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

This amendment becomes effective November 20, 1976.

Issued in Los Angeles, California, on October 6, 1976.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.76-30332 Filed 10-15-76;8:45 am]

[Airspace Docket No. 76-GL-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of a VOR Airway Segment

On August 5, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 32759) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the VOR airway structure between Bradford and Capital, Ill.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

In § 71.123 (41 FR 307) is amended as follows:

In V-127 "From Capital, Ill., INT Capital 013° and Bradford, Ill., 159° radials; Bradford" is deleted and "From Bradford, Ill." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6 (c), Department of Transportation Act, (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 8, 1976.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-30228 Filed 10-15-76;8:45 am]

[Airspace Docket No. 76-WE-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Establishment and Alteration of Federal Airways

On July 12, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 28534) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulation that would establish an airway from Nicol Intersection, Calif., to Mina, Nev., and alter V-230 from Nicol Intersection to Bishop, Calif.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

1. In V-230 "INT Friant 404° and Bishop, Calif., 338° radials; to Bishop." is deleted and "to Mina, Nev." is substituted therefor.

2. V-381 is added as follows: "V-381 From Bishop, Calif., to INT Bishop 337° and Friant, Calif., 040° radials."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 7, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-30269 Filed 10-15-76;8:45 am]

[Airspace Docket No. 76-SO-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Airways

On August 5, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 32759) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the VOR airway structure in the vicinity of Alma, Ga.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

In § 71.123 (41 FR 307 and 38761) (40 FR 56884) the airways are amended as follows:

In V-5, "From Jacksonville, Fla.; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma; Dublin, Ga.; Athens, Ga.; INT Athens 340° and Anderson, S.C., 274° radials; INT Anderson 274° and Chattanooga, Tenn., 127° radials; Chattanooga; including a west alternate from Dublin via Macon, Ga.;" is deleted and "From Jacksonville, Fla.; INT Jacksonville 318° and Alma, Ga., 150° radials; Alma; INT Alma 342° and Dublin, Ga., 167° radials; Dublin; Athens, Ga.; INT Athens 340° and Anderson, S.C., 274° radials; INT Anderson 274° and Chattanooga, Tenn., 127° radials; Chattanooga, including a west alternate from Alma; INT Alma 311° and Vienna, Ga., 123° radials, Vienna; Macon, Ga.;" is substituted therefor.

In V-51, "Jacksonville; INT Jacksonville 319° and Alma, Ga., 148° radials, Alma; including an E alternate; Dublin, Ga.;" is deleted and "Jacksonville; INT Jacksonville 318° and Alma, Ga., 150° radials, Alma; INT Alma 342° and Dublin, Ga., 167° radials, Dublin;" is substituted therefor.

In V-243, "From Jacksonville, FL., INT Jacksonville 319° and Waycross, Ga., 126° radials, Waycross, Vienna, Ga., including an E alternate via Alma, Ga., and INT Alma 320° and Vienna 104° radials;" is deleted and "From Jacksonville, Fla., INT Jacksonville 318° and Waycross, Ga., 126° radials, Waycross; Vienna, Ga.;" is substituted therefor.

In V-267, "INT Jacksonville 334° and Dublin, Ga., 151° radials, Dublin;" is deleted and "INT Jacksonville 333° and Dublin, Ga., 152° radials, Dublin;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 7, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-30270 Filed 10-15-76;8:45 am]

[Airspace Docket No. 76-EA-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 35535 of the FEDERAL REGISTER for August 23, 1976, the Federal Aviation Administration published a proposed rule which would alter the Plattsburgh, N.Y., control zone (41 FR 417).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 21, 1976.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on September 30, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Plattsburgh, N.Y. control zone by adding the following:

within 3 miles each side of the Clinton County Airport ILS localizer south course, extending from the localizer to 3 miles south of the OM.

[FR Doc.76-30272 Filed 10-15-76;8:45 am]

[Airspace Docket No. 76-WE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas; Correction

In FR Doc. 76-25670 appearing at page 37100 in the FEDERAL REGISTER of September 2, 1976, the following corrections are made:

1. In R-4818D, Sierra, Nev., Designated Altitudes: "AGL" is corrected to "MSL".

2. In R-4818E, Sierra, Nev., Designated Altitudes: "AGL" is corrected to "MSL".

Issued in Washington, D.C., on October 7, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-30271 Filed 10-15-76;8:45 am]

[Airspace Docket No. 76-RM-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration and Extension of Restricted Area

On August 12, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 34077) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter and extend Restricted Areas R-6404 A/B/C, Hill AFB, Utah.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received in response to the NPRM.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

In § 71.151 (41 FR 345) Restricted Area R-6404C is deleted.

In § 73.64 (41 FR 694) Restricted Areas R-6404 A/B/C, titles and texts are deleted and the following are substituted therefor.

R-6404A HILL AFB, UTAH

Boundaries. Beginning at Lat. 41°15'00" N., Long. 113°43'50" W.; to Lat. 41°10'40" N., Long. 112°45'00" W.; to Lat. 41°00'00" N., Long. 112°45'00" W.; to Lat. 41°00'00" N., Long. 112°56'30" W.; to Lat. 40°51'30" N., Long. 112°56'30" W.; to Lat. 40°48'30" N., Long. 113°40'00" W.; to point of beginning.
Designated altitudes. Surface to FL 580.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6404B HILL AFB, UTAH

Boundaries. Beginning at Lat. 41°10'40" N., Long. 112°45'00" W.; to Lat. 41°07'00" N., Long. 112°39'00" W.; to Lat. 41°01'00" N., Long. 112°39'00" W.; to Lat. 40°51'30" N., Long. 112°56'30" W.; to Lat. 41°00'00" N., Long. 112°56'30" W.; to Lat. 41°00'00" N., Long. 112°45'00" W.; to point of beginning.
Designated altitudes. 100 feet AGL to FL 580.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 8, 1976.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-30227 Filed 10-15-76;8:45 am]

[Docket No. 16203; Amdt. No. 1042]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective December 2, 1976:

Ft. Leonard Wood, MO—Forney AAF, VOR Rwy 14, Original
Ft. Leonard Wood, MO—Forney AAF, VOR Rwy 32, Original

* * * effective November 25, 1976:

Mansfield, MA—Mansfield Muni. Arpt., VOR-A, Amdt. 9
Thief River Falls, MN—Thief River Falls Public Arpt., VOR Rwy 13, Amdt. 4
Thief River Falls, MN—Thief River Falls Public Arpt., VOR Rwy 31, Amdt. 5
Batavia, NY—Genesee County Arpt., VOR-A, Original
Saratoga Springs, NY—Saratoga County Arpt., VOR-A, Amdt. 1
Lancaster, SC—Lancaster County Arpt., VOR/DME-A, Amdt. 3

* * * effective November 18, 1976:

Mount Pocono, PA—Mount Pocono Arpt., VOR Rwy 13, Amdt. 1

* * * effective November 4, 1976:

Hot Springs, AR—Memorial Field, VOR Rwy 5, Amdt. 10

* * * effective October 28, 1976:

Lewisburg, WV—Greenbrier Valley Arpt., VOR-A, Amdt. 5

* * * effective October 21, 1976:

Plattsburgh, NY—Clinton County Arpt., VOR-A, Amdt. 14

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective November 25, 1976:

Chicago, IL—Chicago Midway Arpt., LOC Rwy 31L, Amdt. 5

* * * effective November 18, 1976:

Houston, TX—Houston Intercontinental Arpt., LOC/DME(BC) Rwy 32, Amdt. 2

* * * effective October 21, 1976:

Plattsburgh, NY—Clinton County Arpt., LOC Rwy 1, Original
Cleveland, OH—Burke Lakefront Arpt., LOC Rwy 24R, Amdt. 3

* * * effective September 29, 1976:

Chattanooga, TN—Lovell Field, LOC Rwy 2, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective December 2, 1976:

Ft. Leonard Wood, MO—Forney AAF, NDB Rwy 32, Original

* * * effective November 25, 1976:

Fitzgerald, GA—Fitzgerald Muni. Arpt., NDB Rwy 1, Amdt. 1
Statesboro, GA—Statesboro Muni. Arpt., NDB Rwy 13, Amdt. 2
Statesboro, GA—Statesboro Muni. Arpt., NDB Rwy 31, Amdt. 2
Chicago, IL—Chicago Midway Arpt., NDB Rwy 4R, Amdt. 7
Chicago, IL—Chicago Midway Arpt., NDB Rwy 13R, Amdt. 5
Chicago, IL—Chicago Midway Arpt., NDB Rwy 31L, Amdt. 4
Morganton, NC—Morganton-Lenoir Arpt., NDB-A, Amdt. 2, cancelled
McMinnville, TN—Warren County Memorial Arpt., NDB Rwy 5, Amdt. 1
McMinnville, TN—Warren County Memorial Arpt., NDB Rwy 23, Amdt. 1

Hillsboro, WI—Kickapoo Arpt., NDB Rwy 23, Amdt. 2

* * * effective November 4, 1976:

Hot Springs, AR—Memorial Field, NDB Rwy 5, Amdt. 3

* * * effective October 28, 1976:

Lewisburg, WV—Greenbrier Valley, Arpt. NDB Rwy 4, Amdt. 4

* * * effective October 21, 1976:

Cleveland, OH—Burke Lakefront Arpt., NDB Rwy 24R, Amdt. 2

* * * effective September 30, 1976:

Washington, DC—Washington National Arpt., NDB Rwy 36, Amdt. 3

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective November 25, 1976.

Chicago, IL—Chicago Midway Arpt., ILS Rwy 4R, Amdt. 3
Chicago, IL—Chicago Midway Arpt., ILS Rwy 13R, Amdt. 32

* * * effective November 4, 1976:

Hot Springs, AR—Memorial Field, ILS Rwy 5, Amdt. 4

* * * effective October 28, 1976:

Lewisburg, WV—Greenbrier Valley Arpt., ILS Rwy 4, Amdt. 2

* * * effective September 30, 1976:

Washington, DC—Washington National Arpt., ILS Rwy 36, Amdt. 28

* * * effective September 29, 1976:

Duluth, MN—Duluth Int'l Arpt., ILS Rwy 27, Amdt. 1

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective December 2, 1976:

Ft. Leonard Wood, MO—Forney AAF, RADAR-1, Original

* * * effective October 28, 1976:

Macon, GA—Herbert Smart Downtown Arpt., RADAR-1, Original

* * * effective September 29, 1976:

Chattanooga, TN—Lovell Field, RADAR-1, Amdt. 5
Duluth, MN—Duluth Int'l Arpt., RADAR-1, Amdt. 11

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective November 25, 1976:

Hillsboro, WI—Kickapoo Arpt., RNAV, Rwy 23, Original

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

Issued in Washington, D.C., on October 7, 1976.

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.76-30229 Filed 10-15-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1018—ADVISORY COMMITTEE MANAGEMENT

PART 1609—NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Amendment of Regulations After Consideration of Public Comments

On September 24, 1975 (40 FR 43886), the Consumer Product Safety Commission published regulations for the establishment, operation, and administration of its advisory committees. The regulations are rules of agency organization, procedure, or practice and are, therefore, not subject to the rulemaking procedures of 5 U.S.C. 553. The Commission did, however, solicit public comment and ten comments were received from interested parties, including a consumer representative on the Product Safety Advisory Council, Consumer Product Safety Commission (CPSC); an interested individual; the National Small Business Association; two industry representatives on the Technical Advisory Committee for Poison Prevention Packaging, (CPSC); the Power Tool Institute; the American Apparel Manufacturers Association; a professional engineer; the Textile Distributors Association, Inc.; and Director of the State Programs Division, Office of Field Coordination, CPSC.

The main issues raised in the comments and the Commission's conclusions thereon are as follows:

1. One commenter suggested that the use of the word "affiliation" in § 1018.33, "Change of Status", is vague and suggests that this vagueness could be remedied by a reference back to § 1018.15(b) (renumbered § 1018.16(b) in this amendment) where the term "affiliation" means that which "bears any relationship to the subject area of product safety or to membership on the advisory committee."

Since "affiliation" in § 1018.33 means the affiliation which "affects [the member's] representational capacity on an advisory committee (upon which the member's application was based)" and that capacity is determined by the member's relationship, whether as a consumer, industry, government or scientific representative, to the area of product safety, there appears to be no significant potential for confusion and, in the Commission's view, no modification or amendment is necessary.

2. The same commenter suggests that the provision in § 1018.33 which provides for notification to the Commission when a member changes his or her affiliation does not adequately cover the situation of a member who retains the affiliation upon which his or her application for membership was based and, in addition, assumes a new affiliation which has an actual or potential effect on that member's representational capacity.

The Commission agrees that the provision regarding notification of a change in affiliation should apply where the member assumes a new affiliation, whether or not the original affiliation is retained. The provision of § 1018.33 has, therefore, been amended to reflect this intended application.

3. A number of commenters expressed concern that the Conflict of Interest provisions contained in § 1018.34 would unduly restrict the availability of persons qualified to serve as advisory committee members and would deprive the Commission of valuable technical expertise. The chief concern was that many present and potential future advisory committee members, particularly those in scientific and technical fields, are, because of their backgrounds and expertise, likely to become involved in Commission sponsored contracts, grants or safety standard development. These individuals would be precluded, these commenters maintain, from membership on advisory committees by the language of § 1018.34 (a) and (b) as presently drafted.

The Commission promulgated the Conflict of Interest provision in response to actual situations which have presented themselves where the personal interests of advisory committee members were such as to diminish their independent or representational judgment. The appearance of these situations could undermine public confidence concerning the integrity and independence of the advisory committees. As was indicated in the regulations, as promulgated, members of the Commission's statutory advisory committees are not legally subject to the standards of conduct and conflict of interest statutes and regulations applicable to Commission employees. However, the avoidance of situations which might tend to compromise or appear to compromise the integrity or independence of the advisory committees or the Commission should be avoided. Situations arising will be evaluated on their own merits, using the Conflict of Interest provisions (§ 1018.34) as guidelines. In this regard, the Commission believes that clarification is in order with respect to the intent of the provisions relating to contracts. The Commission's view is that the potential for real or apparent conflicts of interest exists primarily in the area of negotiated procurement, where the personnel of a potential contractor are taken into consideration by the Commission official in awarding the contract. In advertised procurement, where price is the single determining factor, or in "sole source" contracts, where the nature of the subject matter is the determining factor, the potential for real or apparent conflicts of interest is generally not present. For these reasons, the conflict of interest provisions speak in terms of "negotiations" for contracts and are intended to apply accordingly. The provisions applicable to negotiated procurement are equally applicable to grants and proposals to develop safety standards, where the personnel of the applicant or offeror are a major factor in evaluating the proposals.

Concern was expressed by one commenter that § 1018.34(c) would require

resignation from an advisory committee of a member who was involved in a representational capacity in a particular matter or proceeding before the Commission, notwithstanding the fact that the role of advisory committees is strictly advisory and there is little danger in such a situation of a compromise in the integrity of the Commission's decision making process. This commenter suggests that disqualification or withdrawal from the advisory committee's discussions concerning the particular matter might be more appropriate than resignation from the committee.

The Commission agrees that, in some situations, withdrawal by the advisory committee member from the discussion or consideration of a particular matter would be more appropriate than resignation from the Committee. Resignation from the committee could still be required in appropriate circumstances.

The Commission believes, however, that crucial to the maintenance of the integrity and independence of the advisory committees is the assurance that all affiliations and involvements of advisory committee members be disclosed which, in any way, affect either their representational capacity or the objectivity of their statements or arguments and the perspective from which other members might view such statements or arguments. Consequently, the Conflict of Interest sections have been amended to require such disclosure and to provide for withdrawal from particular discussions as an alternative to resignation from the committees.

4. One commenter suggested that the application of the Conflict of Interest provisions, § 1018.34 (a) and (b), to state and local government members of advisory committees, particularly members of the Product Safety Advisory Council (PSAC) would interfere unduly with the Commission's program of Federal-state cooperation.

Section 28(a)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2077(a)(1), requires that five members of the PSAC be selected from governmental agencies, including state and local governments. Section 29(a) of the CPSA (15 U.S.C. 2078(a)) requires the Commission to establish a program of Federal-state cooperation. In implementing this program, the Commission is authorized to accept assistance in such functions as injury data collection, investigation and educational programs from any state local authority engaged in product safety or consumer protection activities. This assistance is generally furnished pursuant to a contract or grant between the Commission and the State or local jurisdiction. To coordinate these programs, the Commission has encouraged States to consolidate their product safety related functions and to provide that a single official be the "State Designee" for purposes of administration of contracts and grants and to act as liaison with the Commission.

The commenter maintains that such a "State Designee," who would be uniquely qualified to serve as a state government representative on the PSAC or other advisory committee, would be precluded from doing so under the Conflict of Interest provisions as written. This would, in the commenter's view, have the effect of denying to the PSAC valuable expertise and input or, more importantly from the commenter's viewpoint, interfering with Federal-state cooperation if an existing State Designee opted for advisory committee membership and relinquished the position of "State Designee." This situation is likely to arise since every state has such a "State Designee." As a solution, the commenter suggests exemption from the provisions of § 1018.34 (a) and (b) for state and local government employees who desire to serve on an advisory committee. This exemption would, in the view of the commenter, encourage state and local government participation in Commission supported contracts and grants in appropriate areas as well as on advisory committees and would further Federal-state cooperation in both areas.

In the Commission's view, the potential harm to the integrity and independence of advisory committees posed by a state government official serving as a "State Designee" and at the same time as an advisory committee member is minimal compared to the potential interference with and damage to the program of Federal-state cooperation. In light of the fact that such cooperation through contracts and grants is mandated by the CPSA, the element of discretion otherwise present in the negotiated procurement and grants administration process is absent, and the potential for improper influence or the appearances thereof is minimal. Accordingly, the regulations have been amended to exempt state and local government officials from the application of § 1018.34 (a) and (b).

5. Subsequent to promulgation of these regulations, the Commission decided that appointees who are appointed to fill unexpired terms on a committee may also be eligible for appointment to a full two-year term. Therefore, § 1018.17(c) (formerly numbered § 1018.16(c)) has been amended to so provide.

6. Subsequent to promulgation of these regulations, Pub. L. 94-284 (the Consumer Product Safety Improvements Act of 1976) was enacted amending section 17(a) of the Flammable Fabrics Act (15 U.S.C. 1204(a)) regarding the composition of the membership of the National Advisory Committee for the Flammable Fabrics Act.

In addition, prior to promulgation of these regulations the Commission, in order to implement the statutory requirements of balanced membership, decided to change the membership composition of the National Advisory Committee for the Flammable Fabrics Act (NACFFA) and the Technical Advisory Committee on Poison Prevention Packaging (TACPPP) (see 39 FR 1381, January 8, 1974).

The Commission determined that the NACFFA would be composed of twenty members, equally divided between representatives of the consuming public and representatives of manufacturers and distributors subject to the Flammable Fabrics Act. The Commission determined that the TACPPP would be composed of eighteen members, the statutory maximum, eight representative of the consuming public, eight representative of manufacturers subject to the Act and manufacturers of packages and closures for household substances and one each from the Departments of Health, Education, and Welfare, and Commerce. The Commission further decided that scientists with expertise related to the Act and licensed medical practitioners could serve on the TACPPP as representatives either of the consuming public or manufacturers, depending on their employment background.

The Product Safety Advisory Council, as specified in section 28(a) of the Consumer Product Safety Act (15 U.S.C. 2077(a)), is composed of fifteen members, five representing consumer product industries, five representative of consumers and consumer organizations and five representative of Federal, State and local government agencies.

Accordingly, the regulations have been amended by adding a § 1018.15, Membership Composition which sets forth the membership composition of the Commission's statutory advisory committees as discussed above. Former §§ 1018.15 and 1018.16 are renumbered § 1018.16 and § 1018.17 respectively.

Having considered the comments received and other relevant material, the Commission concludes that the regulations shall be amended as set forth below.

Accordingly, Title 16, Chapter II, Subchapter A of the Code of Federal Regulations, as promulgated on September 24, 1975 (40 FR 43886), is revised as set forth below:

Subpart A—General Provisions

Sec.
1018.1 Purpose.
1018.2 Definitions.
1018.3 Policy.
1018.4 Applicability.
1018.5 Advisory committee management officer.

Subpart B—Establishment of Advisory Committees

1018.11 Charters.
1018.12 Statutory advisory committees.
1018.13 Non-statutory advisory committees.
1018.14 Non-Commission established advisory committees.
1018.15 Membership composition.
1018.16 Membership selection.
1018.17 Appointments.

Subpart C—Operation of Advisory Committees

1018.21 Calling of meetings.
1018.22 Notice of meetings.
1018.23 Designated commission employee.
1018.24 Agenda.
1018.25 Minutes and meeting reports.
1018.26 Advisory functions.
1018.27 Public participation.
1018.28 Records and transcripts.
1018.29 Appeals under the Freedom of Information Act.

Subpart D—Administration of Advisory Committees

Sec.
1018.31 Support services.
1018.32 Compensation and travel expenses.
1018.33 Change of status.
1018.34 Conflict of interest.
1018.35 Termination of membership.

Subpart E—Records, Annual Reports, and Audits

1018.41 Agency records on advisory committees.
1018.42 Annual report.
1018.43 Comprehensive review.

Subpart F—Termination and Renewal

1018.61 Stautory advisory committees.
1018.62 Non-Statutory advisory committees.

AUTHORITY: Sec. 8, Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App. I).

Subpart A—General Provisions

§ 1018.1 Purpose.

This part contains the Consumer Product Safety Commission's regulations governing the establishment, operations and administration of advisory committees under its jurisdiction. These regulations are issued pursuant to section 8(a) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), and supplement Executive Order No. 11769 (39 FR 7125 (1974)) and Office of Management and Budget Circular No. A-63 (Rev.) (39 FR 12369 (1974)).

§ 1018.2 Definitions.

(a) "Advisory Committee Act" or "Act" means the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I (1974)).

(b) "OMB Circular No. A-63" means Office of Management and Budget Circular No. A-63 (Rev.), entitled "Advisory Committee Management" (39 FR 12369, April 5, 1974), as amended.

(c) "Advisory Committee" means any committee, board, commission, council, conference, panel, task force or other similar group, or any subcommittee or other subgroup, thereof, which is established or used by the Commisison in the interest of obtaining advice or recommendations and which is not composed wholly of full-time officers or employees of the Federal Government.

(d) "Statutory advisory committee" means an advisory committee established or directed to be established by Congress.

(e) "Non-statutory advisory committee" means an advisory committee established by the Commission, including a committee which was authorized, but not established by Congress.

(f) "Ad hoc advisory committee" means a non-continuing, non-statutory advisory committee established by the Commission for the stated purpose of providing advice or recommendations regarding a particular problem which must be resolved immeditaely or within a limited period of time.

(g) "Non-Commission established advisory committee" means an advisory committee established by a Federal, State, or local instrumentality other than the Commission, or by a private organization or group and utilized by the Commission for advisory services.

(h) "OMB Secretariat" means the Committee Management Secretariat of the Office of Management and Budget.

(i) "Chairman" means the Chairman of the Consumer Product Safety Commission.

§ 1018.3 Policy.

In application of this part, Commission officials shall be guided by the Advisory Committee Act, the statutes creating the Commission's advisory committees, and by the directives in Executive Order No. 11769 and OMB Circular No. A-63. Principles to be followed include:

(a) Limiting the number of advisory committees to those that are essential and terminating any committee not fulfilling its purpose;

(b) Insuring effective use of advisory committees and their recommendations, while assuring that decisional authority is retained by the responsible Commission officers;

(c) Providing clear goals, standards, and uniform procedures with respect to the establishment, operation, and administration of advisory committees;

(d) Ensuring that adequate information is provided to the public regarding advisory committees; and

(e) Ensuring adequate opportunities for access by the public to advisory committee meetings and information.

§ 1018.4 Applicability.

(a) This part shall apply to all advisory committee (whether statutory or non-statutory) subject to the jurisdiction of the Commission. This part also shall apply to ad hoc advisory committees and non-Commission established advisory committees when they are performing advisory services for the Commission.

(b) Nothing in this part shall apply to any of the following types of organizations:

(1) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program;

(2) Any state or local government committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies;

(3) Any committee whether advisory, interagency, or intra-agency which is composed wholly of full-time officers or employees of the federal government;

(4) Persons or organizations having contractual relationships with the Commission; and,

(5) Persons or organizations developing consumer product safety standards under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056).

§ 1018.5 Advisory Committee Management Officer.

The Chairman shall designate an Advisory Committee Management Officer who shall:

(a) Exercise control and supervision over the establishment, procedures, and accomplishments of all advisory committees established or utilized by the Commission;

(b) Assemble and maintain the reports, records, and other papers of any such committee during its existence, and carry out, on behalf of the Secretary of the Commission, the provisions of section 552 of Title 5, United States Code (Freedom of Information Act) and the Commission's Procedures for Disclosure or Production of Information Under the Freedom of Information Act (16 CFR Part 1015) with respect to such reports, records, and other papers; and

(c) Perform such other functions as specified in this part.

Subpart B—Establishment of Advisory Committees

§ 1018.11 Charters.

(a) No advisory committee shall meet or take any action until its charter has been filed with the OMB Secretariat in accordance with the requirements of section 9(c) of the Federal Advisory Committee Act.

(b) The Advisory Committee Management officer shall have responsibility for the preparation and filing of charters.

§ 1018.12 Statutory Advisory Committees.

As of the effective date of this part, the Commission has three statutory advisory committees:

(a) The Product Safety Advisory Council, established under section 28 of the Consumer Product Safety Act (Pub. L. 92-573, 15 U.S.C. 2077);

(b) The National Advisory Committee for the Flammable Fabrics Act, established by the Department of Commerce pursuant to section 17 of the Flammable Fabrics Act (Pub. L. 90-189, 15 U.S.C. 1204) and transferred to the Commission on May 14, 1973 by section 30(b) of the Consumer Product Safety Act (Pub. L. 92-573, 15 U.S.C. 2079(b)); and

(c) The Technical Advisory Committee on Poison Prevention Packaging, established under the Department of Health, Education and Welfare by section 6(a) of the Poison Prevention Packaging Act (Pub. L. 91-601, 15 U.S.C. 1475(a)) and transferred to the Consumer Product Safety Commission on May 14, 1973 by section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 15 U.S.C. 2079(a)).

§ 1018.13 Non-Statutory Advisory Committees.

(a) In proposing to establish a non-statutory advisory committee, the Commission shall follow the procedural requirements of section 9(a)(2) of the Advisory Committee Act and section 6(a) of OMB Circular No. A-63.

(b) A non-statutory advisory committee shall not be established if the proposed function can be performed effectively by Commission personnel, by an existing advisory committee, or by another Federal agency.

§ 1018.14 Non-Commission established Advisory Committees.

(a) To the extent practicable, the Commission shall utilize advisory committees already established by Federal,

State, or local government or by private organizations, rather than establish a new advisory committee or expand the functions of an existing Commission advisory committee.

(b) In utilizing a non-Commission established advisory committee, Commission officials shall follow the applicable provisions of this part and the requirements of the Advisory Committee Act.

§ 1018.15 Membership composition.

(a) The Product Safety Advisory Council, as specified in section 28(a) of the Consumer Product Safety Act (Pub. L. 92–573, 15 U.S.C. 2077(a)), consists of fifteen members, five of whom shall be selected from governmental agencies including Federal, State and local governments; five of whom shall be selected from consumer product industries including at least one representative of small business; and five of whom shall be selected from among consumer organizations, community organizations, and recognized consumer leaders.

(b) The National Advisory Committee for the Flammable Fabrics Act, as specified in section 17(a) of the Flammable Fabrics Act (Pub. L. 90–189, 15 U.S.C. 1204(a)), as amended by the Consumer Product Safety Commission Improvements Act of 1976 (Pub. L. 94–284, 90 Stat. 514), must consist of not less than nine members, fairly representative of manufacturers, distributors and the consuming public. The representatives of manufacturers must include representatives from the natural fiber producing industry, the man-made fiber producing industry and manufacturers of fabrics, related materials, apparel or interior furnishing. In accordance with the statutory requirements and to ensure balanced representation, the Commission has determined that the Committee shall be composed of twenty members, ten of whom are representative of the consuming public and ten of whom are representative of manufacturers and distributors.

(c) The Technical Advisory Committee on Poison Prevention Packaging, as specified in section 6(a) of the Poison Prevention Packaging Act of 1970 (Pub. L. 91–601, 15 U.S.C. 1475(a)), must consist of not more than eighteen members who are representative of (1) The Department of Health, Education and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to the Act, (4) scientists with expertise related to this Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. In accordance with the statutory requirements and to ensure balanced representation between consumers and manufacturers, the Commission has determined that the Committee shall be composed of eighteen members, one each from the government agencies, eight representatives of consumers and eight representatives of the manufacturing categories provided in the Act. Scientists with expertise related to the Act and licensed medical practitioners may be represented within either the consumer or manufacturing category depending upon their employment background.

§ 1018.16 Membership selection.

(a) Whenever new applicants are required for a Commission advisory committee, public notice will be issued in the FEDERAL REGISTER inviting individuals to submit, on or before a specified date, applications or nominations for membership.

(b) An applicant for membership on an advisory committee shall disclose all affiliations, either paid or as a volunteer, that bear any relationship to the subject area of product safety or to membership on the advisory committee. This disclosure shall include both current affiliations and relevant past affiliations.

(c) The Secretary of the Commission shall, from time to time, appoint a Candidate Evaluation Panel consisting of qualified staff members of the Commission, including the Advisory Committee Management Officer.

(d) The Candidate Evaluation Panel, using selection criteria established by the Commission, shall evaluate all candidates and submit to the Commissioners the names of those candidates it recommends for membership. Where possible, at least three candidates shall be recommended for each appointment to be made. Final selection for membership shall be made by the Commissioners.

(e) The membership of each Commission Advisory Committee shall be fairly balanced in terms of geographic location, age, sex, and race.

§ 1018.17 Appointments.

(a) The Chairman shall appoint as members to advisory committees those persons selected by the Commissioners.

(b) The term of appointment to an advisory committee shall be for two years, unless otherwise specified by the Commission. To promote maximum participation, an advisory committee member may serve for only one consecutive full term. This subsection shall not be deemed to affect the term of appointment of any present member of an advisory committee in effect on the original effective date of this part, September 24, 1975.

(c) A vacancy that occurs during the term of an appointment normally will be filled by the Commission from the applications or nominations on file. Appointment to any such vacancy will be for the unexpired portion of the original appointment. Appointees to such an unexpired term may be reappointed for a full two-year term.

Subpart C—Operation of Advisory Committees

§ 1018.21 Calling of meetings.

Advisory committees shall, as a general rule, meet four times per year. No advisory committee shall hold a meeting without advance approval of the Chairman or the Commission official designated under § 1018.23(a). Before giving such advance approval, the Chairman or Commission official shall notify the Commission of the date of the proposed meeting.

§ 1018.22 Notice of meetings.

(a) Meetings shall be called by written and/or oral notice to all members of the advisory committee.

(b) Notice of each advisory committee meeting shall be published in the FEDERAL REGISTER as well as other means to give widespread public notice, at least 15 calendar days before the date of the meeting, except that shorter notice may be provided in emergency situations. Reasons for such emergency exceptions shall be made part of the meeting notice.

(c) A meeting notice shall include:

(1) The official designation of the committee;

(2) The address and site of the meeting;

(3) The time of the meeting;

(4) The purpose of the meeting, including where appropriate, a summary of the agenda;

(5) Whether, or the extent to which, the public will be permitted to attend or participate;

(6) An explanation of how any person who wishes to do so may file a written statement with the committee before, during, or after the meeting; and

(7) The procedure by which a public attendee may present an oral statement or question to members of the committee.

§ 1018.23 Designated Commission employee.

(a) The Chairman shall designate a member of the Commission or other Commission officer or employee to chair or attend each meeting of each advisory committee.

(b) Unless otherwise provided in the statute creating a statutory advisory committee, the committee normally will be chaired, on a rotating basis, by a member of the Commission.

(c) No advisory committee shall conduct any meeting in the absence of the officer or employee designated under paragraph (a) of this section.

(d) The officer or employee designated under paragraph (a) of this section is authorized to adjourn any advisory committee meeting whenever he or she determines adjournment to be in the public interest.

§ 1018.24 Agenda.

Prior to each advisory committee meeting, the Advisory Committee Management Officer shall prepare and, after approval by the officer or empolyee designated under § 1018.23(a), shall distribute to each committee member the agenda for that meeting. The agenda for a meeting shall list the matters to be discussed at the meeting and shall indicate whether and when any part of the meeting will concern matters which are exempt from public disclosure under the Freedom of Information Act (5 U.S.C. 552(b) or section 6(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2045(a)(2))).

§ 1018.25 Minutes and meeting reports.

(a) The Advisory Committee Management Officer shall be responsible for the preparation of detailed minutes of each meeting of each advisory committee. The minutes shall include at least the following:

(1) The time and place of the meeting;

(2) A list of advisory committee members and staff and Commission employees present at the meeting;

(3) A complete summary of all matters discussed and conclusions reached;

(4) Copies of all reports received, issued, or approved by the advisory committee; and

(5) A description of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting.

(b) The chairman of the advisory committee shall certify the accuracy of the minutes.

(c) Whenever a non-Commission established committee convenes and, at the request of the Commission, a portion of the session is allocated to the rendering of advisory services to the Commission, the Advisory Committee Management Officer shall attend and prepare minutes for that portion of the meeting in accordance with this section.

§ 1018.26 Advisory functions.

(a) Unless otherwise specifically provided by statute, advisory committees shall be utilized solely for advisory functions.

(b) The Commission shall ensure that the advice and recommendations of advisory committees shall not be in appropriately influenced by the Commission, its staff, or by any special interest, but will be the result of the advisory committee's independent judgment.

§ 1018.27 Public participation.

(a) The Commission is committed to a policy of encouraging public participation in its activities and will hold all advisory committee meetings open to the public.

(b) The guidelines in section 8(c) of OMB Circular A–63 shall be followed in providing public access to advisory committee meetings.

§ 1018.28 Records and transcripts.

(a) Subject to section 552 of title 5, United States Code (Freedom of Information Act) and 16 CFR 1015 (Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act), the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agendas or other documents which were made available to or prepared for or by an advisory committee shall be made available for public inspection and copying in the Commission's Office of the Secretary.

(b) Advisory Committee documents shall be made available until the advisory committee ceases to exist. Disposition of the advisory committee documents shall be determined by the Secretary of the Commission at that time.

§ 1018.29 Appeals under the Freedom of Information Act.

Appeals from the denial of access to advisory committee documents shall be considered in accordance with the Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act (16 CFR 1015).

Subpart D—Administration of Advisory Committees

§ 1018.31 Support services.

Unless the stautory authority for a particular advisory committee provides otherwise, the Advisory Committee Management Officer shall be responsible for providing and overseeing all necessary support services for each advisory committee established by or reporting to the Commission. Support services include providing committee staff, meeting rooms, supplies, and funds, including funds for the publication of reports.

§ 1018.32 Compensation and travel expenses.

(a) A single rate of compensation will be offered to members of all advisory committees with the exception of government employees and those individuals whose company or organization prohibits such payment. This rate shall be $100 per day for each day in attendance at the meeting and for each day of travel.

(b) The Commission shall determine per diem and travel expenses for members, staffs, and consultants in accordance with section 7(d) of the Advisory Committee Act and section 11 of OMB Circular No. A–63.

(c) Members of advisory committees, while engaged in the performance of their duties away from their homes or regular place of business, may be allowed travel expenses including per diem in lieu of expenses as authorized by 5 U.S.C. 5703.

§ 1018.33 Change of status.

Any advisory committee member who changes his or her affiliation or who assumes an additional affiliation, so as to actually or potentially affect his or her representational capacity on an advisory committee (upon which the member's application was based), shall immediately notify, in writing, the Advisory Committee Management Officer. Such notification shall include all relevant information concerning the change in affiliation and a statement by the member expressing his or her opinion regarding the implications of such change. The notification and any other relevant information shall be evaluated by the Commissioners to determine the appropriateness of the member's continued membership on the advisory committee.

§ 1018.34 Conflict of interest.

Members of the Commission's statutory advisory committees are not legally subject to the standards of conduct and conflict of interest statutes and regulations applicable to Commission employees. However, it is important to avoid situations in which a member of an advisory committee has an actual or apparent conflict of interest between the member's private interests (or the interests of the member's organization) and the member's interest in properly performing his or her duties as an advisory committee member. To preclude any such actual or apparent conflict of interest, committee members shall be subject to the following guidelines:

(a) Committee members should not personally participate, either for themselves or on behalf of an organization, in negotiations, or the preparation of negotiations, for contracts with or grants from the Commission. Nor should committee members, either as an individual or on behalf of an organization, become personally involved in the performance of work under such a negotiated contract or grant awarded by the Commission. Committee members may participate in preparing bids for and performing work under advertised contracts where price is the single factor in the determination of award.

(b) Committee members should not become personally involved in the preparation or submission of a proposal to develop a safety standard or regulation under any of the Acts administered by the Commission.

(c) Committee members representing anyone in a professional capacity in a proceeding before the Commission should, pursuant to paragraph (e) and (f) of this section, advise the committee chairperson and the other members of the committee on which he or she serves of the representation prior to the committee's discussion regarding that proceeding. Where the chairperson of the committee determines that the representation involves a conflict or the appearance of a conflict of interest, the member will be asked to withdraw from the discussion of the proceeding. In circumstances where withdrawal from the committee's discussion or consideration of the matter is determined by the Commission to be insufficient to avoid a conflict or apparent conflict of interest, continued representation may be considered incompatible with membership on the committee.

(d) Committee members should exercise caution to ensure that their public statements are not interpreted to be official policy statements of the Commission.

(e) Committee members shall disclose to the committee chairperson and to the other members of the committee on which he or she serves, any special interest in a particular proceeding or matter then pending before the committee which in any way may affect that member's position, views or arguments on the particular proceeding or matter. The disclosure shall be made orally prior to the commencement of the discussion. "Special interest" is not intended to include a member's general interest in presenting a position, views, or arguments in his or her representational capacity.

(f) Where the chairperson of the committee determines that the disclosure referred to in paragraph (e) of this section reveals a conflict or apparent conflict of interest with respect to a member's involvement in the committee's consideration or discussion of a particular matter, the member will be asked to withdraw from the discussion of the matter.

(g) The provisions of paragraphs (a) and (b) of this section do not apply to state and local government officers and employees.

§ 1018.35 Termination of membership.

Advisory committee membership may be terminated at any time upon a determination by the Commission that such action is appropriate.

Subpart E—Records, Annual Reports and Audits

§ 1018.41 Agency records on advisory committees.

(a) In accordance with section 12(a) of the Advisory Committee Act, the Advisory Committee Management Officer shall maintain, in the Office of the Secretary, records which will fully disclose the nature and extent of the activities of each advisory committee established or utilized by the Commission.

(b) The records shall include a current financial report itemizing expenditures and disclosing all funds available for each advisory committee during the current fiscal year.

(c) The records shall also include a complete set of the charters of the Commission's advisory committee and copies of the annual reports on advisory committees.

§ 1018.42 Annual report.

(a) The Advisory Committee Management Officer shall prepare an annual report on the Commission's advisory committees for inclusion in the President's annual report to Congress as required by section 6(c) of the Advisory Committee Act. This report shall be prepared and submitted in accordance with General Services Administration guidelines (39 FR 44814, December 27, 1974).

(b) Results of the annual comprehensive review of advisory committee made under § 1018.43 shall be included in the annual report.

§ 1018.43 Comprehensive review.

A comprehensive review of all Commission established or utilized advisory committees shall be made annually in accordance with section 10 of the OMB Circular No. A-63, as amended, and shall be submitted to the OMB Secretariat by November 30 of each year.

Subpart F—Termination and Renewal

§ 1018.61 Statutory advisory committees.

A new charter shall be filed for each statutory advisory committee in accordance with section 9(c) of the Advisory Committee Act and § 1018.11 upon the expiration of each successive two-year period following the date of enactment of the statute establishing or requiring the establishment of the committee.

§ 1018.62 Non-Statutory advisory committees.

(a) Each non-statutory advisory committee established by the Commission after the effective date of this part shall terminate not later than two years after its establishment unless prior to that time it is renewed in accordance with paragraph (c) of this section.

(b) Each non-statutory advisory committee which is renewed by the Commission shall terminate not later than two years after its renewal unless prior to that time it is again renewed in accordance with paragraph (c) of this section.

(c) Before a non-statutory advisory committee can be renewed by the Commission, the chairman shall inform the OMB Secretariat by letter not more than 60 days nor less than 30 days before the committee expires of the following:

(1) His or her determination that renewal is necessary and is in the public interest;

(2) The reasons for his or her determination;

(3) The Commission's plan to attain balanced membership of the committee, and;

(4) An explanation of why the committee's functions cannot be performed by the Commission or by another existing advisory committee.

(d) If the OMB Secretariat concurs, the Chairman shall certify in writing that the renewal of the advisory committee is in the public interest and shall publish notice of the renewal in the FEDERAL REGISTER and shall file a new charter.

PART 1609—NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT—[REVOKED]

Part 1609 is removed.

Effective date: The regulation promulgated in this document shall become effective October 18, 1976.

Dated: October 13, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-30437 Filed 10-15-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

[FHWA Docket No. 76-10]

PART 750—HIGHWAY BEAUTIFICATION

Interim Regulations for Signs Exempt From Removal in Defined Areas

• *Purpose.* The Federal Highway Administration issues interim regulations to establish interim procedures by which the States may apply for an exemption for signs giving directional information to goods and services in the interest of the traveling public, which are located in areas which would suffer substantial economic hardship if such signs were removed. The regulations appear as Subpart E, Part 750, Title 23, Code of Federal Regulations. •

A new subsection, 131(o), was added to 23 U.S.C. 131, by 122(b) of the Federal-Aid Highway Act of 1976, Pub. L. 94-280, May 5, 1976, 90 Stat. 425, which provides that:

> (o) The Secretary may approve the request of a State to permit retention in specified areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

Subsection (c) defines effective control of outdoor advertising, which a State must exercise in order to remain in compliance with 23 U.S.C. 131.

In order to immediately implement this amendment, the Federal Highway Administration is issuing interim regulations, pursuant to which the States may apply for the exemption provided for in section 131(o).

Primary responsibility for analyzing both the geographic limits of the defined area in which the economic impact may be felt and the degree of economic impact on such areas is left to the States. This subpart requires that the States use sound economic methods in making the necessary determinations regarding the size and location of the defined area, the degree of economic impact, and whether such impact is substantial throughout the area.

The States are also permitted to determine what types of goods and services it wishes to qualify for exemption. The Federal law permits the States to seek exemption only for signs giving directional information to goods and services in the interest of the traveling public. Non-directional signs, signs primarily designed to advertise products, rather than giving directional information, and signs advertising goods and services not in the interest of the traveling public cannot be exempted.

Exempt signs must be legally erected and maintained and must have carried the directional message qualifying it on May 5, 1976. Exempt signs continue to be nonconforming signs, and must be maintained as such, except that States will not be required to remove them, even as funds become available. The advertised enterprise must remain unchanged. However, except for this restriction, message changes are allowed.

The States are not required to apply for the exemptions permitted under this subpart. The States are free to impose such stricter standards on exempt signs and areas as they choose. Also, the States may continue to acquire exempted signs at the request of the sign owner.