

B. It is further recognized by both agencies that FmHA Emergency loan security requirements are more stringent and more limiting and, therefore, it is further agreed that in those cases where it becomes necessary for both agencies to make separate loans to the same applicant, the following understandings will prevail:

1. Appropriate field representatives of both agencies, in consultation with the applicant, will arrive at a mutual understanding regarding:

- The loans to be made.
- The purposes for which loan funds will be utilized.
- The security required and to be taken by each agency.
- The distribution of income in repayment of the loans.

2. FmHA security requirements will take precedence.

3. All parties concerned will make the determination there will be sufficient repayment ability to adequately assure that the scheduled repayment installments can be met.

V. *Referring Applicants:* When referral of applicants between agencies is necessary, neither agency will inform the applicant that he is eligible for a loan from the other agency, nor will they inform the applicant that another agency is responsible for making him a loan. Such statements are misleading and result in confusion and poor public relations for the Federal Government. Therefore, referrals will be made with a statement that "the applicant may wish to contact the other agency as that agency can make loans for enterprises such as he is conducting."

It is recognized that not every applicant will meet the eligibility requirements for a disaster type loan. However, an agency's inability to make a loan to any applicant to finance an enterprise within the field of service of that agency will not be a basis for referring the applicant to the other agency for that part of his financing.

It is the intent of this Memorandum of Understanding that SBA will serve natural disaster victims who sustained losses to enterprises as defined in III A, and FmHA will serve those defined in III B of this Memorandum of Understanding.

This Memorandum of Understanding may be revised from time to time by written mutual consent of the agencies involved.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

THOMAS S. KLEPPE,  
Administrator,  
Small Business Administration.

#### APPENDIX III

#### MEMORANDUM OF UNDERSTANDING AND COORDINATION BETWEEN THE AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (ASCS) AND THE FARMERS HOME ADMINISTRATION (FmHA) PERTAINING TO DISASTER TYPE ASSISTANCE

I. *GENERAL:* Federal Agencies that provide financial assistance to farmers suffering losses as a result of natural disasters are required to ensure that there is no duplication of benefits under other programs. Also, the USDA through the State and County Emergency Boards and the member agencies is responsible for providing leadership to insure that the Department's emergency programs are implemented as needed in the field.

#### II. USDA STATE (SEB) AND COUNTY (CEB) EMERGENCY BOARDS:

##### A. Membership on Emergency Boards:

1. SEB.—There has been established in every state a SEB. The Board is composed of representatives of the seven USDA agencies having emergency responsibilities in the field.

The Chairman of the SEB is the ASCS State Executive Director. FmHA State Directors are members of the SEB's. In an emergency, SEB's and member agencies provide leadership for USDA emergency programs at the state level.

2. CEB.—There has been established in nearly every county a CEB. Membership consists of representatives of each USDA agency having available personnel at the county level. The Chairman, in most cases, of the CEB is the ASCS County Executive Director. FmHA County Supervisors are members of the CEB's. In an emergency, CEB's and member agencies provide leadership for USDA emergency programs at the county level.

B. *Responsibility for Reporting Disasters:* USDA SEB's and CEB's and their member agencies are best qualified to accomplish assessment of rural and agricultural damages. Therefore, in accordance with "USDA State Emergency Memorandum No. 54," they are given the responsibility for reporting the occurrence of disasters. SEB and CEB chairmen shall call a meeting of their respective boards to prepare necessary reports as soon as possible after a disaster occurs which has significantly affected rural areas in their state or county. The FmHA State Director and County Supervisors shall cooperate with the chairmen of SEB's and CEB's.

C. *Federal Disaster Assistance Administration (FDAA) Natural Disaster Assistance Centers:* Where a major disaster has been declared by the President and the FDAA establishes such center or centers in the local disaster areas, the SEB chairman is responsible for the following:

1. Selecting a qualified USDA person to represent USDA at each center. He will consult with other board members in making the selection. FmHA State Directors will cooperate with the SEB chairmen in seeing that the centers are properly manned.

2. Orienting the selected person(s) on all current USDA disaster programs. FmHA State Directors will cooperate in this orientation to insure that the USDA representative at the center is familiar with FmHA Emergency loans and other loans of FmHA that could be of assistance to the disaster victims.

3. Informing FDAA that a USDA representative is available to help at each of the assistance centers.

D. *ASCS and FmHA Coordination on Emergency Activities to Farmers and Ranchers:*

1. *AFFECTED ASCS PROGRAMS:* FmHA Instruction 441.2 provides that ASCS disaster type program benefits are to be considered in determining a farmer's eligibility and the maximum amount of his Emergency (EM) loan. Therefore, the amount of any benefits received from ASCS disaster type programs, disaster payments (prevented planting and low yield) for wheat, feed grain, and upland cotton, cost-sharing payments under Emergency Conservation Measures (ECM), sugar abandonment or deficiency payments, and livestock feed programs (LFP) will be considered as compensation for losses.

2. *FmHA ACTION:* In counties where Emergency loans are authorized and ASCS disaster type programs are available, FmHA County Supervisors will:

a. Furnish the ASCS county offices with a listing of names and addresses of farmers and ranchers who have had an EM loan approved.

b. Request from the ASCS county offices, by name and address of each EM loan applicant, the following information: payments or benefits (disaster, ECM, sugar abandonment or deficiency payments, and LFP) made or to be made by ASCS to such applicant, ASCS records of acreages on the applicant's farm or farms, and established yields on crops used by ASCS. FmHA Form 441-29, "ASCS Verification of Farm Produc-

tion History and Payments," will be used for this purpose.

3. *ASCS ACTION:* The ASCS county offices will:

a. Furnish the County Supervisor with the requested information.

b. In counties where EM borrowers have received EM loans and have:

(1) *Received Disaster Payments or LCM Assistance Concerning the Same Loss.* Issue such sight drafts to show the borrower and FmHA as joint payees and the drafts will be forwarded to the FmHA County Office.

(2) *Applied for LFP Benefits Because of the Same Loss.* Limit LFP benefits to the difference, if any, in the amount a producer actually borrowed from FmHA and the maximum amount he could have borrowed. In cases where a producer has obtained the maximum loan, he must first repay FmHA to the extent of any benefits he may wish to obtain under the LFP (the difference between the LFP sales price and the market price).

(3) *Received Sugar Abandonment or Deficiency Payments.* Will advise the FmHA County Office of the date and amount of such payment.

This memorandum of Understanding and Coordination may be revised from time to time by written mutual consent of the agencies involved.

KENNETH E. FRICK,  
Administrator, Agricultural  
Stabilization and Conservation Service.

Dated: April 23, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

Dated: April 16, 1975.

*Effective date.* This document shall be effective on September 12, 1975.

Dated: September 8, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc. 75-24244 Filed 9-11-75; 8:45 am]

#### Title 9—Animals and Animal Products

#### CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

#### PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

#### Deletion of Provisions for Dressed Poultry

● *Purpose:* The purpose of this document is to delete from the poultry products inspection regulations the present allowance for handling, marking, or importing dressed poultry. ●

Pursuant to the authority contained in section 14 of the Poultry Products Inspection Act, as amended (21 U.S.C. 451 *et seq.*), the poultry products inspection regulations are amended to delete certain provisions allowing the production, labeling, and movement between official establishments, and importation of dressed poultry.

*Statement of Considerations.* On September 7, 1973, there was published in the FEDERAL REGISTER (38 FR 24374) in accordance with the administrative procedure provisions in 5 U.S.C. 553, a notice of proposed rule-making under the Poultry Products Inspection Act to delete from the poultry products inspection regulations (9 CFR Part 381) those provi-



sions allowing the production, labeling, and movement between official establishments or importation of dressed poultry. The proposed deletions contemplated no change with respect to the exemptions from certain restrictions of the Act and the regulations which are granted by the Administrator when necessary to avoid conflict with religious dietary requirements.

A total of three comments were received, all of which favored the proposal. Two of the comments were received from poultry industry groups, and one was received from a State agency responsible for the inspection of poultry in that State. In support of the proposal, all three respondents expressed the view that dressed poultry constitutes a health hazard because of the fact that a complete post-mortem inspection cannot be performed when the viscera remain in the carcass. The industry groups commenting on the proposal further pointed out that to their knowledge dressed poultry is no longer produced.

Therefore, after considering all information available to the Department, including the comments received pursuant to the notice, the poultry products inspection regulations (9 CFR Part 381) are amended as follows:

#### § 381.97 [Reserved]

1. Section 381.97 is revoked and reserved.

#### § 381.1 [Amended]

2. In § 381.1(b), the text of subparagraphs (14) and (15) are revoked and the subparagraph numbers are reserved; and in subparagraph (44) "dressed poultry" is deleted and "slaughtered poultry" is substituted therefor.

#### § 381.65 [Amended]

3. In § 381.65, paragraphs (d), (e), (f), (g), and (h) (2) are revoked and in paragraph (n), the words "dressed poultry and other" are deleted.

4. In § 381.66, the words "dressed and" are deleted from the first sentences of paragraph (a) and paragraph (f) (3); in paragraph (f) (1), the term "Dressed and ready-to-cook" is deleted and "Ready-to-cook" is substituted therefor; the first sentence in § 381.66(e) is revoked; and paragraph (f) (2) is amended to read as follows:

§ 381.66 Temperatures and chilling and freezing procedures.

(f) \* \* \*

(2) ready-to-cook poultry shall be frozen in a manner so as to bring the internal temperature of the birds at the center of the package to 0°F. or below within 72 hours from the time of entering the freezer.

#### § 381.76 [Amended]

5. In § 381.76, paragraph (b) is revoked, and "(a)" in paragraph (a) is deleted.

#### § 381.190 [Amended]

6. In § 381.190(a), the clause "except that dressed poultry may be transported from one official establishment to another

other official establishment for further processing." is deleted, and the comma following the word "regulations" is changed to a period.

#### § 381.195 [Amended]

7. In § 381.195(b), the words "or dressed" are deleted in the second sentence; and the third sentence is revoked.

8. Under § 381.197, in paragraph (b) the term "(Except for unviscerated poultry)" is deleted from the inspection certificate heading; paragraph (c) is revoked and paragraph (a) is amended to read as follows:

#### § 381.197 Imported products; foreign inspection certificates required.

(a) Except as provided in §§ 381.207 and 381.209, each consignment containing any slaughtered poultry or other poultry product consigned to the United States from a foreign country shall be accompanied with a foreign inspection certificate substantially in the form illustrated in paragraph (b) of this section.

The regulatory provisions dealing with exemptions based on religious dietary laws are unchanged.

(Sec. 14, 71 Stat. 441, as amended, 21 U.S.C. 463; 37 F.R. 28464-28477)

It does not appear that further public rule-making procedure on these amendments would make additional relevant information available to the Department which would alter the decision. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further rule-making procedures are impractical and unnecessary.

These amendments shall become effective October 13, 1975.

Done at Washington, D.C. on: September 8, 1975.

F. J. MULHERN,  
Administrator, Animal and Plant  
Health Inspection Service.

[PR Doc. 75-24296 Filed 9-11-75; 8:45 am]

### Title 10—Energy

#### CHAPTER II—FEDERAL ENERGY ADMINISTRATION

#### PART 204—RECORDS OF ORAL COMMUNICATIONS WITH PERSONS OUTSIDE FEA

##### Miscellaneous Amendments

Part 204 of the Federal Energy Administration's regulations was established to provide internal FEA procedures for preparing and maintaining records of communications and contacts between certain FEA employees and persons from outside the agency. The purpose of the Part 204 requirements is to maintain the integrity of FEA's decisionmaking process and to insure that agency programs and policies are developed and implemented in an open manner, thereby promoting public confidence in the agency.

Part 204 now contains three separate requirements relating to recording of "outside" contacts.

First, § 204.3 requires FEA employees in grade GS-15 or above to prepare written records of oral communications from "non-involved" persons expressing an opinion or viewpoint on a specific application, interpretation request, appeal, petition for special redress, investigation, or enforcement proceeding pending before FEA.

Second, § 204.4 requires certain senior FEA officials to keep "logs" or summaries of meetings concerning FEA policy questions conducted with persons from outside the agency. These summaries are required to contain the date and place of each meeting, the name of each participant at the meeting, the entities represented and a "brief summary of the subject matter or matters discussed".

Finally, § 204.5 requires certain FEA senior officials to prepare lists of all meetings that have occurred between such officials and persons from outside the agency during the preceding two-week period. All of the officials subject to this requirement are also required to keep meeting summaries under § 204.4.

The lists required under § 204.5 differ from the summaries required by § 204.4 in three material respects. First, the lists are to cover all meetings with individuals from outside FEA, irrespective of whether they are conducted to discuss policy questions. Second, the lists are routinely disclosed to the public through the Office of Public Affairs on a semi-monthly basis, whereas the summaries prepared under § 204.4 are maintained as part of the agency's internal files. Third, instead of the "brief summary" of matters discussed, the lists need only identify the general subject discussed.

The regulations were drafted with the goal of balancing the need for openness in agency transactions with the administrative burden which results from requiring such records to be maintained. Based upon the experience gained in the implementation of Part 204, certain amendments are deemed appropriate to further the goal of openness in the FEA decisionmaking process and at the same time to lessen the administrative burdens upon FEA's senior personnel. Accordingly, FEA is hereby amending §§ 204.3 and 204.5 and revoking § 204.4.

Section 204.3, as revised, would require all FEA employees in grade GS-11 and above to maintain written records of oral communications from "non-involved" persons expressing an opinion or viewpoint on specific matters pending before FEA. The purpose of this section when originally adopted was to insure that sources of influence that would not otherwise be readily apparent, such as "non-involved" parties to applications or proceedings before FEA, be identified and recorded in the appropriate case files.

Experience has indicated that there are few instances in which FEA personnel receive such oral communications, and accordingly the requirement of § 204.3 has not proven burdensome. In order to further the purpose of this section, it has been deemed appropriate to extend its coverage from persons in



grade GS-15 and above to include all FEA employees in grade GS-11 and above. This amendment will effectively cover all FEA professional personnel whose responsibilities would include the types of matters specified in Section 204.3. The effect of this change is to increase the likelihood that all oral communications from "non-involved" persons will be recorded in the files of the regulatory matters to which § 204.3 pertains.

Our experience with §§ 204.4 and 204.5 has led us to conclude that it would be beneficial, both to the goal of public disclosure and administrative efficiency, to revoke § 204.4 and to consolidate certain of its requirements in § 204.5.

As amended, § 204.5, requiring that certain officials prepare lists of all meetings with persons from outside FEA, is expanded so that this requirement applies to all Office Directors, Deputy Assistant Administrators, Deputy Office Directors, and Deputy General Counsel, as well as to those officials previously covered. The scope of personnel required to comply with § 204.5 was increased in order to include other FEA officials who frequently participate in meetings of significance, including policy matters, with people from outside the agency.

In addition to the officials delineated in Section 204.5 there are a number of other officials, such as Associate Assistant Administrators, about whom it is not possible to make a categorical judgment as to the appropriateness of inclusion under § 204.5. In order to provide the flexibility necessary to assure inclusion of appropriate members of this latter group without unnecessarily burdening others, provision is made to authorize each Assistant Administrator, Office Director, and the General Counsel to determine which members of this group on his staff should be included under the meeting list requirement of § 204.5.

Section 204.5 is also amended to expressly require that the meeting lists identify the place of each meeting.

The meeting lists prepared under § 204.5 will not contain a summary of the discussion of the meeting with persons from outside the agency. They will, however, identify the subject matter discussed as well as include the date and place of each meeting, the name of each participant, and the entities represented. The summaries previously required under § 204.4 have proved administratively burdensome to prepare due to the demands placed upon those officials who were required to make them. In addition, the summaries were often sketchy and of little practical value. FEA has therefore concluded that a simple identification of subject matter as required under § 204.5 is a sufficient means of informing interested members of the public of the matters being discussed with individuals from outside the agency. This change represents a more efficient balancing of the requirement of public disclosure with management demands.

The meeting list requirements of § 204.5 also provide for greater public access to this information than previously

given under § 204.4. As previously noted, public disclosure was not required under § 204.4. In contrast, § 204.5 provides for routine availability and easy accessibility. All meeting lists prepared pursuant to § 204.5 are to be transmitted to the Public Affairs Office on a semi-monthly basis and will be routinely available for public distribution.

As this amendment to Part 204 pertains to a matter relating to agency management or personnel, it is exempted from the rulemaking requirements of the Administrative Procedure Act, section 553 (a) (2) of title 5, United States Code. Formal notice and public hearings are, accordingly, not required, and this amendment is made effective immediately.

This amendment has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821. (Federal Energy Administration Act 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 204 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., September 9, 1975.

ROBERT E. MONTGOMERY, JR.,  
General Counsel.

1. Section 204.1 is amended by revising the first two sentences thereof to read as follows:

§ 204.1 Purpose and scope.

This part establishes regulations for the preparation and maintenance, by specified FEA employees, of written reports regarding certain types of oral communications received from and meetings held with persons from outside the agency. Procedures are also established for the preparation and distribution to the public of a list of all meetings that have occurred between the Administrator, a Deputy Administrator, an Assistant Administrator, a Deputy Assistant Administrator, an Office Director, a Deputy Office Director, the General Counsel, a Deputy General Counsel or other senior FEA official who may be identified pursuant to § 204.5(a) (2) of this part and persons from outside the agency during the preceding half-month period. \* \* \*

§ 204.3 [Amended]

2. Section 204.3(a) is amended by deleting the words "GS-15" and inserting in lieu thereof "GS-11".

§ 204.4 [Removed]

3. Section 204.4 is revoked.

4. Section 204.5 is amended by revising paragraph (a) and designating it (a) (1), and by adding paragraph (a) (2), to read as follows:

§ 204.5 Public record of meetings.

(a) (1) Within one week after the 15th and the end of each month, the Administrator, each Deputy Administrator,

each Assistant Administrator, each Deputy Assistant Administrator, each Office Director, each Deputy Office Director, the General Counsel, each Deputy General Counsel and every FEA official who has received a notice duly issued and effective pursuant to paragraph (a) (2) of this section shall submit to the Office of Public Affairs a list of all meetings that have occurred between such person and persons from outside the agency during the preceding half-month period. The list shall contain the date and place of each meeting, the names of all participants, the entities represented, and the general subject discussed.

(2) Any Assistant Administrator or Office Director or the General Counsel may, if he determines that the purpose of this part would be served thereby, require any Associate Assistant Administrator, Assistant Office Director or Assistant General Counsel under his respective supervision to submit a list of all meetings that have occurred between such person and persons from outside the agency, in accordance with the provisions of paragraph (a) (1) of this section. Such requirement shall be made by sending written notice to the affected FEA official and by filing a copy thereof with the Office of Public Affairs. Such requirement shall be effective for the period specified in the notice and may be revoked by the issuing official or his successor at any time.

[FR Doc. 75-24427 Filed 9-10-75; 11:34 am]

#### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-17-AD: Amendment 39-2366]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Boeing Model 747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring removal of the capacitor assembly from the toilet flush motor and capping of exposed wires in accordance with prescribed Boeing Service Bulletin instructions on all 747 airplanes was published in 40 FR 24364.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Due consideration has been given to all comments received in response to the above notice. Although not objecting to removal of the capacitors, the ATA recommended extending the proposed compliance time for those airplanes on which AD 74-21-03 had been accomplished to 120 days and 90 days for all other airplanes. It was considered that this would permit modification of most airplanes at regular maintenance periods when the toilet shrouds are removed for routine cleaning. Under all the circumstances and after considering the additional information developed since issuance of the Notice, the FAA has determined that the simplicity of the proposal and conse-