

sion has rescinded Rule 6c-2(T) [§ 270.6c-2(T)] under the Act effective February 6, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 6, 1976.

[FR Doc. 76-5513 Filed 2-25-76; 8:45 am]

Title 18—Conservation of Power and National Resources

CHAPTER VI—WATER RESOURCES COUNCIL

PART 701—COUNCIL ORGANIZATION

Subpart E—Protection of Privacy

RULEMAKING TO AMEND PREVIOUSLY ADOPTED MATERIAL

On page 1921 of the FEDERAL REGISTER of January 13, 1976, there was published a notice of proposed rulemaking to amend previously adopted material. The proposal was occasioned by the comments and suggestions offered by the Presidential Ad Hoc Interagency Task Force on Privacy Act Implementation review of the Council rules (published as final notice of rulemaking at 40 FR 45675). The amendments are intended to further implement provisions of the Privacy Act of 1974. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed rulemaking.

No objections have been received and the proposed rulemaking is hereby adopted without change (with the exception of one typographical correction) as set forth below. Line seven of § 701.305 (c) has been corrected by deletion of the figure "§ 701.311" and by the substitution in lieu thereof the figure "701.312".

This rulemaking is done by authority of section 402 of the Water Resources Planning Act of 1965 (Sec. 402, Pub. L. 89-80; 79 Stat. 254, as amended (42 U.S.C. 1962d-1)) and the Privacy Act of 1974 (Pub. L. 93-579; 88 Stat. 1896 (5 U.S.C. 552a)).

Effective date. This rulemaking is effective on February 13, 1976.

WARREN D. FAIRCHILD,
Director, Water Resources Council.

In consideration of the foregoing, Subpart E of Part 701 of chapter VI of Title 18 of the Code of Federal Regulations is amended as follows:

1. By revising the table of sections for Subpart E to read as follows:

Subpart E—Protection of Privacy	
Sec.	
701.300	Purpose and scope.
701.301	Definitions.
701.302	Procedures for notification of existence of records pertaining to individuals.
701.303	Conditions of disclosure.
701.304	Procedures for identification of individuals making requests.
701.305	Procedures for requests for access to or disclosure of records pertaining to individuals.
701.306	Special procedure: Medical records.
701.307	Requests for correction or amendment to record.

Sec.	
701.308	Council review of request for correction or amendment of record.
701.309	Appeal of initial adverse determination.
701.310	Disclosure of record to person other than the individual to whom it pertains.
701.311	Accounting for disclosures.
701.312	Fees.
701.313	Penalties.
701.314	Exemptions.

AUTHORITY: Sec. 402, Water Resources Planning Act of 1965 (Sec. 402, Pub. L. 89-80; 79 Stat. 254, as amended (42 U.S.C. 1962d-1)) and the Privacy Act of 1974 (Pub. L. 93-579; 88 Stat. 1896 (5 U.S.C. 552a)).

2. By revising paragraph (a) of, and by adding a new paragraph (c) to, § 701.302 to read as follows:

§ 701.302 Procedures for notification of existence of records pertaining to individuals.

(a) The systems of records, as defined in the Privacy Act of 1974, maintained by the Council are listed annually in the FEDERAL REGISTER as required by that Act. Any individual may request the Council to inform him or her whether a particular record system named by the individual contains a record pertaining to him or her. The request may be made in person during business hours or in writing at the location and to the person specified in the notice describing that record system.

(c) The Council will attempt to respond to a request as to whether a record exists within 10 working days from the time it receives the request or to inform the requestor of the need for additional time or additional information within 10 working days. If a request is complied with within 10 working days, no separate acknowledgment will be made.

3. By revising § 701.304 to read as follows:

§ 701.304 Procedures for identification of individuals making requests.

(a) Each individual requesting the disclosure of a record or copy of a record will furnish the following information with his or her request: (1) The name of the record system containing the record; (2) proof as described in paragraph (b) of this section that he or she is the individual to whom the requested record relates; and (3) any other information required by the notice describing the record system.

(b) Proof of identity as required by paragraph (a) (2) of this section will be provided as described in paragraph (b) (1) and (2) of this section. Requests made by an agent, parent, or guardian will include the authorization described in § 701.310 (a) and (b).

(1) Requests made in writing will include a statement, signed by the individual and properly notarized, that he or she appeared before a notary public and submitted proof of identification in the form of a drivers license, birth certificate, passport or other identification acceptable to the notary public. In any case in which, because of the extreme sensitivity

of the record sought to be seen or copied, the agency determines that the identification is not adequate, it may request the individual to submit additional proof of identification.

(2) If the request is made in person, the requester will submit proof of identification similar to that described in paragraph (b) (1) of this section, acceptable to the Council.

4. By revising § 701.305 to read as follows:

§ 701.305 Procedures for requests for access to or disclosure of records pertaining to individuals.

(a) After being informed by the Council that a system of records contains a record pertaining to him or her, an individual may request the Council for access to or disclosure of that record to him or her in the manner described in this section. Each such request of a record or a copy of it will be made at the place specified in the notice describing that system of records, either in writing or in person. Requests may be made by agents, parents, or guardians of individuals as described in § 701.310 (a) and (b).

(b) The request for access to or disclosure of a record should specifically identify the systems of records involved.

(c) The Council will attempt to affirm or deny a request within 10 working days from the time it receives the request or to inform the requester of the need for additional time, additional information, identification, or the tendering of fees (as specified in § 701.312), within 10 working days; except that if the request for access was not preceded by a notification request as provided in § 701.302, then the 10-day period will not begin until after such time as it has been determined that the record exists. If a request is complied with within 10 working days, no separate acknowledgement will be made.

§ 701.306 [Amended]

5. By deleting in paragraph (a) of § 701.306 the figure "§ 701.309(a)" and inserting in lieu thereof the figure "§ 701.310(a)".

6. By deleting in paragraph (a) of § 701.308 the figure "§ 701.304" and inserting in lieu thereof the figure "§ 701.307"; and by adding a paragraph (e) to read as follows:

§ 701.308 Council review of request for correction or amendment of record.

(e) If the requested correction or amendment to a record is agreed to by the Council, the Council will, within 30 working days: (1) Advise the individual; (2) correct the record accordingly; and (3) where an accounting of disclosures had been made (as provided in § 701.311), advise all previous recipients (including the individual) of the record of the fact that the correction was made and the substance of the correction.

7. By adding a new paragraph (3) to paragraph (d) of § 701.309 to read as follows:

§ 701.309 Appeal of initial adverse determination.

(d) * * *

(3) The right to file with the Council a concise statement setting forth the requester's reasons for disagreement with the Council's refusal to correct or amend the record.

8. By redesignating §§ 701.311, 701.312, and 701.313 as §§ 701.312, 701.313, and 701.314 respectively and by adding a new § 701.311 as follows:

§ 701.311 Accounting for disclosures.

(a) *Maintenance of an accounting.*

(1) Where a record is disclosed to any person, or to another agency, under any of the provisions of § 701.303 except §§ 701.303(c) (1) and (2), an accounting will be made. (2) The accounting will record (i) the date, nature, and purpose of each disclosure of a record to any person or to another agency and (ii) the name and address of the person or agency to whom the disclosure was made. (3) Accountings prepared under this section will be maintained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(b) *Access to accounting.* (1) Except for accountings of disclosures made under §§ 701.303(c) (1) and (2), accountings of all disclosures of a record will be made available to the individual to whom the record relates at his or her request. (2) An individual desiring access to accountings of disclosures of a record pertaining to him or her will submit his request by following the procedures of § 701.305.

(c) *Notification of disclosure.* When a record is disclosed pursuant to § 701.303 (c)(11) as the result of the order of a court of competent jurisdiction, reasonable efforts will be made to notify the individual to whom the record pertains as soon as the order becomes a matter of public record.

[FR Doc. 76-5606 Filed 2-24-76; 11:20 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

[Docket No. 76-3]

PART 663—BIKEWAY DEMONSTRATION PROGRAM

Interim Regulation

● **Purpose.** The purpose of this part is to provide interim guidelines for administering the Bikeway Demonstration Program. ●

Chapter 1, Subchapter G of title 23, Code of Federal Regulations is hereby amended by adding a new part, Part 663.

An interim regulation is hereby published by the Federal Highway Administration (FHWA) which prescribes policies and procedures for administering, on an interim basis, the Bikeway Demonstration Program authorized by section 119 of the Federal-Aid Highway

Amendments of 1974, enacted January 4, 1975, as Public Law 93-643. A final regulation will be issued which will have the benefit of further public comment and suggestion.

The program will provide grants to States for demonstration projects for bikeway construction in designated urbanized and urban areas. The grants provide funds for 80 percent of the cost of a project, the remaining 20 percent will be paid by the grantee. Each bikeway project must be part of the continuing comprehensive transportation planning process carried on cooperatively by States with local communities under section 134 of title 23 of the United States Code.

This regulation codifies Volume 6, Chapter 9, Section 14 of the Federal-Aid Highway Program Manual.

Interested parties and government agencies are encouraged to submit written comments, views, or data concerning the regulation promulgated hereby to the Office of the Chief Counsel, Room 4230, FHWA Docket No. 76-3, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. All such submissions received on or before March 30, 1976, will be considered prior to the promulgation of a final Bikeway Demonstration Program regulation.

General notice of proposed rulemaking is not required because the material published herein relates to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a) (2). This interim regulation is effective on March 27, 1976.

Issued on: February 23, 1976.

L. P. LAMM,
Executive Director.

Chapter 1 of title 23 is amended by adding Part 663, as follows:

Sec.	Purpose.
663.1	Definitions.
663.3	Eligible projects.
663.7	Construction standards.
663.9	Federal participation.
663.11	Application procedures.
663.13	Content of proposals.
663.15	Project selection criteria.
663.17	Programming and fiscal procedures.
663.19	Submission date.
Appendix A—Summary Sheet.	

AUTHORITY: § 119, Pub. Law 93-643, 88 Stat. 2288, 23 U.S.C. 314, 49 CFR 1.48(b).

§ 663.1 Purpose.

This part prescribes the policies and procedures for administering the Bikeway Demonstration Program which is intended to provide additional Federal funding for bikeway projects of national interest and promote bicycling as a safe and viable alternative mode of transportation for commuter and/or recreational use in urban or urbanized areas.

§ 663.3 Definitions.

As used herein:

(a) *"Bikeway"*—a bicycle lane or path, or support facility, a bicycle traffic control device, shelter, or a parking facility to serve bicycles and persons using bicycles.

(b) *"Urbanized area"*—an area (of more than fifty thousand population) so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval of the Federal Highway Administrator and Urban Mass Transportation Administrator. Such boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.

(c) *"Urban area"*—an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each State, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Federal Highway Administration. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

(d) *"State"*—any one of the fifty States, the District of Columbia, or Puerto Rico.

(e) *"Applicant"*—a public agency or a nonprofit public service organization.

(f) *"Grantee"*—a State, acting for itself, or on behalf of an applicant.

§ 663.5 Eligible Projects.

(a) Grants made for projects under this section shall be in addition to, and not in lieu of, funds made available for bicycle projects under the provisions of part 652 of this Chapter, "Bikeways and Walkways in Conjunction with Federal and Federal-Aid Highways." The following bikeway projects are not eligible for Bikeway Demonstration funds:

(1) Bikeway projects currently advanced to the "authorization to proceed," stage for any phase of work (23 CFR 630A).

(2) Bikeway projects which are eligible for funding as incidental features of Federal-aid highway construction projects.

(b) Bikeway demonstration projects eligible for funding shall be used for commuting and/or recreational purposes, and shall be located in urban or urbanized areas.

(c) Bikeway demonstration projects in urbanized areas shall be in accordance with the continuing comprehensive transportation planning process carried on cooperatively by States and local communities pursuant to Part 450A of this Chapter.

(d) The provisions of title 23 U.S.C. apply. Federal-aid procedures established by existing regulations are to be followed except where otherwise prescribed. Many bikeway projects will be of such a nature or magnitude that they will not have an effect on decisions or activities of concern to clearinghouse agencies or will not have a significant impact on the environment. Therefore, in accordance with the policy prescribed in 23 U.S.C. 101(e), the timesaving procedures for specific projects outlined in

§ 655.506(b) of this Chapter for Highway Safety Improvement Program projects should be utilized to the extent feasible.

§ 663.7 Construction Standards.

The American Association of State Highway and Transportation Officials' "Guide for Bicycle Routes"¹ shall be used as a standard for the construction and design of bicycle routes. Reasonable deviations will be permitted in the interest of demonstrating innovations in bikeway design. These deviations should be briefly explained in the proposal.

§ 663.9 Federal Participation.

(a) The Federal share of any demonstration project for the construction of a bikeway shall be 80 per centum of the total eligible cost of such project.

(b) Federal participation in eligible bikeway demonstration projects may include the costs of preliminary engineering, right-of-way, construction and evaluation.

§ 663.11 Application Procedures.

(a) Applicants shall submit eight (8) copies of their proposal to the appropriate State highway agency which will transmit seven (7) copies of the proposal to the Regional Federal Highway Administrator through the FHWA Division Office. When the State highway agency is the applicant, only seven (7) copies need be submitted.

(b) The FHWA Regional Office shall review the proposals, together with State and Division Office comments, recommend not more than ten (10) proposals for demonstration in the Region, and transmit five (5) copies of each recommended proposal and one copy of all other proposals together with the Region's comments to the FHWA Design Division, HNG-20, Washington Office. The Regional Office shall ensure that the applicants are notified of the Region's action on the proposals.

(c) The Federal Highway Administration shall make the final selection of projects on a nationwide basis. A committee composed of representatives from appropriate Department of Transportation offices will make the initial project selections and forward their recommendations to the Federal Highway Administrator for final project selection.

(d) The State highway agency will be responsible for:

(1) Certifying the proposed project(s) as being in accordance with section 134 of title 23 U.S.C.,

(2) Making the program funds available to the selected applicants,

(3) Overseeing project evaluation and the preparation of a final evaluation report, and

¹ Copies of the "Guide for Bicycle Routes" are available for examination at the office of the Federal Highway Administration located in each State. Copies may be purchased for \$2.00 per copy, plus postage, from the American Association of State Highway and Transportation Officials (AASHTO), 341 National Press Building, Washington, D.C. 20046.

(4) Ensuring that projects are completed in substantial conformance with the details outlined in the applicant's proposal.

§ 663.13 Content of Proposals.

Each proposal should include as appropriate:

(a) A statement summarizing the need for the proposed project,

(b) A concise statement(s) of what the project is designed to demonstrate and the expected results and benefits,

(c) A description of project activities, including how and where the demonstration project will be implemented,

(d) A demonstration project time schedule (including future use beyond end of demonstration period and plans for development, implementation and operation,

(e) A brief description of the area, available transportation facilities, and other proposed bicycle transportation system improvements in the urban area,

(f) A summary of project costs and breakdown of funding sources,

(g) A description of an evaluation plan to measure the success in achieving the project objectives,

(h) Identification of participating organizations and a statement on coordination with ongoing planning efforts,

(i) Estimated amounts of Federal, State, and local funds spent in the urban area on bikeway projects during the last five (5) fiscal years,

(j) A determination that:

(1) For urbanized areas the project is in accordance with section 134 of title 23 U.S.C. and

(2) A public agency will be responsible for maintenance, and

(k) A one-page project summary sheet (see Appendix A).

§ 663.15 Project Selection Criteria.

(a) Emphasis will be on the selection of a range of projects with potential for nationwide application—differing sizes, types and geographic locations—in which maximum benefits are achieved soon after project completion.

(b) The following criteria will be applied by FHWA Regional and Washington Headquarters in selecting demonstration projects:

(1) Application of new ideas in design, construction, operation, maintenance, utilization, and promotion of bikeways. Particular emphasis will be given to those projects that will provide a safe bicycling environment,

(2) Involvement in the project by local, State, and Federal agencies,

(3) Present and past utilization of available funds for bikeway construction,

(4) Quality of proposed monitoring and evaluation, along with the ability to modify the facility or operation as a result of that evaluation, and

(5) The present and projected utility of the proposed project, and the degree to which the project will serve in satisfying community and national goals such

as in reducing air pollution and energy consumption.

§ 663.17 Programming and Fiscal Procedures.

(a) Once a project has been approved, no further programming action is required. Project development shall be in accordance with procedures applicable to Federal-aid highway projects unless modified by this regulation.

(b) Upon selection of projects, allotments will be made to the Regional Administrators for projects located in their Region. Payment of the Federal share of the costs incurred will be made through the State's current billing procedures as a construction project.

§ 663.19 Submission Date.

(a) Proposals shall be submitted to the appropriate State highway agency by June 1, 1976.

(b) Proposals shall be received in the Washington Headquarters by July 15, 1976.

APPENDIX A

SUMMARY SHEET

Bikeway Demonstration Project

1. Project Title or Identification No. _____
2. Project Sponsor _____
3. Project Contact Person _____
4. Type of Service: Mainly Commuter _____
Mainly Recreational _____ Both _____
5. Project Length (if applicable) _____
6. Estimated Total Cost: _____
Estimated Bikeway Demonstration Funds: _____
7. Estimated Number of Average Weekly Bicyclists: _____ 1st Yr.: _____
2d Yr. _____
8. Brief Summary of Demonstration Project Objectives and Expected Results (one paragraph): _____

[FR Doc. 76-5534 Filed 2-25-76; 8:45 am]

Title 24—Housing and Urban Development
CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Housing Assistance Plans

Correction

In FR Doc. 76-4804 appearing at page 7503 in the issue for Thursday, February 19, 1976, on page 7505, the first column, immediately after the first line add the following phrase: "income households expected to reside in".