New York, NY—John F. Kennedy Int'l Arpt., ILS Rwy 22L, Amdt. 18

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective November 6, 1975.*

Portland, OR—Portland Int'l Arpt., Radar 1, Amdt. 19

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective November 6, 1975.*

Pittsburgh, PA—Greater Pittsburgh Int'l Arpt., RNAV Rwy 5, Amdt. 2, Canceled
Pittsburgh, PA—Greater Pittsburgh Int'l Arpt., RNAV Rwy 23, Amdt. 2, Canceled
Aurora, IL—Aurora Municipal Arpt., RNAV Rwy 9, Amdt. 3

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 18, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-25519 Filed 9-24-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation OR-99, Amdt. 47]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTERS

Delegations of Authority to Director, Bureau of Operating Rights, Concerning One-Stop-Inclusive Tour Charters and Special Event Charters

Correction

In FR Doc. 75-23451 appearing on page 40816 in the issue for Thursday, September 4, 1975, in the preamble, middle column, fourteenth line, the parenthetical material which presently reads "(§ 386.13 (ff))" should read "(§ 385.13(ff))".

[Regulation OR-99; Amdt. No. 47]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTERS

Delegations of Authority to Director, Bureau of Operating Rights, Concerning One-Stop-Inclusive Tour Charters and Special Event Charters; Correction

In FR Doc. 75-23451 appearing on page 40816, second column, the last line of paragraph (v) under the heading § 385.13 Delegation to the Director, Bureau of Operating Rights should read as follows: "this chapter, respectively;" and the second line of paragraph (v)(2) of § 385.13 should read as follows: "spective filing-time requirements of Parts".

By the Civil Aeronautics Board.

Effective: September 13, 1975.

Adopted: August 29, 1975.

Dated: September 18, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25315 Filed 9-24-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IA-472]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Adoption of New Instructions To Comply With Privacy Act of 1974 to To Make Social Security Numbers Optional

On September 11, 1975, the Securities and Exchange Commission adopted a new instruction, and amended an existing instruction, to the registration form for investment advisers under the Investment Advisers Act of 1940 ("Advisers Act") [15 U.S.C. 80b-1, et seq.]. Form ADV, promulgated pursuant to Rule 203-1 [17 CFR 275.203-1], is used for application for registration as an investment adviser and for amendments to such registration statement [17 CFR 279.1]. The new instruction, in the form of a legend on the instruction sheet to Form ADV, serves to:

(1) advise applicants that disclosure of social security numbers is no longer mandatory; and

(2) make certain disclosures to applicants required by the Privacy Act of 1974 [5 U.S.C. 552a, et seq.].

The amendment to Instruction 6 is intended to make that instruction consistent with the new instruction.

Inasmuch as the new instruction and the amendment of existing instruction 6 to Form ADV will serve to make disclosures required by the Privacy Act and to relieve applicants from the present mandatory requirement to disclose social security numbers on Form ADV, the Commission finds that notice and public procedure and publication not less than 30 days prior to effectiveness, ordinarily required by the Administrative Procedure Act [5 U.S.C. 553, et seq.] are unnecessary.

The new instruction, and a minor addition to an existing instruction made necessary thereby, are adopted, effective September 27, 1975, pursuant to Sections 203(c), 204, and 211(a) of the Advisers Act [15 U.S.C. 80b-3(c), 80b-4, 80b-11 (a)].

The following new instruction will appear in the form of a new, unnumbered legend on the Form ADV instruction sheet:

Under sections 203(c), 204, and 211(a) of the Investment Advisers Act of 1940 and the rules and regulations thereunder, the commission is authorized to solicit the information required by this form from applicants for registration as investment advisers. Disclosure of the information specified on this form is mandatory prior to processing of such applications, except social security numbers, disclosure of which is voluntary. The information will be used for the principal purpose of determining whether the commission should grant or deny registration to an applicant. Social security numbers, if furnished, will assist the commission in identifying applicants and, therefore, in promptly processing applications. Information supplied on this form will be included routinely in the public files of the commission and will be available for inspection by any interested person.

In addition, the following italicized material is added to existing Instruction 6 on the Form ADV Instruction Sheet:

6. If Form ADV is being filed as an application for registration, all applicable items *except social security numbers* must be answered in full. If any "item" is not applicable, indicate by "none" or "N/A" as appropriate. Items requiring information relating to the business activities of applicant should be answered to disclose what such activities will be when registration becomes effective.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 12, 1975.

[FR Doc.75-25623 Filed 9-24-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-239]

PART 141—ENTRY OF MERCHANDISE

Additional Information for Certain Classes

On June 3, 1975, there was published in the FEDERAL REGISTER (40 FR 23874), a notice of a proposed amendment to § 141.89 of the Customs Regulations (19 CFR 141.89), which would require that invoices for certain dairy products imported from France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium, contain (1) in the case of cheese, the generic name of the cheese or, if processed, grated, or powdered, the name or type of cheese from which it was derived, and (2) the 6-digit code number which corresponds to the description for the product in the Common Customs Tariff of the European Communities and is published from time to time in the *Official Journal of the European Communities.* This additional information would facilitate the identification of those products subject to the export refunds referred to in Article 17 of Regulations (EEC) No. 804/68 of 27 June 1968 of the Commission of the European Communities.

Interested persons were given 30 days from the date of publication of the notice to submit relevant data, views, or arguments regarding the proposed amendment to the Regulations. After further study of the proposal and careful consideration of the comments received, the proposed amendment has been modified by the inclusion of additional clarifying language to provide that, in the case of dairy product importations other than cheese, the invoice shall show the name and/or description of the product which corresponds to the description of the product as it is set forth in the Common Customs Tariff of the European Communities.

Accordingly, § 141.89 of the Customs Regulations (19 CFR 141.89) is amended by adding a new paragraph, in alphabetical sequence, to read as follows:

§ 141.89 Additional information for certain classes of merchandise.

* * * * *

Dairy products from France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium, classifiable under schedule 1, part 4, subparts A, B, C, and D, and item 184.75, Tariff Schedules of the United States (19 U.S.C. 1202)—(1) In the case of cheese, the generic name of the cheese or, if processed, grated, or powdered, the name or type of cheese from which it was derived, and in the case of other dairy products, the name and/or description of the product which corresponds to the description of the product as it is set forth in the Common Customs Tariff of the European Communities; and (2) the 6-digit code number which corresponds to the description for the product in the Common Customs Tariff of the European Communities and is published from time to time in the *Official Journal of the European Communities* in matters pertaining to the export refund.

* * * * *

(R.S. 251, as amended, secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 66, 1481, 1484, 1624))

Effective date. This amendment shall become effective October 28, 1975.

W. A. MAGEE, Jr.,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Approved: September 22, 1975.

[FR Doc.75-25781 Filed 9-24-75;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-318]

PART 82—REAL ESTATE SETTLEMENT PROCEDURES

Interpretation Requiring Disclosures by Seller; RESPA Legal Opinion No. 2

In the matter of application of Real Estate Settlement Procedures Act of 1974, section 7.

24 CFR Part 82 is amended by adding a new Appendix D to read:

[RESPA Legal Opinion No. 2]

APPENDIX D—INTERPRETATION REQUIRING DISCLOSURES BY SELLER

This RESPA Legal Opinion No. 2 is an interpretation under section 18(b) of the Real Estate Settlement Procedures Act of 1974 (RESPA) and under Regulation X, 24 C.F.R., Part 82. This RESPA Legal Opinion No. 2 is issued to reflect the views of the Department of Justice and the Department of Housing and Urban Development, and is issued after consultation with the Administrator of Veterans' Affairs, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Home Loan Mortgage Corporation, the Department of Agriculture, the Federal Reserve Board, and the National Credit Union Administration.

Section 7(a) of RESPA provides as follows:

SEC. 7. (a) No lender shall make any commitment for a federally related mortgage loan on a residence on which construction has been completed more than twelve months prior to the date of such commitment unless it has confirmed that the following information has been disclosed in writing by the seller or his agent to the buyer—

(1) the name and address of the present owner of the property being sold;

(2) the date the property was acquired by the present owner (the year only if the property was acquired more than two years previously); and

(3) if the seller has not owned the property for at least two years prior to the date of the loan application and has not used the property as a place of residence, the date and purchase price of the last arm's length transfer of the property, a list of any subsequent improvements made to the property (excluding maintenance repairs) and the cost of such improvements.

1. *Two year and residence rules of section 7(a)(3).* Section 7(a)(3) does not apply unless both the requirement that the seller has not owned the property for at least two years prior to the date of loan application, and the requirement that the seller has not used the property as a place of residence, are met.

2. *Place of residence.* The requirement in Section 7(a)(3) regarding whether seller has used the property "as a place of residence" refers to use by the seller (or at least one of the sellers if there are more than one) as his, her or their place of place of residence.

3. *Multiple sellers, purchasers.* Disclosures required by Section 7 may be made by one seller where there are more than one seller. Disclosures under Section 7 may be made to one purchaser, where there are more than one purchaser. Disclosures under Section 7 may be made by the legal agent of a seller, provided the disclosure states that the person signing the disclosure is the duly authorized agent of the seller.

4. *Good faith estimates.* Where it is not possible for the seller to ascertain the precise cost of an improvement required under Section 7(a), a good faith estimate of the cost of such improvement may be used together with a clear statement that the cost of such item is a good faith estimate.

5. *Acceptance of affidavit.* The lender may accept, in lieu of a copy of a disclosure required by Section 7, an affidavit or affidavits from each and every purchaser which sets forth (a) the specific attempts by the purchaser to obtain the required disclosure from the seller, (b) a statement that the seller has failed or refused to give the required disclosure, and (c) a statement that the purchaser or purchasers desire to proceed to consummate the purchase.

6. *Assumptions not covered.* Section 7(a) prohibits lenders from making any commitment for a federally related mortgage loan in certain circumstances. Section 7 does not apply to approval of or any other action (including but not limited to change in interest rate or change of other terms) by a lender with respect to an assumption of, novation, of or sale subject to, an existing mortgage loan except where the lender advances additional funds.

7. *Purchase at forced sales; court-approved sale.* Section 7 does not apply to a commitment to make a mortgage loan for the purpose of financing the purchase of a property at a public foreclosure sale, a public execution sale to enforce a judgment, a tax sale, a public bankruptcy sale, or other similar public forced sale. Section 7 does not apply to a commitment to make a mortgage loan for the purpose of financing a court-approved sale such as a court-approved sale by a guardian ad litem of an infant.

8. *Estates.* For purposes of Section 7(a)(3), where the seller is the executor, administrator or other legal representative of the estate or trustee of a testimentary trust of a decedent, the seller shall be considered to have "owned the property for at least two years prior to the date of the loan application" if the decedent acquired ownership of the property at least two years prior to the date of the loan application and owned the property to the time of his or her death (whether or not the date of death is more than two years prior to the date of loan application). Ownership by an estate or trust for more than two years will satisfy the two year test independent of the previous sentence. For purposes of Section 7(a)(3), the seller shall be considered to have "used the property as a place of residence" if during the decedent's ownership of the property, the decedent used the property as his or her residence. In a disclosure as to sale of a property of a decedent, the name of the decedent may be stated as the owner where there is difficulty ascertaining the names of the legal owners. (If a sale is court-approved, see paragraph 7, above).

9. *Co-owners transfers.* Section 7 does not apply to mortgage loans made to finance the purchase by or transfer to one joint tenant of the interest of another joint tenant in a property, the purchase by or transfer to one tenant in common of the interest of another tenant in common in a property, or the purchase by or transfer to one tenant by the entirety of the interest of another tenant by the entirety in a property.

10. *Newly constructed housing not covered.* Based upon the terms and the intent of the statute and the incongruous result which would otherwise obtain, Section 7(a)(3) is interpreted not to apply to newly constructed housing as to which "construction has been completed" (Section 7(a)) more than twelve months prior to the date of loan commitment but as to which there has not been a previous arm's length transfer to a person for occupancy.

11. *Condominium and cooperatives conversion.* Section 7 is interpreted to cover a mortgage to finance the sale of a unit pursuant to condominium and cooperative conversions of existing properties, with or without substantial rehabilitation. Where there has been no prior arm's length transfer of

the individual unit being transferred pursuant to the conversion, the following disclosures will satisfy the requirements of Section 7(a)(3):

(a) the date(s) and aggregate purchase price of the last arm's length transfer of the project of which the unit is a part;

(b) a list of all improvements made to such project subsequent to such last arm's length transfer and the cost thereof (see paragraph 4, above, regarding good faith estimates of the cost of an improvement);

(c) one or more good faith allocations to the unit of a portion of such price and cost of improvements in proportion to (i) the formula for relative assessments for common charges, or a similar formula or formulae used in the legal documents with respect to the project, or (ii) the relative initial offering price of the unit in relation to the total offering prices of all units; and

(d) a statement of the method or methods used to make such allocation or allocations to the unit.

The seller may in addition disclose other factual information regarding previous transfers or transactions involving the property or other factual information which may be of interest. The disclosures described above comply with Section 7(a)(3); no opinion is expressed as to whether any other alternative types of disclosure comply with Section 7(a)(3).

12. *Lender reliance on copy of waiver.* Section 7(b) provides that the "obligations imposed upon a lender by this section shall be deemed satisfied and a commitment for a federally related mortgage loan may thereafter be made if the lender receives a copy of the written statement provided by the seller to the buyer supplying the information required by subsection (a)." Under subsection (b), the lender, in determining whether the copy of the written statement contains the information required by subsection(a) may rely upon representations set forth in the copy of the written statement as to: (a) whether or not construction has been completed more than twelve months prior to the date of commitment; (b) whether the seller has not owned the property for at least two years prior to the date of the loan application; and (c) whether or not the seller has used the property as a place of residence.

Issued at Washington, D.C. on September 12, 1975.

ROBERT R. ELLIOTT,
General Counsel.

[FR Doc.75-25611 Filed 9-24-75;8:45 am]

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

[Docket No. R-75-109]

PART 1930—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

PART 1931—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

The purpose of this revision to Parts 1930, and 1931, is to update § 1930.6 and § 1931.1, to provide a current list of servicing companies for the Federal Crime Insurance Program and to update the list of States eligible for the sale of crime insurance.

On the basis of the Administrator's continuing review of the crime insurance availability situation in the various States, and on the basis of findings and recommendations by the Governor and the Commissioner of Insurance, it has been determined that a critical market unavailability situation exists in the States set forth in revised § 1931.1 and that as of the effective date of this regulation these States will be made eligible for the sale of crime insurance, or continue to be eligible for such sale. Because the sale of crime insurance is beneficial to the public, it is unnecessary to provide for notice and public procedure, and good cause exists for making these amendments effective on September 15, 1975.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability is available for public inspection during regular business hours at the following address:

Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW, Washington, D.C. 20410.

Accordingly, Subchapter C of Chapter X of Title 24 is amended as follows:

1. Section 1930.6 is revised to read as follows:

§ 1930.6 Names and addresses of servicing companies.

The following companies have been designated to act as servicing companies for the Federal Crime Insurance Program in the State indicated:

Colorado, Connecticut, District of Columbia, Georgia, Illinois, Kansas, Maryland, Missouri, Ohio, Rhode Island, and Tennessee: Safety Management Institute, Federal Crime Insurance, P.O. Box 41033, Washington, D.C. 20014. SMI toll-free number is 800-638-8780. In D.C. or Md., 301-652-2637. In Md., call collect if outside Metro. Wash. Area.

Delaware: Insurance Company of North America, 303 East Fayette Street, Baltimore, Maryland 21202 (302-656-8345).

Florida: Aetna Casualty and Surety Company, 5200 Kennedy Boulevard, Tampa, Florida 33609 (813-871-2640).

Massachusetts: Insurance Company of North America, 1 Center Plaza, Boston, Massachusetts 02108 (617-227-7300).

New Jersey: Aetna Casualty and Surety Company, 494 Broad Street, Newark, New Jersey 07102 (201-624-1900).

New York: Insurance Company of North America, 79 John Street, New York, New York 10038 (212-233-5010).

Pennsylvania: Insurance Company of North America, 625 Walnut Street, Philadelphia, Pa. 19105 (215-925-8330).

2. Paragraph (b) of § 1931.1 is revised to read as follows:

§ 1931.1 States eligible for sale of crime insurance.

* * * * *

(b) On the basis of the information available, the Administrator has determined that the States set forth in this paragraph have an unresolved critical market availability situation that requires the operation of the Federal Crime Insurance Program therein. Accordingly, the program is in operation in the following states:

Colorado	Maryland
Connecticut	Massachusetts
Delaware	Missouri
District of Columbia	New Jersey
	New York
Florida	Ohio
Georgia	Pennsylvania
Illinois	Rhode Island
Kansas	Tennessee

* * * * *

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); Sec. 1103, 82 Stat. 566, 12 U.S.C. 1749bbb-17.)

Effective date: September 15, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-25612 Filed 9-24-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION DEPARTMENT OF LABOR

PART 570—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Employment of Minors Between 14 and 16 Years of Age in Work Experience and Career Exploration Programs; Correction

In FR Doc. 75-23431 appearing at page 40800 in the FEDERAL REGISTER of Thursday, September 4, 1975, the following changes should be made:

1. In paragraph (a) of § 570.35a appearing at page 40801 in the thirteenth line, the word "the" to read "this";

2. In paragraph (b)(2) of § 570.35a appearing at page 40801 in the ninth line, appearing at page 40801 in the ninth line the word "aplication" to read "application";

3. In paragraph (b)(4)(i) of § 570.35a appearing at page 40801 in the third line the word "once" to read "one";

4. In paragraph (c)(3) of § 570.35a appearing at page 40802 in the third line, the word "arrival" to read "approval."

Signed at Washington, D.C. this 22nd day of September, 1975.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.75-25668 Filed 9-24-75;8:45 am]

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Connecticut Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been

approved under section 18(b) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of Connecticut operational agreement.* (a) In accordance with the provisions of § 1954.3 of this chapter, notice is hereby given that it has been determined that Connecticut has met the following conditions for operational status:

(1) Enactment of the Connecticut Occupational Safety and Health Act (hereinafter referred to as the Connecticut Act) (substitute House Bill No. 8210, Public Act No. 73-379) effective July 2, 1973, and which was approved as part of the Connecticut Plan (39 FR 1012). Legislative amendments (substitute House Bill No. 5432, Public Act No. 74-137) were enacted and became effective May 8, 1974;

(2) The State, after publication in the Connecticut Law Journal, adopted the Federal standards contained in 29 CFR Part 1910 dated October 18, 1972; and 29 CFR Part 1926 dated December 16, 1972, which became State standards effective September 11, 1974;

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely, twenty-five (25) safety compliance officers and three (3) health compliance officers as of January 10, 1975;

(4) Operation since January 13, 1975, of a review and appeals system under rules and regulations promulgated effective August 20, 1974, which provide an avenue for employers and employees to contest enforcement actions and/or abatement periods;

(5) State enforcement since January 13, 1975, of the State standards described in (2) above, monitored under Subpart C of 29 CFR Part 1954.

(b) In addition, the State has provided under its plan for:

(1) Occupational accident and illness recordkeeping and reporting by employers covered under the plan.

(2) The display of the Federal poster by employers considered to be in compliance with the Connecticut Act until the State poster, submitted as a developmental plan change in accordance with 29 CFR Part 1953 which is approved as recommended by the Assistant Regional Director.

(3) Responding to complaints filed with the Connecticut Department of Labor for violation of the prohibition against employer discrimination against employees for exercising their rights under the Connecticut Act. Section 31-379 of the amended Connecticut Act provides provisions identical to those contained in sections 11(c) (1), (2), and (3) of the Federal Act.

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective June 25, 1975, and incorporated as part of the Connecticut plan has been entered into between Frank Santaquida, Commissioner of the Connecticut Department of Labor, and Vernon A. Strahm, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(c) of the Act will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Parts 1910, 1915, 1916, 1917, 1918, 1919, and 29 CFR Part 1926 where Connecticut occupational safety and health standards are in effect and operational, except as provided below.

Also, in the event that a State inspector makes an inspection of an employer formerly inspected by a Federal Compliance Safety and Health Officer and observes a condition which has not been corrected pursuant to a prior Federal citation, the State inspector shall refer the violation to the Federal OSHA Area Office in Hartford, Connecticut, for appropriate action.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of Federal temporary emergency standards until such time as the State shall have adopted such standards, in accordance with 29 CFR Part 1953; enforcement of standards contained in 29 CFR Parts 1915, 1916, 1917, 1918, and 1919, on the U.S. navigable waters including dry docks, graving docks and marine railways; abatement dates established in OSHA-issued citations, which extend beyond the date of State assumption of inspection responsibility; and investigations and inspections for the purposes of evaluating the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of June 25, 1975, Subpart X of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.302 is revised to read as follows:

§ 1952.302 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) and § 1954.3 of this chapter under which an agreement has been entered into with Connecticut, effective June 25, 1975, and based on a determination that Connecticut is operational in issues covered by the Connecticut occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), in the issues covered under the plan and the agreement until such time as Connecticut shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; Standards in 29 CFR Parts 1915, 1916, 1917, 1918, and 1919 on the U.S. navigable waters including dry docks, graving docks and marine railways; and investigations and inspections for the purpose of the evaluation of the Connecticut plan under section 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Connecticut.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 22nd day of September 1975.

[SEAL] JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25659 Filed 9-24-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Michigan State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act), for review of