNITS INVOLVED

The operating units with primary involvement in GSA's Consumer Representation Plan are:

The Consumer Information Center,
The Federal Information Centers,
The Business Service Centers,
The Office of the Federal Register, and
The Office of General Counsel Regulatory Law Division.

While the first four of these work to inform the public about federal programs, the fifth, the Regulatory Law Division, often takes part in legal proceedings that directly benefit consumers.

The purpose of the Consumer Information Center program is, first, to encourage the development of consumer-related information by federal agencies, and secondly, to increase awareness of this information and provide easy access to it. In September, 1974, President Ford said, "As a by-product of tax-funded programs, the Federal Government acquires a vast amount of information on products, srevices, and other subjects of consumer concern. It has an obligation to share this information with the public. . . ." Acting as chief purchasing agent for the government, GSA's Federal Supply Service tests carpets, furniture, soaps, and other items. Through the Consumer Information Center, GSA is able to provide facts about consumer products.

Responsibility for Federal Information Centers was assumed by GSA because, as a former chairman of the Civil Service Commission noted, "the . . . activities of these information offices involve providing information and assistance to the public on all Government functions and services in the area and, as such, constitute a general administrative service crossing agency lines. . . ." Although consumers are often frustrated when dealing with bureaucracy, the employes of the Federal Information Centers are available to help find answers to any questions about the federal government.

The Business Service Centers are a natural outgrowth of GSA's procurement activities. The federal government is an exceptionally large customer and one that many businesses approach with caution. To help them get acquainted with fed-

eral procurement policy and procedures, the Business Service Centers provide advice on specifications, bids, and other matters that relate to government contracts.

The National Archives and Records Service publishes a variety of pamphlets, manuals, and books that serve as introductory material to the records of the federal government. Part of the task of putting people in touch with federal records is accomplished through the Office of the Federal Register. This office publishes the *Federal Register*, the official legal vehicle for informing the public about opportunities for citizen participation in the law- and policy-making activities of the Federal government.

Under the Federal Property and Administrative Services Act of 1949 (as amended), the Administrator of General Services is authorized to represent federal agencies before the state and federal commissions that regulate communications, transportation, and public utility services. These duties fall to the Regulatory Law Division of GSA's Office of General Counsel. The results of government representation, especially in the area of rate levels, are often to the benefit of all consumers.

Executive Summary

Although GSA is one of the world's largest consumers, it makes decisions in much the same manner as an individual would at the supermarket or the gas station. When it sets policy, it seeks information, evaluates it, and then acts on the basis of that evaluation. Since effective consumer representation demands interaction between agency and consumer in these areas, GSA's consumer representation plan will concentrate in information dissemination, policy evaluation, and program implementation.

Specifically, GSA will:

1. Work to reach the broadest possible audience of consumers in order to inform them of government programs so that they can participate more actively in these programs.
2. Examine the membership of advisory committees so as to obtain consumer representation where applicable and desirable.
3. Continue and further develop its participation in utility rate proceedings in a manner that will benefit consumers.

Plan

GSA views the overall functions of consumer representation under two broad headings: Information Input and Information Output. The need for information input from consumers is not always served by an agency's "in-house" information gatherers. However, consumers and their advocates can fill this gap, serving both as educators and catalysts. This is what GSA hopes will be accomplished by the "Information Input" portions of the plan. The other side of the matter, information output, can only be accomplished if an agency recognizes its responsibility to advise and inform consumers of its policy and programs. While GSA already disseminates information to the public, it hopes, by means of this plan, to improve and expand its program, especially in areas with consumer involvement.

GSA's agency plan is actually a series of plans: one for each operating unit involved. It is presented by operating unit and within each section is broken down under the categories of Information Input and Information Output.

Consumer Information Center (CIC)

Information Input

The Consumer Information Center compiles and distributes a quarterly *Consumer Information Index* of federal consumer booklets and an annual index of booklets printed in Spanish. To determine which publications are in highest demand, the Center conducts two surveys a year through questionnaires. The Center plans to increase the frequency of these surveys and expand the methods used so that it may gain a clearer understanding of consumer needs and interests.

Information Output

The *Index* lists more than 250 publications on such topics as automobiles, money management, child care, food and nutrition, health and safety, housing, recreational activities and consumer protection. More than 20 million copies are distributed quarterly. The annual index lists more than 90 booklets in Spanish. The Center maintains a close working relationship with information and program specialists in more than two dozen federal agencies in its effort to generate consumer information. It distributes news releases, scripts, and recorded service announcements to the media. The Center will refine these programs and also seek other means to disseminate consumer information.

Federal Information Center (FIC)

Information Input

Federal Information Centers serve nationwide as a starting point for consumers with problems and complaints about the government. When unable to answer an inquiry themselves, staff specialists provide one-step referrals to the proper agency. Additionally, an agency liaison program is maintained by which the FIC can provide "information input" to other agencies. FIC plans call for the continued development of this liaison activtiy.

Information Output

There are thirty-seven Federal Information Centers in major cities with toll-free tie-lines to thirty-seven other cities. The average center is staffed with three information specialists who provide consumers with such information as how to buy a used government car or file a mining claim on federal property. The FICs use many reference tools including the *Government Manual*, the *Catalog of Federal Domestic Assistance*, the *Federal Register*, the *Weekly Compilation of Presidential Documents*, and the *Foreign Service List*, as well as literature on many federal programs such as the Occupational Safety and Health Act, Social and Rehabilitation Service, Social Security, copyrights and patents, and the National Park Service. With planned expansion in fiscal 1977, FIC services will be available to approximately sixty percent of the nation's population.

Business Service Center (BSC)

Information Input

As the name implies, GSA Business Service Centers exist primarily to advise the business community in acquiring government contracts. As potential suppliers to the federal government, these businessmen and women are "consumers" of this important GSA service, and therefore, GSA feels that it is necessary to seek their input. To do this the Business Service Centers periodically mail questionnaires to businesses asking what can be done to make doing business with the federal government less complex. In addition, during their counseling sessions, BSC personnel serve as a sounding board for comments about the federal procurement programs. These counseling sessions are held at the Centers, at business opportunity meetings, and during "circuit riders" visits to major cities across the country. Last year 100 cities were visited; in the future the Centers hope to expand this program to provide for even more consumer representation.

INFORMATION OUTPUT

On a walk-in, as well as a phone-in basis, GSA's thirteen Business Service Centers provide details on GSA supply and service programs and offer referrals for the procurement programs of other agencies. They can help a businessman make his product known to federal agencies, obtain government specifications, and assess his chances of obtaining a government contract. GSA plans call for the establishment of three more Business Service Centers.

OFFICE OF FEDERAL REGISTER (OFR)

INFORMATION INPUT

The most significant role of the OFR is to provide through its publications, the daily *Federal Register*, the annual *Code of Federal Regulations*, and the *U.S. Government Manual*, a vehicle for informing consumers of what federal agencies are doing or proposing to do and what consumers can do about these actions. Properly informed, consumers can communicate directly with the appropriate federal agency. To determine how well the Federal Register publications are doing their job, answers will be sought to these questions:

1. Are documents published in the *Federal Register* intelligible to consumers?
2. Can a consumer find information in the *Federal Register* using existing reader aids?
3. What new, or changes in existing Federal Register publications are needed to make it easier for consumers to participate in federal activities?

This information will be sought in many ways including the following:

1. Use of questionnaires to seek comments directly from *Federal Register* users.
2. Press releases, pamphlets, and contacts with the media and others who communicate with persons not regular users of the *Federal Register*.
3. Programs for consumer, educational, political science, public administration, and other groups to explain and examine the Federal Register system and to seek suggestions for improvement.

INFORMATION OUTPUT

The Federal Register system provides the information necessary to allow consumers to participate in actions of federal agencies. However, this opportunity cannot be used unless citizens are properly informed. This means that OFR publications must be made as readable as possible.

The Office of the Federal Register will continue to prepare "reader aids" and review them to determine their effectiveness.

OFFICE OF GENERAL COUNSEL—REGULATORY LAW DIVISION

INFORMATION INPUT

The General Services Administration actively participates in a wide variety of telecommunications, transportation, and public utility rate increase hearings and rulemaking proceedings. Appearing before both state and federal regulatory agencies, GSA tries to achieve the lowest reasonable rate. GSA seeks cost-based rates because it believes that all users, both large and small, benefit from such rates, which are, by definition, nondiscriminatory and result in a proper allocation of resources. Since rates, once established, apply to individual consumers as well as to the federal government, there is little difference between GSA's interests and those of consumers as long as these interests are based on costs. Therefore, the Regulatory Law Division does not receive direct consumer input, although it has been, and will continue to be open to such communications.

INFORMATION OUTPUT

In addition to supplying direct testimony, GSA has consistently honored all reasonable requests for pertinent information and data from consumer groups. GSA can further consumer representation by maintaining current procedures and continuing to exchange information with other parties involved in rate and rulemaking proceedings.

Nonetheless, GSA's role in this area is not limited to information activities. Rather, it is slanted towards a more active role in consumer affairs. The participation by GSA in these hearings adds to the representation efforts of consumer groups and often supplements and encourages some state commissions in the discharge of their regulatory responsibilities. More active GSA participation in matters of this nature would be beneficial to consumers.

RECOMMENDATIONS

CONSUMER INFORMATION CENTER PROGRAM

I. Recommended Actions

1. Seek additional means of disseminating consumer information, such as establishing a system by which requests for the *Index* can be taken by phone.
2. Contract with a professional research firm to include Center questions in their omnibus opinion research surveys four times a year to increase consumer input on topics for new federal publications.
3. Conduct quarterly, instead of semi-annual, surveys of consumers who have ordered publications listed in the index so the surveys will tie in with publication of the quarterly index.

II. Proposed Schedule

The development of new methods for disseminating consumer information will be on a continuing basis. The contract to the professional research firm will be let in December. The quarterly survey is to be begun next quarter.

FEDERAL INFORMATION CENTER PROGRAM

I. Recommended Actions

1. Continue to develop the FICs agency liaison activities.
2. Establish a new Federal Information Center.
3. Establish seven additional toll-free tie-lines.

II. Proposed Schedule

The development of the agency liaison program will be on a continuing basis. The new Center and the tie-lines are scheduled to be established during fiscal 1977.

BUSINESS SERVICE CENTER PROGRAM

I. Recommended Actions

1. Expand the circuit-rider program to include visits to at least 120 cities this year.
2. Establish centers in Miami, Detroit and St. Louis.

II. Proposed Schedule

The circuit rider program will be expanded on a continuing basis as resources permit. The Miami center will be established in 1976, the Detroit center in 1977, the St. Louis center in 1978.

OFFICE OF THE FEDERAL REGISTER

I. Recommended Actions

1. Assure that each important Federal Register document contains an opening explanatory statement that states the sig-

nificance of the document in language that can be understood by the layperson.

2. Examine the need for publication by OFR (or by another office) of a periodical summary that informs interested persons about Federal Register documents.

3. Undertake a model project to rewrite a portion of one agency's regulations so that they can be clearly understood by any person who might have to read them. In completing this project, develop techniques that could be applied to other federal regulatory programs.

4. Review all Federal Register reader aids in order to determine the effectiveness of present aids, needs for improvement, and requirements for new aids. Include in this review a study of Automated Data Processing applications.

II. Proposed Schedule

Each of these projects will be initiated on a pilot basis within existing resources. They should be started in fiscal 1976 and additional resources should be sought to expand coverage and speed results in fiscal 1977.

OFFICE OF GENERAL COUNSEL—REGULATORY LAW DIVISION

I. Recommended Actions

1. Continue participation in rate proceedings, but expand appearances beyond the issue of rate design.

2. Participate in a wider range of rate increase proceedings including those with smaller effect on the government (if there is sufficient consumer impact).

3. Intervene in selected rulemaking and certification proceedings which might set the parameters for future rate increase applications.

II. Proposed Schedule

These expansions in activity should be begun on a pilot basis within existing resources and continued as results indicate.

SMALL BUSINESS ADMINISTRATION

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Nancy Lowe, Room 500, Small Business Administration, Washington, D.C. 20416, 202–382–5027. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

TABLE OF CONTENTS

I Statement of Purpose
II Primary Operating Units Involved
III Executive Summary
IV Agency Plan
A. Information Input:
1. Policy advisory and program planning:
Existing Mechanisms
Opportunities for Future Mechanisms
2. Evaluation:
Existing Mechanisms
Opportunities for Future Mechanisms
3. Data Transmission:
Existing Mechanisms
Opportunities for Future Mechanisms
4. Consumer Correspondence and Complaint Handling:
Existing Mechanisms
Opportunities for Future Mechanisms
B. Information Output:
1. Communication and Feedback to Small Business Constituency:
Existing Mechanisms
Opportunities for Future Mechanisms
2. Education:
Existing Mechanisms
Opportunities for Future Mechanisms
V Recommendations

I. STATEMENT OF PURPOSE

The Small Business Administration, by statute and by Executive order, is charged with the responsibility of representing the interests of small business concerns. As small business owners and operators make up a large class of consumers (approximately 9.5 million small businesses in Fiscal 1975) the SBA Consumer Representation Plan sets forth the policies and procedures of the Agency in its attempts to broaden the scope of small business participation in those areas which directly affect this vital aspect of the Nation's free enterprise system.

Small Businesses are not only purveyors of goods and services, but are also purchasers of goods and services and, as such, are subject to the problems and constraints of the marketplace plus the additional burden of dealing with the many complex numbers of federal, state, and local regulations and the burden of government paperwork requirements.

The Small Business Administration, in carrying out its mandate to "aid, counsel, assist and protect, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise" has established policies and procedures which should be of benefit to the consumer in the "marketplace". A strong, independent business economy provides for lower and more competitive prices, for more individualized services, and for a greater choice and selection in goods and services being offered in the "marketplace".

II. PRIMARY OPERATING UNITS INVOLVED

The Small Business Administration operates its major programs of financial assistance, procurement assistance, and management assistance through 100 field offices located in 91 cities in each of the 50 States plus the District of Columbia, Puerto Rico, and Guam. A list of these offices with addresses and phone numbers is attached as Appendix A. All of these offices operate under the same policy guidelines to provide services to the small business constituency. Appendix B lists the programs of SBA.

An Office of Chief Counsel for Advocacy is located at the SBA Central Office in Washington, D.C. This Office serves as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the Agency and any other Federal agency which affects small business. It also counsels small businesses on how to resolve questions and problems concerning the relationship of small business to the Federal Government; develops proposals for changes in the policies and activities of any agency of the Federal Government which will assist small business and communicates these proposals to the appropriate Federal agencies; represents the views and interests of small business before other Federal agencies; and enlists the cooperation and assistance of public and private agencies, businesses, and other organizations to provide information to small business on the services and opportunities offered by the Federal Government.

SBA also sponsors a number of Advisory Councils. The National Advisory Council has approximately 170 members which includes the Chairperson of the 64 District Advisory Councils and members-at-large appointed by the Administrator of SBA. These individuals represent the small business community, the banking industry, the academic world, and the media. Fifty percent of the members are from small business; 30 percent from the banking, law, accounting, education, or media communities; and 20 percent from the officers of small business and trade associations. Some 2,500 private citizens serve voluntarily on SBA District Advisory Councils, and they provide information on SBA programs and keep SBA officials informed of problems being experienced by small business.

Many of the council members represent the views of the public-at-large. Interested citizens may contact SBA district directors for the names of Advisory Council Chairpersons or committee chairpersons for the purposes of making their views known and to offer their services.

SBA maintains ten full time public information officers in each of the ten regional cities. The SBA Central Office public information staff also provides direct informational services and relays source data concerning inquiries from the small business, the educational community, the press, and other sectors concerned with small business.

Each SBA District Director serves as a small business advocate within the state or geographic location of the district office. In this capacity, the SBA strives to maintain a continuing dialog with small business owners/operators.

Each of these operating units works collectively to represent small business consumers within the overall agency consumer representation plan with sufficient flexibility to handle geographically unique problems.

III. Executive Summary

All elements of SBA are involved in serving small business. Therefore, the following plan merely highlights specific activities which are devoted to increasing small business input into the activities of the Agency.

The primary thrust of the SBA Consumer Representation Plan is to keep the avenues for free flow and exchange of information open and to increase the participation of the small business community to assist SBA in fulfilling its mission.

It is because of the nature of the Agency and its Congressional and Executive mandate to represent the small business community that the SBA plan may be unique.

We are continually refining our procedures to increase the effectiveness of the Agency. There are specific SBA programs generally falling into the broad categories of financial, procurement, management, and advocacy assistance.

The Consumer Representation Plan pinpoints advocacy efforts as it is the Agency's visible arm but all program elements are involved in opening and maintaining rapport with the small business constituency. As a collateral effort to the following plan, SBA is currently reviewing all its paperwork requirements, both internal and external, in an effort to speed up the delivery of its programs.

IV. Agency Plan

A. Information Input

1. Policy Advisory and Program Planning—*Existing Mechanisms.*—There are two general approaches being utilized to provide for small business input to infuse the agency with new ideas, approaches, and concepts in order to better represent small business interests and concerns. The approximately 2,500 members of the district and national advisory councils forward resolutions to the SBA Administrator covering past agency performance, suggestions for new areas of program implementation, and suggestions for government-wide initiatives on behalf of small business. Everyone of these formal resolutions are examined in detail by top SBA officials. Some are adopted; some are rejected. Others are debated and, sometimes, reworked and reworded in order to be made a basis for feasible agency action.

District Advisory Councils have established working committees covering such matters as Finance and Banking, Public and Professional Relations, International Business, Management Assistance, Marketing Strategy for Small Business, Program Arrangement, Resolutions, Bicentennial Planning, Outreach, Advocacy, and Liaison.

The Outreach Committee establishes and provides a speaker bureau in order to relay facts on the small business role in the economy, and to provide a sounding board for small business problems within the community. The Advocacy Committee's chief function is to be a "watch dog" on state and local legislation and regulations affecting small business and, in coordination with SBA field office top officials, map out the strategy on positions to take. The Advocacy Committee members also campaign actively for state and local small business ombudsmen or women within a state government or local municipality. They work for small business preference laws in state and local governments in the areas of contracts, purchasing, and so forth.

As a result of these committee activities, SBA officials are kept abreast of the many interests and activities affecting small business.

The second general approach to include more private sector input in the Agency's policy and program planning is through the many small business and trade associations. Information was solicited from hundreds of business organizations around the Nation to determine which ones were truly concerned with the interests of small business, as well as those associations organized to represent small business in general. A listing of approximately 175 small business and trade associations has been established. This list is continually being expanded. These groups act as a sounding board for small business problems, and provide the SBA input on proposed and existing Federal regulations as well as serving as a channel to disseminate SBA information to the small business community.

In addition to the two general mechanisms for citizen input on policy and program planning, the SBA Size Standards Division, which develops size definitions for the major SBA assistance programs of financial, investment, procurement, and management assistance, conducts field hearings at various locations throughout the Nation. These industry hearings are well publicized in advance and are attended not only by trade and industry association representatives but by small business owners and operators, government representatives, and the public-at-large. As a result of the information gathered through these hearings, determinations as to what constitutes a "small" business within specific industries are then made and adopted as Agency regulations.

As loan making is one of the major program elements within SBA, before either direct or guarantee loan applications are approved, the small business owner(s) character as well as credit history are reviewed. In this manner, Federal funds, or a Federal guarantee of banking industry funds, are not made available to illegal or "shady" business operations.

Opportunities for Future Mechanisms.—To increase the level of citizen participation, SBA field offices will be instituting informal sessions to be held in conjunction with Congressional District Offices to discuss problems facing small business. Although these sessions could become forums for individual complaints, such as an SBA loan application decline, we hope to be able to gather from these meetings helpful input about Agency policy and program planning.

2. Evaluation—*Existing Mechanisms.*—The SBA Advisory Councils' submission of Resolutions (discussed above) provides a basis for program elements within SBA to consider the information presented along with the Resolutions as it relates to SBA program operation. This information also serves as a tool in establishing SBA program thrust.

Frequently, background and statistical information is provided by small business and trade associations. This material serves as an aid to SBA in determining advocacy positions for small business in dealing with other Federal departments and agencies. The material is also used in preparing SBA comments on pending legislation and in participating in other agencies' rulemaking procedures.

SBA solicits comments from the small business constituency on its proposed rulemaking and considerable weight is given to these presentations.

Opportunities for Future Mechanisms.—The limited contract research capability available from SBA should be focused on utilizing small independent firms as contractors rather than nonprofit or educational institutions. This will give SBA a "double barrel" approach in handling and studying areas which affect small business.

3. Data Transmission—*Existing Mechanisms.*—SBA has sponsored a number of multi-agency conferences on government assistance to small business. At these conferences, representatives from the Department of Labor, Internal Revenue Service, Fed-

eral Energy Administration, General Services Administration, Department of Agriculture, Department of Transportation, Environmental Protection Agency, Department of Commerce, Department of Defense, Department of Housing and Urban Development, Department of Health, Education, and Welfare, Department of Interior, ACTION, Coast Guard, Community Services Administration, Veterans Administration, NASA, Consumer Product Safety Commission, and SBA, conduct seminars and provide individual counseling. Conferences have been held, or are scheduled to be held, in Kansas City; Springfield, Massachusetts; Seattle; Los Angeles; Houston; Milwaukee; and Columbus, Ohio. Further, conferences will be held annually. Attendance at each conference so far has exceeded 1,000 small business owners/operators. These meetings provide an excellent forum for government agencies, not only SBA, to learn first hand of the problems, difficulties, and views of small business.

One of the major areas of concern to small business as consumers is its relationships and dealings with other agencies of the Federal Government. The SBA serves as advocate within the Federal Government for small business and, at the request of the SBA Administrator, a high-level official has been designated by the heads of 37 Federal departments or agencies to serve as liaison for small busines advocacy. These individuals are referral points within their respective agencies to which SBA turns as needed. However, these individuals are not necessarily the agency or department consumer representatives.

Opportunities for Future Mechanisms.—Sponsorship by SBA of informal Congressional field hearings will open up new avenues of contact between the private sector and government.

Increased utilization of SBA Advisory Councils will establish, on a more structured basis, a means of alerting government officials, to small business viewpoints.

Developing other agency awareness and responsiveness to small businesses as consumers will be an intensive effort on the part of the SBA Office of Chief Counsel for Advocacy.

4. Consumer Correspondence and Complaint Handling—*Existing Mechanisms.*—There is no one central point to handle correspondence of this nature. Letters, telegrams, and the like, are directed by small business owners to the various field offices as well as to the SBA Central Office. Mail received at the Central Office is divided into two categories, controlled mail and uncontrolled mail.

Controlled mail is to be responded to within five days. This mail consists of Congressional inquiries, White House inquiries, and areas of special immediacy. Uncontrolled mail response varies in time depending on work load. Both types of mail are referred to program areas having responsibility depending on subject matter. In many instances, information has to be provided by field office personnel.

For direct SBA assistance, as contrasted to government-wide problems, individuals are referred to the SBA field office which has full delegated authority for administering the SBA programs.

Opportunities for Future Mechanisms.—At the present time, no tabulation or analysis is kept on types of complaints or subject matter of correspondence. Introduction of such a mechanism will give SBA an additional evaluation tool on matters affecting small business.

Consideration is also being given to having SBA field offices respond directly to the inquiry rather than having Central Office personnel serve as information and response relaying points.

B. INFORMATION OUTPUT

1. Communication and Feedback to Small Business Constituency—*Existing Mechanisms.*—Those mechanisms which provide input from small business also serve to relay information. For instance, when SBA recently increased its size standards to account for inflationary conditions, proposed changes were disseminated through trade and small business associations, through other Federal departments and agencies, and through Advisory Councils.

All comments received as a result of published proposed rulemaking are acknowledged and the final decision explained.

Speeches made by key agency decision-makers are sent to representative trade associations.

Almost day-to-day communication is maintained by the Office of Chief Counsel for Advocacy with representatives of the nine member Council of Small and Independent Business Associations, an ad hoc group of the leading small business associations.

Opportunities for Future Mechanisms.—The majority of trade and small business associations publish periodic newsletters. SBA is exploring the possibility of instituting a "small business column" which would be provided for inclusion in the publication.

Mailing lists of state and regional trade associations and small business groups will be established in order to more localize small business exchange of information.

2. Education—*Existing Mechanisms.*—Through the auspices of the Chairman of the National Advisory Council, the creation of a genuine partnership-for-growth between American universities and government on behalf of private enterprise and small business has been developed. The vehicle for this effort is the American Assembly of Collegiate Schools of Business. The focus of the program will be upon the universities' and government's interrelated efforts on behalf of small business. Through the active participation of 1,200 academic leaders, the potential of reaching thousands of faculty and potentially millions of students is awesome.

Opportunities for Future Mechanisms.—The involvement of potential entrepreneurs through Advisory Council members reaching out to high school students as well as college level students can be developed.

Utilization of such groups as the Future Business Leaders of America and Junior Achievement to become aware of small business opportunities can be formalized.

V. RECOMMENDATIONS

SBA will increase its efforts as spokesman for small business concerns at the Federal Government level. Representatives of consumer groups are encouraged to contact SBA field office officials to bring to these officials' attention the areas where the small business competitive role can be increased in order to provide consumers with a wider selection of goods and services at competitive price levels.

APPENDIX A.—SBA FIELD OFFICES ADDRESSES AND TELEPHONE NUMBERS [1]

Region I:					
RO	Boston	Massachusetts	02114	150 Causeway St., 10th floor	(617) 223-2100
DO	do	do	02114	150 Causeway St., 10th floor	(617) 223-2100
POD	Holyoke	do	01040	326 Appleton St	(413) 536-8770
DO	Augusta	Maine	04330	Federal Bldg., 40 Western Ave., room 512	(207) 622-6171
DO	Concord	New Hampshire	03301	55 Pleasant St., room 213	(603) 224-4041
DO	Hartford	Connecticut	06103	Federal Bldg., 450 Main St., room 710	(203) 244-2000
DO	Montpelier	Vermont	05602	Federal Bldg., 87 State St., room 210	(802) 223-7472
DO	Providence	Rhode Island	02903	57 Eddy St., room 710	(401) 528-1000
Region II:					
RO	New York	New York	10007	26 Federal Plaza, room 3930	(212) 460-0109
DO	do	do	10007	26 Federal Plaza, room 3100	(212) 460-0109
DO	Hato Rey	Puerto Rico	00919	255 Ponce de Leon Ave	(809) 765-0404
DO	Newark	New Jersey	07102	970 Broad St., room 1635	(201) 645-3000
DO	Syracuse	New York	13202	Hunter Plaza, Fayette & Salina Sts., room 308	(315) 473-3350
BO	Buffalo	do	14202	111 West Huron St., room 1112, Federal Bldg	(716) 842-3310
BO	Elmira	do	14904	1061 South Maine St	(607) 734-3961
POD	Albany	do	12210	99 Washington Ave., Twin Towers Bldg., room 922	(518) 472-4411
POD	Rochester	do	14604	Chamber of Commerce Bldg., 55 St. Paul St	(716) 263-6701
Region III:					
RO	Philadelphia	Bala Cynwyd, Pa	19004	231 St. Asaphs Rd., 1 Bala Cynwyd Plaza, suite 646, west lobby.	(215) 597-3311
DO	do	do	19004	231 St. Asaphs Rd., 1 Bala Cynwyd Plaza, suite 400, east lobby.	(215) 597-3311
BO	Harrisburg	Pennsylvania	17108	1500 North 2d St	(717) 782-3825
BO	Wilkes-Barre	do	18701	34 South Main St	(717) 828-6404
BO	Wilmington	Delaware	19801	844 King St., Federal Bldg., room 3015	(302) 571-6294
DO	Baltimore	Towson, Md	21204	7800 York Rd	(301) 962-3311
DO	Clarksburg	West Virginia	26301	109 North 3d St., room 301, Lowndes Bldg	(304) 624-3461
BO	Charleston	do	25301	Charleston National Plaza, suite 628	(304) 343-1227
DO	Pittsburgh	Pennsylvania	15222	Federal Bldg., 1000 Liberty Ave., room 1401	(412) 644-3311
DO	Richmond	Virginia	23240	Federal Bldg., 400 North 8th St., room 3015	(804) 782-2000
DO	Washington	District of Columbia	20417	1030 15th St. NW., suite 250	(202) 382-3731
Region IV:					
RO	Atlanta	Georgia	30309	1401 Peachtree St. NE., room 441	(404) 526-0111
DO	do	do	30309	1401 Peachtree St. NE., 3d floor	(404) 526-5749
DO	Birmingham	Alabama	35205	908 South 20th St. room 202	(205) 325-3011
DO	Charlotte	North Carolina	28202	222 South Church St. room 500, Addison Bldg	(704) 372-0711
POD	Greenville	do	27834	215 South Evans St	(919) 275-4420
DO	Columbia	South Carolina	29201	1801 Assembly St. room 117	(803) 765-5376
DO	Jackson	Mississippi	39201	Petroleum Bldg., suite 690, 200 East Pascagoula St	(601) 969-7821
BO	Biloxi	do	39530	111 Fred Haise Blvd., Gulf National Life Insurance Bldg., 2d floor.	(601) 863-1972
DO	Jacksonville	Florida	32202	Federal Bldg., 400 West Bay St., room 261	(904) 791-2011
DO	Louisville	Kentucky	40202	Federal Bldg., 600 Federal Pl., room 188	(502) 582-5011
DO	Miami	Coral Gables, Fla	33184	2222 Ponce de Leon Blvd, 5th floor	(305) 350-5011
POD	Tampa	Florida	33607	1802 N. Trask St., suite 203	(813) 228-2594
DO	Nashville	Tennessee	37219	404 James Robertson Parkway, suite 1012	(615) 749-5023
BO	Knoxville	do	37902	502 South Gay St., room 307, Fidelity Bankers Bldg	(615) 524-4011
POD	Memphis	do	38103	Federal Bldg, 167 North Main St., room 211	(901) 534-3011
Region V:					
RO	Chicago	Illinois	60604	Federal Bldg, 219 South Dearborn St., room 437	(312) 353-4579
DO	do	do	60604	Federal Bldg, 219 South Dearborn St., room 437	(312) 353-4528
BO	Springfield	do	62701	502 East Monroe St., Ridgely Bldg., room 816	(217) 525-4290
DO	Cleveland	Ohio	44199	1240 East 9th St., room 317	(216) 522-3131
DO	Columbus	do	43215	34 North High St	(614) 469-6600
BO	Cincinnati	do	45202	Federal Bldg., 550 Main St	(513) 684-2290
DO	Detroit	Michigan	48226	1249 Washington Blvd., room 1200, Book Bldg	(313) 226-6000
BO	Marquette	do	49855	201 McClellan St	(906) 225-1108
DO	Indianapolis	Indiana	46204	36 South Pennsylvania St., room 108, Century Bldg	(317) 633-7000
DO	Madison	Wisconsin	53703	122 West Washington Ave., room 713	(608) 252-5000
BO	Milwaukee	do	53233	735 West Wisconsin Ave., room 905, Continental Bank & Trust Co.	(414) 244-3941
POD	Eau Claire	do	54701	500 South Barstow St., room 16, Federal Office Bldg. & U.S. Courthouse.	(715) 834-2251
DO	Minneapolis	Minnesota	55402	12 South 6th St., Plymouth Bldg	(612) 725-4242

Region VI:					
RO	Dallas	Texas	75235	1720 Regal Row, Regal Park Office Bldg	(214) 749-2531
DO	do	do	75202	1100 Commerce St., room 300	(214) 749-1991
DO	Albuquerque	New Mexico	87110	5000 Marble Ave., NE., Patio Plaza Bldg	(505) 766-3588
DO	Houston	Texas	77002	808 Travis St., room 1210, Niels Esperson Bldg	(713) 226-4011
DO	Little Rock	Arkansas	72201	611 Gaines St., suite 900	(501) 378-5011
DO	Lubbock	Texas	79408	1205 Texas Ave	(806) 762-7011
BO	El Paso	do	79901	109 North Oregon St., suite 416, First National Bldg	(915) 543-7100
DO	Lower Rio Grande Valley	Harlingen, Tex	78550	219 East Jackson St	(512) 423-5034
BO	Corpus Christi	Texas	78408	3105 Leopard St	(512) 883-5511
DO	Marshall	do	75670	505 East Travis St., room 210, Travis Terrace Bldg	(318) 226-5075
DO	New Orleans	Louisiana	70113	1001 Howard Ave., Plaza Tower, 17th floor	(504) 527-2011
DO	Oklahoma City	Oklahoma	73118	50 Penn Place, suite 840	(405) 231-4011
DO	San Antonio	Texas	78205	301 Broadway, room 309, Maulon Bldg	(512) 225-5511
Region VII:					
RO	Kansas City	Missouri	64106	911 Walnut St., 24th floor	(816) 374-7000
DO	do	do	64106	911 Walnut St., 24th floor	(816) 374-5557
DO	Des Moines	Iowa	50309	New Federal Bldg., 210 Walnut St., room 749	(515) 284-4000
DO	Omaha	Nebraska	68102	Federal Bldg., 215 North 17th St	(402) 221-1221
DO	St. Louis	Missouri	63101	Federal Bldg., 210 North 12th St., room 520	(314) 425-4110
DO	Wichita	Kansas	67202	120 South Market St., room 301	(316) 267-6311
Region VIII:					
RO	Denver	Colorado	80202	721 19th St., room 420A	(303) 837-0111
DO	do	do	80202	721 19th St., room 420A	(303) 837-0111
DO	Casper	Wyoming	82601	Federal Bldg., room 4001, 100 East B St	(307) 265-5550
DO	Fargo	North Dakota	58102	Federal Bldg., 653 2d Ave., North, room 218	(701) 237-5771
DO	Helena	Montana	59601	618 Helena Ave	(406) 442-0040
DO	Salt Lake City	Utah	84111	Federal Bldg., 125 South State St., room 2237	(801) 524-5500
DO	Sioux Falls	South Dakota	57102	National Bank Bldg., 8th & Main Ave., room 402	(605) 336-2980
BO	Rapid City	do	57701	515 9th St., Federal Bldg	(605) 343-5047
Region IX:					
RO	San Francisco	California	94102	Federal Bldg., 450 Golden Gate Ave	(415) 556-9000
DO	do	do	94102	Federal Bldg., 450 Golden Gate Ave	(415) 556-9000
BO	Fresno	do	93721	Federal Bldg., 1130 O St., room 4015	(209) 487-5000
POD	Sacramento	do	95825	2800 Cottage Way	(916) 484-4762
DO	Las Vegas	Nevada	89121	301 East Stewart	(702) 385-6271
DO	Honolulu	Hawaii	96813	1149 Bethel St., room 402	(808) 546-8950
BO	Agana	Guam	96910	Ada Plaza Center Bldg	[2] (—) 777-8420
DO	Los Angeles	California	90014	849 South Broadway	(213) 688-2121
DO	Phoenix	Arizona	85004	112 North Central Ave	(602) 261-3000
DO	San Diego	California	92101	110 West C St., suite 705	(714) 293-5000
Region X:					
RO	Seattle	Washington	98104	710 2d Ave., 5th floor, Dexter Horton Bldg	(206) 442-0111
DO	do	do	98104	710 2d Ave., 5th floor, Dexter Horton Bldg	(206) 442-0111
DO	Anchorage	Alaska	99501	1016 West 6th Ave., suite 200, Anchorage Legal Center	[2] (907) 272-5561
BO	Fairbanks	do	99701	504 3d Ave	[2] (907) 452-1951
DO	Boise	Idaho	83701	216 North 8th St., room 408	(208) 342-2711
DO	Portland	Oregon	97205	921 Southwest Washington St	(503) 221-2000
DO	Spokane	Washington	99210	Court House Bldg., room 651	(509) 456-0111

[1] Telephone numbers for public use only.
[2] Dial operator for assistance.

Key:
10 Regional Offices (RO).
64 District Offices (DO).
18 Branch Offices (BO).
8 Post-of-duty (POD).

APPENDIX B

FINANCIAL ASSISTANCE PROGRAMS

I Individual Businesses
- 1. Business Loans
- 2. Handicapped Assistance Loans
- 3. Economic Opportunity Loans
- 4. Lease Guarantees

II Institutional
- 1. Small Business Investment Companies
- 2. 301(d) Investment Companies (for the disadvantaged)
- 3. State Development Companies
- 4. Local Development Companies

III Government Impact and Compliance Assistance
- 1. Displaced Business Loans
- 2. Base Closing Economic Injury Loans
- 3. Coal Mine Health and Safety Loans
- 4. Occupational Safety and Health Loans
- 5. Consumer Protection Loans
  - a. Egg Products Inspection Act
  - b. Wholesome Meat Act
  - c. Wholesome Poultry and Poultry Products Act
- 6. Air Pollution Abatement Loans
- 7. Water Pollution Abatement Loans
- 8. Product Disaster Loans (Toxicity)
- 9. Emergency Energy Shortage Economic Injury Loans
- 10. Strategic Arms Limitation Economic Injury Loans

VI Physical Disaster Assistance
- 1. Business Disaster Loans
- 2. Non-Business Disaster Loans
- 3. Economic Injury Business Disaster Loans

PROCUREMENT ASSISTANCE PROGRAM

I Individual Businesses
- 1. Federal Government Prime Contracts Set-Asides
- 2. Federal Government Sub-Contracts
- 3. 8(a) Assistance (SBA Subcontracting)
- 4. Certificates of Competency
- 5. Technology Utilization
- 6. Surety Bond Guarantees

II Institutional
- 1. State Government Set-Asides

III Special Emphasis
- 1. Minority Vendors Program

MANAGEMENT ASSISTANCE PROGRAMS

I Individual Businesses
- 1. Direct Aid
- 2. Contractual Aid
- 3. Service Corps of Retired Executives (SCORE)
- 4. Active Corps of Executive (ACE)
- 5. Pre-Business Workshops
- 6. Business Management Training
- 7. Foreign Trade Assistance

II Institutional
- 1. Small Business Institutes

ADVOCACY ASSISTANCE

I Advisory Councils

II Small Business and Trade Associations

III Inter-governmental Liaison

VETERANS ADMINISTRATION

Proposed Consumer Representation Plan

Comments on the proposed plans can be submitted to: Errol D. Clark, Room 1120, Veterans Administration, Washington, D.C. 20420, 202–389–2265. Deadline for submitting comments is February 24, 1976. In addition to receiving comments, the above person is available by telephone or mail to answer questions about consumer representation plans within the agency.

TABLE OF CONTENTS

I Statement of Purpose
II Primary Operating Units
Organization Chart—Operating Units
III Executive Summary.
IV Organizational Operating Plans
Department of Medicine and Surgery
Department of Veterans Benefits
Compensation and Pension Service
Education and Rehabilitation Service
Loan Guaranty Service
Insurance Service
National Cemetery System
Supporting Staffs
Information Service
General Counsel
Board of Veterans Appeals
Reports and Statistics Service
V Planned Actions.
Appendix A—Veterans' Organizations
Appendix B—Advisory Committees.

I. STATEMENT OF PURPOSE

The Veterans Administration's major objective is to provide service to veterans and their dependents, who are its consumers. To fulfill this mission, the VA administers a variety of programs, including compensation, pension, education, insurance, home loans, burial, and health care and hospitalization. Through its highly decentralized structure the VA reaches out to the beneficiary to provide greater accessibility and service.

The purpose of this Plan is to identify areas where consumer representation and participation in the decision-making process can be enhanced. In order to meet its objective of providing service to the veteran, the VA wishes to insure the beneficiaries of its programs are included in any decision that affects them. To this end, a careful analysis has been made of the major operating elements of the VA to determine the extent of present consumer involvement. Data was obtained from field stations and VA Central Office staff. Regulations and procedures were reviewed to determine how they can be made more responsive to consumers' needs.

Consumer representation has always been highlighted in the VA's close relations with veterans' organizations such as the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and American Veterans of World War II, Korea and Vietnam (AMVETS). Therefore, the major veterans' organizations were contacted to solicit their views on how the current system responds to their needs and how it can be improved. It has been a policy of the VA to keep these groups informed of upcoming decision points and invite them to offer their suggestions and criticisms; in this way they often have effected substantive changes in policies or regulations.

Beginning with this firm foundation in consumer contact, the VA Consumer Representation Plan expands upon present channels of communication, and sets down more formal guidelines as to where to seek consumer input, on what subjects, and how to handle those inputs once received. Consumer input refers to a broad spectrum of communications, including complaints and suggested changes from individual veterans, advice on proposed regulations or policies from various veterans' organizations, results of questionnaires and surveys among the veteran population, outcomes of formal and informal conferences with veterans' groups, and related sources of ideas.

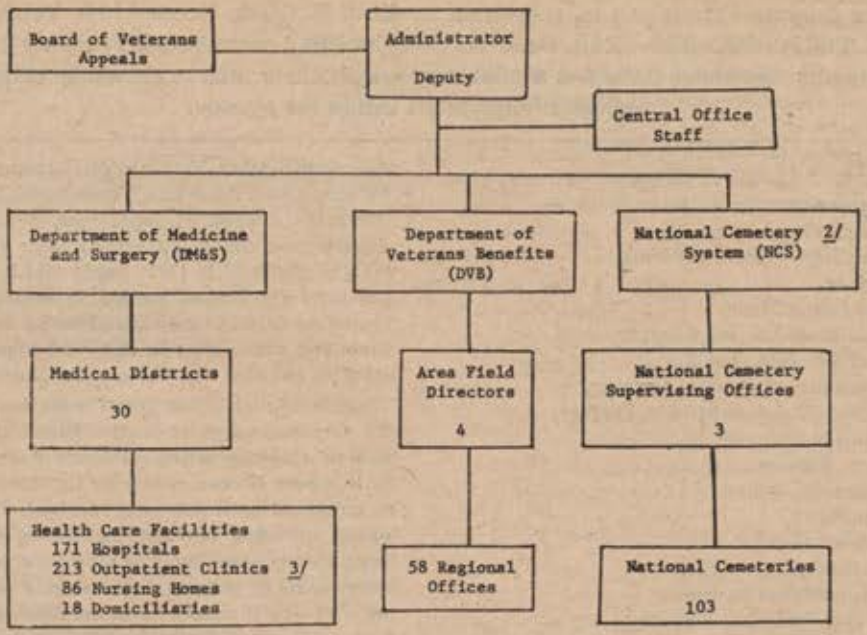
The Plan is designed to give maximum attention to such consumer input, to see that it is channeled to those officials in a position to take action on it, and to arrange for it to receive appropriate consideration in decision-making in all VA organizational elements.

II. PRIMARY OPERATING UNITS

The Veterans Administration has three major operating organizations: the Department of Medicine and Surgery, the Department of Veterans Benefits, and the National Cemetery System. Although each of them is involved in providing benefits to veterans and their dependents, their functions are distinct and therefore are treated in separate plans which combined constitute the overall Veterans Administration plan. Although every staff element contributes in some way to the service rendered by the VA, only the four staff offices with the greatest consumer interaction are discussed. These are the Information Service, General Counsel, Board of Veterans Appeals, and Reports and Statistics Service in the Office of the Controller. The other staff offices are discussed in the executive summary or mentioned in the separate plans of each of the operating organizations.

ORGANIZATION OF THE VETERANS ADMINISTRATION 1/

OPERATING UNITS



1/ For a more detailed chart see United States Organization Manual

2/ NCS was transferred to the VA from the Department of the Army by the National Cemetery Act of 1973. To Facilitate the transfer, all organizational elements were attached to the Administrator's office pending development of a permanent structure. However, it is a true operating unit and is shown at the same level as the two operating departments.

3/ This figure includes outpatient clinics at hospitals.

III. EXECUTIVE SUMMARY

The VA is characterized by considerable concern and involvement with its consumers. As a result, it is organized primarily along service lines and has no need for a special office of consumer affairs. Responsibility for consumer affairs is incorporated into the functions of each organizational element. Input to the decision process begins with the smallest element and reaches up through each management level including the Administrator.

Consumer input is received from five major sources, the first of which is the veteran who expresses himself through telephone or face-to-face contact with VA employees, as well as through letters. Secondly, the veterans' organizations provide direct input by their responses to advance notice of upcoming policy changes, in addition to unsolicited comments and suggestions made through personal contact with VA officials, both at Central and Regional Office locations, and at conventions, seminars, meetings, and joint training ventures. Actually, veterans' organizations have three opportunities to respond to proposed changes in VA regulations and procedures. They receive draft copies, advance copies prior to publication, and the *Federal Register*. At each step they are invited to make suggestions and comments and whenever possible their recommendations are incorporated into the final version.

A third source of consumer input is data gathered in ongoing evaluations, studies and surveys conducted by internal VA elements, other government agencies, outside consultants, and veterans' organizations. The purposes of these tools are to increase knowledge to produce more responsive, effective programs; to evaluate management practices and to pinpoint areas in need of improvement; and to investigate instances of unsatisfactory service or alleged abuses or improprieties. Each operating unit maintains its own evaluation staff; at the Administrator's level is the Office of Planning and Evaluation which conducts management audits, cost-benefit or special studies and investigations. Professional groups, veterans' organizations, the General Accounting Office, and the Joint Commission on the Accreditation of Hospitals continuously are making on-site surveys at field stations and preparing reports for top VA officials. The Office of the Controller, through its Reports and Statistics Service, gathers data on the veteran population, its composition, its problems, its usage of available benefits, and the impact of the benefits used.

Advisory Committees are a fourth mechanism for consumer input. These committees represent diverse groups including veterans and members of the community who are prominent in the fields of education, medicine and law. They provide management with objective professional evaluations of VA programs and serve as a source of new ideas to serve the needs of the consumers. The fifth source of consumer input is community organizations, such as lending institutions and schools, which contribute constructive suggestions to facilitate consumer service by streamlining procedures.

To be responsive to over 29 million veterans and an even larger number of dependents is a significant challenge. The magnitude of the task is increased further by the diversity of the programs administered through the 171 VA Hospitals and 58 Regional Offices, each of which operates under a unique set of conditions. Consumer input is needed and sought at every level. There is an active outreach effort to keep veterans informed of their entitlement, rather than letting them seek out the VA on their own. In all possible ways, the VA encourages dialogue with its consumers and although not every problem has been averted, every effort is made to limit it to a one-time-only occurrence.

The importance of including the consumer has been recognized by the Administrator of Veterans Affairs who maintains an open-door policy to all veterans and takes a personal interest in finding out the problems and concerns of them and their beneficiaries. This attitude of openness and responsiveness to the consumer is in evidence among the Administrator's staff and within each VA organizational element. This encourages consumer input at every level.

Meetings with consumers' groups are encouraged. At the time of this writing the Administrator has scheduled five working meetings with representatives of nineteen veterans' organizations. In order to insure adequate representation of the Vietnam era veteran, two Vietnam veterans serve as staff assistants to the Administrator and his Deputy. These individuals make every effort to maintain open dialogue with the youngest of our veterans and their various groups.

Consumer involvement in the Veterans Administration is particularly visible at the local level. All Hospitals and Regional Offices have daily contact with veterans, their dependents and their friends who are interested in their welfare. Scattered throughout the country, these field stations reach veterans with a variety of demands, problems, requests and complaints. The main functions of VA facilities at the local level are to provide service and to disseminate information. Within the Department of Medicine and Surgery, hospitals, outpatient clinics, domiciliaries and nursing homes furnish a full spectrum of health care. Regional Offices, within the Department of Veterans Benefits, are the contact points for veterans wishing to obtain information about their benefits, and serve also as administration points for all non-medical programs. In order to make it easier for the veteran to get information about VA benefits the VA has mobile vans which travel to remote communities throughout the country. This program has been effective in keeping veterans informed and in relaying their problems to the VA. The VA also provides veterans with toll-free telephone numbers to Regional Offices in most areas of the country. A group of veteran specialists knowledgeable in VA programs answer the phones, record any problems and relay them to the official able to solve them. These specialists also explain the various entitlements and seek out information about the veterans' desires. The bulk of this input from veterans is reviewed by station officials and results in necessary changes. Another method of reaching the consumer is the Veteran Representative on Campus. These are the veterans' assistance counselors who solve individuals' problems and relay information about the concerns of veterans back to the Regional Offices.

Because of the vast number of veterans served, the field stations are active in providing consumers information regarding their veterans' benefits. Therefore, they maintain close ties with the local media which disseminate prepared press releases and informational material, and which cover newsworthy VA activities. It is believed that good public relations, including appearances by VA directors before veterans' organizations and civic groups, gains public support and thus enhances consumer involvement. Any publicity given locally or nationally will improve consumer information and increase participation in administrative and legislative decisions. Veterans' organizations receive copies of Regional Office Newsletters, which are local publications providing information regarding changes in laws, regulations and procedures, and announcing a variety of VA activities. They send representatives to the Training Seminars and Conferences conducted by the Regional Office. Veterans' organizations are given office space within Hospitals and Regional Offices, which promotes communication with VA management on

an informal and continuing basis. Additionally, field station directors hold monthly meetings with veterans' organizations to advise them formally of VA activities and to receive their response. Since Hospitals and Regional Offices are the veterans' first points of contact with the VA, their interests generally are limited to their own specific situations. However, professional non-consumers, such as lending institutions and schools, have contributed many constructive suggestions which have aided consumer service by eliminating unnecessary delays.

The VA has launched a new program evaluation system. Currently two major programs are under evaluation: the educational programs and the Nursing Home Care Program. These evaluations center on desired goals vs. goals actually achieved. They consider the veteran as he/she enters the program and the effect on him/her in qualitative and quantitative terms. The evaluations will determine the effectiveness of the program in achieving goals in relation to costs, impact on related programs, and their structure and mechanism for delivery of services. Consumer impact will be a major consideration in these evaluations. After the two pilot programs have been completed, the evaluation system will be expanded to other VA programs and will be used as a continuing self-check mechanism.

A major source of consumer involvement at the local level is the complaint. When communication from a consumer indicates a complaint with service, there is a formal written procedure to ensure that special staff review be made of the complaint. In the hospital setting, the veteran can enter a complaint through the medical staff, the director or the veterans' organizations. All complaints at the Regional Office are forwarded to the Office of the Director to ensure prompt reply and to be certain corrective measures are taken to avoid similar complaints from other veterans. It is the policy of all field stations, both Hospitals and Regional Offices, to respond immediately to all complaints and to resolve them in an expeditious manner. Decisions affecting individual consumers also are relayed to their authorized representatives. In addition to complaints about service received, veterans can express dissatisfaction with decisions reached regarding a claim for benefits. In these instances, the Regional Office instructs the veterans in the proper procedure for having the case heard by the Board of Veterans Appeals. When a Regional Office discerns a pattern which indicates a problem more than local in scope, contact is made with the appropriate Central Office official. Also, information is referred to a Data Processing Center with the indication that immediate corrective action is required.

Complaints received at Central Office receive the same priority handling. Each request is answered promptly and is reviewed, together with other data, to determine if there is a need for any changes in policy, procedure, regulations or legislation. It is possible for veterans to influence VA policy through their complaints. For example, when Central Office receives the same type of complaint from a number of different hospitals (as when a badly designed form is causing long queues) they will change policy system-wide. When many Vietnam veterans were complaining that the VA was unresponsive to their needs, various measures were taken to change this situation. Direct correlation between changes in VA regulations and policy and the demands of the Vietnam veterans can be shown for: 1) the elimination of much of the military jargon from VA Hospitals; 2) the establishment of Drug Dependence Treatment Centers; and 3) the establishment of a committee of Vietnam veterans at each VA Hospital.

These and many other changes in the evaluation and processings of claims can be traced directly to input in the form of recommendations, suggestions or complaints.

IV. Organizational Operating Plans

Department of Medicine and Surgery

A. GENERAL

The primary objective of the Department of Medicine and Surgery is the delivery of health care to veterans. To fulfill this mission of providing veterans with a full range of medical care, the VA operates 171 hospitals consisting of over 95 thousand hospital beds. In addition to a full spectrum of services for hospitalized patients, DM&S offers a variety of programs aimed at keeping veterans as functioning members of their environments. Hospital based home care is a special medical service, administered by a hospital, which provides individual medical, nursing, social and rehabilitative care to patients within their family setting. Ambulatory care is available to veterans for all service-related disabilities. It is available also for any condition if the veteran has a service-connected disability of 80% or more, and for other veterans to obviate the need for hospitalization. Eligible veterans who are not within easy distance of VA facilities can avail themselves of fee-basis medical visits, with the VA paying the cost. The VA provides a full range of psychiatric care including therapy for family members if this would facilitate the treatment of the veteran. The domiciliary care program is designed to motivate the veteran to return to the community in a self-sustaining and independent living situation or to assist him/her to reach optimal usefulness in a protective environment. Nursing home care is provided to eligible veterans as needed.

An individual's health and medical care frequently take precedence over all other interests. Although the patient and the family are concerned deeply with the treatment program, the scientific nature of medical treatment often prevents direct consumer contribution. Yet, DM&S actively seeks consumer input and the patient's interests always are accorded primary consideration in the areas of service. There are a number of well-developed systems to assure the patient's views are obtained in a timely and constructive manner. These are utilized to determine the quality of service and the responsiveness of the health care facility to the patient's needs.

B. INFORMATION INPUT

1. Policy advisory and program planning—highlights of existing mechanisms

Unquestionably, the most significant input for policy and program planning is derived directly from the recipients of medical care. There are mechanisms, both formal and informal, through which this input is channeled to the appropriate management level. The VA organization for providing health care is highly decentralized, with broad authority delegated to the director and management staff of the hospital or other medical facility. There is extensive personal contact involved in medical care and the concerns of the patient (consumer) are relayed rapidly to local management through normal organizational channels. This input is reflected also in planning and policy decisions. The hospital and clinic staff members providing treatment are perhaps the most effective advocates of the consumer on the local level.

More formal mechanisms for consumer input at the local level include veterans' organizations, Veterans Administration Voluntary Service, patient satisfaction surveys and local advisory committees. The close relationship between the VA and veterans' organizations has been especially helpful. Service officers of major veterans' organizations are provided office space in VA Hospitals and serve as effective consumer representatives for both individuals and consumer groups. Top officials of the

hospital meet regularly with these representatives with the objective of obtaining consumer input and consultation in planning and policy decisions. The organizations are national and have the facility and opportunity to bring matters to the attention of VA Central Office when action at that level is indicated. The major organizations also employ National Service Officers who conduct surveys of hospitals and make formal reports with recommendations for action at both local and national levels. This provides exceptionally valuable consumer input and representation. Further, these organizations are a major source of consumer representation in policy and planning decisions at the Central Office level. As a routine practice all proposed changes in regulations and other administrative issues having significant impact on the VA medical program are furnished the veterans' organziations in advance, and their comments and recommendations are always given full consideration. Some organizations, such as the Paralyzed Veterans of America, represent specific groups with common problems and maintain close contact with appropriate program officials in the VA Central Office.

All VA hospitals are supported by large numbers of individual volunteers sponsored by veterans' and other local organiaztions. These volunteers primarily perform duties which place them in personal contact with patients at the hospital. They provide a vital link between the hospitalized patient and the community, and also serve as a channel of communication between patients and hospital management. Representatives of these volunteer groups meet with top hospital officials monthly to exchange views on means of improving service to patients. They are also kept informed, and consulted when appropriate, of plans and policy decisions that will affect the hospital community.

Patient satisfaction surveys are an integral part of the systematic internal review procedure prescribed for all VA hospitals as a part of the Health Service Review Organization Program. The questionnaire used in this survey of patients' opinions is structured so that local management can determine specific areas where service can be improved. It also has been used as a tool in nationwide surveys so that individual VA Hospitals can be rated and ranked on the basis of patient satisfaction. Local advisory committees are used in hospitals as a means of determining needs and obtaining recommendations for action to improve services. As a typical example, most hospitals have established a Vietnam Era Veterans Committee to increase responsiveness to these veterans. Although local advisory committees are composed primarily of members of the hospital staff, long-term patients are frequently included, and in all cases committee members have close communication with both patients and veterans' organizations. At the national level, a number of advisory bodies have been constituted with membership from both government agencies and non-government institutions. Wherever appropriate, leaders of organizations having special interests in veterans' affairs and related fields are included in the membership of these groups. As a matter of policy, advisory committee members are chosen to provide wide representation from the various groups who work with or are served by the VA. They are chartered and function to provide advice and assistance to the VA in specific subject areas, and they contribute significantly in policy and program planning decisions. Standing committees on veterans' affairs have been established in both the House of Representatives and the Senate. These committees have the responsibility for reviewing VA activities, and both have established subcommittees on hospitals and health which are concerned more directly with the activities of the Department of Medicine and Surgery. These subcommittees hold hearings in Washington, D.C. and in various locations throughout the country and obtain testimony from individuals and organizations regarding the VA medical program. As a result, these committees frequently suggest changes in policies and regulations. The Department of Medicine and Surgery often enters into contracts with universities and private research institutions as well as consulting firms to perform independent studies of present and future veterans' needs on a scientific basis. When considered appropriate these studies include direct consumer contact of a marketing survey nature to determine their desires and preferences. These have been helpful in planning medical care facilities.

2. Evaluation—highlights of existing mechanisms

Within the Department of Medicine and Surgery, there is an extensive program designed to assure that the quality of health care is maintained at a high level. This program is known as "Health Services Review Organization" (HSRO) and consists of two parts. The first is a systematic internal review requirement which is applied to all health care facilities. This is an ongoing review process, carefully structured to cover all significant elements of health care and to identify opportunities for improvement. Consumer involvement is included through the patient satisfaction questionnaire. The second part of the HSRO Program involves systematic external reviews. These are external in the sense that they are conducted by teams made up of members that are not associated with the health care facility under review. These teams evaluate the quality of care and service being provided. The procedures they use include interviews with patients and veterans' organization representatives. The reaction of consumers is evaluated carefully by the review teams, and significant findings are included in the report and are considered in making recommendations. Action to correct any identified deficiencies is controlled and monitored at the Central Office level and special follow-up reviews are made as necessary. For example, if patient reaction were critical of the food service at a particular hospital, representatives of the Central Office Dietetic Service would survey that function at the hospital with the objective of eliminating the cause of such complaints.

Another form of internal evaluation regularly employed by DM&S utilizes the ad hoc committee or task force technique to review existing policies, proposals and plans pertaining to systemwide programs. Usually, these groups are made up of officials from DM&S and other VA staff offices who have special qualifications in the subject area. Committees of hospital directors frequently have been utilized for this purpose. It is customary for such groups to solicit the views and recommendations of consumers of health services and these normally are included in the reports and considered in the recommendations made to the Chief Medical Director. In addition to those reviews controlled and carried out within DM&S, the medical care programs are subject to evaluation by other elements of the VA and also outside sources. Internal audits of programs and operations relating to medical care normally involve surveys of medical installations or studies of major medical programs. Management engineering studies relating to medical care usually encompass evaluation of a specific health care delivery system with the objective of recommending improvements. Review of health care facilities is made also by accreditation surveys of national organizations for the purpose of determining whether or not a hospital, or a portion thereof, meets national standards for accreditation. The General Accounting Office, representing the legislative branch of government, reviews medical care programs to determine their effectiveness in relation to the intent of the authorizing legislation. All of these audits, studies, surveys and reviews involve contact with individual consumers or consumer groups as may be appropriate. These activities are well publicized and consumers have an opportunity to make their views known to the groups conducting

the evaluation. In addition, evaluation of medical care programs and facilities are actually conducted by groups directly representing the consumer. As indicated earlier, major veterans' organizations routinely conduct surveys of VA Hospitals with the full cooperation of the VA. They make formal reports including recommendations to local management officials and to the VA at the national level. The VA makes a formal response to these reports after full consideration is given to the findings and recommendations.

3. Data transmission—highlights of existing mechanisms

The main channel for data transmission is via the veterans' organizations. Each veterans' organization has a newsletter which is distributed to keep its membership informed about matters of concern to them and, therefore, of concern to the VA. Data (information) from the grass-roots levels is transmitted to state and national headquarters through conventions and other meetings of the various veterans' organizations. The VA Central Office and field facilities maintain close liaison with these groups by attending the conferences and conventions. Data received at these conferences and at other formal and informal meetings are funneled back through the VA system to the heads of the appropriate services and to the Administrator.

4. Correspondence and complaint handling—highlights of existing mechanisms

All correspondence is handled expeditiously upon receipt at Central Office or at a health care facility. When the content of the correspondence is routine or complimentary in nature it is forwarded to the appropriate office and promptly acknowledged. In VA Hospitals and other medical facilities, agency-prescribed policies and procedures are followed in processing and controlling complaints received by mail. Such mail is immediately routed to the field station head who is required to maintain control to assure that a prompt and appropriate response is made. Allegations of a very serious nature are referred to Central Office where they are processed as outlined in Central Office operating instructions. Complaints that do not warrant a Central Office action are acted upon by the field station head. There are written guidelines which may be used as an aid in analyzing complaints and in taking corrective action. VA directives require that necessary action be initiated as soon as possible. In addition to expeditious and considerate response to all complaints received in written form, it is policy and practice that VA medical facility directors and key staff officials be available for personal discussions with complainants. Complaints assist program officials in identifying areas where improvements can be made. In conjunction with other information, this has been instrumental in effecting changes to policies, procedures, regulations and proposed legislation.

C. INFORMATION OUTPUT

1. Communication to consumers on issues and decisions—highlights of existing mechanisms

DM&S has formal mechanisms designed to communicate with consumers on major issues and decisions affecting them. All services are involved to some extent in providing information to the consumer, but Voluntary Service and Medical Administration Service particularly are active in this function. In addition, the veterans' organizations provide for the exchange of ideas and information between veterans and decision-makers in order to foster a better understanding of issues involving them and services available to them. Members of the Voluntary Service (numbering 100,000 in 1974) interact with a large number of veteran patients and their dependents. Through their meetings and national conferences, they have contact with other national organizations such as the American Gold Star Mothers, American National Red Cross and the veterans' organizations.

2. Feedback to consumers about their comments—highlights of existing mechanisms

All of the mechanisms designed to communicate with consumers on major issues and decisions also include consumer comments as reported to the VA through channels of information input. Additional response to veterans and their dependents is provided through representatives of the various veterans' organizations, both in Central Office and the field. There are regularly scheduled monthly meetings between hospital staff and veterans' representatives, in addition to other interviews and meetings with various veterans' groups as needed.

3. Consumer education—highlights of existing mechanisms

Because of the VA's service orientation, a large amount of information input and output is directly or indirectly consumer education. Consumer education is accomplished through a variety of mass media mechanisms, through veterans' organizations and via person-to-person contacts in hospitals and clinics. There are Veterans Benefits Counselors in every hospital and on many college campuses. Vocational Rehabilitation Specialists counsel and educate the veteran or eligible dependent at schools and rehabilitation centers. Mobile vans with specially trained personnel visit the communities in which veterans live to make information readily available to them. Educational and informative pamphlets are distributed on the initiative of the VA or in response to a request from the consumer. In addition to the relatively formal methods described above, Medical Administration Specialists have daily contact with veterans in admission offices or when the veteran makes an out-patient visit. Throughout the course of a veteran's medical care, hospital staff have formal and informal contacts relaying information or educating the veteran in reference to the services or treatment he is receiving. This may range from how to establish eligibility to specific assistance for the handicapped, and includes counseling the diabetic, the paraplegic, or the family of the emotionally disturbed patient.

D. PLANNING ACTIONS

The Health Service Review Organization Program will be improved as hospitals and other health care facilities become increasingly proficient in systematic internal review techniques including the use and analysis of patient satisfaction data. An increase in the number of systematic external reviews conducted each year is also planned.

1. Schedule of events

Implementation of the Health Service Review Organization Program will take place on a continuing basis in order to improve constantly health care delivery.

2. Allocation of resources

The objectives of the Health Service Review Organization can be accomplished within the current budget.

Department of Veterans Benefits

A. GENERAL

The Department of Veterans Benefits administers an integrated program of benefits and services established by law for veterans, service personnel, and their dependents or beneficiaries. Administration of benefits is decentralized to a network of field

stations with at least one office located in each state. Benefits and services are grouped in four major program categories, namely, Compensation & Pension, Education and Rehabilitation, Loan Guaranty, and Insurance. Separate Central Office Services formulate policy and provide program management staff support. Functions of each program are described below.

Compensation and Pension: adjudicate claims and make awards for disability and death, compensation and pension, including related income, dependency, burial and reimbursement, appealed claims, independent reviews and correspondence actions.

Education and Rehabilitation: determine entitlement, provide counseling, and make awards for educational benefits including related dependency and training changes. Also aids, guides and prescribes vocational rehabilitation for service-disabled veterans including counseling and supervision of trainees.

Loan Guaranty: determine eligibility, establish reasonable value of new or existing properties, and issue guaranty or insurance for home, mobile home, and refinancing loans; service and settle claims by holders of outstanding GI loans as well as acquire, manage, and sell a portfolio of VA-owned loans and properties.

Insurance: maintain accounts and authorize changes to existing GI insurance policies; determine acceptability of applications for new insurance, adjudicate disability and death claims, and make awards for benefits or policy proceeds.

B. COMPENSATION AND PENSION

1. Information input

a. Policy advisory and program planning—highlights of existing mechanisms.—Substantive rule-making in Compensation and Pension Service involves changes in the Schedule for Rating Disabilities and changes in the general Compensation and Pension regulations. Changes to the Schedule for Rating Disabilities are promulgated under 38 USC 355. This section requires the Administrator "to adopt and apply a schedule of ratings of reduction in earning capacity from specific injuries or combination of injuries. The ratings shall be based upon the average impairments of earning capacity resulting from such injuries in civilian occupations." The rating schedule is updated from time to time to conform to advances in medical sciences, modern surgical practices, new drugs, and to reflect changes in new laws and interpretation of old laws as well as changes in rating practices and procedures. These changes result from review of claims referred to CO by the field stations, recommendations of the national veterans' organizations, comments from the staff of DM&S, and analysis of correspondence from members of Congress and the general public.

The proposed changes are drafted and sent to the House and Senate Veterans' Affairs Committee, and to each of the major veterans' organizations. Responses from these organizations are solicited, and the Committees of Congress are kept fully informed of the comments received and the VA's response. Reply is made to each organization stating the reasons for acceptance or rejection of their proposals. A final draft of the proposed changes is then sent to the Veterans' Affairs Committees of the House and Senate and the major veterans' organizations together with a letter advising them that the proposed final draft is being prepared for publication in the FEDERAL REGISTER. Changes in general Compensation and Pension regulations, other than those implementing legislation, may be initiated by input from various sources such as recommendations from veterans' organizations, Members of Congress, and other individuals when study of the recommendations indicates they are valid and meritorious. Some changes result from suggestions submitted by field station employees who are involved in and are responsible for the adjudication of individual claims. Other changes are initiated when a Central Office review of an individual case or cases indicates the existing regulation may result in inequities. Changes also occur as the result of determinations by those in high level policy positions that there should be a revision of Agency policy in particular areas. After approval by the Administrator, the proposed regulatory change is published in the FEDERAL REGISTER and public comment is invited.

b. Evaluation—highlights of existing mechanisms.—There are two major sources of consumer input that help to evaluate the Compensation and Pension Programs. They are direct consumer contact (either in person or by mail) and contact with veterans' organizations. These organizations effectively represent individual veterans and provide critical analyses of the programs under C&P jurisdiction. Veterans' organizations are consulted concerning promulgation of proposed rules and programs and where possible, their views and recommendations are followed. The same is true of contacts with claimants.

c. Data transmission—highlights of existing mechanisms.—As previously pointed out, proposed changes in the rating schedule are given to the veterans' committees in Congress and to the veterans' organizations with comment invited. These changes, as well as changes in the general C&P regulations, then are published in the FEDERAL REGISTER and public comment is invited.

d. Consumer correspondence and complaint handling—highlights of existing mechanisms.—Complaint mail, either sent directly to the VA or to Members of Congress, constitutes a major source of consumer input. All mail is answered and where applicable, policy underlying the law is explained to the writer. This mail is reviewed at the highest levels of authority and greatly assists the VA in helping Congress to keep abreast of and be responsive to the needs of our nation's veterans and their dependents. Whenever a claim cannot be granted the claimant is fully informed of the reason and of his/her appellate rights including the right to a personal hearing. If the claimant files a notice of disagreement with the initial decision he or she is sent a Statement of Case (SOC). The SOC details the facts, laws and reasons the claim was disallowed and helps the claimant in preparing a possible appeal to the Board of Veterans Appeals (BVA). When a case is before the BVA the claimant again has the right of personal appearance. The BVA decision is based on an independent review of the evidence. At all stages of the claims process, the claimant has the right to representation. Service Officers representing the major veterans' organizations offer free assistance to all claimants. These procedures give claimants ample opportunity to have their views considered in the decision-making process directly affecting their own well-being.

2. Information output

a. Communication to consumers on issues and decisions—highlights of existing mechanisms.—As previously noted, new regulations are published in the FEDERAL REGISTER, complaint mail is answered with policy explanations given when pertinent, and when a claimant disagrees with VA decisions, a full explanation of actions taken is sent to the claimant. In addition, the veterans' organizations are kept fully informed and top VA officials regularly speak at their conventions.

b. Feedback to consumers about their comments—highlights of existing mechanisms.—It is the policy of the C&P Service to answer all inquiries relating to programs, either from veterans or their dependents, or from members of the general public.

c. Consumer education—highlights of existing mechanisms.—Direct education is accomplished through the Statement of Case

and replies to consumer correspondence. Indirectly, consumer education is accomplished through pamphlets explaining VA programs and through use of the media to call to the attention of the veteran population recent changes to the law, etc.

C. EDUCATION AND REHABILITATION

1. Information input

a. Policy advisory and program planning—highlights of existing mechanisms.—The Education and Rehabilitation Service is on the mailing list for consumer newsletters of veterans' organizations, branches of the military service, and other groups concerned with veterans' affairs and rehabilitation. Consumer complaints and comments regarding education and rehabilitation directed to the President, Congress, the Administrator, and Chief Benefits Director are answered in this Service. The E&R Service frequently participates in consumer conferences and meetings concerning counseling and training of the disabled. Informal liaison also is maintained with the various veterans' organizations. Input from these sources is utilized in planning new programs or projects, developing guidelines for area field stations and reviewing continuously the Education and Rehabilitation Program. Consumer input influenced the creation of the "Jobs for Veterans" project to find employment for the handicapped, the Affirmative Action Program, and a revision of regulations involving second changes in course of study. This service receives and utilizes input from the President's Committee on the Employment of the Handicapped and the Rehabilitation Services Administration's Veterans Rehabilitation Coordination Committee on an ongoing basis. Subcommittee meetings on Education and Work, and Education and Technology of FICE are attended by staff members.

New VA education programs may only be adopted by Congressional action. Feedback received from individuals and interested groups is used to remedy VA procedures. Written consumer input from veterans and veterans' groups has resulted in new procedures to improve existing functions. If a Congressional Committee conducts public hearings on proposed legislation pertaining to veterans and their dependents, the VA and interested persons and groups are afforded the opportunity to furnish consumer input concerning the proposed new issues and ideas. Another source of input is the employees' suggestion program. VA employees are encouraged to submit to Central Office, proposals to institute new ideas, and to amend existing laws and regulations. This program also is open to Department of Defense personnel involved in education programs for servicemen and servicewomen.

Complaints received from individuals and groups are considered when the Agency makes its submissions to the Congress for new legislation. Public concern is reflected in proposals concerning needed changes to better serve the veteran population in the administration of the Education Program. Prior to their effective date, proposed regulations are published in the FEDERAL REGISTER for public review. Interested persons are invited to submit written comments, suggestions or objections regarding the proposals within the subsequent 30 days to the Administrator of Veterans Affairs. All material received within that period is reviewed carefully. All written comments are available for public inspection at the VA Central Office ten days thereafter. The material received may result in amendments to the proposed regulations. The existing or revised regulations then will be approved and published in the FEDERAL REGISTER with a summary of the comments received.

Section 1792, Title 38, United States Code provides for the establishment of an advisory committee composed of persons eminent in their respective fields of education, labor and management, and of representatives of the various types of institutions furnishing vocational rehabilitation or education. It is further provided that the Committee shall also include veteran representatives of WWII, the Korean conflict era, the Post-Korean conflict era, and the Vietnam era. Ex-officio members shall be the Commissioner of Education, HEW; and the Administrator, Manpower Administration, Department of Labor. The Director and staff members of the Education and Rehabilitation Service act as consultants to the Committee. The Deputy Director of the Service is the Executive Secretary of the Committee. The Committee, in performing its functions, assists in the evaluation of existing programs and service; recommends needed new programs and services; and assists in long-range planning and development. Its recommendations may involve regulatory and administrative changes as well as legislative proposals. The Committee may consider matters dealing with the education programs administered by the VA either at the request of the VA Administrator or a properly designated VA official or may act on its own initiative. The Committee may submit its recommendations to the Administrator and if it deems it desirable, may also submit recommendations and reports to the Congress. The Committee has been a valuable tool in improving planning.

Vietnam Veteran Civic Councils have been established as a channel through which the VA has developed new projects and revised existing programs. The input offered by them and other interested individuals and groups arrives in both a technical and general format. Input in this manner is evaluated and a definitive response is provided to the supplier either outlining specifically why a particular method cannot be followed or how the idea will be implemented.

b. Evaluation—highlights of existing mechanisms.—The Compliance Survey Program, directed by the VA, has the basic purpose of assuring that veterans or other eligible persons get education or training of the best quality that can be provided for the amount of funds spent. It has been found to be an effective program evaluation tool. Schools, establishments and eligible persons are given opportunities to discuss and otherwise offer suggestions for improvement of service to eligible persons (consumers) during liaison visits and during compliance surveys. Education and Rehabilitation Service staff visit the field stations on a regularly scheduled basis and instruct station personnel concerning the compliance survey procedures. Feedback is obtained from eligible persons, station personnel and institutions or training establishments. Suggestions that have merit may alter VA policy and procedures affecting the consumer.

Consumer correspondence is evaluated carefully to detect developing patterns so that future problems in these areas can be avoided. Unsolicited correspondence from consumers (i.e. organizations, individuals or institutions and training establishments), and comments concerning VA proposed regulations are received in Central Office. Recently, communications from individuals and State approval agencies concerning standards of satisfactory progress in degree-granting institutions have resulted in amendments to regulations to insure student progress and elimination of abuses. Guidelines have been published in VA regulations to insure adherence to legislative requirements. This was the result of active participation by critics in pointing out what they believed were deficiencies in program administration. As a result of the evaluation, corrective action by the Education and Rehabilitation Service was taken. Another recent example was the upsurge in complaint mail when the termination date of June 30, 1975 arrived, ending vocational rehabilitation benefits for seriously disabled veterans with certain periods of service. This expression of consumer need was a factor in the proposal of legislation to provide further extension of

termination dates for vocational rehabilitation for seriously disabled veterans.

Data from the Human Research Organization Report (by the Department of Labor) as it applies to veterans who received training under vocational rehabilitation are to be utilized for a special study relating to assessment of training and employment outcomes for veteran trainees. An improved computerized system to provide program and accountability data on counseling and training currently is being developed. The Counseling and Rehabilitation subcommittee of the *Administrator's Education and Rehabilitation Advisory Committee* is in the process of studying the C&R program. The purpose of the *Central Office Education and Training Review Panel* is to protect the consumer from fraudulent practices and waste of funds. The Panel holds public hearings which offer opportunities for testimony by consumers. The Panel is convened upon request of an institution or a VA Regional Office Director.

c. Data transmission—highlights of existing mechanisms.—Meetings with State approving agencies are held each year. Suggestions for legislation, program improvements, changes in VA regulations and directives, and long-range planning are welcomed and discussed. Planning for the forthcoming fiscal year's State reimbursement contracts also is discussed. A critique and evaluation of existing programs is part of the agenda of working committees. Designated Education and Rehabilitation Service staff members represent the VA. This is a viable means of obtaining consumer input, disseminating information and testing consumer reaction to proposed changes. Also, the expertise of educational authorities of the various States is especially helpful.

The Director, Education and Rehabilitation Service and his Deputy addressed many consumer-oriented meetings and conferences during Fiscal Year 1975. These included the American Legion, Veterans of Foreign Wars, American Association of Collegiate Registrars and Admissions Officers, American Association of Higher Education, and the Eastern Seaboard Apprenticeship Council. Assistant Deputy Directors have also addressed similar groups and education conferences. The purposes of these meetings were to establish rapport with consumers and technical groups, to keep abreast of current trends, and to solicit suggestions. Periodically the VA publishes a Veterans Education Newsletter which is sent to approximately 25,000 institutions, organizations, agencies, and individuals concerned with veterans' educational affairs.

d. Correspondence and complaint handling—highlights of existing mechanisms.—Each complaint, whether a congressional inquiry or directly from consumer, is given priority. The complaint is analyzed to ascertain:

1. Whether monies due have been delayed;
2. whether the consumer has received adequate assistance from the Regional Office handling the claim; or
3. whether the claim has been handled properly and the consumer is being given all benefits to which he/she is entitled.

Immediate action is taken to telephone the Regional Office handling the consumer's records to ascertain the current status of the claim and to learn whether one of the three items mentioned above is at issue. In those cases where a consumer is due money, but has not been paid, immediate action is taken to issue payment. Further, the consumer is immediately notified of the action taken on the claim, the amount of the check which has been issued, the reason for the delay in payment and assurance that the causes for the delay have been removed. If the consumer has not received adequate assistance from the Regional Office, or, in fact has been given misinformation, every effort is made to provide him/her the correct information, to take corrective action on the claim where necessary, and to identify the reasons for the release of inaccurate information to ensure that this will not be repeated. Further, if payments are due, they are released immediately. In those instances where benefits which the consumer claims cannot be authorized by law, a detailed explanation of the denial is given. Further, the claimant is routinely furnished a notice of appellate rights and informed of the procedures to follow to file an appeal.

Any notice from the consumer indicating a desire to appeal an unfavorable determination regarding a claim for benefits is accepted by the VA as a notice of disagreement or appeal. The appeal is documented and a statement of the case is furnished to the consumer outlining the actions taken on the claim, the governing laws and regulations, and the reasons, as supported by law, for the denial of benefits sought. The consumer is then informed that upon review of the statement of the case, he/she must complete the appeal by outlining the areas where the VA allegedly has acted incorrectly or the specific matters of disagreement. This may be an informal statement of the facts as the consumer sees them. Upon receipt of this substantive appeal, the case is referred to the Board of Veterans Appeals in Central Office for review and a final determination.

Another avenue for the consumer who has been denied benefits is consideration of the case for equitable relief. Where benefits have been withheld due to administrative error or where any consumer has suffered loss by relying on an erroneous VA determination of eligibility, relief (including the payment of monies) may be authorized. Accordingly, when the Regional Office determines that a request for equitable relief should be considered, the consumer's records are reviewed by Central Office. With recommendations from the E&R Service and the General Counsel, the Administrator makes a final determination. When the consumer feels that his/her records have not been properly handled, or the Regional Office determines that the situation is not specifically covered by law or regulation, the consumer's records can be transferred to Central Office for administrative review and/or an advisory opinion.

As a result of these ongoing reviews, consumer input is considered in the administration of the educational program. Such input is especially important in light of changing educational practices and concepts and in the adaptation of the educational program to changes in the field. The VA is also responsible for ensuring that educational institutions approved for the enrollment of veterans and other eligible persons utilize advertising which is not erroneous, misleading or inaccurate. Accordingly, when a consumer notifies the VA of practices by an educational institution which indicate that all requirements are not met, or where the VA finds that such institution's advertising is objectionable, the matter is immediately investigated and coordinated with appropriate Federal and State agencies with a full report to the consumer.

Opportunities for Future Mechanisms

Although it is felt that existing mechanisms are adequate to handle consumer complaints and comments, the VA has become increasingly concerned with the consumer's rights in relation to obtaining an adequate education with the assistance of the G.I. Bill. Therefore, recent changes in the law, regulations, and administration of the program have been made to assure that schools are providing the training necessary for employment in a particular field. Also, schools now are required to monitor more closely the progress and attendance records of students receiving VA educational benefits. To ensure that the consumer's interests and rights are safeguarded, the VA will

Institute future mechanisms based on consumer input and liaison with other organizations.

2. Information output

a. Communications to consumers on issues and decisions—highlights of existing mechanisms.—The Federal Interagency Committee on Education was created by Executive Order in 1974. FICE represents 30 major Federal agencies and departments administering educational support programs and has 11 subcommittees devoted to critical educational issues. One of the most important of these is the Subcommittee on Educational Consumer Protection created to improve coordination among agencies and to study the major problems and issues confronting the student.

The Subcommittee reviews the efforts of Federal agencies in the emerging field of educational consumer protection and promotes cooperation with non-Federal organizations. For example, the Subcommittee supported the efforts of the Education Commission of the States (ECS) in drafting model State legislation for use in regulating postsecondary educational institutions. They were successful also in obtaining multi-agency support for two invitational conferences on educational consumer protection organized by the ECS and held in Denver, Colorado, during March 1974, and Knoxville, Tennessee, in November 1974. The model State legislation, as well as other aspects of protection for the educational consumer, was deliberated by representatives of Federal and State agencies, academic institutions, student and consumer groups, and others concerned with educational consumer protection. Proceedings and recommendations from both conferences have been published by ECS and distributed widely. The Education and Rehabilitation Service has been very active within both the Subcommittee and its Task Forces. It has participated in major recommendations concerning a federally coordinated educational consumer complaint system and full disclosure of consumer rights and responsibilities.

The law which the VA administers for veterans' benefits provides for the payment of educational and training assistance allowances for the enrollment of veterans and other eligible persons in courses of instruction approved by either the State approving agency or the Administrator of Veterans' Affairs in the case of courses offered by agencies of the Federal Government, Government instrumentalities or training establishments that are carriers directly engaged in interstate commerce and provide training in more than one State. The E&R Service also acts in lieu of the State approving agency in considering approval of courses of education pursued at foreign institutions. The E&R Service replies to correspondence from the agencies, establishments or institutions and fully informs them of the requirements of the law and their responsibilities when offering courses to VA educational consumers. If a foreign school has not been approved to offer courses and wishes to seek such approval, it must submit an application for approval to the nearest Department of State Foreign Service post for forwarding to the VA Central Office. The completed application includes a covering report prepared by the post officials stating that they are satisfied that the school is reputable and that the person who signs the application is an official of the school authorized to commit the institution to an agreement with the VA. The Department of State post officials report any information coming to their attention regarding the foreign school which may be cause for doubt that enrollment at the institution is in the best interest of the eligible persons. The VA may request a special report in some situations on the continuing eligibility of a particular school if a doubt arises. The VA provides the following information to the Foreign Service post: the date the school's program has been approved, and a copy of any disapproval action sent to individual veterans, servicemen, or dependents about overseas school attendance. The Service also receives assistance in the above areas from such sources as foreign embassies; foreign ministries of education; foreign schools and hospitals; United States and foreign regional and professional accrediting associations; United States universities; United States medical residency boards and associations; and State departments of education in the United States. The VA furnishes information and advice to educational consumers inquiring about benefits for attendance at a foreign school.

The E&R Service reviews, for compliance with the law, approval notices of State approving agencies concerning Home Study Courses. If defects in the school's enrollment contracts, procedures, and advertising are discovered, they are brought to the attention of the State agency. Where accreditation is involved, E&R Service also brings the matter to the attention to the National Home Study Council. The VA has taken steps to enter into an agreement with the Federal Trade Commission to utilize its resources to investigate an institution's advertising, sales, or enrollment practices which are erroneous, deceptive, or misleading either by actual or intimated statement or omission.

Regional meetings with VA personnel to introduce revised or new techniques in data processing is an ongoing program. This allows experts to elucidate fully a particular phase of computer processing and improve service to customers. The VA maintains mailing lists to insure proper distribution of approved amendments to regulations, changes in the Agency's procedures and general information. They are distributed to State approving agencies, schools and interested parties. Additions to the list may be made by individuals seeking to keep informed of current VA programs.

b. Feedback to consumers about their comments—highlights of existing mechanisms.—This has been covered in paragraphs 1 through 3 under Information Input.

c. Consumer education—highlights of existing mechanisms.—The Education and Rehabilitation Service has no formalized Consumer Education program. The means and methods of protecting consumer rights are described in previous paragraphs and comments. The FICE Subcommittee on Educational Consumer Protection is currently working in this area. Staff members are actively participating in the Subcommittee study on how best to educate the consumer.

Opportunities for Future Mechanisms

FICE recommendations that are applicable and feasible for the VA will be implemented.

D. LOAN GUARANTY

1. Information input

a. Policy advisory and program planning—highlights of existing mechanisms.—The objective of the Loan Guaranty Program is to make possible the guaranty of low or no-downpayment home loans for veterans. This requires the formulation of policies and procedures based on consideration of the legal, technical, financial and sales practices prevalent in the housing industry. Reliance is placed, therefore, on the "indirect consumer advocacy" available through national organizations of program participants; e.g., lending institutions, builders, real estate sales brokers, and mobile home trade associations.

Opportunities for direct consumer input at the policy-making level are limited by the nature of the program's operations. The majority of veterans have little or no contact with the VA once the certificate of eligibility is issued. Since the lending institutions which made the loans service them, in most cases the VA does not intervene. Consequently, input from veterans at the policy-making level is gained through feedback from Regional Offices on veterans' needs and concerns. The VA's Loan Guar-

anty Program traditionally has utilized the indirect advocacy of housing industry groups, coupled with the recommendations of Regional Office personnel, as aids in policy formulation and determinations.

One mechanism for consumer input is formal solicitation of comments on proposed policy statements or adjustment of existing policy from such organizations as the Mortgage Bankers Association, National Association of Home Builders, Mobile Home Manufacturers Association, and National Association of Real Estate Brokers. As an example, following enactment of Public Law 93-569, Loan Guaranty officials consulted the Mortgage Bankers Association in the development of criteria for VA approval of lenders applying for the automatic lending privilege newly authorized by the law.

The establishment of working committees on an ad hoc basis with membership made up of VA and housing industry representatives, aids in developing policies pertinent to new functions. Such a committee was convened in the VA Central Office to propose regulations and policies for the implementation of the Mobile Home Loan Program pursuant to Public Law 91-506. There are also extensive liaison and public relations efforts with housing industry groups through frequent informal communications, and VA representation at both the local and Central Office levels at education meetings, on panels, and as speakers at conventions.

Consumer problems at the local level are transmitted to the policy-making level and considered in the evaluation of policy changes. Review is made of newspaper articles and publications dealing with consumer concerns about housing construction, financing, sales and related areas. Central Office reviews precedent, hardship and complaint cases involving veterans, and both Central and Regional Offices distribute final policy statements to representatives of housing industry groups. Quality control reviews are conducted at each Regional Office once each eighteen months, and aside from an opportunity to evaluate operations, also provide for input about consumer concerns. Regional Offices are asked to comment on proposed policy statements; recently, selected stations reviewed and commented on a proposed publication for lenders and VA Regional Offices intended to promote greater uniformity in credit underwriting.

Discussions at Loan Guaranty Officers' Conferences have led to the amendment of policy in the interests of removing inequities or otherwise improving the program. Central Office reviews special reports which illustrate problems and concerns of veteran homebuyers. The VA operates 22 counseling centers which advise minority homebuyers and provide information on the various aspects of purchasing homes. Reports of such counseling are periodically sent to Central Office as are reports on mobile home complaints. In addition, VA representatives interview veteran mobile home purchasers, on a sampling basis, to determine their satisfaction with mobile home living, dealer servicing, and any problems associated with warranty requirements. Reports of these interviews are submitted to Central Office.

Opportunities for Future Mechanisms

Future mechanisms will emphasize more systematic and wider solicitation of views from housing industry groups and field station personnel on proposed policy statements of major significance. Presently, such views are solicited primarily on new issues. In an effort to obtain more direct consumer information, the Loan Guaranty Program will encourage input from veterans' consumer groups, e.g., the Veterans of Foreign Wars, Paralyzed Veterans of America, Disabled American Veterans, American Legion, and others. New measures to stimulate additional input include the creation of an advisory committee to provide critiques and suggestions on program plans and policies on a periodic basis. The committee will consist of representatives from major areas of the housing industry, Loan Guaranty Officers and veterans' organizations. To stimulate Loan Guaranty Officers' participation in policy formulation and planning, they will be requested to identify problem areas and offer suggestions as a matter of routine.

b. Evaluation—highlights of existing mechanisms.—As mentioned above, it is a common practice for the Loan Guaranty Program to solicit formal and informal opinions on most new policy matters from housing industry representatives, whose technical expertise and knowledge enable them to point out potential problems with requirements which may prove unworkable from an industry standpoint, or may operate to the veteran's disadvantage in certain areas because of local conditions.

The major existing mechanism for evaluation of proposed policy changes is the public comment furnished in response to FEDERAL REGISTER publications. Such comments also aid in identifying any requirements which could hamper the effectiveness of the program, and afford opportunity for adjustment prior to finalization.

Opportunities for Future Mechanisms

Presently, routine feedback from Regional Offices and input from program participants effectively alerts Central Office to needed adjustments in program policies and procedures. There is a need to formalize such reviews, however, through special solicitations of comment which would make for a more comprehensive evaluation of new requirements and their effect on local operations once sufficient operating experience with such new policies has been gained. The Loan Guaranty Program will introduce systematic evaluations of major new program functions or substantially adjusted programs within stated time periods after implementation. Program participants and Regional Office personnel will be invited specifically to evaluate such operations. In this manner, any consumer issue involved in the program under scrutiny will receive special attention.

c. Data transmission—highlights of existing mechanisms.—Existing mechanisms include the requirement for advance publication in the FEDERAL REGISTER of proposed regulatory changes. Revisions other than those which are required by statutory changes usually are published for advance comment. In the implementation of Public Law 93-569, the VA published the proposed policy on the VA's independent condominium approval requirements as a notice of rulemaking. Actual operating instructions to Regional Offices, builders and lenders were covered. The issue was published as effective immediately, but comments were solicited for consideration in future revision.

Opportunities for Future Mechanisms

The Loan Guaranty Program will publish major implementing policy statements for public comment as advance notices of rulemaking. Wherever possible, such notices will contain brief explanations of the requirements in clear, nontechnical language. Subsequent changes in such policies also will be published with explanations giving reasons for such changes. Veterans' service organizations will be furnished copies of proposed policies and asked to comment on them.

d. Consumer correspondence and complaint handling—highlights of existing mechanisms.—New homes inspected by the VA or FHA during construction are subject to a one-year warranty which the seller must furnish to the veteran. Normally builders readily rectify defects when contacted by veteran purchasers. Should builders fail to remedy defects for which they are responsible, the VA Regional Offices will assist vet-

erans in securing correction of such defects. Each veteran receiving a guaranteed loan is sent information which gives instructions on how to proceed with complaints. Internal operating instructions provide for control of such complaint mail with inspections, at Government expense, and follow-up within specified time periods. Continued failure on the part of builders to correct deficiencies can result in sanctions such as the VA's refusal to appraise other housing which the builder has under construction or ready for sale. Should builders repeatedly fail to make necessary corrections, Regional Offices may suspend them from further participation.

Construction complaints constitute the major category of such correspondence. Veterans also correspond with the VA to report problems with lenders and brokers. Such correspondence normally is given prompt attention and repeated actions determined prejudicial to veterans can result in suspension from the VA program of the lender or broker involved.

2. Information output

a. Communication to consumers on issues and decisions—highlights of existing mechanisms.—Major program changes which affect veterans are given wide publicity through press releases, public service announcements, pamphlets, and administrative issues, which are sent to veterans' service organizations.

b. Feedback to consumers about their comments—highlights of existing mechanisms.—As stated, prompt reply is made to any comments received from veterans who respond to FEDERAL REGISTER notices or other output.

c. Consumer education—highlights of existing mechanisms.—The VA releases pamphlets, such as "Questions and Answers on Guaranteed and Direct Loans to Veterans," "To the Home Buying Veteran," and "Questions and Answers on Mobile Home Loans for Veterans," to veterans obtaining certificates of eligibility. Computer-generated certificates of eligibility and pamphlets are sent to eligible veterans shortly after their discharge from military service. This provides the veteran with general program information and points out considerations important to the selection of a home, as well as typical financial operations observed by lenders. The VA makes quantities of these pamphlets available to military bases, libraries and other requesters. Supplies of "To the Home Buying Veteran" are furnished also to the Consumer Product Information Service, which makes them available to the general public. When the VA guarantees a loan, another pamphlet, "Pointers for the Veteran Homeowner," is mailed to the veteran. It provides instruction on general home maintenance, the need to meet mortgage payments promptly and what to do if the veteran should have problems in making mortgage payments or decides to sell the home. All pamphlets are updated to reflect major policy changes affecting veterans' home loan benefits, and new pamphlets are issued as needed, as aids to veteran consumers.

Once they obtain home loans, most veterans have no further need to contact the VA, unless they have construction complaints, fail to meet mortgage payments, or elect to sell the property. For these specific cases, the VA has procedures for assisting the veteran. When the lender, who has responsibility for servicing the loan, notifies the VA that the veteran has defaulted, the local Regional Office contacts the veteran, reviews his/her financial status, and provides counseling to assist the veteran in making arrangements with the lender to cure the delinquency. It is the VA's policy to seek forbearance for veterans in all worthy cases, when it is probable that the veteran can bring the payments current within a reasonable period. The agency and veterans have benefited significantly in this respect through the cooperation with lenders which Regional Offices have fostered.

Contacts with veterans also occur at the time they may seek to obtain a release of liability in connection with a sale of a property, securing a guaranteed loan, for restoration of entitlement when their loans have been paid in full and the property is sold, or when they seek restoration of entitlement based on the proposed sale of their homes to veterans who will substitute entitlement for that of the veteran-seller. Regional Office activities through the Loan Guaranty Program are major sources of direct consumer input which ultimately influence policy and procedural changes by means of employee suggestions, special case transmission to Central Office, and policy recommendations forwarded by Loan Guaranty Officers.

Opportunities for Future Mechanisms

Shortly, the VA will publish two pamphlets developed under a contractual arrangement with Community Associations Institute, a nonprofit organization which provides guidance on the creation and operation of automatic membership community associations. When functioning properly, such associations are essential to the satisfaction of homeowners purchasing properties in condominiums or planned unit developments. As consumer tools, the VA will offer the "Home Buyer's Guide on Community Associations" and a "Home Owner's Guide" to those veterans purchasing property in such developments.

Veterans' organizations receive copies of veterans' publications and administrative issues dealing largely with changes in home loan benefits. As discussed previously, distribution will be expanded to include proposed issues of broader application. This should stimulate more input in the future.

d. Feedback to consumers about their comments—highlights of existing mechanisms.—The Loan Guaranty Service responds to any comments on FEDERAL REGISTER publications. As a practical matter, most consumer comments concern the veteran's own experience in obtaining a loan or VA publications on the loan program. All such inquiries are answered promptly.

3. Planned actions

To recap the various endeavors outlined above, the Loan Guaranty Program will undertake the following special actions:

(i) Expanded solicitation of views from housing industry groups and field station personnel on proposed policy statements of major significance. Central Office will send letters to program participants which announce this plan as an effort to encourage input. Loan Guaranty Officers will release a directive inviting comments or reports of program policy problems and areas for improvement.

(ii) Representatives of the housing industry and veterans organizations will be invited to serve on an advisory committee.

(iii) Field offices will receive instructions to assure release of program information to consumer groups.

a. *Schedule of Events.*—The recommendations have a target date of January 1976.

b. *Allocation of Resources.*—All planned actions can be absorbed by existing personnel.

E. INSURANCE

1. Information input

a. Policy advisory and program planning—highlights of existing mechanisms.—Life insurance protection for the nation's servicemen and veterans is provided under five separate programs administered by the VA and three programs which are supervised by the VA through a contractual relationship with private companies. The Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs are administered by the Prudential Insurance Company. The

Veterans' Mortgage Life Insurance program is administered by the Bankers Life Insurance Company. The service-disabled veterans' insurance is the only program administered by the VA which is open to new issues. This program was designed to assure that service-disabled veterans could obtain life insurance at standard rates.

Changes to the Insurance Program are brought about by legislation and are infrequent. They are generally a result of responses to consumer needs. An example is the amendment of Servicemen's Group Life Insurance. Originally, SGLI provided group life insurance under a term plan for members of the Uniformed Services while on active duty and for 120 days thereafter. Later, coverage was extended to certain Reservists, the amount of coverage was increased, and a new program of insurance, Veterans Group Life Insurance, was established.

In order to meet the needs of the veteran population, Insurance Service is receptive to and seeks out their viewpoint. Veterans' organizations are consulted regarding changes in regulations and procedures. They receive advance notice of VA insurance regulations, prior to publication in the FEDERAL REGISTER, and are invited to comment and offer suggestions. Every effort is made to include veterans in decisions affecting them.

b. Evaluation—highlights of existing mechanisms.—To make certain that insureds are receiving the highest quality service, periodic visits are made to the Office of Servicemen's Group Life Insurance. Procedures are checked and whenever discrepancies are detected, they are discussed with responsible officials. Recommendations for improvements in operations are made. The VA processes correspondence received in connection with SGLI or VGLI and investigates complaint letters.

The primary consideration of the Insurance Program is to serve veterans in a timely fashion while maintaining strict quality control. The Quality Control program makes random checks daily to assure that the processing of veterans' inquiries was correct and was within prescribed time limits. Systematic analyses, as scheduled by management, provide critical overall review of insurance operations. They furnish the means for determining the accuracy of the operations, the quality of service rendered and whether present operating techniques are most practical and economical.

c. Data transmission—highlights of existing mechanisms.—As mentioned, veterans' organizations receive advance notice of changes in regulations prior to publication in the FEDERAL REGISTER. Whenever possible, their comments are incorporated into the final regulations. Representatives of the Insurance Service attend veterans' organization conventions and conferences to explain new and existing programs and to obtain their viewpoint. Matters of concern to veterans are relayed to the VA at biennial training seminars which focus on answering questions raised by veterans' representatives, in addition to informing them of VA insurance activities.

d. Consumer correspondence and complaint handling—highlights of existing mechanisms.—Both VA Insurance Centers have established procedures to control complaint mail in order to insure prompt reply is made. Such mail is analyzed regularly to determine if changes in procedures or other corrective action is necessary. Since an individual has the right to have a case heard by the Board of Veterans Appeals, there are formal procedures for handling appeals. Telephone and personal contacts from insureds or their representatives about government life insurance are handled by a special group of employees who prepare reports of contact. These are forwarded to the proper operating element and are processed on a priority basis. Under certain circumstances, as when a serious problem comes to light, these employees exert every effort to solve the problems immediately and inform the insured or a representative of any actions.

2. Information output

a. Communications to consumers on issues and decisions—highlights of existing mechanisms.—VA representatives attend conventions and conferences conducted by veterans' organizations to discuss insurance matters, including new and proposed legislation and current problem areas. An attempt is made to correct immediately any complaints or problems raised at these meetings, and the veterans' organizations are informed of what has been done. All county, state and local representatives of veterans' organizations are invited to attend biennial seminars conducted by the two insurance centers. The purposes of the seminars are to inform the veterans' organizations of insurance activities, to provide training in insurance procedures and regulations, and to answer questions about the problems being encountered by insureds. The VA distributes pamphlets and brochures about government life insurance to key groups throughout the country, including VA installations, veterans' organizations and the Armed Forces.

Opportunities for Future Mechanisms

In addition to the regular seminars, meetings will be held with the veterans' organizations whenever major insurance legislation is passed. Representatives of Insurance Service will meet with Veterans Benefits Counselors from Regional Offices around the country to explain the provisions of major new legislation. Veterans Benefits Counselors are the Regional Offices' primary source of contact with veterans and are important in the dissemination of insurance information, particularly since the administration of government life insurance programs is handled only in the VA Centers, Philadelphia and St. Paul.

b. Feedback to consumers about their comments—highlights of existing mechanisms.—The basic forms of feedback are the responses of Veterans' Benefits Counselors to inquiries in the Regional Offices and the written replies to complaints or requests for information sent by mail to the insurance centers.

c. Consumer education—highlights of existing mechanisms.—the VA takes a positive attitude in explaining types of insurance to veterans, but always allows individuals to determine which type is best for their personal needs. For example, to prevent premiums for term insurance from becoming prohibitive as the insured grows older, a schedule of future renewal premiums is sent to each policyholder at the time of renewal. The insured is advised to consider converting to a permanent plan which avoids future increases. The VA has developed operating procedures to safeguard interests of veterans. For instance, when an application for cash surrender pertains to a policy on which premiums have been waived due to total disability, the insured is discouraged from surrendering the insurance for cash. The VA suggests retention of the insurance since it does not cost anything and dividends will accrue; application for a loan is suggested if cash is needed. Another example is an informal application for cash surrender pertaining to a limited payment life policy on which premiums are paid and earned to the end of the premium paying period. The application is not processed unless it is evident that the insured is fully aware of the pertinent facts regarding the change. He/she is always informed of the advantages of retaining the insurance.

Realizing that many insureds failed to update their beneficiary designation, the VA mailed applications for designation of beneficiary and optional settlement to all policyholders who had not submitted a change since 1959. A special effort is made by the VA to inform all insureds whenever new legislation involving

insurance is passed. This is accomplished through the news media, television, radio, special mailings, etc.

3. Planed actions

When major insurance legislation is enacted, special seminars will be conducted with representatives of veterans' organizations and Veterans Benefits Counselors to explain the legislation and its impact on veterans.

a. Schedule of events.—These seminars will be held when the enactment of new legislation demands.

b. Allocation of resources.—Planned action can be accomplished with existing personnel.

National Cemetery System

A. GENERAL

The National Cemetery System (NCS) is responsible for providing a gravesite in a national cemetery for the burial of veterans and their eligible dependents, and for furnishing a headstone or marker for the grave. Headstones and markers are also provided for veterans buried in private cemeteries. The consumers of the National Cemetery System are veterans and active duty military personnel and their dependents who plan for burial in a national cemetery or who request headstones or markers for veterans' graves in private cemeteries. The greatest part of consumer effort is directed toward the many veterans' organizations at their national conventions and special meetings. On the national level NCS is represented by Central Office personnel. At the local level, the superintendents of the national cemeteries represent the program interests.

B. INFORMATION INPUT

1. Policy advisory and program planning—highlights of existing mechanisms

The National Cemetery System is a relatively new responsibility of the Veterans Administration, having been transferred from the Department of the Army by Public Law 93-43 on September 1, 1973. This was the result of a demonstration of consumer desires. The veterans' organizations informed Congress that the non-expansion policy of national cemeteries by the Army was not what they desired and caused the transfer of responsibility to the VA. NCS is now busy trying to satisfy the consumers' desires. One of the most important endeavors at the present time is the establishment of new cemeteries and the development and expansion of existing ones.

Consumer expressions received through Congressional interests, veterans' groups and the printed media are reviewed on a regular basis. Public Law 93-43 directed the establishment of an advisory committee to represent the desires of the consumer and to evaluate the recommendations of the Administrator of Veterans Affairs. There is a Congressional Inquiry Section within the Planning and Evaluation Staff to receive and give full consideration to all inquiries about cemetery matters from Congress and the White House. Professional organizations such as the National Funeral Directors' Association are encouraged to bring consumer problems to the VA's attention. Consumer views on the headstone/marker program are received through the many county and state service officers, and cemetery and funeral directors who serve the veteran and his family at the time of burial. In this program, written material in the form of letters of complaint or compliment continues to be the best medium of input. Consumer input is received monthly from local architectural engineers and veterans' groups. Master plans are prepared and are reviewed by interested local and Congressional officials.

2. Evaluation—highlights of existing mechanisms

The organization of the NCS includes field supervising offices which give direct supervision and guidance to the national cemeteries. It is their responsibility to evaluate the effectiveness of service provided the public by each national cemetery. Periodic on-site evaluations are made as to how well the job is done and to solicit consumer expressions. Consumer demands that cannot be resolved at the local level are transmitted to VA Central Office for consideration.

New concepts are submitted to Congressional committees, veterans' organizations, funeral directors' and cemetery associations, and national cemetery superintendents' conferences for evaluation. One recent notable evaluation was by the House of Representatives, Subcommittee on Cemeteries and Burial Benefits, which conducted hearings in Los Angeles on the proposed new national cemetery to be located at Riverside, California.

The *Advisory Committee on Cemeteries and Memorials* is a relatively new mechanism for the evaluation of cemetery policies and planning. This committee is composed of a cross-section of veterans representing many veterans' groups and organizations. The committee meets periodically to consider cemetery matters and recommendations.

3. Data transmission—highlights of existing mechanisms

Data is transmitted through correspondence directed to the VA and Congressional sources, and through appearances before veterans' organizations. Members of the advisory committee receive many inquiries both oral and written. The national cemetery superintendents are in daily contact with consumers and reflect their wishes through official correspondence and telephone calls to their supervisors for review and evaluation. Many resolutions are received from local veterans' groups for action on cemetery matters or from national conventions of veterans' organizations. Telephone inquiries are received daily at all levels of cemetery administration to request information, to make complaints or recommendations, or to compliment NCS.

4. Correspondence and complaint handling—highlights of existing mechanisms

Most of the complaints received involve cemetery operations such as the care of a grave, the condition of the headstone or some aspect of the burial service. The Headstone Service, however, is criticized sometimes for delay in providing the headstone or the inscription. Additional complaints are received about the lack of cemetery gravesites or the closing of cemeteries for lack of grave space.

Complaints at the cemetery level are handled locally whenever possible. Larger cemeteries have a system of registering complaints on a "complaint slip." These are given to field foremen daily for correction. Corrective actions are reported back to the complainant by letter or telephone call from the administrative office. Congressional and White House complaints are processed through a Congressional Inquiry Section where replies are prepared with the concurrence of the Director, Cemetery Service or Headstone Service and the national cemetery field offices when appropriate. Significant complaint trends are brought to the attention of key officials at weekly staff meetings.

Printed rules passed out at cemetery level ask that complaints be given to the superintendent so that they can be expeditiously handled without the additional administrative costs connected with going through Congressional and Central Office sources. A complaint reporting system also has been instituted whereby national cemetery superintendents are required to report all complaints to the Director, Cemetery Service. These are re-

viewed to determine trends, if corrective action is required and if new procedures or rules are indicated.

C. INFORMATION OUTPUT

1. Communication to consumer on issues and decisions—highlights of existing mechanisms.

The National Cemetery System maintains continual communication with veterans' organizations, funeral directors' and cemetery organizations, and Congressional committees on all issues and decisions on national cemeteries and the furnishing of headstones and markers. This is accomplished through inquiries, consultation on matters with impact on the consumer, question-and-answer sessions, and daily exposure to routine and individual situations.

A number of helpful informational aids have been devised to facilitate the dissemination of pertinent data. These include a list of national cemeteries showing those open and closed, with addresses and telephone numbers; and a leaflet, "Interments in National Cemeteries: General Information," which describes eligibility for burial in a national cemetery and the procedure to follow. National cemetery regulations and changes thereto are published in the FEDERAL REGISTER for the information and comments of the veterans, veterans' organizations and the general public.

In January 1974 the Administrator presented his recommendations for the National Cemetery System to Congress. These recommendations have been published by the Veterans Affairs Committees of both the Senate and the House. The establishment of new national cemeteries is publicized through Congressional sources, meetings with veterans' groups, the *Advisory Committee on Cemeteries and Memorials*, and through news releases to the press.

2. Feedback to consumers about their comments—highlights of existing mechanisms

The functions of the National Cemetery System must be carried out in a very sensitive manner since they are performed when the consumers are under great stress. A great deal of patience is required to respond to their wishes in a sympathetic manner. Emphasis is placed on training employees to be dignified and sympathetic at all times. This is the prime area in which we can let consumers know how we have reacted to their comments and criticisms.

3. Consumer education—highlights of existing mechanisms

Consumer education is a difficult problem when it comes to death and burial, since the subject does not generate immediate concern among the living and is often neglected. As mentioned, literature explaining veterans' benefits in NCS is furnished upon request and is made available at presentations to veterans' organizations, funeral directors, etc. The best source of information for consumers is the local funeral director who comes to their assistance at the time of a death. The Armed Forces and Retired Associations make known to their members the kinds of benefits that are available at the time of death. NCS gives guidance on the publications the associations issue and suggests means of improvement. National Cemetery Superintendents appear before local groups to discuss the cemteries and the benefits available.

Supporting Staffs

A. INFORMATION SERVICE

The major goal of the VA Information Service is to inform veterans and their dependents of the benefits available to them and how to go about claiming their entitlement. Through the use of all available media, Information Service attempts to reach the greatest possible number of potential beneficiaries.

Since they disseminate information on benefits programs administered through other VA departments, the news releases and other communications are usually of an explanatory or informative nature and are designed to motivate veterans to contact the nearest Regional Office for assistance. Their major function then, in terms of consumer representation, is that of information output, specifically consumer education. Some of the methods by which Information Service accomplishes its mission are:

(1) news releases averaging 250 per year, distributed nationally to 11,000 daily and weekly newspapers, wire services, and military and veterans' publications,

(2) approximately 6,000 local news releases prepared by VA Information Service Representative stationed in the field or by field station personnel,

(3) magazine articles which totaled nearly 50 last year,

(4) two weekly radio programs which between them are sent to 3,400 stations plus the Armed Forces Radio Network,

(5) eight filmed TV spots and 12 slides plus copy which each year are distributed to 800 TV stations, and

(6) a booklet entitled "Federal Benefits for Veterans and Survivors" (a summary of benefits information), 400,000 copies of which are given away through VA Regional Offices.

In addition to these and other means of reaching the veteran, the Information Service publishes a biweekly Public Opinion Digest which is sent to all VA Hospital and Regional Office directors. It gathers stories from the media both critical of and favorable toward the VA. Knowledge of what is going on at another station can give a director the chance to head off the problem before it develops in his area or it can suggest an idea he might wish to implement. This too results in improved service to the VA consumer.

B. GENERAL COUNSEL

The General Counsel serves as the Chief Officer of the Veterans Administration in all matters of law and legislation. He directs, has jurisdiction over, and is responsible to the Administrator for all litigation involving the Veterans Administration, all interpretative legal advice on matters of litigation and law, and preparation of the VA legislative program based upon recommendations of the operating units. Therefore, the General Counsel is not, in most cases, in direct contact with the consumer. The bulk of his functions involves indirect contact.

As part of his work, the General Counsel (1) reviews draft regulations promulgated by program units to assure their legality; (2) is responsible for drafting legislation for presentation to the Congress to carry out VA programs; (3) renders opinions on interpretation of laws affecting the VA; (4) is available to counsel and assist officials of the VA with legal problems arising during the course of their day-to-day work; (5) works directly with the Department of Justice in cases of litigation involving the VA; and (6) works with Congressional Committees in conjunction with legislative matters.

While the bulk of the General Counsel's work involves indirect consumer impact, there are, however, areas where there is direct contact with consumers. Letters are received from the general public which deal with legislative or legal problems or involve complaints relating to those areas. These letters are responded to directly by the General Counsel. Where the correspondence indicates a potential need for new legislation or regulatory changes, these letters are segregated and are periodically reviewed with program officials who are primarily responsible for recommending new legislation or making regulatory changes. Direct contacts are also made with consumers in conjunction

with claims filed under the Federal Tort Claims Act and matters concerning the Medical Care Recovery Act. These contacts involve correspondence and, in some cases, face-to-face contact with the consumer or his attorney. The General Counsel also has direct contact with veterans or attorneys concerning some individual home loan matters and in connection with deceased veterans' estates where the veteran dies leaving no next of kin. Thus, in certain cases, the contact can be direct.

Serving under the jurisdiction of the General Counsel are the District Counsels who are stationed in Veterans Administration Regional Offices and Centers throughout the country. These individuals maintain day-to-day contact with the Directors and operating personnel at such offices and parallel, to a large extent, the type of work done by the General Counsel in such areas as responding to letters, Federal Tort Claims and Medical Care Recovery Act Matters, and in the Loan Guaranty Program.

C. BOARD OF VETERANS APPEALS

The Board of Veterans Appeals is the final authority whenever the veteran is dissatisfied with the previous decisions regarding a claim for benefits. Only insurance cases can be reviewed further by the Federal Courts. The appeals process offers the veterans several opportunities to have an unfavorable decision reversed or modified. Generally, the policy of the VA is to act in favor of the veteran when there is substantial doubt and when it is in its power to do so.

The first step in the process occurs when the veteran submits a claim at a Regional Office. Each claim is thoroughly reviewed before a determination is made. Those claims which are not approved are sent to the veteran with an explanation. If the veteran expresses dissatisfaction with the decision, the Regional Office may seek more information or provide the individual with a more detailed explanation of the factors involved in the original decision. The veteran then may ask one of the veterans' organizations to intercede on his/her behalf, and the claim may be resubmitted with additional information. If a favorable decision cannot be made at that time and substantive disagreement continues, it is referred to the Board of Veterans Appeals.

Generally, the veteran gives one of the veterans' organizations power of attorney to represent him/her, at no charge, before the Board of Veterans Appeals. Once the claimant authorizes it, the veterans' organization is given access to all records, and presents the case before the Board. The representative of the veterans' organization is conversant with VA regulations and knows the best way to proceed on behalf of the claimant. The veteran also has the option of making a personal appearance or being represented by an attorney.

At the time of the hearing, the Board of Veterans Appeals listens to any relevant presentation. The hearing is strictly *ex parte* (nonadversary) in nature and the procedures followed are informal. When all of the evidence has been compiled, the panel, usually composed of three members of the Board, will study the case carefully and will make every effort, consistent with the applicable law and regulations, to act in the claimant's favor. A written decision, containing separately stated findings of fact and conclusions of law, is promulgated in every case. The purpose of the written decision is to explain fully the reasons for the ruling, be it an allowance or a denial.

Postappellate complaints receive the personal attention of either the Chairman of the Board, the Vice Chairman of the Board, or the Chairman's Executive Assistant. The more substantive or controversial of the complaints are resolved by way of formal decisions prepared by enlarged panels, a typical one consisting of six members of the Board. Other complaints are disposed of by sympathetic explanatory letters, after appropriate study has been made by members of the Chairman's medical and legal staffs.

Because of the large number of claimants represented by veterans' organizations, a productive and satisfactory relationship has been established. The VA profits directly by their efforts to help claimants develop and present, in orderly fashion, their appeals to the Board. Moreover, the offices of the Chairman and Vice Chairman are always open to them at any stage of the appellate process. Their advice, suggestions and constructive criticism are valued highly.

As the highest appellate authority of the Veterans Administration, the Board does not formulate or routinely comment on agency regulations or policy pertaining to substantive entitlement to benefits. However, its adjudicative procedures are constantly under review with a view to improvement. And certainly, when areas of regulatory ambiguity are identified in connection with the day-to-day activities, appropriate elements of the agency are notified and suggestions for change in policy are made. The Board of Veterans Appeals is constantly in touch with Central Office, as well as the field stations, in its efforts to resolve: (1) problems which have been identified, or (2) complaints which have been presented by those outside the agency.

D. REPORTS AND STATISTICS SERVICE, OFFICE OF THE CONTROLLER

The Reports and Statistics Service is responsible for statistical support and the control of reports throughout the Veterans Administration. Much of the information concerning the veteran consumer of VA benefits is obtained through the VA reporting systems. These reports are used to pinpoint trends and alert management to possible problems concerning service to the veteran and other beneficiaries of VA programs. The data are analyzed by program officials as well as by the staff of the Reports and Statistics Service. The analyses are done by program officials in order to alert them to possible developments which could affect beneficiaries.

The Service also prepares veteran population reports by geographic distribution, age, service period, etc. and data on their dependents and survivors. These data are published in reports released to the public and Congress. They are also used by program officials to identify needs for expanding programs and to project future requirements. In addition, the service conducts special statistical studies to evaluate VA programs and to determine their effectiveness. Studies recently completed or in progress for the major departments are shown below:

DEPARTMENT OF VETERANS BENEFITS

STUDIES RECENTLY COMPLETED

Survey of VA Pensioners Age 72 or Older. Its purpose was to provide information on which the adequacy of food, housing, and medical care for pensioners could be evaluated.

STUDIES IN PROGRESS

1. *Tuition Assistance and Public Reaction to Method of Payment.* The study attempts to quantify attitudes of the veteran and the public toward several alternative methods of tuition payment under the current GI Bill.

2. *Survey of Employment Following Training in Vocational Courses.* The data developed on employment experience will be used for program evaluation. Data for individual courses in each approved school will be used for program control, to determine whether the course will retain its approval for veterans' training.

3. *Course Completion Study.* This is a comprehensive study of completion rates, reasons for non-completion, use of skills fol-

lowing training, employment status, earnings, and whether a diploma or certificate was granted.

4. *Benefits Longitudinal Study (Phase I).* This is the first phase of a 12-year study following Vietnam Era veterans in their uses of entitlements and what benefits they have obtained from them. This is useful in analyzing the VA programs from both an adequacy and an achievement standpoint. Phase I obtains information from veterans approximately a year after return to civilian life.

5. *Study of Education and Living Expenses.* Its purpose was to determine whether there was a need for benefit increase under chapter 34. This study became inactive when Congress enacted new benefits increases before the study was completed and required other studies on a priority basis.

STUDIES CONDUCTED BY OTHER FEDERAL AGENCIES IN COOPERATION WITH THE VA

1. *Evaluation of Benefits Used Under the GI Bill.* Conducted by the Department of Labor with cooperation of the VA, DHEW, and the Department of Defense, the study will concentrate on extent of benefits usage and comparison of earnings following training, by prior educational attainment.

2. *Disabled Veterans of the Vietnam Era Employment Problems and Programs.* The study was completed by the Human Resources Research Organization (HumRRO) under contract with the Department of Labor. It provides information concerning training and employment experiences of the disabled veteran.

DEPARTMENT OF MEDICINE AND SURGERY

STUDIES RECENTLY COMPLETED

1. *VA Central Cancer Registry* is a statistical description of 133,000 malignant neoplasms during the six-year period 1958–1963.

2. *Alcoholism and Problem Drinking Among VA Hospital Patients* provides basis for evaluation regarding potential for rehabilitation.

3. *Report on Visual Impairment Services Teams* analyzes outpatient services given to, and describes the characteristics of, severely visually impaired and blinded veterans.

4. *Extended Care Census Reports* describes demographic and medical characteristics of extended care patients and provides information from the special questions asked in the annual census.

5. *Dentistry Service Oral Examination Requirements in VA Hospitals* compiles and analyzes data gathered in the 1972 annual census.

STUDIES IN PROGRESS

1. *Antipsychotic Drug-Prescribing Practice* gathers data on amount and type of drug prescribed in response to the GAO report to Congress of April 1975 entitled "Controls on Use of Psychotherapeutic Drugs and Improved Psychiatrist Staffing Are Needed in VA Hospitals."

2. *Domiciliary Members Required Level of Care* analyzes 1975 census data to provide basis for long-range planning for the VA domiciliary program.

3. *Alcohol Among VA Hospitalized Patients* reports and analyzes 1975 census data using an expanded definition of "problem drinking".

4. *Report of Results from the Health Interview Survey, 1963–1972* analyzes data assembled by National Center for Health Statistics comparing health, demography, and utilization of medical care facilities for veterans and non veterans.

5. *Survivorship Among VA Cancer Patients* traces longevity for VA cancer patients by age, race, type of therapy and geographic location.

6. *Spinal Cord Injury Survivorship Study* reports on the 10 and 20 year survivorship of spinal cord injury patients first treated in the VA during the period 1955–1965.

PLANNED STUDIES OF AGENCY-WIDE INTEREST

1. *Benefits Longitudinal Study (Phase 2)* provides information concerning readjustment of Vietnam Era veterans approximately 5 years after their return to civilian life. The data will be especially useful for program evaluation purposes.

2. *Special Veteran Study—All Programs and All Service Periods,* utilizing the Current Population Survey of the Census Bureau, provides demographic data and items of special interest concerning usage of veterans benefits for veterans of all service periods.

V. PLANNED ACTIONS TO IMPROVE CONSUMER PARTICIPATION

PLANNED ACTION A

Prior to publication in the FEDERAL REGISTER, advance notice of new programs, policies, changes in regulations and other Veterans Administration activities is sent to the major veterans' organizations. This mailing list will be expanded immediately to include all nationally recognized veterans' service organizations and other select veterans' groups representing special interests. This will increase the number of veterans' organizations receiving advance notice of VA activities by twenty-three. In addition, other interested groups may request to be placed on the mailing list at any time.

1. *Schedule of events*

The list of veterans' organizations will be expanded immediately; after a one year trial, the list will be adjusted according to the response and interest shown by these organizations.

2. *Allocation of resources*

Planned action can be absorbed by existing personnel.

3. *Proposed legislation and/or executive action*

None.

PLANNED ACTION B

Although most program officials send draft copies of regulations to veterans' organizations as a general practice, this is to become a standard policy of all program officials. Draft regulations will be distributed notifying the veterans' groups of proposed changes. This gives the veterans' organizations ample opportunity to comment and make their views known before new regulations are implemented. Draft copies are to be sent to all organizations on the expanded mailing list.

1. Schedule of events

All program officials will begin immediately to send draft copies of VA regulations with consumer impact to all veterans' organizations on the expanded mailing list. After one year the list will be revised to reflect the interests and responses of the veterans' groups.

2. Allocation of resources

Planned action can be absorbed by existing personnel.

3. Proposed legislation and/or executive action

None.

PLANNED ACTION C

The VA has initiated a new system of in-depth program evaluations which will be considerably more far-reaching than any previous appraisal efforts. Program evaluations will assess on

a continuing basis the impact of all programs administered by the VA in order to: 1) determine their effectiveness in achieving stated goals; and 2) evaluate their achievements in relation to cost, impact on related programs, and structure for delivery of services. Input from veterans will be a major consideration in these evaluations. The information developed will be made available to the public and provided on a regular basis to the appropriate Congressional Committees.

1. Schedule of events

September 1, 1975, a test of program evaluation methodology was begun in two selected programs. Completion of the pilot test is scheduled for September 1, 1976 at which time 10 to 15 more programs will be selected for evaluation under the refined methodology resulting from the initial test. September 1, 1977 is the target date for the addition of 15 to 20 more programs to the system, and the remainder will be undertaken by September 1, 1978.

2. Allocation of resources

The Planning and Evaluation Staff will be increased by 10 in Fiscal Year 1976 for program evaluation purposes. It may be necessary to increase staffing in the operating departments and the Office of the Controller to provide appropriately skilled manpower to assist in carrying out program evaluations with the Office of Planning and Evaluation providing coordination.

3. Proposed legislation and/or executive action

It is not envisioned at this time that executive action will be required; however, the results of the evaluations may contain recommendations for inclusion in the Agency's legislative proposals.

APPENDIX A.—VETERANS' ORGANIZATIONS

The consumers of Veterans Administration services are a clearly defined group of veterans, their dependents and survivors. Long before the appearance of modern consumer advocacy, veterans had formed numerous effective "consumer groups" to represent their interests wherever necessary. The veterans' organizations themselves testify to the past successes of VA consumer contact efforts and future practices can add to them. The ideal relationship between the VA and its consumer groups was put most aptly by one of the officials interviewed in the course of preparing this Plan. The veterans' organization, he said, should be "the VA's strongest critic and its best friend."

The number of these groups, usually representing a particular segment of the veteran population, has expanded to the point that the VA presently recognizes 27 separate national veterans' organizations. The largest of these, the American Legion, alone represents 2.7 million veterans as members and like its counterparts, maintains a policy of aiding *any* veteran, regardless of membership, in his efforts to obtain the maximum available benefits.

For the purposes of planning VA consumer representation and finding out how it works at present, VA personnel met with representatives of the four largest national veterans' organizations (American Legion, Veterans of Foreign Wars, Disabled American Veterans, and AMVETS) to find out whether their relations with the VA are satisfactory and in what ways they might be improved. All the spokesmen interviewed described their consumer-advocate function as one of "monitor" or "watchdog" on the VA. The VA cooperates with them by giving these groups office space in its Regional Offices as well as in Central Office locations. They are sent advance notice of regulations and policies before they are submitted to the FEDERAL REGISTER. It was indicated that this constitutes ample time for formulating and offering suggested changes to the proposals. Other major functions of the veterans' organizations are to explain VA regulations in lay terms and provide assistance to individuals seeking VA benefits.

Some of the veterans' organizations make on-site evaluations of VA Hospitals and Regional Offices, preparing a report of findings and submitting it to the Administrator. They have every indication that their recommendations are taken seriously by VA top management, and feel these surveys have been notable successes in most cases. Occasionally the veterans' organizations actually draft new legislative proposals and attempt to have them introduced in Congress when this is the most effective way to go about achieving a desired end.

The veterans' organizations communicate with their constituents through a network of national headquartsrs, departments at the state level, districts, and nearly 30,000 local posts or chapters. The VA conducts training courses for local service officers of these organizations to give them the best possible background in the area of VA benefits and the procedures for obtaining them. Periodic chapter business meetings, handbooks, magazines, newspapers, surveys, and bulletins are the means through which the information flow is maintained. The veterans' organizations have both a spring meeting/conference and a national convention at which resolutions are voted on by the membership. The VA Administrator or his Deputy are often in attendance at these conventions. Those resolutions which pass become the basis for directing the group's efforts in the coming year.

The interaction between the VA and these organizations takes many forms. As already mentioned, prior notice of major policy changes is sent to six of the largest veterans' groups which then submit comments, recommendations, etc. The VA always makes a formal response to these submissions, most times resolving any differences to the satisfaction of the veterans' groups. Annual seminars, usually coinciding in time with the national convention, provide a forum for discussions between VA representatives and consumer (veteran) leaders. Besides these seminars there are frequent unscheduled meetings between veterans' group heads and top Central Office staff. At the field station level, such meetings between Hospital and Regional Office directors and local representatives take place with differing frequency throughout the country. Telephone contact is frequent and unhesitating in both directions, and is often the simplest way to resolve individual problems. The VA provides the veterans' organizations with a supply of its informational publications as well as claims forms to facilitate their work.

In all interviews with veterans' organization officers, interactions with the VA were characterized generally as free, friendly, adequate, and effective, a situation which grows out of having many shared goals. The most recent example of the veterans' organizations' influencing VA decision-making is the revision of the disability rating schedule in July 1975. The originally proposed revision underwent some change before finally being printed in the FEDERAL REGISTER.

OPPORTUNITIES FOR IMPROVEMENT

Since the practice of sending advance notice of regulation changes has proven successful in obtaining consumer input, the mailing list could be expanded beyond the present six organizations.

APPENDIX B.—ADVISORY COMMITTEES

Advisory committees are an important resource tool of the Veterans Administration. A total of twenty-eight committees provides professional expertise and advice, and is a source of valuable consumer input. Professional members of the committees are eminent in the fields of education, labor, medicine,

public health and other disciplines affected by VA activities. These individuals provide objective expertise in evaluating both new and existing programs. For example, *Merit Review Boards* in the Department of Medicine and Surgery review individual components of research programs within VA hospitals and clinics in order to improve the quality of the health care system and to enhance the recruitment capabilities of the VA.

In addition, advisory committees rely heavily on direct consumer input. Veterans are highly visible board members with considerable impact on VA regulations and policy. In fact, all veterans serving on the *Chief Medical Director's Advisory Committee on Spinal Cord Injuries*, have been treated for spinal cord injury at a VA hospital, and have personal experience with the unique needs of this segment of the veteran population.

Consumer activity on the *Administrator's Advisory Committee on Cemeteries and Memorials* centers on the establishment of new cemeteries through recommendations concerning site selection, memorials, markers and operations.

The Administrator's Education and Rehabilitation Advisory Committee assists in the evaluation of existing programs offering educational benefits to veterans and recommends the form new efforts should take. They participate in long-range planning and the development of recommendations for regulatory and administrative changes and also legislative proposals.

With a different objective, the *Central Office Education and Training Review Panel* protects consumers from fraudulent practices and the waste of funds. Panel members are a permanent chairman and two individuals who rotate from a staff of seven. All seven are prominent in the field of education and are not Federal employees. When an institution has been disapproved for further educational benefits by a Regional Office, it can appeal to the Central Office Review Panel. The panel members are citizens of the community and have as their prime interest the protection of the consumer.

The charters of all the advisory committees have drawn on both consumer and professional involvement, in order to provide the most valuable advice to the Administrator. A review of the boards' activities for the past two years shows their number, size and composition to be well-suited for effective input.

federal register

WEDNESDAY, NOVEMBER 26, 1975 ·

PART III:

THE PRESIDENT

■

IMPLEMENTING THE GENERALIZED SYSTEM OF PREFERENCES

Executive Order 11888

Title 3—The President

Executive Order 11888 • November 24, 1975

Implementing the Generalized System of Preferences

The Trade Act of 1974 authorizes the establishment of a Generalized System of Preferences for eligible articles imported from beneficiary developing countries.

The President has designated and may, by Executive order, designate certain countries as beneficiary developing countries, after having determined that such designations are in accordance with the provisions of the Trade Act of 1974 and after having provided the necessary information to the Congress, pursuant to Section 502 of the Trade Act of 1974. The necessary determinations have been made and the appropriate information has been furnished the Congress.

The President may, by Executive order, designate articles eligible for duty-free treatment after receiving advice from appropriate agencies, public comment, and the advice of the International Trade Commission. That advice has been received, as requested, by reference to item numbers, and statistical divisions thereof, contained in the Tariff Schedules of the United States, hereinafter sometimes referred to as TSUS.

Since not every article within the group represented by an item number of the Tariff Schedules of the United States is eligible for duty-free treatment under a Generalized System of Preferences, it is necessary to subdivide some of the existing item numbers.

In order to implement the Generalized System of Preferences and to remove expired provisions of the TSUS, relating to the Philippine Republic and the Trust Territory of the Pacific Islands, it is necessary to amend the Tariff Schedules of the United States, thus embodying the substance of relevant provisions of the Trade Act of 1974, and of actions taken thereunder, into the Tariff Schedules of the United States.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V and Section 604 of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.;* 88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to designate additional beneficiary developing countries and eligible articles, and to implement a Generalized System of Preferences, it is hereby ordered as follows:

SECTION 1. The following expired headnotes and items for the products of the Philippine Republic and of the Trust Territory of the Pacific Islands are deleted from the Tariff Schedules of the United States:

Headnotes:
General headnote 3(c);
Headnotes 3 and 4, part 13, schedule 1;
Headnotes 1, 2, and 3, part 14, schedule 1;
Headnote 2, subpart B, part 14, schedule 1;
Headnote 2, part 2, schedule 3; and
Headnote 3, subpart A, part 7, schedule 7.

TSUS items:

170.22	170.37	170.68	176.07
170.23	170.42	170.70	176.08
170.24	170.43	170.74	176.09
170.26	170.44	170.75	176.10
170.27	170.47	170.76	176.11
170.29	170.48	175.10	176.12
170.31	170.49.	175.11	176.13
170.33	170.62	175.12	745.21
170.34	170.63	176.05	745.22
170.36	170.64	176.06	

SEC. 2. The article descriptions, including superior headings, for TSUS items 175.09 and 176.04 are amended to read, respectively, "Copra" and "Coconut Oil".

SEC. 3. A column entitled "GSP" is added to the left of, and adjacent to, the column entitled "Item" on each page of schedules 1 through 7 of the TSUS. The designations "A" or "A*", as specified in general headnote 3(c)(ii) of the TSUS, as added by Section 9 of this Order, shall be placed in the column entitled "GSP" opposite the TSUS item number of each article which has been designated as an eligible article for purposes of the Generalized System of Preferences.

SEC. 4. In order to subdivide existing items for purposes of the Generalized System of Preferences, the Tariff Schedules of the United States are amended as provided in Annex I, attached hereto and made a part hereof.

SEC. 5. The articles, identified by item numbers of the Tariff Schedules of the United States, as modified by this Order, set forth in Annex II and Annex III, attached hereto and made a part hereof, are designated, pursuant to Section 503 of the Trade Act of 1974 (88 Stat. 2069, 19 U.S.C. 2463), as eligible articles for purposes of the Generalized System of Preferences, and shall be given duty-free treatment as set forth in General Headnote 3(c) of the TSUS, as added by Section 9 of this Order.

SEC. 6. The designation "A" shall be inserted in the column entitled "GSP" of the TSUS, as modified by this Order, opposite the TSUS item numbers set forth in Annex II of this Order.

SEC. 7. The designation "A*" shall be inserted in the column entitled "GSP" of the TSUS, as modified by this Order, opposite the TSUS item numbers set forth in Annex III of this Order.

SEC. 8. The countries set forth in General Headnote 3(c)(i) of the TSUS, as added by Section 9 of this Order, are hereby designated as beneficiary developing countries.

SEC. 9. A new General Headnote 3(c) of the TSUS is hereby added as follows:

"(c) *Products of Countries Designated Beneficiary Developing Countries for Purposes of the Generalized System of Preferences (GSP)*:

"(i) The following countries and territories are designated beneficiary developing countries for purposes of the Generalized System of Preferences, provided for in Title V of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*):

"(a) *Independent Countries*

Afghanistan
Angola
Argentina
Bahamas
Bahrain
Bangladesh
Barbados
Bhutan
Bolivia
Botswana
Brazil
Burma
Burundi
Cameroon
Cape Verde
Central African Republic
Chad
Chile
Colombia
Congo (Brazzaville)
Costa Rica
Cyprus
Dahomey
Dominican Republic
Egypt
El Salvador
Equatorial Guinea
Ethiopia
Fiji
Gambia
Ghana
Grenada
Guatemala
Guinea
Guinea Bissau
Guyana
Haiti
Honduras
India
Israel
Ivory Coast
Jamaica
Jordan
Kenya
Korea, Republic of
Laos
Lebanon
Lesotho
Liberia
Malagasy Republic
Malawi
Malaysia
Maldive Islands
Mali
Malta
Mauritania
Mauritius
Mexico
Morocco
Mozambique
Nauru
Nepal
Nicaragua
Niger
Oman
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Romania
Rwanda
Sao Tome and Principe
Senegal
Sierra Leone
Singapore
Somalia
Sri Lanka
Sudan
Surinam
Swaziland
Syria
Taiwan
Tanzania
Thailand
Togo
Tonga
Trinidad and Tobago
Tunisia
Turkey
Upper Volta
Uruguay
Western Samoa
Yemen Arab Republic
Yugoslavia
Zaire
Zambia

"(b) *Non-Independent Countries and Territories*

Afars and Issas, French Territory of the
Antigua
Belize
Bermuda
British Indian Ocean Territory
British Solomon Islands
Brunei
Cayman Islands
Christmas Island (Australia)
Cocos (Keeling) Islands
Comora Islands
Cook Islands
Dominica
Falkland Islands (Malvinas) and Dependencies
French Polynesia
Gibraltar
Gilbert and Ellice Islands
Heard Island and McDonald Islands
Hong Kong
Macao
Montserrat
Netherlands Antilles
New Caledonia
New Hebrides Condominium
Niue
Norfolk Island
Pitcairn Island
Portuguese Timor
Saint Christopher-Nevis-Anguilla
Saint Helena
Saint Lucia
Saint Vincent
Seychelles
Spanish Sahara
Tokelau Islands
Trust Territory of the Pacific Islands
Turks and Caicos Islands
Virgin Islands, British
Wallis and Futuna Islands

"(ii) Articles for which the designations "A" or "A*" appear in the column entitled "GSP" of the schedules are those designated by the President to be eligible articles for purposes of the GSP pursuant to Section 503 of the Trade Act. The designation "A" signifies that all beneficiary developing countries are eligible for preferential treatment with respect to all articles provided for in the designated TSUS item, while the designation "A*" indicates that certain beneficiary developing countries, specifically enumerated in subdivision (c)(iii) of this headnote, are not eligible for such preferential treatment with regard to any article provided for in the designated TSUS item. Whenever an eligible article is imported into the customs territory of the United States directly from a country or territory listed in subdivision (c)(i) of this headnote, it shall receive duty-free treatment, unless excluded from such treatment by subdivision (c)(iii) of this headnote, provided that, in accordance with regulations promulgated by the Secretary of the Treasury:

"(A) The sum of (1) the cost or value of the materials produced in the beneficiary developing country, plus (2) the direct costs of processing operations performed in such country is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States; or

"(B) The sum of (1) the cost or value of the material produced in two or more beneficiary developing countries which are members of the same association of countries which is treated as one country under Section 502(a)(3) of the Trade Act, plus (2) the direct cost of processing operations performed in such countries is not less than 50 percent of the appraised value of such article at the time of its entry into the customs territory of the United States;

"and provided further that, for the purposes of (A) above, the term "country" does not include an association of countries which is treated as one country under Section 502(a)(3) of the Trade Act, but does include a country which is a member of any such association.

"(iii) The following designated eligible articles provided for in TSUS item numbers preceded by the designation "A*", if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not entitled to the duty-free treatment provided for in subdivision (c)(ii) of this headnote:

TSUS item No.	*Country or territory*
106.60	India.
106.70	Nicaragua.
107.48	Argentina.
111.15	Mexico.
121.50	Yugoslavia.
121.52	India.
121.54	Do.
130.40	Mexico.
130.63	Do.
131.35	Hong Kong.
135.80	Nicaragua.
135.90	Mexico.
136.00	Dominican Republic.
136.80	Mexico.
136.98	Dominican Republic.
137.40	Mexico.
137.75	Costa Rica.
138.05	Mexico.
140.09	Thailand.
140.14	Do.
140.16	Ethiopia.
141.35	Turkey.
141.55	Dominican Republic.
141.70	Republic of China (Taiwan).
145.24	Mexico.
145.60	Republic of China (Taiwan).
146.12	Argentina.
146.44	Philippine Republic.
147.33	Jamaica.
147.80	Mexico.
148.35	Do.
148.72	Chile.
148.77	Republic of Korea.
149.15	Dominican Republic.
149.50	Do.
152.00	Philippine Republic.
152.43	Dominican Republic.
152.72	Honduras.

TSUS item No.	*Country or territory*
153.02	Dominican Republic.
153.08	Do.
155.20	Argentina.
	Brazil.
	Republic of China (Taiwan).
	Colombia.
	Costa Rica.
	Dominican Republic.
	Guatemala.
	Guyana.
	India.
	Jamaica.
	Mexico.
	Peru.
	Philippine Republic.
155.35	Dominican Republic.
155.40	Mexico.
155.75	Do.
156.45	Do.
168.15	Trinidad.
168.18	Peru.
168.23	Do.
168.50	Mexico.
176.01	Brazil.
176.02	Do.
190.10	Mexico.
192.85	Do.
200.91	Do.
202.60	Thailand.
202.62	Mexico.
206.45	Philippine Republic.
206.60	Mexico.
206.95	Haiti.
222.10	Hong Kong.
222.42	Do.
240.02	Philippine Republic.
240.10	Brazil.
240.12	Do.
240.25	Republic of Korea.
240.38	Philippine Republic.
240.60	Singapore.
245.45	Surinam.
256.60	Republic of Korea.
256.85	Mexico.
304.04	Philippine Republic.
304.40	Republic of Korea.
304.48	Mexico.
304.58	India.
305.20	Do.
305.22	Do.
305.28	Do.
305.30	Do.
305.40	Philippine Republic.
306.52	Republic of China (Taiwan).
306.53	Peru.
319.01	India.
319.03	Do.
319.05	Do.
319.07	Do.
335.50	Do.
347.30	Do.
355.04	Mexico.
360.35	India.
364.18	Republic of China (Taiwan).
364.35	Do.
365.05	Colombia.
365.14	Pakistan.
403.78	Mexico.
416.10	Turkey.
418.28	Israel.
419.60	Chile.
420.78	Turkey.

TSUS item No.	Country or territory
421.46	Mexico.
421.90	Peru.
422.76	Mexico.
425.32	Do.
426.94	Israel.
428.92	Mexico.
437.16	India.
437.64	Brazil.
446.10	Malaysia.
455.16	Nicaragua.
461.05	Israel.
461.15	Bermuda.
465.70	Argentina.
470.57	Do.
472.48	Cyprus.
473.36	Do.
473.52	Mexico.
473.56	Do.
493.20	Republic of China (Taiwan).
493.21	Do.
511.31	Mexico.
511.41	Do.
511.51	Do.
512.44	Do.
514.11	Dominican Republic.
514.54	Mexico.
516.71	India.
516.73	Do.
516.76	Do.
517.21	Malagasy Republic.
517.24	Do.
518.41	Mexico.
520.35	Thailand.
520.37	Hong Kong.
523.61	Mexico.
531.04	Yugoslavia.
535.31	Mexico.
540.47	Do.
544.11	Republic of China (Taiwan).
545.53	Mexico.
545.65	Do.
547.51	Do.
602.30	Peru.
	Philippine Republic.
603.45	Republic of Korea.
605.60	Mexico.
610.56	India.
612.03	Chile.
	Peru.
612.06	Chile.
	Yugoslavia.
613.18	Israel.
618.29	Republic of Korea.
624.42	Mexico.
628.90	Chile.
646.06	Hong Kong.
646.82	Republic of China (Taiwan).
646.86	Hong Kong.
646.98	Mexico.
647.10	Do.
649.37	Do.
650.87	Hong Kong.
651.01	Do.
652.36	Do.
653.85	Republic of China (Taiwan).
656.20	Hong Kong.
661.65	Israel.
672.10	Hong Kong.
676.20	Mexico.
676.52	Do.
678.50	Republic of China (Taiwan).

TSUS item No.	*Country or territory*
683.80	Hong Kong.
684.50	Do.
685.24	Republic of China (Taiwan).
	Hong Kong.
	Republic of Korea.
	Singapore.
685.90	Mexico.
686.30	Republic of China (Taiwan).
688.10	Do.
688.40	Hong Kong.
692.27	Mexico.
694.60	Do.
696.35	Republic of China (Taiwan).
702.08	Do.
702.14	Hong Kong.
702.35	Mexico.
702.45	Do.
703.20	Do.
703.65	Do.
706.40	Hong Kong.
708.41	Do.
710.30	Mexico.
713.05	Israel.
713.19	Mexico.
722.14	Hong Kong.
725.20	Pakistan.
726.70	Mexico.
730.27	Brazil.
730.39	Do.
730.41	Do.
730.65	Yugoslavia.
731.30	Republic of China (Taiwan).
731.50	Republic of Korea.
734.10	Republic of China (Taiwan).
734.25	Hong Kong.
734.30	Do.
734.34	Do.
734.40	Republic of China (Taiwan).
734.51	Do.
734.54	Republic of Korea.
734.56	Haiti.
734.60	Republic of China (Taiwan).
737.40	Hong Kong.
737.50	Do.
737.95	Do.
740.05	Mexico.
740.30	Hong Kong.
740.70	Yugoslavia.
741.20	Hong Kong.
745.08	Do.
748.20	Do.
748.40	Republic of China (Taiwan).
750.05	Hong Kong.
750.35	Republic of China (Taiwan).
750.40	Hong Kong.
751.05	Republic of China (Taiwan).
751.20	Do.
760.65	Do.
771.05	Mexico.
772.03	Hong Kong.
772.35	Republic of China (Taiwan).
772.97	Hong Kong.
773.10	Do.
773.20	Republic of Korea.
774.20	India.
774.60	Hong Kong.
790.07	Do.
790.39	Republic of China (Taiwan).
790.70	Republic of Korea.
791.20	Brazil.
792.50	Philippine Republic.
792.60	Hong Kong.
792.75	Do.

SEC. 10. The provisions of this Order shall be effective with respect to articles that are both (1) imported, and (2)(a) entered for consumption or (b) withdrawn from warehouse for consumption on or after the effective date of this Order.

SEC. 11. Executive Order No. 11844 of March 24, 1975, is superseded.

SEC. 12. This Order shall be effective on January 1, 1976.

Gerald R. Ford

THE WHITE HOUSE,
November 24, 1975.

ANNEX I

- 1 -

GENERAL MODIFICATIONS OF THE TARIFF
SCHEDULES OF THE UNITED STATES

NOTES:

1. Bracketed matter is included to assist in the understanding of proclaimed modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

Schedule 1

1. Item 107.50 is superseded by:

	[Beef ...:]		
	"Beef in airtight containers:		
107.48	Corned beef.....	7.5% ad val.	30% ad val.
107.52	Other.....	7.5% ad val.	30% ad val."

2. Item 130.65 is superseded by:

	[Wheat:]		
	"Not fit for human consumption:		
130.63	Seed wheat.....	5% ad val.	10% ad val.
130.66	Other.....	5% ad val.	10% ad val."

3. Item 138.00 is superseded by:

	"Vegetables, fresh, chilled, or frozen, and cut, sliced, or otherwise reduced in size (but not otherwise prepared or preserved):		
138.05	Broccoli, cauliflower and okra....	17.5% ad val.	35% ad val.
138.50	Other.....	17.5% ad val.	35% ad val."

4. Items 147.90 and 147.91 are superseded by:

	"Mangoes, fresh, or prepared or preserved:		
147.86	Fresh.....	3.75¢ per lb.	15¢ per lb.
147.87	If products of Cuba.....	3¢ per lb. (s)	
147.92	Prepared or preserved.....	3.75¢ per lb.	15¢ per lb.
147.93	If products of Cuba.....	3¢ per lb. (s)"	

5. Items 152.46 and 152.47 are superseded by:

	[Fruit pastes and fruit pulps:]		
"152.43	Cashew apple, mamey colorado, sapodilla, soursop and sweetsop.....	17.5% ad val.	35% ad val.
152.44	If product of Cuba.....	10% ad val. (s)	
152.65	Papaya.....	17.5% ad val.	35% ad val.
152.66	If product of Cuba.....	10% ad val. (s)"	

6. Item 153.00 is superseded by:

	[All jellies ...:]		
"153.02	Cashew apple, mango, mamey colorado, sapodilla, soursop and sweetsop.....	5% ad val.	35% ad val.
153.20	Papaya.....	5% ad val.	35% ad val."

7.(a) Items 168.19, 168.20, 168.21, and 168.22 are superseded by:

	[Brandy:]		
	"Pisco and singani:		
	In containers each holding not over 1 gallon:		
168.18	Valued not over $9 per gallon.....	62¢ per gal.	$5 per gal.
168.23	Valued over $9 per gallon.....	$1.25 per gal.	$5 per gal.
	In containers each holding over 1 gallon:		
168.24	Valued not over $9 per gallon.....	50¢ per gal.	$5 per gal.
168.26	Valued over $9 per gallon.....	$1 per gal.	$5 per gal.
	Other:		
	In containers each holding not over 1 gallon:		
168.27	Valued not over $9 per gallon.....	62¢ per gal.	$5 per gal.
168.28	Valued over $9 per gallon.....	$1.25 per gal.	$5 per gal.
	In containers each holding over 1 gallon:		
168.29	Valued not over $9 per gallon.....	50¢ per gal.	$5 per gal.
168.32	Valued over $9 per gallon.....	$1 per gal.	$5 per gal."

(b) Conforming changes: Items 168.25 and 168.30 are redesignated as 168.33 and 168.34, respectively. The article description for item 945.16 is modified by substituting therein "168.23, 168.26, 168.28 and 168.32" for "168.20 and 168.22".

8.(a) Item 182.95 is superseded by:

	[Edible preparations ...:]		
	[Other:]		
	"Other:		
182.96	Wheat gluten.....	10% ad val.	20% ad val.
182.98	Other.....	10% ad val.	20% ad val."

(b) Conforming changes: Headnote 3 of subpart B, part 15, schedule 1 is modified by substituting therein "182.96 and 182.98" for "and 182.95." The article description for item 950.16 is modified by substituting therein "182.98" for "182.95." The article description for item 950.23 is modified by substituting therein "182.98" for "182.95."

Schedule 2

9. Item 206.97 is superseded by:

	[Household utensils ...:]		
	"Other:		
206.96	Coat and garment hangers.....	8% ad val.	33-1/3% ad val.
206.98	Other.....	8% ad val.	33-1/3% ad val."

Schedule 3

10. Items 335.80 and 335.90 are superseded by:

	[Woven fabrics ...:]		
	[Other:]		
	"Weighing not over 4 ounces per square yard:		
335.70	Of jute.....	3.2% ad val.	35% ad val.
335.75	Other.....	3.2% ad val.	35% ad val.
	Weighing over 4 ounces per square yard:		
335.85	Of jute.....	5% ad val.	40% ad val.
335.95	Other.....	5% ad val.	40% ad val."

11. Item 347.25 is superseded by:

	[Narrow fabrics:]		
	[Of vegetable ...:]		
	"Wicking:		
347.26	Of cotton.....	10% ad val.	30% ad val.
347.28	Other.....	10% ad val.	30% ad val."

12.(a) Items 360.75 and 360.80 are superseded by:

	[Floor coverings ...:]		
	[In which ...:]		
	[Other:]		
	"Hand-hooked, that is, in which the pile or tufts were inserted or knotted by hand or by means of a hand tool:		
	With over 50 percent by weight of the pile or tufts being of vegetable fibers:		
360.76	Of cotton.....	12.5% ad val.	60% ad val.
360.77	Other.....	12.5% ad val.	60% ad val.
	Other:		
360.78	Of man-made fibers.....	12.5% ad val.	60% ad val.
360.79	Other.....	12.5% ad val.	60% ad val.
	Other:		
	With over 50 percent by weight of the pile or tufts being of vegetable fibers:		
360.81	Of cotton.....	16.5% ad val.	60% ad val.
360.82	Other.....	16.5% ad val.	60% ad val.
	Other:		
360.83	Of man-made fibers.....	16.5% ad val.	60% ad val.
360.84	Other.....	16.5% ad val.	60% ad val."

(b) Conforming changes: The article description for item 361.90 is modified by substituting therein "360.81 to 360.84, inclusive," for "360.80."

13. Items 364.11, 364.12, and 364.15 are superseded by:

	[Tapestries ...:]		
	[Other:]		
	[Of vegetable ...:]		
	[Jacquard-figured:]		
	"Not pile construction:		
364.07	Of cotton...	15% ad val.	55% ad val.
364.09	Of vegetable fibers, except cotton.....	15% ad val.	55% ad val.
	Pile construction:		
364.13	Of cotton....	15% ad val.	40% ad val.
364.14	Of vegetable fibers, except cotton.....	15% ad val.	40% ad val.
	Other:		
364.16	Certified hand-loomed and folklore products; and articles of cotton.....	15% ad val.	40% ad val.
364.18	Other.....	15% ad val.	40% ad val."

14. Items 365.10 and 365.85 are superseded by:

	[Lace or net furnishings ...:]		
	[Handmade-lace ...:]		
	[Valued ...:]		
	"Other:		
365.11	Of wool or of man-made fibers.....	20% ad val.	90% ad val.
365.14	Other.....	20% ad val.	90% ad val."
	[Net furnishings ...:]		
	"Other:		
365.86	Of wool or of man-made fibers.....	21% ad val.	90% ad val.
365.91	Other.....	21% ad val.	90% ad val."

15. Item 370.20 is superseded by:

	[Lace handkerchiefs ...:]		
	"Other:		
370.21	Of man-made fibers.....	1¢ each + 10% ad val.	4¢ each + 40% ad val.
370.22	Other.....	1¢ each + 10% ad val.	4¢ each + 40% ad val."

16. Item 390.12 is superseded by:

	[Scrap cordage:]		
	"Other:		
390.14	Of man-made fibers.....	2.5% ad val.	10% ad val.
390.16	Other.....	2.5% ad val.	10% ad val."

ANNEX I

- 5 -

Schedule 4

17. Item 425.98 is superseded by:

	[Acids:]		
"425.87	Propionic acid and sorbic acid.....	6% ad val.	25% ad val.
425.99	Other.....	6% ad val.	25% ad val."

Schedule 6

18. Item 685.23 is superseded by:

	[Radiotelegraphic ...:] [Radiotelegraphic ...:] [Other:] "Solid-state (tubeless) radio receivers:		
685.21	Designed for motor-vehicle installation..	10.4% ad val.	35% ad val.
685.24	Other.....	10.4% ad val.	35% ad val."

19. Items 687.30 and 687.51 are superseded by:

	[Electronic ...:] "Television picture tubes:		
687.35	Color.....	15% ad val.	60% ad val.
687.36	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6(B), schedule 6).....	Free	
687.40	Other.....	15% ad val.	60% ad val.
687.41	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6(B), schedule 6).....	Free"	

Schedule 7

20.(a) Item 700.55 is superseded by:

	[Footwear ...:] [Other ...:] "Having uppers of which over 90 percent of the exterior surface area is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper):		
700.54	Zoris (thonged sandals).....	6% ad val.	35% ad val.
700.58	Other.....	6% ad val.	35% ad val."

(b) Conforming changes: Headnote 3(a) of subpart A, part 1, schedule 7 is modified by substituting therein "700.58" for "700.55."

21. Items 702.05 and 702.10 are superseded by:

	[Headwear ...:]		
	[Of cotton ...:]		
	"Knit:		
702.06	Of cotton.....	21% ad val.	45% ad val.
702.08	Other.....	21% ad val.	45% ad val.
	Not knit:		
702.12	Certified hand-loomed and folklore products; and headwear of cotton.....	20% ad val.	37.5% ad val.
702.14	Other.....	20% ad val.	37.5% ad val.

22. Item 704.35 is superseded by:

	[Gloves ...:]		
	[Lace or net ...:]		
	"Of materials other than vegetable fibers or wool:		
704.32	Of man-made fibers.....	30% ad val.	90% ad val.
704.34	Other.....	30% ad val.	90% ad val."

23. Item 726.80 is superseded by:

	"Musical instrument parts not specially provided for:		
726.85	Piano parts.....	8.5% ad val.	40% ad val.
726.90	Other.....	8.5% ad val.	40% ad val."

24. Item 727.80 is superseded by:

	"Pillows, cushions, mattresses, and similar furnishings, all the foregoing, whether or not fitted with covers and with or without electrical heating elements, fitted with springs, stuffed, or both, or of expanded, foamed, or sponge rubber or plastics:		
727.82	Of cotton.....	15% ad val.	40% ad val.
727.86	Other.....	15% ad val.	40% ad val."

25. Item 734.50 is superseded by:

	"Badminton equipment, and parts thereof:		
734.48	Nets of cotton, whether or not in badminton sets.....	14% ad val.	30% ad val.
734.51	Other.....	14% ad val.	30% ad val."

26. Item 737.90 is superseded by:

	[Toys ...:]		
	"Other:		
737.85	Kites.....	17.5% ad val.	70% ad val.
737.95	Other.....	17.5% ad val.	70% ad val."

ANNEX II

- 1 -

TSUS item

100.25	121.65	146.80	166.10
100.31	123.50	147.21	166.30
100.95	124.20	147.29	166.40
105.84	124.25	147.36	167.05
106.40	124.30	147.85	167.15
106.75	124.40	147.92	167.25
106.80	124.60	149.60	167.34
106.85	124.65	152.54	167.40
107.10	124.70	152.58	167.50
107.15	124.80	153.16	168.17
107.20	125.30	153.24	168.24
107.25	125.70	153.28	168.26
107.40	125.80	153.32	168.33
107.45	126.41	154.10	168.35
107.65	127.10	154.40	168.55
107.70	130.20	154.55	175.51
107.75	130.30	154.60	176.30
107.80	130.35	155.30	176.33
110.28	131.20	155.60	176.50
110.35	132.55	156.25	176.70
110.45	135.30	156.30	177.58
111.18	135.50	156.35	177.62
111.56	135.51	156.40	177.69
111.92	135.70	156.47	177.72
112.03	135.94	157.10	178.30
112.36	136.90	161.15	182.05
112.40	136.99	161.19	182.10
112.94	137.01	161.37	182.11
113.01	140.10	161.43	182.15
113.30	140.11	161.45	182.20
113.40	140.46	161.53	182.30
113.50	141.05	161.61	182.32
113.60	141.20	161.65	182.35
114.05	141.45	161.69	182.36
114.25	141.50	161.71	182.40
114.55	141.79	161.75	182.45
117.65	145.02	161.79	182.46
117.67	145.09	161.83	182.52
119.50	145.28	161.92	182.58
119.55	145.30	161.94	182.90
120.17	145.52	161.96	182.96
121.10	145.53	162.03	184.50
121.15	145.54	162.07	184.65
121.25	146.22	162.11	186.10
	146.42	162.15	
	146.66	165.55	

ANNEX II

- 2 -

TSUS item

186.15	220.50	251.45	254.25
186.20	222.30	251.49	254.30
186.30	222.32	252.05	254.35
186.40	222.34	252.10	254.40
186.50	222.36	252.13	254.42
188.30	222.40	252.15	254.44
188.34	222.41	252.17	254.46
188.50	222.44	252.20	254.48
190.25	222.55	252.25	254.50
190.68	222.57	252.27	254.54
191.15	222.60	252.30	254.56
192.45	222.62	252.35	254.58
192.70	222.64	252.40	254.63
200.06	240.00	252.42	254.65
200.45	240.03	252.45	254.70
202.38	240.04	252.50	254.75
202.40	240.06	252.57	254.80
202.54	240.14	252.59	254.85
202.56	240.16	252.61	254.90
202.66	240.19	252.63	254.95
203.10	240.21	252.67	256.05
203.20	240.30	252.70	256.10
203.30	240.32	252.73	256.13
204.05	240.34	252.75	256.15
204.10	240.36	252.77	256.20
204.20	240.40	252.79	256.25
204.30	240.50	252.81	256.30
204.35	240.52	252.84	256.35
206.30	240.54	252.86	256.40
206.47	240.56	252.90	256.42
206.50	240.58	253.05	256.44
206.52	245.00	253.10	256.48
206.53	245.10	253.15	256.52
206.54	245.20	253.20	256.54
206.98	245.30	253.25	256.56
207.00	245.50	253.30	256.58
220.10	245.60	253.35	256.65
220.15	245.70	253.40	256.67
220.20	245.80	253.45	256.70
220.25	251.10	254.05	256.75
220.31	251.15	254.09	256.80
220.35	251.20	254.15	256.90
220.38	251.25	254.18	270.45
220.40	251.30	254.20	270.50
220.45			

ANNEX II

- 3 -

TSUS item

273.30	307.06	365.91	407.55
273.50	307.16	370.17	407.60
273.55	308.06	370.19	407.70
273.65	308.10	370.22	407.80
273.70	308.16	385.95	407.90
273.75	308.18	390.16	408.05
273.85	308.20	403.02	408.10
273.90	308.30	403.04	408.15
273.95	308.35	403.06	408.20
274.00	308.40	403.08	408.25
274.05	308.45	403.10	408.30
274.10	308.47	403.40	408.35
274.15	308.50	403.42	408.40
274.20	308.51	403.44	408.45
274.23	308.55	403.46	408.60
274.27	308.80	403.70	408.70
274.29	308.90	403.75	408.75
274.33	312.10	403.90	408.80
274.35	312.30	405.04	409.00
274.60	312.40	405.06	415.20
274.65	312.50	405.10	415.27
274.70	315.75	405.15	415.50
274.75	316.50	405.20	416.05
274.80	316.70	405.25	416.30
274.85	335.70	405.30	416.45
274.90	335.85	405.35	417.10
304.10	339.10	405.40	417.14
304.12	347.20	405.45	417.16
304.14	347.28	405.55	417.18
304.20	347.35	406.80	417.20
304.22	347.72	407.02	417.22
304.44	347.75	407.04	417.24
305.50	355.20	407.06	417.26
306.42	355.42	407.08	417.28
306.60	355.55	407.10	417.30
306.61	360.36	407.12	417.32
306.70	360.77	407.20	417.34
306.71	360.79	407.25	417.36
306.72	360.82	407.30	417.38
306.80	360.84	407.32	417.42
306.81	361.53	407.35	417.44
306.82	364.09	407.40	417.50
307.02	364.14	407.45	417.52
307.04	364.25	407.50	417.54

ANNEX II

- 4 -

TSUS item

417.64	419.50	421.22	425.08
417.70	419.52	421.34	425.09
417.72	419.54	421.36	425.10
417.74	419.70	421.44	425.12
417.76	419.74	421.52	425.14
417.78	419.76	421.54	425.18
417.80	419.80	421.60	425.20
417.90	419.82	421.62	425.22
417.92	419.84	421.72	425.24
418.00	419.90	421.74	425.26
418.14	420.00	421.76	425.28
418.18	420.02	421.84	425.34
418.22	420.04	421.86	425.36
418.24	420.06	422.00	425.38
418.26	420.08	422.10	425.41
418.32	420.14	422.12	425.42
418.40	420.16	422.14	425.52
418.42	420.18	422.20	425.70
418.44	420.20	422.24	425.72
418.50	420.22	422.26	425.74
418.52	420.24	422.30	425.76
418.60	420.26	422.58	425.78
418.62	420.28	422.60	425.82
418.68	420.30	422.62	425.84
418.72	420.34	422.70	425.86
418.74	420.36	422.72	425.87
418.76	420.40	422.74	425.88
418.78	420.54	422.78	425.94
418.80	420.60	422.80	426.00
418.94	420.68	422.82	426.04
419.00	420.70	422.90	426.08
419.02	420.82	422.92	426.10
419.04	420.84	422.94	426.12
419.10	420.86	423.00	426.14
419.20	420.88	423.80	426.18
419.22	420.94	423.84	426.22
419.24	420.98	423.86	426.24
419.28	421.04	423.88	426.26
419.32	421.06	423.94	426.28
419.34	421.08	423.96	426.32
419.38	421.10	425.00	426.34
419.40	421.14	425.02	426.36
419.42	421.16	425.04	426.42
419.44	421.18	425.06	426.44

ANNEX II

- 5 -

TSUS item

426.46	427.64	429.12	437.56
426.52	427.70	429.20	437.57
426.54	427.72	429.22	437.58
426.56	427.74	429.24	437.60
426.58	427.82	429.26	437.65
426.62	427.84	429.30	437.68
426.64	427.92	429.32	437.69
426.72	427.94	429.34	437.70
426.76	427.97	429.38	437.72
426.77	427.98	429.42	437.74
426.78	428.04	429.44	437.82
426.82	428.06	429.46	437.84
426.84	428.12	429.47	437.86
426.86	428.20	429.48	438.01
426.88	428.22	429.60	438.02
426.92	428.24	429.70	439.30
426.96	428.26	429.85	439.50
426.98	428.30	429.95	440.00
427.02	428.32	435.10	445.05
427.04	428.34	435.70	445.10
427.06	428.36	437.02	445.15
427.08	428.40	437.04	445.20
427.12	428.42	437.06	445.25
427.14	428.44	437.10	445.30
427.16	428.46	437.12	445.35
427.18	428.50	437.13	445.40
427.20	428.52	437.14	445.45
427.22	428.54	437.18	445.50
427.24	428.58	437.20	445.75
427.25	428.62	437.22	446.12
427.28	428.64	437.24	446.15
427.30	428.66	437.30	446.30
427.40	428.68	437.32	450.10
427.42	428.72	437.36	450.20
427.44	428.80	437.38	452.24
427.45	428.82	437.40	452.48
427.46	428.84	437.44	452.54
427.48	428.86	437.49	452.58
427.53	428.88	437.50	452.80
427.54	428.90	437.51	455.02
427.56	428.94	437.52	455.06
427.58	428.96	437.54	455.18
427.60	429.00	437.55	455.20
427.62	429.10		455.22

TSUS item

455.24	465.75	473.54	490.44
455.30	465.80	473.58	490.46
455.32	465.85	473.60	490.48
455.34	465.87	473.62	490.50
455.36	465.90	473.66	490.90
455.38	465.92	473.70	490.92
455.40	465.95	473.72	490.94
455.42	466.05	473.74	493.10
455.44	466.10	473.76	493.16
455.46	466.15	473.78	493.18
460.10	466.20	473.80	493.22
460.15	466.25	473.82	493.25
460.25	466.30	473.84	493.26
460.30	470.15	473.86	493.30
460.35	470.25	473.88	493.46
460.45	470.55	473.90	493.47
460.50	470.85	474.02	493.50
460.55	472.06	474.04	493.67
460.60	472.10	474.06	493.68
460.65	472.14	474.08	493.82
460.70	472.24	474.20	494.04
460.75	472.30	474.22	494.40
460.80	472.40	474.26	494.52
460.85	472.42	474.30	494.60
460.90	472.44	474.35	495.05
461.10	472.50	474.40	495.10
461.20	473.02	474.42	495.15
461.30	473.06	474.44	495.20
461.35	473.10	474.46	511.11
461.40	473.12	474.50	511.25
461.45	473.14	474.60	511.61
465.05	473.16	474.62	511.71
465.10	473.18	475.55	512.24
465.15	473.19	475.60	512.31
465.20	473.20	485.10	512.35
465.25	473.24	485.20	512.41
465.30	473.28	485.30	513.21
465.35	473.30	490.05	513.36
465.40	473.32	490.10	513.41
465.45	473.38	490.24	513.51
465.50	473.44	490.30	513.74
465.55	473.46	490.32	513.81
465.60	473.48	490.40	513.84
465.65	473.50	490.42	513.94

ANNEX II

- 7 -

TSUS item

514.21	519.91	534.74	545.11
514.24	519.93	534.76	545.17
514.34	519.95	534.81	545.21
514.41	519.97	534.84	545.25
514.44	520.31	534.87	545.27
514.51	520.39	534.91	545.31
514.57	520.51	534.94	545.34
514.61	520.54	534.97	545.35
514.65	520.61	535.11	545.37
514.81	520.71	535.12	545.55
515.11	521.87	535.14	545.57
515.14	522.41	535.21	545.61
515.24	522.45	535.24	545.63
515.31	522.71	535.27	545.67
515.34	522.81	535.41	545.81
515.51	523.31	536.11	545.85
515.54	523.33	536.15	545.87
515.61	523.35	540.11	546.21
515.64	523.37	540.13	546.23
516.11	523.51	540.14	546.25
516.21	523.91	540.15	546.40
516.24	523.94	540.21	546.42
516.74	531.01	540.37	546.43
516.91	531.11	540.41	546.44
516.94	531.21	540.43	546.46
517.11	531.24	540.51	546.48
517.27	531.33	540.55	546.49
517.51	531.35	540.61	546.50
517.61	531.37	540.63	547.11
517.71	531.39	540.65	547.13
517.74	532.14	540.67	547.15
517.81	532.31	540.71	547.21
517.91	532.41	541.11	547.31
518.21	532.61	541.21	547.37
518.44	533.11	541.31	547.41
518.51	533.14	543.11	547.43
519.11	533.16	544.14	547.53
519.14	533.23	544.16	547.55
519.31	533.25	544.18	548.01
519.37	533.26	544.41	548.03
519.51	533.41	544.51	548.05
519.83	534.11	544.54	601.27
519.84	534.21	544.61	601.33
519.86	534.31	544.64	602.10

TSUS item

602.20	609.90	612.81	624.14
602.28	610.58	612.82	624.16
603.10	610.62	613.02	624.18
603.15	610.63	613.03	624.20
603.25	610.65	613.04	624.22
603.30	610.66	613.06	624.24
603.40	610.70	613.08	624.30
603.49	610.71	613.10	624.32
603.50	610.74	613.11	624.34
603.54	610.80	613.12	624.40
603.55	612.02	613.15	624.50
603.70	612.05	618.10	624.52
605.03	612.08	618.15	624.54
605.05	612.10	618.17	626.15
605.06	612.15	618.20	626.17
605.08	612.17	618.22	626.18
605.48	612.20	618.25	626.20
605.65	612.30	618.27	626.22
605.66	612.31	618.40	626.24
607.01	612.32	618.42	626.30
607.02	612.34	618.47	626.31
607.03	612.35	620.08	626.35
607.04	612.36	620.10	626.40
607.12	612.38	620.12	626.42
607.18	612.39	620.16	626.45
607.35	612.40	620.20	628.05
607.36	612.41	620.22	628.10
607.37	612.43	620.26	628.15
607.45	612.44	620.30	628.20
607.51	612.45	620.40	628.25
607.57	612.50	620.42	628.30
608.04	612.52	620.46	628.35
608.05	612.55	620.50	628.40
608.06	612.56	622.15	628.45
608.08	612.60	622.17	628.50
608.10	612.61	622.20	628.55
608.25	612.62	622.22	628.59
608.27	612.63	622.25	628.70
608.30	612.64	622.35	628.74
608.32	612.70	622.40	628.95
609.12	612.71	624.02	629.05
609.13	612.72	624.04	629.10
609.15	612.73	624.10	629.20
609.88	612.80	624.12	629.25

ANNEX II

- 9 -

TSUS item

629.26	642.80	646.22	648.93
629.50	642.82	646.27	648.95
629.60	642.85	646.28	648.97
629.65	642.87	646.30	649.01
632.02	642.93	646.32	649.03
632.04	644.02	646.34	649.05
632.12	644.06	646.36	649.07
632.18	644.08	646.40	649.11
632.34	644.09	646.41	649.14
632.42	644.11	646.42	649.17
632.60	644.12	646.45	649.19
632.62	644.15	646.47	649.21
632.66	644.17	646.51	649.23
633.00	644.18	646.53	649.24
640.05	644.20	646.54	649.25
640.10	644.22	646.56	649.26
640.20	644.24	646.57	649.27
640.25	644.26	646.65	649.29
640.30	644.28	646.72	649.31
640.35	644.30	646.74	649.32
640.40	644.32	646.75	649.33
642.06	644.36	646.76	649.35
642.16	644.38	646.77	649.39
642.18	644.40	646.78	649.41
642.20	644.42	646.85	649.43
642.25	644.46	646.87	649.44
642.27	644.48	646.88	649.46
642.30	644.52	646.95	649.47
642.45	644.56	646.97	649.48
642.47	644.60	647.01	649.49
642.50	644.64	647.03	649.53
642.52	644.68	647.05	649.57
642.54	644.72	648.51	649.67
642.56	644.76	648.53	649.71
642.58	644.80	648.55	649.73
642.60	644.84	648.57	649.75
642.62	644.88	648.61	649.77
642.64	644.92	648.63	649.79
642.66	644.95	648.67	649.81
642.68	644.98	648.69	649.83
642.70	646.02	648.71	649.85
642.72	646.04	648.73	649.87
642.74	646.17	648.75	649.89
642.76	646.20	648.85	649.91
642.78		648.89	
		648.91	

TSUS item

650.05	651.62	653.50	660.52
650.07	652.03	653.60	660.54
650.13	652.06	653.62	660.65
650.19	652.09	653.65	660.70
650.35	652.12	653.70	660.75
650.37	652.15	653.75	660.80
650.43	652.18	653.80	660.85
650.51	652.21	653.90	660.92
650.53	652.24	653.95	660.94
650.57	652.27	653.97	661.09
650.61	652.30	654.00	661.10
650.63	652.33	654.05	661.12
650.65	652.35	654.10	661.15
650.71	652.38	654.15	661.20
650.73	652.41	654.20	661.25
650.75	652.42	656.05	661.30
650.77	652.45	656.10	661.35
650.79	652.50	656.15	661.40
650.81	652.55	656.25	661.45
650.83	652.65	656.30	661.50
650.85	652.70	656.35	661.55
650.89	652.72	657.10	661.70
651.03	652.75	657.15	661.85
651.04	652.80	657.20	661.90
651.07	652.84	657.30	661.92
651.09	652.86	657.35	661.95
651.11	652.88	657.40	662.10
651.13	652.90	657.50	662.15
651.15	652.92	657.60	662.18
651.21	652.93	657.70	662.20
651.23	652.98	657.75	662.26
651.25	653.02	657.80	662.35
651.27	653.03	657.90	662.50
651.29	653.05	658.00	664.05
651.31	653.07	660.10	664.10
651.33	653.10	660.15	666.10
651.37	653.15	660.20	666.25
651.45	653.20	660.22	668.00
651.47	653.25	660.25	668.02
651.49	653.30	660.30	668.04
651.51	653.35	660.35	668.06
651.53	653.37	660.42	668.07
651.55	653.39	660.44	668.10
651.60	653.45	660.46	668.15

ANNEX II

- 11 -

TSUS item

668.20	674.20	680.54	685.70
668.32	674.30	680.57	686.22
668.34	674.32	680.60	686.24
668.36	674.35	680.70	686.40
668.38	674.40	680.90	686.50
668.50	674.42	682.05	686.60
670.00	674.50	682.07	686.70
670.02	674.52	682.20	686.80
670.04	674.53	682.25	686.90
670.06	674.55	682.30	687.10
670.12	674.56	682.40	687.20
670.14	674.60	682.50	687.30
670.16	674.70	682.52	687.40
670.17	674.75	682.55	688.04
670.18	674.80	682.60	688.06
670.19	674.90	682.70	688.12
670.20	676.07	682.80	688.15
670.22	676.10	682.90	688.20
670.23	676.12	682.95	688.25
670.25	676.15	683.10	688.30
670.27	676.22	683.15	688.35
670.29	676.23	683.20	690.05
670.33	676.25	683.30	690.10
670.35	676.30	683.32	690.15
670.40	676.50	683.40	690.20
670.41	678.20	683.50	690.35
670.42	678.30	683.60	690.40
670.43	678.32	683.65	692.04
670.50	678.35	683.70	692.14
670.52	678.40	683.90	692.16
670.54	678.45	683.95	692.35
670.56	680.05	684.10	692.40
670.64	680.07	684.15	692.45
670.66	680.12	684.20	692.50
670.68	680.15	684.30	692.55
670.70	680.20	684.40	692.60
670.72	680.22	684.62	694.15
670.74	680.25	684.64	694.20
670.90	680.27	684.70	694.30
672.15	680.40	685.10	694.40
672.20	680.45	685.25	694.50
672.22	680.47	685.40	694.70
672.25	680.48	685.42	696.05
674.10	680.52	685.60	696.10

TSUS item

696.15	708.07	709.27	711.30
696.30	708.09	709.40	711.34
696.40	708.21	709.45	711.36
696.50	708.23	709.50	711.37
696.60	708.25	709.54	711.40
700.54	708.27	709.55	711.42
702.15	708.29	709.56	711.45
702.20	708.43	709.57	711.47
702.25	708.45	709.61	711.49
702.28	708.47	709.63	711.55
702.30	708.51	709.66	711.60
702.32	708.52	710.04	711.67
702.37	708.53	710.06	711.82
702.40	708.55	710.08	711.83
702.47	708.57	710.12	711.84
702.85	708.59	710.14	711.86
702.90	708.71	710.16	711.88
702.95	708.72	710.20	711.90
703.25	708.73	710.21	711.98
703.30	708.75	710.26	712.05
703.35	708.76	710.27	712.10
703.40	708.78	710.34	712.12
703.45	708.80	710.36	712.15
703.50	708.82	710.40	712.20
703.55	708.85	710.42	712.25
703.60	708.87	710.46	712.27
703.70	708.89	710.50	712.47
703.72	708.91	710.60	712.49
703.75	708.93	710.61	713.07
703.80	709.01	710.63	713.09
703.85	709.03	710.65	713.11
704.34	709.05	710.67	713.15
704.75	709.06	710.68	713.17
704.80	709.07	710.70	715.20
704.95	709.09	710.72	720.80
705.30	709.10	710.76	720.92
705.90	709.11	710.78	721.10
706.04	709.13	710.80	722.02
706.45	709.15	710.86	722.04
706.47	709.17	710.88	722.10
706.50	709.19	710.90	722.12
708.01	709.21	711.04	722.16
708.03	709.23	711.08	722.18
708.05	709.25	711.25	

ANNEX II

- 13 -

TSUS item

722.30	725.06	727.48	731.26
722.32	725.10	727.52	731.42
722.34	725.12	727.55	731.44
722.40	725.14	727.86	731.60
722.42	725.16	728.05	732.40
722.44	725.18	728.10	732.50
722.46	725.22	728.15	732.52
722.50	725.24	728.20	732.60
722.52	725.26	728.25	732.62
722.55	725.30	730.05	734.05
722.56	725.32	730.23	734.15
722.60	725.34	730.25	734.20
722.64	725.36	730.29	734.32
722.70	725.38	730.31	734.42
722.72	725.40	730.37	734.45
722.75	725.46	730.43	734.70
722.78	725.47	730.45	734.71
722.80	725.50	730.51	734.72
722.82	725.52	730.53	734.75
722.83	726.05	730.55	734.77
722.85	726.10	730.57	734.80
722.86	726.15	730.59	734.85
722.88	726.20	730.63	734.86
722.90	726.25	730.67	734.87
722.92	726.40	730.71	734.88
722.94	726.45	730.73	734.90
722.96	726.50	730.74	734.91
723.05	726.52	730.75	734.93
723.10	726.55	730.77	734.95
723.15	726.60	730.80	734.96
723.20	726.62	730.81	734.97
723.25	726.63	730.85	735.05
723.30	726.65	730.86	735.09
723.32	726.75	730.88	735.10
723.35	726.90	730.90	735.11
724.10	727.02	730.91	735.12
724.12	727.04	730.92	735.15
724.20	727.06	730.93	735.17
724.25	727.15	731.05	735.18
724.35	727.30	731.06	735.20
724.40	727.35	731.10	737.07
724.45	727.40	731.20	737.09
725.03	727.45	731.22	737.15
725.04	727.47	731.24	737.25

TSUS item

737.30
737.35
737.45
737.55
737.60
737.65
737.70
737.80
740.10
740.38
740.50
740.55
740.60
740.75
740.80
741.06
741.10
741.15
741.25
741.30
741.35
741.40
741.50
745.04
745.10
745.20
745.25
745.28
745.30
745.34
745.45
745.50
745.52
745.54
745.56
745.58
745.60
745.63
745.65
745.66
745.67
745.68
748.05
748.10
748.12
748.15
748.21
748.25
748.32
748.34
748.36
750.10
750.15
750.20
750.22
750.25
750.32
750.45
750.47
750.50
750.55
750.60
750.65
750.70
750.75
750.80
751.10
751.11
751.15
751.25
755.05
755.10
755.20
755.25
755.30
755.40
755.45
755.50
756.02
756.04
756.06
756.10
756.15
756.21
756.23
756.25
756.30
756.35
756.40
756.45
756.50
756.55
756.60
760.10
760.12
760.20
760.30
760.32
760.34
760.36
760.38
760.40
760.42
760.45
760.50
760.52
760.54
760.56
760.58
766.20
770.05
770.07
770.10
770.30
770.40
770.45
770.70
770.80
771.20
771.25
771.30
771.31
771.35
771.40
771.42
771.45
771.50
771.55
772.06
772.09
772.15
772.20
772.25
772.40
772.42
772.45
772.51
772.54
772.60
772.65
772.70
772.80
772.85
772.95
773.05
773.15
773.25
773.30
773.35
774.25
774.35
774.40
790.00
790.03
790.10
790.15
790.23
790.25
790.30
790.37
790.40
790.45
790.47
790.50
790.55
790.59
790.60
790.61
790.62
790.63
791.05
791.10
791.15
791.17

ANNEX II

- 15 -

TSUS item
791.19
791.25
791.30
791.35
791.45
791.48
791.50
791.54
791.57
791.60
791.65
791.70
791.75
791.80
791.90
792.10
792.22
792.30
792.32
792.40

ANNEX III

- 1 -

TSUS Item

106.60	168.23	419.60	610.56
106.70	168.50	420.78	612.03
107.48	176.01	421.46	612.06
111.15	176.02	421.90	613.18
121.50	190.10	422.76	618.29
121.52	192.85	425.32	624.42
121.54	200.91	426.94	628.90
130.40	202.60	428.92	646.06
130.65	202.62	437.16	646.82
131.35	206.45	437.64	646.86
135.80	206.60	446.10	646.98
135.90	206.95	455.16	647.10
136.00	222.10	461.05	649.37
136.80	222.42	461.15	650.87
136.98	240.02	465.70	651.01
137.40	240.10	470.57	652.36
137.75	240.12	472.48	653.85
138.05	240.25	473.36	656.20
140.09	240.38	473.52	661.65
140.14	240.60	473.56	672.10
140.16	245.45	493.20	676.20
141.35	256.60	493.21	676.52
141.55	256.85	511.31	678.50
141.70	304.04	511.41	683.80
145.24	304.40	511.51	684.50
145.60	304.48	512.44	685.24
146.12	304.58	514.11	685.90
146.44	305.20	514.54	686.30
147.33	305.22	516.71	688.10
147.80	305.28	516.73	688.40
148.35	305.30	516.76	692.27
148.72	305.40	517.21	694.60
148.77	306.52	517.24	696.35
149.15	306.53	518.41	702.08
149.50	319.01	520.35	702.14
152.00	319.03	520.37	702.55
152.43	319.05	523.61	702.45
152.72	319.07	531.04	703.20
153.02	335.50	535.31	703.65
153.08	347.30	540.47	706.40
155.20	355.04	544.11	708.41
155.35	360.35	545.53	710.30
155.40	364.18	545.65	713.05
155.75	364.35	547.51	713.19
156.45	365.05	602.30	722.14
168.15	365.14	603.45	725.20
168.18	403.78	605.60	726.70
	416.10		730.27
	418.28		

ANNEX III

- 2 -

TSUS Item

730.39	734.56	748.40	773.10
730.41	734.60	750.05	773.20
730.65	737.40	750.35	774.20
731.30	737.50	750.40	774.60
731.50	737.95	751.05	790.07
734.10	740.05	751.20	790.39
734.25	740.30	760.65	790.70
734.30	740.70	771.05	791.20
734.34	741.20	772.03	792.50
734.40	745.08	772.35	792.60
734.51	748.20	772.97	792.75
734.54			

[FR Doc.75-32183 Filed 11-24-75;4:55 pm]

THIS HANDY REFERENCE IS A "MUST" ON YOUR BOOKSHELF!

1975/1976 EDITION

Whatever happened to the Director of Liquidation? (page 693)

Which agencies have programs concerning American Indians? (page 817)

What is SPARS? (page 762)

The answers to these and many more intriguing questions concerning the Federal Government can be found in the *U.S. Government Manual.*

This official guidebook provides useful information about a wide variety of programs and activities within the three branches of Government, including:

- Agency programs, functions, key officials, and a "Sources of Information" section
- Federal regional government system
- A historical reference to Federal agencies and functions
- Bicentennial activities and programs

This handbook is an excellent reference tool for teachers, students, librarians, businessmen, lawyers, and citizens interested in current information about the U.S. Government.

$6.50 per copy
Paper bound, with charts

MAIL ORDER FORM To: Superintendent of Documents, Government Printing Office
Washington, D.C. 20402

Enclosed find $..... (check, money order, or Supt. of Documents coupons). Please send me ..... copies of the UNITED STATES GOVERNMENT MANUAL, 1975/1976, *at $6.50 per copy.*

(Catalog No. GS 4.109:975) (Stock No. 022-003-00910-8)

Please charge this order to my Deposit Account No. .....

Name .....

Street address .....

City and State ..... *ZIP Code* .....

FOR USE OF SUPT. DOCS.

..... Enclosed
..... To be mailed later
..... Subscription
Refund .....
Coupon refund .....
Postage .....
Foreign handling .....

☆ GPO : 1975—O-58-000