principal operating component of the Department and any person named therein requests a retraction or correction, the agency head shall issue a retraction or correction in the same manner to all of the media outlets that received the original information (or as many of them as is feasible).

[FR Doc.75-35212 Filed 12-31-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-13; Notice 11]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids Correction

In FR Doc. 75-32880 appearing at page 56928, in the issue of Friday, December 5, 1975, in S5.2.1, on page 56929 change the volume figure in line 3 to "177 milliliters".

(Sec. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on December 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-35209 Filed 12-31-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Sixth Revised Service Order No. 1043]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of December, 1975.

It appearing, That an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less thirty days' notice.

It is ordered, That:

§ 1033.1043 Regulations for return of hopper cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, either via the reverse of the service route or direct, as agreed to by the owner, all hopper cars owned by the following railroads:

The Baltimore and Ohio Railroad Company, Reporting Marks: B&O.
Bessemer and Lake Erie Railroad Company, Reporting Marks: B&LE.
The Chesapeake and Ohio Railway Company, Reporting Marks: C&O.
Louisville and Nashville Railroad Company, Reporting Marks: L&N-NC-MON.
Norfolk and Western Railway Company, Reporting Marks: N&W-NKP-P&WV-VGN-WAB.
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: PRR-PC-NYC-NH-BA-BWC-P&E-TOC.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE.

(2) Carriers named in paragraph (1) above are prohibited from loading all hopper cars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(3) [Removed][1]

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by the Director or Assistant to the Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by the Director or Assistant to the Director.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car, described in this order, contrary to the provisions of the order.

(d) The term hopper cars, as used in this order, means freight cars having a mechanical designation listed under the heading "Class 'H'—Hopper Car Type" in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397 issued by W. J. Trezise, or reissues thereof.

(e) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(f) *Effective date.* This order shall become effective at 11:59 p.m., December 31, 1975.

[1] Former paragraph (3) eliminated. Penn Central Transportation Company and The Pittsburgh and Lake Erie Railroad Company no longer considered as one railroad.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1976, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-35224 Filed 12-31-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER V—MARINE MAMMAL COMMISSION

PART 501—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Procedures for Inquiries—Amendment

On October 21, 1975, the Marine Mammal Commission adopted rules which established procedures for consideration of requests under the Privacy Act, 5 U.S.C. 552a, for access to, and correction or amendment of records pertaining to individuals (40 FR 49276). The Commission is amending the rules to clarify certain provisions, thereby facilitating the processing of requests, and to add a new section governing fees for providing copies of documents.

Section 501.4 is amended to include, following the first sentence, a statement of the title and address of the person (the Privacy Officer) from whom individuals may obtain assistance in preparing requests and appeals under the Act. The Section is further amended by adding, following the recommended certification, a sentence which makes clear that requests submitted by mail need not be accompanied by the certificate when the information desired either (1) is nonsensitive, or (2) would be required to be furnished under the Freedom of Information Act.

Sections 501.5(c), 501.5(d) and 501.7 (b) are amended to allow 30 days (excluding Saturdays, Sundays and holidays) for the following actions to be taken: (1) notification to an individual by the Privacy Officer that a request for access has been initially denied; (2) notificaiton that access has again been denied following appeal to the Director; and (3) determination by the Privacy Officer to grant or deny a requested amendment or correction of a record. The rules, as previously adopted, allowed a "reasonable time" for these actions to be taken.

Section 501.8(a) required the submission of appeals thereunder to be made within 30 days following denial of a request for amendment or correction of a record. The thirty-day requirement is eliminated, and in its place, a suggestion that appeals be submitted within 90 days is added.

Sentence three of Section 501.8(d) is amended to specify that all prior, as well as subsequent, users of a record shall be provided copies of any statement of disagreement submitted by a person whose requested correction or amendment has been denied.

A new Section 501.9 is added. The Section prescribes a standard fee to be charged for copies of records requested by individuals to whom those records pertain. A fee will not be charged when the Commission provides copies incident to granting access to records, and the fee may be waived by the Privacy Officer whenever the total charge is less than a prescribed amount.

Inasmuch as these amendments serve to clarify and enhance existing procedures under which persons may obtain access to, and amendment or correction of records maintained by the Commission, notice and public procedure thereon are unnecessary, and good cause exists for making the amendments effective in less than 30 days. The amendments shall be effective on the date of publication.

JOHN R. TWISS, Jr.,
Executive Director.

DECEMBER 23, 1975.

50 CFR Part 501 is hereby amended by revising §§ 501.4, 501.5 (c) and (d), 501.7 (b), 501.8(a) and 501.8(d), and by adding a new Section 501.9 as follows:

(Sec. 3, Privacy Act of 1974 (5 U.S.C. 552a (f)))

§ 501.4 Requests for access—times, places and requirements for identification of individuals.

Requests for access to a system of records pertaining to any individual may be made by that individual by mail addressed to the Privacy Officer, or by submitting a written request in person at the Commission offices located at 1625 I Street, NW., Room 307, Washington, D.C. 20006, between the hours of 9 a.m. and 5 p.m. on any working day. Assistance in gaining access under this section, securing an amendment or correction under Section 501.6, or preparing an appeal under §§ 501.5(d) and 501.8 shall be provided by the Privacy Officer on request directed to the Commission office. An individual appearing in person at the Commission offices will be granted immediate access to any records to which that individual is entitled under the Act upon satisfactory proof of identity by means of a document bearing the individual's photograph or signature. For requests made by mail, identification of the individual shall be adequate if established by means of submitting a certificate of a notary public, or equivalent officer empowered to administer oaths, substantially in accord with the following:

City of ______________ County of ________; ss (Name of individual) who affixed (his) (her) signature below in my presence, came before me, a (Title), in the aforesaid County and State, this ____ day of ________, 19__, and established (his) (her) identity to my satisfaction.

My Commission expires ______________.

The certificate shall not be required, however, for written requests pertaining to non-sensitive information or to information which would be required to be made available under the Freedom of Information Act. The Privacy Officer shall determine the adequacy of any proof of identity offered by an individual.

§ 501.5 Disclosure of requested information.

* * * * *

(c) If the Privacy Officer initially determines to deny access to all or any portion of a record, notice of denial shall be given to the individual in writing, within 30 days (excluding Saturdays, Sundays and holidays) after acknowledgement is given, and shall include the following:

(1) The precise record to which access is being denied;

(2) The reason for denial, including a citation to the appropriate provisions of the Act and of these Rules;

(3) A statement that the denial may be appealed to the Director;

(4) A statement of what steps must be taken to perfect an appeal to the Director; and,

(5) A statement that the individual has a right to judicial review under 5 U.S.C. 552a(g)(1) of any final denial issued by the Director.

(d) Administrative appeal of an initial denial, in whole or in part, of any request for access to a record, shall be available. An individual may appeal by submitting to the Director a written request for reconsideration stating therein specific reasons for reversal which address directly the reasons for denial stated in the initial notice of denial. If access is denied on appeal, a final notice of denial shall be sent to the individual within 30 days (excluding Saturdays, Sundays and holidays), and shall state with particularity the grounds for rejecting all reasons for reversal submitted by the individual. The denial shall then be deemed final for purposes of obtaining judicial review.

§ 501.7 Agency review of requests for amendment or correction of a record.

* * * * *

(b) Within 30 days (excluding Saturdays, Sundays and holidays) after arriving at a decision on a request, the Privacy Officer shall either:

(1) Make the requested amendment or correction, in whole or in part, and advise the individual in writing of such action; or,

(2) Advise the individual in writing that the request has been initially denied, in whole or in part, stating, with respect to those portions denied;

(i) The date of the denial;

(ii) The reasons for the denial, including a citation to an appropriate section of the Act and these Rules; and,

(iii) The right of the individual to prosecute an appeal and to obtain judicial review should a final denial result from the appeal.

§ 501.8 Appeal of initial denial of a request for amendment or correction.

(a) The initial denial of a request for amendment or correction may be appealed by submitting to the Director the following appeal papers:

(1) A copy of the original request for amendment or correction;

(2) A copy of the initial denial; and

(3) A precise statement of the reasons for the individual's belief that the denial is in error, referring specifically to the criteria contained in § 501.7(c) (1–8).

The appeal must be signed by the individual. While these papers normally will constitute the entire Record on Appeal, the Director may add additional information, from sources other than the individual, where necessary to facilitate a final determination. Any such additional information added to the record shall promptly be disclosed to the individual to the greatest extent possible, and an opportunity for comment thereon shall be afforded prior to the final determination. Appeals should be submitted to the Director within 90 days after the date of the initial denial.

* * * * *

(d) If the appeal is denied, the final determination shall state, with particularity, the reasons for denial, including a citation to an appropriate section of the Act and of these Rules. The final determination shall be forwarded promptly to the individual, together with a notice which shall inform the individual of his or her right to submit to the Privacy Officer, for inclusion in the record, a concise statement of grounds for disagreement with the final determination. Receipt of any such statement shall be acknowledged by the Privacy Officer, and all subsequent and prior users of the record shall be provided copies of the statement. The notice shall also inform the individual of his or her right, under 5 U.S.C. 552a(g)(1), to obtain judicial review of the final determination.

§ 501.9 Fees.

A fee of $0.10 shall be charged for each copy of each page of a record made, by photocopy or similar process, at the request of an individual. No fee shall be charged for copies made at the initiative of the Commission incident to granting access to a record. A total copying fee of $2.00 or less may be waived by the Privacy Officer, but fees for all requests made contemporaneously by an individual shall be aggregated to determine the total fee.

[FR Doc.75-35167 Filed 12-31-75;8:45 am]

proposed rules

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

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

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

[7 CFR Part 663]

WELLTON-MOHAWK IRRIGATION IMPROVEMENT PROGRAM

Regulations for Implementation

Notice is hereby given that the Soil Conservation Service, U.S. Department of Agriculture, has under consideration the promulgation of regulations for implementing an irrigation improvement program under the authority of Section 101(k) of the Colorado River Basin Salinity Control Act (Public Law 93–320) as agreed to by a Memorandum of Understanding effective November 27, 1974, between the U.S. Department of the Interior and the U.S. Department of Agriculture. The regulations outline policies and procedures for extending technical and cost-sharing assistance through contracts with owners and operators of irrigable land in the Wellton-Mohawk Division of the Gila Project in Arizona for installation of conservation measures to improve irrigation efficiencies and reduce return flows.

The Soil Conservation Service invites those who desire to submit written comments concerning preparation of final regulations and guidelines to do so addressing them to the Administrator, Soil Conservation Service, U.S. Department of Agriculture, Room 5105A, South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Comments should be received by February 2, 1976 to allow time for consideration and possible inclusion in the final regulations. Copies of comments received will be available for examination by interested persons at the above address during regular business hours (8:15 a.m.–4:45 p.m.).

The proposed regulations follow.

Dated: December 23, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.902 National Archives Reference Services)

NORMAN A. BERG,
Acting Administrator.

Part 663 is added to Title 7 as follows:

PART 663 WELLTON MOHAWK IRRIGATION IMPROVEMENT PROGRAM

Subpart A—General Provisions

Sec.
663.1 Purpose.
663.2 Definitions.
663.3 Administration.
663.4 Program applicability.
663.5 Cooperator eligibility.
663.6 Conservation plan of operations.
663.7 Contracts.
663.8 Conservation practice maintenance.
663.9 Eligible conservation practices.

Subpart B—Cost-Share Payments

Sec.
663.10 Cost-share payments.
663.11 Materials and services.
663.12 Manner and time of cost-share payments.

Subpart C—Miscellaneous

663.13 Transfer of units of land under existing contracts.
663.14 Conservation practice or components carried out with state or federal aid.
663.15 Successors-in-interest.
663.16 Actions that tend to defeat the purposes of a contract.
663.17 Appeals.
663.18 Contract violations.
663.19 Contract violations procedure.
663.20 Assignments.
663.21 Filing of false claims.
663.22 Compliance with regulatory measures.
663.23 Access to land under contract and program records.
663.24 State conservationist approval of program determinations.

AUTHORITY: Pub. L. 93-320, 88 Stat. 266 (43 U.S.C. 1571 et seq.); § 601 Pub. L. 72-212, 47 Stat. 417 (31 U.S.C. 686).

Subpart A—General Provisions

§ 663.1 Purpose.

The Wellton-Mohawk Irrigation Improvement Program provides for cost sharing and technical assistance through contracts with land-owners and operators for irrigation system improvement in the Wellton-Mohawk Irrigation and Drainage District (WMIDD), Arizona, to increase irrigation efficiencies and reduce return flows.

§ 663.2 Definitions.

The terms defined herein shall have the following meaning in this Part and in all contracts, forms, documents, instructions and procedures in connection therewith, unless the context or subject matter requires otherwise. Words in the singular form shall be considered to impart the plural, and vice versa, as the case may demand.

Administrator. The Administrator of the Soil Conservation Service (SCS), United States Department of Agriculture.

Area conservationist. The person who directs SCS activities in an administrative area as described in Sec. 600.5 of this Chapter.

Average cost. The constructed cost approved by the state conservationist, which is based on actual installation costs and cost estimates considered necessary to carry out a conservation practice in the WMIDD.

Component. An essential part and clearly identifiable segment of a conservation practice.

Conservation irrigation system plan (CIP). A map or drawing and specifications which show the necessary existing and planned field layout, facilities, and structures for efficient application and distribution of irrigation water.

Conservation plan of operations (CPO). The written document which serves as the basis for entering into a contract for this program. It incorporates a time schedule for installation of soil and water conservation practices for irrigation system improvement to increase irrigation efficiencies and reduce return flows.

Conservation practice. A specific measure applied to land and water according to standards and specifications. It is a part of a CPO to protect, improve, and properly use soil, water, and related resources to increase irrigation water efficiencies.

Conservation treatment unit. A field or fields in a specific land use requiring a particular type of management and use of related conservation practices.

Contracting officer (CO). The SCS employee authorized and responsible for signing and administering Wellton-Mohawk Irrigation Improvement Program contracts on behalf of the Soil Conservation Service.

Cooperator. An individual, person, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, who owns or operates eligible land and who has entered into a contract under this program.

Cost. The amount actually paid or engaged to be paid by the cooperator for equipment use, materials, and services for carrying out a conservation practice or component of a practice, or if the cooperator uses his own forces in carrying out a practice or a component, the constructed value of his own labor, his own equipment use and the materials he produced and used.

District conservationist. The person who directs SCS activities in a field office.

Natural Resource Conservation District (NRCD). The Wellton-Mohawk Valley Natural Resource Conservation District established under state law, with which the Secretary of Agriculture cooperates pursuant to the Soil Conservation Act of 1935.

Project leader (PL). The SCS employee designated to direct the onsite SCS administrative and technical responsibilities under the Wellton-Mohawk Irrigation Improvement Program.

State conservationist. The person who is responsible for administering the SCS activities in a state.

Wellton-Mohawk Irrigation Improvement Program (WMP). The cost sharing and technical assistance available under the cited authority and as specified in the memorandum of agreement, effective December 6, 1974, between the Bureau of Reclamation, USDI, and the Soil Conservation Service, USDA.

§ 663.3 Administration.

(a) SCS is responsible for program administration.

(b) The program shall be carried out in close cooperation with interested federal and state agencies, and local governmental units.

§ 663.4 Program applicability.

The program is applicable to land within the WMIDD which is (a) privately owned, (b) nonfederally owned public land included in a cooperator's eligible land unit, and (c) federally owned land when needed to install conservation practices which directly conserve or benefit a nearby or adjoining cooperator's eligible land unit. The program is not applicable to land which will be withdrawn from irrigation under Section 101 (f) (2) of the Act.

§ 663.5 Cooperator eligibility.

Any landowner or operator who has control of eligible land and develops an acceptable CPO for his land unit.

§ 663.6 Conservation plan of operations.

(a) The state conservationist is authorized to prescribe minimum requirements for the cooperator's CPO. Each CPO must be approved by the PL and the DC is responsible for reviewing it with the NRCD.

(b) SCS will provide technical assistance to the cooperator to help him develop and carry out his CPO.

(c) SCS may also utilize the services of private firms and individuals, state and federal agencies in discharging its responsibility for technical assistance.

§ 663.7 Contracts.

(a) In order for a landowner or operator to participate in the program, he must enter into a contract with the SCS under which he agrees to accomplish his CPO. He must present satisfactory evidence to the PL that he has control of the unit of land for the contract period.

(b) The period of a contract shall extend at least 2 years beyond the year of the scheduled installation of the last cost-shared conservation practice.

(c) The CO having determined that the CPO is adequate for a contract shall execute the contract on behalf of SCS. It is the responsibility of the cooperator who signs a contract to keep the CO currently informed of his mailing address.

(d) If, during the contract period, all or part of any cooperator's right and interest in a unit of land is transferred by sale or otherwise, his successor, as transferee, may upon his request be substituted under the contract for the right transferred by executing a form prescribed by the Administrator.

(e) Contracts previously entered into with a cooperator may be terminated upon mutual agreement of the cooperator and the CO if is it determined to be in the public interest.

(f) Requirements of contracts previously entered into with a cooperator may be revised or modified by the CO.

(g) The CO may find that a conservation practice or component has been carried out in accordance with applicable program provisions but, due to conditions beyond the control of the cooperator, has failed to achieve the desired results or has subsequently deteriorated during the contract period. In such cases, the CO may agree to modify the contract to authorize cost-share payments for again carrying out the practice or component or an approved alternative.

§ 663.8 Conservation practice maintenance.

Each cooperator shall agree to maintain conservation practices on the unit of land as specified in the contract for the contract period. Failure to maintain the specified conservation practices for the required period shall be considered a contract violation.

§ 663.9 Eligible conservation practices.

(a) The state conservationist shall develop and maintain a list of conservation practices eligible for inclusion in contracts under this program. Practice installation shall comply with contract standards and specifications maintained in the office of the SCS project leader.

(b) The federal cost-share rate for installing any eligible conservation practice is 75 percent.

(c) Average costs shall be determined annually from the cost data collected on a continuing basis.

(d) Average costs that will apply for the following year shall be approved by the state conservationist not later than December 31. Changes in average costs may be approved at any time by the state conservationist.

Subpart B—Cost-Share Payments

§ 663.10 Cost-share payments.

(a) Cost-share payments shall be made at 75% of the average costs or the actual installation cost not to exceed the average costs. If the average cost applicable at the time of initial action to carry out a conservation practice or component is less than the average cost set in the contract, payment shall be made on the basis of the lower average cost. If the approved average cost in effect at the time of the initial action to carry out a practice or component is in excess of the average cost set out in the contract, payment may be made on the basis of the higher average cost provided funds are available.

(b) Cost-share payment is made for carrying out a conservation practice or component upon presentation of an application for payment by a cooperator on which he certifies that the practice or component was carried out in accordance with specifications and provisions of the contract. Payment is further conditioned upon approval by the PL that the practice was carried out in accordance with specifications and that the cooperator is in compliance with all provisions of the contract. The PL shall submit to the SCS state office the application for payment when all required certifications are completed.

(c) A cooperator is not eligible to receive cost-share payments under this program for a conservation practice or component for which he receives cost sharing under another current program.

§ 663.11 Materials and services.

(a) Cooperators shall obtain or contract for materials and services needed to install conservation practices under this program.

(b) Materials or services found to be of lower quality than specified may be accepted by the cooperator and cost-share payment may be made if the materials or services will satisfactorily serve the purpose for which they were procured. A deduction must be made from the cost-share payment equal to the difference between the price of the materials or services of the quality specified and the value of the materials or services furnished to the cooperator. The PL shall determine if the materials or services will serve the purpose and will also determine the value of the lower quality materials or services which are to be accepted.

§ 663.12 Manner and time of cost-share payments.

A cooperator may apply for cost-share payments due him as soon as practicable after the extent of performance is determined. The application shall be made on the prescribed form and shall be filed with the PL. The PL may assist in preparing the application, however, the cooperator is responsible for establishing his claim for payment. The application shall be filed by June 30 of the year following the calendar year in which a practice or component was carried out, except that with respect to any application filed after that date the state conservationist may authorize cost-share payment to be made if in his judgment such action is warranted by the circumstances of the particular case. An application for cost-share payment shall specify the proportion of each cooperator's contribution to carrying out the conservation practice or component. The furnishing of land or the right to use water will not be considered as a contribution for carrying out any practice or component.

Subpart C—Miscellaneous

§ 663.13 Transfer of units of land under existing contracts.

The Administrator shall prescribe the procedure for combining, dividing, or deleting land under contract.

§ 663.14 Conservation practice or component carried out with state or federal aid.

The total cost-share which would otherwise be due for any conservation practice or component carried out under WMP shall be reduced by the percentage of the total cost which the PL determines was furnished by the state or subdivision thereof, or other federal agency.

§ 663.15 Successors-in-interest.

(a) If during the contract period all or part of the right and interest of any cooperator signatory to the contract in the land under contract is transferred by sale or otherwise, the contract shall terminate as to such cooperator with respect to the acreage which has been transferred. In the event of such termination, the cooperator whose right and interest is transferred shall forfeit all rights to further cost-share payments made to him under the contract with respect to the acreage which has been transferred. All cost-share payments made to him under the contract shall be refunded with respect to such acreage unless the transferee who acquires his right and interest in such acreage is or becomes a party to a contract which will assume all obligations of the cooperator under the contract.

(b) The contract shall remain in full force and effect in accordance with the original terms and conditions of the contract with respect to the right and interest remaining in the cooperator. The contract shall be modified by the CO and the cooperator signatory to the contract to reflect the changes brought about by any transfer.

(c) Except as this subpart may require otherwise, the transfer of all or part of the land under contract by any cooperator signatory to the contract shall not affect the rights and obligations of all other cooperators signatory to the contract.

§ 663.16 Actions that tend to defeat the purposes of a contract.

(a) A cooperator knowingly or negligently destroys or breaks up a conservation practice installed under the contract, unless prior approval in writing is given by the CO, shall be in violation of the contract.

(b) Adoption and installation of any measure by a cooperator on a unit of land while he has control thereof during the life of the contract which tends to defeat the program purpose shall constitute a violation of the contract.

§ 663.17 Appeals.

(a) Any dispute concerning a question of fact arising under a contract, except contract violations, which is not disposed of by written agreement after a reasonable time shall be referred to the state conservationist for a decision. The state conservationist shall notify the cooperator in writing that the matter will be considered on a date specified in the notice, which date shall be not less than 30 days subsequent to receiving the notice. If the cooperator files a request for such an opportunity within 15 days from receiving such notice, the cooperator will be afforded the opportunity to appear and present his views orally and to offer relevant evidence in support of his position. If the cooperator does not request an opportunity to appear and to present relevant evidence, the state conservationist shall promptly proceed to consider the matter on the basis of such information as may be available to him, including statements or briefs of the authorized representatives of the Administrator whose actions are in dispute. The state conservationist shall notify the cooperator of his decision in writing by mailing or delivery of the decision.

(b) Any cooperator adversely affected by a decision of the state conservationist may appeal to the Administrator. A cooperator who wishes to take such action must file his appeal and any briefs or statements in the office of the Administrator within 30 days from receiving notice of the decision of the state conservationist. The state conservationist may file a brief or statement in the office of the Administrator within 15 days after the cooperator's brief or statement is received there. Such an appeal shall be limited to the issues or disputes and records before the state conservationist. The state conservationist shall submit the record before him, which will include his decision, to the Administrator. The Administrator upon receipt of the record, will make a decision from which there shall be no further appeal. The cooperator shall be notified of this decision in writing.

(c) Whenever the regulations in this section require the filing of a document, it is considered filed when received in the office of the individual concerned.

§ 663.18 Contract violations.

(a) *Contract to be terminated.* The cooperator shall agree by signing a contract to forfeit all rights to further cost-share payments under the contract and to refund all cost-share payments received thereunder, if the Administrator determines that there has been a violation of the contract during the time the cooperator has control of the land under contract and that the violation is of such a nature as to warrant termination of the contract.

(b) *Contract not terminated.* The cooperator shall agree by signing a contract, to make refunds of cost-share payments received under the contract or to accept payment adjustments if the Administrator determines that there has been a violation of the contract during the time the cooperator has control of the land under contract and that such violation is of such a nature as not to warrant termination of the contract. Payment adjustments may include decreasing the rate of a cost-share or deleting from the contract a cost-share commitment or withholding cost-share payments earned but not paid.

§ 663.19 Contract violation procedures.

(a) *General.* This section prescribes the regulations for determining whether a violation of contract has occurred and for the effect and result of such violation. The Administrator reserves the right upon notice to modify, amend, revise, or supplement any of the provisions of this section at any time. Such action does not adversely affect any cooperator where determination or decision has been made and the cooperator has been officially notified thereof before such action is taken. No cost-share payment shall be made pending the determination or decision as to whether a contract violation has occurred.

(b) *Determination by contracting officer.* If the CO receives information indicating that a violation of a contract may have occurred but determines, without the issuance of a notice as provided in this section, with the approval of the State conservationist, that no violation has occurred, or that the violation does not call for any forfeiture, refund, or payment adjustment, no further action shall be taken. If all of the cooperators subject to a forfeiture, refund, payment adjustment, or termination agree in writing to accept such forfeiture, refund, payment adjustment, or termination, no further proceeding under this section shall be undertaken. The CO and the state conservationist shall give approval to this agreement. The agreement shall specify what occurs to the contract.

(c) *Notice of alleged violation.* If the state conservationist believes, on information submitted by the CO or otherwise, that a violation of a contract has occurred which would call for a forfeiture, refund, payment adjustment or termination under the provisions of this section, written notice thereof shall be given to each cooperator signatory to the contract.

(1) Delivery of notice to a cooperator may be shown by:

(i) a written statement by an authorized representative of the Administrator that the notice was personally delivered to the cooperator;

(ii) a written statement by a cooperator acknowledging receipt of the notice; or

(iii) a post office return receipt showing that the notice was delivered at the last address of the cooperator or showing that the notice could not be delivered to the cooperator at his last address because he had moved without a forwarding address, or because the cooperator refused to accept delivery at his last address, or because the last address does not exist. A cooperator will be considered to have received the notice at the time of personal receipt, at the time of the delivery of a registered or certified letter, or at the time of the return of an undelivered registered or certified letter.

(2) The notice shall set forth the nature of the alleged violation and shall inform the coopreator that he will be given the opportunity to appear at a hearing before a person designated by the state conservationist to conduct a hearing if he files a written request for such hearing in the SCS project office not later than 30 days after the time he received the notice. The cooperator shall be notified in writing by the hearing officer of the time, date, and place set for the hearing. When practicable, the hearing will be held in Yuma county. If the cooperator does not file written request for a hearing, or does not appear at the appointed time, or is not represented at a hearing so requested, he shall have no further right to a hearing before a hearing officer. A hearing officer already appointed may, however, permit

the cooperator to appear before him. A request filed by any cooperator with the SCS project office shall be considered to be the request of all cooperators signatory to the contract.

(d) *Hearing.* The hearing shall be public and held at the time and place and on the date set forth in the notice of the hearing to the cooperator. The hearing shall be conducted in the manner considered most likely to obtain the facts relevant to the alleged violation. The hearing officer shall have full authority to confine the presentation of facts and evidence to pertinent matters and to exclude irrelevant, immaterial or unduly repetitious evidence, information or questions. In so doing, the hearing officer shall not be bound by the strict rules of evidence as required in courts of law. Witnesses may be sworn at the discretion of the hearing officer.

(1) The cooperator, or his representative, shall be given a full opportunity to present facts and infromation relevant to the alleged violation and may present oral or documentary evidence, statements and evidence may be submitted at the hearing by the United States. Individuals not otherwise represented at the hearing to give information or evidence may, in the discretion of the hearing officer, be requested or permitted to give information or evidence. The hearing officer may permit witnesses to be cross-examined, including those individuals called by him.

(2) The hearing officer shall provide for making a record at the hearing that will enable him to make a summary of the testimony received if the cooperator and the state conservationist agree. If the state conservationist feels that the nature of the case is such as to make a transcript desirable or if the cooperator requests such a transcript a reasonable period prior to the time that the hearing begins, a transcript of the hearing shall be made. If a transcript is desired only by a cooperator, he will be required to provide for its preparation and for the payment of expense thereof. If a transcript is desired by both the state conservationist and the cooperator, the cooperator will be required to pay only the expense of a copy of the transcript. The remainder of the expense will be paid by the United States.

(3) If, at the time scheduled for the hearing, the cooperator is absent and no appearance is made on his behalf, the hearing officer shall close the hearing after a lapse of such a period of time as he may consider proper and reasonable. He may, however, accept information and evidence submitted by other present for the hearing.

(4) In every case where a cooperator is sent a notice of an alleged violation pursuant to paragraph (c) of this section, except where the cooperator agrees to the forfeiture, refund, payment adjustment or termination as provided in paragraph (b) of this section, the hearing officer shall furnish the state conservationist with a written report setting forth his findings, conclusions and recommendations. The report shall include the summary of testimony or transcript made of any hearing before the hearing officer and all other information which would be of aid to the state conservationist in reaching his determination.

(e) *Determination by state conservationist.* The state conservationist shall make a determination on the basis of the hearing officer's report and any other information available to him as to whether a violation of the contract has occurred, the amount of the forfeiture, refund or payment adjustment. The determination of the state conservationist shall specifically state whether the violation is of such a nature as to warrant termination of the contract or that the violation does not warrant termination of the contract. Each cooperator who signed the contract shall be notified in writing of the determination reached by the state conservationist. The state conservationist may authorize or require the reopening of any hearing before a hearing officer for any reason at any time prior to his determination.

(f) *Appeal to the Administrator.* Any cooperator adversely affected by a determination of the state conservationist shall have the right of appeal to the Administrator. A cooperator who wishes to appeal to the Administrator must file his appeal in the office of the Administrator. This appeal and any briefs or statements must be received within 30 days after the cooperator has received notice of the determination of the state conservationist. The state conservationist may file a brief or statement in the office of the Administrator within 15 days after the cooperator's brief or statement is received there. The appeal shall be limited to the record and issues made before the state conservationist which records shall be submitted to the Administrator by the state conservationist. The Administrator will make his decision from which there shall be no further appeal. The decision will be based upon the record before him and the issues presented by the appeal and the cooperator shall be notified in writing.

(1) If the determination or decision is that the violation is of such a nature as to warrant termination of the contract, the determination or decision shall state that the contract is terminated and that all rights to further cost-share payments or grants under the contract are forfeited and that all cost-share payments or grants received under the contract shall be refunded. The determination or decision will state the amount of the refund and how payment may be accomplished.

(2) If the determination or decision is that the violation is of such a nature as not to warrant termination of the contract, the cooperator may be required to make a refund of cost-share payments or to accept payment adjustments. The determination or decision shall state the extent of refunds of cost-share payments or payment adjustments. In arriving at the extent of a refund of cost-share payments or payment adjustments under this section the following will be considered:

(i) the extent of the violation;

(ii) whether the violation was deliberate or the result of negligence or was due to circumstances beyond the control of the cooperator;

(iii) the effect on the program if no refund or payment or adjustment is required;

(iv) the extent to which the cooperator benefited by the violation;

(v) the effect of the violation on the contract as a whole; and

(vi) other pertinent considerations including the appropriateness and reasonableness of the refund or payment adjustment.

§ 663.20 Assignments.

Assignments by any cooperator who may be entitled to any cost-share payment under the program are prohibited unless made in accordance with the provisions of Section 203, Title 31, U.S.C., and any amendments thereto, and Section 15, Title 41, U.S.C., and any amendments thereto.

§ 663.21 Filing of false claims.

No cooperator shall file a claim for a cost-share payment to which he knows he is not entiled under the provisions of the program, including claim for a cost-share payment for conservation practices not carried out or for eligible practices carried out in such a manner that they do not meet the required specifications therefor, and the filing of any such claim shall constitute a violation of the contract.

§ 663.22 Compliance with regulatory measures.

Cooperators who carry out conservation practices shall be responsible for obtaining the authorities, rights, easements or other approvals necessary to the carrying out and maintenance of the conservation practices in keeping with applicable laws and regulations. Cooperators shall save the United States harmless from any infringements upon the rights of others or from any failure to comply with applicable laws or regulations.

§ 663.23 Access to land under contract and program records.

Any authorized representative of the Administrator, for the purpose of ascertaining the accuracy of any of the representations made in or in connection with or leading up to any contract entered into hereunder and the entering into any contract or the performance of the terms and conditions of such contract, shall have the right to enter the land under contract at any reasonable time in order to measure the acreage, to render technical assistance, to inspect the work undertaken under any contract, and to examine any program records pertaining to the land under contract. The cooperator shall furnish such information relating to the land under contract as may be requested by authorized representatives of the Administrator.

§ 663.24 State conservationist approval of program determinations.

The state conservationist, upon his own initiative, may revise or require revision of any determination made by the CO or the PL in connection with the WMP except that the state conservationist may not make a revision of any executed contract other than as may specifically be authorized herein.

[FR Doc.75-35181 Filed 12-31-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 82]

[CGD 75-235]

BOUNDARY LINES OF INLAND WATERS

Proposed Demarcation Line, at San Carlos Bay, Florida

The Coast Guard is considering amending the line of demarcation for inland waters that extends from Estero Island to Sanibel Island Light at the entrance to San Carlos Bay, Florida.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 75-235), and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C.

All comments received on or before February 18, 1976, will be fully considered before final action is taken on this proposal.

This document proposes to change the line of demarcation described in 33 CFR 82.65. The existing demarcation line extends from the northwesternmost point of Estero Island to Caloosa Lighted Bell Buoy 2; thence to Sanibel Island Light.

The proposed demarcation line is to be moved shoreward to coincide with the proposed changes to the aids to navigation. In February 1976, Caloosa Lighted Bell Buoy 2 will be removed, San Carlos Bay Light 1 will be established shoreward of the former Caloosa Lighted Bell Buoy 2 position, and San Carlos Bay Approach Light 4 will be renamed San Carlos Bay Light 2. The proposed demarcation line will pass through San Carlos Bay Light 1 and San Carlos Bay Light 2, the outermost aids to navigation. This is consistent with the general rules for inland waters as stated in 33 CFR 82.2. By moving the line to pass through these aids to navigation it will be easier to determine where the inland rules of the road apply when entering or leaving San Carlos Bay.

In consideration of the foregoing, it is proposed that Chapter I of Title 33 of the Code of Federal Regulations be amended by revising § 82.65 to read as follows:

§ 82.65 San Carlos Bay and tributaries.

A line drawn from the northwesternmost point of Estero Island to San Carlos Bay Light 2; thence to San Carlos Bay Light 1; thence to Sanibel Island Light.

(Sec. 2, 28 Stat. 672, as amended (33 U.S.C. 151); Sec. 6(b)(1), Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Dated: December 24, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-35220 Filed 12-31-75;8:45 am]

[33 CFR Part 117]

[CGD 75 241]

DRAWBRIDGE OPERATION REGULATIONS

Shrewsbury River, N.J.

At the request of the New Jersey Department of Transportation, the Coast Guard is considering revising the regulations for the Route 36 highway drawbridge across the Shrewsbury River near Highland Beach, N.J., to allow the draw to remain closed on Saturdays, Sundays, and holidays from Memorial Day through Labor Day from 10 a.m. to 7 p.m. except that the draw shall open on the hour and one half hour during this period. This change is being considered in an effort to partially alleviate the traffic congestion that builds up going to and coming from Gateway National Park.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, N.Y., N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before February 20, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.215(j) by adding a new subparagraph (2-a) immediately after subparagraph (2) to read as follows:

§ 117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

* * * * *

(j) * * *

(2-a) Shrewsbury River, Route 36 bridge near Highland Beach. The draw shall open on signal except that from Memorial Day through Labor Day on Saturdays, Sundays, and holidays from 10 a.m. to 7 p.m., the draw need open only on the hour and one half hour if any vessels are waiting to pass.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: December 24, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-35219 Filed 12-31-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5660; File No. S7-607]

OIL AND GAS RIGHTS

Proposed Amendment to Limitations on Offerors of Fractional Undivided Interests

The Securities and Exchange Commission today announced a proposed amendment to Rule 306 (17 CFR 230.306) under Regulation B (17 CFR 230.300-230.346) under the Securities Act of 1933 to require interests exempt under that regulation to be offered or sold only by brokers or dealers registered as such pursuant to Section 15 of the Securities Exchange Act of 1934. The Commission believes that this requirement will help eliminate certain selling abuses, generally by persons who had not registered as brokers or dealers, in offerings under Regulation B. The extensive Commission and NASD regulations establishing standards with respect to training, experience and other qualifications of registered brokers and dealers together with the suitability and fair-dealing restrictions on their sales activities should help to reduce the prevalence of abusive practices.