

tration by Section 501 and Section 524 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197 (42 U.S.C. 3701 et seq.) (Aug. 6, 1973), LEAA will hold hearings on December 11 and 12 to consider changes to §§ 20.20 (b) and (c) and 20.21 (b), (c) and (d) of 28 CFR Part 20 based upon comments received.

Hearings will be held beginning at 10:00 a.m. each day in the Federal Trade Commission Building, 7th and Pennsylvania Avenue, N.W., Washington, D.C., Room 552. Interested persons who wish to testify should notify Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531, no later than December 8, 1975.

Written views should be submitted to the LEAA Office of General Counsel no later than December 15, 1975.

RICHARD W. VELDE,
Administrator.

[FR Doc.75-30558 Filed 11-12-75;8:45 am]

Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

[FRL 456-1]

PART 435—OFFSHORE SEGMENT OF THE
OIL AND GAS EXTRACTION POINT
SOURCE CATEGORY

Extension of Comment Period

This notice extends the period for comments to the notice, published September 15, 1975, promulgating Interim Final Rules for the Offshore Segment of the Oil and Gas Extraction Point Source Category (40 FR 42543).

Requests for an extension of time were submitted by several persons having an interest in commenting. They argue that additional time is needed to review the notice in sufficient detail to provide meaningful comments.

In view of the requests, the Environmental Protection Agency has determined it is in the public interest that the period for comment on interim final regulation be extended until December 15, 1975.

Dated: November 4, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator
for Water and Hazardous
Materials.

[FR Doc.75-30534 Filed 11-12-75;8:45 am]

[FRL 455-8]

PART 52—APPROVAL AND PROMULGA-
TION OF IMPLEMENTATION PLANS

Arizona; Approval of Compliance Schedule;
Correction

On January 27, 1975 there was published in the FEDERAL REGISTER (FR Doc. 75-2265, 40 FR 3994), a compliance schedule for the Flintkote Company, Nelson, Arizona. The notice published stated that § 52.134 of Title 40 was being

amended by adding the schedule to the table in subparagraph (c) of that section. However, no subparagraph (c), and no table within that subparagraph, had previously been promulgated under § 52.134. Therefore, the promulgation under § 52.134(c) which occurred on January 27, 1975 was incorrect and is hereby revoked.

Because this revocation constitutes a correction of an incorrect promulgation, and since the compliance schedule for Flintkote Company has now expired and the Company is required to be in compliance with applicable air pollution control regulations, EPA finds that good cause exists for making this revocation effective immediately.

[42 U.S.C. 1857c-5]

Dated: November 8, 1975.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

§ 52.134 [Amended]

Section 52.134(c) is removed and reserved.

[FR Doc.75-30669 Filed 11-12-75;8:45 am]

Title 41—Public Contracts and Property
Management

CHAPTER 114—DEPARTMENT OF THE
INTERIOR

[IPMR #75-10]

PART 114-40—TRANSPORTATION AND
TRAFFIC MANAGEMENT

PART 114-41—AUDIT OF
TRANSPORTATION PAYMENTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Part 114-40 of Chapter 114, Title 41 of the Code of Federal Regulations, is deleted in its entirety and new Part 114-41 is added as set forth below.

This revision relates only to matters of Internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this revision shall become effective November 13, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

NOVEMBER 5, 1975.

1. The material in Part 114-40 became obsolete when FPMR Temporary Regulation G-23 was published. Therefore, 41 CFR 114-40 is deleted from the Code of Federal Regulations.

2. New Part 114-41 is added to read as follows:

Subpart 114-41.3—Freight Transportation Services Furnished for the Account of the United States

Sec. 114-41.304 Exception to the use of U.S. Government bills of lading.

114-304-2 Limited authority to use commercial forms and procedures.

AUTHORITY: 5 U.S.C. 301, Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114-41.3—Freight Transportation Services Furnished for the Account of the United States

§ 114-41.304 Exception to the use of U.S. Government bills of lading.

§ 114-41.304-2 Limited authority to use commercial forms and procedures.

(a) In accordance with the authority delegated in 205 DM 9, the head of each bureau and office is authorized to exercise the discretionary authority to use commercial forms and procedures in accordance with the procedures set forth in 101-41.304-2 of FPMR Temporary Regulation G-23 and subject to the limitations established therein.

[FR Doc.75-30557 Filed 11-12-75;8:45 am]

Title 43—Public Lands; Interior
CHAPTER II—BUREAU OF LAND
MANAGEMENT

PART 3300—OUTER CONTINENTAL
SHELF LEASING; GENERAL

Qualified Joint Bidders

In the FEDERAL REGISTER publication of October 1, 1975, a notice was published (40 FR 45171; FR Doc. 75-26212) amending 43 CFR Part 3300 concerning the restriction of joint bidding for Outer Continental Shelf oil and gas leases.

§ 3302.3-2 [Amended]

Notice is hereby given that in § 3302.3-2(a), the regulation is amended as follows:

1. Strike the words "October 20, 1975"
2. Substitute therefor the words "the close of business December 8, 1975"

Prospective bidders are alerted to the requirements of the regulation that Statements of Production referred to therein must be under oath and refer to the production period of January 1, 1975, through June 30, 1975.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: November 7, 1975.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.75-30536 Filed 11-12-75;8:45 am]

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES
CORPORATION

PART 1602—PROCEDURES FOR DIS-
CLOSURE OR PRODUCTION OF INFOR-
MATION UNDER THE FREEDOM OF IN-
FORMATION ACT

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act, 42 U.S.C. 2996-2996f ("the Act"). Section 1005(g) of the Act, 42 U.S.C. § 2996d(g), provides that the Corporation shall be subject to the provisions of the Freedom of Information Act, 5 U.S.C. § 552.

RULES AND REGULATIONS

On page 42374 of the *FEDERAL REGISTER* of September 12, 1975, there were published proposed regulations for Procedures for Disclosure or Production of Information by the Corporation under the Freedom of Information Act. Interested persons were given until October 11, 1975 in which to submit comments, suggestions, or objections regarding the proposed regulations. All comments submitted with respect to the proposed regulations were given due consideration. The proposed regulations were adopted by the Board of Directors of the Corporation with the following minor changes:

1. The third and fourth sentences of § 1602.3, pertaining to policy, were deleted. The third sentence was eliminated as a redundancy. The fourth sentence was eliminated out of concern that it might create a mechanistic test which would deprive the Corporation of the best legal advice. It is the intention of the Board of Directors that exemption decisions be made in a two step process. The first step involves the determination of whether an exemption applies as a matter of law. The second step, which obtains only if an exemption is available under the law, involves the discretionary determination of whether and in what form the requested information should be released. This discretion is to be guided by the policy set forth in the remainder of § 1602.3 and in § 1602.9. Among the considerations which prompted the deletion of the fourth sentence was the fear that a mandatory restrictive interpretation of several of the exemptions might result in undesirable invasions of personal privacy.

2. The Corporation's address and telephone number were inserted in the first sentence of § 1602.5(a). The addresses and telephone numbers of regional records offices were inserted in a new § 1602.5(b).

3. The third sentence in § 1602.9(b) (5) was revised to read, "Fees may be required to be paid in advance in accordance with Section 1602.13." This change clarifies an inconsistency in the earlier draft.

4. A new § 1602.8(e) was inserted in order to give expression to the policy that the Corporation will provide a substantive response to requests for information in a diligent fashion, once a determination is made that a request will be granted.

5. Section 1602.10, pertaining to officials authorized to grant or deny requests for records, was revised to provide that a denial may be made only by the General Counsel or his delegate. This revision is intended to assure that a decision to withhold information is made at a high level in the Corporation by a legal expert who does not otherwise have line responsibility for the records which are likely to be requested.

6. Several additional minor changes of a perfecting nature, not having substantive implications, were made throughout the text.

Accordingly, with these changes and additions, the proposed regulations are

adopted as set forth below, to become effective December 15, 1975, pursuant to section 1008(e) of the Act.

Subpart A—General

| | |
|--------|--------------|
| Sec. | |
| 1602.1 | Purpose. |
| 1602.2 | Definitions. |
| 1602.3 | Policy. |

Subpart B—Maintenance of Records

| | |
|--------|-------------------------|
| 1602.4 | Index of records. |
| 1602.5 | Central records room. |
| 1602.6 | Regional records rooms. |

Subpart C—Procedure

| | |
|---------|--|
| 1602.7 | Use of records rooms. |
| 1602.8 | Availability of records on request. |
| 1602.9 | Invoking exemption to withhold a requested record. |
| 1602.10 | Officials authorized to grant or deny request for records. |
| 1602.11 | Denials. |
| 1602.12 | Appeals of denials. |
| 1602.13 | Fees. |

AUTHORITY: Sec. 1005(g), 68 Stat. 381 (42 U.S.C. § 2996d(g)).

Subpart A—General

§ 1602.1 Purpose.

These regulations provide information concerning the procedures by which records of the Legal Services Corporation may be made available pursuant to section 1005(g) of the Legal Services Corporation Act, 42 U.S.C. 2996d(g), and the Freedom of Information Act, as amended in 1974, 5 U.S.C. 552.

§ 1602.2 Definitions.

As used in this Part,—

(a) "Act" means the Legal Services Corporation Act, 42 U.S.C. 2996–2996i;

(b) "Corporation" means the Legal Services Corporation;

(c) "FOIA" means the Freedom of Information Act, as amended in 1974, 5 U.S.C. 552;

(d) "President" means the President of the Legal Services Corporation;

(e) "Records" means books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Corporation in connection with the transaction of the Corporation's business and preserved or appropriate for preservation by the Corporation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Corporation or because of the informational value of data in them. The term does not include books, magazines, or other materials acquired solely for library purposes and available through any officially designated library of the Corporation.

§ 1602.3 Policy.

It is and will be the policy of the Corporation to maximize the extent to which records concerning its operations, activities, and business will be available to the public. Records will be withheld from the public only in accordance with the FOIA and these implementing regulations. Records which may be exempted from disclosure will generally be made available as a matter of discretion when disclosure is not prohibited by law and

it does not appear adverse to legitimate public or personal interests.

The Corporation will attempt to provide the fullest possible assistance to requesting parties, including information as to how and where the request may be submitted. The Corporation will provide the most timely possible action on requests for records.

Subpart B—Maintenance of Records

§ 1602.4 Index of records.

The Corporation will maintain a current index identifying any matter within the scope of § 1602.5(b) (1)–(3) which has been issued, adopted, or promulgated by the Corporation, and other information published or made publicly available. The index will be maintained and made available for public inspection and copying at the Corporation's headquarters in Washington, D.C., and at each regional office. The Corporation will publish the index or a supplement thereto at least once each quarter and will distribute copies on request, at a cost not to exceed the direct cost of duplication.

§ 1602.5 Central records room.

(a) The Corporation will maintain a central records room at its headquarters at 733 15th Street, NW., Suite 700, Washington, D.C. 20005, (202) 376-5100. This room will be supervised by a Records Officer, and will be open during regular business hours of the Corporation for the convenience of members of the public in inspecting and copying records made available pursuant to this Part. Certain records, as described in paragraph (b) of this section, will be regularly maintained in or in close proximity to the records room, to facilitate access thereto by any member of the public.

(b) Subject to the limitation stated in paragraph (c) of this subsection, there will be available in the central records room the following:

(1) All final opinions, including concurring and dissenting opinions, and orders made in the adjudication of cases;

(2) Statements of policy and interpretations adopted by the Corporation;

(3) Administrative staff manuals and instructions to the staff which affect the public;

(4) To the extent feasible, guidelines, forms, published regulations, notices, program descriptions, and other records considered to be of general interest to members of the public in understanding activities of the Corporation or in dealing with the Corporation in connection with those activities;

(5) The current index required by § 1602.4

(c) Certain types of staff manuals or instructions, such as instructions to auditors or inspection staff, or instructions covering certain phases of contract negotiation, which deal with the performance of functions that would automatically be rendered ineffective by general awareness of the Corporation's techniques or procedures, may be exempt from mandatory disclosure even though they affect or may affect the public. These records

will not be maintained in the central records room.

(d) Certain records maintained in the records room or otherwise made available pursuant to this Part may be "edited" by the deletion of identifying details concerning individuals, to prevent a clearly unwarranted invasion of personal privacy. In such cases, the record shall have attached to it a full explanation of the deletion.

§ 1602.6 Regional records rooms.

(a) Each regional office shall have either a specially designated records room similar to the central records room described in § 1602.5 or, if that is not feasible, a designated area within the office, a principal function of which is to serve the public in accordance with this Part. The Corporation will endeavor to maintain and have readily available in its regional offices the records described in § 1602.5(b), and will designate a Records Officer in each regional office to receive and process requests submitted pursuant to this Part.

(b) The regional records rooms are located at the following addresses:

Boston Regional Office, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (617) 223-4093.

New York Regional Office, 26 Federal Plaza, 32nd Floor, New York, New York 10007 (212) 264-1940.

Philadelphia Regional Office, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104 (215) 597-6105.

Atlanta Regional Office, 730 Peachtree Street, N.E., Atlanta, Georgia 30308 (404) 526-3049.

Chicago Regional Office, 300 South Wacker Drive, 26th Floor, Chicago, Illinois 60606 (312) 353-1155.

Dallas Regional Office, 1100 Commerce Street, Dallas, Texas 75202 (214) 749-1357.

Kansas City Regional Office, 911 Walnut Street, Kansas City, Missouri 64106 (816) 374-5118.

Denver Regional Office, 1961 Stout Street, Denver, Colorado 80202 (303) 837-4026.

San Francisco Regional Office, 690 Market Street, Room 700, San Francisco, California 94104 (415) 556-8484.

Seattle Regional Office, Arcade Plaza Building, 1821 Second Avenue, Seattle, Washington 98101 (206) 442-0593.

Subpart C—Procedure

§ 1602.7 Use of records rooms.

(a) Any member of the public who wishes to inspect or copy records regularly maintained in the central or a regional records room may secure access to these records by presenting himself or herself at the records room during business hours. No advance notice or appointment is required, although persons wishing to make extended use of regional office facilities should take account of the possible limitations in these facilities.

(b) Each records room will also be available to any member of the public to inspect and copy records which are not regularly maintained in such room. To obtain such records a person should present his or her request identifying the records to the Records Officer. Because it will sometimes be impossible to produce these records or copies of them on short

notice, a person who wishes to use records room facilities to inspect or copy such records is advised to arrange a time in advance, by telephone or letter request made to the Records Officer of the facility which he or she desires to use. Persons submitting requests by telephone will be advised by the Records Officer or another designated employee whether a written request would be advisable to aid in the identification and expeditious processing of the records sought. Persons submitting written requests should identify the records sought in the manner provided in § 1602.8(b) and should indicate whether they wish to use the records room facilities on a specific date. The Records Officer will endeavor to advise the requesting party as promptly as possible if, for any reason, it may not be possible to make the records sought available on the date requested.

§ 1602.8 Availability of records on request.

(a) In addition to the records made available through the records rooms, the Corporation will make such records available to any person in accordance with paragraphs (b) and (c) of this section, unless it is determined that such records should be withheld and are exempt from mandatory disclosure under the FOIA and § 1602.9 of these regulations.

(b) Requests. (1) A request will be acceptable if it identifies a record with sufficient particularity to enable officials of the Corporation to locate the record with a reasonable amount of effort. Requests seeking records within a reasonable specific category will be deemed to conform to the statutory requirement of a request which "reasonably describes" such records if professional employees of the Corporation who are familiar with the subject area of the request would be able, with a reasonable amount of effort, to determine which particular records are encompassed within the scope of the request, and to search for, locate, and collect the records without unduly burdening or materially interfering with operations because of the staff time consumed or the resulting disruption of files. If it is determined that a request does not reasonably describe the records sought as specified in this paragraph, the response denying the request on that ground shall specify the reasons why the request failed to meet the requirements of this paragraph and shall extend to the requesting party an opportunity to confer with Corporation personnel in order to attempt to reformulate the request in a manner which will meet the needs of the requesting party and the requirements of this paragraph.

(2) To facilitate the location of records by the Corporation, a requesting party should try to provide the following kinds of information, if known: (i) the specific event or action to which the record refers; (ii) the unit or program of the Corporation which may be responsible for or may have produced the record; (iii) the date of the record or the date or period to which it refers or relates; (iv) the type of record, such as an applica-

tion, a grant, a contract, or a report; (v) personnel of the Corporation who may have prepared or have knowledge of the record; (vi) citations to newspapers or publications which have referred to the record.

(3) The Corporation is not required to create a record to satisfy a request for information. When the information requested exists in the form of several records at several locations, the requesting party should be referred to those sources only if gathering the information would unduly burden or materially interfere with operations of the Corporation.

(4) All requests for records under this section shall be made in writing, with the envelope and the letter clearly marked: "Freedom of Information Request." All such requests shall be addressed to the Records Officer at the headquarters of the Corporation or at any regional records office. Any request not marked and addressed as specified in this subparagraph will be so marked by Corporation personnel as soon as it is properly identified, and forwarded immediately to the Records Officer. A request improperly addressed will not be deemed to have been received for purposes of the time period set forth in paragraph (c) of this section until forwarding to the appropriate office has been effected, or until such forwarding would have been effected with the exercise of due diligence by Corporation personnel. On receipt of an improperly addressed request, the Records Officer shall notify the requesting party of the date on which the time period commenced to run.

(5) A person desiring to secure copies of records by mail should write to the Records Officer at the headquarters in Washington, D.C. The request should identify the records of which copies are sought and should indicate the number of copies desired. Fees may be required to be paid in advance in accordance with § 1602.13. The requesting party will be advised of the estimated fee, if any, as promptly as possible. If a waiver of fees is requested, the grounds for such request should be included in the letter.

(c) The Records Officer, upon request for any records made in accordance with this Part, shall make an initial determination of whether to comply with or deny such request and dispatch such determination to the requesting party within ten days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such request, except for unusual circumstances in which case the time limit may be extended for not more than ten working days by written notice to the requesting party setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. In determining whether to issue a notice of extension of time for a response to a request beyond the ten-day period, Corporation officials shall consult with the Office of the General Counsel. As used herein, "unusual circumstances" are limited to the following, but only to the extent reasonably neces-

nary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Corporation having substantial subject matter interest therein.

(d) If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requesting party may deem his request denied, and exercise a right of appeal in accordance with § 1602.12. When no determination can be dispatched within the applicable time limit, the Records Officer shall nevertheless continue to process the request. On expiration of the time limit, he shall inform the requesting party of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the President in accordance with § 1602.12; and he may ask the requesting party to forego appeal until a determination is made.

(e) After it has been determined that a request will be granted, the Corporation will act with diligence in providing a substantive response.

§ 1602.9 Invoking exemptions to withhold a requested record.

(a) A requested record of the Corporation may be withheld from public disclosure only if one or more of the following categories exempted by the FOIA apply:

(1) Matter which is (i) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) is in fact properly classified pursuant to such Executive Order;

(2) Matter which is related solely to the internal personnel rules and practices of the Corporation;

(3) Matter which is specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Corporation;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right of a fair trial or an impartial

adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Matter which is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) In the event that one or more of the above exemptions applies, any reasonably segregable portion of a record shall be provided to the requesting party after deletion of the portions which are exempt. In appropriate circumstances, subject to the discretion of Corporation officials, it may be possible to provide a requesting party with: (1) a summary of information in the exempt portion of a record or (2) an oral description of the exempt portion of a record. In determining whether any of the foregoing techniques should be employed in accordance with this paragraph or whether an exemption should be waived in accordance with paragraph (c) of this section, Corporation officials shall consult with the Office of General Counsel. No requesting party shall have a right to insist that any or all of the foregoing techniques should be employed in order to satisfy a request.

(c) Records which may be exempted from disclosure pursuant to paragraph (a) of this section may be made available as a matter of discretion when disclosure is not prohibited by law, if it does not appear adverse to legitimate public or personal interests.

§ 1602.10 Officials authorized to grant or deny requests for records.

The General Counsel shall furnish necessary advice to Corporation officials and staff as to their obligations under this Part and shall take such other actions as may be necessary or appropriate to assure a consistent and equitable application of the provisions of this Part by and within the Corporation. Officials of the Corporation shall consult with the General Counsel before denying requests under this Part, or before granting requests for waiver or modified application of an exemption or for categories of documents which the General Counsel determines may present special or unusual problems. Only the General Counsel or his delegate, is authorized to deny requests under this Part. The General Counsel, and subject to consultation with him when required, the Records Officer, each Regional Director, and each Re-

gional Records Officer, are authorized to grant requests under this Part.

§ 1602.11 Denials.

(a) A denial of a written request for a record issued by an official of the Corporation shall be in writing and shall include the following:

(1) A reference to the applicable exemption or exemptions in § 1602.9(a) upon which the denial is based;

(2) An explanation of how the exemption applies to the requested records;

(3) A statement explaining why it is deemed unreasonable to provide segregable portions of the record after deleting the exempt portions;

(4) The name and title of the person or persons responsible for denying the requests; and

(5) An explanation of the right to appeal the denial and of the procedures for submitting an appeal, including the address of the official to whom appeals should be submitted.

(b) Whenever the Corporation makes a record available subject to the deletion of a portion of the record, such action shall be deemed a denial of a record for purposes of paragraph (a) of this section.

(c) All denials shall be treated as opinions and shall be maintained and indexed accordingly, subject only to the necessity of deleting identifying details the release of which would constitute a clearly unwarranted invasion of personal privacy for a member of the public.

§ 1602.12 Appeals of denials.

(a) Any person whose written request has been denied is entitled to appeal the denial within ninety days by writing to the President of the Corporation at the headquarters in Washington, D.C. The envelope and letter should be clearly marked: "Freedom of Information Appeal." An appeal need not be in any particular form, but should adequately identify the denial, if possible, by describing the requested record, identifying the official who issued the denial, and providing the date on which the denial was issued.

(b) No personal appearance, oral argument, or hearing will ordinarily be permitted on appeal of a denial. Upon request and a showing of special circumstances, however, this limitation may be waived and an informal conference may be arranged with the President, or the President's specifically designated representative, for this purpose.

(c) The decision of the President on an appeal shall be in writing and, in the event the denial is in whole or in part upheld, shall contain an explanation responsive to the arguments advanced by the requesting party, the matters described in § 1602.11(a)(1)-(4), and the provisions for judicial review of such decision under Section 552(a)(4) of the FOIA. The decision shall be dispatched to the requesting party within twenty working days after receipt of the appeal, unless an additional period is justified pursuant to Section 1602.8(c) and such

period taken together with any earlier extension does not exceed ten days. The President's decision shall constitute the final action of the Corporation. All such decisions shall be treated as final opinions under § 1602.5(b).

§ 1602.13 Fees.

(a) Information provided routinely in the normal course of doing business will be provided at no charge.

(b) The Records Officer may waive or reduce fees where special circumstances, including but not limited to the benefit of the general public, warrant. A Records Officer shall waive fees where the requesting party is indigent unless the fees would exceed \$25 and may waive or reduce fees for the request of an indigent where the fees would exceed \$25. These provisions will be subject to appeal in the same manner as appeals from denial under § 1602.12.

(c) There shall be no fee charged for services rendered by the Corporation pursuant to this Part, unless the charges, as calculated in paragraph (e) of this Section, exceed \$6.50. Where the charges are calculated to exceed \$6.50, the fee shall be the difference between \$6.50 and the calculated charges.

(d) Ordinarily, no fee shall be levied where the records requested are not provided or made available. However, if the time expended in processing the request is substantial, and if the requesting party has been notified of the estimated cost pursuant to paragraph (f) of this section, and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(e) The schedule of charges for services regarding the production or disclosure of the Corporation's records is as follows:

- (1) Search for records: \$1.50 per one-quarter hour.
- (2) Computer Time:
 - Central Processing Unit, \$10.80 per minute.
 - Card Reader, .60 per 1000 cards.
 - Printer, .60 per 333 cards.
 - Tape or Disk, .60 per 100 lines; .75 per 1000 number of reads or lines.
 - Minimum charge, \$1.50.
- (3) Reproduction, duplication, or copying of records: \$0.10 per page.
- (4) Reproduction, duplication, or copying of microfilm:
 - Microfilm, \$0.75 per frame.
 - Microfiche, \$1.45 per jacket.
- (5) Certification of true copies: \$1.00 each.

(f) Where it is anticipated that the fee chargeable under this Part will amount to more than \$25, and the requesting party has not indicated in advance his willingness to pay so high a fee, the requesting party shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requesting party is notified of the anticipated cost and agrees to bear it. Such a notification shall be transmitted as soon as possible, but in any event within five working days, giving

the best estimate then available. The notification shall offer the requesting party the opportunity to confer with appropriate representatives of the Corporation for the purpose of reformulating the request so as to meet his needs at a reduced cost.

(g) Where the anticipated fee chargeable under this Part exceeds \$25, an advance deposit of 25 percent of the anticipated fee may be required. Where a requesting party has previously failed to pay a required fee, an advance deposit of the full amount of the anticipated fee together with the fee then due and payable may be required.

(h) The Corporation reserves the right to limit the number of copies that will be provided of any document to any one requesting party, or to require that special arrangements for duplication be made in the case of bound volumes or other records representing unusual problems of handling or reproduction.

Effective date: December 15, 1975.

DAVID S. TATEL,
Counsel to the Corporation.

[FR Doc. 75-30638 Filed 11-12-75; 8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. MC-56; Notice 75-23]

PART 393—PROHIBITION AGAINST OPERATING WITH OVERLOADED OR UNDERINFLATED TIRES

Spot Amendment to FMCSR

● Purpose. This order clarifies the intent of the amendment to § 393.75 of the Federal Motor Carrier Safety Regulations (FMCSR), pertaining to tires published in the Federal Register on September 29, 1975 (40 FR 44555). ●

Section 393.75(f)(2) of the FMCSR (49 CFR 393.75(f)(2)) is being amended to delete the phrase, "and marked on the tire's sidewall." The cited words would require all tires on other than front-wheels to have the load capacity marked on them after October 1, 1976.

It was intended that § 393.75 specify load requirements for tires and for front-wheel tires to meet all the requirements of FMVSS No. 119 after April 1, 1976. It was not the intent to preclude the use of tires, new and used, after October 1, 1976, if they were not marked with a load capacity rating, provided the load on the tire did not exceed that specified in FMVSS No. 119 for the size tire in question.

A miscalculation has been made on the turnover time of tires now in service without a load rating marked on the sidewall. Tires presently in service, new and used, made before FMVSS No. 119 went into effect on March 1, 1975, may or may not have a load rating mark on the tire sidewall. A decision has been made to amend § 393.75(f)(2) to allow the use of tires presently in service on and after October 1, 1976, even though they do not have a load rating marked on the tire

if the load capacity for the tire is not exceeded.

In consideration of the foregoing, § 393.75 is amended by revising paragraph (f)(2) to read as follows:

§ 393.75 Tires.

(f) * * *

(2) Other than front-wheels. On and after October 1, 1976, no motor vehicle shall be operated with tires on wheels other than the front-wheels which carry a greater weight than that specified for the tire in any of the publications of the standardizing bodies listed in FMVSS No. 119 (49 CFR 571.119) except for those vehicles being operated at reduced speed under the terms of a special permit issued by one of the several States and specifying reduced speeds.

(Section 204, Interstate Commerce Act, 49 U.S.C. 304, section 6, Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively)

Effective date: November 4, 1975.

Since this amendment is nonsubstantive in character and does not impose additional burden on any person, notice and public procedures thereon are unnecessary and it is effective on date of issuance as set forth below, except as provided in the rule.

Issued on November 4, 1975.

ROBERT A. KAYE,
Director.

Bureau of Motor Carrier Safety.

[FR Doc. 75-30561 Filed 11-12-75; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Nevada

The following special regulations are issued and are effective on January 1, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions: Fishing shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 3737, Portland, OR 97208.

Charles Sheldon Antelope Range. (Headquarters: P.O. Box 111, Lakeview, OR 97630.)
Ruby Lake National Wildlife Refuge, Ruby Valley, NV 89833.

Stillwater National Wildlife Refuge, P.O. Box 592, Fallon, NV 89406.

Special Condition: Refuge closed to fishing during the migratory waterfowl hunting season.