Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket No. RN 75-1; Order 58]

PART 3001—RULES OF PRACTICE AND PROCEDURE

Public Information and Requests

FEBRUARY 12, 1975.

On January 9, 1975, the Commission issued a notice of proposed rulemaking, proposing to amend its regulations governing the availability of information to the public, as required by the Pub. L. 93-502 amendments to the Freedom of Information Act (5 U.S.C. (552 et seq.)). Interested persons were invited to comment by February 4, 1975. No comments were received. Accordingly, for reasons set forth in the notice of proposed rulemaking, the Commission has decided to adopt the proposed amendments to its rules of practice and procedure. We further find that good cause exists for making these amendments effective immediately.

Accordingly, pursuant to 39 U.S.C. 3603 and 5 U.S.C. 552, it is ordered that the Commission's rules of practice and procedure are amended as follows, said amendment to become effective on February 18, 1975.

Section 3001.42 of 39 CFR Part 3001 is amended as follows:

1. In paragraph (b)(12)(i) is revised and a new (vii) is added to read as follows:

(b) *Public records.* The public records of the Commission include: * * *

(12) All other records of the Commission except for those that are:

(i)(*a*) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (*b*) are in fact properly classified pursuant to such Executive order;

* * * * *

(vii) Investigatory records compiled for law enforcement purposes, to the extent specified in 5 U.S.C. 552(b)(7).

2. Paragraph (c) is revised to read as follows:

(c) *Requests for Records.* Requests for records shall be in writing and shall reasonably describe the records sought. Requests shall be addressed to the Secretary at the offices of the Commission. Requests which rely upon the Freedom of Information Act, 5 U.S.C. 552, shall bear the caption "Freedom of Information Act Request." Within 10 days (excluding Saturdays, Sundays, and legal public holidays) after receipt of a request for a Commission record, the Secretary shall:

(1) *General.* Inform the requestor where and when the records may be inspected and, if ascertainable, of the charge for furnishing copies; or

(2) *Deny the request.* A denial shall be in writing; it shall cite the specific exemption or exemptions under these rules authorizing the withholding of the records sought and shall inform the requestor that he may, within 20 days, appeal the denial to the Commission. Appeals to the Commission shall be in writing. The Commission may also review any decision of the Secretary on its own initiative. The Commission will consider all appeals and either grant or deny them in writing, within 20 days (excluding Saturdays, Sundays and legal public holidays) of the date the appeal is received. If on appeal the denial of the request for records is upheld, the Commission shall notify the person making such request of the provisions for judicial review of that determination pursuant to 5 U.S.C. 552(c).

(3) *Extensions of time.* The time period for decision on application pursuant to paragraph (c) of this section may be extended up to 10 working days by the Secretary and the time period for decisions on appeals may be extended up to 10 working days by the Commission, provided, however, that the total period of extensions may not exceed 10 working days. Such extensions shall be by written notice determining that an extension is warranted by unusual circumstances as specified in 5 U.S.C. 552(a)(6)(B).

(4) *Fees.* Documents furnished pursuant to the Freedom of Information Act shall be subject to a fee of 15 cents a page to meet the costs of duplication. Documents may be furnished without charge or at a reduced charge if the Commission determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

Issued February 12, 1975.

By the Commission.

[SEAL] JAMES R. LINDSAY,
Secretary.

[FR Doc.75-4371 Filed 2-14-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 333-8]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Crop Groups

Section 180.34(f), Title 40 CFR, contains groups of crops which list raw agricultural commodities that are considered to be related for the purposes of establishing tolerances for pesticides. Commodities not listed in § 180.34(f) are not considered as related for such purposes. Based on the information at hand, the Administrator of the Environmental Protection Agency (EPA) has concluded that the groups "Forge Legumes," "Grain Crops," "Seed and Pod Vegetables (Dry or Succulent)," and "Small Fruits" should be expanded to include the related raw agricultural commodities listed below. The Administrator has also determined that the groups "Stored Fruits and Vegetables" and "Stored Grain" should be deleted.

These amendments merely make technical changes and are considered noncontroversial in nature. Notice, public procedure, and delayed effective date are not, therefore, prerequisites to the promulgation of this order.

Effective date. This order shall become effective on February 18, 1975.

(Federal Food, Drug, and Cosmetic Act (40 CFR Part 180; 21 U.S.C. 408(b))).

Dated: February 11, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator, Pesticide Programs.

Section 180.34(f) is amended to include the following commodities for the groups listed.

* * * * *

Group	*Commodities therein*
Forage legumes	Alphabetically insert after "lespedezas" and before "peanuts" the commodity "lupines".
Grain crops	Alphabetically insert after "(field corn, sweet corn, and popcorn)" and before "milo" the commodity "millet".
Seed and pod vegetables (dry or succulent).	Add the commodity "lentils" to the end of the list.
Small fruits	Add the commodities "strawberries, youngberries" to the end of the list.

* * * * *

Section 180.34(f) is also amended by deleting the groups and commodities therein for "Stored Fruits and Vegetables" and "Stored Grain."

[FR Doc.75-4295 Filed 2-14-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

Miscellaneous Amendments

This amendment involves matters relating to agency management and contracting and while not subject by law to the notice and public procedure requirements for rulemaking under 5 U.S.C. 553 is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy and embodies already existing Government-wide policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

PART 4–1—GENERAL

1. The Table of Contents of Part 4–1 is amended as follows:

a. The following section is added:

4–1.054 Agriculture Grant and Agreement Regulations.

b. The heading of the following section is revised to read as follows:

4–1.451 Procurement by the Office of Operations.

c. Sections 4–1.708 and 4–1.708–2 are deleted.

2. Sections and paragraphs 4–1.006–2(a), 4–1.008, 4–1.009–2(a), 4–1.009–2(b), and 4–1.051(b) are revised to read as follows:

§ 4–1.006–2 Publication.

(a) AGPR are published in looseleaf form for distribution within the Department. Requests to be placed on the distribution list, or for extra copies, should be addressed to the Director, Office of Operations.

* * * * *

§ 4–1.008 Agency implementation.

As portions of AGPR material are prescribed, agencies within the Department may publish in the FEDERAL REGISTER implementing regulations deemed necessary, as outlined in § 4–1.006–2. Detailed instructions of interest primarily for internal agency guidance will not be published in the FEDERAL REGISTER. All implementing regulations shall be prepared to conform with FPR style and arrangement, except that the looseleaf format may be in a single column per page. Regulations or instructions issued by agencies of the Department will be identified by the use of alphabetical suffixes with the chapter number as follows:

4A Agricultural Marketing Service.
4B Agricultural Research Service.
4C Agricultural Stabilization and Conservation Service.
4D Farmers Home Administration.
4E Extension Service.
4F Foreign Agricultural Service.
4G Forest Service.
4H Rural Electrification Administration.
4I Soil Conservation Service.
4J Economic Management Support Center.
4K Food and Nutrition Service.
4L Animal and Plant Health Inspection Service.
4M Federal Crop Insurance Corporation.
4N Office of Operations Procurement Division.

§ 4–1.009–2 Procedure.

Deviations from the FPR and AGPR shall be kept to a minimum and controlled as follows:

(a) Deviations must be approved in advance. Individual case deviations may be approved by the Heads of Department Agencies or their designated representative. Deviations for classes of cases must be approved by the Director, Office of Operations. Requests to the Director for approval of class deviations shall be initiated by the Heads of Department Agencies. Requests for deviations shall cite the specific part of the FPR or AGPR from which it is desired to deviate, set forth the nature of the deviations, and give reasons for the action requested.

(b) If a requested deviation is considered appropriate approval will be accomplished as follows:

(1) Where the deviation applies to an individual case, approval will be granted by memorandum addressed to the requesting officer with copies to interested offices. The contract file of the requesting office shall include a copy of the request and approval. A copy of the request and approval shall be furnished to the Office of Operations.

(2) Where the deviation applies to a class of cases, necessary coordination with the General Services Administration and Office of Management and Budget will be accomplished by the Office of Operations. The deviation may be issued as a part of AGPR, or the agency concerned may be authorized to issue internal instructions which incorporate the deviation.

* * * * *

§ 4–1.051 Administrative regulations.

* * * * *

(b) Arrangement. The complete Administrative Regulations consist of the following titles:

Title 1—General Authorities and Functions.
Title 2—National Agricultural Library.
Title 3—Information.
Title 4—Agriculture Grant and Agreement Regulations.
Title 5—Management Improvement.
Title 6—Budget.
Title 7—Accounting.
Title 8—Audit and Investigation.

3. Part 4–1 is amended by adding the following § 4–1.054:

§ 4–1.054 Agriculture Grant and Agreement Regulations.

The Agriculture Grant and Agreement Regulations are prescribed for application to administrative processes of grant, cooperative, and research agreement programs of the Department. They are published as Title 4 of the Administrative Regulations (see § 4–1.051).

4. Sections 4–1.302–3, 4–1.305–3, 4–1.305–50, 4–1.305–52, 4–1.306, 4–1.307–2(l), 4–1.307–3, and 4–1.310–5 are revised to read as follows:

§ 4–1.302–3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

(a) *Policy.* Contracts between the Government and its employees are not prohibited generally by statute, but only where an employee acts as an agent both for the Government and the contractor in the transaction of business (see 18 U.S.C. 208) or where the services to be rendered under a contract with an employee is such as could have been required of him in his official capacity (see 5 U.S.C. 5535, 5536). However, aside from any statutory prohibition, contracts between the Government and its employees are open to criticism for possible favoritism and preferential treatment and should not, therefore, be made except for the most cogent reasons and under no circumstances where the needs of the Government reasonably can be otherwise supplied. The hire or rental of equipment from employees is generally prohibited. See § 4–4.5403 of this chapter for leases with Government employees and 18 U.S.C. 208 (§ 4–52.166 of this chapter) for acts of employees affecting a personal financial interest.

(b) *Approval.* Purchases from Government employees shall be approved in writing by the agency head or his designee for this purpose.

(c) *Exceptions.* The Forest Service may hire or rent property from employees of the Forest Service for the use of that Service in accordance with 16 U.S.C. 502, as amended. (See § 4–52.141.)

§ 4–1.305–3 Deviations from Federal specifications.

Agencies shall designate competent officials to authorize required deviations from Federal specifications. Such deviations shall be supported by written justifications therefor, copies of which shall be furnished promptly to the Director, Office of Operations, who shall notify the General Services Administration in accordance with applicable regulations.

§ 4–1.305–50 Agency specifications.

(a) *Definition.* A specification prepared by an agency of the Department to meet recurring needs of the agency involved for specialized supplies, equipment, or services peculiar to its needs, and for use by other agencies of the Department as need therefor arises.

(b) *Responsibility.* Agencies of the Department will be responsible for the development and maintenance of agency specifications which fall within their respective areas of operation. The Office of Operations will be responsible for coordinating the development and uses of such specifications in the Department.

(c) *Development.* As the need arises in an agency for a standard agency specification, it will be developed by the agency involved along the same general lines outlined in § 4–1.307 for the development of specifications for attachment to invitations for bids. If technical or other problems arise that require the assistance of a specialist in a particular field not available in the agency, request for such assistance should be made to the Office of Operations. A copy of each new agency specification developed shall be forwarded to the Office of Operations.

(d) *Maintenance of list of agency specifications.* The Office of Operations will maintain a list of all agency specifications. The list will be distributed in the Department periodically, and will show origin of the specification and where copies may be obtained.

§ 4–1.305–52 Availability of copies of specifications and standards.

When Federal Specifications and Standards are used, copies should be on file in the office issuing the invitation, so that they may be examined by interested bidders. Prospective bidders should be

advised in the invitation that copies of Federal Specifications and Standards may be purchased at a nominal cost from the Business Service Centers of the General Services Administration Regional Offices. Department users will obtain annual requirements of specifications and standards (including Federal, Emergency Federal, Interim Federal, and GSA) and index (including supplements thereto) from the Central Supply Branch, Office of Operations, which will obtain a sufficient supply from GSA to meet the needs of the agencies both in Washington, D.C., and in the field, and will distribute them on a reimbursable basis to agency headquarters in Washington in accordance with a mailing list which it maintains for that purpose. Other requirements may be obtained from the Federal Supply Service, Region 3, GSA, 7th and D Streets SW., Washington, D.C., by purchase order. These other requirements will be furnished without charge unless they are substantial in quantity, in which event GSA may require reimbursement.

§ 4–1.306 Standards.

§ 4–1.306–1 Mandatory use and application of Federal Standards.

If deviation from or modification of a Federal Standard is required, application, giving reason therefor, should be made through appropriate agency channels to the Office of Operations for transmittal to the Federal Supply Service, Standards Division of GSA. The use of Interim Federal Standards is optional. Federal Standards do not preclude the use of existing Government stocks or excess property not in full conformity with such standards.

§ 4–1.307–2 General requirements.

* * * * *

(1) *Basis for evaluation.* The basis that will be used in evaluation of bids should be as clear, precise and exact as possible and must be stated in the Invitation for Bids. It should be stated as a mathematical equation if possible. Where this cannot be done it must be stated with sufficient clarity and exactness to inform each bidder, prior to bid opening, of the factors which will be used in evaluating his bid in relation to other bids, so that he may estimate within reasonable limits the effect of the application of such evaluation. Factors such as, but not limited to, weighted values to be applied at time of award, award in the aggregate, estimated quantities, delivery time when the need is urgent, with liquidated damages in case of delay, and any other circumstance which may cause the award to be made in an unusual manner, must be set forth in the invitation for bids.

§ 4–1.307–3 Commercial, and State and local government specifications and standards.

(a) Purchase descriptions which include or reference specifications or standards of technical societies, associations or State or local governments may not require the presence of a certificate, label or approval from such organization which could automatically exclude otherwise acceptable products. A mandatory requirement that such a certificate, label or approval be furnished is authorized only when it can be definitely established that inclusion of the requirement would not prevent any manufacturer from bidding on the article specified. This requirement does not preclude acceptance of such a certificate, label or approval as one method of proof of conformance to the published standards or specifications.

(b)(1) *Voluntary product standards* originate with interested industry or State or local government groups. They are cooperatively developed with the U.S. Department of Commerce and published by that agency. They are issued as part of a broad program of aiding American industry through standardization (15 CFR Part 10). The standards may include definitions, classes, sizes, dimensions, capacities, performance criteria, material specifications, marking requirements, installation and test procedures and other similar information. The program is voluntary in nature, therefore no legal obligation exists for the individual firm to conform to a standard in whole or part unless it is incorporated as part of a contract or agreement.

(2) *Availability of Copies.* A list of available standards by name and number is available as publication No. 53 "NBS List of Publications." Write to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, for copies of this index. Copies of individual standards are available by name and number from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. If listed as out of print by GPO, single copies may be obtained from the Office of Engineering Standards Services at the address above.

§ 4–1.310 Responsible Prospective Contractor.

§ 4–1.310–5 Standards.

Loyalty consideration: The Department will not knowingly award a contract to anyone who advocates the overthrow of the Government of the United States by force or violence. Where it is proposed to refuse award on this basis, the case shall be referred to the Director, Office of Operations, for final determination. (See also § 4–4.5093.)

5. Sections 4–1.401, 4–1.403, 4–1.404–1(a), 4–1.404–2(a), 4–1.451, 4–1.453(a), 4–1.453(b), 4–1.453(c), and 4–1.453(d) are revised to read as follows:

§ 4–1.401 Responsibility of the head of the procuring activity.

Under the provisions of 7 CFR 2.79, the Director, Office of Operations is responsible for the general management and coordination of procurement activities of the several agencies of the Department. This broad grant of responsibility shall be construed to include the authority (1) to establish such procurement systems and policies, and (2) to delegate such contracting authorities as in the opinion of the Director, Office of Operations, will facilitate the orderly and economical procurement of equipment, materials, supplies, construction, services, and the leasing of space for use or consumption by the Department in carrying on its programs.

§ 4–1.403 Requirements to be met before entering into contracts.

Procurement contracting shall conform with all laws and regulations applicable to the Department, with the policies and procedures set forth in AGPR and with any applicable policies and procedures otherwise announced or prescribed by the Director, Office of Operations, or other responsible official. A continuing review of agency operations hereunder will be made by the respective office.

§ 4–1.404 Selection, designation, and termination of designation of contracting officers.

§ 4–1.404–1 Selection.

(a) *Procurement authority.* Procurement contracting authority in any amount shown to be needed under § 4–1.401 shall be obtained by heads of agencies of the Department from the Director, Office of Operations. With the concurrence of the Director, Office of Operations, such authority may be delegated, without redelegation powers to the incumbent of any responsible position at the agency headquarters, regional office or field station subject however, to the criteria specified in paragraph (b) of this section. Procurement contracting authority with redelegation powers shall be granted in a similar manner when: (1) The head of an agency submits adequate justification of a need for this authority, and (2) the criteria specified in paragraph (b) of this section have been accomplished. Procurement contracting authority for automatic data processing equipment and services is subject to the limits established in § 41.453.

* * * * *

§ 4–1.404–2 Designation.

(a) Requests for concurrence of the Director, Office of Operations, in the delegation of procurement contracting authority should be signed by the agency head and submitted in duplicate. A copy of the approved request will be returned with any necessary instructions or modifications. Changes in existing delegations will be handled in the same manner. Procurement contracting authority will not include authority to contract for construction, alteration, or repair of public buildings or works unless specifically requested.

* * * * *

§ 4–1.451 Procurement by the Office of Operations.

The Office of Operations will provide procurement assistance as provided by § 4–5.5703 of this chapter.

§ 4–1.453 Delegation of authority for automatic data processing equipment, services, and related supplies.

(a) Those agencies delegated procurement contracting authority by the Office of Operations under § 4–1.404–1 are hereby delegated procurement contracting authority for procurement of automatic data processing equipment, services, and related supplies in the following circumstances:

(1) * * *

(iii) If for renewal of equipment previously authorized or procured by the Office of Operations and the terms of the original procurement have not significantly changed and the changes in costs do not exceed 10 percent of those originally approved.

(iv) None of the above-stated circumstances apply to the intergovernmental transfer (IGT) of owned or leased equipment. All IGT of equipment must be approved by the Office of Automated Data Systems prior to acquisition.

* * * * *

(b) All procurements which are not within the authorities, set forth in paragraph (a) of this section must be submitted for technical approval to the Director, Office of Automated Data Services, then to the Director, Office of Operations, for procurement approval. The Office of Operations will either conduct the procurement or delegate the agency authority to conduct the procurement.

(c) Any agreement entered into by any agency, service, or staff office of the U.S. Department of Agriculture with other Government departments, agencies, corporations, or other independent entities of organization of the Federal Government, State, or local governments, as well as nonprofit corporations, universities, and other organizations for automatic data processing services, equipment, training facilities or other ADP resources or materials, directly or indirectly (as a part of an agreement whose primary purpose is other than automatic data processing), must have the written approval of the Director, Office of Automated Data Systems, unless the agreement falls within one of the following exceptions:

* * * * *

6. Sections 4–1.601, 4–1.602, and 4–1.650–6 are revised to read as follows:

§ 4–1.601 General.

§ 4–1.601–1 Definitions.

(a) The "Debarring Officer" is the agency or department official authorized to invoke debarment or suspension measures as authorized by this subpart. The Director, Office of Operations, and the Deputy Director, Office of Operations, are the Debarring Officers for the Department (Department Debarring Officers) in connection with all procurement and contracting under the Federal and Agriculture Procurement Regulations. Debarring Officers shall be appointed by the appropriate agency head for the following activities:

(1) Timber sales pursuant to 16 U.S.C. 476

(2) School lunch and Surplus Removal pursuant to 42 U.S.C. 1755 and 7 U.S.C. 612c.

(b) Debarring Officers are authorized to invoke debarment or suspension measures in accordance with the procedures of this subpart except as authorities may be specifically reserved to the Department Debarring Officer.

§ 4–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

(a) The Office of Operations maintains a consolidated list of firms and individuals debarred or suspended on the bases stated in § 1–1.602–1 of this title to whom contracts will not be awarded and from whom bids will not be solicited. The list is made available to all contracting officers through the issuance of Office of Operations Memorandum No. 24, and supplements thereto. The list shows the authority for and terms of the debarment or suspension.

(b) *Disclosure.* The list is divided into two sections and appendices. The first section is a list of debarred and ineligible firms and individuals. The second section is a list of suspended firms and individuals whose cases are under investigation. The appendices consist of background material which is attached to the list for convenience. The section listing debarred and ineligible firms and individuals may be released to the public only by authorized contracting officers in response to a specific request. The section on suspended firms and individuals and all correspondence relating thereto shall be released to the public only by the Office of Operations upon specific request and only after a determination that such information does not contain material the release of which would constitute a clearly unwarranted invasion of personal privacy.

§ 4–1.650–6 Clearance of foreign firms or individuals.

(a) *Checking published lists.* Agencies will check the Department list of debarred and suspended bidders (Office of Operations Memorandum No. 24) to see if the firm or individual proposed for a contractual relationship is listed thereon. This includes names listed by the Comptroller General and GSA. While foreign firms or individuals rarely appear on this list, they are subject to such listing. Exceptions to administrative debarments listed thereon may be made by the Department Debarring Officer. No exceptions may be made to other types of debarments included in this list.

(b) *Clearance with the Office of Operations.* Before entering into a contractual relationship or approving a subcontract with a foreign firm not listed in Office of Operations Memorandum No. 24, agencies shall furnish the Office of Operations information as follows:

(1) The name and address of the individual or firm involved.

(2) The names and addresses of all known firms or individuals having a controlling interest, or de facto control, through other means of the proposed contractor, subcontractor, lessor, cooperator, or grantee. In obtaining clearance for a proposed prime contract, any known foreign subcontractors to be employed in the work shall be included. However, it is not necessary to delay contracts while attempting to learn the names of prospective subcontractors.

(c) *Action by Office of Operations.* The Office of Operations will check the lists referred to in § 4–1.650–5 and advise, by telegraph or cable if requested, whether or not the proposed foreign individual or firm is listed. If it is, the agency will explore possible use of other individuals or firms and other alternatives. If essential activities would be substantially impaired through failure to enter into the proposed relationship with the listed foreign individual or firm, the agency will so advise the Office of Operations, with a full statement of the facts. The Department Debarring Officer will then determine and advise whether or not the proposed transaction may be made. He shall not authorize transactions with foreign nationals without permission of the Secretary of the Treasury. He shall not authorize transactions with foreign individuals or firms subject to administrative action by Washington headquarters of other agencies without consulting such headquarters.

7. Subparagraphs 4–1.706–2(a)(1) and b(3) are revised to read as follows:

§ 4–1.706–2 Review of SBA set-aside proposals.

(a) *Who determines if a class set-aside is in accord with the intent of the Small Business Act?* (1) The Small Business Act empowers the SBA and the Government contracting officer to set aside proposed procurements for exclusive competition among small business concerns when such action is determined to be: (i) In the interest of maintaining or mobilizing the Nation's full productive capacity; (ii) in the interest of war or national defense programs; or (iii) in the interest of assuring that a fair proportion of the total purchases and contracts for property and services for the Government (including but not limited to contracts for maintenance, repair, and construction) are placed with small business concerns. Determinations under (iii) of this subparagraph may be made by the contracting officer and the SBA representative. Proposed determinations under (i) or (ii) of this subparagraph shall be referred to the Director, Office of Operations.

* * * * *

(3) Where the proposed action would have serious adverse effects on Department programs. Whether these program impacts indicate that a set-aside would be imprudent and therefore would justify a refusal is a judgement question which, in the event of dispute, may warrant clearance with agency headquarters and the Office of Operations before refusing a set-aside proposal.

* * * * *

§ 4–1.708, 4–1.708–2 [Deleted]

8. Sections 4–1.708 and 4–1.708–2 are deleted.

9. Section 4–1.801–2 is revised to read as follows:

§ 4–1.801–2 Labor surplus area.

Information regarding labor surplus areas is contained in *Area Trends in Employment and Unemployment* published monthly by the Department of Labor. Every contracting activity other than small purchase offices should request to be placed on the mailing list to receive this publication. Address requests to:

U.S. Department of Labor,
Manpower Administration—MPPL,
Washington, D.C. 20213

10. Subpart 4–1.9 is revised to read as follows:

Subpart 4–1.9—Reporting Possible Antitrust Violations

§ 4–1.901 General.

All suspected violations of the antitrust laws shall be reported to the Office of Operations for review and referral to the Attorney General as may be necessary.

11. Subpart 4–1.11 is revised to read as follows:

Subpart 4–1.11—Qualified Products

§ 4–1.1101 Procurement of qualified products.

(a) *Product not listed.* If a bidder indicates in his bid that the products offered have been tested and approved for inclusion in the Qualified Products Lists, but the latest lists available to the contracting officer do not include such products, the qualifying agency named should be requested to verify that the products have been tested and approved. Should any delay or difficulty arise in obtaining prompt verification, the matter should be referred through appropriate agency channels to the Office of Operations, which will obtain the information from the General Services Administration. If the bidder furnished with his bid a copy of the notice of approval issued by the qualifying agency, no verification should be necessary.

(b) *Distribution of lists.* Arrangements may be made with the Office of Operations for obtaining copies of the Federal Qualified Products Lists.

12. Subpart 4–1.16 is revised to read as follows:

Subpart 4–1.16—Reports of Identical Bids

§ 4–1.1601 General.

Executive Order 10936 is applicable to all program functions of the Department, except for exemptions that may be made thereunder by the Attorney General. The provisions of Subpart 1–1.16 shall be followed in giving effect thereto.

§ 4–1.1603–2 Preparation of reports.

(a) See § 4–16.903—DJ1500 for the report form and instructions for preparation.

(b) Where the volume of identical bids so warrants, arrangements may be made with the Department of Justice, through the Office of Operations, for preparation and submission of the data in other format, such as machine listings.

PART 4–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

13. The Table of Contents of Part 4–5 is revised as follows:

a. The heading of Subpart 4–5.57 is revised to read as follows:

4–5.57—Office of Operations

b. The headings of §§ 4–5.5701, 4–5.5703, 4–5.5703–2, 4–5.5703–3, and 4–5.5703–4 are revised as follows:

Sec.

4–5.5701 Central Supply Branch.
4–5.5703 Procurement by the Office of Operations.
4–5.5703–2 Documentation.
4–5.5703–3 [Reserved]
4–5.5703–4 [Reserved]

14. The heading of Subpart 4–5.57 is revised to read as follows:

4–5.57—Office of Operations

15. Sections 4–5.5701, 4–5.5702, and 4–5.5703 are revised to read as follows:

§ 4–5.5701 Central Supply Branch.

§ 4–5.5701–1 Authority.

As authorized in the Agriculture Appropriation Act for 1944 (5 U.S.C. 542–1) the Central Supply Branch, Office of Operations, operates a central supply service for the purchase, storage, handling, issuance, packing, and shipping of supplies and equipment, which service shall be used to the fullest extent practicable in order to make unnecessary the separate maintenance of like services in agencies of the Department.

§ 4–5.5701–2 Delivery.

Agencies of the Department shall procure supplies, equipment, blank forms, or other materials needed for Washington, D.C., delivery from the Central Supply Branch to the extent such materials are carried in stock by that Branch. Field offices may procure their needs from the Central Supply Branch where this source of supply is the most economical.

§ 4–5.5701–3 Forms available.

There is included in the Central Supply Branch Catalog a list of forms available to all agencies of the Department. The list includes Standard, Department, Civil Service, Treasury, Compensation Commission, and other miscellaneous common use forms. Under special arrangements with the agencies concerned, the Branch also stocks certain forms adopted by and restricted to the use of individual agencies.

§ 4–5.5701–4 Ordering standard and AD forms.

The Central Supply Branch purchases, stocks, and issues Standard and AD forms and uses the Working Capital Fund to finance initially the cost of such operation. Agencies shall reimburse the Working Capital Fund for the cost of such forms as well as the handling cost. With the following exceptions, all agency requirements for Standard and AD forms shall be obtained from the Central Supply Branch:

(a) Tabulating cards, purchase orders and vouchers for transportation charges. For procurement of bills of lading see 5 AR 461c.

(b) Standard forms, which are not overprinted, serially numbered, or otherwise altered, for field use, shall be requisitioned from field warehouses of the Federal Supply Service.

(c) When, because of quantity, frequency of ordering, or other special circumstances, it appears more economical to order AD forms from the Public Printer, a printing requisition (Form AD–78), accompanied by a statement explaining the reason why such an order would be more economical, may be submitted to the Office of Communication where it will be processed if determined to be more economical.

§ 4–5.5701–5 Method of acquisition.

Agriculture Department Form 14, Request for Supplies, Equipment, or Service, shall be used to requisition materials and forms stocked by the Central Supply Branch. See the reverse side of that form for detailed instructions for its use. Other instructions are contained in the Central Supply Branch Catalog.

§ 4–5.5701–6 Handling charges.

The Central Supply Branch operates under a working-capital fund. Charges for handling office and laboratory supplies are in the form of a surcharge against the purchase price of items delivered. Handling charges on printed forms are based on quantity and frequency of withdrawals as related to overhead.

§ 4–5.5702 Departmental contracts.

The Office of Operations makes consolidated term contracts for services constantly in demand by the Department but not covered by Federal Supply Schedules or other term contracts. Agencies are notified of these contracts through Office of Operations' Memoranda No. 22.

§ 4–5.5703 Procurement by the Office of Operations.

§ 4–5.5703–1 General.

In order to accommodate agencies having a need therefor, the Office of Operations will, on agency request, solicit bids or proposals and/or award contracts when: (a) The agency has no delegated procurement contracting authority or assigned procurement office, (b) the contemplated contract is in excess of the amount of contracting authority delegated to the agency, or (c) the contract is otherwise beyond the authority of the agency. In such circumstances agencies are encouraged to include Office of Operations procurement personnel in the earliest planning stages of the procurement.

§ 4–5.5703–2 Documentation.

Certain documentation is required from agencies submitting requisitions to the Office of Operations for procurement action. It includes but is not limited to:

(a) An original requisition and two copies signed by an authorized official of the agency. The requisition must cite appropriation authority, estimated dollar amount, description of supplies or services required, quantity required, date material or services are required and place of inspection of goods or services.

(b) Specifications reflecting the minimum needs of the agency (see FPR 1–1.305 and 4–1.305 of this chapter).

(c) A list of known or potential suppliers of the supplies or services (see FPR 1–1.302 and 4–1.302 of this chapter).

(d) If competition is to be limited to a single source a statement to that effect together with appropriate justification is required.

(e) Justification for negotiation, if required (see FPR 1–3.2).

(f) If for automated data processing equipment or services, a statement from the Office of Automated Data Systems that the specifications have been reviewed by their staff.

§ 4–5.5703–3 [Reserved]

§ 4–5.5703–4 [Reserved]

§ 4–5.5703–5 Contract administration.

The successful completion of contracts awarded by the Office requires close cooperation and coordination between the Office and the agencies. After a contract is executed by the Office for an agency, the agency representatives have responsibility for close cooperation with the contracting officer in follow-up and expediting of performance and in inspection and testing of materials or services furnished. Those actions which are a responsibility of the contracting officer under the terms and conditions of the contract may not be performed by any other person, unless there is a written delegation by the contracting officer designating specific persons to act for him. These include the execution of such documents as change orders, extensions of contract time for performance, notices of default or termination of the contractor's right to proceed under the contract, findings of fact and decisions on questions of fact in dispute. Whenever such actions are required, the necessary documents should be prepared for signature of the contracting officer (or his designated repesentative) after such consultation with him as may be appropriate. The agency representative is responsible for maintaining constant cognizance of the status of performance by the contractor. Whenever it appears that a contract is not being, or will not be performed satisfactorily, the contracting officer should be advised promptly.

PART 4–16—PROCUREMENT FORMS

16. The Table of Contents of Part 4–16 is revised by deleting section 4–16.852.

§ 4–16.852 [Deleted]

17. Section 4–16.852 is deleted.

Effective date: February 18, 1975.

(5 U.S.C. 301; 40 USC 486(c))

JOHN J. KEANEY,
Director, Office of Operations.

FEBRUARY 12, 1975.

[FR Doc.75–4342 Filed 2–14–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–133]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Earth-to-Space Tracking Transmissions

In the Matter of Amendment of Part 2 of the Commission's rules and regulations to add a new footnote US 219 to the Table of Frequency Allocations permitting the use of the frequency 2106.4 MHz by Government earth stations for earth-to-space transmissions for tracking, telemetry and telecommand at Sioux Falls, South Dakota and Fairbanks, Alaska.

1. The Commission, through its liaison representation on the Interdepartment Radio Advisory Committee (IRAC) of the Office of Telecommunications Policy (OTP), has been requested to amend its Rules to permit the use of the frequency 2106.4 MHz for earth-to-space transmissions for tracking, telemetry, and telecommand.

2. The Department of the Interior has been given the responsibility for collecting and disseminating a wide variety of essential data concerning the natural resources of the earth. In attempting to meet this requirement, the Department of Interior is implementing the Earth Resources Survey Operational System (ERSOS). This system utilizes low altitude satellite techniques which use two earth stations, one located at Sioux Falls, South Dakota and another at Fairbanks, Alaska.

3. Under the broad provisions of footnote U.S. 90, Government and non-Government stations may be authorized to use the band 2025–2120 MHz for earth-to-space transmissions in the space research and earth exploration-satellite services. Such authority is granted on a case-by-case basis subject to certain conditions.

4. Therefore provisions are being made which will enable the Department of Interior to use the frequency 2106.4 MHz for earth-to-space transmissions for tracking, telemetry and telecommand in conjunction with its Earth Resources Survey Operational Systems. This provision will be in the form of a new U.S. footnote, U.S. 219, to the Table of Frequency Allocations. However, the use of the frequency 2106.4 MHz is subject to the condition that such transmissions shall not cause harmful interference to non-Government operations. Because no adverse effects will be caused to non-Government entities, the Commission would not expect to receive any comments in this matter if a Notice of Proposed Rule Making were issued. Issuance of a Notice and deferring the effective date would merely delay the outcome. Therefore, compliance with the prior notice and effective date provisions contained in the Administrative Procedures Act, 5 U.S.C. 553, is unnecessary and contrary to public interest.

5. *Accordingly, it is ordered* That, effective February 19, 1975, § 2.106 of the rules is amended as set forth below. Authority for this action is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

Adopted: February 4, 1975.

Released: February 13, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, § 2.106 is amended as follows:

1. The Table of Frequency Allocations is amended by adding a new footnote designator, US 219, to the band 1850–2200 MHz and by adding in proper numerical sequency the text of footnote US 219 following the Table, as shown below:

UNITED STATES

Band (MHz)	*Band (MHz)*	*Allocations*
5		6
*	* * * *	*
*	* * * *	*
1850–2200		NG (US 90) (US 111) (US 219)
*	* * * *	*

US 219. In the band 2025–2120 MHz Government earth resources satellite earth stations in the Earth Exploration-Satellite Service may be authorized to use the frequency 2106.4 MHz for earth-to-space transmission for tracking, telemetry, and telecommand at the sites listed below. Such transmissions shall not cause harmful interference to non-Government operations.

Sioux Falls, South Dakota, 43°32'3.1" N., 96°45'42.8" W.

Fairbanks, Alaska, 64°58'36.6" N., 147°30'54.2" W.

[FR Doc. 75–4304 Filed 2–14–75; 8:45 a.m.]

PART 73—RADIO BROADCAST SERVICES

Lottery Information; Correction

In the matter of amendment of Part 73 (Radio Broadcast Services) and Part 76 (Cable Television Service) of the Rules.

Order, FCC 75–129, released February 5, 1975, (40 FR 6209) amends the rules with respect to the broadcast of lottery information. Section 73.1209 was designated as the new rule section. This section is already entitled, "References to time". Therefore, § 73.1211 is designated as "Broadcast of lottery information". Accordingly, paragraph 6 of the Order and items 1 and 2 of the Appendix are corrected by substituting § 73.1211 for § 73.1209.

Released: February 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–4305 Filed 2–18–75;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 AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 11]

DEVICES AND SUBSTANCFS FOR USE ON HORSES AT CERTAIN HORSE SHOWS

Proposed Prohibitions

Notice is hereby given in accordance with the administrative provision in 5 U.S.C. 553, that, pursuant to the provisions of the Horse Protection Act of 1970 (15 U.S.C. 1821–1831), the Animal and Plant Health Inspection Service is considering amending Part 11, Subchapter A, Chapter I, Title 9, Code of Federal Regulations, with respect to prohibitions concerning devices and substances for use on horses at certain horse shows.

Statement of considerations. After passage of the Horse Protection Act of 1970, meetings held with various segments of the affected industry and humane officials provided the Department with many divergent views and considerable factual information as to possible methods of diagnosing sored horses and enforcement of the Act. Consideration was given to the views expressed, and the initial regulations were based on all information available at the time the regulations were issued, to become effective on January 28, 1972. Since the regulations were first published, experiments, tests, clinics, and experience have developed additional data which indicate the regulations should be amended.

The Department sought additional data after enforcement problems related to the regulations arose on a continuing basis and representatives of the concerned industry complained that portions of the regulations placed unnecessary and detrimental restrictions on the industry. Enforcement problems arose when numerous alleged violations were documented concerning boots which were prohibited by the regulations, e.g. exceeding the 16 ounce weight limitation (see 9 CFR 11.3). In some cases the horses wearing such boots showed no evidence of being sored. Also, enforcement experience revealed evidence which appears to support the horse industry's claim that adverse weather conditions could result in a "legal boot becoming illegal." It appears that boots permitted under the regulations which are exposed to water may gain weight, and wet leather boots may shrink when exposed to excessive heat. The regulation boots actually may be a soring device under certain other conditions. The 2½ inch height, permitted for boots under the regulations, may be excessive for a young horse with a small, short pastern and could cause loss of hair and boot rubs (abrasions) due to friction between the ill fitting boot and the horse's pastern. In some instances the 16-ounce boot weight may be excessive for a young horse with tender skin, and the horse industry claimed the 16-ounce weight was not sufficient to properly "balance" a mature horse. Weights, including the weight of action devices such as boots, are used to "balance" a horse in a manner similar to the use of weights in balancing automobile tires. The horse industry also claimed that USDA's restrictions against allowing action devices, other than the 16-ounce bell boot and the hinged quarter boot, placed detrimental restrictions on the industry because certain horses would not (or could not) perform while wearing the bell boot or hinged quarter boot. Further, the horse industry claimed that USDA's restrictions on allowing any foreign substance on the pastern and fetlock areas of horses were excessively restrictive. The industry maintained that lubricant-type substances, if allowed, would protect and prevent damage to a horse's leg.

In an effort to resolve enforcement problems and to properly evaluate complaints concerning the regulations, the Department conducted a 7-day, fact-finding clinic on soring, training devices, and aids such as lubricants, boots, chains, etc., in which the Department, industry, and humane group representatives worked cooperatively to gather data. In addition, the Department conducted extensive factfinding tests and experiments on live horses at the Veterinary Services Laboratory in Ames, Iowa, for the purpose of establishing the reliability of infrared thermography to detect soring and to test the effects of lubricants and various types of training devices and aids under diverse conditions. Evaluation of enforcement data provided information based on actual problems related to the regulations that have been experienced by Department personnel. Data gathered at the factfinding tests, experiments, and clinics, along with information gathered by experience in enforcing the Act, provided a basis for determining the effect of lubricants and various types of boots, chains, and other devices on horses. The factfinding clinic and test results were substantiated through the use of the Department's infrared thermography equipment.

The fact-finding clinic, tests, experiments, and enforcement experience revealed that current regulations may be excessively restrictive in prohibiting the use of all chains, in imposing a weight limitation of 16 ounces and a 2½-inch minimum width on bell boots, and in excluding all lubricants on horses' pasterns and too permissive with respect to certain methods and devices. The clinic, experiments, tests, and enforcement experience revealed that individual horses may be affected differently by certain methods or devices and that such methods or devices may cause, or reasonably be expected to cause, physical pain, extreme physical distress, or inflammation to some horses and not to other horses. It appears that with respect to such methods or devices an evaluation must be made in each specific case. However, there appears to be a rational basis for believing that use of certain other methods and devices such as chains weighing more than 10 ounces each would cause one or more of these effects in any horse, and if used on a horse for the purpose of affecting its gait would result in the house being sored. The fact-finding clinic, experiments, and tests also revealed that the use of certain lubricants, such as liquid petrolatum, may greatly decrease the possibility of friction damage to a horse's leg by boots, chains, or other devices. However, unless the lubricants are applied after pre-show inspection by the horse show representative, they may mask cracks, abrasions or other abnormalities indicative of soring which such inspection is meant to detect. Unless the lubricant used is clear and transparent, its presence could so greatly interfere with subsequent inspection by Department inspectors for physical evidence or soring as to outweigh the beneficial effects achieved by allowing the use of such lubricants. Further, the requirement that the lubricants be applied under the control of the show representative and that only lubricants furnished by the show management be used, would appear to be necessary to assure that only permitted lubricants are used and to facilitate sampling of the lubricants in enforcement of the Act. Further, it appears that the use of therapeutic substances should not be allowed on the pastern areas of a horse during showing or exhibition since they also can mask evidence of soring. Therefore, based on the knowledge gained from experience, tests, experiments, and studies involving infrared thermovision equipment, the fact-finding clinic, experiments, and tests conducted at the Veterinary Services Laboratory in Ames, Iowa, various field studies, and other experience gained in enforcing the Act, the Department proposes to amend the regulations to prohibit the use of certain methods and devices which it appears may reasonably be expected to cause physical pain, extreme physical distress, or inflammation

to any horse upon which they are used; to delete the provisions specifying permitted boots and thereby eliminate the 16-ounce weight limitation and 2½-inch width requirement for bell boots; to modify provisions for the use of therapeutic treatments; and to allow the use of clear and transparent lubricants under certain conditions when controlled by show management, as follows:

1. In § 11.2, paragraphs (b), (c), and (d), would be revised respectively to read:

§ 11.2 Prohibitions concerning exhibitors.

* * * * *

(b) No chain, boot, or other method or device shall be used with respect to any horse at any horse show or exhibition if such use causes the horse to be sored.

(c) The use of any of the following devices on any horse for the purpose of affecting its gait at any horse show or exhibition is prohibited:

(1) All trotting devices, including but not limited to rollers and similar devices;

(2) Chains weighing in excess of 10 ounces each including the weight of the fastener;

(3) Chains which are not smooth and free of projections, protrusions, rust, corrosion, or rough or sharp edges;

(4) Boots, or any other device, with protrusions, swellings, or rough or sharp edges, seams or other surfaces that may contact a horse's leg.

(d) All substances are prohibited on the extremities, above the hoof (but below the fetlock) of any horse while being shown or exhibited at any horse show or exhibition, except clear and transparent lubricants, including, but not limited to glycerine, petrolatum, and mineral oil, or mixtures thereof: *Provided*, That:

(1) Any such lubricant is applied after the horse is inspected by the show manager or his representative and the lubricant is applied under the control of the show management.

(2) Show management furnishes to the exhibitors at their request and maintains control over all lubricants for use at the horse show or exhibition;

(3) Show management makes such lubricants available for Department personnel to obtain samples for laboratory analysis.

§ 11.3 [Deleted]

2. The present § 11.3 would be deleted in its entirety.

§ 11.1 [Amended]

3. In present § 11.1(t)(1)(iv), the last sentence would be amended to read: "Although a horse given therapeutic treatment by a veterinarian to relieve pain, lameness, or disability, or to restore its normal gait shall not be considered sored, the use of any substances above hoof but below the fetlock of any horse while being shown or exhibited at any horse show or exhibition is prohibited by § 11.2(d) except as permitted therein."

Any person who wishes to submit written data, views, or arguments, concerning this proposal may do so by filing them with the Deputy Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, before March 10, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and 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 12th day of February, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-4338 Filed 2-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 75-GL-5]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a joint-use restricted area three miles wide across Lake Michigan from Manitowoc, Wis., to Ludington, Mich., and from Ludington to Milwaukee, Wis., to enable the University of Wisconsin to conduct a meteorological study of the lower atmosphere across Lake Michigan.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill., 60018. All communications received on or before March 20, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate a two part joint-use restricted area identified as R6905A and R6905B across Lake Michigan as follows:

1. R6905A within 1½ NM. on each side of a direct line between coordinates latitude 44°05' N., longitude 87°38' W., and latitude 43°57' N., longitude 86°28' W., excluding the area within 5 NM of the shoreline.
2. R-6905B within 1½ NM. on each side of a direct line between coordinates latitude 43°57' N., longitude 86°28' W., and latitude 43°02' N., longitude 87°52' W., excluding the area within 5 NM. of the shoreline at Ludington, and the area southwest of the southern boundary of R6903.

R6905A and R6905B

Designated altitudes. Surface to 6,000 MSL.
Time of designation. As activated by NOTAM. 12 hours in advance.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. University of Wisconsin.

The University of Wisconsin plans to conduct a scientific program of studying the meteorological conditions of the air in the lowest mile of the atmosphere, called the boundary layer, over Lake Michigan.

This Boundary Layer Study will last about a year and will be conducted by flying a tethered balloon system from a ferry boat operating between Manitowoc, Wis., Ludington, Mich., and Milwaukee, Wis. Up to five instrument package units will be attached at meteorologically interesting levels to the tether line. These units will be suspended from a helium-filled balloon at both fixed and varying levels, from the lake surface to 1500 meters (4,922 ft.). The balloon will have a length of 8 meters (20 ft.) and a diameter of 3 meters (10 ft.). It will be equipped with a radio controlled rapid deflation device in the event the tether line severs. These instrument package units weigh 1.9 pounds and are 28 inches long and 8 inches in diameter. The balloon and packages will be towed at 18 knots across the lake. One to three days of intensive 24 hour operation followed by a one to two week break for data reduction and analysis is envisioned during the summer months and on an irregular basis during the winter months. There will be 12 hours notification before any operation starts and communications capability will be available from the boat during operation. The proposed width of 3NM allows for maximum horizontal tether line displacement from the boat, maximum course deviation and position information tolerance under normal conditions. During abnormal weather conditions, i.e., severe weather, the balloon system will not be flown.

The Chicago ARTC Center will be the controlling agency and the restricted airspace will be available to the public when balloon operations are not being conducted.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 11, 1975.

P. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-4284 Filed 2-14-75;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 611, 613, 614, 615, 616]

FARMBANK SERVICES, LOAN POLICIES, ETC.

Proposed Amendments

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments of its regulations as set forth below in tentative form. These amendments would: (1) Require minutes to be kept of meetings of the Governing Body of Farmbank Services, (2) clarify the applicability to Farmbank Services of regulations issued for Farm Credit institutions, (3) revise rural home lending program requirements and limitations, (4) clarify limitations on maximum loans, (5) clarify what may be security for Federal land bank loans, (6) clarify what may be security for production credit association loans, (7) restate criteria to be included in loan servicing policies, (8) restate requirements for insurance on shipments of valuables, (9) delete regulation dealing with reports of insured shipments of valuables, and (10) restate coordination policies for rural home lending.

Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than March 17, 1975, to W. M. Harding, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the office of Director, Information Division, Office of Administration, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by adding §§ 611.1055 and 611.1150, revising § 613.3040, paragraphs (a) and (b) of § 614.4180, paragraph (a) of § 614.4230, § 614.4250, paragraph (d) of § 614.4510, and § 615.5500, deleting § 615.5510, and revising § 616.6030. These amendments are as follows:

PART 611—ORGANIZATION

§ 611.1055 Minutes of Governing Body of Farmbank Services.

The Governing Body of Farmbank Services shall keep full and accurate minutes of its meetings. Two copies of the minutes of the Governing Body shall be sent to the Farm Credit Administration within 2 weeks after the meetings.

§ 611.1150 Farmbank Services.

All applicable regulations published and issued for the banks and associations of the Farm Credit System shall be observed by Farmbank Services.

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

§ 613.3040 Rural residents.

(a) *Definition.* A rural resident is a person residing in a rural area who meets the eligibility requirements enumerated below.

(b) *Eligibility.* Eligibility requirements for the rural home lending program are as follows:

(1) The applicant shall become an owner-occupant of the rural residence being financed. He shall not have loans under this program on more than one rural residence at any one time and no loan shall be made to purchase or construct a rural residence for the express purpose of rental or resale.

(2) For the purposes of nonfarm home lending only, a rural area is open country which may include rural subdivisions or any city or village with a population not exceeding 2,500 persons. A rural area does not include cities, subdivisions or villages associated with a larger population center. The intent is to avoid lending in concentrated, high density, residential areas or villages which are a part of an urbanizing area surrounding or immediately adjoining an urban area of a larger population center. Rural areas may include open areas which are undeveloped for housing and still devoted to agricultural use within other political boundaries, including "towns" exceeding 2,500 persons, designated by the district board and approved by the Farm Credit Administration.

(3) Within rural areas, eligible properties include individual sites as well as sites in rural subdivisions whose design shall encourage orderly development. The bank shall establish appropriate policies subject to approval of the district board for eligible subdivisions.

(4) A rural residence is a single-family, moderate-priced dwelling used as a permanent, year-round home, with appropriate appurtenances and an appropriate site. Rural residences may include conventional housing, modular housing, or mobile homes which are related to a specific real estate site. A moderate-priced dwelling is adequate but not in excess of the living standards of persons in the middle range of income, and not inconsistent with the general quality and standards of housing existing in, or planned for, that area of the Farm Credit district. Due to the wide variations in housing costs, income levels, and area standards for housing, the value level which constitutes moderate-priced housing will vary between localities.

(c) *Scope of financing.* Loans may be made to owner-occupants of rural residences for the purposes of buying, building, remodeling, improving, repairing and refinancing existing indebtedness on such residences. The total amount of credit that may be extended by Farm Credit institutions for eligible purposes shall not exceed 85 percent of the appraised value of the rural residence security.

(d) *Program limitations.* The rural home lending program shall be operated within the following limitations:

(1) Rural home lending in a district may be implemented only with the approval of the district board. Implementation at the association level is within the discretion of the association board. Upon implementation, such loan service shall be made available to all eligible persons.

(2) No Federal land bank may at any time have outstanding rural residence loans in an amount exceeding 15 percent of the total of all loans outstanding. No production credit association may have outstanding rural residence loans in an amount exceeding 15 percent of its total loans outstanding at the end of the preceding fiscal year, without prior approval by the Federal intermediate credit bank of the district, nor shall the aggregate of such loans exceed 15 percent of the outstanding loans of all associations in the district at the end of the bank's preceding fiscal year.

(3) Whenever any Federal land bank association or production credit association exceeds 15 percent of its total loan volume in rural residence loans, the respective bank board shall require the bank to make periodic reviews to assure that farmers' credit needs are being adequately served in accordance with the objectives of the Act.

(4) Should circumstances arise which curtail loan funds for the System, agricultural loans shall receive priority to the exclusion of rural home loans.

(e) *Identification.* All loans made under the rural home lending program shall be separately identified.

(1) In making such identification, a rural residence is a property which does not have the capacity to produce farm products for sale on a sustained basis, or if it has that capacity is not intended to be used in that manner.

(2) Housing loans for homes used in farming operations or immediate family needs to farmers and ranchers may be identified as farm loans if the borrower's agricultural operation represents more than 50 percent of his total business. Such loans are not subject to the area and price limitation of § 613.3040 (b) or the 15 percent limitation of § 613.3040(d).

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4180 Federal land banks.

(a) Loans may be made for not less than 5 years nor more than 40 years. The basis of approval shall set out the terms and conditions under which a loan is approved. When necessary to assure proper understanding, provide needed controls, and protect the lender, a formal written loan agreement shall be developed between the borrower and the bank.

(b) The outstanding loan balance on any loan shall not at any time during the life of the loan exceed 85 percent of the appraised value established by the most

recent appraisal report on the primary real estate security. This shall not, however, prohibit protecting the security position by advancing taxes, advancing insurance premiums, rescheduling loan payments, granting partial releases, or other loan servicing actions when the loan, subsequent to the action, will be at least as well secured as it was prior to the action.

* * * * *

§ 614.4230 Federal land banks.

(a) Primary security for a Federal land bank loan shall consist of a first lien on interest in real estate. In the case of nonfarm rural home loans, the primary security shall be a first lien on the rural residence being financed. The real estate interest must be mortgageable interest under deeds or leases which reasonably may be considered adequate to afford the security of a first lien upon the rights and interest on which the loan is predicated. Collateral closely aligned with, an integral part of, and normally sold with real estate may be included in the appraised value of the security upon which a loan is based. Appraised value shall be determined within approved standards and shall include in the evaluation either farmlands, eligible farm-related businesses, or eligible rural residences, whichever is appropriate for the type of loan being made.

* * * * *

§ 614.4250 Production credit associations.

(a) Both secured and unsecured loans may be made in accordance with procedures prescribed by the bank. Normally, primary security taken will consist of first liens on personal property and crops. While it is not intended that associations will ordinarily make first lien real estate mortgage loans to farmers, real estate or other security may be taken when deemed necessary for the protection of the association in making short- and intermediate-term loans for eligible purposes.

(b) The primary security for nonfarm rural home loans shall be a first lien on the rural residence being constructed, purchased, or refinanced. Loans for repairs and improvements usually will be secured by a real estate lien or such other security as is determined to be necessary to protect the lender. The outstanding loan balance on any nonfarm rural home loan shall not at any time during the life of the loan exceed 85 percent of the appraised value established by the most recent appraisal report on the primary real estate security. This shall not, however, prohibit protecting the security position by advancing taxes, advancing insurance premiums, rescheduling loan payments, granting partial releases, or other loan servicing actions when the loan, subsequent to the action, will be at least as well secured as it was prior to the action.

(c) Before taking a real estate mortgage, the association shall consider whether all or a portion of the credit needs might be met more satisfactorily by a real estate mortgage loan such as may be obtained through a Federal land bank association, in accordance with district board policies established under § 616.6020.

(d) Recovery value shall be the basis for measuring the collateral worth of nonreal estate security. The value of interest in real estate which constitutes primary security shall be the appraised value as determined within approved appraisal standards.

§ 614.4510 General.

* * * * *

(d) In the development of the bank and association policies and procedures, the following criteria shall be included:

(1) Term loans. The objective shall be to provide borrowers with prompt and efficient service with respect to justifiable actions in such areas as personal liability, partial release of security, insurance requirements or adjustments, loan division or transfers, conditional payments, extensions, deferments or reamortizations. Procedures shall provide for adequate inspections, reanalysis, reappraisal, controls on payment of insurance and taxes (and for payment when necessary), and prompt exercise of legal options to preserve the lender's collateral position or guard against loss. The policy shall provide a means of forbearance for cases when the borrower is cooperative, making an honest effort to meet the conditions of the loan contract, and is capable of working out of the debt burden. Loan servicing policies for rural home loans shall recognize the inherent differences between agricultural and rural home lending.

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PART 615—FUNDING AND FISCAL AFFAIRS

§ 615.5500 Shipment of valuables.

Shipments of valuables including fully executed, uncanceled coupon bonds and uncanceled registered bonds which have been endorsed in such a manner or are accompanied by such detached powers of attorney or assignments as to require no further action before their negotiation by any holder could be accomplished, by the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, banks for cooperatives, and the production credit associations, when made to or by the assured or to or by others for the account of the assured, shall be covered by an insurance policy entitled open registered mail and express policy No. FCA 125. Details for implementing coverage under the open registered mail and express policy shall be issued by the Farm Credit Administration in the form of a letter of instruction.

§ 615.5510 [Reserved]

PART 616—COORDINATION

§ 616.6030 Rural home lending.

Coordination policies relative to rural home lending shall define the appropriate lending authorities and relationships.

(a) Federal land banks should finance the purchase or construction of rural residences where the owner requires long-term financing. Production credit association lending, while not excluding the purchase or construction of conventional homes, should emphasize remodeling and repair of permanent homes and financing mobile homes where the owner needs intermediate-term financing.

(b) The same appraisal standards, forms and procedures shall be used by both Federal land bank associations and production credit associations.

(c) Uniform procedures regarding the closing of rural home loans shall be prescribed by the supervising banks.

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624)

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

[FR Doc.75-4343 Filed 2-14-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1057]

[Ex Parte No. MC 43 (Sub-No. 4)]

LEASE AND INTERCHANGE OF VEHICLES

Trip Leasing

It is ordered, That based upon the reasons set forth in the attached notice, a proceeding, be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act) and 49 U.S.C. 303(b)(6) and 304(f).

It is further ordered, That the attached notice be, and it is hereby, adopted and incorporated by reference into this order.

It is further ordered, That all motor common and contract carriers of property subject to Part II of the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That in view of the action taken herein, the petition of the National Independent Truckers Unity Committee filed January 20, 1975, be, and it is hereby, denied.

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commission or Boards of each State having jurisdiction over motor transportation, by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

By the Commission.

[SEAL] Robert L. Oswald,
Secretary.

The Congress in enacting section 204(f) of the Interstate Commerce Act, 49 U.S.C. 304(f), contemplated that the operators of motor vehicles used in the