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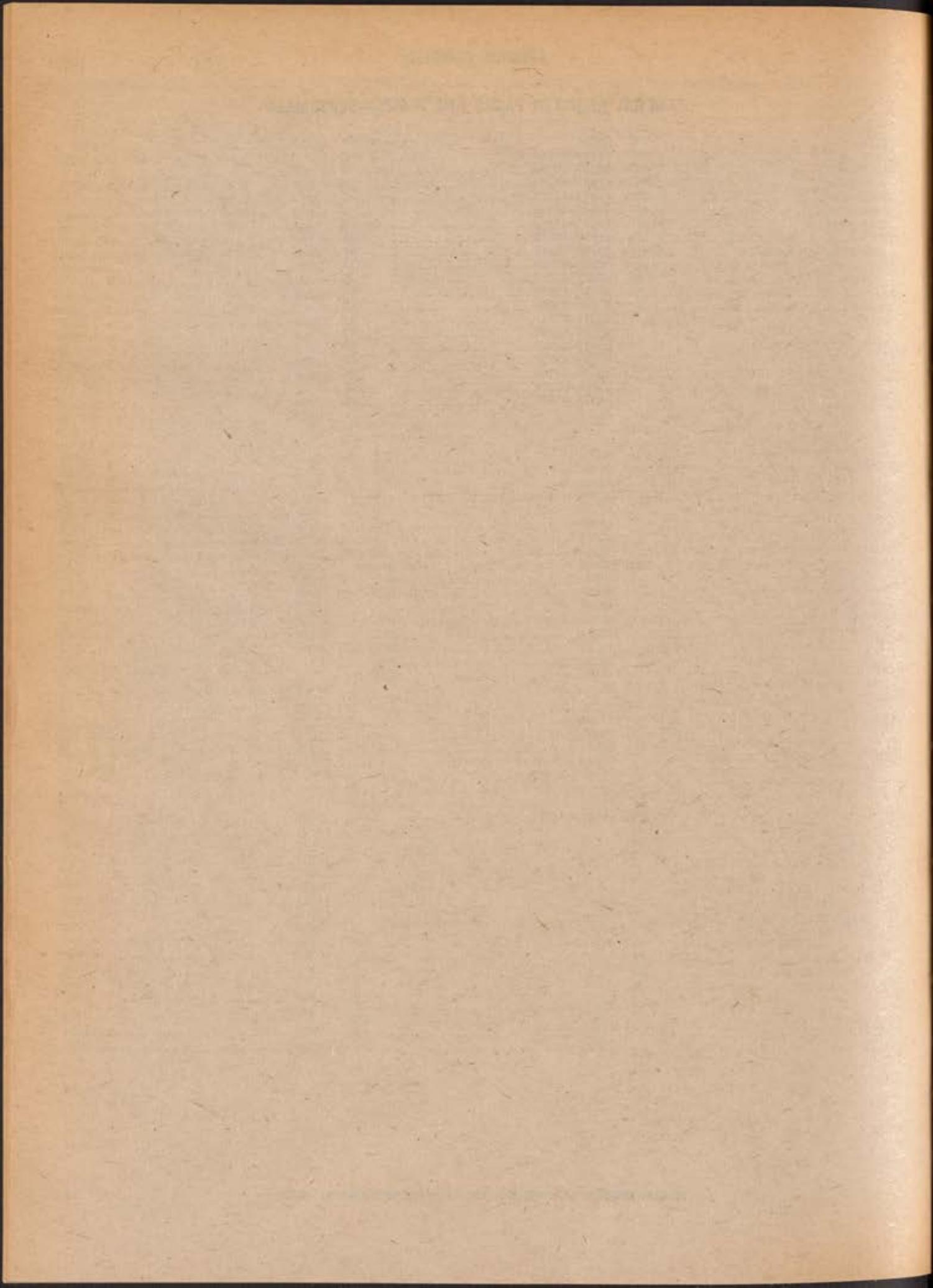
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—Upland Cotton Program for 1974 and Succeeding Crops

MISCELLANEOUS AMENDMENTS

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970 and the Agriculture and Consumer Protection Act of 1973. (Pub. L. 91-524, 84 Stat. 1358; Pub. L. 93-86, 87 Stat. 233.) Major purposes of this amendment are as follows:

1. To provide that land owned by the Federal Government is eligible to participate in the program except under certain conditions.

2. To provide for the 1975 disaster payment rate.

3. To change the method of computing payment when substitution between wheat, feed grain, and upland cotton is applicable.

4. To provide that destroyed immature cotton acreage which is in excess of the disaster allotment shall be excluded from coverage and the potential production from the acreage shall not be counted in determining eligibility for and the amount of a low yield payment.

Since farmers and local State and county ASC committees need to know the provisions of the program for the 1975 crop as soon as possible, it is hereby found and determined that compliance with the notice and public procedure requirement of 5 U.S.C. 533 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective on September 26, 1975.

1. The table of contents is revised by changing the title of § 722.808 as follows:

722.808 Filing requirements.

2. Section 722.802 is amended by redesignating paragraphs (d) through (j) as (e) through (k), and adding a new paragraph (d) as follows:

§ 722.802 Definitions.

(d) "Disaster Allotment" means the effective upland cotton allotment adjusted downward to the extent it is underplanted or upward to the extent it is overplanted as a substitute for an underplanted feed grain or wheat allotment

established for the farm: *Provided*, That such overplanted cotton shall not be credited to underplanted feed grains or wheat if already credited to feed grain or wheat under parts 728 and 775 of this chapter as amended.

3. Paragraph (b) of § 722.804 is revised to read as follows:

§ 722.804 Requirements for eligibility.

(b) *Farm requirement.* (1) To obtain a disaster payment, a Report of Acreage (herein called "Form 580"), an Application for Disaster Credit (herein called "Form 574"), and an Application for Payment (herein called "Form 516") shall be filed as prescribed in § 722.808. The farm operator shall also file a record of production acceptable to the county committee in such manner as the committee prescribes. Such production record shall be filed within the period authorized by the Deputy Administrator.

(2) To obtain a deficiency payment, the operator must file Forms 580 and 516 as prescribed in § 722.808.

(3) In the case of any farm participating in the CAP or CCP, the acreage of upland cotton and other nonconserving crops shall not exceed the number of acres of nonconserving crops permitted under the CAP or CCP.

(4) Land owned by the Federal Government shall be ineligible for participation in the program if it is occupied without a lease, permit, or other right of possession.

4. Section 722.805 is amended by revising paragraph (b) (2) to read as follows:

§ 722.805 Farm yield and payment rates.

(b) *Payment rates.*

(2) *Disaster payment rate.* The per pound disaster payment rate for upland cotton shall be equal to the larger of the deficiency payment rate or one-third of the established price. The disaster payment rate for: (i) 1974 is 12.7 cents per pound, and (ii) 1975 is 12.7 cents per pound.

5. Section 722.808 is revised to read as follows:

§ 722.808 Filing requirements.

(a) *Who may file.* Forms 516 and 580 must be filed by the farm operator for a deficiency payment and Forms 516, 574, and 580 (if not already filed for a deficiency payment) must be filed by the farm operator for a disaster payment.

(b) *Where to file.* The required forms shall be filed with the office of the county committee having jurisdiction over the county where the farm is located.

(c) *When to file.* The required forms shall be filed within the period authorized by the Deputy Administrator.

(d) *Revision.* Forms 516, 574, 580 filed for a farm prior to the farm being reconstituted shall be cancelled and the farm operator notified of the cancellation. He may file new forms by the later of (1) the date authorized under paragraph (c) or (2) 15 days after the mailing date of such notice of reconstitution.

6. Section 722.809 is amended by changing Form 580-2 to Form 516 in paragraph (a), revising paragraph (b), deleting paragraph (e), redesignating paragraphs (f) through (k) as (e) through (j) respectively, revising the last sentence of the new paragraph (f), and revising the new paragraphs (j). The revised provisions read as follows:

§ 722.809 Payments.

(b) Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations in this subpart and in Part 718 of this chapter.

(f) * * * The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any feed grain or wheat payments for the farm or receives an unearned payment through no fault of his own.

(j) A farm shall not be deemed to have suffered a loss which qualifies it for a low yield payment unless the current year production of cotton is less than the disaster allotment multiplied by the yield established as provided in § 722.805(a) and by a factor furnished to the county committee in accordance with instructions issued by the Deputy Administrator. The factor shall be determined by dividing the 10-year average county actual yield by the current county average payment yield and multiplying the result by two-thirds: *Provided*, That if county actual yields are available for less than 10 years the factor shall be based on the number of years available: *Provided further*, That if county actual yields are available for less than 5 years the factor shall be based on a 10-year average State yield if such computation would result in a smaller factor. No county factor shall exceed 0.6667. If a natural disaster

condition exists on a farm at the time of filing an application for increased allotment by transfer or reapportionment and such national disaster condition continues through the normal planting period and the producer nevertheless plants cotton, he will be ineligible for a low yield payment for loss of production on any acres in excess of the larger of the farm's basic allotment prior to any increase, or the normal harvested acreage as established by the county committee not to exceed the effective allotment unless the county committee determines that the loss resulted from a natural disaster other than the one existing during the normal planting period. A farm may qualify for a low yield payment even though it does not qualify by using the established yield times the factor if (1) the provisions of § 722.805(a) do not result in a reduction in the established yield and (2) the current year production is less than two-thirds of what the production would be if computed by multiplying the smaller of the allotment or planted acres by one of the following:

(1) The actual unadjusted average yield for the preceding three years; or
 (2) The applicable yield established as provided in § 722.805(a) if there is convincing proof that the loss was due to a sudden and identifiable destruction of the crop, part of the acreage is substantially unaffected by the disaster, all of which averages at least two-thirds of the established yield, the county committee determines that but for the disaster the per acre yield for the farm would have been at least two-thirds of the established yield, and the payment is approved in writing by a representative of the State committee. Destroyed immature cotton acreage which is in excess of the disaster allotment, shall be disregarded for the purpose of determining the eligibility for and the amount of low yield payments. Cotton acreage not disregarded shall be appraised and the appraised production shall be added to the actual production for the purpose of determining eligibility for and the amount of low yield payments, in accordance with instructions issued by the Deputy Administrator. Any cotton acreage destroyed without opportunity for appraisal for which the production was not disregarded shall be charged with the larger of the established yield or the per acre yield from the harvested acres. Low yield payments shall be determined by multiplying the disaster allotment by the applicable yield established as provided in § 722.805(a), subtracting the determined production therefrom, and multiplying the result by the disaster payment rate provided in § 722.805(b).

7. Section 722.813 is revised to read as follows:

§ 722.813 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 516, the payment due him shall be made to his successor, as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of cotton or would have had an interest as a producer if cotton had been planted (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 516 has been filed, the payment to the predecessor and successor shall be divided between them on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, a fair and equitable division shall be determined by the county committee.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 516, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

(Sec. 103, 84 Stat. 1374, 87 Stat. 233, (7 U.S.C. 1444)).

Effective date: September 26, 1975.

Signed at Washington, D.C. on September 19, 1975.

KENNETH E. FRICK,
 Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 75-25785 Filed 9-25-75; 8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 13]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Sept. 28-Oct. 4, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.313 Lemon Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter

provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(1) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is unchanged this week. Average f.o.b. price was \$8.30 per carton the week ended September 20, 1975, compared to \$8.30 per carton the previous week. Track and rolling supplies at 61 cars were down 23 cars from last week.

(1) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 23, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 28, 1975, through October 4, 1975, is hereby fixed at 225,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 24, 1975.

CHARLES R. BRADER,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[FR Doc. 75-26066 Filed 9-25-75; 8:45 am]

[Grapefruit Reg. 63]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Interior grapefruit that may be shipped to fresh market during the weekly regulation period September 29-October 5, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 913. The quantity of grapefruit produced in the Interior District in Florida so fixed was arrived at after consideration of the total available supply of Florida Interior grapefruit, the quantity currently available for market, the fresh market demand for Florida Interior grapefruit, Interior grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 913.363 Grapefruit Regulation 63.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of Interior District grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Interior District grapefruit industry. The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Florida Interior District Grapefruit is weak. Average f.o.b. prices per 4/5 bushel carton were \$2.68 for white seedless and \$3.01 for pink seedless during the week ended September 21, 1975. Shipments for the week ended Sep-

tember 21 and for the previous week were 414 cartons and 382 cartons, respectively. On September 21, 1975, there were approximately 11,004 cartons of Interior District grapefruit remaining for interstate shipments while 996 cartons had been shipped to that date. Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 23, 1975.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period September 29, 1975, through October 5, 1975, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 25, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[FR Doc. 75-26070 Filed 9-25-75; 12:27 pm]

[Avocado Reg. 17, Amd. 11]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment revises the maturity requirements for the Waldin, Booth 7, Hickson, Blair, and Marcus varieties of Avocados. These varieties will mature one to two weeks sooner than they currently can be shipped at specified minimum weights or diameters. Unseasonal growing conditions in the production area have caused avocados to mature earlier than in prior seasons. Weights or diameters and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the amendment stems from the current avocado crop maturity situation. Maturity studies on the specified varieties completed recently indicate that avocados of such varieties will be mature at the hereinafter specified dates, minimum weights, or diameters.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of the amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of specified varieties of avocados.

Order. The provisions of paragraph (a) (2) of § 915.317 (Avocado Regulation 17; 40 FR 24006; 26501; 28048; 29068; 29812; 30793; 32823; 33963; 38145; 41993) are amended by revising in Table I the dates applicable to the Waldin, Booth 7, Hickson, Blair, and Marcus varieties so that after such revision the portion of Table I relating to such varieties of avocados reads as follows:

§ 912.31

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Waldin	8-11-75	16 oz. 2 3/4 in.	8-25-75	14 oz. 2 1/2 in.	9- 8-75	12 oz. 2 1/4 in.	9-22-75
Booth 7	9-22-75	15 oz. 2 3/4 in.	10- 6-75	14 oz. 2 1/2 in.	11-10-75		
Hickson	9-22-75	12 oz. 2 1/4 in.	10-12-75	10 oz. 2 1/4 in.	10-27-75		
Blair	9-15-75	16 oz.	9-22-75	14 oz. 2 1/2 in.	10-25-75		
Marcus	9-22-75	40 oz.	10- 6-75	32 oz.	11-17-75		

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 22, 1975, to become effective September 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 75-25709 Filed 9-25-75; 8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1975 Crop Supplement to Cotton Loan Program Regulations

Correction

In FR Doc. 75-18934, appearing at page 30795 in the issue for Wednesday, July 23, 1975, on page 30797 in the table in § 1427.102 under the grade "Light spotted", in the category "SLM", for the staple length (inches) "1 1/4", change the entry reading "-225" to read "-255".

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Addition to List of Ports of Entry for Commercial Birds

• The purpose of this amendment is to add San Diego, California, to the list of ports of entry for the importation of commercial birds. •

Statement of considerations. Commercial birds imported into the United States through California ports of entry must now be subjected to veterinary inspection at the ports of entry located at San Ysidro, Los Angeles, or San Francisco, California. Air shipments of commercial birds arriving from or through Mexico destined for the San Diego area cannot be handled expeditiously at the Customs port of entry at San Ysidro, California because of lack of adequate commercial airport facilities. To overcome this situation, San Diego, California, which has an airport where facilities and personnel are available to conduct the required inspections, is added to the list of Customs

ports of entry through which commercial birds may be imported.

§ 92.8 [Amended]

Accordingly, in § 92.8(b), "San Diego, California," is added immediately after the reference to "El Paso, Texas;"

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, and 134f; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective September 26, 1975.

The amendment relieves certain restrictions by permitting the entry of commercial birds through an additional Customs port of entry and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in the rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23rd day of September, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc. 75-25784 Filed 9-25-75; 8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 213—OIL IMPORT REGULATIONS

Reduction of the Supplemental Fee on Unfinished Oils and Finished Products

Under Proclamation No. 3279, as amended, which established the Mandatory Oil Import Program, the Administrator of the Federal Energy Admin-

istration (FEA) is authorized, with respect to imports other than (A) any material imported for refining that qualifies for inclusion in a refiner's crude oil runs to stills under the Old Oil Allocation Program or (B) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, to reduce the \$2.00 supplemental fee on petroleum imports by \$1.40, or "by such other amount as he may determine to be necessary to achieve the objectives of the Proclamation and the Emergency Petroleum Allocation Act." In accordance with this authority, the supplemental fee on products other than those excepted from reduction has been \$0.60. FEA has now decided to reduce the supplemental fee on products to zero effective September 1, 1975.

With expiration of the Emergency Petroleum Allocation Act on August 31, 1975, a certain confusion has been created in the marketplace. The uncertainty of the legislative situation coupled with other factors is apparently causing importers to withhold fuel oil from the domestic market pending a decision on the application of fees to such imports. Removal of the \$0.60 fee will ensure that imports of heating oil are not disrupted.

In addition, a study recently undertaken by FEA indicates that interaction of the Mandatory Oil Import Program with the Old Oil Allocation Program established pursuant to the Emergency Allocation Act may have contributed to harmful distortions in the United States residual fuel oil market and, further, that these distortions could affect product importers generally if the Act, now expired, is extended by Congress.

Accordingly, FEA hereby amends § 213.35 of its regulations to reduce from \$0.60 to zero, effective September 1, 1975, the supplemental fee on all unfinished oils and finished products except those refined in a refinery outside of the customs territory as to which the crude oil runs to stills would qualify a refiner to receive entitlements. The detailed rationale for this amendment is described below.

It should be noted that this fee reduction will remain in effect regardless of whether price controls are reimposed.

BACKGROUND

In order to place this amendment in its proper perspective, it is necessary to consider the interaction of the 60¢ product import fee with certain other FEA programs implemented under the EPAA, which would automatically be reinstated should Congress retroactively extend the Act.

OLD OIL ALLOCATION PROGRAM

This program was adopted, pursuant to the Emergency Petroleum Allocation Act, in an effort to alleviate significant crude oil cost disparities among domestic refiners, which resulted from the extent to which particular refiners had access to price controlled domestic crude oil ("old oil"), and thereby to help insure the continuing competitive viability of those refiners that did not have access

to old oil. When in effect, this program operates as follows. Entitlements are issued each month, based on the volume of a refiner's runs to stills, in order to assure each refiner supplies of old oil equal to the national average supply level. A refiner with supplies of old oil in excess of the national average is required to purchase a number of entitlements to cover that excess amount. A refiner with supplies of old oil below the national average is permitted to sell a number of entitlements in the amount of its deficiency.

The price of entitlements is set monthly and approximates the difference between the average prices of old oil and of uncontrolled oil used in United States refineries. This value has risen from \$5.00 per barrel for November 1974 to \$8.13 during the July 1975 transaction period.

When the Old Oil Allocation Program was initially adopted for refiners, limited benefits under the program were also extended to importers of residual fuel oil and No. 2 heating oil. This aspect of the program was discontinued, though the benefits derived therefrom were integrated into the Mandatory Oil Import Program.

OIL IMPORT PROGRAM

Subsequent to the implementation of the Old Oil Allocation Program, the President determined that in order to achieve a demand reduction in petroleum products, which in turn would reduce petroleum imports, \$1.00 per barrel supplemental fee would be imposed, effective February 1, 1975, in addition to the existing fee on imported crude oil ("base fee"). At the same time, it was determined that the benefits of the entitlement program for product importers could be much more easily administered through adjustments in the supplemental fee, rather than through the entitlements program. The supplemental fees on product imports were therefore adjusted to maintain parity with the crude oil import fees, and to take into account entitlement benefits as follows:

Each \$1.00 per barrel increase in the import fee affected, directly or indirectly, the cost of all crude oil refined domestically other than the then 40 percent which consisted of old oil, and therefore a \$1.00 fee on crude oil imports was equivalent to approximately a \$.60 increase in the average cost of all domestically refined product. Thus, in order to maintain parity between imported product and domestically refined product, a \$.60 increase in product import fees had to correspond to each \$1.00 increase in crude oil import fees. Moreover, since entitlement benefits for imported products had been set at approximately \$.60 per barrel when the entitlements program was instituted in November 1974, a compensatory reduction in the import fee otherwise applicable to imported products was necessary in that amount when entitlement benefits for product importers were discontinued in February 1975. The net effect, then, was that on February 1, 1975, the crude oil import

fee was increased \$1.00; the import fee on products was not increased, and the entitlements program was discontinued for product imports.

On June 1, 1975, the import license fee on crude oil was increased to \$2.00 per barrel, after a three-month extension of its original implementation date. In accordance with the coordination of entitlement benefits, outlined above, parity between imported product and domestically refined product was achieved by setting the fee on imported product at \$0.60. (This reduction from the \$2.00 fee applied to all unfinished oils and finished product, except those refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements.)

In addition to imposing the supplemental fee, the President also accelerated the existing base fees to the maximum levels of \$0.21/bbl. on crude oil and \$0.63/bbl. on product. Under various fee-exempt allocations, established to protect investments when the base fee replaced the quota, about 80% of residual fuel oil and 50% of distillate is exempt from the base fee, though virtually all gasoline imports are subject to the fee. These exemptions decline to zero by mid-1980.

CAUSES OF COST DISPARITIES AMONG PRODUCT IMPORTERS

Since the Old Oil Allocation Program, when in effect, applies only with respect to United States refineries (i.e., those located in Districts I-V, and United States territories and possessions), companies which market imported petroleum products but have no domestic refining capacity do not have access to the benefits of the program. Hence, their costs are higher. Likewise, marketers supplied by refiners without domestic refining capacity incur greater costs. Companies falling into these categories are primarily small, independent marketers, who often buy on the spot market.

As the world price of crude, and hence the value of entitlements, increases, the competitive disadvantage of product importers unable to benefit from the Old Oil Allocation Program will become more pronounced. Furthermore, relative to increased product costs, the value of fee-exempt allocations will decline.

The financial burden of this problem can be illustrated as follows:

	Crude imports	Product imports
Base fee.....	\$0.21	\$0.63
Entitlement value.....	1 (2.84)	0
Supplemental fee.....	2.00	.60
Net burden.....	(.63)	1.23
Net advantage for imported crude.....		\$1.86

¹ Assumes July national old oil supply ratio of 0.35 and entitlement value of \$8.13.

² Assuming fee-exempt allocations in both cases, the net advantage for imported crude is \$1.84.

Because of the interaction of the Mandatory Oil Import Program with the Old Oil Allocation Program, product importers are disadvantaged by as much as \$1.86 as compared with crude oil importers receiving entitlements.

When the base fee was imposed in May, 1973, the differential in favor of imported crude oil, that is, the amount deemed necessary to offset the cost advantages of locating refinery capacity abroad, was \$0.42. This amount may now be low, and FEA has undertaken a study to determine the appropriate amount. In any case, however, the \$1.86 advantage for refiners now existing is too high to be in keeping with an equitable, consistent long-term policy to encourage domestic refining. Indeed, when the base fee was originally imposed, Secretary of the Treasury Simon stated that:

... [O]ur new policy recommendations would have to satisfy consumer interests in reasonable prices and sufficient supplies without straining or disrupting the complex mechanism known as the oil industry. We knew that each segment of the industry must continue to be viable in order to meet the supply needs of the nation both in the near and longer term. The formidability of this task is obvious when you realize that the oil industry is composed of companies that vary in size from global to local and from integrated majors to independent producers, refiners, marketers and jobbers. [emph. supp.]

Therefore, in order to meet domestic needs until a final determination is made of the proper level of incentive needed for domestic refining, FEA is reducing the present burden on product imports by approximately one-third, by reducing the supplemental fee on products from \$0.60 to zero.

THE FEE REDUCTION

In accordance with the foregoing, FEA is amending § 213.35(d) (1) (ii), retroactive to September 1, 1975, to provide that the fee on imports entered into United States customs territory on or after that date, other than (A) ethane, propane, butanes, and asphalt, (B) any material imported for refining that qualifies for inclusion in a refiner's crude oil runs to stills under the Old Oil Allocation Program, or (C) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, be reduced to zero from the present level of \$0.60. Any overpayments received by FEA will be refunded as soon as practicable.

FEA has concluded that in order not to deter necessary imports of heating oil during the coming weeks, and its distribution in time for the beginning of the beginning of winter, and in order to prevent further erosion of the financial viability of product importers in competition with refiners, the foregoing amendments must be made effective immediately. If FEA were to fail to revise its regulations immediately, potential importers could not be certain until final action whether the proposed reduction would be adopted. Such uncertainty could encourage them to postpone importation during this crucial period, and the consequent reduction in the supply of heating oil, especially in areas which rely heavily on imports, could cause serious hardships. In order to avoid such hardships, these amendments are effective immediately.

The provisions of Section 7(d)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), with respect to notice and opportunity to comment are hereby waived upon a finding that strict compliance would seriously injure the public health, safety, and welfare. However, FEA will receive public comments on the amendments issued today.

Interested persons are invited to submit written data, views, or arguments with respect to these amendments to Executive Communications, Room 3309, Federal Energy Administration, Box EI, The Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Reduction of Supplemental Fee on Unfinished Oils and Finished Products." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., October 15, 1975, will be considered by the Federal Energy Administration in evaluating the revision and amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Public hearings with respect to these amendments, will be held beginning at 9:30 a.m., e.d.s.t., on October 17, 1975, in Room 2105, 2000 M Street NW., Washington, D.C. Any person who has an interest in these changes, or who is representative of a group or class of persons which has such an interest, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.s.t., October 9, 1975. Such a request may be hand delivered to Room 3309, The Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through October 15, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.s.t., October 13, 1975, and must submit 100 copies of his statements to Executive Communications, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., e.d.s.t., October 15, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not

be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings; and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., October 16, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection in the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

The Administrator of the Environmental Protection Agency (EPA) has reviewed this amendment in accordance with the review provisions of section 7(c)(2) of the Federal Energy Administration Act of 1974. He has advised FEA that he has no comment.

Finally, this amendment has been reviewed in accordance with Executive Order 11821 and OMB Circular No. A-107 and has been determined not to require evaluation of its inflationary impact as provided therein.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; E. O. 11790, 39 FR 23185; Trade Expansion Act of 1962, Pub. L. 87-794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 38 FR 35103, Proclamation No. 4341, 40 FR 3956, Proclamation No. 4355, 40 FR 10437, Proclamation No. 4370, 40 FR 19421, and Proclamation No. 4377, 40 FR 23429)

In consideration of the foregoing, Part 213 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective September 1, 1975.

Issued in Washington, D.C., September 22, 1975.

ROBERT E. MONTGOMERY, JR.
General Counsel,
Federal Energy Administration.

In § 213.35, paragraphs (d)(1)(i) (1) and (2) are revised and a new paragraph (d)(1)(i)(3) is added as follows:

§ 213.35 Allocations and Fee-Paid Licenses for Imports of Crude Oil, Unfinished Oils, and Finished Products.

(d)(1) * * *

(i) * * *

(1) For imports entered into United States customs territory during the period February 1, 1975 through May 31, 1975, \$0.00/bbl.;

(2) For imports entered into United States customs territory during the period June 1, 1975 through August 31, 1975, \$3.67/bbl.; and

(3) For imports entered into United States customs territory on September 1, 1975, and thereafter, \$0.00/bbl.

[FR Doc. 75-25679 Filed 9-23-75; 8:45 am]

PART 213—OIL IMPORT REGULATIONS.
Supplemental Fee Payments Originally Due August 31, 1975; Notice of Further Deferral

Correction

FR Doc. 75-25663, appearing at page 42578 in the issue for Monday, September 15, 1975, which extends the deferral of supplemental fee payments on imports in the month of July as set forth in a document published August 20, 1975 (40 FR 36302), was inadvertently published as a proposed rule. It should have been published as a rule document.

Title 13—Business Credit and Assistance
CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 315—ADJUSTMENT ASSISTANCE FOR FIRMS AND COMMUNITIES

Application Procedure and Miscellaneous Amendments

Pursuant to the authority vested in it by section 262 of the Trade Act of 1974, and by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby amends 13 CFR Part 315. The purpose of these amendments is to provide additional information regarding the steps which must be taken and the materials which must be submitted before a firm's application for adjustment assistance will be accepted for filing. As amended, the regulations provide that EDA shall have five working days after an application is submitted to determine whether it has been properly prepared and contains all necessary information. The Assistant Secretary, as required by the Trade Act, shall make a determination on the project application within 60 days after it has been accepted for filing. Other changes include the addition of the Clean Air Act and the Federal Water Pollution Control Act to the list of general requirements in § 315.3, and the addition of minority representation on Trade Impacted Area Councils in § 315.61.

In that the following regulations are interpretative rules and because the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7890B, Washington, D.C. by October 28, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, the amendments to 13 CFR Part 315 as set forth below shall remain in effect, thus permitting the public business to proceed more expeditiously.

In consideration of the foregoing, 13 CFR Part 315 is amended as follows:

1. Section 315.3 is amended by revising paragraph (a) to read as follows:

§ 315.3 General requirements.

(a) The project for which assistance is sought complies with the conditions set forth in 13 CFR §§ 309.9, 309.11, 309.14, 309.15, 309.18, Part 310 of these regulations, the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.

2. Section 315.20 is revised to read as follows:

§ 315.20 Application for assistance.

(a) A firm certified under 15 CFR Part 350 as eligible to apply for adjustment assistance may, at any time within two years after the date of such certification, file an application with the Assistant Secretary for adjustment assistance under this subpart. Applications shall be made on forms provided by the Assistant Secretary and shall contain such financial and supportive information as the Assistant Secretary may require.

(b) Such application, except in the case of an application for technical assistance to be used for preparing an adjustment proposal, shall include a proposal for the economic adjustment of such firm. The adjustment proposal shall contain the following information:

(1) *Material contribution to economic adjustment.* An adjustment proposal must demonstrate that the assistance sought therein will be a constructive aid to the firm in establishing a competitive position in the same or a different industry. Unless otherwise advised by the Assistant Secretary, the firm shall provide information with respect to its productive capacity, market share position in its present industry, market potential in any new industry, availability of raw material and energy, and financial and

production information with respect to present and forecasted product lines.

(2) *Consideration to the interests of workers.* An adjustment proposal must give adequate consideration to the interests of the workers of such firm adversely affected as the result of the serious injury or threat thereof to such firm. Among reasonable alternatives, adjustment proposals that provide for the rehiring of such workers who have been laid off due to the increased imports are preferred. Efforts by the firm to find new employment for such laid off workers or assistance rendered to such workers under Government programs will also be taken into account in evaluating a proposal.

(3) *Reasonable efforts by the firm to use its own resources.* An adjustment proposal must demonstrate that the firm will make maximum use of its own resources and that any funds requested are not otherwise available to the firm, from sources other than the Federal Government, on reasonable terms. The firm's own resources include the total resources available from all affiliated firms or related entities under the ownership and control of substantially the same persons. Under certain circumstances, as in the case of a closely held corporation, the firm's resources may extend to the personal resources of shareholders. A determination that such funds are not otherwise available to the firm shall be made in accordance with the provisions of 13 CFR 306.8 (a), (b), and (c).

(c) The Assistant Secretary may furnish technical assistance to any firm which has been certified as eligible to apply for adjustment assistance under this subpart in order to assist it in preparing a viable adjustment proposal.

3. Section 315.21 is revised to read as follows:

§ 315.21 Approval of applications.

(a) An application for adjustment assistance will be accepted for filing only if it has been properly prepared and contains an adequate adjustment proposal and such other information as may be required by the Assistant Secretary under § 315.20. EDA shall have five working days from the date on which it receives the application to determine whether the application has been properly prepared and can be accepted for filing. Immediately after the five working days have elapsed, the Assistant Secretary shall notify the applicant that the application has been received, and advise the applicant that:

(1) The application has been accepted for filing, or

(2) The application may be resubmitted when the specified deficiencies have been corrected.

(b) The Assistant Secretary shall make a final determination on the prospective project within 60 days after a proper application has been accepted for filing.

4. Section 315.25 is amended by revising paragraph (a) as follows:

§ 315.25 Eligibility for financial assistance.

(a) No financial assistance shall be provided under § 315.24 unless the Assistant Secretary determines:

(1) That the funds are not available from the firm's own resources;

(2) That in accordance with the provisions of 13 CFR § 306.8 (a), (b), and (c), the firm has no reasonable access to financing through the private capital market; and

(3) That there is reasonable assurance of repayment of the loan. For this purpose, the applicant shall comply with the provisions of 13 CFR § 306.9 except that the requirement in paragraph (a) (6) pertaining to the repayment of debt principal within three years shall not apply to Trade Act assistance.

5. § 315.34 is revised to read as follows:

§ 315.34 Employment of expeditors or administrative employees; compensation of persons engaged by or on behalf of applicants.

(a) No adjustment assistance under this part shall be extended to any firm unless the owners, partners, or officers of the firm certify to the Assistant Secretary the names of any attorneys, agents, or other persons engaged by or on behalf of the firm for the purpose of expediting applications for such adjustment assistance, and the fees paid or to be paid to any such persons.

(b) No financial assistance under this part shall be extended to any firm unless the owners, partners, or officers of the firm execute an agreement to refrain from employing, tendering any office or employment to, or retaining for professional services any person, who, on the date such financial assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Assistant Secretary shall have determined involved discretion with respect to the provision of such financial assistance.

6. § 315.61 is amended by revising paragraph (c) to read as follows:

§ 315.61 Trade Impacted Area Councils.

(c) The Council shall include representatives of certified communities and representatives of labor, industry and the general public (including appropriate minority representation) located in the trade impacted area covered by the Council.

(Sec. 701, Pub. L. 89-136 (August 26, 1965) (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 19-4 (April 1, 1970) as amended (35 FR 5970 as amended at 40 FR 12532). Sec. 271-274; Pub. L. 93-618 (January 3, 1975) (19 U.S.C. 2371-2374); 88 Stat. 2035-2040.)

Effective date: This amendment becomes effective on September 26, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: September 18, 1975.

WILMER D. MIZELL,
Assistant Secretary
for Economic Development.

[FR Doc. 75-75733 Filed 9-25-75; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-24-AD; Amdt. 39-2374]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model B24R Airplanes

An Airworthiness Directive (AD) was adopted on September 12, 1975, and made effective immediately upon receipt by air mail letter to all known owners of certain serial numbers of Beech Model B24R airplanes. This AD was issued because propeller governor malfunctions have occurred as a result of varnish deposits attributable to the Rust Ban Preservative Oil installed by the manufacturer. These malfunctions result in the inability to change propeller governor speeds.

Since it was found that immediate corrective action was required, notice and public procedure hereon were impracticable and contrary to the public interest and good cause existed for making this AD effective immediately to the owners of Beech Model B24R (serial numbers listed hereinafter) airplanes. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons who did not receive the letter notification.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Model B24R (Serial Numbers MC-151 thru MC-302, MC-304, MC-307, MC-309, MC-310, MC-312 thru MC-315, MC-317, MC-324, MC-328, MC-333, MC-336, MC-344, MC-345, MC-347 thru MC-357, MC-359 and MC-361 thru MC-364) airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude the possibility of propeller governor failure, accomplish the following:

(1) Unless previously accomplished, prior to further flight, drain the Rust Ban Preservative Oil installed by the airplane manufacturer and refill with SAE 30 or SAE 50 straight mineral oil or the type and grade of oil recommended by the engine manufacturer.

(2) If the airplane has less than 25 hours' total time in service, prior to further flight, remove the propeller governor and replace with a new or serviceable P/N A210490 propeller governor.

(3) Aircraft may be flown to a place where the AD can be accomplished in accordance with FAR 21.197 providing the propeller governor is found to govern engine RPM properly during pre-flight runup.

Beechcraft Service Instruction No. 0765-254 pertains to this subject.

This amendment becomes effective October 3, 1975, to all persons except those to whom it was made effective earlier by airmail letter issued September 15, 1975.

This amendment is made under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on September 19, 1975.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc. 75-25728 Filed 9-25-75; 8:45 am]

[Airspace Docket No. 75-SO-59]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH POINTS

Alteration of Federal Airways, Reporting Points and Jet Routes

On August 18, 1975, a Notice of Proposed Rule Making (NPRM) appeared in the FEDERAL REGISTER (40 FR 34606) advising that the Federal Aviation Administration (FAA) was considering changes to airspace descriptions near Atlanta, Ga. Interested persons were invited to comment on the proposal.

The Department of the Army objected to the realignment of J-14 to overlie restricted area R-2102 unless suitable agreement could be reached to the effect that the route would not be used below FL250 during the time that R-2102 is in use. A Letter of Agreement between the Army representative and the Atlanta ARTC Center has satisfied the objection. The only other comment was favorable. In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

§ 71.123 [Amended]

1. § 71.123 (40 FR 307, 4121, 4300, 16650, 18414, 26020, 39 FR 39261, 40847) is amended as follows:

a. In V-5 "INT Athens 339° and Anderson, S.C., 274° radials;" is deleted and "INT Athens 340° and Anderson, S.C., 274° radials;" is substituted therefor.

b. In V-18 "INT Talladega 083° and Rex, Ga., 270° radials; Rex; INT Rex 090° and Augusta, Ga., 278° radials" is deleted and "Atlanta, Ga.; INT Atlanta 089° and Augusta, Ga., 278° radials" is substituted therefor. Also "INT Anderson 274° and Athens 339° radials," is deleted and "INT Anderson 274° and Athens, Ga., 340° radials," is substituted therefor.

c. In V-20 "INT Columbus 068° and Athens, Ga., 192° radials;" is deleted and "INT Columbus 068° and Athens, Ga.,

195° radials;" is substituted therefor. Also "INT Montgomery 028° and Talladega, Ala., 083° radials, INT Chattanooga, Tenn., 190° and Rome, Ga., 252° radials, Rome," is deleted and "INT Montgomery 029° and Chattanooga, Tenn., 189° radial; INT Chattanooga 189° and Rome, Ga., 252° radials; Rome;" is substituted therefor.

d. In V-35 "Albany, Ga.; Macon, Ga.; Athens, Ga.;" is deleted and "Albany, Ga.; Macon, Ga.; including a west alternate via INT Albany 014° and Macon 240° radials; INT Macon 005° and Athens, Ga., 195° radials; Athens;" is substituted therefor.

e. In V-51 "INT Athens 339° and Harris, Ga., 149° radials;" is deleted and "INT Athens, Ga., 340° and Harris, Ga., 148° radials;" is substituted therefor. Also, "INT Anderson, S.C., 274° and Athens 339° radials" is deleted and "INT Anderson, S.C., 274° and Athens 340° radials" is substituted therefor.

f. In V-56 "Macon, Ga.;" is deleted and "INT Columbus 087° and Macon, Ga., 266° radials; Macon;" is substituted therefor.

g. In V-66 "INT La Grange 112° and Columbus, Ga., 068° radials; INT Columbus 068° and Athens, Ga., 192° radials;" is deleted and "INT La Grange 120° and Columbus, Ga., 068° radials; INT Columbus 068° and Athens, Ga., 195° radials;" is substituted therefor.

h. In V-97 "INT Albany 352° and Atlanta, Ga., 189° radials; Atlanta; INT Atlanta 003° and Knoxville, Tenn., 197° radials;" is deleted and "Atlanta, Ga.; INT Atlanta 001° and Knoxville, Tenn., 197° radials;" is substituted therefor.

i. In V-142 "Atlanta, Ga., 117°" is deleted and "Atlanta, Ga., 128°" is substituted therefor.

j. In V-155 "From Augusta, Ga.," is deleted and "From Columbus, Ga., via Augusta, Ga.;" is substituted therefor.

k. In V-179 all after "Dublin, Ga.," is deleted and "to INT Dublin 309° and Augusta, Ga., 263° radials." is substituted therefor.

l. In V-222 all between "La Grange, Ga.;" and "Sugarloaf Mountain, N.C.;" is deleted and "to INT La Grange 048° and Columbus, Ga. 010° radials. From INT Toccoa, Ga., 222° and Harris, Ga. 187° radials via Toccoa;" is substituted therefor.

m. In V-241 all after "Columbus, Ga.;" is deleted and "to the INT Columbus 010° and La Grange, Ga. 018° radials; including a west alternate from Dothan via INT Dothan 002° and La Grange 191° radials, and La Grange." is substituted therefor.

n. In V-243 "INT Vienna 305° and La Grange, Ga., 112° radials; La Grange; INT La Grange 342° and Chattanooga, Tenn., 190° radials;" is deleted and "La Grange.; INT La Grange 342° and Chattanooga, Tenn., 189° radials;" is substituted therefor.

o. In V-267 "INT Athens 339° and Harris, Ga., 149° radials;" is deleted and "INT Athens 340° and Harris, Ga., 148° radials;" is substituted therefor.

p. V-281 is deleted.

q. In V-311 all before "Anderson;" is deleted and "From the INT of Harris,

Ga., 187° and Toccoa, Ga., 222° radials, via INT Toccoa 222° and Anderson, S.C. 274° radials;" is substituted therefor.

r. In V-321 "INT La Grange 342° and Gadsden, Ala., 122° radials;" is deleted and "INT La Grange 342° and Gadsden, Ala., 124° radials;" is substituted therefor.

s. In V-323 "to INT Macon 331° and Atlanta, Ga., 117° radials." is deleted and "INT Macon 341° and Dublin, Ga., 309° radials; to INT Dublin 309° and Augusta, Ga., 263° radials." is substituted therefor.

t. In V-325 all before "Muscle Shoals, Ala.," is deleted and "From Columbia, S.C.; Athens, Ga.; INT Athens 288° and Toccoa, Ga., 222° radials to INT Toccoa 222° and Harris, Ga., 187° radials. From INT Gadsden, Ala., 091° and Rome, Ga. 133° radials via Gadsden;" is substituted therefor.

u. In V-333 "From INT Rome, Ga. 135° and Gadsden, Ala., 094° radials" is deleted and "From INT Rome, Ga., 133° and Gadsden, Ala., 091° radials;" is substituted therefor.

v. In V-454 "and Athens, Ga., 192° radials; INT Athens 192° and" is deleted and "and Athens, Ga., 195° radials; INT Athens 195° and" is substituted therefor.

w. In V-463 "From Norcross, Ga.," is deleted and "From INT Harris, Ga., 187° and Toccoa, Ga. 222° radials," is substituted therefor.

§ 71.203 [Amended]

2. § 71.203 (40 FR 621) is amended as follows:

a. In GRANT: the text is deleted and "INT Columbus, Ga., 068° and Albany, Ga., 357° radials," is substituted therefor.

b. In HEFIN: "INT Rex, Ga., 270°" is deleted and "INT Talladega, Ala., 087°" is substituted therefor.

c. In MADDI: the text is deleted and "INT Greenwood, S.C., 240° and Athens, Ga., 195° radials." is substituted therefor.

d. In NELLO: "INT Atlanta, Ga., 003°," is deleted and "INT Atlanta, Ga., 001°," is substituted therefor.

§ 75.100 [Amended]

3. § 75.100 (40 FR 705) is amended as follows:

a. In J-4 "Atlanta, Ga.; Augusta, Ga.," is deleted and "INT Montgomery 051° and Augusta, Ga., 273° radials; Augusta;" is substituted therefor.

b. In J-14 "Spartanburg, S.C.," is deleted and "INT Atlanta, Ga., 092° and Spartanburg, S.C., 234° radials; Spartanburg;" is substituted therefor.

c. In J-37 "Atlanta, Ga.," is deleted with no substitution.

d. In J-40 all before "Charleston, S.C.," is deleted and "From Montgomery, Ala., via Macon, Ga.;" is substituted therefor.

e. In J-45 "Alma, Ga.," is deleted and "Alma, Ga.; Macon, Ga.;" is substituted therefor.

f. In J-89 "Alma, Ga.," is deleted and "Alma, Ga.; Macon, Ga.;" is substituted therefor.

These amendments are made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C.

1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 22, 1975.

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

[FR Doc.75-25730 Filed 9-25-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2716]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Borg-Warner Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets; 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

In the Matter of Borg-Warner Corporation, a corporation.

Consent order requiring a Chicago, Ill., automotive parts manufacturer, among other things to divest itself, within 18 months, of all assets acquired as a result of its acquisition with Unit Parts Company, reestablishing Unit Parts as a competitor. Further, respondent is required to obtain Commission approval before acquisition of any automotive parts rebuilder for a period of 10 years.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

I. It is ordered, That Borg-Warner Corporation, hereinafter "B-W") within a period not exceeding eighteen (18) months from the effective date of this Order, shall divest, by sale, or by public offering or spinoff of the stock of a new corporation formed for such purpose, subject to prior approval of the Federal Trade Commission, all assets, properties, rights and privileges, tangible and intangible, including, but not limited to, all plants, equipment, machinery, inventory, customer lists, trade names, trademarks and goodwill, acquired by B-W as a result of its acquisition of Unit Parts Company (hereinafter "U-P") together with all additions and improvements to such assets and properties.

In the event that a new corporation is established as provided herein, B-W shall make available to such new corporation adequate administrative, sales and service personnel to carry on the business to be transferred to the new corporation.

II. It is further ordered, That none of the assets, properties, rights or privileges to be divested, as described in Part

¹ Copies of the Complaint, Decision and Order, filed with the original document.

I of this Order, shall be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of or under the control or direction of, B-W or any of B-W's subsidiary or affiliate corporations, or anyone who owns or controls, directly or indirectly, more than 1 percent of the outstanding shares of common stock of B-W, or to anyone who is not approved in advance by the Federal Trade Commission.

III. It is further ordered, That if B-W divests the assets, properties, rights and privileges, described in Part I of this Order, to a new corporation or corporations, the stock of each of which is wholly owned by B-W, and if B-W then distributes all the stock, in said corporation or corporations to the stockholders of B-W, in proportion to their holdings of B-W stock, Part II of this order shall be inapplicable, and the following Parts IV and V shall take force and effect in its stead.

IV. It is further ordered, That no person who is an officer, director, or executive employee of B-W, or who owns or controls, directly or indirectly, more than 1 percent of the stock of B-W, shall contemporaneously therewith be an officer, director, or executive employee of any new corporation or corporations described in Part III, or shall contemporaneously therewith own or control, directly or indirectly, more than 1 percent of the stock of any new corporation or corporations described in Part III.

V. It is further ordered, That any person who must sell or dispose of a stock interest in B-W or the new corporation or corporations, described in Part III, in order to comply with Part IV of this Order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of B-W.

VI. It is further ordered, That, pending divestiture, B-W shall not make or permit any deterioration in any of the plants, machinery, buildings, equipment or other property or assets of the company to be divested which may impair its present capacity or market value.

VII. It is further ordered, That, pending divestiture, and for ten (10) years from the date this Order becomes final as provided in Part I of this Order, B-W shall not acquire, directly or indirectly, without the prior approval of the Commission, the share capital or assets (other than products acquired for use or resale in the ordinary course of B-W's business, or other than the acquisition by B-W of the share capital or assets of any corporation not organized in the United States of which B-W owns more than 50 percent of the issued and outstanding share capital as of the effective date of this Order) of any rebuilder of automotive parts having direct sales of rebuilt parts in the United States.

Direct sales shall include all sales to purchasers for those purchasers' subsequent use in the United States or those purchasers' subsequent resale in the United States.

No acquisition made by B-W shall be deemed immune or exempt from the antitrust laws by reason of anything contained in this Order.

VIII. *It is further ordered*, That, pending divestiture, and for ten (10) years from the date this Order becomes final as provided in Part I of this Order, B-W shall notify the Commission at least sixty (60) days in advance of any acquisition, directly or indirectly of the share capital or assets (other than products acquired for use or resale in the ordinary course of B-W's business, or other than the acquisition by B-W of the share capital or assets of any corporation not organized in the United States of which B-W owns more than 50 percent of the issued and outstanding share capital as of the effective date of this Order) of any manufacturer of automotive parts having direct sales of such automotive parts in the United States for which prior Commission approval is not required.

Direct sales shall include all sales to purchasers for those purchasers' subsequent use in the United States or those purchasers' subsequent resale in the United States.

IX. *It is further ordered*, That B-W shall, within six (6) months after the effective date of this Order, and every six (6) months thereafter, until B-W has fully complied with Part I of this Order, submit to the Federal Trade Commission a detailed written report of its actions, plans and progress in complying with the provisions of Part I of the Order.

With respect to Parts VII and VIII of this Order, B-W shall, on the first anniversary date of the divestiture provided for in Part I of this Order and on each anniversary date thereafter, to and including the tenth anniversary date, submit a report, in writing, setting forth in detail the manner and form in which B-W intends to comply, is complying and has complied with Parts VII and VIII of this Order.

X. *It is further ordered*, That B-W notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in B-W which may affect compliance obligations arising out of this Order, such as dissolution.

The Decision and Order was issued by the Commission, Aug. 20, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-25747 Filed 9-25-75; 8:45 am]

[Docket No. C-2717]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Commercial Service Co., Inc., et al.

Subpart—Coercing and intimidating:
§ 13.356 Delinquent debtors. Subpart—Corrective actions and/or requirements:
§ 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(k)

Records, in general; 13.533-70 Vacate court action(s). Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection.

(Sec. 5, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 39 Stat. 710, as amended; 15 U.S.C. 45)

In the Matter of Commercial Service Company, Inc., a corporation, and Commercial Collectors, a partnership, and Glen B. Faulk and Richard R. Swaffield, individually, as co-partners doing business as Commercial Collectors, and as officers of said corporation, and Vincent A. Retacco, an individual.

Consent order requiring a Seattle, Wash. debt collection agency and as affiliated firm, among other things to cease filing suits in courts located in counties other than those in which defendants reside or signed the contract sued upon; failing to disclose clear explanations of what their summons mean and how a defendant should respond to avoid a default judgment; and misrepresenting that letters and forms come from an attorney when such is not the case.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

It is ordered, That respondents Commercial Service Company, Inc. (CSC), a corporation, its successors and assigns, and its officers, and Commercial Collectors, a partnership, and Glen B. Faulk and Richard R. Swaffield, individually, as co-partners doing business as Commercial Collectors, or under any name(s), and their successors and assigns, and as officers of CSC, and respondents' agents, representatives and employees, hereinafter collectively "respondents," directly or through any corporation, subsidiary, division or other device, in connection with the collection of credit obligations of individuals, excluding individual obligations for corporate debts, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Instituting suits except in the county where defendant resides at the commencement of the action, or in the county where the defendant signed the contract sued upon. This provision shall not preempt any rule of law which further limits choice of forum or which requires, in actions involving real property or fixtures attached to real property, that suit be instituted in a particular county.

It is further ordered, That where respondents learn subsequent to institution of suit that the preceding Paragraph has not been complied with, they shall forthwith terminate the suit and vacate any default judgment entered thereunder.

¹ Copies of the Complaint, Decision and Order, filed with the original document.

In lieu of such termination, respondents may effect a change of forum to a county permitted by the preceding Paragraph, provided that respondents give defendants notice of such action and opportunity to defend equivalent to that which defendants would receive if a new suit were being instituted. In all cases respondents shall provide defendants with a clear explanation of the action taken and of defendants' rights to appear, answer and defend in the new forum.

It is further ordered, That, where respondents terminate a suit or vacate a judgment pursuant to the preceding Paragraph, they shall give notice of such termination or vacation to each "consumer reporting agency," as such term is defined in the Fair Credit Reporting Act (15 U.S.C. Section 603), which respondents have been informed or have reason to know has recorded the suit or judgment in its files. Additionally, respondents shall furnish such notice to any other such person or organization upon request of the defendant.

It is further ordered, That when respondents institute suit in any superior court in Washington state, they shall attach, to any summons served upon defendants, a notice which gives defendants adequate directions as to the proper procedure for responding to the suit and avoiding default. The notice shall use clear and unconfusing language, and appear clearly, conspicuously, and in type at least as large as typewriter pica type. Should superior court rules or procedures change respondents shall forthwith modify the notice accordingly. The initial form and adequacy of the notice has been approved, and any modifications thereof shall be subject to approval, by authorized representatives of the Federal Trade Commission.

It is further ordered, That respondents prepare and maintain a summary of superior court suits instituted, pending or terminated, in which CSC is a plaintiff. This summary shall contain each defendant's name, address and county of residence; county where the contract sued upon was signed by the defendant; if the suit was not instituted in the residence county; county where served; date served; date filed; docket number; name and location of court in which filed; name of original creditor; amount claimed; and whether or not a default judgment has been entered. Where a suit has been instituted in a county other than where defendant resides or signed the contract, the reason for this choice of forum shall be explained. This summary shall cover a continuous two-year period commencing with service upon respondents of this order. A copy of this summary shall be submitted to the Federal Trade Commission on a quarterly basis.

In subsequent paragraphs "respondents" shall include the above-named respondents and Vincent A. Retacco, an individual, and his agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device.

It is further ordered, That respondents do forthwith cease and desist from representing in writing, orally, visually or in any other manner, directly or by implication, that:

1. An account has been referred to an attorney until and unless such representation is true.

2. Communications to an alleged debtor are from an attorney when such is in fact not true.

3. That any files have been removed, transferred, or reviewed, or directions issued, or other action requested, authorized or directed, to or by an attorney, when such is in fact not true.

It is further ordered, That respondents shall forthwith deliver a copy of this order to each of their subsidiaries, operating divisions and employees.

It is further ordered, That respondents notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission August 20, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-25748 Filed 9-25-75; 8:45 am]

[Docket No. C-2719]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Melmar Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly; § 13.10 Advertising falsely or misleadingly; § 13.70 Pictitious or misleading guarantees; § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.75 Free goods or services; § 13.155 Prices; 13.155-5 Additional charges unmentioned; 13.155-10 Bait; 13.155-15 Comparative; 13.155-35 Discount savings; 13.155-70 Percentage savings; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; 13.155-100 Usual

as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.240 Special or limited offers. Subpart—Contracting for sale in any form binding on buyer prior to specified time period; § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Delaying or withholding corrections, adjustments of action owed; § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Disparaging products, merchandise, services, etc.; § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Falling to maintain records; § 13.1051 Falling to maintain records; 13.1051-20 Adequate. Subpart—Misrepresenting oneself and goods—Goods; § 13.1625 Free goods or services; § 13.1647 Guarantees; § 13.1740 Scientific or other relevant facts; § 13.1747 Special or limited offers.—Prices; § 13.1779 Bait; § 13.1800 Demonstration reductions; § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act; § 13.1825 Usual as reduced or to be increased.—Promotional sales plans; § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1855 Identity; § 13.1857 Instruments' sale to finance companies; § 13.1892 Sales contract, right-to-cancel provision; 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.1955 Free goods; § 13.1980 Guarantee, in general; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq)

In the Matter of Melmar Industries, Inc., a New Jersey corporation, Melmar Industries, Inc., a Pennsylvania corporation, Prestige Industries Incorporated, a corporation, Gold Bond Industries, Inc., a corporation, and Marc Wolf, individually and as an officer of said corporations.

Consent order requiring four affiliated swimming pool firms located in Cherry Hill, N.J., and Philadelphia, Pa., among other things to cease using bait and switch tactics, misleading pricing claims and other deceptive selling practices; and to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

¹ Copies of the Complaint, Decision and Order, filed with the original document.

ORDER

PART I

It is ordered, That respondents Melmar Industries, Inc., a New Jersey corporation, Melmar Industries, Inc., a Pennsylvania corporation, Prestige Industries Incorporated, a corporation, Gold Bond Industries, Inc., a corporation, their successors and assigns, and their officers, and Marc Wolf, individually and as an officer of the aforesaid corporations, and any subsidiary or affiliated company, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, sale or distribution of swimming pools, swimming pool accessories or any other home improvement products, at retail, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any advertising, sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the purchase of swimming pools, swimming pool accessories or any other home improvement products at retail from respondents or any of them.

2. Making representations purporting to offer swimming pools, swimming pool accessories or any other home improvement products for sale at retail when the purpose of the representation is not to sell the advertised products but to obtain leads or prospects for the sale of other such products at higher prices.

3. Disparaging in any manner, or refusing to sell any swimming pool, swimming pool accessory or any other home improvement product which is offered for sale at retail.

4. Representing, directly or by implication, that any swimming pool, swimming pool accessory or any other home improvement product is offered for sale when such offer is not a bona fide offer to sell such product at retail.

5. Representing, directly or by implication, that the price for any swimming pool, swimming pool accessory or any other home improvement product sold by respondents at retail is a special or sale price, when such price does not constitute a significant reduction from an established selling price at which such product has been sold in substantial quantities by respondents in the recent, regular course of their retail business.

6. (a) Representing that by purchasing any of said swimming pools, swimming pool accessories or other home improvement products, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such swimming pools, swimming pool accessories or other home improvement products have been sold or offered for sale at retail in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of business.

(b) Representing that by purchasing any of said swimming pools, swimming pool accessories or other home improvement products, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said swimming pools, swimming pool accessories or other home improvement products at retail in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said swimming pools, swimming pool accessories or other home improvement products at the compared price or some higher price.

(c) Representing that by purchasing any of said swimming pools, swimming pool accessories or other home improvement products, at retail, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable products unless substantial sales of such products of like grade and quality are being made at retail in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained representative samples of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with swimming pools, swimming pool accessories or other home improvement products of like grade and quality.

7. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of swimming pools, swimming pool accessories or any other home improvement products sold at retail by respondents.

8. Failing to maintain adequate records (a) which disclose the facts upon which any savings claim, including former pricing claims and comparative value claims and similar representations of the type described in paragraphs 5, 6(a)-(c) and 7 of this order are based, and (b) from which the validity of any savings claim, including former pricing claims and comparative value claims and similar representations of the type described in paragraphs 5, 6(a)-(c) and 7 of this order may be determined.

9. Representing, directly or by implication, that a purchaser of products sold by respondents at retail will receive a "free" television set, pool furniture or any other prize or award unless all conditions, obligations or other prerequisites to the receipt of such television set, pool furniture or other prize or award are clearly and conspicuously disclosed.

10. Representing, directly or by implication, that any swimming pool, swimming pool accessory or any other home improvement product is guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

11. Failing to incorporate the following statement on the face of all sales contracts, all notes or other instruments

of indebtedness executed by or on behalf of respondents' customers with such conspicuousness and clarity as is likely to be read and understood by the purchaser:

Notice

If you are obtaining credit in connection with this purchase, you will be required to sign a promissory note, a sales contract or other instrument of indebtedness which may be purchased from the seller by a bank, finance company or any other third party. If such is the case, you will be required to make your payments to someone other than the seller. You should be aware that if this happens you may have to pay the note, contract or other instrument of indebtedness in full to its new owner even if your purchase contract is not fulfilled.

12. Misrepresenting, directly or indirectly, that the swimming pools of any of respondents' purchasers or prospective purchasers will be used for any type of advertising or demonstration purpose or as a model pool or that as a result of such use, respondents' purchasers will be granted reduced prices or will receive discounts, referral fees or allowances of any type.

13. Contracting for any retail sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

14. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

15. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

(enter date of transaction)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument ex-

ecuted by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation.

If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice or send a telegram, to _____

(Name of seller)

At _____
(address of seller's place of business)

Not later than midnight of _____
(date)

I hereby cancel this transaction.

(date)

(Buyer's signature)

Provided however, that the "Notice of Cancellation" required by this Paragraph need not be furnished in those transactions in which respondents have timely furnished the buyer with the notice of the right of rescission required by Paragraph 11 of Part II of this Order.

16. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

17. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

18. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

19. Misrepresenting in any manner the buyer's right to cancel.

20. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

21. Negotiating, transferring, selling or assigning any note or other evidence of

indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

22. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or abandon any shipped or delivered goods.

Provided, however, that nothing contained in this order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, shall make such modifications as may be warranted in the premises.

PART II

It is further ordered, That respondents Melmar Industries, Inc., a New Jersey corporation, Melmar Industries, Inc., a Pennsylvania corporation, Prestige Industries Incorporated, a corporation, Gold Bond Industries, Inc., a corporation, their successors and assigns, and their officers, and Marc Wolf, individually and as an officer of the aforesaid corporations, and any subsidiary or affiliated company, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the arrangement, extension or advertisement of consumer credit in connection with the retail sale of swimming pools, swimming pool accessories or any other home improvement products, as "advertisement" and "consumer credit" are defined in §§ 226.2(b) and 226.2(k), respectively, of Regulation Z of (12 CFR 226) of the Truth in Lending Act (15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Causing to be disseminated to the public in any manner whatsoever, any advertisement, for the purposes of aiding, promoting or assisting, directly or indirectly, any extension of consumer credit unless such advertisement states all of the following items prescribed under Section 226.8 of Regulation Z, in the manner and form required by § 226.10 (d) (2) of Regulation Z:

(a) The cash price or the amount of the loan, as applicable;

(b) The amount of the downpayment required or that no downpayment is required as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

2. Failing to employ the term "annual percentage rate" as required by § 226.8 (b) (2) of Regulation Z.

3. Failing to disclose the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as required by § 226.6(a) of Regulation Z.

4. Including the amount of the finance charge in the computation of the amount financed, contrary to the requirements of § 226.8(c) (7) of Regulation Z.

5. Failing to include the charge for credit life insurance, when not required to be placed within the finance charge, within the amount financed, as required by §§ 226.4(a) (5) and 226.8(c) (4) of Regulation Z.

6. Failing to disclose the annual percentage rate with an accuracy to the nearest quarter of one percent, as required by § 226.5(b) (1) of Regulation Z.

7. Failing to employ the term "cash downpayment" to describe the downpayment in money, as required by § 226.8(c) (2) of Regulation Z.

8. Failing to employ the term "unpaid balance of cash price" to describe the difference between the cash price and the cash downpayment, as required by § 226.8 (c) (3) of Regulation Z.

9. Failing to make a clear identification of the property in which a security interest is obtained and held as required by § 226.8(b) (5) of Regulation Z.

10. Failing to notify the buyer of said buyer's right to rescind the contract, as provided for by § 226.9 of Regulation Z.

11. Failing to provide each buyer who has the right to rescind with two copies of the notice prescribed by § 226.9(b) of Regulation Z, as required by that Section.

12. Failing, in any consumer credit transaction or advertisement, to make all the disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

PART III

It is further ordered, That respondents distribute a copy of this order to all operating divisions of said corporations and also distribute a copy of this order to all personnel, agents or representatives concerned with the promotion, sale and distribution of swimming pools, swimming pool accessories or any other home improvement products at retail and secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, or any of them, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new

business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Decision and Order was issued by the Commission August 22, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-25752 Filed 9-25-75; 8:45 am]

[Docket No. C-2721]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Free Enterprise Uranium-Radon Mine, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45 (k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Elkhorn Mining Company, a corporation dba Free Enterprise Uranium-Radon Mine, and Radon Research Foundation, a corporation, and John T. Lewis, individually and as an officer of Elkhorn Mining Company.

Consent order requiring a Boulder, Mont., owner and operator of a uranium mine, among other things to cease misrepresenting the curative or physiological effect of Radon gas on disease; and failing to disclose to prospective customers that Radon gas has any provable physiological effect on disease, including arthritis, sinusitis, eczema, and asthma.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

It is ordered, That respondents Elkhorn Mining Company, a corporation

¹ Copies of the Complaint, Decision and Order, filed with the original document.

dba Free Enterprise Uranium-Radon Mine, Radon Research Foundation, a corporation, their successors and assigns, and their officers, and John T. Lewis, individually and as an officer of Elkhorn Mining Company, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from representing directly or by implication, that:

A. Radon gas or the Free Enterprise Uranium-Radon Mine has any curative or physiological effect upon any disease or bodily condition, including arthritis, sinusitis, eczema or other skin afflictions, or asthma.

B. Radon gas has any beneficial effect on the autonomic nervous system, the circulatory state, the removal of waste, or the utilization of oxygen by defense cells of the body.

C. There is a single cause of arthritis or that the cause or causes of arthritis are known.

D. Arthritis is caused by or has any relationship to stress, either internal or external.

E. Arthritis or any form of joint disease is caused by hormone deficiencies of any type.

F. Arthritis is caused by underproduction of ACTH or any hormone associated with the pituitary gland or the adrenal gland.

G. Radon gas increases production of ACTH, hydrocortisone, or any other hormone.

H. Exposure to any radioactive gas has any physiological effect on any disease or bodily condition.

I. ACTH or hydrocortisone, no matter how administered, results in anything but temporary symptomatic relief of arthritis.

J. The use of radon gas represents a scientific breakthrough.

K. Improvements in condition claimed to result from visits to the Free Enterprise Uranium-Radon Mine are neither psychosomatic nor the result of coincidental remission of a disease.

It is further ordered, That respondents shall clearly and conspicuously (a) include in all advertising and promotional materials for radon gas or the Free Enterprise Uranium-Radon Mine, and (b) provide by means of a separate written statement furnished to each prospective customer prior to the time he or she pays for the Free Enterprise Uranium-Radon Mine visit, the following form of notice:

NOTICE

Neither radon gas nor the Free Enterprise Uranium-Radon Mine has any provable physiological effect on any disease or bodily condition, including arthritis, sinusitis, eczema or other skin afflictions, or asthma.

You are advised to consult with your doctor before and/or after going to the Free Enterprise Uranium-Radon Mine. You may be missing the benefits of known and medically approved forms of treatment. Lack of medically accepted treatment of arthritis may result in

greater pain and possible permanent disability.

This notice is made pursuant to order of the Federal Trade Commission.

In addition to the above, the separate written statement shall set forth the following language:

I have read and understand the above information.

Name (please print)	Signature
Address (please print)	Date

Respondents shall retain for their records, for a period of at least three years, copies of such written statements which have been signed and dated by the customers.

It is further ordered, That respondents shall forthwith distribute a copy of this complaint and order to each of their employees and shall continue such distribution to each new employee for a period of two years from the date this order becomes effective.

It is further ordered, That respondents shall maintain such records as will fully disclose the manner and form of their compliance with this order.

It is further ordered, That the corporate respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as description of his duties and responsibilities.

The Decision and Order was issued by the Commission August 5, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-25749 Filed 9-25-75; 8:45 am]

[Docket No. C-2720]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Epshtein Trading Corp., et al.

Subpart—Invoicing products falsely:
§ 13.1108 Invoicing products falsely;
13.1108-45 Fur Products Labeling Act.
Subpart—Neglecting, unfairly or deceptively, to make material disclosure:
§ 13.1852 Formal regulatory and statutory requirements: 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f)

In the Matter of Epshtein Trading Corporation, a corporation, and Jacob L. Epshtein, individually and as an officer of said corporation.

Consent order requiring a New York City importer and distributor of furs and fur products, among other things to cease falsely invoicing its merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

ORDER

It is ordered, That respondents Epshtein Trading Corporation, a corporation, its successors and assigns, and its officers, and Jacob L. Epshtein, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with the introduction, or importing for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of furs or fur products, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur or fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur or fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur.

3. Setting forth on an invoice pertaining to such fur or fur product the name or names of any animal or animals other than the name of the animal producing the fur as specified in the Fur Products Name Guide.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

¹ Copies of the Complaint, Decision and Order, filed with the original document.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission August 25, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-25750 Filed 9-25-75; 8:45 am]

[Docket No. C-2723]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

House of Schiller, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.155 Prices; § 13.155-10 Bait; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-40 Furnishing information to media; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation; § 13.533-45(c) Complaints. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Falling to maintain records: § 13.1051 Falling to maintain records; § 13.1051-20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 Scientific or other relevant facts.—Prices: § 13.1779 Bait.—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of The House of Schiller, Inc., a corporation, and Lawrence Kane and Donald Sherman, individually and as officers of said corporation.

Consent order requiring a Long Island City, N.Y., manufacturer and distributor of plastic slip covers, among other things to cease using bait and switch tactics in the sale of its merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

ORDER

It is ordered, That respondents The House of Schiller, Inc., a corporation, its successors and assigns, and its officers, and Lawrence Kane and Donald Sherman, individually and as officers of said corporation, and respondents' agents,

¹ Copies of the Complaint, Decision and Order, filed with the original document.

representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale and distribution of plastic slip covers or other merchandise to the public at retail, in or affecting commerce, as "commerce" is defined in the Federal Trade Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of plastic slip covers or other merchandise or services.

2. Making representations, directly or indirectly, orally, or in writing, purporting to offer merchandise or services for sale when the purpose of the representation is not to sell the offered merchandise or services but to obtain leads or prospects for the sale of other merchandise or services at a higher price.

3. Disparaging in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, directly or indirectly, orally or in writing, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sales of each advertised product or service at the advertised price.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of plastic slip covers and other merchandise, or utilized in the advertising, promotion or sale of plastic slip covers and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of plastic slip covers and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents who are engaged in the offering for sale and sale of respondents' products, or in any aspect of preparation, creation, or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person and that respondents distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents maintain full and complete records of all complaints and correspondence received from customers, or any memoranda in connection therewith, for a period of two years after receipt.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business addresses and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That no provision of this Order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this Order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by, the Federal Trade Commission.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission August 27, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-25751 Filed 9-25-75; 8:45 am]

[Docket No. 8990]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Spiegel, Inc.

Subpart—Coercing and intimidating: § 13.356 Delinquent debtors. Subpart—Corrective actions and/or requirements:

§ 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45 (k) Records, in general; 13.533-70 Vacate court action(s). Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Spiegel, Inc., a corporation.

Order requiring a Chicago, Ill., catalog retailer, among other things to bring collection law suits only in a court in the county where the defendant resides or the debt was incurred.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

The final order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

FINAL ORDER

This matter having been heard by the Commission upon the appeal of respondent from the initial decision, and upon briefs and oral argument in support thereof and opposition thereto, and the Commission for the reasons stated in the accompanying Opinion, having denied the appeal in principal part:

It is ordered, That the initial decision of the administrative law judge be, and it hereby is, adopted as the Findings of Fact and Conclusions of Law of the Commission, to the extent not inconsistent with the accompanying Opinion.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to cease and desist be, and it hereby is, entered:

ORDER

I. For the purposes of this Order, the term "respondent" means "Spiegel, Inc., a corporation, and its successors, assigns, officers, agents, representatives and employee, acting directly or through any corporation, subsidiary, division, or other device, including any collection agency."

II. *It is ordered,* That respondent, in connection with the collection of retail credit accounts in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from instituting suits except in the county where the defendant resides at the commencement of the action, or in the county where the defendant signed the contract sued upon. This provision shall not preempt any rule of law which further limits choice of forum or which requires, in actions involving real property or fixtures attached to real property, that suit be instituted in a particular county.

III. *It is further ordered,* That, where respondent learns subsequent to institu-

tion of a suit that the preceding Paragraph (II) has not been complied with, it shall forthwith terminate the suit and vacate any default judgment entered thereunder. In lieu of such termination, respondent may effect a change of forum to a county permitted by the preceding paragraph, provided that respondent gives defendant notice of such action and opportunity to defend equivalent to that which defendant would receive if a new suit were being instituted. In all cases respondent shall provide defendants with a clear explanation of the action taken and of the defendants' right to appear, answer and defend in the new forum.

IV. *It is further ordered,* That where respondent terminates a suit or vacates a judgment pursuant to the preceding Paragraph (III) it shall give notice of such termination or vacation to each "consumer reporting agency," as such term is defined in the Fair Credit Reporting Act (15 U.S.C. Section 603), which it has been informed or has reason to know has recorded the suit or judgment in its files. Additionally, respondent shall furnish such notice to any other person or organization upon request of the defendant.

V. *It is further ordered,* That respondent prepare and maintain a summary of suits instituted, pending, terminated, or acted upon subsequent to judgment, involving the collection of retail credit accounts by respondent. This summary shall contain each defendant's name, address, and county or residence; county where the contract was signed by the defendant, if the suit was not instituted in the residence county; county where served; date served; date filed; docket number; name and location of court in which filed; name of plaintiff (if a collection agency suing in its own name); amount claimed; and disposition (including garnishment or execution, if any). Where a suit has been instituted in a county other than where defendant resides or signed the contract sued upon, the reason for this choice of forum shall be explained. This summary shall cover the two years immediately following effective date of this order. A copy of this summary shall be submitted to the Federal Trade Commission on a quarterly basis.

VI. *It is further ordered,* That Spiegel, Inc., shall forthwith deliver a copy of this order to each of its subsidiaries and operating divisions, to each collection agency currently collecting any of Spiegel's retail credit accounts, and to any other collection agency prior to referral to it of any of Spiegel's retail credit accounts. Spiegel, Inc., shall obtain and preserve signed and dated statements from each collection agency, acknowledging receipt of the order and willingness to comply with it.

It is further ordered, That respondent shall notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the

corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty days and at the end of six months after the effective date of the order served upon it, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with the order to cease and desist.

Opinion of the Commission by Commissioner Dixon.

Concurring Statement by Commissioner Nye.

The Final Order was issued by the Commission August 18, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-25753 Filed 9-23-75; 8:45 am]

[Docket No. C-2722]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

State Credit Association, Inc., et al.

Subpart—Coercing and intimidating: § 13.355 Delinquent debtors. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 Business methods, policies, and practices. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection; § 13.2265 Threatening infringement suits, not in good faith.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of State Credit Association, Inc., a corporation, and D. Keith Lasswell, individually and as an officer of said corporation.

Consent order requiring a Seattle, Wash., debt collection agency, among other things to cease misrepresenting the attachment, garnishment or foreclosure of any assets, wages, or property without making various disclosures to the alleged debtor, and instituting suits in counties other than where the defendant resides or the debt was incurred. Further, respondent is required to comply with the F.T.C.'s "Guides Against Debt Collection Deception."

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

ORDER

I. *It is ordered,* That respondents State Credit Association, Inc., a corporation, its successors and assigns, and its officers, and D. Keith Lasswell, individually and as an officer of SCA, and respondents'

¹ Copies of the Complaint, Decision, Opinion and Final Order filed with the original document.

¹ Copies of the Complaint, Decision and Order, filed with the original document.

agents, representatives and employees, hereinafter collectively "respondents," directly or through any corporation, subsidiary, division or other device, in connection with the collection of money obligations or any other form of obligation or claim in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from representing in writing, orally, visually or in any other manner, directly or by implication, that:

A. Respondents can or will attach, garnish, foreclose, or in any manner take possession of any part of the assets, wages or other property of anyone, or initiate any legal action unless (a) at the time of such representation, respondents have a present legal right to take such action, (b) respondents specify truthfully, in immediate conjunction with such representation, how soon such action will be taken if payment of the obligation is not made, and (c) respondents regularly take such action within the specified time period when no payment is made.

B. Any allegedly unpaid obligation has been referred to an attorney unless such is the fact.

C. An attorney is actively involved in pursuing or reviewing a collection matter in preparation for initiation of legal action unless such is the fact.

D. Legal action on an allegedly unpaid obligation has been or is being initiated unless such is the fact.

E. Respondents engage in credit reporting activities of any kind or engage in providing information to credit-reporting agencies.

F. The existence of an allegedly unpaid obligation has impaired or will impair any person's credit standing or credit privileges or that only payment to respondents can correct or avoid any credit impairment.

II. *It is further ordered*, That respondents, in any communication with any person or firm during any part of collection activities, refrain from engaging in any representations which disguise, obscure, or detract from respondents' true identity or the true purpose of the communication.

III. *It is further ordered*, That respondents, when speaking to persons present in the alleged debtor's home other than the debtor himself or herself, do forthwith cease and desist from attempting to obtain any information other than (1) whether the caller may speak to the debtor and, if the debtor is not present, (2) when the debtor is expected to be home, and (3) whether there is a telephone number where the debtor can be reached. When speaking to persons under the age of twelve (which respondents may verify by direct question if necessary), respondents cannot attempt to obtain any information other than whether the caller may speak to an adult.

IV. *It is further ordered*, That respondents comply with all provisions of the Federal Trade Commission's "Guides Against Debt Collection Deception" exist-

ing at the time this Order is finally accepted.

V. *It is further ordered*, That respondents do forthwith cease and desist from instituting suits except in the county where the defendant resides at the commencement of the action, or in the county where the defendant signed the contract sued upon, or, if there was no written contract, where the obligation was incurred. This provision shall not preempt any rule of law which further limits choice of forum or which requires, in actions involving real property or fixtures attached to real property, that suit be instituted in a particular county.

VI. *It is further ordered*, That when respondents institute suit in any superior court in Washington state, they shall attach, to any summons served upon defendants, a notice which gives defendants adequate directions as to the proper procedure for responding to the suit and avoiding default. The notice shall use clear and unconfusing language, and shall appear clearly, conspicuously, and in type at least as large as typewriter pica type. Should superior court rules or procedures change respondents shall forthwith modify the notice accordingly. The initial form of the notice, and any modifications thereof, shall be subject to approval by authorized representatives of the Federal Trade Commission. Respondents shall not make any representation in writing, orally, visually or in any other manner, directly or by implication, which disguises, obscures, or detracts from the proper procedure for responding to the suit or for avoiding default.

VII. *It is further ordered*, That respondents shall forthwith deliver a copy of this order to each of their subsidiaries, operating divisions and employees engaged in collection activities.

VIII. *It is further ordered*, That respondents notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

IX. *It is further ordered*, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment or of his affiliation with a new business or employment in the debt collection industry, in the event of such discontinuance or affiliation. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

X. *It is further ordered*, That the respondents herein shall within sixty days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission August 27, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-25754 Filed 9-25-75; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75-235]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Certificates of Registration

Customs Form 3329, formerly used as an importer's declaration for free entry of articles exported for exhibition purposes, has been abolished, having been consolidated with Customs Form 4455 into a revised Customs Form 4455, entitled Certificate of Registration. Consequently, §§ 10.66(a) (3) and 10.66(c) of the Customs Regulations (19 CFR 10.66 (a) (3), 10.66(c)), which provide that in connection with the entry of articles, including livestock or other animals, exported for temporary exhibition and returned and claimed to be exempt from duty under item 802.20 or item 802.30, Tariff Schedules of the United States (19 U.S.C. 1202), a declaration of the importer shall be filed on Customs Form 3329, must be amended to provide for the use of revised Customs Form 4455.

Accordingly, §§ 10.66 (a) (3) and (c) of the Customs Regulations (19 CFR 10.66 (a) (3), 10.66(c)) are revised to read as follows:

§ 10.66. Articles exported for temporary exhibition and returned; procedure on entry.

(a) * * *

(3) A declaration of the importer on Customs Form 4455 for articles of either domestic or foreign origin; and

* * *

(c) Articles claimed to be exempt from duty under item 802.20 or item 802.30, Tariff Schedules of the United States (19 U.S.C. 1202), may be returned free of duty without formal entry and without regard to the requirements of paragraphs (a) or (b) of this section if:

(1) Prior to the exportation of such articles, an application on Customs Form 4455 (accompanied by an appropriate inventory, when required by law or by the district director) is filed with a declaration thereon that:

(i) Any right to drawback of Customs duties with respect to that shipment was waived;

(ii) Any internal revenue tax due has been paid and no refund thereof will be sought; and

(iii) The merchandise was identified, registered, and exported in accordance with the regulations set forth in §§ 10.8 (d), (f), (g), and (h), governing the exportation of articles sent abroad for repairs, and

(2) Upon return, a duplicate Customs Form 4455 (with accompanying inventory where one was required) is filed.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Because this amendment merely conforms the Customs Regulations with certain administrative changes, notice and public procedure thereon are found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective September 26, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 18, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc. 75-25782 Filed 9-25-75; 8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965.....)

Outpatient Physical Therapy and Speech Pathology Services

On January 6, 1975, there was published in the FEDERAL REGISTER (40 FR 1057) a notice of proposed rulemaking and proposed amendments to Regulations No. 5 relating to the coverage of outpatient physical therapy and speech pathology services under the Medicare program. The proposed amendments implement sections 251(b) and 283 of Public Law 92-603, the Social Security Amendments of 1972, to reflect the option available to patients under a home health plan to have speech pathology services reimbursed under either the home health benefit or outpatient speech pathology benefit, just as physical therapy services may be reimbursed under either the outpatient physical therapy benefit or the home health benefit, and set forth physician certification and plan of treatment requirements for outpatient physical therapy and speech pathology services.

Interested parties were given the opportunity to submit in writing on or before February 5, 1975, any data, views, or arguments pertaining to the proposed amendments. Comments were received from a variety of sources including representatives of national, state, and local organizations. The comments and suggestions subsequently received, responses thereto, and changes made in the regulations as proposed are discussed below.

A majority of the comments received object to the requirements that outpatient speech pathology services be furnished under a written plan established and periodically reviewed by a physician that prescribes the type, amount, frequency, and duration of the speech pathology services to be furnished the individual and that a physician periodically recertify as to the patient's con-

tinuing need for such services. The comments received state that patient referrals made by physicians to speech pathologists are on a nonprescription basis. It is indicated that the determination as to whether speech pathology services will contribute to the patient's improved communication skills is exclusively the speech pathologist's, as are decisions regarding the amount, type, frequency, and duration of the speech pathology services to be rendered, and to place such determinations with the physician misrepresents both the past and present common practice. The requirements in question derive their basis from the statute itself. Section 1861(p) of the Social Security Act, as amended (42 U.S.C. 1395x(p)), specifically requires that the patient be under the care of a physician and that the services required be furnished pursuant to a plan of treatment established and periodically reviewed by a physician which sets out the type, amount, and duration of the services to be provided. Similarly, section 1835(a)(2)(D) of the Act (42 U.S.C. 1395n(a)(2)(D)) specifically requires that the physician certify and periodically recertify that "... in the case of outpatient speech pathology services, (i) such services are or were required because the individual needed speech pathology services, (ii) a plan for furnishing such services has been established and is periodically reviewed by a physician, and (iii) such services are or were furnished while the individual is or was under the care of a physician." Accordingly, legislative action would be required to effect a change in these requirements. However, it was felt it would be consistent with the law and meet some of the concerns expressed if the regulations provided that the required plan will be established by the physician after any necessary consultation with the speech pathologist or physical therapist, as appropriate, and the regulations have been so revised.

Comments were also received which suggested that the subject regulations were incomplete since, although they provide that outpatient physical therapy services include such services rendered by physical therapists in independent practice, they do not indicate that outpatient speech pathology services include the services of speech pathologists in independent practice. The services of speech pathologists in independent practice cannot be included under the regulations because section 1861(p) of the Social Security Act limits outpatient speech pathology services to such services furnished by or under arrangements with a provider of services, a clinic, rehabilitation agency, or a public health agency. A change in the law would be required to provide coverage under the Medicare program for outpatient speech pathology services rendered by a speech pathologist in independent practice.

Suggestions were made that the terminology used to describe "speech pathology services" and the professionals who provide them should be consistent

throughout the regulations and that this phrase should be substituted for the term "speech therapy." The changes in section 1861(p) of the Act resulting from Public Law 92-603 which provided for the coverage of outpatient speech pathology services used the term "speech pathology" to describe the services. However, although the Senate Finance Committee in its report on H.R. 1, the Social Security Amendments of 1972, stated that its provision for outpatient speech pathology services covered "the same services now covered as speech therapy services . . ." Public Law 92-603 did not change other sections of the Act where the term "speech therapy" was used. Since the term "speech therapy" where used in these regulations relates to provisions of the law which use this term rather than the term "speech pathology" we believe the reference should be to the term used in the law.

Comments were also received that the provisions in § 405.1634(b), which added the specific requirements regarding physician certification and recertification of outpatient physical therapy and speech pathology services, including the requirement that the physician recertify at least once every 30 days that there is a continued need for such services, mark an abrupt departure from the previous regulatory position and are unnecessary. Section 405.1634(a) currently reflects the physician certification requirements for "medical and other health services" furnished by a provider of services as they apply to other than outpatient physical therapy and speech pathology services. The Social Security Amendments of 1967 (Public Law 90-248 enacted January 2, 1968), which provided for the outpatient physical therapy benefit, as well as the provisions of the Social Security Amendments of 1972 (Public Law 92-603 enacted October 30, 1972), which added the outpatient speech pathology benefit, established separate physician certification and recertification requirements for outpatient physical therapy and speech pathology services apart from medical and other health services. Since the new material being included in § 405.1634(b) reflects changes required by the statute, this comment cannot be adopted.

Similarly, the requirement that a physician recertify at least once every 30 days that there is a continued need for such services not only implements the authority contained in the law to provide for the frequency of physician recertification by regulations when services are furnished over a period of time, but also complements the requirement in law that a physician periodically review the plan of treatment. Since the professional advice we have received is that at least a 30-day review is a reasonable period and appropriate for patients who continue to require these services, such requirement is being retained in the regulations despite the comments objecting thereto.

Comments were received that the word "frequency" should be deleted from § 405.250a(b) which provides that "the

plan must prescribe the type, amount, frequency, and duration of the physical therapy or speech pathology services that are to be furnished the individual. . . . because the law does not specifically state that the frequency of services must be shown as part of the plan of treatment. While the word "frequency" does not appear in the law as one of the elements that must be included in the plan of treatment, it is felt that a natural by-product of "amount" and "duration" is "frequency." Therefore, this term was included in the regulations to make sure there is a proper understanding of the relationship of the terms "amount" and "duration."

Comments were received that the language in § 405.50a(b) was ambiguous because it permitted an interpretation that persons other than the physician could make changes in the plan of treatment if they were approved by the physician. The language in this section has been revised to make it clear that only a physician may order such changes, but other professional persons may receive and record the changes when the physician gives them orally.

Comments were received suggesting that the regulations be revised to reflect coverage of outpatient occupational therapy services and aural rehabilitation services by an audiologist on the same basis as outpatient physical therapy and speech pathology services. Since the law does not presently provide a basis for such coverage, it was not possible to adopt these suggestions.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

(Sections 1102, 1235, 1861, and 1871 of the Social Security Act, as amended, 49 Stat. 647, as amended, 79 Stat. 303, as amended, 79 Stat. 313, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395a, 1395k, and 1395hh.)

Effective date. These amendments shall be effective October 28, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance of the Aged—Supplementary Medical Insurance.)

Dated: June 26, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 23, 1975.

DAVID MATHEWS,
Secretary of Health, Education,
and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as follows:

Subpart B—Supplementary Medical Insurance Benefits; Enrollment, Coverage, Exclusions, and Payment

1. Paragraphs (a) (2) and (a) (5) of § 405.230 are revised to read as follows:

§ 405.230 Supplementary medical insurance benefits.

(a) **Benefits provided.** Any individual who is enrolled under the supplementary medical insurance plan established by Part B of title XVIII of the Act is, subject

to the conditions, limitations, and exclusions described in this Part 405, entitled to have:

(2) Payment made to him, or on his behalf, for medical and other health services other than outpatient physical therapy and speech pathology services (see § 405.231(l) and (m)) furnished by other than a participating provider of services (in the case of certain non-participating hospitals which have elected to claim payment with respect to emergency outpatient services—see § 405.249);

(5) Payment made on his behalf to a participating clinic, rehabilitation agency, public health agency, or other provider of services (see § 405.231(l) and (m)) for outpatient physical therapy services furnished to him after June 30, 1968, and for outpatient speech pathology services furnished to him after December 31, 1972.

2. In § 405.231, paragraph (l) is revised and new paragraph (m) is added to read as follows:

§ 405.231 Medical and other health services; included items and services.

Subject to the conditions, limitations, and exclusions set forth in § 405.232, the term "medical and other health services" means the following items or services:

(l) Outpatient physical therapy services which are furnished:

(1) By or under arrangements made by a participating clinic, rehabilitation agency, public health agency (see Subpart Q of this part) or other provider of services (see Subparts J, K, and L of this part), or

(2) After June 30, 1973, by or under the direct supervision of a qualified physical therapist in independent practice in his office or in the individual's home (see § 405.232(e) (2)); or

(3) By or under arrangements made by a hospital or skilled nursing facility (see Subparts J and K of this part) to its inpatients (see § 405.232(e) (3)); and

(m) Outpatient speech pathology services which are furnished:

(1) By or under arrangements made by a participating clinic, rehabilitation agency, public health agency (see Subpart Q of this part), or other provider of services (see Subparts J, K, and L of this part) to an individual as an outpatient; and

(2) By or under arrangements made by a hospital or skilled nursing facility (see Subparts J and K of this part) to its inpatients (see § 405.232(j)).

3. In § 405.232, paragraph (e) is revised and new paragraph (j) is added to read as follows:

§ 405.232 Medical and other health services; conditions, limitations, and exclusions.

In addition to the general exclusions described in Subpart C of this part, the

following conditions, limitations, and exclusions shall apply with respect to the "medical and other health services" described in § 405.231:

(e) **Outpatient physical therapy services.** (1) There shall be excluded from the outpatient physical therapy services described in § 405.231(l) (1) any item or service which:

(i) Is furnished before July 1, 1968 (with respect to services furnished before such date, see § 405.231(c)); or

(ii) Would not be included as inpatient hospital services if furnished to an inpatient of a hospital.

(2) The outpatient physical therapy services described in § 405.231(l) (2) shall include only those items and services:

(i) The incurred expenses for which do not exceed \$100 in any calendar year; and

(ii) Furnished by a physical therapist in independent practice, i.e., he renders services on his own responsibility and free of the administrative and professional control of an employer; the individuals he treats are his own patients and he has the right to collect the fee or other compensation for the services he renders; he maintains at his own expense an office or office space and the necessary equipment to provide an adequate program of physical therapy; he is engaged in such practice on a regular basis; and

(iii) Furnished by a physical therapist licensed by the State in which the items and services were furnished and who meets the other qualifications set out in § 405.1720(e).

(3) There shall be excluded from the outpatient physical therapy services described in § 405.231(l) (3) any item or service which is furnished before October 30, 1972.

(j) **Outpatient speech pathology services.** There shall be excluded from the outpatient speech pathology services described in § 405.231(m) (1) and (2) any item or service which:

(1) Is furnished before January 1, 1973 (with respect to services furnished before such date—see § 405.231(c)); or

(2) Would not be included as inpatient hospital services if furnished to an inpatient of a hospital.

4. Paragraph (b) of § 405.236 is revised to read as follows:

§ 405.236 Home health services; items and services included.

Subject to the provisions described in § 405.237, "home health services" means the following items and services furnished to an individual in accordance with §§ 405.234 and 405.235:

(b) Physical, occupational, or speech therapy (see § 405.239);

5. Section 405.239 is revised to read as follows:

§ 405.239 Option available to patients under a home health plan who require physical therapy or speech therapy services.

A patient under a home health plan may elect to receive required physical or speech therapy services (also known as speech pathology services) as a "medical and other health service" (see § 405.231 (l) and (m)) rather than as a home health service (see § 405.236(b)) and thereby save home health visits for other covered home health services.

6. Paragraph (b)(3) of § 405.250 is revised to read as follows:

§ 405.250 Procedures for payment; medical and other health services furnished by participating provider; home health services.

Payment for medical and other health services (see §§ 405.230(a)(3), 405.231, and 405.232), and for home health services (see §§ 405.230(a)(4), 405.233 through 405.236), furnished by a participating provider of services is made to such provider only if:

(b) A physician certifies, and recertifies (see Subpart P of his part) when required, that:

(3) In the case of outpatient physical therapy and speech pathology services:

(i) Such services were required because the individual needed physical therapy or speech pathology services (and with respect to outpatient physical therapy services furnished before October 30, 1972, such services were required because the individual needed physical therapy services on an outpatient basis—see § 405.231(l)(1)); and

(ii) A written plan for furnishing such services has been established, and is periodically reviewed, by a physician (see § 405.250a); and

(iii) Such services were furnished while the individual was under the care of a physician.

7. Following § 405.250, a new § 405.250a is added to read as follows:

§ 405.250a Outpatient physical therapy and speech pathology services furnished by participating provider; plan of treatment requirements.

Outpatient physical therapy and speech pathology services furnished by a participating provider of services (see § 405.230(a)(5) and § 405.231(l)(1), (l)(3), and (m)), must be furnished under a written plan, established and periodically reviewed by a physician after any necessary consultation with the physical therapist or speech pathologist, as appropriate, which meets the following requirements:

(a) The plan must be established (i.e., put into writing) before treatment is begun and promptly signed by the ordering physician; and

(b) The plan must prescribe the type, amount, frequency, and duration of the physical therapy or speech pathology services that are to be furnished the individual and indicate the diagnosis and

anticipated goals. Any changes to this plan must be made in writing and signed by the physician. Changes to the plan may also be made pursuant to the oral orders given by the physician to a qualified physical therapist, a qualified speech pathologist, a registered professional nurse, or a physician on the staff of the provider. Such changes must be immediately recorded in the patient's records and signed by the individual receiving the orders; and

(c) The plan must be reviewed by the physician, at such intervals as the severity of the individual's condition requires, but at least once every 30 days. Each review of the plan should contain the initials of the physician and the date performed.

Subpart P—Certification and Recertification; Requests for Payment

8. Section 405.1634 is revised to read as follows:

§ 405.1634 Medical and other health services covered by the supplementary medical insurance program furnished by a provider of services; certification and recertification.

(a) Except as provided in paragraphs (b) and (c) of this section, the certification statement should indicate that the medical and other health services furnished by, or under arrangements made by, the provider were medically required, and should be signed by a physician who has knowledge of the case. The certification may be made on a record retained by the provider, or a special form may be used; also a physician's written order designating the medical and other health services required would be acceptable. The certification statement should be obtained at the time covered medical and other health services are furnished, or as soon thereafter as is reasonable and practicable. No recertification of the continued need for covered services is required. Where covered services are provided on a continuing basis, the physician certification can be obtained either at the beginning or end of the series of visits.

(b) With respect to outpatient physical therapy and speech pathology services described in paragraphs (l)(1), (l)(3), and (m) of § 405.231:

(1) The required physician's statement should certify that:

(i) outpatient physical therapy or speech pathology services were required because the individual needed such services; (ii) a plan for furnishing such services was established and periodically reviewed by the physician; and (iii) such services were furnished while the patient was under the care of a physician. The certification statement should be obtained at the time the plan of treatment is established or as soon thereafter as possible, and should be signed by the same physician who establishes the plan of treatment (see § 405.250a).

(2) When outpatient physical therapy or speech pathology services are continued under the same plan of treatment

for a period of time, a recertification of the continued need for such services is required. The recertification statement should contain the following information: (i) that there is a continuing need for such services; and (ii) an estimate of how long the services will be required. The physician must recertify at intervals of at least once every 30 days and the recertification should be made at the same time the plan of treatment is reviewed. The same physician who reviews the plan of treatment must sign the recertification.

(c) Certification with respect to the medical and other health services described in § 405.231(c) and (k) is not required for such services furnished on or after June 30, 1968.

[FR Doc.75-25772 Filed 9-25-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—PLANNING

PART 460—PUBLIC ROAD MILEAGE FOR APPOINTMENT OF HIGHWAY SAFETY FUNDS

• Purpose. The purpose of this amendment to the regulations of the Federal Highway Administration is to prescribe policies and procedures followed in identifying and reporting public road mileage for utilization in the statutory formula for the apportionment of highway safety funds under 23 U.S.C. 402(c). •

The Federal Highway Administration is amending Chapter I of Title 23, Code of Federal Regulations, by adding a new Part 460—Public Road Mileage for Apportionment of Highway Safety Funds. The new Part 460 codifies material formerly contained in Federal Highway Administration Instructional Memorandum 50-7-71, dated August 20, 1971, and now contained in Volume 4, Chapter 5, Section 3, of the Federal-Aid Highway Program Manual.

Since this amendment relates to grants and benefits within the purview of 5 U.S.C. 553(a)(2), notice and public procedure thereon are unnecessary, and it is effective on the date of issuance set forth below.

Effective Date: October 6, 1975.

Issued on September 18, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

23 CFR Chapter I is amended by adding a new Part 460, reading as follows:

Sec.
460.1 Purpose.
460.2 Definitions.
460.3 Procedures.

AUTHORITY: 23 U.S.C. § 315, 402(c); 49 CFR 1.48.

§ 460.1 Purpose.

The purpose of this part is to prescribe the policies and procedures followed in identifying and reporting public road mileage for utilization in the statutory

formula for the apportionment of highway safety funds under 23 U.S.C. 402(c), § 460.2 Definitions.

As used in this part:

(a) "Public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel.

(b) "Public authority" means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality thereof, with authority to finance, build, operate or maintain toll or toll-free highway facilities.

(c) "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates.

(d) "Maintenance" means the preservation of the entire highway, including surfaces, shoulders, roadsides, structures, and such traffic control devices as are necessary for its safe and efficient utilization.

(e) "State" means any one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa. For the purpose of the application of 23 U.S.C. 402 on Indian reservations, "State" and "Governor of a State" include the Secretary of the Interior.

§ 460.3 Procedures.

(a) *General requirements.* 23 U.S.C. 402(c) provides that funds authorized to carry out Section 402 shall be apportioned according to a formula based on population and public road mileage of each State. Public road mileage shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State or his designee and subject to the approval of the Federal Highway Administrator.

(b) *State public road mileage.* Each State must annually submit a certification of public road mileage within the State to the Federal Highway Administration Division Administrator by the date specified by the Division Administrator. Public road mileage on Indian reservations within the State shall be identified and included in the State mileage and in computing the State's apportionment.

(c) *Indian reservation public road mileage.* The Secretary of the Interior or his designee will submit a certification of public road mileage within Indian reservations to the Federal Highway Administrator by June 1 of each year.

(d) *Action by the Federal Highway Administrator.* (1) The certification of Indian reservation public road mileage, and the State certifications of public road mileage together with comments thereon, will be reviewed by the Federal

Highway Administrator. He will make a final determination of the public road mileage to be used as the basis for apportionment of funds under 23 U.S.C. 402(c). In any instance in which the Administrator's final determination differs from the public road mileage certified by a State or the Secretary of the Interior, the Administrator will advise the State or the Secretary of the Interior of his final determination and the reasons therefor.

(2) If a State fails to submit a certification of public road mileage as required by this part, the Federal Highway Administrator may make a determination of the State's public road mileage for the purpose of apportioning funds under 23 U.S.C. 402(c). The State's public road mileage determined by the Administrator under this subparagraph may not exceed 90 percent of the State's public road mileage utilized in determining the most recent apportionment of funds under 23 U.S.C. 402(c).

[FR Doc. 75-25770 Filed 9-25-75; 8:45 am]

Title 24—Housing and Urban Development CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SUBCHAPTER A—INTRODUCTION

[Docket No. R-75-210]

PART 300—GENERAL

List of Attorneys-in-Fact

Correction

In FR Doc. 75-24841, appearing at page 43027 in the issue for Thursday, September 18, 1975, the following corrections should be made.

1. On page 43027, in the third column, in the paragraph numbered "1", the second name should read "Robert P. Atkinson".

2. In the same column, in the paragraph numbered "2", the following entry should be inserted immediately below the entry for Vincent C. Hehl:

"Linda S. Heintz, Philadelphia, Pa."

CHAPTER VIII—LOW-INCOME HOUSING

[Docket No. R-75-345]

PART 860—INCOME LIMITS WITH RESPECT TO, ADMISSION TO, AND OCCUPANCY OF, LOW-INCOME HOUSING OWNED BY PUBLIC HOUSING AGENCIES OR LEASED BY PUBLIC HOUSING AGENCIES FROM PRIVATE OWNERS

Subpart D—Minimum and Maximum Rent- Income Ratios, and Minimum Rent Re- quirements

INTERIM RULE

Notice is hereby given that the Department of Housing and Urban Development (HUD) is adopting an interim rule amending Chapter VIII of Title 24 by adding Part 860, Subpart D. Subpart B was published at 40 FR 33445, August 8, 1975.

The interim rule implements the provisions of the United States Housing Act of 1937 as amended by the Housing and Community Development Act of 1974

that are applicable to rents to be charged tenants in low-income housing projects with the exception of certain programs. The interim rule supersedes Circular RHM 7465.2, dated March 19, 1970, titled "Implementation of Sections 212 and 213 of the Housing and Urban Development Act of 1969"; Circular HM 7465.10, dated March 16, 1971, and amended April 4, 1972, titled "New Definition of Income—Implementation of Section 208 of the Housing and Urban Development Act of 1970"; and Circular HM 7465.13, dated January 18, 1972, titled "Implementation of Section 9, PL 92-213—Public Housing Rent Reductions, Welfare Families".

The interim rule defines "income" for the purposes of the provision contained in section 3(1) of the United States Housing Act as amended by the Housing and Community Development Act of 1974 which restricts rents to be charged public housing tenants to one-fourth of the family's income as defined by the Secretary. The interim rule also defines other terms employed by public housing agencies (PHAs) in fixing rents, by HUD in approving rents, and in rent schedules. The amendment to the United States Housing Act contained in section 3(1) of the Housing and Community Development Act of 1974 codifies the Secretary's definition of "income" under the one-fourth of income limitation that was contained in Circular HM 7465.10 and adds an exemption from income for the care of foster children not found in Circular HM 7465.10. The interim rule incorporates the codification and additional exemption and makes some additional editorial changes.

The definitions of other terms contained in the interim rule in the main are identical to the definitions in use by PHAs and HUD continuously since enactment of the United States Housing Act of 1937. The interim rule makes some editorial changes in the definitions, the most important being an editorial change in the definition of "contract rent". While the use of furniture has never been included in "contract rent", but has always been the subject of an additional PHA charge, a recent court decision permitted inclusion of a charge for the use of furniture as part of the contract rent. The interim rule specifically provides that the use of furniture is not included in the contract rent.

The interim rule implements the minimum rent to income ratio, minimum rent, and maximum rent to income ratio requirements of the Act as amended by the Housing and Community Development Act of 1974, and provides, as a condition precedent to operating subsidies, that the aggregate rental required to be paid in any year by families in occupancy shall not be less than an amount equal to one-fifth of the sum of the "family income" of all such families. The interim rule also provides for certification by PHAs of compliance with the above condition precedent.

The interim rule provides a schedule for increases in rent resulting from the rent provisions of the Housing and Community Development Act of 1974. The in-

terim rule also provides that the effective date of section 3(1) of the United States Housing Act of 1937 as amended by the Housing and Community Development Act of 1974 shall be the date that these regulations are published.

Because the financial position of PHAs requires that their rental income be augmented as provided in the Housing and Community Development Act of 1974 as soon as practicable, this interim rule is effective September 26, 1975. Interested persons are invited to submit written suggestions with respect to final regulations concerning the subject matter of the interim rule to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. All relevant material received by October 31, 1975, will be considered before adoption of final regulations. A copy of each communication will be available for public inspection during regular business hours at the above address.

The Secretary has determined that this amendment does not have a substantial environmental impact and a finding of inapplicability is available for public inspection in the office of the Rules Docket Clerk at the above address.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, Part 860 of Title 24 of the Code of Federal Regulations is amended by adding a new Subpart D—Minimum and Maximum Rent-Income Ratio and Minimum Rent Requirements to read as follows:

Subpart D—Minimum and Maximum Rent-Income Ratios and Minimum Rent Requirements	
Sec.	
860.401	Purpose.
860.402	Applicability.
860.403	Definitions.
860.404	Minimum rent to income ratio and minimum rent.
860.405	Maximum rent to income ratio.
860.406	Required percentage of very low income families in occupancy in projects placed under an annual contributions contract after the effective date of this subpart.
860.407	Minimum aggregate rent to income required for operating subsidies.
860.408	Schedules for increases in rent.
860.409	Effective date of section 3(1) of the United States Housing Act of 1937, as amended.

AUTHORITY: Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

§ 860.401 Purpose.

The purpose of this subpart is to establish minimum and maximum rent to income ratios and minimum rents to be charged in low income housing; to establish minimum rent to income ratios necessary to entitle public housing agencies (PHAs) to operating subsidies; to define income and rent for making determinations of rent to income ratios and rent in accordance with the United States Housing Act of 1937, as amended; to establish the required percentage of very low income families in projects placed

under annual contributions contracts after the effective date of this Subpart; to establish criteria for scheduling of rent increases; and to establish the effective date of section 3(1) of the Act.

§ 860.402 Applicability.

This subpart is applicable to all dwelling units assisted under the United States Housing Act of 1937 in projects owned by or leased to PHAs and leased or subleased by PHAs to tenants, and is not applicable to the section 8 Housing Assistance Payments Program where owners enter into leases directly with the tenants. This subpart is not applicable to the Mutual Help Homeownership Opportunities Program.

§ 860.403 Definitions.

For the purpose of this subpart the following terms shall have the following meaning:

(a) *Contract rent.* Contract rent means the rent charged a tenant for the use of the dwelling accommodation and equipment (such as ranges and refrigerators but not including furniture), services, and reasonable amounts of utilities determined in accordance with the PHA's schedule of allowances for utilities supplied by the project. Contract rent does not include charges for utility consumption in excess of the public housing agency's schedule of allowances for utility consumption, or other miscellaneous charges. This definition of contract rent is not the same as contract rent for purposes of Parts 880 to 889 of Title 24.

(b) *Disabled person.* Disabled person means a person who is under a disability as defined in section 223 of the Social Security Act or in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 or is handicapped as defined in this section. Section 223 of the Social Security Act defines disability as:

(A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or

(B) in the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 defines disability as:

... a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary [of Health, Education, and Welfare] to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue in-

definitely, and which constitutes a substantial handicap to such individual.

(c) *Displaced family.* Displaced family means a person or a family displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(d) *Elderly family.* Elderly family means a family whose head or spouse or whose sole member is at least sixty-two years of age, or disabled as defined in this section or handicapped as defined in this section, and may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

(e) *Family.* The term family shall be defined by the PHA in accordance with applicable law, but with respect to single persons, such definition shall include only an elderly family as defined in this section, or a displaced family as defined in this section, or the remaining member of a tenant family.

(f) *Family income.* Family income means total family income less the following:

(1) A deduction of five percent of total family income, except that the deduction shall be ten percent in the case of an elderly family.

(2) A deduction for extraordinary medical expenses, defined for this purpose to mean medical expenses in excess of three percent of total family income, where not compensated for or covered by insurance.

(3) A deduction of amounts for unusual occupational expenses not compensated for by the employer, such as special tools and equipment, but only to the extent to which such expenses exceed normal and usual expenses incidental to the type of employment engaged in by the employee.

(4) A deduction of amounts paid by the family for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head or spouse, except that the amount deducted shall not exceed the amount of income received by the family member thus released.

(5) An exemption of the first \$300 of the income of a secondary wage-earner who is the spouse of the head of the household.

(6) An exemption of \$300 for each member of the family residing in the household (other than the head or spouse) who is under eighteen years of age or who is eighteen years of age or older and disabled, handicapped or a full-time student.

(7) An amount equal to the sums received by the head of the household or his spouse from, or under the direction of, any public or private nonprofit child-placing agency for the care and maintenance of one or more persons who are under eighteen years of age and were placed in the household by such agency.

No person in the family shall be entitled to more than one exemption.

(g) *Full-time student.* Full-time student means a person who is carrying a subject load which is considered full-time for day students under the standards and practices of the educational institution attended.

(h) *Gross income.* Gross income means total family income as defined in this section.

(i) *Gross rent.* Gross rent means contract rent plus the PHA's estimate of the cost to the tenant of reasonable quantities of utilities determined in accordance with the PHA's schedule of allowances for such utilities, where such utilities are purchased by the tenant and not included in the contract rent. This definition of gross rent is not the same as gross rent for the purposes of Parts 880-889 of Title 24.

(j) *Handicapped person.* Handicapped person means a person having an impairment which (1) is expected to be of long-continued and indefinite duration, (2) substantially impedes his ability to live independently, and (3) is of such a nature that such disability could be improved by more suitable housing conditions.

(k) *Head of the household.* Head of the household means the family member who is held responsible and accountable for the family.

(l) *Rent.* Rent means gross rent as defined in this section.

(m) *Spouse.* Spouse means the husband or wife of the head of the household.

(n) *Temporary, nonrecurring or sporadic income.* Temporary, nonrecurring or sporadic income includes the following income:

(1) Casual, sporadic and irregular gifts, and amounts which are specifically received for, or are a reimbursement of, the cost of illness or medical care.

(2) Lump-sum additions to family assets, such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal or property losses.

(3) Amounts of educational scholarships paid directly to the student or to the educational institution and amounts paid by the United States Government to a veteran for use in meeting the cost of tuition, fees and books, to the extent that such amounts are so used.

(4) Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(5) The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1964.

(6) Payments received by participants or volunteers in programs pursuant to the Domestic Volunteer Service Act of 1973.

(7) Payments received by participants in other publicly-assisted programs as reimbursement for out-of-pocket expenses incurred (special equipment,

clothing, transportation, reimbursement for child care, and so forth, which are made solely to allow participation in a specific program and cannot be used for other purposes).

(o) *Total family income.* Total family income means income from all sources of (1) the head of the household and spouse, and (2) each additional member of the family residing in the household who is at least eighteen years of age, anticipated to be received during the twelve months following admission or reexamination of family income, exclusive of the income of full-time students (other than the head or spouse) and income which is temporary, non-recurring or sporadic as defined in this section. Total family income shall include that portion of the income of the head of the household or spouse temporarily absent which, in the determination of the PHA, is (or should be) available to meet the family's needs. Total family income includes, but is not limited to, the following:

(i) The full amount, before any payroll deduction, of wages and salaries, including compensation for overtime and other compensation for personal services (such as commissions, fees, tips, and bonuses).

(ii) Net income from operation of a business or profession (expenditures for business expansion or amortization of capital indebtedness shall not be deducted to determine net-income from a business).

(iii) Interest, dividends, and net income of any kind from real or personal property.

(iv) The full amount received from annuities, periodic payments from insurance policies, retirement income, pensions, periodic benefits for disability or death, and other similar types of periodic receipts.

(v) Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and dismissal wages.

(vi) Welfare assistance payments.

(vii) Periodic and determinable allowances, such as alimony and regular contributions or gifts, including amounts received from any persons not residing in the dwelling.

(viii) All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances, allowances for dependents, etc.), received by a member of the Armed Forces.

(ix) Payments to the head of the household for support of a minor, or payments nominally to a minor for his support but controlled for his benefit by the head of the household or a resident family member other than the head, who is responsible for his support.

(p) *Utilities.* Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection and sewerage services. Telephone service is not included as a utility.

(q) *Very low-income family.* Very low-income family means a family whose

total family income does not exceed 50 percent of the median total family income for the area, with adjustments for smaller and larger families, as determined by the Secretary.

§ 860.404 Minimum rent to income ratio and minimum rent.

The rent for any dwelling unit shall not be less than the higher of (a) 5 percent of the gross income of the family occupying the dwelling unit, or (b) if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated. For the purpose of ascertaining the higher of paragraphs (a) and (b) of this section, the rent under paragraph (b) of this section shall be established by a finding thereof by the Secretary of HUD. In the absence of such finding, the rent shall be the fair market rent established by the Secretary pursuant to Part 888 of this chapter. If the rent established by the Secretary exceeds the maximum dollar payment for shelter and utilities permitted by the welfare agency, the rent shall be established as the maximum dollar payment payable by the welfare agency for shelter and utilities.

§ 860.405 Maximum gross rent to income ratio.

Subject to the provisions of § 860.404, the rent for any dwelling unit shall not exceed one quarter (25%) of family income as defined in this Subpart.

§ 860.406 Required percentage of very low income families in occupancy of projects placed under annual contributions contract after the effective date of this subpart.

At least 20 percent of the dwelling units in any project placed under annual contributions contract in any fiscal year beginning after the effective date of this subpart shall be occupied by very low-income families as defined in this Subpart.

§ 860.407 Minimum aggregate rent to income ratios required for payment of operating subsidies.

(a) For the purpose of eligibility to receive annual contributions for operation of low-income housing projects (operating subsidies), the aggregate rentals required to be paid in any year by families residing in the dwelling units in projects to which the operating subsidy applies shall not be less than an amount equal to one-fifth of the family income of all such families.

(b) A certificate of compliance with subparagraph (a) of this paragraph or subparagraph (a) of this paragraph on a form prescribed by HUD shall be adopted by the PHA and incorporated in the PHA's operating budget in any instance where the operating budget indicates expectation of receipt of operating subsidies by the PHA. The certificate of compliance shall:

(1) Be prepared on a date six months prior to the beginning of the PHA fiscal year to which the operating budget applies;

(2) Be based upon the latest rent and family income determinations available to the PHA.

(c) If the PHA cannot certify compliance with the provisions of subparagraph (a) of this paragraph at the time of submission of the PHA's operating budget, the operating subsidy shall not be paid, except that:

(1) If, prior to the commencement of the fiscal year to which the operating budget relates, the PHA certifies compliance with paragraph (a) of this section, the full approved operating subsidy shall be paid; and

(2) If, at any time during the fiscal year to which the operating budget relates, the PHA certifies compliance with paragraph (a) of this section, the approved operating subsidy shall be paid in a *pro rata* amount for each day of the fiscal year remaining commencing with the date of receipt of the certification at the appropriate HUD office.

(d) Each PHA shall retain in its files documentation supporting the certification. The documentation, at a minimum, shall include the record of annual family income and monthly rent for each family in residence upon which the certification is based.

(e) The requirements of this paragraph shall be effective for fiscal years commencing not earlier than six months after the effective date of these regulations and for all subsequent fiscal years.

§ 860.408 Schedules for increases in rent.

(a) For families moving into low income housing projects after the effective date of this subpart, the minimum rent to income ratio or minimum rent, respectively, determined in accordance with § 860.404 of this subpart shall be effective immediately.

(b) For tenants in occupancy on the effective date of this Subpart, increases in rent resulting from the implementation of this Subpart shall be made in accordance with the following schedule:

(1) For tenants whose minimum rent is determined in accordance with § 860.404(b) of this subpart, the rent shall be effective on the first of the month following such effective date or as soon thereafter as PHAs have obtained necessary statements and verifications from local welfare agencies and can effect the increase simultaneously for all tenants receiving specific categories of welfare assistance.

(2) For all other tenants, PHAs shall recompute rent at the next reexamination and redetermination of income in accordance with PHA policy which occurs not earlier than six months after the effective date of this subpart.

(i) If the reexamination and redetermination of income results in a determination that an increase of \$5 or less is required, the increase shall be effective on the first of the month following.

(ii) If the reexamination and redetermination of income results in a determination that an increase greater than \$5 is required as a result of the provisions of this Subpart, the rent shall be increased by \$5 on the first of the month following. The remainder of any required increase shall take effect in \$5 increments at six-month intervals thereafter. At any subsequent six-month interval before the full rental increase is effective, if the family's income or composition changes so that a reduction rather than an increase is warranted, such reductions shall be made, and the remaining unpaid portions of the increase resulting from the reexamination and redetermination of income required by this Subpart shall be waived. At any subsequent six-month interval if the family's income has increased, increments resulting from the implementation required by this Subpart shall be limited to \$5 increments. Increases attributable to changes in the family's income or composition shall be effective in full on dates established in accordance with PHA policy.

(iii) For families not receiving welfare assistance at the time of the reexamination and recomputation of income required by this Subpart who later become welfare recipients, the minimum rent in accordance with § 860.404 of this Subpart shall be effective on the first of the following month.

§ 860.409 Effective date of section 3(1) of the United States Housing Act of 1937, as amended.

The effective date of section 3(1) of the United States Housing Act of 1937, as amended, shall be the date that these regulations are published in the FEDERAL REGISTER (September 26, 1975).

Effective date. This subpart is effective September 26, 1975.

H. R. CRAWFORD,
Assistant Secretary for
Housing Management.

[FR Doc. 75-25721 Filed 9-25-75; 8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Civil Rights Division Memorandum 75-2]

PART O—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Delegation of Authority Respecting Denials of Freedom of Information Act Requests

This memorandum delegates the authority previously granted the Assistant Attorney General, Civil Rights Division, to deny requests made under the Freedom of Information Act, 5 U.S.C. 552(a).

Pursuant to the authority vested in me by Subpart J of Part O of Chapter I of Title 28, Code of Federal Regulations, I issue the following memorandum as an appendix to Subpart J of Part O of Chapter I of Title 28, Code of Federal Regulations, making the following delegation of authority within the Civil Rights Division:

1. The Deputy Assistant Attorney General, Civil Rights Division, who is authorized to assume the responsibilities of the Assistant Attorney General in his absence (the First Deputy Assistant Attorney General) will assume the duties and responsibilities previously assigned to the Assistant Attorney General by 28 CFR 16.5 (b) and (c) (as amended March 1, 1975), and defined in those sections, for denying requests and obtaining extensions of time under the Freedom of Information Act, 5 U.S.C. 552 et seq.

2. In the absence or unavailability of the First Deputy Assistant Attorney General, the Chief of the Appellate Section or, in his absence or unavailability, the Deputy Chief of the Appellate Section, is authorized to assume the duties and responsibilities described in paragraph 1.

3. The First Deputy Assistant Attorney General, Chief of the Appellate Section, or Deputy Chief of the Appellate Section, who signs a denial of a request for records made under the Freedom of Information Act, shall be the "person responsible for the denial" within the meaning of 5 U.S.C. 552(a).

Dated: September 16, 1975.

J. STANLEY POTTINGER,
Assistant Attorney General,
Civil Rights Division.

[FR Doc. 75-25769 Filed 9-25-75; 8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 201—GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

Procedures for Reconsidering Disallowance of Federal Financial Participation; Correction

FEDERAL REGISTER Document 75-21666, published at page 34596 in the issue dated Monday, August 18, 1975, is revised to correct the effective date to read August 18, 1975 and to revise the order of paragraphs (d) (12), (d) (13) and (e) to read as set forth below:

§ 201.14 Reconsideration under section 1116(d) of the Act.

(d) *Reconsideration procedures.* . . .

(12) Either the state or the Regional Commissioner may request from the Administrator, for good cause, an extension of any of the time limits specified in this section.

(13) No section of this regulation shall be interpreted as waiving the Department's right to assert any provision or exemption in the Freedom of Information Act.

(e) *Implementation of the decision.* If the decision requires an adjustment in the Federal share, either upward or

downward, this will be reflected in subsequent grant awards.

Approved: September 22, 1975.

THOMAS S. McFEE,
Deputy Assistant Secretary for
Management Planning and
Technology.

[FR Doc.75-25771 Filed 9-25-75;8:45 am]

CHAPTER X—COMMUNITY SERVICES
ADMINISTRATION

PART 1061—CHARACTER AND SCOPE OF
SPECIFIC COMMUNITY ACTION PRO-
GRAMS

Emergency Energy Conservation Program;
Correction

In FR Doc. 75-19456 appearing at pages 31602 through 31604 in the FEDERAL REGISTER of July 28, 1975, the section numbers published as § 1061.20-1 through § 1061.20-10 are corrected to read § 1061.30-1 through § 1061.30-10.

Dated: September 22, 1975.

ARTHUR J. REID, JR.
Deputy General Counsel.

[FR Doc.75-25696 Filed 9-25-75;8:45 am]

PART 1067—FUNDING OF COMMUNITY
ACTION PROGRAMS

General Conditions Governing CSA Grants Funder Under Titles II, III-B, and VII of the EOA of 1964 as Amended (Including Amendments Made by the Community Services Act of 1974); Correction

In FR Doc. 75-17607 appearing at pages 27030 through 27034 in the FEDERAL REGISTER of June 26, 1975, the section numbers published as § 1067.4-1 through § 1067.4-3 are corrected to read § 1067.5-1 through § 1067.5-3.

Dated: September 22, 1975.

ARTHUR J. REID, JR.,
Deputy General Counsel.

[FR Doc.75-25697 Filed 9-25-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION

PART 1—PRACTICE AND PROCEDURE

Designation of Decision-Making Personnel;
Correction

In the order in the above-entitled matter, FCC 75-519, released May 12, 1975; and published in the FEDERAL REGISTER May 20, 1975 at 40 FR 21958, in § 1.1209 the introductory text and paragraph (d) should read as set forth below.

Adopted: September 17, 1975.

Released: September 19, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

§ 1.1209 Decision-making Commission personnel (restricted rule making proceedings).

The following categories of persons are designated as decision-making Commis-

sion personnel in restricted rule making proceedings:

(d) The Chief of the Common Carrier Bureau and his staff; *Provided, however*, That in any restricted rulemaking proceeding where the Commission directs a separated trial staff to participate, the Chief, Hearing and Legal Division of the Common Carrier Bureau shall be a party in the proceeding and he and his staff shall be non-decision-making personnel. In such cases the Chief of the Hearing and Legal Division and his staff will be separated from the Commission, the presiding Administrative Law Judge, the Office of the General Counsel, and the Chief and Deputy Chief and all division Chiefs of the Common Carrier Bureau, but are unrestricted in their access to all other Commission personnel.

NOTE: Notwithstanding the requirements of § 1.1221 or any other provision of this chapter to the contrary, in restricted rule-making proceedings, the Chief, Hearing and Legal Division and his staff shall be separated from decision making personnel only to the extent indicated in this paragraph.

[FR Doc.75-25735 Filed 9-25-75;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION, MATERIALS TRANSPORTATION BUREAU

SUBCHAPTER B—HAZARDOUS MATERIALS

[Docket No. HM-111; Amdt. Nos. 171-28, 173-90, 174-25, 175-12, 177-32, 178-35]

PART 173—SHIPPERS

PART 178—SHIPPING CONTAINER
SPECIFICATIONS

Radioactive Materials; Miscellaneous
Amendments; Corrections

On December 31, 1974, the Hazardous Materials Regulations Board published extensive miscellaneous amendments to the Hazardous Materials Regulations relating to radioactive materials (39 FR 45238). Since that time, various errors in amendments 173-90 and 178-35 have been brought to the attention of this Bureau.

Since these errors are editorial in nature, or revisions that are necessary for clarification, the amendments are corrected as follows:

1. In § 173.396 paragraph (b) (6) Table, the last two entries are revised, footnotes 2 and 3 are added; in paragraph (b) (7) Table, the third column heading is amended by changing "II" to read "III"; in paragraph (b) (8) Table, the headings of the last three columns are revised; in paragraph (c) (1), the first sentence is amended by deleting "uranium-233" in the third line; in paragraph (c) (2) (ii) Table, the first two column headings are revised; paragraph (f) (2) is revised to read as follows:

§ 173.396 Fissile radioactive material.

(b) * * *
(6) * * *

21PF-1 ¹	30	76	4,950	2,247	5.0	5.0
	30	76	5,020	2,279	5.0	5.0
21PF-2 ²	30	76	4,950	2,247	5.0	5.0
	30	76	5,020	2,279	5.0	5.0

¹ Model 30A inner cylinder (Reference: ORO-651);
² Model 30B inner cylinder (Reference: ORO-651).

(8) * * *

Maximum "heel" weight per cylinder
UPG (U²³⁵)

Pounds Kilograms Kilograms

(c) * * *

(2) * * *

(ii) * * *

Uranium-233 Uranium-235

(f) * * *

(2) Missile Class III packages, which have been assigned a transport index for nuclear criticality control purposes in accordance with Fissile Class II criteria, may be combined with other Fissile Class III packages of the same or different design for which a transport index has been so assigned for nuclear criticality control purposes, and may be combined with Fissile Class II packages. In a Fissile Class III shipment under the conditions prescribed in paragraph (g) of this section, Provided:

§ 178.34-4 [Amended]

2. § 178.34-4 paragraph (a) (2) (ii) Table is amended by changing the bolt circle diameter for a flange closure on a 3-inch diameter pipe from "½" to "6".

§ 178.103-3 [Amended]

3. § 178.103-3 paragraph (c) (3) is amended by changing number "27" in the eighth line to read "2.7".

§ 178.104-3 [Amended]

4. § 178.104-3 paragraph (a) is amended by changing the number "51" in the 14th line to read "57"; paragraph (a) (2) is amended by changing the first sentence to read as follows: "Each drum must have at least four 1.2 centimeter (0.5-inch) diameter vents near the top, each covered with a weatherproof tape or fusible plug; or equivalent device." * * *; paragraph (b) is amended by changing the material shown within the first set of parentheses to read: * * * "(cast iron or brass are prohibited)" * * *

Effective: These corrections are effective September 26, 1975.

(Transportation of Explosives Act (18 U.S.C. 831-835); section 6 of the Department of Transportation Act (18 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958, (49 U.S.C. 1421-1430, 1472 (h) and 1655(c)).

Issued in Washington, D.C. on September 19, 1975.

HERBERT H. KAISER, JR.,
Acting Director,
Materials Transportation Bureau.

[FR Doc.75-25692 Filed 9-25-75;8:45 am]

RULES AND REGULATIONS

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective during the period September 30, 1975 through March 15, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Erie National Wildlife Refuge is permitted in accordance with all applicable State and Federal regulations. Such hunting is permitted only on the designated area, as delineated on maps available at refuge headquarters, Guys

Mills, Pennsylvania, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 22, 1975.

[FR Doc.75-25766 Filed 9-25-75;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective during the period September 30, 1975, through January 31, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Erie National Wildlife Refuge, Pennsylvania, is permitted. The open hunting area is delineated on maps available at refuge headquarters, Guys Mills, Pennsylvania, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 22, 1975.

[FR Doc.75-25767 Filed 9-25-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE

Proposed Endangered Status for 216 Species Appearing on Convention on International Trade

Relative to a request of May 22, 1975 by the Fund for Animals, Inc., the U.S. Fish and Wildlife Service hereby proposes to list as Endangered Species, pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 87 Stat. 884), those species which appear on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and which do not already appear on the U.S. Lists of Endangered Wildlife. The Fund contends that signature and ratification of the Convention acknowledged the Endangered status of these species and that they therefore should appear on the Lists of Endangered Wildlife promulgated pursuant to the Endangered Species Act of 1973.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora established a system of regulations to prevent the overexploitation of the world's natural biota. Species of concern are listed in three appendices, which include provisions for periodic amendments. Differing levels of trade regulation are provided for species on each appendix depending, in part, upon the degree to which such forms are threatened with extinction and the contribution trade or international traffic makes to such a threat.

Appendix I, which contains the most critical listing, includes all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species will be subject to particularly strict regulation to guard against further jeopardizing their survival. Exceptions will be allowed in only a few circumstances. Trade that is allowed will require both an export permit from the country of origin and an import permit from the country of destination.

Appendix I presently consists of 375 faunal and 45 floral taxa. Approximately 50 percent of the fauna on Appendix I already are on the U.S. List of Endangered Wildlife, as published in the Fed-

ERAL REGISTER. Those species are not duplicated below.

Variations between Appendix I and the following proposed plant lists are: (1) "Cattleya jongheana" was a typographical error that has been properly corrected as *Laelia jongheana* and, (2) *Lycaste virginalis* var. *alba*, as listed in Appendix I, is referred to below as *Lycaste virginalis*.

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an endangered species, or a threatened species, because of any of five factors. These factors are the following:

- (1) *The present or threatened destruction, modification, or curtailment of its habitat or range;*
- (2) *Overutilization for commercial, sporting, scientific, or educational purposes;*
- (3) *Disease or predation;*
- (4) *Inadequacy of existing regulatory mechanisms;*
- (5) *Other natural or manmade factors affecting its continued existence.*

With regard to each of the species proposed for endangered status herein, there appears to have been a decline in numbers, due either to factors 2 or 4 above, or to a combination of both. Some of these species, such as the clouded leopard, have been exposed to overutilization for commercial purposes involving the fur trade; others, such as the sable antelope, have been exploited for food and sport. All of the species on Appendix I have been recognized by the Convention as being in international trade or as having the potential of entering into international trade. Given the precarious position of each species, international trade could be detrimental to the survival of the species, but presently no satisfactory mechanism to control or regulate such trade is in effect. The Convention has now been ratified by a sufficient number of nations to make it operational. In the future, as more nations ratify, it could provide a satisfactory international regulator. Until such time, however, the inadequacy of existing regulatory mechanisms continues to be a factor in the endangerment of the species on Appendix I.

During the period between publication of this proposed rulemaking and the final rulemaking, a thorough status survey

will be conducted on each species or groups of like species to determine the extent to which international trade has been a factor in their endangerment. It will also be determined for all of them whether any of the other five factors required for listing of a species as endangered are operational.

Supporting data for the above proposal were presented in the petition or are on file with the Fish and Wildlife Service, Washington, D.C. The final rulemaking on these species will be a large undertaking, involving (1) the preparation of necessary status information on these species, (2) the preparation of environmental assessments and (3) consultations with States, foreign countries and others as required by the Endangered Species Act. The final listing process will thus be quite extensive and it will take many months to complete. It should also be noted that the Fish and Wildlife Service probably will not publish a final rulemaking which will list all of these species at once. Rather, as status reports and Impact Assessments on certain groups of species are completed, those species will be listed before proceeding to other groups of species.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than October 28, 1975, will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

Dated: September 19, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

1. Add to the list of endangered species in Part 17, the following:

PROPOSED RULES

Common name	Scientific name	Range	Portion of range where endangered
Plants:			
(1) <i>Alocasia zanderiana</i>	<i>Alocasia zanderiana</i>	Malaya, Philippines	Entire range.
(2) <i>Alocasia zebrina</i>	<i>Alocasia zebrina</i>	Philippines	Do.
(3) <i>Carex costaricensis</i>	<i>Carex costaricensis</i>	Costa Rica	Do.
(4) <i>Gymnocarpus przewalskii</i>	<i>Gymnocarpus przewalskii</i>	Mongolia, Tibet, Tiao-shan	Do.
(5) <i>Melandrium mongolicum</i>	<i>Melandrium mongolicum</i>	Mongolia	Do.
(6) <i>Silene mongolica</i>	<i>Silene mongolica</i>	do.	Do.
(7) <i>Stellaria pulchella</i>	<i>Stellaria pulchella</i>	do.	Do.
Alerce	<i>Fitzroya cupressoides</i>	Chile, Argentina	Do.
White alerce	<i>Fitzroya cupressoides</i>	Southern Chile	Do.
Broad-palms	<i>Encephalartos spp.</i>	Tropics, South Africa	Do.
(1) <i>Alicycurus calocoma</i>	<i>Alicycurus calocoma</i>	Cuba	Do.
(2) <i>Stangeria eriopus</i>	<i>Stangeria eriopus</i>	Southeast Africa	Do.
(3) <i>Prepnan hookeriana</i>	<i>Prepnan hookeriana</i>	Brazil	Do.
(4) <i>Vandana barbotii</i>	<i>Vandana barbotii</i>	Costa Rica	Do.
(5) <i>Engelhardtia pterocarpa</i>	<i>Engelhardtia pterocarpa</i>	do.	Do.
(6) <i>Anacoptanthus mongolicus</i>	<i>Anacoptanthus mongolicus</i>	Mongolia, Western China	Do.
(7) <i>Cynometra hematomaphylla</i>	<i>Cynometra hematomaphylla</i>	Costa Rica	Do.
(8) <i>Platanus plicatostachya</i>	<i>Platanus plicatostachya</i>	do.	Do.
(9) <i>Tachyia ferricolor</i>	<i>Tachyia ferricolor</i>	do.	Do.
(10) <i>Aloe albida</i>	<i>Aloe albida</i>	Transvaal, Republic of South Africa	Do.
(11) <i>Aloe pillanai</i>	<i>Aloe pillanai</i>	South Africa	Do.
Spiral aloe	<i>Aloe polyphylla</i>	Lesotho	Do.
(12) <i>Aloe thorncroftii</i>	<i>Aloe thorncroftii</i>	Transvaal, Republic of South Africa	Do.
(13) <i>Aloe ussui</i>	<i>Aloe ussui</i>	do.	Do.
(14) <i>Lavatera Roeliana</i>	<i>Lavatera Roeliana</i>	Brazil	Do.
(15) <i>Guarea longipetala</i>	<i>Guarea longipetala</i>	Panama	Do.
(16) <i>Eulocarpus costaricensis</i>	<i>Eulocarpus costaricensis</i>	Costa Rica	Do.
(17) <i>Cattleya skinneri</i>	<i>Cattleya skinneri</i>	Southern Mexico to Costa Rica, Trinidad	Do.
(18) <i>Cattleya trianae</i>	<i>Cattleya trianae</i>	Colombia	Do.
(19) <i>Didymia cunninghamii</i>	<i>Didymia cunninghamii</i>	Eastern India	Do.
(20) <i>Laelia lobata</i>	<i>Laelia lobata</i>	Brazil	Do.
(21) <i>Laelia juphanea</i>	<i>Laelia juphanea</i>	do.	Do.
(22) <i>Lycaste virginiana</i>	<i>Lycaste virginiana</i>	Mexico, Guatemala, Honduras	Do.
Holy Ghost Orchid	<i>Peristeria elata</i>	Costa Rica, Panama, Colombia, Venezuela	Do.
Guatemalan fir	<i>Abies guatemalensis</i>	Western Guatemala	Do.
(23) <i>Abies nebrodensis</i>	<i>Abies nebrodensis</i>	Northern Sicily	Do.
(24) <i>Podocarpus costalis</i>	<i>Podocarpus costalis</i>	Philippines, Taiwan	Do.
Parlatore's podocarp	<i>Podocarpus parlatorei</i>	Southern Peru, Bolivia, Northern Argentina	Do.
Marsh rose	<i>Orobanchus zeyheri</i>	South Africa	Do.
(25) <i>Protea odorata</i>	<i>Protea odorata</i>	do.	Do.
(26) <i>Balsmia stormae</i>	<i>Balsmia stormae</i>	Mexico	Do.
(27) <i>Ribes sardoum</i>	<i>Ribes sardoum</i>	Italy: Sardinia	Do.
(28) <i>Celtis africana</i>	<i>Celtis africana</i>	Sicily: Mount Etna	Do.
Welwitschia	<i>Welwitschia bainesii</i>	Angola, South-West Africa	Do.
Philippine garland-flower	<i>Hedyclium philippinense</i>	Philippines	Do.
Molluscs:			
Birdwing pearly mussel	<i>Conradilla culeata</i>	Powell and Clinch Rivers in Virginia and Tennessee, Duck River in Tennessee	Do.
Drummary pearly mussel	<i>Dromus dromas</i>	Powell and Clinch Rivers in Virginia and Tennessee	Do.
Curtis' pearly mussel	<i>Epioblasma (=Dysnomia) forcutina curtisi</i>	Black River in Missouri	Do.
Yellow-blossom pearly mussel	<i>Epioblasma (=Dysnomia) forcutina forcutina</i>	Duck River in Tennessee	Do.
Sampson's pearly mussel	<i>Epioblasma (=Dysnomia) sampsoni</i>	Wabash River in Indiana and Illinois	Do.
White cat's paw pearly mussel	<i>Epioblasma (=Dysnomia) sulcata perobliqua</i>	Detroit River in Michigan and the St. Joseph River in Ohio, Michigan, and Indiana	Do.
Green-blossom pearly mussel	<i>Epioblasma (=Dysnomia) forcutina gubernaculum</i>	Clinch River in Virginia and Tennessee	Do.
Tubercled-blossom pearly mussel	<i>Epioblasma (=Dysnomia) forcutina forcutina</i>	Lower Ohio River in Kentucky and Illinois, Nolichucky River, Tennessee and Kanawha River, West Virginia	Do.
Turgid-blossom pearly mussel	<i>Epioblasma (=Dysnomia) turgidula</i>	Duck River in Tennessee	Do.
Brown-blossom pearly mussel	<i>Epioblasma (=Dysnomia) walkei</i>	Lower Red River in Kentucky and Tennessee, Holston River in Virginia and Tennessee, Stones River in Tennessee, Duck River in Tennessee, and Clinch River in Virginia and Tennessee	Do.
Fine-rayed pigtoe pearly mussel	<i>Fusconia concolor</i>	Clinch River in Virginia and Tennessee, Powell River in Virginia and Tennessee, and Paint Rock River in northern Alabama	Do.
Shiny pigtoe pearly mussel	<i>Fusconia edgerlyana</i>	Powell River in Virginia and Tennessee, Clinch River in Virginia and Tennessee, Paint Rock River in Alabama, and Holston River in Virginia	Do.
Higgins' eye pearly mussel	<i>Lampella higginsii</i>	Mississippi River in Minnesota, Wisconsin, Illinois, Meramec River in Missouri, St. Croix River in Wisconsin, Minnesota	Do.
Pink mucket pearly mussel	<i>Lampella orbiculata orbiculata</i>	Green River, Kentucky, Kanawha River in West Virginia, Tennessee River in Tennessee and Alabama, Muskhogum River, Ohio	Do.
Plain pocketbook	<i>Lampella satura</i>	Sabine River System, Texas and Louisiana, Trinity River, Texas, San Jacinto River, Texas	Do.
Alabama lump pearly mussel	<i>Lampella strepens</i>	Paint Rock River System in Alabama	Do.
White wartyback pearly mussel	<i>Plethobasis cincticoens</i>	Tennessee River, Tennessee and Alabama	Do.
Orange-footed pimpleback	<i>Plethobasis cooperianus</i>	Tennessee River, Tennessee and Alabama	Do.
Rough pigtoe pearly mussel	<i>Pleurobema plenum</i>	Tennessee River, Tennessee, Green River, Kentucky, Clinch River, Virginia and Tennessee	Do.

Common name	Scientific name	Range	Portion of range where endangered
Fat pocketbook pearly mussel.	<i>Potamilus (=Preptera) capax</i>	White River, Arkansas, St. Francis River, Arkansas and Missouri.	Do.
Cumberland monkeyface pearly mussel.	<i>Quadrula intermedia</i>	Powell and Clinch Rivers, Virginia and Tennessee, Duck River, Tennessee.	Do.
Appalachian monkeyface pearly mussel.	<i>Quadrula sparsa</i>	Powell and Clinch Rivers, Virginia and Tennessee.	Do.
Pale lilliput pearly mussel.	<i>Tuzolasma (=Curunculina) cythindrella</i>	Duck River, Tennessee, Paint Rock River, Alabama.	Do.
Nicklin's pearly mussel.	<i>Unio (possibly Megalonnus) nichliniana</i>	Mexico.....	Do.
Tampico pearly mussel.	<i>Unio (possibly Lampalis) tampicoensis tecomanensis</i>	do.....	Do.
Cumberland bean pearly mussel.	<i>Villosa (=Mferomya) traillii</i>	Cumberland and Rockcastle Rivers, Kentucky.	Do.
Fish:			
Asian bonytongue.	<i>Scleropages formosus</i>	Borneo, Bunka, Sumatra, Malaya, Thailand.	Do.
Ikan temolek.	<i>Probarbus jullieni</i>	Menam River (Thailand), Mekong River (Cambodia, Laos, and Vietnam), Pahang River (Malaya).	Do.
Reptiles:			
Chinese alligator.	<i>Alligator sinensis</i>	Lower Yangtze River drainage of China.	Do.
Black caiman.	<i>Melanosuchus niger</i>	Amazon basin.....	Do.
Apaporis River caiman.	<i>Caiman crocodilus apaporicensis</i>	Apaporis River of Columbia.....	Do.
Broad-snouted caiman.	<i>Caiman latirostris</i>	Brazil, Uruguay, Argentina, Paraguay.	Do.
Tomistoma.	<i>Tomistoma schlegelii</i>	Borneo, Sarawak, Sumatra, Southern Malay Peninsula.	Do.
African dwarf crocodile.	<i>Osteoleaenus tetraspis tetraspis</i>	West Africa.....	Do.
Congo dwarf crocodile.	<i>Osteoleaenus tetraspis osborni</i>	Congo River drainage.....	Do.
African slender-snouted crocodile.	<i>Crocodylus cataphractus</i>	Western and Central Africa.....	Do.
Siamese crocodile.	<i>Crocodylus siamensis</i>	Southeast Asia, Malay Peninsula.....	Do.
Mugger crocodile.	<i>Crocodylus palustris palustris</i>	India, Pakistan, Bangladesh, Iran.....	Do.
Ceylon mugger crocodile.	<i>Crocodylus palustris timbula</i>	Ceylon.....	Do.
Philippine crocodile.	<i>Crocodylus nosequincus mindorensis</i>	Philippine Islands.....	Do.
Spotted pond turtle.	<i>Geonemys (=Damonina) hamiltonii</i>	Northern India, Pakistan.....	Do.
Three-keeled Asian turtle.	<i>Geomyda (=Nicator) tricarinata</i>	Central India to Bangladesh and Assam.	Do.
Indian sawback turtle.	<i>Kachuga tecta tecta</i>	Ganges, Brahmaputra, and Indus drainages of India.	Do.
Burmese peacock turtle.	<i>Murenia ocellata</i>	Southern Burma.....	Do.
Geometric turtle.	<i>Geochelone (=Testudo) geometrica</i>	Cape Province, South Africa.....	Do.
Angulated tortoise.	<i>Geochelone (=Testudo) myphora</i>	do.....	Do.
Indian flap-shell tortoise.	<i>Issemys punctata punctata</i>	Ganges and Indus drainages of India, Pakistan, and Bangladesh.	Do.
Cuatro Ciénegas softshell turtle.	<i>Trionyx ater</i>	Cuatro Ciénegas basin, Mexico.....	Do.
Black softshell turtle.	<i>Trionyx nigricans</i>	Pond near Chittatong, East Pakistan.	Do.
Indian softshell turtle.	<i>Trionyx gangeticus</i>	Pakistan, India, Bangladesh and Nepal.	Do.
Peacock softshell turtle.	<i>Trionyx hurum</i>	Ganges and Brahmaputra drainages of India and Bangladesh.	Do.
Komodo Island monitor.	<i>Varanus komodoensis</i>	Komodo, Rintja, Padar, and western Flores Islands of Indonesia.	Do.
Yellow monitor.	<i>Varanus flavescens</i>	West Pakistan through India to Bangladesh.	Do.
Bengal monitor.	<i>Varanus bengalensis</i>	Persia, Afghanistan, India, Ceylon, Burma, Thailand, South Vietnam, Malay Peninsula, Java.	Do.
Desert monitor.	<i>Varanus griseus</i>	North Africa to Nearest, Caspian Sea through U.S.S.R. to West Pakistan, Northwest India.	Do.
Indian python.	<i>Python molurus molurus</i>	Ceylon and India.....	Do.
Amphibians:			
Japanese giant salamander.	<i>Andrias (=Megalobatrachus) davidianus japonicus</i>	Honshu and Kyushu Islands, Japan.....	Do.
Chinese giant salamander.	<i>Andrias (=Megalobatrachus) davidianus davidianus</i>	Western China.....	Do.
Cameroon toad.	<i>Bufo superciliaris</i>	Equatorial Africa.....	Do.
Monteverde toad.	<i>Bufo perigrinus</i>	Monteverde, Costa Rica.....	Do.
African viviparous toads.	<i>Nectophrynoides</i> spp.....	Tanzania, Guinea, Africa.....	Do.
Panamanian golden frog.	<i>Atelopus varius retcki</i>	Panama.....	Do.
Birds:			
Solitary tinamou.	<i>Tinamus solitarius</i>	Brazil, Paraguay, Argentina.....	Do.
Abbott's booby.	<i>Sula abbotti</i>	Christmas Island in Indian Ocean.....	Do.
Frigate bird.	<i>Fregata aedreata</i>	East Indian Ocean Islands.....	Do.
Campbell Island flightless teal.	<i>Anas aucklandica nesiotis</i>	Campbell Island, New Zealand.....	Do.
Marianas mallard.	<i>Anas castrovi</i>	Islands of Guam, Saipan, Tinian, Marianae.	Do.
Pink-headed duck.	<i>Rhodonessa caryophyllacea</i>	India.....	Do.
Harpy eagle.	<i>Harpia harpyja</i>	Mexico, Central America, Bolivia, Brazil, Argentina.	Do.
Greenland white-tailed eagle.	<i>Haliaeetus albicilla greenlandicus</i>	Greenland and adjacent Atlantic Islands.	Do.
Peregrine falcon.	<i>Falco peregrinus peregrinus</i>	Europe, Russia.....	Do.
Do.	<i>Falco peregrinus batponicus</i>	Central deserts and steppes of Asia.....	Do.
Black-fronted piping-guan.	<i>Pipile jaculunga</i>	Argentina.....	Do.

PROPOSED RULES

Common name	Scientific name	Range	Portion of range where endangered
Mitu	<i>Mitu mitu mitu</i>	Amazonian Columbia, Brazil, Peru, and Bolivia.	Do.
Himalayan monal	<i>Lophophanes in pejanus</i>	Himalayas	Do.
Elliot's pheasant	<i>Syrnaticus ellioti</i>	Southeastern China	Do.
Tibetan snowcock	<i>Tetraogallus tibetanus</i>	Sino-Himalayas	Do.
Montezuma quail	<i>Cyrtonyx montezumae merriami</i>	Mexico	Do.
Cuba sandhill crane	<i>Grus canadensis nesioles</i>	Cuba, Isle of Pines	Do.
Black-necked crane	<i>Grus nigricollis</i>	Tibet	Do.
White-naped crane	<i>Grus vipio</i>	Mongolia	Do.
Lord Howe wood rail	<i>Tricholimnas sylvestris</i>	Lord Howe Island	Do.
Bengal floricon	<i>Evopodis bengalensis</i>	Pakistan, Bhutan, Nepal	Do.
Northmann's green-shank	<i>Tringa guttifer</i>	Assam, Pakistan, Sakhalin Island, Siberia, Ussuriland, Japan, Korea, Malaya, Burma	Do.
Khar turunt tsakhia	<i>Larus relictus</i>	India, China, Tibet, South America	Do.
Mindoro zone-tailed pigeon	<i>Ducula mindorensis</i>	Philippines	Do.
Red-spectacled parrot	<i>Amazona pretrei pretrei</i>	Brazil, Argentina	Do.
Vinaceous breasted parrot	<i>Amazona vinacea</i>	Brazil	Do.
Glaucous macaw	<i>Anodorhynchus glaucus</i>	Paraguay, Uruguay, Brazil	Do.
Indigo macaw	<i>Anodorhynchus leari</i>	do	Do.
Little blue macaw	<i>Cyanopsitta cyzix</i>	do	Do.
Red-capped parrot	<i>Pionopsitta pileata</i>	do	Do.
Golden parakeet	<i>Aratinga guaruba</i>	do	Do.
New Zealand parakeet	<i>Cyanoramphus novaezelandiae</i>	New Caledonia, Norfolk Island, New Zealand	Do.
Principe parrot	<i>Psittacus erithacus princeps</i>	Africa	Do.
Hook-billed hermit	<i>Ramphodon dohrnii</i>	Brazil	Do.
Resplendent quetzal	<i>Pharomachrus mocinno mocinno</i>	Central America	Do.
Do	<i>Pharomachrus mocinno costaricensis</i>	Costa Rica	Do.
Giant scops owl	<i>Otus gurneyi</i>	Islands of Marinduque and Mindanao, Philippines	Do.
Helmeted hornbill	<i>Rhinoplax vigil</i>	Malaya, Sumatra, Borneo	Do.
Banded cotinga	<i>Cotinga maculata</i>	Brazil	Do.
White-winged cotinga	<i>Xipholena ulro-purpurea</i>	do	Do.
Koch's pitta	<i>Pitta kochi</i>	Philippines	Do.
Western rufous bristlebird	<i>Dasyornis broadbenti bitorata</i>	Australia	Do.
White-breasted noddie	<i>Zosterops allopularis</i>	Norfolk Island	Do.
Red siskin	<i>Spinus cucullatus</i>	South America	Do.
damalac			
Lesser	<i>Alouatta spp</i>	Madagascar	Do.
Howler monkey	<i>Alouatta palliata (villosa)</i>	Mexico, Ecuador, Colombia	Do.
Golden langur	<i>Presbytis geei</i>	Assam, Bhutan	Do.
Langur	<i>Presbytis pileatus</i>	Assam, India, Burma	Do.
Langur	<i>Presbytis entellus</i>	Tibet, India, Nepal, Ceylon, Pakistan, Kashmir, Sikkim, Bangladesh	Do.
Proboscis monkey	<i>Nasalis larvatus</i>	Borneo	Do.
Gibbons	<i>Hylodactylus spp.</i>	China, Burma, India, Assam, Thailand, Sumatra, Java	Do.
Slamang	<i>Symphalangus syndactylus</i>	Malay peninsula, Sumatra	Do.
Giant armadillo	<i>Prionates giganteus (=maximus)</i>	Venezuela, Guyana, Argentina	Do.
Scaly anteater	<i>Marmota flaviventris</i>	Africa	Do.
Hippid hare	<i>Caprolagus hippidus</i>	India, Nepal	Do.
Beaver	<i>Castor fiber birulae</i>	Mongolia	Do.
Mexican Beaver	<i>Castor canadensis mexicanus</i>	New Mexico, Texas, Mexico	Do.
Australian native mouse	<i>Zyomys pedunculatus</i>	Australia	Do.
Do	<i>Notomys agilis</i>	do	Do.
Chinchilla	<i>Chinchilla brevicaudata boliviana</i>	Bolivian Andes	Do.
Gray wolf	<i>Canis lupus monstrabilis</i>	Texas, New Mexico, Mexico	Do.
Spotted lining	<i>Prionodon pardicolor</i>	Nepal, Assam, Burma, Indochina	Do.
Glacier bear	<i>Ursus americanus emmonsii</i>	Alaska, British Columbia	Do.
Brown bear	<i>Ursus arctos pruinosus</i>	Tibet	Do.
Do	<i>Ursus arctos</i>	Italy	Do.
Long-tailed otter	<i>Lutra longicaudis</i>	South America	Do.
Muskrat	<i>Lutra felina</i>	Peru, Chile Island, Straits of Magellan	Do.
Southern river otter	<i>Lutra provocax</i>	Chile, Argentina	Do.
Southern sea otter	<i>Enhydra lutris neris</i>	Waters off California from Santa Barbara to Santa Cruz counties	Do.
Flat-headed cat	<i>Felis planiceps</i>	Malay Peninsula, Borneo, Sumatra	Do.
Black-footed cat	<i>Felis nigripes</i>	Southern Africa	Do.
Costa Rican puma	<i>Felis concolor costaricensis</i>	Nicaragua, Costa Rica, Panama	Do.
Temminck's cat	<i>Felis temminckii</i>	Tibet, Sumatra	Do.
Leopard cat	<i>Felis bengalensis bengalensis</i>	Eastern Asia	Do.
Jaguarundi	<i>Felis yagouaroundi cacomilli</i>	Mexico	Do.
Do	<i>Felis yagouaroundi fossata</i>	Mexico, Nicaragua	Do.
Do	<i>Felis yagouaroundi panamensis</i>	Nicaragua, Costa Rica, Panama	Do.
Do	<i>Felis yagouaroundi tolteca</i>	Mexico	Do.
Marbled cat	<i>Felis marmorata</i>	Nepal, Malaya, Burma, Sumatra, Borneo	Do.
Andean cat	<i>Felis jacobita</i>	Chile, Peru, Bolivia, Argentina	Do.
Bobcat	<i>Felis (Lynx) rufus eximiuspinus</i>	Central Mexico	Do.
Clouded leopard	<i>Neofelis nebulosa</i>	Southeast Asia	Do.
Asian elephant	<i>Elephas maximus</i>	India, Burma, Thailand, Indochina, Malay Peninsula, Sumatra, Ceylon	Do.
Przewalski's horse	<i>Equus przewalskii</i>	Mongolia	Do.
Mountain zebra	<i>Equus zebra zebra</i>	Southern Africa	Do.
Asian tapir	<i>Tapirus indicus</i>	Burma, Thailand, Indochina, Sumatra	Do.

Common name	Scientific name	Range	Portion of range where endangered
Baldronna	<i>Babryosa babryssa</i>	North Celebes, Tioigan Islands, Buru Island, Sula Island.	Do.
Bactrian camel	<i>Camelus bactrianus</i>	Mongolia, China.	Do.
Mask deer	<i>Moschus moschiferus moschiferus</i>	South-central Asia	Do.
Hog deer	<i>Axis (Hyelaphus) porcinus annamiticus</i>	India, Thailand, Indochina.	Do.
Philippine deer	<i>Axis (Hyelaphus) calamianensis</i>	Calamian Islands in Philippines.	Do.
South Andean huemal	<i>Hippocamelus bisulcus</i>	Chile, Argentina.	Do.
North Andean huemal	<i>Hippocamelus antileonensis</i>	Ecuador, Peru, Bolivia, Chile, Argentina.	Do.
Pampas deer	<i>Ozotoceros bezoarticus</i>	Brazil, Paraguay, Uruguay, Argentina.	Do.
Pudu	<i>Pudu pudu</i>	Southern South America.	Do.
Mountain anoa	<i>Bubalus (Anoa) guarleri</i>	Celebes	Do.
Lechwe	<i>Kobus lechwe</i>	Southwest Africa	Do.
Sable antelope	<i>Hippotragus nigler varians</i>	Southern Africa.	Do.
Dorcas gazelle	<i>Dama dama dama</i>	South Africa.	Do.
Saiga antelope	<i>Saiga tatarica mongolica</i>	Mongolia	Do.
Goral	<i>Naemorhedus goral</i>	East Asia	Do.
Sumatran serow	<i>Capricornis sumatraensis</i>	Sumatra	Do.
Chamois	<i>Rupicapra rupicapra ornata</i>	Italy	Do.
Straight-horned markhor	<i>Capra falconeri jerdoni</i>	Pakistan-Afghanistan border.	Do.
Kabal markhor	<i>Capra falconeri megaceros</i>	Afghanistan, Pakistan	Do.
Chiltan markhor	<i>Capra falconeri chiltanensis</i>	Pakistan	Do.
Urial	<i>Ovis orientalis ophion</i>	Cyprus	Do.
Argali	<i>Ovis ammon hodgsoni</i>	Tibet.	Do.
Blapo	<i>Ovis vignei</i>	Kashmir.	Do.

1 None in common usage.

[FR Doc.75-25479 Filed 9-25-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Handling Regulation

These proposals would extend through September 26, 1976, current grade and size requirements applicable to domestic and export shipments of Florida oranges, grapefruit, tangerines, and tangelos as set forth in the following table:

Variety	Domestic regulations		Export regulations	
	Minimum grade	Minimum diameter in inches (count size in 1/4 bu. carton)	Minimum grade	Minimum diameter in inches (count size in 1/4 bu. carton)
Oranges:				
Early-midseason	U.S. No. 1	2 3/4 (size 125)	U.S. No. 1	2 3/4 (size 163)
Navel	U.S. No. 1 Golden	do	U.S. No. 1 Golden	Do.
Temple	U.S. No. 1	do	U.S. No. 1	Do.
Murcott honey	Florida No. 1	2 1/4 (size 120)	Florida No. 1	2 3/4 (size 120)
Valencia	U.S. No. 1	2 3/4 (size 125)	U.S. No. 1	2 3/4 (size 163)
Grapefruit:				
Seeded	do	3 1/2 (size 40)	do	3 1/4 (size 48)
Seedless	Improved No. 2	3 3/4 (size 48)	Improved No. 2	3 3/4 (size 64)
Tangerines	U.S. No. 1	2 3/4 (size 210)	U.S. No. 1	2 3/4 (size 246)
Tangelos	do	2 3/4 (size 125)	do	2 3/4 (size 163)

Such shipments of Florida oranges, grapefruit, tangerines, and tangelos are currently regulated through October 26, 1975, pursuant to Orange Regulation 74, Grapefruit Regulation 76, Tangerine Regulation 47, and Tangelo Regulation 47. The proposed extension of the effective period of such regulations is designed to promote orderly marketing and provide consumers with an ample supply of acceptable-quality fruit.

All persons who desire to submit written data, views, or arguments in connection with the proposed action should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing

Clerk during regular business hours (7 CFR 1.27(b)).

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The amendments were proposed by the Growers Administrative Committee and Shippers Advisory Committee, established under said amended marketing agreement and order.

The proposed amendments reflect the committees' appraisal of the need for regulation of shipments of the specified varieties of oranges, grapefruit, tange-

rines, and tangelos during the period October 27, 1975, through September 26, 1976, based on the available supply and current and prospective market conditions. The amendments are designed to continue shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The proposed action is designed to maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower-quality and smaller-size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed amendments are consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

The regulatory proposals are as follows:

Order. 1. In § 905.560 (Orange Regulation 74; 40 FR 42318) the introductory texts of paragraphs (a) and (b) are revised to read as follows:

§ 905.560 Orange Regulation 74.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(b) During the period October 27, 1975, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

2. In § 905.563 (Grapefruit Regulation 76; 40 FR 42317) the introductory texts of paragraphs (a) and (b) are revised to read as follows:

§ 905.563 Grapefruit Regulation 76.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(b) During the period October 27, 1975, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

3. In § 905.561 (Tangerine Regulation 47; 40 CFR 42318) the introductory texts of paragraphs (a) and (b) are revised to read as follows:

§ 905.561 Tangerine Regulation 47.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(b) During the period October 27, 1975, through September 26, 1976, no

handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

4. In § 905.562 (Tangelo Regulation 47; 40 FR 42318) the introductory texts of paragraphs (a) and (b) are revised to read as follows:

§ 905.562 Tangelo Regulation 47.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(b) During the period October 27, 1975, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

Dated: September 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-25711 Filed 9-25-75; 8:45 am]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Handling Regulation

This notice invites written comment relative to a proposal to add a new section to the Rules and Regulations currently in effect under Marketing Order No. 915. The new section would require each handler, who has delinquent assessments, to pay to the Avocado Administrative Committee interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of the Rules and Regulations (7 CFR Part 915.110-915.150; Subpart—Rules and Regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment of the said rules and regulations was proposed by the Avocado Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment would add thereto a new section as follows:

§ 915.155 Delinquent assessments.

Each handler shall pay interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing.

All persons who desire to submit written data, views, or arguments for consid-

eration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 15, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-25712 Filed 9-25-75; 8:45 am]

[7 CFR Part 944]

IMPORTED GRAPEFRUIT

Proposed Grade and Size Requirements

This proposal would extend through September 26, 1976, current grade and size requirements applicable to imported grapefruit as follows: Imported seeded grapefruit—U.S. No. 1 and 3 $\frac{1}{16}$ inches in diameter; imported seedless grapefruit—Improved No. 2 and 3 $\frac{1}{16}$ inches in diameter. The requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, which would regulate the importation of any grapefruit into the United States, pursuant to Part 944—Fruits, Import Regulations (7 CFR Part 944).

The proposal is as follows:

Order. In § 944.112 (Grapefruit Regulation 16; 40 FR 42529) the introductory text of paragraph (a) preceding subparagraph (1) thereof is revised to read as follows:

§ 944.112 Grapefruit Regulation 16.

(a) During the period October 27, 1975, through September 26, 1976, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

Dated: September 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-25710 Filed 9-25-75; 8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

REA Specification for Filled Telephone Cables

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue revisions to REA Bulletin 345-67 to announce changes in REA Specification PE-39 for filled telephone cables. On issuance of the revised REA Bulletin 345-67, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised pages of REA Specification PE-39 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 345-67 announcing revisions in the specification is as follows:

BULLETIN 345-67

SUBJECT: Revised Pages of REA Specification PE-39.

I. Purpose: To announce the issuance of revised pages to REA Specification PE-39 for Filled Telephone Cables.

II. General: The present REA Specification PE-39 for Filled Telephone Cables has no requirement for determining the residual antioxidant activity after a cable has been processed in the factory. Without this requirement the amount of antioxidant for protection against copper catalysis and heat aging is not defined. The lack of this protection may subject the cable insulation to embrittlement and cracking.

The test procedure, set forth in a new paragraph 3.76 Test for Residual Antioxidant Activity After Processing, is included as a means for determining residual antioxidant activity in a finished cable. The new requirement is described on pages 5, 5A, and 5B dated September 1975 attached to this bulletin. Pages 5 and 6 of PE-39 dated December 1972 should be removed and replaced with the new pages. This change becomes effective on March 1, 1976.

III. Availability of Specification: Copies of the revised pages to PE-39 will be furnished by REA upon request. Questions concerning the revised pages may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447-3827.

Dated: September 19, 1975.

C. R. BALLARD,
Assistant Administrator, Telephone.

[FR Doc. 75-25786 Filed 9-25-75; 8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 314]

[Docket No. 75N-0249]

NEW DRUG APPLICATIONS

Procedure for Filing Over Protest

The Commissioner of Food and Drugs is proposing to revise § 314.110(d) (21 CFR 314.110(d)) to provide for new procedures for filing a new drug application (NDA) over protest. Interested persons may submit comments on or before November 25, 1975.

Section 314.110(d) (21 CFR 314.110(d)) establishes a procedure whereby a new drug applicant who disputes the finding by the Food and Drug Administration (FDA) that his NDA is incomplete or inadequate may make written request that his application be filed over protest. The application is then reevaluated, and within 60 days of the date of receipt of such written request, or an additional period agreed to by the parties, the application is to be approved or the applicant given written notice of an opportunity for a hearing on the question whether the application is approvable.

A request that an NDA be filed over protest, like other correspondence pertaining to an NDA, is now ordinarily submitted directly to the Bureau of Drugs, Food and Drug Administration. Since such requests may result in publication in the FEDERAL REGISTER of a notice of opportunity for a hearing, and since it is very important to assure timely processing of such requests, the Commissioner has concluded that requests that NDA's be filed over protest should be submitted to the Hearing Clerk's office, where other similar matters are now filed. The Commissioner is aware that this will result in public disclosure of the existence of the pending NDA somewhat before this information would be disclosed by publication of the FEDERAL REGISTER notice of opportunity for hearing or by public notice that the application is the subject of an approvable letter.

In addition, experience with this regulation has demonstrated that the requirement that the agency act within 60 days to reevaluate and approve the NDA, or give written notice of an opportunity for a hearing on the question whether the application is approvable, is unrealistic and in most cases impossible to meet, even with expedited handling of the request. The Commissioner, therefore, is also proposing that the 60-day limit be extended to 90 days, which is a more reasonable period in which to process applications.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 314 be amended in § 314.110 by revising paragraph (d) to read as follows:

§ 314.110 Reasons for refusing to file applications.

(d) If an applicant disputes the finding that his application is incomplete or inadequate, he may make written request that his application be filed over protest. In such case, the application shall be reevaluated, and within 90 days of the date of receipt of such written request, or such additional period as may be agreed upon by the parties, the application shall be approved, or the applicant shall be given written notice of an opportunity for a hearing on the question whether the application is approvable. Such written request that an application be filed over protest shall be submitted to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Interested persons may, on or before November 25, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments should be filed in quintuplicate (except that individuals may submit single copies), and should be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: September 19, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.75-25699 Filed 9-25-75;8:45 am]

DEPARTMENT OF
TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-NW-27-AD]

BOEING MODEL 747 SERIES AIRPLANES

Proposed Airworthiness Directive

Amendment 39-2371 AD 75-20-05 requires modification and inspection of certain flap components on Boeing 747 series airplanes. After issuing Amendment 39-2371, additional service experience has revealed that replacement of certain flap components should be accomplished. Therefore, the agency is considering amending Amendment 39-2371 to require replacement of the fore flap airload rollers and fore flap fittings and to specify the lubricant to be used in the airload rollers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional

Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before November 1, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations, Amendment 39-2371 as follows:

1. Delete paragraph C and add a new paragraph C as follows:

C. 1. Replace all fore flap airload rollers with redesigned rollers on or before August 1, 1976. The new rollers are to be lubricated at the operators' FAA approved maintenance intervals with MIL-G-23927 grease. Any replacement bearings of the redesigned type, Boeing Part Numbers 60B00178-630, 60B00178-628, and 60B00178-629, which were installed prior to the effective date of this AD and were not lubricated with MIL-G-23927 grease since installed, must be replaced. Roller P/N 60B00178-630 replaces roller P/N BACB10BP-16, roller P/N 60B00178-628 replaces roller P/N BACB10B-139, and roller P/N 60B00178-629 replaces roller P/N BACB10B-140. This constitutes terminating action for the inspections required by paragraph A1.

2. Replace all trailing edge fore flap attach fittings on or before August 1, 1976, in accordance with Boeing Service Bulletin 747-57-2119, Revision 2, and Boeing Service Bulletin 747-57-2068, Revision 2, or later FAA approved revisions, for the inboard fittings, and with Boeing Service Bulletin 747-57-2126, Revision 2, or later FAA approved revisions, for the outboard fittings, or replace fittings in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. This constitutes terminating action for the inspections required by paragraphs A2 and A3.

2. Add new paragraph E as follows:

E. Within the next 100 flights, unless already accomplished, cut inspection holes in the mid-flaps in accordance with Boeing Service Bulletin 747-57-2107.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, September 18, 1975.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.75-25729 Filed 9-25-75;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 75-NW-21]

JET ROUTE

Proposed Designation

Correction

In FR document 75-24783, appearing on page 43036 in the issue for Thursday

September 18, 1975, in the fifth line, the word "Europe" should read "Eugene".

Materials Transportation Bureau
[49 CFR Parts 170 through 189]

[Docket No. HM-126]

HAZARD INFORMATION SYSTEMS

Postponement of Date for Filing Comments

By petition dated August 19, 1975, the Hazardous Materials Advisory Committee (HMAC), an independent organization under the aegis of the Transportation Association of America, has requested an extension from November 5, 1975 to January 5, 1976 of the comment period on various hazard information systems.

On June 25, 1975, the Hazardous Materials Regulations Board (the Board) published a notice (40 FR 26688) under Docket No. HM-126 soliciting comments concerning the merits of various hazard information systems. The petitioner points out that development and preparation of comments in response to the notice is a herculean task and in all fairness impossible to accomplish within the time frame indicated in the Docket. Also, petitioner states that an extension of time for study and comment now will lead to a sounder set of regulations.

In consideration of the petitioner's request, a portion of which is discussed above, the comment period is extended from November 5, 1975 to February 5, 1976 for the submission of views and recommendations on hazard information systems under Docket No. HM-126 as published (40 FR 26688) on June 25, 1975.

Interested persons are reminded of two statements made by the Board in the June 25, 1975 issue of the FEDERAL REGISTER. One was, "All other proposals made under Notice 73-10, including revisions to the placarding requirements, are still under active consideration by the Board" (Docket HM-103; 40 FR 26687) and the other, "It is the Board's position that any alpha/numeric/symbolic hazard information system adopted in the future be compatible with and adaptable to the placards it adopts under Docket HM-103" (Docket HM-126; 40 FR 26688). This reiteration is provided in case there is some confusion relative to the various systems described in the Notice under Docket HM-126, and the fact that it was not the Board's intent to delay further the adoption of uniform placarding requirements.

(18 U.S.C. 831-835; sec. 6 of Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655); Title VI and sec. 902(h) of Pub. L. 85-726 (49 U.S.C. 1421-1431, 1472(h))

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

ALAN I. ROBERTS,
Director, Office of
Hazardous Materials Operations.

[FR Doc. 75-25693 Filed 9-25-75; 8:45 am]

INTERNATIONAL BOUNDARY AND
WATER COMMISSION, UNITED
STATES AND MEXICO

[18 CFR Part 901]

FREEDOM OF INFORMATION ACT

Proposed Regulations for Compliance

Notice is hereby given that the United States Section proposes to adopt the following regulations entitled regulations for compliance with Freedom of Information Act which will implement the Freedom of Information Act, 5 U.S.C. 552, as amended on November 21, 1974, by Pub. L. 93-502.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to Frank P. Fullerton, Special Legal Assistant, United States Section, International Boundary and Water Commission, Room 122 IBWC Building, 4110 Rio Bravo, El Paso, Texas 79998 on or before October 28, 1975. All written comments received from the public through the above referenced 30-day period will be considered by the Section in formulating final regulations.

PART 901—FREEDOM OF INFORMATION

Sec.	Purpose.
901.1	Definitions.
901.2	Procedures for requesting access to records or information.
901.3	Schedule of fees and method of payment for services rendered.
901.4	The Section's determination.
901.5	Exemptions.
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901.8E	

AUTHORITY: (5 U.S.C. 552), Pub. L. 93-502.

§ 901.1 Purpose.

The purpose of these regulations is to prescribe rules, guidelines and procedures to implement the Freedom of Information Act, 5 U.S.C. 552, as amended on November 21, 1974, by Pub. L. 93-502.

§ 901.2 Definitions.

(a) "The Section" means United States Section, International Boundary and Water Commission, United States and Mexico.

(b) "Act" means the Freedom of Information Act, as amended, 5 U.S.C. 552.

(c) "Records" and/or "information" are defined as all books, papers, manuals, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Section under the Federal law or in connection with the transaction of public business or in carrying out its treaty responsibilities and obligations, and preserved or appropriate for preservation by the Section as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them, but does not include books, magazines or other material acquired solely for library purposes and through other sources, and does not include analyses,

computations, or compilations of information not extant at the time of the request. The term "records" does not include objects or articles such as structures, furniture, paintings, sculptures, three-dimensional models, vehicles and equipment.

(d) "Request" means a letter or other written communication seeking records or information under the Freedom of Information Act.

(e) "Person" includes any individual, firm, corporation, organization or other entity.

(f) All terms used in these regulations which are defined in 5 U.S.C. 551 shall have the same meaning herein.

§ 901.3 Procedures for requesting access to records or information.

(a) A request for any information or records shall be addressed to the Comptroller, United States Section, International Boundary and Water Commission, Room 212 IBWC Building, 4110 Rio Bravo, El Paso, Texas 79998. The envelope and the letter shall be clearly marked "Freedom of Information Request" or "Request for Records," or the equivalent, to distinguish it from other mail to the Section. If the request is not so marked and addressed, the 10-day time limit described in the Act will not begin to run until the request has been received by the Comptroller in the normal course of business. In each instance where a request is received in the normal course of business, the Comptroller shall notify the requester that its request was improperly addressed and the date the request was received.

(b) In order for the Section to locate records or information and make them available, it is necessary that it be able to identify the specific record or information sought. Persons wishing to inspect or obtain copies of records or information should, therefore, seek to identify them as fully and accurately as possible. In cases where requests are submitted which are not sufficient to permit identification, the Comptroller will endeavor to assist the persons seeking the records or information in filling in necessary details. In most cases, however, persons seeking records or information will find that time taken in trying to identify materials in the beginning is well worth their while in enabling the Section to respond promptly to their request.

(c) A person submitting a request should—

(1) Indicate the specific event or action, if any or if known, to which the request has reference.

(2) Designate the Division, Section, Branch, or Project of the Section which may be responsible for or may have produced the record or information requested.

(3) Furnish the date of the record or information or the date or period to which it refers or relates, if known.

(4) Name the character of record or information, such as a contract, an application, or a report.

(5) List the Section's personnel who may have prepared or have knowledge of the record or information.

(6) Furnish the reference material such as newspapers or publications which are known to have made a reference to the record or information desired.

(7) If the request relates to a matter in pending litigation or one which has been litigated, supply the Court location and case style and number.

(8) Describe, when the request includes more than one record or source of information, specifically each record or information so that availability may be separately determined.

(9) Clearly indicate whether the request is an initial request or an appeal from a denial of a record or information previously requested.

(10) Identify, when the request concerns a matter about the Section's personnel, the person as follows: First name, middle name or initial and surname; date and place of birth; and social security account number, if known.

(d) No particular format is needed for the request, except that it (1) must be in writing; (2) must describe the records or information sought with sufficient detail to permit identification; (3) should state willingness to pay fees, if any; and (4) must include the name, address and telephone number of the person submitting the request.

§ 901.4 Schedule of fees and method of payment for services rendered.

(a) The following specific fees shall be applicable with respect to services rendered to members of the public under this part.

(1) Searching for records, per hour or fraction thereof per individual:	
(i) Professional	\$11.00
(ii) Clerical	6.00
Search costs are due and payable even if the records or information which were requested cannot be located after all reasonable efforts have been made, or if the Section determines that a record which has been requested, but which is exempt from disclosure under these regulations, is to be withheld.	
(2) Computer service charges per second for actual use of the computer central process unit.....	0.25
(3) Copies made by photostat or otherwise (per page) maximum of 5 copies will be provided	Actual cost
(4) Certification of each record as a true copy.....	1.00
(5) Certification of each record as a true copy under official seal.....	1.50
(6) For each signed statement of negative result of search for record	1.00
(7) For each signed statement of nonavailability of record.....	No fee
(8) Duplication of architectural photographs and drawings:	
(i) From available tracing or reproducible, per square foot	0.10

(ii) If intermediate negative and reproducible required	2.00
Plus for tracing, per square foot	1.00
(9) Postage and handling.....	Actual costs

It will be up to the person requesting the records or information to designate how the material is to be mailed or shipped. In the absence of such instruction, no records or information will be sent to a foreign address and records and information will be sent to domestic addresses utilizing first class certified mail, return receipt requested.

(b) If records or information requested are stored elsewhere than the headquarters of the Section at El Paso, Texas, the special costs of returning such records to the headquarters office shall be included in the search costs. These costs will be computed at the actual cost of transportation and other incidental expenses incurred in order to obtain the requested records or information from the place where they are stored and to the Section's headquarters. The most economical means of transportation available and consistent with the purpose of incurring special costs shall be utilized. Special costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Section determines that a record which has been requested, but which is exempt from disclosure, is to be withheld.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than \$25 and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases, an advance deposit may be required.

(d) When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or size or type thereof, the Comptroller is authorized to establish an appropriate fee pursuant to the criteria established in Bureau of Budget Circular No. A-25, entitled "User Charges."

(e) Fees must be paid in full prior to issuance of requested copies.

(f) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasury of the United States and mailed to the Comptroller, United States Section, International Boundary and Water Commission, Room 212 IBWC Building, 4110 Rio Bravo, El Paso, Texas 79998. The Section will assume no responsibility for cash which is lost in the mail. Notwithstanding the foregoing, materials may be furnished without charge or a reduction in charge to foreign governments, other Government agencies or units, non-profit educational organizations, or any other applicant whenever

the Comptroller determines that such action is considered as primarily benefiting the general public.

§ 901.5 The Section's determination.

Upon receipt of any request for records or information under the Act the following guidelines shall be followed:

(a) The Comptroller will determine within 10 days (excepting Saturdays, Sundays and legal holidays) after the receipt of any such request whether to comply with such request and will immediately notify the person making such request of such determination, the reasons therefor, and of the right of such person to appeal to the United States Commissioner any adverse determination.

(b) All appeals should be addressed to the United States Commissioner, International Boundary and Water Commission, P.O. Box 20003, El Paso, Texas 79998, and should be clearly identified as such on the envelope and in the letter of appeal by using the marking "Freedom of Information Appeal" or "Appeal for Records" or the equivalent. Failure to properly address an appeal may defer the date of receipt by the Section to take into account the time reasonably required to forward the appeal to the United States Commissioner. In each instance when an appeal is incorrectly addressed to the United States Commissioner, he shall notify the person making the appeal that his appeal was improperly addressed and of the date the appeal was received by the United States Commissioner. The United States Commissioner will make a determination with respect to any appeal within 20 days (excepting Saturdays, Sundays, and legal holidays) after the receipt of an appeal. If on appeal the denial of the request is in whole or in part upheld, the United States Commissioner will notify the person making such request of the provisions for judicial review under the Act. An appeal must be in writing and filed within 30 days from receipt of the initial determination (in cases of denials of an entire request), or from receipt of any records being made available pursuant to the initial determination (in case of partial denials). In those cases where a request or appeal is not addressed to the proper official, the time limitations stated above will be computed from the receipt of the request or appeal by the proper official.

(c) In unusual circumstances, as set forth in Item (d) below, the time limits for responding to the original request or the appeal may be extended by not more than an additional 10 working days by written notice to the person making a request. This notice must be sent within either the 10- or 20-day time limit and will specify the reason for the extension and the date on which a determination is expected to be dispatched. The extension may be invoked only once during the consideration of a request, either during the initial consideration

period or during consideration of an appeal, but not both.

(d) The unusual circumstances are:

(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 agency having substantial subject-matter interest therein.

(e) If the Comptroller receives a request which is of proper concern of an agency or entity outside the Section, it will be returned to the person making the request, advising the requester to refer it to the appropriate agency or entity if requester desires, and providing the requester with the name or title, address and other appropriate information. An information copy of the request and the letter of referral will be forwarded promptly to the agency or entity outside the Section that may expect the request. In the event the Comptroller receives a request to make available a record or provide information which is of interest to more than one agency (Federal, State, municipal, or legal entity created thereby), the Comptroller will retain and act upon the request if the Section is one of the interested agencies and if its interest in the record is paramount.

(f) The United States Commissioner's determination on an appeal shall be in writing and when it denies records in whole or in part, the letter to the person making a request shall include:

(1) Notation of the specific exemption or exemptions of the Act authorizing the withholding; a brief explanation of how the exemption applies, and, when relevant, a statement as to why a discretionary release is not appropriate.

(2) A statement that the decision is final for the Section.

(3) Advice that judicial review of the denial is available in the district in which the person making the request resides or has his principal place of business, the district in which the Section's records are situated, or the District of Columbia.

(4) The names and titles or positions of each official responsible for the denial of a request.

(g) In those cases where it is necessary to find and examine records before

the legality or appropriateness of their disclosure can be determined, and where after diligent effort this has not been achieved within the required period, the Comptroller may advise the person making the request that a determination to presently deny the request has been made because the records or information have not been found or examined, that the determination will be reconsidered when the search or examination is completed and the time within which completion is expected, but that the person making the request may immediately file an administrative appeal to the United States Commissioner.

§ 901.6 Exemptions.

The provisions of the Act which require that agencies make their records available to public inspection and copying do not apply to matters which are:

(a) (1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (2) are in fact properly classified pursuant to such Executive Order.

(b) Related solely to the internal personnel rules and practices of an agency.

(c) Specifically exempted from disclosure by statute.

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(e) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

(f) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) 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, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel.

(h) 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.

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

§ 901.7 Annual report to Congress.

(a) On or before March 1 of each calendar year the United States Commissioner shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include:

(1) The number of determinations made by the Section not to comply with request for records made to the Section under the Act and these regulations and the reasons for each such determination.

(2) The number of appeals made by persons under the Act and these regulations, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information.

(3) The names and titles or positions of each person responsible for the denial of records requested under the Act, and the number of instances of participation for each.

(4) The results of each proceeding conducted pursuant to 552(a)(4)(F) of the Act, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

(5) A copy of these regulations.

(6) A copy of the fee schedule and the total amount of fees collected by the Section for making records available under the Act.

(7) Such other information as indicates efforts to administer fully the Act.

(b) A copy of each such report to the Congress made pursuant to paragraph (a) of this section will be made available for public inspection and copying in the office of the Comptroller, United States Section, International Boundary and Water Commission, 212 IBWC Building, 4110 Rio Bravo, El Paso, Texas.

§ 901.8 Examination of records.

When a request to examine records is approved by the Comptroller, every reasonable effort will be made to provide facilities for the purpose of such examination. "On the spot" copying will be available if the Comptroller decides there will be no interference with ordinary activities or routine business of the Section.

Dated: September 15, 1975.

FRANK P. FULLERTON,
Special Legal Assistant.

[PR Doc. 75-25681 Filed 9-25-75; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM-5/103]

SHIPPING COORDINATING COMMITTEE; NATIONAL COMMITTEE FOR THE PRE- VENTION OF MARINE POLLUTION

Meeting

The working group on segregated ballast and existing tankers of the US National Committee for the Prevention of Marine Pollution, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Thursday, October 16, 1975, in Room 6200 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The meeting is primarily concerned with preparation for implementation of the International Convention for Marine Pollution from Ships, 1973.

Requests for further information on the meeting should be directed to Captain F. B. Schubert, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2010.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,

Shipping Coordinating Committee.

SEPTEMBER 23, 1975.

[FR Doc.75-25792 Filed 9-25-75; 8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-236]

PLEASURE BOATS

Notice of Change Regarding the Determination of the Dutiable Value of Boats

SEPTEMBER 18, 1975.

The United States Customs Service ruled in Treasury Decision 45431, dated January 29, 1932, that the dutiable value of imported motor boats of five net tons or over shall be determined by deducting from their appraised value the value of the legitimate equipment of such boats which shall not be landed or delivered therefrom.

It has been determined that admitting the legitimate equipment of such motor boats without the assessment of duty is contrary to the provisions of Items 696.05 and 696.10 of the Tariff Schedules of the United States (19 U.S.C. 1202), relating to the dutiable status of yachts and pleasure boats.

Accordingly, pursuant to the provisions of R.S. 251, as amended (19 U.S.C. 66), and sections 502, 624, 46 Stat. 731,

as amended, 759 (19 U.S.C. 1502, 1624), notice is hereby given that on October 28, 1975, Treasury Decision 45431, dated January 29, 1932, shall be revoked and the United States Customs Service shall include in the dutiable value of yachts and pleasure boats the value of the legitimate equipment of such boats.

VERNON D. ACREX,
Commissioner of Customs.

[FR Doc.75-25783 Filed 9-25-75; 8:45 am]

Fiscal Service

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS; NOTICE OF LIQUIDATION

Summit Insurance Company of New York

Summit Insurance Company of New York (principal administrative office, Houston, Texas) formerly held a Certificate of Authority as an acceptable surety on Federal bonds. The company was last listed as an acceptable surety at 39 FR 26369, July 18, 1974. The company's authority was terminated by the Department of the Treasury effective February 4, 1975. Notice of the termination was published in the FEDERAL REGISTER of February 13, 1975, on page 6691. As indicated in that notice, the company was placed in rehabilitation under the New York Insurance Department effective February 4, 1975.

There is reprinted below a copy of a notice dated June 2, 1975, issued by the New York Insurance Department, indicating the company is now being liquidated. Please note the notice stipulates liabilities are fixed as of June 27, 1975, (November 28, 1975 for bail bonds), and that all claims against the company must be filed by May 28, 1976.

Questions concerning claims against the company may be directed to the Liquidation Bureau, State of New York Insurance Department, at the address given in the notice. Copies of the Proof-of-Claim form, mentioned in paragraph VI of the notice, may be obtained from the same office.

Questions concerning this notice may be directed to Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226, Telephone (202) 964-5284. An information notice containing additional information concerning filing claims, as well as a copy of the Proof-of-Claim form, will be distributed to Federal agencies by the same office.

Dated: September 18, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

STATE OF NEW YORK

Insurance Department Liquidation Bureau

To the Debtors, Creditors, Policyholders, Stockholders, Persons having claims against Policyholders, and all Other Persons Interested in the Affairs of SUMMIT INSURANCE COMPANY OF NEW YORK.

Notice is hereby given: I, JOHN P. GEMMA, Acting Superintendent of Insurance of the State of New York has been directed by an order of the Supreme Court, New York County, made and entered on May 28, 1975, to take possession of the property of SUMMIT INSURANCE COMPANY OF NEW YORK and to liquidate its business pursuant to Article XVI of the Insurance Law of the State of New York. The undersigned has, pursuant to said Article, appointed JAMES W. DOWLING, Special Deputy Superintendent of Insurance and LEONARD H. MINCHES, Assistant Special Deputy Superintendent of Insurance, as his agents, to liquidate the business of said company at the office of said Deputies, 116 John Street, Borough of Manhattan, City and State of New York, 10038.

II. Pursuant to the aforesaid order, the proceeding for rehabilitation of SUMMIT INSURANCE COMPANY OF NEW YORK, heretofore commenced, has been terminated, its charter has been forfeited, surrendered, and annulled and the company is dissolved. The rights and liabilities of said company and of all persons under insurance obligations of the said company, except bail bonds, will cease and are fixed as of June 27, 1975 12 o'clock midnight, Eastern Daylight Savings Time. To have continuing coverage, all persons whose policies are now in force are required to replace such policies in another company before June 27, 1975.

III. The Liquidation Order further provides that the rights and liabilities of said Company and of all persons under BAIL BONDS, issued by the said Company, will cease and are fixed as of November 28, 1975 12:00 o'clock Midnight, Eastern Standard Time. To have continuing BAIL BOND coverage, all persons whose BAIL BONDS are now in force, are required to replace such BAIL BONDS in another Company before November 28, 1975.

IV. The Liquidation Order further provides that all other subsisting contracts and other obligations of the company terminate, and all other liability thereunder cease and be fixed as of May 28, 1975.

V. All persons indebted to or having any property of said company in their possession are hereby required forthwith to render an account of said indebtedness and to pay the same and deliver such property to the Liquidator at his office above stated.

VI. All creditors of SUMMIT INSURANCE COMPANY OF NEW YORK and all persons having any unsatisfied claims or demands against it or its policyholders are hereby required to present the same in writing duly subscribed and affirmed by him as true to JAMES W. DOWLING at his office above stated ON OR BEFORE May 28, 1975, WHICH IS THE LAST DAY SET BY COURT ORDER FOR THE FILING OF CLAIMS IN THE LIQUIDATION PROCEEDING. A form of proof of claim is furnished herewith.

VII. ALL POLICYHOLDERS ARE URGED TO FILE A CLAIM FOR THEIR POLICY PROTECTION WHETHER OR NOT A CLAIM HAS BEEN FILED AGAINST THE POLICYHOLDER IN THE SAME FORM AS SET FORTH IN PARAGRAPH VI. OF THIS NOTICE.

VIII. The attention of policyholders, who are defendants in actions on account of claims arising out of motor vehicle accidents and who are defendants in actions on account of claims arising out of occurrences in connection with all the kinds of insurance with respect to coverage of property or risks located or resident in the State of New York, all of which come within the provisions of Sections 330, 333 or 334 of the Insurance Law, IS PARTICULARLY DIRECTED TO THE ADDITIONAL ENCLOSED NOTICE AFFECTING SUCH PERSONS.

IX. All persons and policyholders against whom actions are now pending who do not come within the provisions of Sections 330, 333 or 334 of the New York Insurance Law, concerning which the company may be liable on its policies or contracts and which have been defended up to the date of the order of liquidation on their behalf by an attorney employed or retained by the company, are advised that the employment or retention of said attorney has been terminated by the entry of the order of liquidation. EACH SUCH PERSON IS THEREFORE ADVISED TO EITHER RETAIN THE SAID ATTORNEY AS HIS ATTORNEY TO CONTINUE TO REPRESENT HIM IN THE ACTION OR TO SUBSTITUTE AN ATTORNEY OF HIS OWN CHOICE, AT HIS OWN EXPENSE. Reasonable and necessary expenses in relation thereto may be included and be the part of the subject matter of your claim in the Liquidation Proceeding.

X. Liabilities will be determined as to all claims duly presented and all assets will be distributed in accordance with the Insurance Law of the State of New York without further notice to persons failing to present claims within the aforesaid time.

XI. All communications and transactions relating to the company and to the liquidation thereof should be addressed to said JAMES W. DOWLING at his office above stated. Dated: New York, N.Y. June 2, 1975,

JAMES W. DOWLING,
Special Deputy Superintendent
of Insurance

LEONARD H. MINCHES,
Asst. Special Deputy Superintendent and
Attorney for Superintendent, as
Liquidator.

JOHN P. GEMMA,
Acting Superintendent of Insurance of the
State of New York, as Liquidator.
Policy No. or Bond No. _____
Claim No. _____
To: _____

[FR Doc.75-25708 Filed 9-25-75;8:45 am]

Office of the Secretary

WATER CIRCULATING PUMPS, WET MOTOR TYPE, SUITABLE FOR USE IN RESIDENTIAL AND COMMERCIAL HYDRONIC HEATING SYSTEMS, FROM SWEDEN

Notice of Tentative Discontinuance of Antidumping Investigation

Information was received on February 25, 1975, from Taco, Incorporated, of Cranston, Rhode Island, that water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from Sweden, were being sold at less than fair

value within the meaning of the Anti-dumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of March 26, 1975 (40 FR 13321).

Tentative Discontinuance of Antidumping Investigation. On the basis of the information developed in Customs' investigation, and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby tentatively determine that the antidumping investigation concerning water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from Sweden, should be discontinued.

Statement of Reasons. The reasons and bases for the above tentative discontinuance of the antidumping investigation are as follows:

a. Scope of the Investigation. It was determined that all known imports of the subject merchandise from Sweden were manufactured by Sundstrand Hydraulic A/B, of Huddinge, Sweden. Therefore, the investigation was limited to this one manufacturer.

b. Results of the Investigation. The investigation revealed that the manufacture of this merchandise in Sweden by Sundstrand Hydraulic A/B ceased in mid-1974, and that exports of this merchandise from Sweden were terminated in January 1975. The investigation further disclosed that equipment previously employed in the manufacture of this merchandise in the facilities of Sundstrand Hydraulic A/B has been sold to a company located in the United Kingdom and has been dismantled for the purpose of exportation from Sweden to the United Kingdom.

c. Submission of Formal Assurances. Written statements of assurances pursuant to § 153.15(a)(2) of the Customs Regulations (19 CFR 153.15(a)(2)) have been received from Sundstrand International Corporation S.A., a corporation of Switzerland and the parent company of Sundstrand Hydraulic A/B, and from Sundstrand Corporation of Rockford, Illinois. These assurances state that sales to the United States of water circulating pumps manufactured in Sweden have terminated and will not be resumed.

Presentation of Views and Arguments. In accordance with sections 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office on or before October 6, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before October 28, 1975.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a notice of final discontinuance of the investigation will be published.

This notice of tentative discontinuance of antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

SEPTEMBER 22, 1975.

[FR Doc.75-25726 Filed 9-25-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

MILITARY FAMILY HOUSING,
FT. BELVOIR, VA.

Filing of Draft Environmental Impact
Statement

SEPTEMBER 17, 1975.

In compliance with the National Environmental Policy Act of 1969, the Army is filing with the Council on Environmental Quality a Draft Environmental Impact Statement concerning the construction of 2,300 military housing units in the Fort Belvoir, Virginia, Military Reservation.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested individuals may obtain copies from the Office of the US Army Engineer District, Norfolk, ATTN: NAOEN-D, 803 Front Street, Norfolk, Virginia 23510. In the Washington area, inspection copies can be seen in the Environmental Office, Assistant Chief of Engineers, Room 1E676, Pentagon Building, Washington, D.C. 20310. (Telephone: (202) 694-1163).

CHARLES R. FORD,
Deputy Assistant Secretary
of the Army (Civil Works).

[FR Doc.75-25746 Filed 9-25-75;8:45 am]

U.S. ARMY BALLISTIC RESEARCH LABORATORIES SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following Committee meeting:

Name of committee: U.S. Army Ballistic Research Laboratories Scientific Advisory Committee.

Date of meeting: October 31, 1975.

Place: U.S. Army Ballistic Research Laboratories, Aberdeen Proving Ground, Maryland 21005.

Time: 1300 hours.

Proposed agenda: Review of the proposed FY 1976 research program—a critique.

This meeting is closed to the public since the information is classified and is specifically required by Executive Order to be kept Secret in the interest of the national defense or foreign policy in accordance with Section 552, paragraph (4) (b) (1), title 5, U.S.C., The Freedom of Information Act.

Dated: September 23, 1975.

By authority of the Secretary of the Army:

PAUL L. O'DONNELL,
Major, U.S. Army,
Programs Officer, TAGCEN.

[FR Doc. 75-25896 Filed 9-25-75; 8:45 am]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group C (Mainly Imaging & Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, NY 10014 on 24 October 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as Infra Red and Night Vision Sensors. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decision or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In Accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, OASD (Comptroller).

SEPTEMBER 23, 1975.

[FR Doc. 75-25718 Filed 9-25-75; 8:45 am]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on

Electron Devices (AGED) will meet in closed session at the Naval Electronics Laboratory Center, 271 Catalina Boulevard, San Diego, California 92152, on 16 October 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The low power devices area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, OASD (Comptroller).

SEPTEMBER 23, 1975.

[FR Doc. 75-25773 Filed 9-25-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 3202]

CALIFORNIA

Designation of Chemise Mountain Primitive Area

SEPTEMBER 19, 1975.

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated August 18, 1975, I hereby designate the public lands in the following described area as the Chemise Mountain Primitive Area:

HUMBOLDT MERIDIAN

T. 5 S., R. 1 E.,

Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$, excepting therefrom those portions lying north of the south right-of-way boundary of the county road from Shelter Cove to Four Corners and north of Bear Creek; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 14, E $\frac{1}{2}$;

Secs. 23, 24 and 25.

T. 5 S., R. 2 E.,

Sec. 18, lots 11, 12, 13 and 14, excepting therefrom those portions lying north and east of Bear Creek;

Sec. 19, lots 17 through 33 inclusive and SE $\frac{1}{4}$ SW $\frac{1}{4}$, excepting therefrom that portion of lot 24 lying easterly of the west right-of-way boundary of the county road from Shelter Cove to Four Corners.

Sec. 30, lots 15 through 31, inclusive, and E $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 31, lot 6;

All unsurveyed lands omitted from survey approved July 26, 1883, due to erroneous meander survey of Pacific Ocean.

The area described aggregates about 3,941 acres of which approximately 3,621 acres are national resource lands.

The Chemise Mountain Primitive Area is a "Class V—Primitive Area" under the Bureau of Outdoor Recreation system of classification. This primitive area will be managed to protect and enhance primitive values pursuant to the provisions of 43 CFR, Subpart 6221.

ED HASTLEY,
State Director.

[FR Doc. 75-25764 Filed 9-25-75; 8:45 am]

[ES 1254, ES 1262]

WISCONSIN

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 19, 1975.

The National Park Service, United States Department of the Interior, has filed applications ES 1254 and ES 1262 for the withdrawal of the lands within the boundaries of the Apostle Islands National Lakeshore described below. The lands were reserved for lighthouse purposes by Executive Order of April 26, 1859. The Coast Guard, Department of Transportation, has relinquished the land for return to the public domain.

The applicant desires the land to be added to the Apostle Islands National Lakeshore, and for administration and preservation of the Lakeshore in accordance with the Act of September 26, 1970, (43 U.S.C. 460w).

All persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing on or before October 28, 1975, to the undersigned officer of the Eastern States Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

The Department's regulations (43 CFR 2351) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicants, to eliminate lands needed for purposes more essential than the applicants, and to reach agreement

on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary and the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 52 N., R. 3 W., Bayfield County

Sec. 18: Lots 1 and 2

Sec. 19: Lots 1, 2 and 3

T. 52 N., R. 4 W., Bayfield County

Sec. 24: Lots 1 and 2 less and excepting a tract 900 square feet in area described by metes and bounds surrounding a lighthouse, and a visual easement for the lighthouse together with rights of ingress and egress.

T. 53 N., R. 1 E., Ashland County

Sec. 17: Lot 2

Sec. 18: Lot 4 less and excepting a tract 900 square feet described by metes and bounds surrounding a lighthouse together with rights of ingress and egress.
T. 53 N., R. 1 W., Ashland County
Sec. 13: Lots 1, 2, 3 and 4

The areas described aggregate approximately 573.67 acres.

CLAUDE A. MARTIN,
Acting Director,
Eastern States.

[FR Doc. 75-25765 Filed 9-25-75; 8:45 am]

Fish and Wildlife Service
ENDANGERED SPECIES PERMIT
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Dr. Ralph W. Schreiber,
Seabird Research, Inc.,
11008 Teegreen Drive,
Tampa, Florida 33612.

APPLICATION FOR SCIENTIFIC COLLECTING PERMIT

1. Applicant's Name: Dr. Ralph W. Schreiber, Seabird Research, Inc., 11008 Teegreen Drive, Tampa, Florida 33612. Phone: 813-974-1648 or 974-2668.

2. Location of Anticipated Collections: Selected locations in the State of Florida; specifically, these collections will be made on a comparative basis primarily on the west coast of the state between Tampa Bay and Charlotte Harbor. Studies will be concentrated on Bush Key, Johns pass, Bird Key, Useppa Island, Hemp Key, Venice Airport Island, Hall Island, and Rio Mar Island.

3. Permit is requested under 50 CFR part and section: 17.23—Endangered Wildlife Permit: Scientific Purposes; 21.23—Migratory Bird Permit: Scientific Collecting. Additional information required by 17.23 and 21.23 above:

a. Common and Scientific name: Brown Pelican (*Pelecanus occidentalis*).

b. Statement of intent:

I am presently involved in a long term study on the biology of the Brown Pelican in Florida. This study involves all aspects of the species biology, and especially information that is absolutely necessary for determining a wise conservation policy relevant to this species. I have been involved in this work in Florida since January 1968, after having discovered the breeding failure of the Brown Pelicans on the Channel Islands of California in 1968. My research to date has resulted in more than 20 scientific papers and numerous popular and newspaper articles, including an article entitled *Bad Days for the Brown Pelican*, published in the National Geographic Magazine in January 1975 and the status report on pelicans for the Florida Committee on Endangered Plants and Animals. In addition, it was my research efforts communicated to Dr. John Aldrich in the late 1960s and early 1970s that resulted in the Brown Pelican being placed on the Endangered Species List.

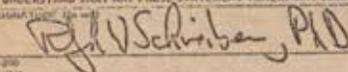
I am presently funded by a three year research grant from the National Audubon Society. This study has its major emphasis to establish the present status of the Brown Pelican in Florida with work being concentrated on measuring reproductive success and correlating this information on productivity and mortality with man originating pollution factors, specifically chlorinated hydrocarbon residues. The analysis of residue levels in eggs, birds, and food items (fish) is an integral portion of our study. The residue studies are being carried out by Dr. J. L. Lincer of the Mote Marine Laboratory, Sarasota, Florida. In order to carry out our research, we must collect a small number of eggs (10 from each of 5 colonies) and also collect not more than 10 known aged individual pelicans. Also we need to collect or salvage individuals found dead or dying. All egg shells and specimens will be deposited in the zoological collections of the University of South Florida. The specimens will be prepared as museum skins, complete skeletons will be prepared, the gonads measured and preserved in proper fixatives, and organs and tissues preserved for future studies.

c. Address of Institution where Wildlife will be used:

Mote Marine Laboratory, 9501 Blind Pass Road, Sarasota, Florida 33581, and Department of Biology, Science Center 108, University of South Florida, Tampa, Fla. 33620.

d. Issuance Criteria:

In that the director shall consider the potential effects of the above collections on the endangered species, it is important to point out that the Florida breeding population of Brown Pelicans has been stable for the past years (Schreiber and Schreiber, 1973).

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)	
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Collection of Brown Pelican (<i>Pelecanus occidentalis</i>) eggs (not more than 25 per year) and various aged individuals (not more than 10 per year), and salvaging of dead individuals found on beaches and in mangrove. These individuals will all be used to collect basic biological information necessary for determining wise conservation policy.	
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Dr. Ralph W. Schreiber Seabird Research, Inc. 11008 Teegreen Drive Tampa, Fla. 33612		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: PH. D. <input checked="" type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MR. HEIGHT 6'4" WEIGHT 100 Kilo. COLOR HAIR Bn COLOR EYES Bn PHONE NUMBER WHERE EMPLOYED 813-974-2668 SOCIAL SECURITY NUMBER 291-38-2181 OCCUPATION Research Ornithologist	
5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Educational, research organization specializing in marine birds.		6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED Florida	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit number) Banding Permit 9312.		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of document) State of Florida collecting permit Number 172.	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		10. DESIRED EFFECTIVE DATE 1 Nov. 1975 11. DURATION NEEDED 3 years	
12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (USE 50 CFR 17.23(a) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.			
CERTIFICATION			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE OF APPLICANT 			DATE 28 June 1975

American Birds). My research indicates that while the population as a whole has been stable in Florida, environmental perturbations are in force that must be monitored. This species is long-lived, exhibits deferred maturity and a low reproductive potential. It is imperative that long-term monitoring programs accompany our intensive field observations which will contribute to correct management decisions relative to this species. The collection of a minimum number of eggs and specimens as outlined above will have no (NO) effect on the species as a whole and will contribute significantly to our understanding of the biology of this species.

e. State permit: State of Florida collecting permit 172 presently valid.

4. Certification:

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

5. Desired Effective Date: 1 August 1975.

6. Date: 8 July 1975.

7. Applicant's Signature:

RALPH W. SCHREIBER,
Ph. D., Ornithologist.

SEARCHED RESEARCH, INC.,
11008 Teegreen Drive,
Tampa, Florida 33612, August 23, 1975.

Mr. C. R. BAVIN,
Chief, Division of Law Enforcement,
Fish and Wildlife Service,
Washington, D.C. 20240.

DEAR CLARK: Thank you for your note of 30 July asking for more information according to 50 CFR 17.22. The following is the additional information requested, not including information already enclosed in my application of 28 June 1975:

17.22: (2) the wildlife sought are presently in the wild.

(3) A large number of Brown Pelicans are housed at and are frequently brought to animal hospitals around the state of Florida. Most of these birds are permanent cripples who will never return to the wild to breed and thus for all intents and purposes are dead individuals. A significant portion of these birds are banded, and thus are of known age and invaluable to my research on the basic biology that is directed toward devising a wise conservation policy for the species. Since the keeping of these birds in captivity for even a short period of time changes their natural biology, and since they are going to be dependent for their continued existence on human care in captivity, I believe that my obtaining these banded birds for my studies is an excellent option and way to obtain individuals without having to sacrifice a healthy individual.

(8) In order to complete studies on the biology of pelicans—such as mortality rates and especially the age at which the birds first breed, information absolutely essential to constructing life tables for the species, I must obtain known aged individuals that were banded as nestlings, as almost all pelicans in Florida have been. Instead of collecting wild banded birds, I wish to obtain on a priority basis, any banded bird that is brought to a bird hospital with injuries, starving, or in monofilament line. I would then be able to use the individuals who are permanent cripples for my research. This work will be carried out through close asso-

ciation with the individual people who run the bird hospitals in the state. The information obtained from the study of these birds will allow us to better implement policy to conserve the species in Florida. All specimens will be deposited at the Vertebrate Collection of the University of South Florida, Tampa, Florida 33620.

I believe that this answers the new regulations governing Endangered Species Permits. I look forward to receiving this permit so that I may continue my research on Brown Pelicans. This research has recently become more critical since I have been appointed to the Recovery Team for this species.

Sincerely,

RALPH W. SCHREIBER,
Ph. D., Ornithologist.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: September 22, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement,
Fish and Wildlife Service.

[FR Doc.75-25720 Filed 9-25-75;8:45 am]

Geological Survey

SAN EMIDIO DESERT, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1H, Geological Survey Manual § 220.2.3, and Conservation Division Supplement (Geological Survey Manual) § 220.2.1G, the following described lands are hereby defined as the San Emidio Desert known geothermal resources area, effective March 1, 1974.

(28) NEVADA

SAN EMIDIO DESERT KNOWN GEOTHERMAL RESOURCES AREA; MT. DIABLO MERIDIAN, NEVADA

Protraction Diagram #297

Unsurveyed:
T. 29 N., R. 23 E.,
Sec. 4: All;
Sec. 5: All;
Sec. 6: All;
Sec. 7: All;
Sec. 8: All;
Sec. 9: All;
Sec. 16: All;
Sec. 17: All;
Sec. 18: All;
Sec. 19: All;
Sec. 20: All;
Sec. 21: All;

The above area aggregates 7,678.0 acres (3,071.2 hectares) more or less.

Dated: August 7, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.75-25768 Filed 9-25-75;8:45 am]

National Park Service

HISTORIC AMERICAN ENGINEERING RECORD ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Historic American Engineering Record Advisory Committee will be held on October 16, in Room 5125, 1100 L Street NW., Washington, D.C., between the hours of 8:30 a.m. and 4 p.m.

The purpose of the Historic American Engineering Record Advisory Committee is to render advice on matters relating to the task of recording the historic engineering and industrial monuments of the country.

The members of the Advisory Committee are as follows:

Professor John W. Briscoe (Chairman), University of Illinois, Urbana, Illinois.
Mr. Eugene S. Ferguson, University of Delaware, Newark, Delaware.

Mr. Waldo G. Bowman, New York, New York.
Dr. John G. Burke, University of California, Los Angeles, California.
Dr. Emory L. Kemp, West Virginia University, Morgantown, West Virginia.

Mr. Neal FitzSimons, American Society of Civil Engineers, Washington, D.C.
Librarian of Congress, Washington, D.C.
Dr. A. R. Mortensen, National Park Service, Washington, D.C.

The matters to be discussed include the following:

HAER Editorial Projects and Publications Program, HAER Inventory, 1974-75 Projects, Discussion of Current Problems.

The meeting is open to the public, but facilities and space are limited. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wanting further information concerning this meeting, or who wish to file written statements, may contact the Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. (202) 523-5275. Minutes of the meeting will be made available for public inspection five weeks after the meeting at the office of the Historic American Engineering Record, 1100 L Street NW., Washington, D.C.

Dated: September 12, 1975.

A. R. MORTENSEN,
Director, Office of Archeology
and Historic Preservation.

[FR Doc.75-25725 Filed 9-25-75;8:45 am]

Office of the Secretary

OUTER CONTINENTAL SHELF
POTENTIAL OIL AND GAS LEASINGStatus of Proposed Program To Accelerate
Outer Continental Shelf (OCS) Oil and
Gas Leasing Nationwide

The Department of the Interior has prepared a final environmental impact statement (FEIS) for the proposed program to accelerate OCS oil and gas leasing nationwide. This statement was submitted to the Council on Environmental Quality and made available to Federal, State, and local agencies and interested members of the public on July 11, 1975. In a news release of the same date, the Department announced that it was providing a 60-day public review and comment period on this FEIS. The Interior announcement stated that no decision would be made regarding the proposal covered by the FEIS during the 60-day period. The review and comment period ended on September 9, 1975.

At the present time, the Bureau of Land Management is evaluating the comments received on the FEIS from Federal, State, and local agencies and interested members of the public. Departmental staff is also preparing a program decision option document (PDOD) for the proposal. This document will be a part of the deliberative process within the Department and will describe and discuss the various options open to the Secretary in arriving at a decision on the proposal and alternatives to the proposal. When completed, these documents will be submitted to the Acting Secretary for his consideration and evaluation in conjunction with the OCS programmatic FEIS.

Although the FEIS description of the proposal and the procedures being followed by Interior in considering it did not state that the public would have an opportunity to review the PDOD, a response by Departmental staff to one of the comments received by the Department inadvertently indicated that the public would have that opportunity. (Vol. 2, p. 1033). The Department of the Interior advises that it does not propose to make the PDOD available for comment by the public. This is in keeping with the Department's traditional procedures regarding decision making on Interior proposals.

No decision has been made as yet by the Acting Secretary as to whether or not to adopt the proposal to accelerate OCS oil and gas leasing nationwide and, if so, in what manner to carry out such acceleration. A decision on the proposal is expected shortly.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.

SEPTEMBER 25, 1975.

[FR Doc.75-25965 Filed 9-25-75;9:48 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A259]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Grant County, North Dakota, as a result of a natural disaster consisting of a blizzard and freeze January 10 and 11, 1975; a severe snowstorm March 22 to April 8, 1975; excessive rainfall April 15 to May 10, 1975; and on June 29, 1975, a severe storm consisting of wind, hail, rain, and a tornado.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 10, 1975, for physical losses and June 14, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

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

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-25713 Filed 9-25-75;8:45 am]

[Notice of Designation Number A256]

SOUTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in South Carolina: Lexington and Orangeburg.

The Secretary has found that this need exists as a result of a natural disaster consisting of hail and a windstorm May 10, 1975, and excessive rainfall and hail May 10 to 20, in Lexington County; and excessive rainfall and hail May 10, 1975, in Orangeburg County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James B. Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 3, 1975, for physical losses and June 3, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

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

FRANK B. ELLIOTT,
Administrator,

Farmers Home Administration,

[FR Doc.75-25714 Filed 9-25-75;8:45 am]

Forest Service

RAINY DAY PLANNING UNIT

Availability of Final Environmental
Statement

Pursuant to section 192(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Rainy Day Planning Unit, Report Number USDA-FS-FES (ADM) R1-75-6.

The environmental statement concerns future land management practices for the Rainy Day Planning Unit. The Unit comprises 61,700 acres in the Elk City Ranger District, Nezperce National Forest, Idaho County, Idaho.

The final environmental statement was transmitted to CEQ on September 19, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA Forest Service, Elk City Ranger District, Elk City, ID 83525.

A limited number of single copies are available upon request to Forest Supervisor, Don Biddison, 319 East Main, Grangeville, ID 83530.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

DON BIDDISON,
Forest Supervisor, Nezperce
National Forest, Northern Region.

SEPTEMBER 19, 1975.

[FR Doc.75-25743 Filed 9-25-75;8:45 am]

Soil Conservation Service

POTT-SEM-TURKEY WATERSHED
PROJECT, OKLAHOMAAvailability of Final Environmental Impact
Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Pott-Sem-Turkey watershed project, Pottawatomie and Seminole Counties, Oklahoma, USDA-SCS-EIS-W5-(ADM)-75-1(F) OK.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment and 11 floodwater retarding structures. The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

Dated: September 18, 1975.

JOSEPH W. HAAS,

Deputy Administrator for Water
Resources Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

[FR Doc.75-25744 Filed 9-25-75; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

[Order no. 42-1 (Amdt. 1)]

DIRECTORATE OF ADMINISTRATIVE
MANAGEMENT

Organization and Functions

This order effective September 1, 1975, amends the material appearing at 40 FR 12694 of March 20, 1975.

DIBA Organization and Function Order 42-1, February 28, 1975, is hereby amended, as follows:

Section 7, *Office of Budget*, is revised to read, as follows:

Sec. 7. *Office of Budget*

.01 The Office of Budget shall be headed by a *Director* who shall be the DIBA Budget Officer and who shall plan, coordinate, and direct the budget and program planning functions of DIBA including the obligation and expenditure of DIBA appropriations and funds; the collection of contributions and receipts, approval of reimbursable agreements and agreements for special statistical studies; establish standards, criteria, and procedures for the preparation of budget estimates; interpret budgetary and financial procedures established by higher authority and maintain liaison

with counterpart budget, program analysis and fiscal offices in the Office of the Secretary, the Office of Management and Budget, and, as necessary other Federal agencies. The Director will head the following operating units:

.02 *The Program Planning and Analysis Division* which shall: analyze and evaluate DIBA programs and program plans; assist DIBA organizations to develop and improve program plans, including statements of objectives, descriptions of projects and indicators of outputs, results or workload and accomplishments; coordinate and oversee the DIBA MBO process and the development of long-range DIBA goals and objectives; coordinate or prepare program issue and evaluation studies and analyses; assist the Budget Formulation and Operations Division in the identification of major issues and problems to be addressed in program proposals and budget requests; and maintain a tracking system for legislative proposals which may have budgetary impact.

.03 *The Budget Formulation and Operations Division* which shall: provide continuous liaison with DIBA program managers and technical assistance to operating units on all budget matters; participate in the identification of major issues and problems to be addressed in program proposals and budget requests; participate in the review of legislative proposals affecting DIBA's plans and programs; examine and analyze all budget proposals in terms of effective allocation of DIBA resources, conformance to policies, adequacy of justification and appropriation language, existence of statutory authorization, feasibility, and economy of operations and accuracy and consistency of budget and accomplishment schedules; prepare Preview Estimates and the Secretarial, OMB, and Congressional budget justifications; prepare witnesses to testify on budget requests and complete materials for hearing transcripts; analyze fiscal and program plans and reprogramming proposals for conformance to Departmental and DIBA policies and commitments, and maintain a continuous review of the status of obligations, expenditures, and program progress by organization and budget structure; and review and evaluate DIBA's program structure and recommend modifications as necessary.

.04 *The Funds Management and Reports Division* which shall: develop and maintain instructions governing the operation of DIBA's budgetary processes; prepare technical and other supporting schedules and review such schedules, as well as budget justifications for conformance with Departmental and OMB instructions governing submission of budget estimates; assure administrative control over the obligation and expenditure of DIBA appropriations and other funds; assure validity of planned and actual data included in financial reports; prepare special reports or briefings for the Office of the Secretary, the Assistant Secretary for Domestic and Interna-

tional Business, and DIBA program managers regarding significant fiscal, budget, and program execution related problems, incorporating materials provided by other Divisions of the Office of Budget; prepare overseas direct project budget authorizations and advices of fund availability, and collect and deposit contributions and receipts; negotiate and prepare reimbursable agreements and billings related thereto; maintain liaison with the Central Accounting Division of the Department of Commerce's Office of Financial Management Services; coordinate the Office of Budget's participation in DIBA's Program Management Information System; and maintain DIBA's budget history."

DONALD E. JOHNSON,

Acting Assistant Secretary for
Domestic and International Business.

[FR Doc.75-25745 Filed 9-25-75; 8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON
VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next regular meeting of the National Advisory Council on Vocational Education will be held on October 16, 1975, from 2:00 P.M. to 5:00 P.M., local time, at the Sheraton-Boston, Boston, Massachusetts.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the Administration of preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

OCTOBER 16, 1975:

- Discussion of proposed Council report draft
- School-to-Work Project presentation
- Discussion of articulation research project
- Discussion of proposed conference Program Review Committee report
- Research Committee report

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the

Council's Executive Director, located in Suite 412, 425 13th Street, N.W., Washington, D.C. 20004.

Signed at Washington, D.C. on September 22, 1975.

REGINALD PETTY,
Acting Executive Director.

[FR Doc. 75-25706 Filed 9-25-75; 8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Closed Meeting

Notice is hereby given in accordance with provisions in Section 10(d), Federal Advisory Committee Act, Pub. L. 92-463, Title V, U.S. Code, Section 552(b) (2) and (6), that the meeting of the National Advisory Council on Vocational Education will not be open to the public on October 16, 1975, from 9:00 A.M. to 2:00 P.M., local time at the Logan Hilton, Logan International Airport, Boston, Massachusetts. The purpose of the meeting is to interview applicants for the Executive Director Staff vacancy and documents will be presented which, if open to the public, would constitute a clearly unwarranted invasion of personal privacy.

The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

A summary of activities of the meeting shall be kept and shall be available for public inspection at the office of the Council's Executive Director located at 425 13th Street, N.W., Suite 412, Washington, D.C. 20004.

Signed at Washington, D.C. on September 22, 1975.

REGINALD PETTY,
Acting Executive Director.

[FR Doc. 75-25705 Filed 9-25-75; 8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, a joint meeting of the National and State Advisory Councils will be held on October 17, 1975, from 9:00 A.M. to 4:30 P.M., local time and on October 18, 1975 from 7:45 A.M. to 2:50

P.M., local time at the Sheraton Boston, Boston, Massachusetts.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The joint meeting of the National and State Advisory Councils on Vocational Education shall be open to the public. The proposed agenda includes:

OCTOBER 17, 1975

AM General Session
Panel Presentations:
Student Needs
Handicapped/Disadvantaged Concerns
Urban/Rural Concerns
Open Discussion by Audience with Panelists
PM Luncheon with Speaker
Round Table Discussions on Panel Issues
Regional Meetings

OCTOBER 18, 1975

AM National Advisory Council Report
Repeat of Round Tables
General Business Session
Luncheon with Speaker

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street, N.W., Washington, D.C. 20004.

Signed at Washington, D.C. on September 17, 1975.

REGINALD PETTY,
Acting Executive Director.

[FR Doc. 75-25707 Filed 9-25-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

On October 14 and 15, 1975, the National Highway Safety Advisory Committee will hold open meetings at the Department of Transportation headquarters building, 400 Seventh Street, S.W., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

On October 14 at 8:30 a.m. in room 2230 the full Committee will meet with the following agenda:

National Transportation Policy
Impact Assessment of 402 Highway Safety Funds
Highway Safety Forecast for 1985
Highway Trust Fund
402 Program Strategy and Legislation
Highway Safety Standards Revision
55 MPH Speed Limit: State Enforcement and Certification
Heavier Truck Safety Issues:
Evaluation of FMVSS 121 Truck Brake Standard
Status Report on FHWA Heavy Truck Safety Studies

On October 15 at 8:30 a.m. in room 3200 the Driver Subcommittee will meet with the following agenda:

55 MPH Speed Limit Enforcement
Safety Belt Usage Program
Child Restraints
Alcohol Standard—BAC Testing of Drivers in Fatal Crashes
New Business

Also on October 15 at 8:30 a.m. in room 3442 the Highway Environment Subcommittee will meet with the following agenda:

Adequacy of Highway Safety Construction Guidelines
Funding for Highway Safety Programs
Status of Railroad Grade Crossing Programs
New Business

At 10:30 a.m. on October 15 in room 4436 the Vehicle Subcommittee will meet with the following agenda:

Discussion of Heavier Truck Safety Issues
Brake Standard Applicability (FMVSS 121)
Safety Studies
New Business

In room 3200 at 10:30 a.m. on October 15 the Adjudication Task Force will meet with the following agenda:

Plans for Future Activities

At 2:00 p.m. on October 15 in room 2230 the full Committee will meet with the following agenda:

Swearing In of New Members
 Report by Governor's Highway Safety Representative
 Report of Subcommittees
 Trip Reports
 Old Business
 New Business
 Future Meetings

The above meetings are subject to the approval of the Secretary.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a) (2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: September 22, 1975.

WM. H. MARSH,
 Executive Secretary.

[FR Doc. 75-25691 Filed 9-25-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26838; Order 75-9-82]

FLYING TIGER LINE INC.

Priority Reserved Air Freight Rates Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of September, 1975.

By tariff revisions¹ posted August 21 and marked to become effective October 5, 1975, The Flying Tiger Line Inc. (Tiger) proposes to establish by tariff rule an online priority freight service. The proposed rates are 130 percent of the carrier's otherwise applicable local general commodity bulk rates, and the minimum charge per shipment would be 130 percent of the carrier's local general commodity minimum charge. Premium-rated commodities will be accorded priority service upon request at the rates for such commodities in standard freight service, or at the priority rates for general commodities, whichever is greater. The rule is marked to expire February 29, 1976.

The proposed service contains the following features:

1. Priority air freight will be boarded ahead of all other freight;
2. Subject to advance confirmation, a shipper may reserve online space on a specific flight; and
3. Transportation is guaranteed aboard the confirmed flight, subject to a refund of the premium if the shipment is not transported as stipulated.

The reservation for a shipment must be requested of the carrier not less than 6 hours nor more than 48 hours prior to the scheduled departure of the designated flight. The shipment must be tendered to the carrier's air freight terminal at least 90 minutes prior to the scheduled departure of the flight on which the shipper requests the shipment be trans-

ported. The rates will apply airport-to-airport, with standard pickup and delivery services available at additional charges.)

In support of its proposal, Tiger asserts, *inter alia*, that its proposal is similar in format to that in effect for United Air Lines, Inc. (United), with the primary distinction that United permits application of the 30 percent premium to specific commodity rates, whereas, under Tiger's proposal, the priority rate for all traffic will be 130 percent of the general commodity rate. According to Tiger, such a provision as United's presents a situation where, since many specific commodity rates are substantially below the general commodity level in the same market, a large share of specific commodity priority traffic could travel with a higher preference than general commodity traffic, yet at rates lower than the standard nonpriority general commodity rate, thereby receiving more valuable service at lower cost. Tiger believes that priority air freight rates should be so structured as to attract traffic that is "basically service-sensitive," while the primary motivation for the establishment of specific commodity rates is to attract traffic to fill capacity voids by offering rates below full costs, recognizing the limited value of service of the commodities involved.

There are significant questions, however, as to the level and structure of rates resulting from the proposal, and whether the proposal, both as to rates and service, is consistent with the Board's finding that the carrier is under an obligation to offer highly expedited intercarrier priority service as a replacement for air express service (Order 73-12-36). Consequently, upon consideration of all relevant factors, the Board finds that Tiger's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. This investigation will be consolidated into the *Priority Reserved Air Freight Rates Investigation*, Docket 26838, which embraces priority rates in effect for other carriers.

The Board is particularly concerned with the premiums for specific commodity rates which will be in excess of 30 percent, ranging as high as over 400 percent.²

We have previously suspended carrier proposals for priority service which would

²No cost justification has been presented for such a price differential between standard and priority services. In some instances, reduced specific commodity rates are established to reflect lower costs because of relatively high density and favorable handling characteristics, and because they typically involve eastbound movements, which are opposite to the predominant traffic flow. Justification of such high premiums for priority service would be most difficult for this traffic. Moreover, the Board recognizes that there may be situations in which priority service is selected to assure the movement of specific commodity traffic in peak traffic periods, such as prior to Christmas, Easter, etc., when there may be backlogs of traffic.

apply premiums in excess of the otherwise applicable rate by more than 30 percent³ and have dismissed a complaint against a failure to apply a premium of 30 percent of the general commodity rate for the same weight in the same market to specific commodity rates.⁴

The charging of such high premiums for specific commodities when they require unusually expeditious service may result in unreasonably high rates, and, in view of all relevant circumstances, we shall suspend the proposal pending investigation. Although the Board's action would not permit any part of Tiger's proposal to become effective during the suspension period and pending investigation, it is not practicable to suspend only the portion of the proposal involving premiums above 30 percent.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. An investigation is instituted to determine whether the rates, charges, and provisions in Rule No. 77 on 2nd and 3rd Revised Pages 42-A and 2nd and 3rd Revised Pages 42-B of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions in Rule No. 77 on 2nd and 3rd Revised Pages 42-A and 2nd and 3rd Revised Pages 42-B of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169, are suspended and their use deferred to and including January 2, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The investigation instituted herein is hereby consolidated into Docket 26838, *Priority Reserved Air Freight Rates Investigation*; and

4. Copies of this order shall be filed with the tariff and served upon The Flying Tiger Line Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
 Secretary.

[FR Doc. 75-25780 Filed 9-25-75; 8:45 am]

³Order 74-12-126, December 31, 1974; Order 75-1-80, January 20, 1975; and Order 75-3-116, March 28, 1975.

⁴See Order 75-5-34, adopted May 8, 1975, in which the Board dismissed Tiger's complaint against a proposal by United, applying only a 30 percent priority premium on specific as well as general commodities.

¹Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

**GENERAL ACCOUNTING OFFICE
REGULATORY REPORTS REVIEW
Notice of Receipt of Report Proposals**

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 22, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the CAB submissions are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before October 14, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for clearance of application and reporting requirements contained in a new Special Regulation, 14 CFR Part 378a, which establishes a new class of charters, called One-Stop-Inclusive Tour Charters (OTC's) and a subcategory of OTC's—the Special Event Charters (SEC's). The purpose of establishing this new type of charter is to increase the availability of low-cost charter air travel.

Certain forms are required to be filed by Tour Operators and Direct Air Carriers engaged in OTC's. One of the forms required to be filed is CAB Form 378a-1, CAB One-Stop-Inclusive Tour Charter Passenger Name List. CAB estimates that the number of respondents will be 100, and that each respondent will file 50 reports annually. Respondent burden is estimated to average 1 hour per response.

Another form to be filed is CAB Form 378a-2, One-Stop-Inclusive Tour Charter Report. It is estimated that the number of respondents will be 100, and that each respondent will file 12 reports annually. Respondent burden is estimated to average 30 minutes per response.

The third form which must be filed under Part 378a is CAB Form 85, Application for Statement of Authorization for a Special Event Charter. CAB estimates the number of respondents to be 15, and that each respondent will file 3 reports annually. Respondent burden is estimated to average 1 hour per response.

Request for clearance of a recordkeeping requirement contained in an Amendment to Part 249 of the Board's Economic Regulations, Preservation of Air Carrier

Accounts, Records, and Memoranda. The Amendment to section 249.9 paragraph (a) provides for the preservation of records by One-Stop-Inclusive Tour Charter Operators. Every tour operator conducting a tour or a series of tours under 14 CFR Part 378 or Part 378a is required to retain for two years after completion of a tour or a series of tours true copies of certain related documents at its principal or general office in the U.S., and is required to make them available upon request by an authorized representative of the Board.

NORMAN F. HEYL,
*Regulatory Reports
Review Officer.*

[FR Doc.75-25794 Filed 9-25-75;8:45 am]

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
CERTAIN COTTON, WOOL, AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA**

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 22, 1975.

Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea, the Government of the Republic of Korea has undertaken to limit its exports of cotton, wool, and man-made fiber textile products to the United States to certain designated levels. Pursuant to this agreement, the Governments of the United States and the Republic of Korea have established an administrative mechanism intended to exempt Taekwondo (Karate) and Judo uniforms from the provisions of the agreement.

The purpose of this notice is to announce that, effective on September 29, 1975, and until further notice, shipments of Taekwondo (Karate) and Judo uniforms, produced or manufactured in the Republic of Korea, will not be subject to the levels of restraint established under the aforementioned bilateral agreement when certified by the Government of the Republic of Korea. The certification will be the same as that previously established for the exemption of traditional "Korean Items." (38 FR 23357)

Accordingly, there is published below a letter of September 22, 1975, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing the administrative mechanism.

Effective date: September 29, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of May 19, 1972, which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products produced or manufactured in the Republic of Korea; and it further amends, but does not cancel, the directive of August 22, 1973, which established an administrative mechanism to exempt certain items from levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 29, 1973, pursuant to paragraph 12(a) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on Sept. 29, 1975, and until further notice, to permit entry of shipments of Judo and Karate (Taekwondo) uniforms (T.S.U.S.A. No. 380.3982) which have been certified by the Government of the Republic of Korea.

Shipments of Judo and Karate (Taekwondo) uniforms (T.S.U.S.A. No. 380.3982) shall be accompanied by certifications issued by the Government of the Republic of Korea in accordance with the procedure established for exempt items in the directive of August 22, 1973. In the space following the word "Item" on each certifying stamp the Government of the Republic of Korea will indicate "Taekwondo or Judo Suit." The official authorized to issue certifications will be the same as the one authorized to issue certifications for exempt items.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-25700 Filed 9-25-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7530

Paper, Teletypewriter (in rolls) 7530-00-223-7968 GSA Regions 4, 5, 6.

Tape, Paper, Computing Machine (50% of Government requirements):

7530-00-285-9052
7530-00-222-3455
7530-00-285-9053
7530-00-285-9054
7530-00-238-8352
7530-00-222-3456
7530-00-285-9055

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this Federal Register.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc. 75-25724 Filed 9-25-75; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from September 15 through September 19, 1975. The date of receipt for each statement is noted in the statement summary. Under Council guidelines the minimum period for public review and comment on draft environmental impact statements on or before November 10, 1975. The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Powden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

West Slope of the Tetons, Targhee National Forest, Idaho and Wyoming, September 16: The statement concerns the land use plan for the 297,000 acre West Slope of the Tetons Planning Unit of the Targhee National Forest in Teton and Fremont Counties, Idaho, and Teton County, Wyoming. The major adverse environmental impacts will be those on soil, water, vegetation, wildlife, and esthetics caused by road building, timber harvests, livestock grazing, recreation use and mineral activity. Approximately 167,000 acres of the unit were selected as a wilderness study area. (ELR Order No. 51388.)

West Kootenai Planning Unit, Lincoln County, Mont., September 18: The action involves the implementation of a revised multiple use plan for the 68,996 acre West Kootenai Planning Unit, Kootenai National Forest. The plan emphasizes recreation, production of forest products, and an increased transportation system. Implementation of the program will result in development of natural areas, temporary acceleration of soil and vegetation disturbance, and noise and air pollution. (ELR Order No. 51402.)

SOIL CONSERVATION SERVICE

Draft

South Tyger River Watershed, Greenville County, S.C., September 15: The statement concerns a revised project for watershed protection, flood prevention, municipal and industrial water storage and recreation in Greenville County, South Carolina. Conservation land treatment systems will be installed on 1,200 acres of cropland to reduce sediment runoff. The two structural measures remaining to be installed will inundate 853 acres, temporarily flood 1,030 acres, and utilize a total area of 1,936 acres requiring 719 acres to be cleared of trees. The ambient air quality and water quality will be degraded for a short period during construction. (ELR Order No. 51386.)

Final

Pott-Sem-Turkey Watershed, Seminole and Pottawatomie Counties, Okla., September 19: The statement refers to the Pott-Sem-Turkey Watershed protection and flood prevention project in Pottawatomie and Seminole Counties, Oklahoma. Project measures include accelerated application of land measures for 22,247 acres of agricultural land and installation of 11 floodwater retarding structures for the reduction of floodwater sediment, and erosion damages on 2,564 acres of flood plain land. Adverse impacts include the use of 110 acres of farmland for dams and spillways, the permanent inundation of 297 acres, the intermittent inundation of 833 acres, the disturbance or destruction of 18 archeological sites, and temporary construction disturbances. Comments made by: COE, DOI, EPA, State and regional agencies, National Audubon Society. (ELR order No. 51405.)

North and South Mill Creek Subwatershed, Grant, Pendleton, and Hardy Counties, W. Va., September 17: Proposed is the construction of 5 single-purpose floodwater retarding dams and one multi-purpose floodwater retarding and recreation dam for purposes of flood control and recreation. The project will inundate 102 acres of farm land and 1.9 miles of stream. Comments made by: COE, DOI, DOT, EPA, AHP, and State agencies. (ELR order No. 51401.)

ARCHITECT OF THE CAPITOL

Contact: Mr. George M. White, Architect of the Capitol, United States Capitol, Room SB 15, Washington, D.C. 20515 (202) 225-1200.

Final

Capitol Power Plant, District of Columbia, September 19: The statement refers to the proposed construction of a refrigeration plant building which is to be the first module of a long range expansion program for the Capitol Power Plant. The Plant presently produces steam for heating and chilled water for air conditioning for the Capitol, the two Senate Office Buildings, the three House Office Buildings, the Supreme Court Building, and the two Library of Congress Buildings; and steam heat alone for several other buildings. No significant adverse impact is expected from the action. (ELR order No. 51406.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 100 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-6795.

Draft

San Leandro Marina, Alameda County, Calif., September 16: Proposed is the construction of a riprap protective breakwater near the entrance to San Leandro Marina. The purpose of the breakwater is to provide safe navigation and to protect existing and planned marina development from damage due to storm winds and waves entering the marina from the south. Temporary construction disruption will result. (San Francisco.) (ELR order No. 51392.)

Bassett Creek Watershed, Hennepin County, Minn., September 15: The proposed action for the Bassett Creek Watershed includes structural measures involving a 1.5 mile underground conduit and deep tunnel, temporary storage areas, one permanent impoundment, channel modifications, embankments, floodwalls, and culverts and weirs. Non-structural measures are floodplain evacuation, flood proofing and continuation of the existing floodplain regulation and flood insurance programs. The channel modifications, embankments and the permanent impoundment would result in adverse impacts on existing vegetation and aquatic ecosystems. (St. Paul District.) (ELR order No. 51387.)

Mississippi Army Ammunition Plant, Hancock County, Miss., September 16: Proposed is the construction of a modern integrated ammunition plant to manufacture an improved type of 155 mm artillery ammunition. The site selected is an undeveloped section of the NASA National Space and Technology Laboratory. The project will result in a projected population increase of 1700 persons (450 of these school-age children). Long term environmental impacts include addition of sanitary landfill operation and discharge of treated wastes into Pearl River with the possibility of using some natural stream assimilative capacity. (ELR order No. 51389.)

Vermilion Harbor, O&M, Erie County, Ohio, September 15: The statement concerns the dredging of about 24,000 cubic yards of sediment from the Vermilion Harbor area approximately once every three years and maintenance of existing harbor structures. Harbor dredgings suitable for open-lake disposal will be deposited in a designated open-lake site in Lake Erie. Dredgings not suitable for open-lake disposal will be transported approximately 10 miles to Huron Harbor and deposited in a diked disposal area. The project will result in the disturbance of benthic communities, air and water pollution, and increased turbidity. (Buffalo District.) (ELR order No. 51385.)

Charleston Harbor, Ashley River, Cooper River Dredging, Charleston and Berkeley Counties, S.C., September 16: Proposed is the maintenance dredging of channels and turning basins in the Charleston Harbor, Shipyard River, Ashley River, Navy Channel, and Navy piers and slips. Adverse impacts include the possible loss of organisms through leaching of toxic substances from upland disposal areas, the possible reduction in dissolved oxygen levels as a result of the dredge disturbing organic materials undergoing anaerobic decomposition, possible displacement of wildlife species, alteration of existing vegetation in disposal areas, and an increase in the local mosquito population. (Charleston District.) (ELR order No. 51390.)

Red River Chloride Control, Texas and Oklahoma, September 17: Proposed is the construction of four low-flow dams, three brine dams, six subsurface cut-off walls, six shallow well collection systems, and installation of associated pumps and pipelines for collecting, transporting and storing brine-laden waters. There will be a total of about 8,000 acres of land eventually inundated with brine. The brine will cause a progressive degradation of the soil and vegetation, causing displacement of land animals. The aesthetic conditions surrounding the brine pools may be regarded as an encroachment upon a wild landscape by manmade features. (Tulsa District.) (ELR order No. 51400.)

Final

Great Lakes-St. Lawrence Seaway, Navigation Season, September 15: The FY 1976 Navigation Season Extension Program is part of an ongoing investigation to demonstrate the practicability of certain enabling measures for extending the commercial navigation season on the Great Lakes-St. Lawrence Seaway System. The activities proposed, including bubbler-flusher systems, are expected to have minimal impact if any. (Detroit District.) Comments made by: DOI, EPA, DOC, AEC, USDA, FPC, OEO, NOAA, State and local agencies, and private organizations. (ELR order No. 51384.)

East Moline, Flood Protection System, Illinois, September 16: The statement refers to the proposed East Moline, Illinois, Flood Protection System. The recommended plan consists of constructing two levees, with a total length of 27,500 ft. designed to protect 3,000 acres within the project study area against Mississippi and Rock River Design floods (200-year frequency). Additional structures, ramps, closures, ponding areas, and pumping areas will be provided. Adverse impacts are use of 20 acres for levees, local air, water and noise pollution during construction, and the secondary effects of replacement of agricultural land with urban land use as urbanization takes place. (Rock Island District.) Comments made by: EPA, HUD, DOI, DOC, DOT, USDA, AHP, and State agencies. (ELR order No. 51391.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, (202) 892-3227.

Draft

NAS Miramar, Restrictive Use Easements, California, September 19: The proposed program involves acquisition of restrictive use easements on 66 vacant parcels covering 1,660 acres as part of the (AICUZ) program at Naval Air Station Miramar, San Diego, California. Easements will prevent development of noise sensitive uses and impose occupancy density limitations on the properties. Land use in the area will be changed from residential and commercial uses to low density industrial uses. The growth rate of the project area will be slowed, some parcels remaining in open space uses over a considerable length of time due to lack of demand for property with restrictions imposed by easements. (ELR order No. 51404.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF LAND MANAGEMENT**Draft**

Coal Mining Regulations, September 16: Proposed are new BLM coal leasing, permit-

ting and licensing regulations and revised GS coal exploration, mining operating, and reclamation regulations as they apply to all aspects of coal operations on public and acquired lands. Regulations and revision are included to: expand Federal scope of authority to private surface over federally owned minerals; require submission of detailed exploration and/or mining plans prior to operations; and require reclamation as an integral part of mining operations. The more stringent environmental standards may result in slightly increased expenses to operators and consumers and the closing of some small mines. (ELR order No. 51399.)

Final

Proposed Coal Leasing Program, September 19: The statement refers to a program resuming nationwide coal leasing by the Bureau of Land Management, utilizing the Energy Mineral Allocation Recommendation System. The program primarily involves 85 million acres of identified coal reserves in the Northern Great Plains, and northward along the continental divide from New Mexico and Arizona through Montana. Extraction of the coal would create a wide range of social, economic, and environmental impacts. Comments made by: USDA, AEC, EPA, CEQ, DOI, TVA, and State agencies. (ELR Order No. 51403.)

BUREAU OF OUTDOOR RECREATION**Draft**

Bruneau Wild and Scenic River, Idaho, September 16: The statement concerns a study recommending the inclusion of 121 miles of the Bruneau and its Sheep Creek and Jarbridge tributaries in the National Wild and Scenic River System. Boundaries would extend from canyon rim to canyon rim along legal subdivisions and encompass approximately 57,000 acres. Existing uses of the area, chiefly livestock grazing, would continue. Commercial and residential uses that might otherwise occur would be curtailed. (ELR order No. 51395.)

BONNEVILLE POWER ADMINISTRATION**Draft**

Hot Springs-Bell 500-kV line, Washington, Idaho, and Montana, September 16: Proposed is the construction of between 146 and 165 miles of 500-kV transmission line between Hot Springs, Montana, and Bell Substation, immediately north of Spokane, Washington. Right-of-way for the line and 15 to 70 miles of new access road would be required. The project would also require the clearing of 2,153 to 2,503 acres of land and the removal of 3 to 4 acres of farm land. Wildlife habitat would be disturbed. (ELR order No. 51396.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION**Draft**

Hilo Bayfront Highway, FAP 19, Hawaii, September 16: The statement concerns the construction of a 1.3 mile segment of the 4-lane, divided Hilo Bayfront Highway (FAP 19) from west of the Waioa River to the junction of Kalaniana'ole Avenue and Silva Street. One family and an unspecified number of businesses will be displaced. A 4(f) statement is included concerning Hoolulu Park, Banyon Banyon Drive Golf Course, and the Hilo Bay Open Area. (ELR order No. 51397.)

Final

Alabama Route 59, Baldwin County, Ala., September 16: The statement refers to the construction of Alabama Route 59 for ap-

proximately 21 miles from south of Foley to I-10 north of Loxley. The acquisition of farmland for highway right-of-way and economic effects to businesses and trade in the 4 towns that will be bypassed by the proposal are adverse effects of the project. Comments made by: USDA, HEW, and State agencies. (ELR order No. 51393.)

GARY L. WIDMAN,
General Counsel.

[FR Doc. 75-25719 Filed 9-25-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 436-2]

MARINE SANITATION DEVICE STANDARD FOR CALIFORNIA**Receipt of Petition**

Notice is hereby given that the State of California has petitioned the Administrator of the U.S. Environmental Protection Agency to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for upper and lower Newport Bays, Sunset Bay inland of the Pacific Coast Highway Bridge, and Huntington Harbor. This action is requested pursuant to section 312(f) (3) of Pub. L. 92-500.

The petition states that pump-out facilities are located (1) on a dock adjacent to the Orange County Harbors, Beaches and Parks/Harbormaster/Coast Guard docks in Newport Bay, and (2) on a dock near the launch ramp at Sunset Aquatic Park Marina in Sunset Bay. Service boats equipped to pump out holding tanks are available through Sea Lancers, Greg Boston Associates, and California Recreation Co. Some recently constructed docks and many now under construction, particularly in the Huntington Harbor area, are equipped with direct sewer connections. On-board pumps are used to empty holding tanks into the sewers. Marine service stations (gas docks) may also provide pump-out service at various locations. The convenient locations, the 24-hour/day availability, the fact that no charge is made for pump-out service, and the observed 5-minute pump-out time for most boats demonstrate that the service is readily available and adequate. For those boat owners who do not care to utilize the dockside pump-out stations, the private service boats will pump out holding tanks for a fee. Those boats with access to slip-side sewer connections can empty their holding tanks at their own convenience.

Comments and views regarding this requested action may be filed on or before November 10, 1975. Such communications or requests for a copy of the applicant's petition, should be addressed to the Director, Criteria and Standards Division (WH-551), Office of Water Planning and Standards, OWHM, Room 737, East Tower, Waterside Mall, Washington, D.C. 20460.

Dated: September 22, 1975.

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

[FR Doc. 75-25689 Filed 9-25-75; 8:45 am]

[OPP-00014; FRL 438-1]

STATE-FEDERAL FIFRA IMPLEMENTATION
ADVISORY COMMITTEE WORKING
GROUP ON CERTIFICATION

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Certification will be held on October 22-23 in Denver, Colorado.

This is the first meeting of the Working Group on Certification under SFFIAC auspices. The purpose of the meeting is to discuss current aspects of pesticide applicator certification with the intent of reporting to the full committee, so that the latter will be able to advise EPA on certification at its next regular meeting, currently scheduled for November 19.

This meeting is open to the public. For details as to the time and place, please contact P. H. Gray, Jr., Acting Chief, Program Support and Special Projects Branch, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-8053.

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 75-25690 Filed 9-25-75; 8:45 am]

FEDERAL COMMUNICATIONS
COMMISSION[FCC 75R-352; Docket Nos. 20010, 20011;
File Nos. BROT-10, BPCT-4540]CBS INC. (WCAU-TV) AND FIRST DELA-
WARE VALLEY CITIZENS TELEVISION,
INC.

Applications for Renewal and Construction

By the Review Board: 1. The above-captioned mutually exclusive applications were designated for hearing by Commission Order, 39 FR 15158, published May 1, 1974. Now before the Review Board is a sixth motion to enlarge issues, filed July 3, 1975, by CBS Inc. (WCAU-TV) (CBS),¹ requesting the addition of a Rule 1.65 issue against First Delaware Valley Citizens Television, Inc. (First Delaware).

2. In support of its motion to enlarge issues, CBS alleges that First Delaware has violated § 1.65 by failing to amend its application to reflect a change in its basic financial plan. Specifically, CBS contends that although First Delaware continues to propose to meet its estimated costs of prosecution with existing

capital and stock subscription contributions, it also intends to rely on an additional unreported source of financing for this purpose, namely, an extension of credit by its former communications counsel. This alleged intention, according to CBS, is suggested by material which First Delaware recently submitted to the Commission in connection with a petition for leave to amend. CBS directs the Board's attention to a June 16, 1975 supplement to First Delaware's May 19, 1975 petition for leave to amend which contains an affidavit executed by Harold E. Kohn, treasurer and a principal stockholder of the applicant. According to CBS, that affidavit reveals that in March of 1975, First Delaware was considering an increase in existing capitalization in order to meet certain increased expenses associated with the prosecution of the application,² but that any such plan was abandoned in April when Edward P. Morgan, a First Delaware stockholder associated with the law firm serving as the applicant's then communications counsel, withdrew from First Delaware. The affidavit further reveals, movant suggests, that in connection with the withdrawal of Morgan, First Delaware was relieved of the obligation to pay "currently" certain legal fees which had previously been due and payable. As additional indication of an agreement to this effect, CBS refers to an April 30, 1975 balance sheet attached to First Delaware's May 19 amendment which reflects that \$154,206 in outstanding liabilities, previously (as of December 31, 1974) classified as current accounts payable, had been reclassified as long term "other liabilities". In sum, CBS contends that a question has been raised as to whether First Delaware failed to amend its application to report an apparent agreement with Morgan, whereby the applicant was relieved of the obligation to currently pay some \$150,000 in legal fees which had previously been due and payable on such a basis.

3. In opposition, First Delaware argues that CBS' motion is untimely since it is based upon a comparison of two First Delaware balance sheets, both of which have been in the movant's possession since May 19, 1975. However, the motion is procedurally defective in two more significant respects, the applicant maintains; rather than comporting with the specificity and support requirements of § 1.229(c), the motion is based upon clearly insufficient speculation and innuendo. Turning to the merits of the request, First Delaware asserts that "no agreements or understandings of any kind whatever have been made between Mr. Morgan's law firm and First Delaware with regard to the disposition of that firm's outstanding bill." On the contrary, First Delaware continues, as explained in an attached affidavit of

²In this connection, CBS submits that as of April 30, 1975, First Delaware had incurred expenses of \$346,034 or 86% of the \$400,000 originally projected as the cost of the entire proceeding.

Harold E. Kohn, the amount of the bill is disputed and First Delaware "does not presently intend to pay it." First Delaware concludes that since no agreement has been reached with the law firm and no significant change in its financial plan has thereby occurred, there has been no violation of § 1.65.

4. In reply, CBS alleges that the contents of First Delaware's opposition establish the clear necessity for expanding its request to encompass an inquiry into whether or not First Delaware made a deliberate misrepresentation to the Commission. Thus, CBS asserts that the statements made in the two Kohn affidavits—the one filed with First Delaware's June 16 supplement and that filed with its present opposition—simply cannot be reconciled.³ In so arguing, CBS reasons that Kohn's prior statement that "the obligation to pay certain legal expenses 'currently' was being reduced" necessarily indicates that some agreement or understanding with Morgan's firm had been reached. And, movant concludes, this implication is in marked contrast to Kohn's more recent statement that there has never been any agreement or understanding, but rather that First Delaware has unilaterally determined that, since it disputes the amount of legal fees incurred, it does not presently intend to pay the amount billed.⁴ As further evidence of First Delaware's deception, CBS asserts that the April 30 balance sheet submitted to the Commission differs from the balance sheets prepared by First Delaware's accountants; CBS explains that the actual April 30 balance sheet continues to show the \$154,206 owed to Morgan's firm as an account payable,⁵ whereas in the balance sheet submitted to the Commission, this amount is reclassified, without explanation, as a long term "other liability".

5. First Delaware, in its comments,⁶ contends that, aside from the fact that the two Kohn affidavits are concerned with two limited and dissimilar topics,⁷ its obligation to pay certain legal expenses currently "could be reduced with-

¹CBS also notes that since its motion is based in part upon the Kohn affidavit submitted with First Delaware's June 16 supplement, the applicant's argument of untimeliness may be rejected.

²As a related matter, CBS appears to question the propriety of converting the sum in question from current to long term liabilities on the basis of a unilateral determination by the applicant.

³CBS does note, however, that the "actual" balance sheet prepared by the accountants explains that the \$154,206 amount was in dispute.

⁴Since First Delaware's comments are responsive to CBS' request for the addition of a misrepresentation issue, which is contained in its reply pleading, the comments will be accepted.

⁵First Delaware asserts that the first was concerned primarily with the facts and circumstances surrounding the decision to add another major shareholder, whereas the second was concerned with the question of whether an agreement had been reached with respect to the payment of legal fees.

¹The Board also has before it the following related pleadings: (a) opposition, filed July 14, 1975, by First Delaware; (b) opposition, filed July 14, 1975, by the Broadcast Bureau; (c) reply, filed July 24, 1975, by CBS; (d) motion for leave to file comments, filed August 6, 1975, by First Delaware; (e) comments, filed August 6, 1975, by First Delaware; (f) comments on (c) and (d), filed August 12, 1975, by the Broadcast Bureau; and (g) comments on (d) and (e), filed August 13, 1975, by CBS.

out an agreement to that effect since Morgan's firm is no longer counsel in the proceeding and will not continue to render legal services to the applicant." Moreover, First Delaware argues, contrary to CBS' suggestion, it would have been misleading had it not signified the recent business judgment of the corporation with respect to legal fees to the Commission in an effort to accurately reflect the corporation's financial condition. And, in this regard, First Delaware argues that the "difference in terminology" employed in the actual balance sheet prepared by the accountants and that submitted to the Commission "reflects only a difference in presentation of one item...."

6. In the Board's view, a substantial question has been raised as to whether First Delaware fully and/or accurately informed the Commission of a substantial and significant change in its financial position. First Delaware submitted to the Commission a balance sheet reflecting the reclassification of \$154,206 from current liabilities to "other liabilities". No explanation or substantiation of the change was provided at that time. Since it is now clear that the reclassification merely represented First Delaware's unilateral determination not to pay certain legal fees, a question is raised as to the propriety of the entry, particularly since the change was reflected in the balance sheet prepared by First Delaware's accountants by entering it under both current liabilities and other liabilities and providing an explanation for the entries. Moreover, if the reclassification constituted an attempt by First Delaware to lower its financial requirement by approximately \$154,000, its failure to inform the Commission of the exact nature of the change or provide some explanation raises a question as to whether the applicant was attempting to mislead the Commission as to its financial requirements. Under these circumstances, the Board believes that an evidentiary inquiry into this matter is warranted.

7. We do not agree with CBS' contention, however, that a misrepresentation issue could be predicated upon any alleged inconsistencies in Kohn's affidavits. In this regard, we note that, but for the extraction of an unarguably incomplete statement contained in the initial Kohn affidavit before us, CBS has presented no documentation which would tend to support its supposition that First Delaware contemplated—let alone entered into—an agreement with Morgan or his firm with respect to the deferral of legal fees. Thus, there is no basis for questioning Kohn's subsequent averment that the reclassification of fees was the direct re-

sult of the applicant's judgment that the billed amount was in dispute and its consequent decision to withhold payment.

8. Accordingly, it is ordered, That the motion for leave to file comments, filed August 6, 1975, by First Delaware Valley Citizens Television, Inc., is granted, and the comments are accepted; and

9. It is further ordered, That the sixth motion to enlarge issues, filed July 3, 1975, by CBS Inc. (WCAU-TV), is granted to the extent indicated herein, and IS DENIED in all other respects; and

10. It is further ordered, That the issues in this proceeding are enlarged to include the following:

To determine whether First Delaware Valley Citizens Television, Inc. failed to fully and accurately report to the Commission the circumstances surrounding its reclassification of \$154,206 in legal fees from current to other liabilities, and, if so, the effect thereof on its basic and/or comparative qualifications to be a Commission licensee; and

11. It is further ordered, That the burden of proceeding under the issue added herein shall be on CBS Inc. (WCAU-TV), and the burden of proof shall be on First Delaware Valley Citizens Television, Inc.

Adopted: September 18, 1975.

Released: September 23, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc. 75-25736 Filed 9-25-75; 8:45 am]

[Report No. 772]

COMMON CARRIER SERVICES
INFORMATION¹

Domestic Public Radio Services
Applications Accepted for Filing²

SEPTEMBER 22, 1975.

By the Chief, Common Carrier Bureau. Pursuant to §§ 1.227(b) (3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

² The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATION ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE SERVICE:

- 20482-CD-P-76 General Telephone Company of the Northwest, Inc. (KTS239) C.P. to relocate facilities operating on 454.40 MHz and change antenna system located Corner 222nd St. and 58th Ave., SW, Lynnwood, Washington.
- 20483-CD-P-76 General Telephone Company of the Northwest, Inc. (KTS244) C.P. to change antenna system operating on 454.575 MHz located 13013 N.E. 65th Street, Kirkland, Washington.
- 20484-CD-P-76 Anserfone of St. Lucie County, Inc. (KIG838) C.P. to change antenna system operating on 152.15 MHz located 200 South 7th Street, Fort Pierce, Florida.
- 20485-CD-P-76 Curry County Communications (KTS241) C.P. to change frequency from 152.12 to 152.18 MHz at Loc. #1 located Edson Butte, 10 miles NE of Port Orford, Oregon.
- 20486-CD-P-76 Burlington Brighton and Wheatland Telephone Company (KUO636) C.P. for additional facilities to operate on 158.10 MHz to be located 2.2 miles Northeast of Footville, Wisconsin.
- 20487-CD-P-76 Anserfone of St. Lucie County, Inc. (KUC847) C.P. to change antenna system operating on 158.70 MHz located 200 South 7th Street, Fort Pierce, Florida.
- 20488-CD-P-76 Mobile Telephone Service of Southern (KUS295) C.P. to change antenna system operating on 152.24 MHz located Red Hills, St. George, Utah.
- 20489-CD-P-TC-(2)-76 Ram Broadcasting of Arkansas, Inc. Consent to Transfer of Control from Ram Broadcasting Corporation TRANSFEROR to Otis L. Hale TRANSFEREE KUC964 Forrest City Arkansas and KUC963 Blytheville, Arkansas.
- 20491-CD-P-76 Westcoast Radio Dispatch (KTS268) C.P. to change antenna system operating 152.24 MHz located 241 South 14th Street, Grand Junction, Colorado.

* A full reading of the first affidavit reveals that, although Kohn stated that the applicant was being relieved of its obligation, he did not indicate how this had been accomplished or who was involved in the determination. In our view, therefore, Kohn's subsequent affidavit must be regarded as an amplification of the first, rather than a contradiction thereof.

20492-CD-P-(2)-75 Lubbock Radio Paging Service, Inc. (KKS970) C.P. to relocate and change antenna system operating on 454.275 and 454.350 MHz located Metro Tower, Broadway and Avenue L. Lubbock, Texas.

20494-CD-P-TC-76 General Communications Company Consent to Transfer of Control from John R. Hanway and James C. Thompson TRANSFEROR to Margaret J. Hanway TRANSPEREE KUC849 Fairmont West Virginia.

20495-CD-P-76 Radiocall, Inc. (KIR205) C.P. for additional facilities to operate on 152.06 MHz located 347 College Street, Macon, Georgia.

20496-CD-P-76 Massachusetts-Connecticut Mobile Telephone Company (KQZ747) C.P. to add transmitter operating on 158.70 MHz located Brushy Hill Road, Danbury, Connecticut.

Correction

20341-CD-P-(4)-76 The Ohio Bell Telephone Company (KQD314) Correct entry to indicate that additional facilities as Loc. #1 will operate on 152.84 MHz rather than 35.50 MHz. All other particulars as previously reported on PN #769, dated September 2, 1975.

20177-CD-P-(3)-76 Commercial Radio Inc. (KJU796) Correct to read C.P. to relocate base facilities operating on 152.03 and 152.18 MHz at NE Corner of South and Fourth Avenue, Waycross, Georgia; Also to add new facilities to operate on 454.050 MHz (base) at aforementioned location. (Major Action under Section 1.1305 of the Commission's Rules).

Major amendments

20617-CD-P-75 Island Telepage System (New) Oak Harbor, Washington change frequency for Blyn and Lummi Island location from 454.300 & 459.300 MHz to 454.025 & 459.025 MHz. All other particulars to remain the same as reported on PN #726 dated November 4, 1974.

21287-CD-P-75 & 21299-CD-P-75 General Communications Company (KLF509) Amend to change the base frequencies to 35.24 MHz. All other particulars shall remain as reported on March 24, 1975 & March 31, 1975, PN.

6118-C2-P-72 Delaware Mobile Telephone Company (New) Amend base frequency 454.350 to read 454.150 MHz. All other particulars are to remain the same as reported PN dated 6/19/72.

20228-CD-P-76 The Monon Telephone Co., Inc. (New) Amend to change the Base frequency to 152.84 MHz. All other particulars shall remain as reported on PN #768 dated August 25, 1975.

Informative

The following Application is a Major Action as defined by Section 1.1305 of the Commission's Rule concerning the implementation of the National Environmental Policy Act of 1969 and may be subject to Petitions to Deny or Environmental ground pursuant to Section 1.1311 of the Commission's Rules.

20179-CD-P-76 Commercial Radio, Inc. (New) Waycross, Georgia.

RURAL RADIO

60171-CR-P-76 The Mountain State Telephone and Telegraph Company (KZS33) C.P. to relocate facilities operating on 459.40 MHz located 26.6 miles west of Casper, Wyoming.

60172-CR-P-76 The Mountain State Telephone and Telegraph Company (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 MHz located 32.1 miles South of Bitter Creek, Wyoming.

60173-CR-P/L-76 Continental Telephone Company of California (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.89 MHz located U.S. Department of Interior, Bureau of Land Management, Chimney Peak station, California.

Correction

60047-CR-P-76 Arvig Telephone Company (WSN61) Correct entry to change file number from 60049-CR-P-76 to 60147-CR-P-76. All other particulars to remain as previously reported on PN 769 dated September 2, 1975.

60048-CR-P/L-76 The Mountain States Telephone and Telegraph Company (New) Correct entry to change file number from 60048-CR-P/L-76 to 60148-CR-P/L-76. All other particulars to remain as previously reported on PN number 769 dated September 2, 1975.

60049-CR-P-76 Continental Telephone Company of Utah (New) Correct entry to change file number from 60049-CR-P-76 to 60148-CR-P-76. All other particulars to remain as previously reported on PN #769 dated September 2, 1975.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1042-CF-P-76 United States Transmission Systems, Inc. (New) 1.3 Miles North of Rockville, (Montgomery) Maryland. Lat. 30 06 10 N., Long. 77 09 16 W. C.P. to add 5945.2H towards a new point of communication at Middleburg, Virginia on 244.8 degrees.

1043-CF-MP-76 Same (WAH502) 5.3 Miles SSE of Middleburg, (Prince William) Virginia. Lat. 38 54 45 N., Long. 77 40 06 W. Mod. C.P. to replace transmitter, change antenna system and to change coordinates; to add 6226.9H towards Rockville, Maryland on 64.5 degrees and 6226.9V towards Alanthus, Virginia on 209.7 degrees.

1044-CF-P-76 Same (New) 3.4 Miles NNW of Brandy Station (Culpeper) Virginia Lat. 38 32 00 N., Long. 77 56 37 W. C.P. for a new station on 5945.2V towards Middleburg, Virginia on 23.5 degrees and 5945.2H towards Unionville, Virginia on 187.7 degrees.

1045-CF-MP-76 Same (WAH503) 4.0 Miles North of Unionville (Orange) Virginia. Lat. 38 18 58 N., Long. 77 58 51 W. Mod. C.P. to replace transmitter, change coordinates, replace antenna system and to add 6226.9H towards Alanthus, Virginia on 7.7 degrees and 6226.9V towards Whitlock, Virginia on 219.3 degrees.

1046-CF-P-76 Same (New) 5.7 Miles SE of Gordonsville (Louisa) Virginia. Lat. 38 03 55 N., Long. 78 14 24 W. C.P. for a new station on 5945.2V towards Unionville, Virginia on 39.1 degrees and 6004.5H towards Covesville, Virginia on 251.2 degrees.

1047-CF-MP-76 Same (WAH504) 3.4 Miles NW of Covesville (Albermarle) Virginia. Lat. 37 55 47 N., Long. 78 44 23 W. Mod. C.P. to change 6375.2V to 6226.9V towards Appomattox, Virginia on 70.9 degrees and to add 6226.9H towards Whitlock, Virginia on 190.3 degrees; replace transmitters, replace antenna systems.

1048-CF-MP-76 Same (WAH505) 3.0 Miles SW of Appomattox, Virginia. Lat. 37 20 36 N., Long. 78 52 25 W. Mod. C.P. to change frequency 6063.8H to 5945.2V towards Covesville, Virginia on 10.2 degrees and to add 5974.8 towards a new point of communication at Kingston, Virginia on 242.1 degrees and 6152.8V towards a new point of communication at Lynchburg, Va. on 280.8 degrees.

1049-CF-P-76 Same (New) 1.0 Miles NNW of Kingston, (Campbell) Virginia. Lat. 37 12 46 N., Long. 79 10 50 W. C.P. for a new station on 6197.2V towards Appomattox, Virginia on 61.9 degrees and 6226.9V towards Gretna, Virginia on 237.2 degrees.

1050-CF-MP-76 Same (WAH506) 4.3 Miles NE of Penhook, (Pittsylvania) Virginia. Lat. 37 00 37 N., Long. 79 34 17 W. Mod. C.P. to replace transmitter, change antenna system, and to add 5945.2V towards Kingston, Virginia on 57.0 degrees and 5974.8V towards Gladly Fork, Virginia on 199.2 degrees.

1051-CF-P-76 United States Transmission Systems, Inc. (New) Gladly Fork Mountain, Gladly Fork (Henry) Virginia. Lat. 36 44 18 N., Long. 79 41 22 W. C.P. for a new station on 6197.2V towards Gretna, Virginia on 19.2 degrees and 6197.2H towards Reidsville, North Carolina on 195.0 degrees.

1052-CF-MP-76 Same (WAH507) Reidsville (Rockingham) North Carolina. Lat. 36 20 36 N., Long. 79 49 12 W. Mod. C.P. to add 6034.2H towards a new point of communication at 6034.2H towards Gladly Fork, 14.9 degrees; 5945.2V towards Greensboro, North Carolina on 174.1 degrees and to change 6152.8V to 5974.8V towards Winston Salem, North Carolina on 229.9 degrees.

1053-CF-P-76 Same (New) McAdoo Avenue, Greensboro (Guilford) North Carolina. Lat. 36 04 05 N., Long. 79 47 07 W. C.P. for a new station on 6197.2H towards Reidsville, North Carolina on

1054-CF-P-76 Same (New) Oak Street, Lynchburg (Campbell) Virginia. Lat. 37 22 59 N., Long. 79 06 15 W. C.P. for a new station on 6404.8H towards Appomattox, Virginia on 100.6 degrees.

1055-CF-P-76 General Telephone Company of Indiana, Inc. (KSG61) 303 East Berry Street, Fort Wayne, Indiana. Lat. 41 04 49 N., Long. 85 08 11 W. C.P. to replace antenna and change frequencies 5937.8H 6115.7H MHz to 6019.3V MHz toward Leo, Indiana on azimuth 33° 28'; replace transmitters and change power.

1056-CF-P-76 Same (KSN95) Main Street, Leo, Indiana. Lat. 41 13 25 N., Long. 85 00 39 W. C.P. to replace antenna and change frequencies 6189.8H 6367.7H MHz to 6271.4V MHz toward Fort Wayne, Indiana on azimuth 213° 33'; replace transmitters and change power; change azimuth to Butler, Indiana to read 23° 02'.

1057-CF-P-76 Frank K. Spain d/b/a Microwave Service Company, (New) Pioneer Tower Bldg., Platteville, Wisconsin. Lat. 42 43 57 N., Long. 90 29 09 W. C.P. for a new station on 6212.0H toward Asbury, Iowa, on azimuth 221.4 degrees.

1058-CF-P-76 Same. (New) 5.0 Miles West of Dubuque, Iowa. Lat. 42 30 52 N., Long. 90 44 42 W. C.P. for a new station on 6212.0H toward Platteville, Iowa, on azimuth 41.2 degrees.

1025-CF-P-76 Video Service Company, (KVD52) 1.8 Miles NW of Peru, Indiana. Lat. 40 46 32 N., Long. 86 05 32 W. C.P. to add 6167.6V MHz toward Huntington, Indiana, on azimuth 73.5 degrees.

1026-CF-P-76 Same. (WBA765) 1.5 Mile NW of Huntington, Indiana. Lat. 40 54 10 N., Long. 83 31 11 W. C.P. to add 6375.2H MHz toward New Haven, Indiana, on azimuth 65.3 degrees.

Major amendment

4569-CF-P-75 Penn Service Microwave Company (KGO20) Bears Head Mtn., 1.0 Mile North of Delano, Pennsylvania. Lat. 40 51 00 N., Long. 76 04 48 W. Application amended to change frequency from 6271.4V MHz to 6305.0V MHz toward Bald Eagle Mtn., Pennsylvania, on azimuth 299° 00'.

Corrections

1039-CF-P-76 RCA Global Communications, Inc. (NEW) 1/2 Mile East of Green Pond, New Jersey. CORRECT entry to read frequency 11505V, instead of 11525V, toward Vernon, New Jersey. All other particulars remain as reported in Public Notice No. 771, dated September 15, 1975.

MULTIPOINT DISTRIBUTION SERVICE

1059-CM-P-76 Teleprompter Corporation (New) 9.0 Miles South of Miss. R., Dubuque, Iowa. Lat. 42 24 22 N.—Long. 90 34 09 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Dubuque/Galena, Iowa).

1060-CM-P-76 Teleprompter Corporation (New) 5.0 Miles North of Walla Walla, Washington. Lat. 46 04 55 N.—Long. 118 20 04 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Walla Walla, Washington).

1061-CM-P-76 Same. (New) NE of Horton Rd., at Eckman, Ellicott Township, New York. Lat. 42 07 58 N.—Long. 79 13 20 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Jamestown, New York).

1062-CM-P-76 Same. (New) Ridge View Rd. East, LaCrosse, Wisconsin. Lat. 43 49 00 N.—Long. 91 11 16 W. C.P. for a new station on frequencies 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: LaCrosse, Wisconsin).

1063-CF-P-76 Teleprompter Corporation (New) Old Web Road, Dothan, Alabama. Lat. 31 14 30 N.—Long. 85 11 10 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Dothan, Alabama.)

1024-CM-MP-76 Dayton Communications Corp. (WPP50) Columbus, Ohio. Lat. 39 57 45 N.—Long. 83 00 05 W. Mod. of C.P. to change antenna location and change station location to foregoing coordinates. (Primary Service Area: Columbus, Ohio).

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED:

TELEPHONE WIRE FACILITIES

W-P-C-569 The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Virginia *INFORMAL* (Section 63.03) To supplement existing facilities by constructing and operating 48—4 KHz channels from LaPlata, Maryland to Columbia Pike, Virginia and Arlington, Virginia. It is initially planned to establish the proposed channels by use of T type carrier.

W-P-C-570 The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company *INFORMAL* (Section 63.03) To supplement carrier facilities by the construction and operation of 48 equivalent 4 KHz telecommunication channels between Woodlawn, Maryland and Washington, D.C. for forecasted private line service. It is initially planned to establish the proposed channels by the use of T type carrier.

W-P-C-571 RCA Alaska Communications, Inc. *INFORMAL* (Section 63.03) To construct and operate eight (8) circuits to provide both telegraph and telephone services between Port Clarence, Alaska and Teller, Alaska.

W-P-C-572 Microwave Communications, Inc. *INFORMAL* (Section 63.03) To supplement existing facilities between Chicago, Illinois and St. Louis, Missouri by constructing and operating 240 equivalent 4 KHz channels.

W-P-C-573 Southwestern Bell Telephone Company *FORMAL* (Section 63.01) To install two sections of buried long distance telephone cable and to reassign three (3) interstate circuits on three (3) new "N" carrier systems between Atwood and St. Francis, Kansas. The construction of one (1) section of 1-50 pair, 19 gauge cable is proposed between Atwood and Bird City, Kansas, another section of 1-25 pair, 19 gauge cable is proposed between Bird City, and St. Francis, Kansas.

Corrections

W-P-C-565 MCI Telecommunications Corporation *FORMAL* (Section 63.02) To extend specialized voice and low data circuits from San Francisco to Hayward, California by leasing one (1) equivalent 4KHz channel from American Telephone and Telegraph Company. (Correction to Public Notice entry dated September 15, 1975 Memo: 55003)

W-P-C-566 MCI Telecommunications Corporation *FORMAL* (Section 63.02) To extend specialized voice and/or data circuits from San Diego to Brawley, California by leasing one (1) equivalent 4KHz channel from American Telephone and Telegraph Company. (Correction to Public Notice entry dated September 15, 1975 Memo: 55003)

W-P-C-567 MCI Telecommunications Corporation *FORMAL* (Section 63.02) To extend specialized voice and/or data circuits from Philadelphia to Reading, Pennsylvania by leasing one (1) equivalent 4KHz channel from the Bell Telephone Company of Pennsylvania. (Correction to Public Notice entry dated September 15, 1975 Memo: 55003)

[FR Doc.75-25740 Filed 9-25-75; 8:45 am]

STANDARD BROADCAST APPLICATIONS

Ready and Available for Processing

By the Chief, Broadcast Bureau: notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on October 31, 1975, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. These applications were filed prior to the effective date of the recent amendments to the Commission's acceptance criteria¹, and were acceptable under the standards in force at the time they were tendered. Therefore, they are not subject to the restrictions, imposed by the Commission's Memorandum Opinion and Order² in Docket No. 20285, against cutting off applications filed under the amended rules. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 30, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of busi-

¹ These amendments were adopted by Report and Order in Docket No. 20265, FCC 75-974, released July 14, 1975.

² FCC 75-974, released August 20, 1975. This Memorandum Opinion and Order denied a motion to stay the effective date of the amended rules.

ness on October 30, 1975. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: September 17, 1975.

Released: September 22, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

- BP-19800 NEW, Dayton, Tenn. Rhea County Broadcasting Co. Req: 1520 kHz, 5 kW (500 W-CH), D.
- BP-19806 KMFB, Mendocino, Calif. Mathew V. & Maria J. Huber Has: 1300 kHz, 1 kW, D. Req: 1300 kHz, 5 kW, D.
- BP-19808 NEW, Beulah, N. Dak. Mercer Broadcasting, Inc. Req: 1410 kHz, 1 kW, D.
- BP-19839 NEW, Penuelas, P.R. Penuelas Broadcasters Req: 1330 kHz, 500 W, D.
- BP-19864 KOZY, Grand Rapids, Minn. Itasca Broadcasting Co. Has: 1490 kHz, 250 W, 1 kW-LS, U. Req: 1320 kHz, 5 kW, DA-N, U.
- BP-19923 NEW, Roosevelt, Utah Golden Circle Broadcasting, Inc. Req: 1250 kHz, 5 kW, D.
- BP-19926 NEW, Hardy, Ark. Glenwood Vance Req: 1570 kHz, 250 W, D.
- BP-19942 NEW, Port Gibson, Miss. South-West Mississippi Broadcasting Co., Inc. Req: 1520 kHz, 250 W, D.
- BP-19949 NEW, Green River, Wyo. Wycom Corp. Req: 1490 kHz, 250 W, 1 kW-LS, U.
- BP-19973 NEW, Sonora, Tex. Sonora Broadcasting Co., Inc. Req: 980 kHz, 1 kW, D.
- BP-19979 NEW, Lares, P.R. Joe David Soler Req: 1200 kHz, 250 W, D.
- BP-19981 WBON, Barceloneta, P.R. Angel M. Rivera Has: 1160 kHz, 250 W, DA-2, U. Req: 1160 kHz, 1 kW, DA-2, U.
- BP-20003 NEW, Barrow, Alaska Sllakkuagvik / Communications, Inc. Req: 680 kHz, 5 kW, 10 kW-LS, U.

Application deleted from Public Notice of December 20, 1973 (Mimeo No. 12759) (38 FR 35351)

BP-19411 NEW, Green River, Wyo. Wycom Corp. Req: 970 kHz, 500 W, DA-1, U. (Assigned new file number BP-19949)

[FR Doc.75-25739 Filed 9-25-75; 8:45 am]

[FCC 75-1027; Docket No. 20590,
File No. BRH-970]

STEREO BROADCASTERS, INC.

Application for Renewal of License

By the Commission: 1. The Commission has before it for consideration: (1) the above-captioned application for renewal of license for Station WLIR (FM), Garden City, New York, filed March 7, 1972, by Stereo Broadcasters, Inc. (hereinafter Stereo); (2) a petition to deny the application filed by Mr. Franklin M. Wolfe, individually and as president of A.M.S. Radio, a competing applicant for a broadcast station license on the same frequency (hereinafter Petitioner); and (3) various other related pleadings.¹ Petitioner raises issues in the general areas of unauthorized transfer of control, unauthorized change of format, ascertainment, programming and character.

UNAUTHORIZED TRANSFER OF CONTROL

2. Petitioner alleges that Mr. John C. Rieger, President of Stereo Broadcasters, Inc., transferred operating control of WLIR to Mr. Nathan Zalayet, without making proper application to the Commission. The alleged unauthorized transfer of control is said to have been accomplished under the guise of an employment contract by which near unlimited powers were afforded to Zalayet, thereby effectively transferring all control over the station. Sworn statements of Mr. Robert Jewell and Ms. Florence Craig, who were employed at WLIR during the period in question, accompanied Petitioner's pleadings, purporting to show how Rieger sought clandestinely to transfer control of the station to Zalayet by carefully wording the agreement to make it appear as if it were an employment contract. The Jewell and Craig

allegations were repeated and enlarged by an additional affidavit submitted by Mr. Melvin Rosen, another WLIR employee, who testified under oath that Rieger, between July and September of 1971, abdicated control of WLIR.² According to Rosen, Zalayet was left entirely unfettered in his operation of the station. Petitioner states that additional evidence of Rieger's *de facto* abdication of control is manifested by the fact that Rieger, through his attorney, moved to implead Zalayet as a third-party defendant in a lawsuit involving an alleged copyright infringement by Stereo.³ The reasons stated for joining Zalayet were that he was "in complete charge of the broadcasting and business. John R. Rieger and [his wife] were inactive in management." Rieger pleaded that if broadcasting was performed that infringed any copyright, it was done without his and Stereo's knowledge and consent. Thus, Petitioner concludes Stereo effectively relinquished all control in fact, if not in law. The challenger adds that the agreement between Rieger and Zalayet was not filed with the Commission until approximately one year later and then only because of pressure brought upon Stereo by Petitioner's actions.⁴

3. Stereo, in opposition, contends that the agreement between Rieger and Zalayet did not constitute a transfer of control, but rather a delegation of managerial authority to Zalayet. Although it is conceded that, pursuant to the agreement, Zalayet was appointed vice president of Stereo Broadcasters, Inc., "with full authority to conduct the Inc., "with full authority to conduct the normal business of the station," Stereo notes that the terms of the document, however, state that "the absolute control of the station" remains with Rieger, and also set forth the various restrictions on Zalayet's authority. For example, he was allowed to employ only personnel who were "properly licensed to comply with the requirements of the FCC," and he was specifically prohibited from taking any action concerning other major matters.

4. Stereo states further that Petitioner's assumption that Rieger relinquished control when he became "inactive in management" is ill founded. It is claimed to be common practice in broadcasting, as in other industries, for the party or parties who hold ultimate control to delegate day-to-day management tasks to a general manager, and such delegation of authority does not in any way reflect

abdication of the responsibilities and rights of ownership and control. In fact, continues Stereo, Rieger's retention of control is clearly manifested by certain memoranda which demonstrate that at all times Zalayet was responsible to Rieger and that Rieger retained ultimate control over the station. Attached to Stereo's pleadings is a memorandum, dated September 2, 1971, from Zalayet to the WLIR staff, which was subsequently countermanded by Rieger. Also attached is another memorandum, dated September 7, 1971, in which Rieger suspended Zalayet and replaced him with a new general manager. Stereo asserts that the two memoranda rebut any suggestion by Petitioner that Rieger abandoned control of WLIR.

5. In answer to Petitioner's allegation that licensee did not timely file the agreement, Stereo admits that it was delinquent in submitting the agreement to the Commission. It explains that Rieger, at the time the agreement was executed, was unaware of the Commission's filing requirements, and that he was acting without the benefit of counsel. This fact notwithstanding, Stereo asserts that Rieger had full knowledge of and respect for the Commission's substantive requirements. It notes that the agreement twice made specific references to the Commission's rules and requirements.

6. Section 310 of the Communications Act of 1934, as amended, states in part: "No . . . station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntary or involuntary, directly or indirectly, or by transfer of control of any corporation holding such . . . license to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby." This statutory provision, however, does not exhaust the reasons for our concern over the record before us.⁵ For it appears that the allegations in the Rosen and second Jewell affidavits, particularly, must be considered not only with respect to the issue of unauthorized transfer of control but also upon the question of the licensee's supervision of its employees and agents. Failure adequately to control the operation of a broadcast facility may cast doubt upon a licensee's fitness to remain the trustee of a scarce frequency. See *Vinita Broadcasting Co.*, 30 FCC 2d 458 (1971).

7. It is well settled that "control," as used in the Act and pertinent Commission rules, encompasses all forms of control, actual or legal, direct or indirect, negative or affirmative, and that the passage of *de facto* as well as *de jure* control demands the prior consent of the

¹ Stereo filed a motion for extension of time on May 11, 1972. Petitioner filed an opposition to the motion for extension of time on May 25, 1972. An opposition to the petition to deny was filed by Stereo on June 13, 1972. Petitioner filed a reply on June 21, 1972. On June 16, 1972, Petitioner filed a motion to strike the opposition to the petition to deny. An opposition to the motion to strike was filed on June 20, 1972, by Stereo. A supplement to the petition to deny was filed by Petitioner on June 28, 1972. A motion to strike was filed by Petitioner on July 6, 1972. Petitioner, on July 10, 1972, filed a motion to strike material contained in a June 22, 1972 amendment to the renewal application. A supplement to the motion to strike was filed on July 20, 1972, by Petitioner. An opposition to the supplement to the petition to deny was filed on July 24, 1972, by Stereo. Petitioner filed on August 4, 1972, a motion for extension of time. On August 17, 1972, a reply to the opposition to the supplement to the petition to deny was filed by Petitioner. A second supplement to the petition to deny was filed by Petitioner on September 14, 1972. Petitioner, on September 18, 1972, filed a motion to strike material contained in a July 24, 1972, amendment to the application. Then, on February 3, 1975, Stereo filed a supplemental renewal application (file No. BRH-970 and BRSCA-150). Petitioner responded on April 21, 1975, by filing a petition to deny the supplemental renewal application in which it incorporates by reference its pending petition to deny.

² Jewell and Craig submitted expanded second affidavits (Para. 9, *infra*).

³ The case is styled *Appleseed Music et al. v. Stereo Broadcasters, Inc.*, No. 72 C 199 (E.D. N.Y.).

⁴ Section 1.613 of the Rules require that copies of such agreements must be filed with Commission within 30 days of their execution. The record indicates that the agreement was executed on July 1, 1971, and that the filing took place on May 28, 1972. It also indicates that Petitioner filed a competing application and a Petition to Deny on April 28, 1972.

⁵ Although the pleadings before us are numerous and disputed (see Note 1), we believe that both the lapse of time since this contest began, and the public interest in paring down the issues which would be examined in any comparative hearing between the incumbent and the challenger, A.M.S. (Note 4, *supra*), require our examination of the entire record on the merits.

Commission. *WWIZ, Inc.*, 36 FCC 561, 2 RR 2d 169 (1964), and cases cited therein; *aff'd sub nom. Lorain Journal Co. v. FCC*, 351 F. 2d 824 D.C. Cir. (1965), *cert. den.* 383 U.S. 967(1966), *rehearing den.* 384 U.S. 947(1966). It has been stated many times that the Commission is not bound by any exact formula in its determination of whether control of a broadcast licensee has been transferred in violation of section 310(b) of the Communications Act. Indeed, the Act does not spell out a formula which shall govern in such cases. The ascertainment of control in most instances must of necessity transcend formulas, for it involves an issue of fact which must be resolved by the special circumstances presented. Therefore, the search for control necessarily calls for an investigation beyond stock ownership in order to determine effectively where actual control resides. There can be a transfer of control or an assignment of a license even where no legal rights pass, if actual control is transferred. Prime importance remains attached to ownership. It is the owner of legal control who has the right to exercise or delegate actual control. See, e.g. *In re Western Gateway Broadcasting Corp.*, 6 RR 1325(1951); *In re Press-Union Publishing Co.*, 7 RR 88 (1951).

8. Initially, we cannot agree with Petitioner's assertion that the written agreement between Rieger and Zalayet, on its face, constituted an effective transfer of control. The wording of the agreement is clear and unequivocal—"the absolute control of the station remains with [Rieger] the President and Chairman of the Board." Thereafter the document specifically sets forth terms which rebut any presumption that control of the station was vested in Zalayet by the agreement itself. Rieger's prior authorization was required before Zalayet could make a major purchase, enter into a long term contract, change the format, or financially obligate the station. Moreover, there is no indication that Zalayet was personally responsible for either the replacement of technical equipment or the station's liabilities. Furthermore, he was paid a monthly salary, rather than being remunerated by such profits as he could make from the station's operation. See *KPSR, Inc.*, 33 FCC 391(1962); *WDUL Television Corp.*, 33 FCC 149 (1962).

9. Beyond the four corners of the Rieger-Zalayet agreement, however, the record is mixed. On the one hand, there is the Rieger-countermanded Zalayet memo of September 2, 1971, together with the Rieger memo of September 7, 1971 (Para. 4, *supra*), submitted by licensee to show Rieger's retention of control and authority, even up to the point of suspending Zalayet in favor of a new general manager. On the other hand, we must consider Petitioner's introduction of Rieger's self-exculpatory statement in defense against the copyright infringement suit (Para. 2, *supra*), as well as certain matters raised in the Rosen, Jewell and Craig affidavits of

June 27, 1972.⁸ It seems undisputed that Rieger was rarely present at WLIR during July and August of 1971, while Zalayet was the authorized general manager; and that when Rieger did show up, he tended to refer problems to Zalayet, or to take no action at all. For instance, Rosen recalled that Rieger failed to take any corrective action when the affiant advised him that Zalayet was improperly logging commercials as promos. On another occasion, Rieger allegedly shrugged off Rosen's warning that one of WLIR's programs was possibly illegal by referring him to Zalayet who "was in charge." On yet another occasion, Rosen, after being advised that the station was experiencing a technical malfunction and that the Commission's rules required it to cease broadcasting, informed Zalayet of the necessity to go off the air. Zalayet refused and Rosen turned to Rieger, advising him of the FCC requirement. Rieger reportedly answered: "I can't really tell you to do that if Zalayet (sic) says not to do it because Zalayet is over me." In addition, the record contains an uncontradicted statement by Jewell, WLIR's chief engineer from October 1965 through November 1971, that he was told by Rieger and Zalayet: "... Mr. Zalayet (sic) was in the process of—he was, in effect, leasing the station, where he had an option to buy the radio station from Mr. Rieger." Thereafter, Jewell continued, he advised Rieger of the illegality of such a transaction and Rieger allegedly replied that he would word the contract to obscure the fact that it was a lease agreement. Jewell's assertions are foreshadowed in an earlier affidavit from Florence Craig, WLIR's secretary, who allegedly transcribed the Rieger-Zalayet contract. She recalls that the men worded the agreement to "go around the FCC requirements" and that Rieger was paid monthly for leasing the station. Finally, there exists an unchallenged assertion that Stereo violated § 1.613 of the Commission's rules in failing to report timely the management contract with Zalayet. While such a failure, by itself, would not call for hearing into the licensee's qualifications, it must be examined in light of an alleged concealment of unauthorized transfer of control.

10. We conclude that Petitioner's allegations have raised substantial and material questions of fact concerning licensee's qualifications, and that these questions must be explored further in an evidentiary hearing. Whether the qualifications issue to be designated against Stereo is labelled "unauthorized transfer of control" or "failure of licensee supervision" is secondary to our primary concern for a resolution of the factual questions raised by the record before us.

⁸ These documents are so far from models of succinctness in pleading as to require a strong public-interest basis for our even entertaining them. That basis, as noted above, is a desire to make up for the delay already plaguing this case and to expedite any comparative hearing which may follow resolution of the petition to deny.

Accordingly, we will frame an appropriately flexible designation order.

CHANGE OF FORMAT

11. Petitioner charges that Stereo should not be allowed to renew its license because it substantially changed its program without supplying the Commission with notification of the change. Petitioner states that Stereo assured the Commission, in its 1969 application for a broadcast license, that its proposed format would consist of 15 percent talk, 18 percent classical music and 67 percent standard music, and that this would be in the listening public's best interest since the format would contribute to overall diversity of programming in WLIR's service area. On July 1, 1970, however, says Petitioner, WLIR changed its format to contemporary folk/rock music, without notice to the Commission and without benefit of any survey demonstrating the need for such a change.

12. In response, Stereo readily concedes that it committed a technical transgression when it changed the music portion of WLIR's format from "middle-of-the-road and classical" to "soft rock and folk music" without notifying the Commission. Unfortunately, according to Rieger, at the time the change was implemented, he was acting without the assistance of counsel and was unaware of the Commission's policy requiring an interim notification of such change. Thereafter Stereo states that lack of knowledge was the only reason for Rieger's failure to notify the Commission, since the change in WLIR's format was, in fact, a matter of public knowledge.

13. Stereo adds that (notwithstanding Rieger's failure to give notification of the change in programming, the new format is contributing substantially to the program diversification in the area of Long Island served by the station. Stereo contends that WLIR, by switching its entertainment programming, has provided a unique format, since it is the sole local station broadcasting "folk/rock" in an area which still has a substantial amount of "middle-of-the-road and classical music" on the FM radio band. Moreover, says the licensee, the change in WLIR's format has been enthusiastically received and accepted by all age groups in the area. Listener support allegedly has encouraged Stereo to become innovative in programming primarily directed toward the community's young adults. The station has experimented with live broadcasts of rock concerts, which are now scheduled on a weekly basis. This innovation has attracted the attention of the *New York Times*, *Newsday*, and *Broadcasting Magazine*, each of which has published articles describing WLIR's efforts in this connection and the live concerts also have been covered on WCBS-TV news. Stereo concludes by assuring the Commission that Rieger now is fully aware of the requirements concerning format changes, and that the Commission's policies will be scrupulously followed hereafter.

14. Clearly, the Commission should have been advised of the change, and

thus Stereo did in fact violate Commission policy. *Report and Order*, 1 FCC 2d 439, 441 (1965). The record, however, is devoid of any evidence that this breach of duty was in any way intentional or otherwise was in derogation of the public interest. Accordingly, while we cannot condone Stereo's failure to advise the Commission, it does not raise a substantial and material question of fact warranting exploration of Stereo's character qualifications in a hearing.

15. Although the Commission does have some responsibility for programming content under its public interest mandate, it is primarily interested in the programming presented to meet the problems faced by a station's service area. See *Citizens Committee to Save WEFM v. FCC*, 505 F 2d 246 (D.C. Cir. 1974). The vast majority of entertainment format changes are therefore left to the forces of the market place and to the business judgment of the licensee. It is only when a unique entertainment format is abandoned, prompting significant complaint, that a hearing on the public interest in the change may be required. *Citizens Committee to Keep Progressive Rock v. FCC*, 156 U.S. App. D.C. 16, 478 F 2d 926 (1973). *Citizens Committee to Save WEFM v. FCC*, *supra*. This governmental intrusion into the content of programming has been justified on the ground that the public has a substantial interest in the diversity of available formats, since it is only through diverse programming that the listening public can be afforded the maximum benefits of the broadcasting media. See *National Broadcasting Co. v. United States*, 319 U.S. 190, 216-17 (1943). In the instant case, however, the record undisputedly reflects that the entire area served by WLIR is served by other "middle-of-the-road" music stations. Accordingly, we find that no substantial question of fact requiring a hearing on the format issue has been raised by Petitioner.

ASCERTAINMENT

16. Petitioner alleges that Stereo's efforts to ascertain its community's needs, interests and problems, as originally set forth in its application for license renewal, are fatally inadequate. Petitioner takes exception to Stereo's determination of its service area's composition, claiming that the material contained in Stereo's analysis of Garden City and Hempstead, New York, is inaccurate. Among the inaccuracies alleged by Petitioner are the number and type of department stores located in each city, the number of governmental agencies in the communities and the total of professional organizations. On April 25, 1972, the Commission informed Stereo, via letter, of the inadequacy of its attempt to discover and meet the problems, needs and interests of its community, and at

the same time referred Stereo to the 1971 *Primer*, 27 FCC 2d 650, as a guide to the prescribed methods of conducting a proper ascertainment. In response thereto, Stereo undertook substantial additional work in the area of ascertainment, and amended its application, as the courts have permitted even after challenge. Section 1.522(a) of the Rules; *Stone v. FCC*, 466 F 2d 316, 331, 332 (D.C. Cir. 1972). The amendment indicates that 50 community leaders in Garden City, Hempstead, and Nassau County were personally interviewed by the owners of WLIR. In addition, a random telephone survey of some 200 members of the general public was conducted. Stereo explains that its choice of community leaders was made on the basis of an analysis of the station's community of license, Garden City, and of the principal community within its service area (in which its main studio is located), Hempstead. Significant groups represented in the community leader survey were: business, government, education, religion, professional, ethnic, eleemosynary, political, youth, women, media, cultural, recreational, and civic. In connection with the telephone survey of the general public, approximately 150 calls were made to residents of Garden City and 50 calls were made to residents of Hempstead. The interviews were selected at random from local telephone directories.

17. Unlike Stereo's initial survey, this effort properly and exclusively dealt with community problems. It appears that the compositional study was comprehensive enough to meet *Primer* standards, despite the insubstantial questions raised by Petitioner, in its Motions to Strike of July 6, 10, and 20, as to numbers of department stores, government agencies, and professional organizations in Garden City and Hempstead. Each community leader interviewed was asked the following questions: (a) "In your opinion, what are the most important problems faced in Garden City-Hempstead?" (b) "What do you consider the major problems insofar as they effect your group or organization?" The general public interviewees on the other hand, were asked to identify one or two of the most significant problems or needs of the community and how they thought WLIR could help meet those needs.

18. Stereo then identified the more significant problems of its community which it proposed to treat through programming. In accordance with the *Primer*, programs were proposed to meet the selected problems. In view of the foregoing, we are of the opinion that Stereo did meet its obligation of assuring the Commission that WLIR will be operated to serve the public interest during the forthcoming license term. Accordingly, it is concluded that Petitioner has failed to raise a substantial and material question of fact concerning Stereo's overall ascertainment efforts.

were only two hours of public affairs programming in composite week of past programming in the pending renewal application, according to Petitioner. Further-

PROGRAMMING

19. Petitioner alleges that Stereo has failed to fulfill the wishes of its listeners in the area of news programming.⁸ It states that a survey made on behalf of Petitioner revealed that 91 percent of the general public, and all the community leaders interviewed, "listed local Long Island and community news a service highly desired from a local radio station." Petitioner then charged that Stereo's application falsely indicated that approximately 35 percent of its news coverage is local whereas, in fact, often there is no local news at all. In support of the charge, Petitioner informs us that a monitoring of Stereo's broadcasts disclosed that only 21.8 percent of the station's newscasting was devoted to local and regional coverage.⁹

20. Petitioner next points out that Stereo also failed to live up to the promise it made in 1969, when it proposed in its application for license renewal that a typical broadcast week would contain four hours and five minutes of public affairs programming.¹⁰ However, there more, during the week monitored by Petitioner, only 1 hour and 37 minutes of

⁸ It should be noted that WLIR committed a typographical error while completing its renewal application. The licensee mistakenly stated that it would air 3 hours and 25 minutes of news programming during the next license term, when it intended to propose 13 hours and 25 minutes of news. WLIR corrected the error immediately after it was brought to the licensee's attention.

⁹ The Commission is informed additionally that although Stereo, in its composite week, designated 8.3 percent of its total programming as news, Petitioner's monitoring revealed that only 5.5 percent of WLIR's airtime was allotted exclusively to news programming. Petitioner's monitoring of Stereo's broadcasts was conducted by three individuals under the direction of Mr. Jeffrey C. Kraus, a principal of AMS and an experienced broadcaster. The monitoring took place over a two-week period, during which seven days of WLIR's broadcasts were analyzed. The exact dates were: Saturday, June 24, 1972; Sunday, June 25, 1972; Monday, July 3, 1972; Tuesday, June 27, 1972; Wednesday, July 5, 1972; Thursday, June 29, 1972; and Friday, June 30, 1972.

¹⁰ Among the programs Stereo classified under the heading of public affairs is *The Public Watermelon*, a wide ranging presentation with emphasis given to audience participation via telephone. Petitioner, in its September 18 Motion to Strike, takes issue with Stereo's classification on the ground that one of the programs it monitored was concerned with "the moon and its relationship to your psyche." We do not share Petitioner's point of view. Although the topic may seem somewhat esoteric it, nevertheless, falls within the parameters articulated in Section 73.282 of the Rules. Furthermore, a review of the topics aired on *Watermelon* reveals that the majority deal with more conventional public affairs subjects, viz., problems of old age, elections, and the energy crisis.

¹¹ More specifically, at the time the petition to deny was filed the entertainment programming of four out of Nassau County's five commercial radio stations was very similar to WLIR's abandoned format.

public affairs programming reportedly was carried—almost half of which amount was aired between the hours of 6:30 and 9:00 A.M. on Sunday morning.

21. In response to Petitioner's allegation of insufficient local and regional news programming, Stereo argues that Petitioner's figure is not an entirely accurate reflection of WLIR's news coverage of the Long Island scene. The local content of a given newscast can and often does vary, notes the licensee, depending on what transpires during that day or at that specific hour. Stereo explains:

For example, a fast breaking event such as the recent shooting of Governor George Wallace of Alabama might dominate a newscast and, conversely, a particular local event such as a visit by the governor to the area might dominate. Some recent instances when local news may have exceeded 35 percent includes stories on the veto of the abortion bill; aid to private schools; the veto of the wetlands bill, which was of direct interest to Long Island residents; and such particular local affairs as the school budget hearings and student protests at Hofstra University.

The 35 percent figure is, therefore, an average, and Stereo steadfastly contends that this average is maintained on WLIR.

22. Stereo continues the defense of its local news programming by explaining that it subscribes to the United Press International (UPI) wire service specifically because UPI offers a local news split, which furnishes the station with items of interest and importance to the citizens of the Long Island area. Stereo adds that although the wire service is a valuable source of local news, it is by no means WLIR's sole supplier. In addition to the UPI local wire, regular contact is maintained with various local agencies. Press releases concerning the Long Island area are received daily. They are then reviewed by Mrs. Rieger and, when appropriate, they are further edited by the staff and incorporated in news broadcasts. Other media such as *Newsday* are also utilized as sources of local news. Furthermore, local news is a principal feature of WLIR's "New Generation News," a series created in order to reach the station's young adult audience, which is aired approximately 15 times weekly. We are informed that in 1971, it was first runnerup in its category for Columbia University's Major Armstrong Award. In conclusion, Stereo submits that the preceding clearly illustrates its commitment to provide as much local and regional news coverage as is feasible for a station of its size.

23. The Commission long has held that a licensee's program proposals are not rigidly binding. Instead, the licensee is given the right and duty to exercise considerable flexibility and discretion in serving the public interest. *RadiOhio, Inc.*, 38 FCC 2d 721, 738(1973), *aff'd sub nom. Columbus Broadcasting Coalition v. FCC*, 505 F.2d 320 (D.C. Cir. 1974). As a general rule, the Commission will not require a hearing on the question of promise versus performance absent an unexplained showing of substantial variation between a licensee's promise and what it subsequently performs. *RadiOhio,*

supra at 743. It is a fact of broadcasting life, that the airtime utilized for a given type of program may vary considerably from day to day. This is quite evident in the case of local news programming, where a licensee has virtually no way of knowing how many newsworthy events will transpire on any particular day. Therefore, licensees are not required to satisfy their projected programming percentages on a daily or even weekly basis. *Tri-Counties Communications, Inc.*, 31 FCC 2d 83, 22 RR 2d 768(1971).

24. One of the questions on Stereo's 1971 application for license renewal requests from the licensee an estimate of the percentage of news program time it has devoted to local and regional news.¹¹ Stereo's response was:

We would estimate that on the whole, about 65% of our [news] is [national and international and approximately 35% is local. This, of course, can vary with the day and the happenings.

Stereo's explanation appears consistent with the representation which it made in its renewal application. Further, Petitioner erred in its allegation that Stereo, during the seven days it was monitored by Petitioner, devoted only 21.8 percent of its news broadcasting to items of purely local and regional concern. An analysis of the data presented to the Commission discloses that, by Petitioner's own figures Stereo did in fact allot approximately 35 percent of its newscasts to local and regional news.¹² Furthermore, the truthfulness of Stereo's statement that the quantity of any particular type of news might vary from day to day is borne out by Petitioner's figures. Local and regional news comprised a low of 25 percent of the daily news broadcast on Sunday, June 25, 1972, and a high of 50 percent on Friday, June 30, 1972.

25. We are also of the opinion that no substantial question is presented by Stereo's failure to comply with its 1969 public affairs programming proposals (Paragraph 18, *supra*). The variation between Stereo's 1969 public affairs proposals (4:05 hours) and the amount of such programming in its composite week (2:00 hours) is certainly more than nominal. On the other hand, we believe Stereo does provide a valuable public service by devoting a substantial percentage of its airtime to non-entertainment programming (news, public affairs and "all other").¹³ In view of this high level of informational programming—delivered substantially as promised, overall—we see no need for further specific inquiry at this time.

26. The fact that much of Stereo's public affairs programming was broad-

cast between the hours of 6:30 and 9:00 A.M. on Sunday morning does not change our conclusion. The Commission repeatedly has held that it will not inquire into a licensee's program scheduling absent a specific showing that the licensee could not reasonably expect that its broadcasts would be effective. *RadiOhio, Inc., supra* at 739; *National Broadcasting Co., Inc.*, 47 FCC 2d 803. While it seems that Stereo has not always broadcast its public affairs programming on the days or at the times preferred by Petitioner, there is no showing that Stereo failed to make good-faith judgments in determining how and when to deal with community problems; needs and interests. *Primer, supra*.

CHARACTER

27. Petitioner contends that Stereo lacks the requisite character qualifications which the public interest requires of a licensee, resting its contentions on the following allegations: (a) Franklin M. Wolfe, President of the Long Island Chapter of the Administrative Management Society, Inc., and a partner in A.M.S. Radio, made a formal complaint to the Village of Hempstead Police Department on July 15, 1971, because Stereo failed to return certain tapes that it had rented from Petitioner; (b) Mrs. Dorothea Rieger, 49 percent owner of the stock of Stereo, collected unemployment insurance from the New York State Unemployment Service, while still listed as Public Affairs Director of WLIR, and Secretary-Treasurer of Stereo; (c) Mr. John Rieger, President and owner of 51 percent of the stock of Stereo, is under investigation by the Securities and Exchange Commission for dealing short on the stock market; (d) The American Society of Composers, Authors and Publishers (ASCAP) is suing Stereo for continuing to play ASCAP-licensed music after their license to do so was cancelled for non-payment; (e) Mr. Robert Jewell, former Chief Engineer for WLIR, and other WLIR personnel were forced to sue in the Small Claims section of Nassau District Court for back wages; (f) eleven separate court judgments are outstanding against Stereo and/or John Rieger.¹⁴

28. We agree with Stereo that Petitioner's allegations range from the unspecific to the irrelevant. With regard to Petitioner's first allegation, Stereo readily admits that certain tapes are missing, but it gives assurance that the Riegers have never failed to return to Mr. Wolfe any tapes of his found on the premises. Licensee emphatically denies that the station ever refused to return the Administrative Management Society tapes

¹¹ Petitioner lists the following as those outstanding judgments: 1-5-72, Stereo Broadcasters, Inc., with assignment, \$190; 7-2-70, Thompson Concrete Corp., \$824; 7-36-7(?) , Broadcast Music, Inc., \$2,122.21; 8-9-71, Michael S. Schubert, 8-9171(?); 10-26-71, Broadcast Music, Inc., \$2,122.21; 11-30-71, Radio Advertisers, Inc., \$475; 12-27-71, Steven Sunshine, \$140; Robert Jewell, \$125; 1-17-72, Zaitzyrow Tube Corp., \$4,316.94; 2-14-69, Garden City Hotel, Inc., \$2,063.00.

¹² FCC Form 303, Question 5B, Section IV-A.

¹³ Apparently Petitioner had classified weather reports as national and international news rather than as local news. Weather reports are, of course, correctly classified as news. Sec. 73.282 of the Rules (Note 1).

¹⁴ Total non-entertainment proposed, 13.9 percent; performed, 12.4 percent.

to Mr. Wolfe. Stereo explains that the procedure at the station was for the tapes to be delivered to Ms. Florence Craig, who was responsible for distributing the tapes for programming. After the tapes were used, they were to be placed in the "Re-file Slot" to be picked up by Ms. Craig and eventually returned to Mr. Wolfe. At the time of Stereo's opposition, the Riegers and Ms. Craig were ignorant of the tapes' whereabouts. Although the subject of a report to Hempstead police, this particular allegation—without more—reflects no adverse light upon Stereo's character qualifications since there has been no showing that the disappearance of the tapes was the produce of any devious scheme or artifice, much less any criminal conviction. See, e.g., *Tri-Cities Broadcasting Co.*, 4 RR 2d 642 (Rev. Bd. 1965).

29. The allegation that Stereo has failed to meet the Commission's character requirements because Mrs. Rieger received unemployment compensation without first divesting herself of the stock she held in the licensee corporation is without merit. Petitioner has failed to come forward with the specific support of and affidavit by a person with personal knowledge of the events as they transpired. Instead, we have Stereo's assurances that Mrs. Rieger was not on its payroll during the period that she received funds from the New York State Unemployment Service. See *KSAY Broadcasting Co.*, 47 FCC 2d 584, 30 RR 2d 936 (1974). Furthermore, Petitioner has not cited any legislative enactment requiring that a recipient of unemployment compensation divest himself of any corporate stock that he might own.

30. In answer to the allegation that John Rieger is under investigation by the S.E.C. for his dealings on the stock market, Stereo advises that Rieger is unaware of any investigation or reasons therefor, and that Rieger has not "dealt" on the stock market at all, much less dealt "short". Furthermore, the only stock that Rieger has ever owned is his holding in Stereo. Continuing, Stereo states that a formal inquiry could be made of the S.E.C. to clear Mr. Rieger's name, but then adds that it is felt that Petitioner's allegations are not sufficiently credible to warrant taking such action. Petitioner's reply adds nothing to the information before us, and we must conclude that its allegation fails the statutory test of specificity. 47 U.S.C. 309(d).

31. Petitioner's remaining three allegations, like those previously discussed, fail to raise substantial character questions. The record reflects that, at the time of the filing of the Petition to Deny, all judgments against Stereo, including those by ASCAP, had been fully satisfied. Therefore, we are of the opinion that further inquiry is not warranted. See, e.g., *United Arts Broadcasting, Inc.*, 7 RR 2d 7 (1966); *Tri-Cities Broadcasting Co.*, supra.

ULTIMATE CONCLUSION

32. In the judgment of the Commission, substantial and material questions

of fact have been raised concerning the possible unauthorized transfer of control of Station WLIR and/or the failure of the licensee to exercise adequate control and supervision over the station. We are therefore, unable to make the statutory finding that a grant of the renewal application for Station WLIR is consistent with the public interest, convenience, and necessity, and we are of the opinion that the foregoing matters should be explored in an evidentiary hearing.

33. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned license renewal application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether the license for Station WLIR was transferred, assigned or disposed of, by transfer of control of WLIR, without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of section 310 of the Communications Act, as amended.

(2) To determine whether Stereo Broadcasters, Inc., failed to exercise adequate control and supervision over the station or to maintain appropriate safeguards to insure its operation in the public interest.

(3) To determine, in light of the evidence adduced under the preceding issues, whether the applicant made misrepresentations to the Commission or was lacking in candor.

(4) To determine, in light of the evidence adduced under the preceding issues, whether the applicant has the requisite qualifications to remain a Commission licensee, and whether a grant of the application would serve the public interest, convenience and necessity.

34. It is further ordered, That the petition to deny the above-captioned license renewal application and 1975 supplement thereto, filed by Mr. Franklin M. Wolfe, individually and as President of A.M.S. Radio, IS granted to the extent indicated above, and is DENIED in all other respects.

35. It is further ordered, That Mr. Franklin M. Wolfe and A.M.S. Radio are made parties to the hearing ordered herein.

36. It is further ordered, That in accordance with Section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence upon issues (1)-(3) shall be on the petitioners, Mr. Franklin M. Wolfe and A.M.S. Radio, and the burden of proof shall be on the applicant, Stereo Broadcasters, Inc., with respect to all issues herein.

37. It is further ordered, That the "Motions to Strike" filed June 16, 1972, July 6, 1972, July 10, 1972, and September 18, 1972, ARE DENIED.

38. It is further ordered, That, to avail themselves of the opportunity to be heard, Stereo Broadcasters, Inc., and the petitioners shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within twenty (20) days of

the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in the Order.

39. It is further ordered, That Stereo Broadcasters, Inc., shall, pursuant to section 311(a)(2) of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 9, 1975.

Released: September 24, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26737 Filed 9-25-75; 8:45 am]

TV AND FM TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on November 6, 1975, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 5, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on November 5, 1975.

The attention of any party in interest desiring to file pleadings concerning and pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: September 16, 1975.

Released: September 19, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

FM TRANSLATOR APPLICATIONS

BPFT-241 NEW, Kanab, Utah
Kanab Lions T.V.
Req: Channel 232, 94.3 MHz,
10 W
Primary: KALI-FM, Salt Lake
City, Utah.

BPFT-242 NEW, Panguitch, Utah
Panguitch Lions Club
Req: Channel 224, 92.7 MHz,
10 W
Primary: KALI-FM, Salt Lake
City, Utah.

- BPFT-243 K221AE, White Sulphur Springs, Fort Logan, Mont. Tru Vue Television Association, Inc.
Req: Change to 252, 98.3 MHz, 1 W
Primary: KGVW-FM, Belgrade, Mont.
- BPFT-244 K237AE, Teasdale and Torrey, Utah
County of Wayne
Req: Change to 257, 99.3 MHz, 10 W
Primary: KALL-FM, Salt Lake City, Utah.
- BPFT-245 NEW, Circle, Mont. Christian Enterprises, Inc.
Req: Channel 249, 97.7 MHz, 10 W
Primary: KIVE(FM), Glendive, Mont.
- BPFT-246 NEW, Big Timber, Mont. Christian Enterprises, Inc.
Req: Channel 252, 98.3 MHz, 10 W
Primary: KURL(FM), Billings, Mont.
- BPFT-247 NEW, Winona, Minn. Winona Good News Translator, Inc.
Req: Channel 252, 98.3 MHz, 10 W
Primary: WWIB(FM), Ladysmith, Wis.
- BPFT-248 NEW, Grants and Milan, N. Mex. Hubbard Broadcasting, Inc.
Req: Channel 249, 97.7 MHz, 1 W
Primary: KOB-FM, Albuquerque, N. Mex.
- BPFT-249 NEW, Orderville, Utah Long Valley T.V.
Req: Channel 232, 94.3 MHz, 1 W
Primary: KALL-FM, Salt Lake City, Utah.
- BPFT-250 NEW, Long Valley Junct. and Surrounding Homes, Utah Long Valley T.V.
Req: Channel 296, 107.1 MHz, 10 W
Primary: KALL-FM, Salt Lake City, Utah.
- BPFT-251 NEW, Glenwood Springs, West Glenwood, No Name Canyon, Colo. Marc A. Adler and Marvin L. Schaffer
Req: Channel 292, 106.3 MHz, 10 W
Primary: KQIX(FM), Grand Junction, Colo.
- BPFT-252 NEW, Price Utah and Rural Carbon County, Utah Carbon County
Req: Channel 230, 103.9 MHz, 10 W
Primary: KLUB(FM), Salt Lake City, Utah.
- BPFT-255 NEW, Ft. Chaffee Refugee Center, Ark. Catholic Committee for Refugees National Catholic Welfare Conference
Req: Channel 224, 92.7 MHz, 10 W
Primary: KPPW(FM), Ft. Smith, Ark.

VHF TV TRANSLATOR APPLICATIONS

- BPTTV-5367 K11GO, Fort Goff, Happy Camp and North Indian Creek, Calif. Slater Butte Translator Co.
Req: To delete Fort Goff, Calif., 5 W
Primary: KVIQ(TV), Eureka, Calif.

- BPTTV-5370 K65FM, Navajo Lake Resort and Surrounding Homes, Utah Long Valley T.V.
Req: Change principal community to Long Valley Junction and Surrounding Homes, Utah, 10 W
Primary: KCPX-TV, Salt Lake City, Utah.
- BPTTV-5371 K9THX, Navajo Lake Resort and Surrounding Homes, Utah Long Valley T.V.
Req: Change principal community to Long Valley Junction and Surrounding Homes, Utah, 5 W
Primary: KUTV(TV), Salt Lake City, Utah.
- BPTTV-5372 NEW, Hanna and Tabiona, Utah Duchesne County
Req: Channel 7, 1 W
Primary: KCPX(TV), Salt Lake City, Utah.
- BPTTV-5373 NEW, Hanna and Tabiona, Utah Duchesne County
Req: Channel 9, 1 W
Primary: KUTV(TV), Salt Lake City, Utah.
- BPTTV-5374 NEW, Hanna and Tabiona, Utah Duchesne County
Req: Channel 11, 1 W
Primary: KSL-TV, Salt Lake City, Utah.

UHF TV TRANSLATOR APPLICATIONS

- BPTT-2900 NEW, Long Valley Region, Calif. Mono County Service Area No. 1
Req: Channel 56, 20 watts
Primary: KCRA(TV), Sacramento, Calif.
- BPTT-2902 NEW, Lima, Ohio Springfield Television Broadcasting Corp.
Req: Channel 43, 1000 W
Primary: WKEP(TV), Dayton, Ohio.
- BPTT-2903 NEW, Lima Ohio Springfield Television Broadcasting Corp.
Req: Channel 44, 1000 W
Primary: WKEP(TV), Dayton, Ohio.
- BPTT-2904 K70DJ, Romeo, LaJara, Manassa, Antonito and Alamosa, Colo. San Luis Valley Television, Inc.
Req: Change frequency to channel 63, 764-770 MHz.
- BPTT-2905 K76AX, Romeo, LaJara, Manassa, Antonito and Alamosa, Colo. San Luis Valley Television, Inc.
Req: Change frequency to channel 65, 776-782 MHz.
- BPTT-2906 NEW, Monticello and Blanding, Utah University of Utah
Req: Channel 59, 100 W
Primary: KUED(TV), Salt Lake City, Utah.

[FR Doc.75-25741 Filed 9-25-75; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. C763-1200, et al.]

AMOCO PRODUCTION CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

SEPTEMBER 18, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protesting parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C176-1200 C 8-11-75	Amoco Production Co., P.O. Box 3992, Houston, Tex. 77001.	Northern Natural Gas Co., North Pickett Field, Pecos County, Tex.	\$51.0	14.73
C176-08 F 4-10-75 ²	Skelly Oil Co., Successor to General American Oil Co. of Texas, P.O. Box 1020, Tulsa, Okla. 74102.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	\$17.952	15.025
C176-115 A 8-18-75	Helmerich & Payne, Inc., 1579 East 21 St., Tulsa, Okla. 74111.	Michigan Wisconsin Pipe Line Co., Moccasin-Laverne Field, Beaver County, Okla.	\$40.32	14.73
C176-119 A 8-21-75	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., Parkway Morrow Field, Eddy County, N. Mex.	\$51.0	14.73
C176-123 A 8-28-75	Chevron Oil Co., Western Division, P.O. Box 559, Denver, Colo. 80201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Spearhead (Bear Creek) Area, Converse County, Wyo.	\$74.3000	15.025
C176-126 C156-537 B 9-2-75	Texasco, Inc., P.O. Box 69252, New Orleans, La. 70109.	Columbia Gulf Transmission Co., Hollywood Field, Terrebonne Parish, La.	Depleted	
C176-127 C172-790 B 9-2-75	McCulloch Oil Corp., 10869 Wilshire Blvd., Suite 1600, Los Angeles, Calif. 90024.	Natural Gas Pipeline Co. of America, Erick Field, Beckham County, Okla.	0	
C176-128 A 9-2-75	Artee Oil & Gas Co., 3000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Hay Hollow-Strawn Field, Eddy County, N. Mex.	\$21.10	14.73
C176-129 A 9-2-75	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Southern Natural Gas Co., Main Pass Block 140 Area, Federal offshore, Louisiana.	\$11.00	15.025
C176-130 A 9-2-75	Gulf Oil Corp., P.O. Box 1889, Tulsa, Okla. 74102.	Cities Service Gas Co., North Waterloo Field, Logan County, Okla.	\$63.6753	14.65
C176-131 A 9-2-75	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., Buffalo-Wallow-Granite Wash Field, Hemphill County, Tex.	\$285.0	14.65
C176-132 A 9-2-75	Mesa Petroleum Co.	Northern Natural Gas Co., Buffalo Wallow-Granite Wash Field, Hemphill County, Tex.	\$285.0	14.65

¹ Subject to upward and downward British thermal unit adjustment.

² Being renoticed to reflect a higher price per amendment of July 3, 1975.

³ Applicant is willing to accept a certificate in accordance with section 2.26a of the Commission's General Policy and Interpretations.

⁴ Includes 16.48386 M B³ upward British thermal unit adjustment.

⁵ Subject to upward British thermal unit adjustment; estimated adjustment is 2.56 M B³.

⁶ Includes 8.78286 M B³ upward British thermal unit adjustment and 3.89256 M B³ tax reimbursement.

⁷ Applicant has transferred its interest to Hudson Ohio Oil Company and William C. Bradford.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.75-25609 Filed 9-25-75;8:45 am]

[Docket No. CS76-93, et al.]

EVELYN H. WAGNER ET AL.

Notice of Applications for "Small Producer" Certificates¹

SEPTEMBER 18, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate

action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMS,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS76-93	Aug. 22, 1975	Evelyn H. Wagner, et al. Leon L. Hoyt, Jr., P.O. Box 2211, Amarillo, Tex. 79103.
CS76-94	do	Joe E. Wyant, P.O. Box 2211, Amarillo, Tex. 79103.
CS76-95	Aug. 25, 1975	ABCO Petroleum Corp., P.O. Box 6153, Rossler City, La. 71010.
CS76-96	do	Pittman Oil Co., P.O. Box 3915, Hattiesburg, Miss. 39401.
CS76-97	do	L.I.B. Ventures Co., 2925 Charing Cross Dr., Oklahoma City, Okla. 73120.
CS76-98	do	The Harlow Corp., 501 Petroleum Bldg., Amarillo, Tex. 79101.
CS76-99	do	Ralston Oil and Gas Co., 1699 South Albion St., Denver, Colo. 80222.
CS76-100	Aug. 20, 1975	L. Allee Collier, 6630 East 4th Ave., Denver, Colo. 80220.
CS76-101	Aug. 23, 1975	W. H. Simms, Jr., 826 Fair Foundation Bldg., Tyler, Tex. 75701.
CS76-102	do	R. B. Powers, P.O. Box 3564, Tyler, Tex. 75701.
CS76-103	do	E. B. Armstrong, 3300 Belmont Lane, Tyler, Tex. 75701.
CS76-104	do	W. E. Florey, Jr., P.O. Box 806, Tyler, Tex. 75701.
CS76-105	do	A. C. DeMoss, 104 West Hoyt Dr., Longview, Tex. 75601.
CS76-106	do	Thomas N. Ferrell, 1423 Hawthorne Ave., Tyler, Tex. 75701.
CS76-107	do	Engene L. Jeffers, P.O. Box 3318, Tyler, Tex. 75701.
CS76-108	do	C. O. Pollard, 1123 Powers Dr., Tyler, Tex. 75701.

[FR Doc.75-25610 Filed 9-25-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1, Oct. 10, 1975, from 10:00 a.m. to 5:00 p.m., Room 711, J. W. McCormack Post Office and Courthouse, Boston, Mass. The meeting will be concerned with the review of the conceptual design for the Federal Building, Pittsfield, Mass. Frank and open critical analysis of the proposed design is essential to insure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

ALAN E. GORHAM,
Acting Regional Administrator.

[FR Doc.75-25964 Filed 9-25-75;9:31 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ELECTRIC FACE EQUIPMENT STANDARD

Application for Renewal Permit; Opportunity for Public Hearing

Application for a renewal permit for noncompliance with the electric face equipment standard prescribed by the Federal Coal Mine Health and Safety

Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4291-000, INDIAN HEAD MINING COMPANY, Indian Head Mine No. 3, Mine ID No. 15 02378 0, Hazard, Kentucky, ICP Permit No. 4291-005-R-2 (Porter End Dump Battery Buggy, I.D. No. B-5).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before October 14, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

SEPTEMBER 22, 1975.

[FR Doc.75-25701 Filed 9-25-75;8:45 am]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts THEATRE ADVISORY PANEL Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Theatre Advisory Panel to the National Council on the Arts will be held on October 11, 12, 1975 from 9:15 a.m.-5 p.m. at the Marriott Essex House in New York City.

A portion of this meeting will be open to the public on October 11 from 9:15-11 a.m. and from 1 p.m.-5 p.m., and on October 12 from 9:15 a.m.-5 p.m. on a space available basis. Accommodations are limited. During the open session, there will be introductory remarks, a review of theatre programs and policy discussions on October 11. On October 12, there will be policy discussions.

The remaining sessions of this meeting on October 11 from 11 a.m.-12 noon are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer,
National Endowment for the Arts.

[FR Doc.75-25734 Filed 9-25-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR DEVELOPMENTAL BIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

1. Name: Advisory Panel for Developmental Biology.
2. Date: October 17 and 18, 1975.
3. Time: 9:00 a.m. each day.
4. Place: Rm. 642, National Science Foundation, 1800 G Street NW., Washington, D.C.
5. Type of meeting: Closed.
6. Contact person: Dr. Melvin Spiegel, Program Director for Developmental Biology, Rm. 326, National Science Foundation, Washington, D.C. 20550, (202) 632-7324.

7. Purpose of advisory panel: To provide advice and recommendations concerning support for research in Developmental Biology.

8. Agenda: To review and evaluate individual research proposals.

9. Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

10. Authority to close meeting: These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation, dated February 21, 1975, pursuant to the provisions of Section 10(d) of Public Law 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

SEPTEMBER 23, 1975.

[FR Doc.75-25724 Filed 9-25-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-62 issued to Carolina Power & Light Company for operation of the Brunswick Steam Electric Plant, Unit 2, located in

Brunswick County, North Carolina. The amendment is effective as of the date of issuance.

This amendment requires that the reactor not be made critical unless both recirculation loops are in service; requires that the plant be shut down within 24 hours in the event one recirculation loop becomes out of service while the reactor is operating; and permits testing with one or both recirculation loops out of service for a period not to exceed 24 hours.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 11, 1975, (2) Amendment No. 6 to License No. DPR-62, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 22nd day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors
Branch #1, Division of Reactor Licensing.

[FR Doc.75-25634 Filed 9-25-75;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc. (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility), a pressurized-water reactor located in Buchanan, Westchester County, New York, and currently authorized for operation at power levels up to 2758 MWt.

In accordance with the licensee's application for a license amendment dated July 9, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation

of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the facility, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By October 28, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Leonard M. Trosten, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW., Washington, D.C. 20036, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 9, 1975 and (2) the Commission's Order dated December 27, 1974 (published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1764)), which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this September 19, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch #4, Division of Reactor Licensing.

[FR Doc.75-25685 Filed 9-25-75;8:45 am]

INDUSTRIAL REACTOR LABORATORIES, INC. AND N. L. INDUSTRIES, INC.

[Docket No. 50-17]

Order Authorizing Dismantling of Facility

By application dated June 12, 1975, Industrial Reactor Laboratories, Inc. and N. L. Industries, Inc. requested authorization to dismantle the Industrial Reactor Laboratory Research Reactor (the facility, located in Plainsboro Township, Middlesex County, New Jersey, in accordance with their Dismantling Plan. Operation of the facility has been discontinued and all fuel has been removed and shipped from the site.

The Nuclear Regulatory Commission (the Commission) has reviewed the application in accordance with the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts in accordance with the licensee's Dismantling Plan will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the Safety Evaluation by the Office of Nuclear Reactor Regulation dated September 12, 1975.

The Commission has evaluated the potential for environmental impact associated with the above action and based on an Environmental Impact Appraisal has issued a Negative Declaration dated July 3, 1975.

Accordingly, it is hereby ordered that Industrial Reactor Laboratories, Inc. and N. L. Industries, Inc. may dismantle the Industrial Reactor Laboratory Research Reactor covered by Facility Operating License No. R-46, as amended, in accordance with their Dismantling Plan and the Commission's regulations.

After completion of the dismantling and decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the Dismantling Plan and inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R-46.

Dated at Bethesda, Maryland, this 12th day of September, 1975.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Assistant Director, for Operating Reactors, Division of Reactor Licensing.

[FR Doc.75-25686 Filed 9-25-75;8:45 am]

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES RESEARCH REACTOR

Negative Declaration Regarding Facility Operating License R-46

The U.S. Nuclear Regulatory Commission (the Commission) has considered the Order Authorizing Dismantling of Facility for the Industrial Reactor Laboratories Research Reactor operated under Facility Operating License R-46. The Order authorizes the decommissioning of the research reactor.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing has prepared an environmental impact appraisal for this research reactor. On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 3rd day of July, 1975.

For the Nuclear Regulatory Commission.

O. D. T. LYNCH, Jr.,
Acting Chief, Environmental
Projects Branch 4, Division of
Reactor Licensing.

[FR Doc.75-25687 Filed 9-25-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO. Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the

Commission) has issued Amendment No. 11 to Provisional Operating License No. DPR-22 issued to the Northern States Power Company (the licensee) for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance, except as noted in the next paragraph of this notice.

The amendment revises the license and appended Technical Specifications to: (1) incorporate operating limits and surveillance for the Monticello reactor vessel based on Appendix G of 10CFR Part 50, (2) substitute a more generalized approach to the licensing of the by-product, source, and special nuclear materials and incorporate leak testing and related surveillance and reporting requirements for the sealed radioactive sources, (3) revise specifications associated with the Augmented Off-Gas System to incorporate planned modifications to equipment and procedures to be implemented within thirty days after the Fall 1975 startup, and (4) revise the radioactive iodine (131) release limits based on Regulatory Guide 1.42 ("Interim Licensing Policy on As Low As Practicable for Gaseous Radiiodine Releases from Light-Water Cooled Nuclear Power Reactors") and the dispersion factors calculated by the NRC staff. Item (4) would be effective when the modifications to the Augmented Off-Gas System are complete and the system determined to be fully operational.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated August 16, 1974 and July 1, 1975, (2) Amendment No. 11 to License No. DPR-22, with Change No. 19, and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at The Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55414. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Division of Reactor Licensing.

[FR Doc. 75-25689 Filed 9-25-75; 8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

**Order for Modification of License
Correction**

In FR Doc. 75-23267, appearing at page 40881 of the issue for Thursday, September 4, 1975, the figure in the seventh line of the first paragraph presently reading "1953" is changed to read "1593".

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 8950; 811-1598]

CONGLOMERATE FUND OF AMERICA, INC.

Filing of Application

SEPTEMBER 22, 1975.

Notice is hereby given that Conglomerate Fund of America, Inc. ("Applicant"), c/o Ira M. Belfer, Belfer & Bogart, 60 East 42nd Street, New York, New York 10017, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management investment company, filed an application on August 14, 1975, and an amendment thereto on August 21, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized on February 1, 1968, under the laws of the State of New York and registered under the Act by filing its Notification of Registration on Form N-8A on February 7, 1968.

Applicant represents that its Board of Directors, on January 15, 1973, adopted a resolution authorizing Applicant to enter into an Agreement and Plan of Reorganization ("Plan") pursuant to which Churchill Fund, Inc. ("Churchill") an open-end, non-diversified management investment company, would acquire the property and assets of Applicant. Applicant states that at a special meeting of its shareholders, held on January 18, 1973, the Plan was approved and adopted and that on January 30, 1973, pursuant to the Plan, Applicant transferred its property and assets to Churchill in exchange for shares of Churchill, which shares were distributed pro rata to Applicant's shareholders. Applicant states that it has been completely liquidated and no longer conducts any business. Applicant states further that it no longer has any assets or shareholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 21, 1975 at 5:30 p.m., submit to the Commission in writing a request for a

hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-25702 Filed 9-25-75; 8:45 am]

[Rel. No. 19181; 70-5737]

OHIO POWER CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

SEPTEMBER 22, 1975.

Notice is hereby given that Ohio Power Company ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio 44701, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

Ohio proposes to issue and sell \$25,000,000 aggregate principal amount of its First Mortgage Bonds, —% Series to mature in not less than 5 and not more than 30 years. The interest rate (which shall be a multiple of 1/8 of 1%) and the price (which shall be not less than 100%, unless Ohio shall authorize a lower percentage not less than 99%, and shall not exceed 102.75%) will be determined by competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust dated as of October 1, 1938, between Ohio and Manufacturers Hanover Trust Company, Trustee, as heretofore supplemented and amended and as to be

further supplemented and amended by a Supplemental Indenture to be dated as of November 1, 1975, and which includes, with certain exceptions, a prohibition until November 1, 1980, against refunding the issue with proceeds of funds borrowed at a lower effective interest cost. Ohio shall notify prospective bidders no later than 72 hours prior to the time designated for the submission of bids of the maturity date of the bonds.

The proceeds from the sale of the bonds will be applied, together with the proceeds of the sale by Ohio to AEP of 1,000,000 shares of its common stock, no par value, \$15 per share (for total cash consideration of \$15,000,000), to the payment of unsecured short-term indebtedness of Ohio. As of August 31, 1975, there was \$63,781,000 aggregate amount of note payable to banks outstanding and \$79,875,000 principal amount of commercial paper outstanding. The estimated cost of Ohio's construction program for 1975 is \$133,000,000 and for 1976 is \$137,000,000.

The fees and expenses to be incurred by Ohio in connection with the issue and sale of the bonds and the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that The Public Utilities Commission of Ohio has jurisdiction over the proposed transaction and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 17, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-25703 Filed 9-25-75; 8:45 am]

[Rel. No. 8948; 812-3823]

USM INTERNATIONAL FINANCE CORP.

Notice of Filing of Application

SEPTEMBER 22, 1975.

Notice is hereby given that USM International Finance Corporation ("Applicant"), 140 Federal Street, Boston, Massachusetts 02107, a Delaware corporation, has filed an application, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, is a wholly-owned subsidiary of USM Corporation ("USM"), a New Jersey corporation. USM engages, directly or through its subsidiary corporations, in the manufacture and distribution of a wide variety of products such as shoe machinery, rubber and plastics mixing machinery, machine tools and chemical and fastener products.

The Applicant was organized in August 1968 in order to raise funds abroad for use in financing USM's expanding foreign operations. In December 1968, Applicant issued outside the United States debt obligations with an aggregate face value of 60,000,000 Swiss Francs. Such obligations are in the form of guaranteed bearer bonds due in 1983. The bonds were offered at 99 percent of face value to individual and institutional investors in Europe through an underwriting group consisting of Credit Suisse (Zurich), Societe de Banque Suisse (Basle), and Union de Banque Suisse (Zurich), during the period beginning on December 3, 1968 and ending on December 9, 1968. The aggregate face value of the bonds is divided into bearer bonds of 1,000 Swiss Francs and 5,000 Swiss Francs, each of which bear an interest rate of 5½ percent per annum. The bonds are unconditionally guaranteed by USM and are not convertible into the stock of any corporation. At the present time, the bonds are listed on the stock exchanges in Basle, Zurich, Geneva, Berne, and Lausanne.

By financing its foreign operations through Applicant rather than through USM, it was possible for USM to obtain such funds through the issuance and sale of debt securities outside the United States in a manner consistent with the voluntary cooperation program to improve the balance of payments of the

United States, which was instituted by President Johnson in February, 1975, while at the same time obtaining for Applicant certain tax advantages which would not have been available to USM had it obtained these funds through the issuance of its own debt obligations. One of the conditions imposed by Congress on the availability of such tax incentives was a requirement that at least 80% of the gross income of companies such as Applicant had to be derived from sources outside the United States. Because of subsequent changes in the tax laws, however, it is no longer necessary for Applicant to meet this foreign income requirement to assure the continuing availability of these tax benefits.

Since Applicant is no longer prevented by the tax laws from doing so, it now wishes to be in a position to lend a portion or all of its assets to USM as well as to other members of the USM Group, part or all of whose business is conducted in the United States. Funds loaned to USM for investment in the USM Group would be retained for use by USM or invested in other members of the USM Group, either as loans or as equity investments. Applicant states that this would permit maximization of the investment and credit potential of Applicant's cash resources by enabling USM to deploy the assets of all members of the USM Group in the most efficient manner, instead of requiring Applicant to make such investments or loans for USM.

Rule 6c-1 under the Act, exempts from all provisions of the Act a domestic subsidiary of a corporation organized to finance the foreign operations of the corporation, provided various conditions are met.

Paragraph (b) (6) of the Rule requires that, upon completion of the long term investment program of a finance subsidiary, at least 80% of its assets, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to foreign companies (or domestic companies, substantially all of the business of which is conducted outside the United States). Paragraph (b) (7) of the Rule requires that at least 90% of the assets of the finance subsidiary, exclusive of United States Government securities and cash items and short term foreign investments, be invested in or loaned to companies at least 10% of the equity securities of which are owned by the parent company of the finance subsidiary.

Applicant states that while it presently meets all of these conditions, it will not meet these conditions in the future if it lends part or all of its assets to USM or members of the USM Group. It argues that since the proceeds of the bonds which Applicant proposes to invest were borrowed outside the United States in a manner which improved the balance of payments position of the United States, and since the Internal Revenue Code no longer requires that 80% of Applicant's

gross income be derived from sources outside the United States, it perceives no policy reason for continuing to insist upon compliance with such a requirement in order to be entitled to an exemption from the Act. Moreover, Applicant asserts, no policy reason exists for not permitting USM, which is the guarantor of the payment of the bonds, to receive assets of Applicant for retention or distribution.

USM and Applicant represent that the Applicant's bonds were issued in accordance with the requirements of Rule 6c-1 and that they have no reason to believe any of the bonds are presently owned by a citizen, national or resident of, or a corporation or partnership created or organized in, the United States of America or its territories or possessions.

Applicant intends that all its assets (exclusive of United States Government securities and cash items and short-term investments in foreign government and commercial paper) will be invested in or loaned to companies which are primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities and which will be members of the USM Group, and Applicant states that it will not acquire the securities representing its loans or investments for the purpose of resale and will not trade in such securities.

Applicant further represents that (1) Applicant will not deal or trade in securities; (2) the public policy underlying the Act is not applicable to it; (3) the security holders of Applicant do not require the protection of the Act because the payment of the bonds does not depend on the operations or investment policy of Applicant, but rather, since the payment of the bonds is guaranteed by USM, the bondholders look primarily to the business enterprise of USM; (4) none of the equity securities of Applicant will be held by any person other than USM or other members of the USM Group; (5) the bonds were offered and sold abroad to foreign nationals under circumstances which were intended to preclude any reoffering or resale in the United States, its territories or possessions or to any United States national, citizen, or resident, and, to the best of Applicant's knowledge, no bond is owned by any United States national, citizen, or resident; and (6) it is irrelevant for purposes of the Act whether investments in members of the USM Group are made through advances to USM or by direct loans to or investments in other members of the USM Group.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant agrees and consents that, if the Commission grants an order exempting it from all provisions of the Act, such

order shall be subject to the following conditions:

(1) Applicant will comply with all the requirements of subparagraphs (1)-(5) and (8) of paragraph (b) of Rule 6c-1;

(2) At least 90 percent of the assets of Applicant, exclusive of United States Government securities and cash items and short-term investments in foreign government and commercial paper, will be invested in or loaned to its parent company or companies at least 10 percent of the equity securities or which are, or at the completion of the investment will be, owned, directly or indirectly, by the parent company; and any assets of Applicant not invested in its parent company or such companies will only be invested in or loaned to companies which are customers or suppliers of the parent company or a subsidiary of the parent company; and any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly-owned subsidiaries of the parent company; and

(3) In the event the Interest Equalization Tax is not reenacted, or is reenacted and expires or is repealed or the rate thereof is reduced to zero and such tax is not replaced by another tax providing a comparable deterrent to the purchase of Applicant's securities by United States persons, Applicant will not issue (except to USM or another member of the USM Group which is not an investment company) any securities without a further order of the Commission; provided, however, that in the event that Applicant becomes exempt from each and every provision of the Act, or the Commission adopts, amends, or interprets a Rule under the Act which would exempt Applicant from each and every provisions of the Act, nothing contained in the order requested by this application, or the conditions to which it may be subject, shall preclude Applicant from being exempt from the Act by virtue solely of the applicability of said Rules or interpretation.

Notice is further given that any interested person may, not later than October 17, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said

date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25704 Filed 9-25-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the appendix below have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street NW., Washington, D.C. 20213.

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

BEN BURDETSKY,
Deputy Assistant Secretary
for Manpower.

Applications received during the week ending Sept. 19, 1975

Name of applicant	Location of enterprise	Principal product or activity
A. B. & J. R. Hodgkins, Bar Harbor	Bar Harbor, Maine	Nursing care.
Morris H. Miller	Morgantown, W. Va.	Leasehold and equipment rental to restaurant franchise.
Derrick Heights Realty Co.	Oil City, Pa.	Extended nursing care.
Fallston General Hospital, limited partnership.	Fallston, Md.	Health care services.
Palmetto Bay Commercial Development Co., Inc.	Hilton Head Island, S.C.	Businesses constructed for lease.
INRYCO (formerly Inland-Ryerson) (tenant to city of Cullman).	Cullman, Ala.	Fabrication of metal preengineered building systems.
Coulbourn Lumber Co., Inc.	Windsor, N.C.	Sawmill.
Taylor Craft, Inc. (tenant to city of Burkesville).	Burkesville, Ky.	Fiberglass boats.
A. R. C. Chetek, Inc.	Chetek, Wis.	Wood furniture and TV and stereo cabinets.
Arendia Valley Hospital	Pilot Knob, Mo.	Hospital.
Hillsboro Industries, Inc. (tenant of Hillsboro)	Hillsboro, Kans.	Manufacture gooseneck trailers, truckbodies, tandem drill hitches.
Liberty Manufacturing, Inc. (tenant of Liberty County).	Liberty County, Mont.	Sweep shovel factory.
Casado Sun Mobile Estates, Inc.	White City, Oreg.	Mobile home park.
Delbert Allet Piper	Heppner, Oreg.	Retail grocery and clothing.

[FR Doc.75-25742 Filed 9-25-75;8:45 am]

Office of the Secretary

[TA-W-155]

HARRISBURG MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 18, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoes Workers of America on behalf of the workers and former workers of Harrisburg Manufacturing Company, Harrisburg, Arkansas, a wholly owned subsidiary of Johansen Brothers Shoe Company, St. Louis, Missouri (TA-W-155). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Harrisburg Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and

the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-25776 Filed 9-25-75;8:45 am]

[TA-W-91]

L. J. O'NEILL SHOE CO. AND FLORSHEIM SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of

Labor herein presents the results of TA-W-91; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 23, 1975 in response to a worker petition received on July 17, 1975 which was filed by the Boot and Shoe Workers Union on behalf of workers formerly producing women's footwear at the L. J. O'Neill Shoe Company, St. Louis, Missouri of the Florsheim Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32391) on August 1, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Florsheim Shoe Company, its customers, U.S. International Trade Commission, U.S. Department of Commerce, American Footwear Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Average quarterly employment declined 11 percent from the third quarter of 1974 to the fourth quarter of 1974. All production employment was terminated in January 1975.

Sales or Production, or Both, Have Decreased Absolutely. Florsheim group sales declined 31 percent from fourth quarter 1973 to fourth quarter 1974. Production at the L. J. O'Neill plant declined 27 percent in fourth quarter 1974 when compared with fourth quarter 1973. All production ceased in January 1975.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at L. J. O'Neill increased from 167,000,000 pairs in 1970 to 189,000,000 pairs in 1974. Imports decreased 4 percent and U.S. production decreased 25 percent in the first two months of 1975 compared with the same period of 1974. The ratios of imports to domestic consumption and production increased from 47.4 percent and 90.2 percent, respectively in 1972 to 52.4 percent and 110 percent in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's footwear at L. J. O'Neill was caused by the increase of competitive imports. The company was forced to close because it could not compete at a profitable level with imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at L. J. O'Neill Shoe Company contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification:

"All hourly, piecework, and salaried workers employed at the L. J. O'Neill Shoe Company, St. Louis, Missouri who become totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 15th day of September 1975.

GLORIA G. PRATT,
Director, Office of
Foreign Economic Policy.

[FR Doc.75-25774 Filed 9-25-75;8:45 am]

[TA-W-154]

LEDA SHOES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 18, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Leda Shoes, Incorporated, Dolgeville, New York, a division of Genesco, Incorporated, Nashville, Tennessee (TA-W-154). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Leda Shoes, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened

to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-25777 Filed 9-25-75;8:45 am]

[TA-W-153]

PAN AMERICAN WORLD AIRWAYS, INC.
Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 18, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Teamsters on behalf of the workers and former workers of Pan American World Airways, Incorporated, New York, New York (TA-W-153). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with transportation services provided by Pan American World Airways, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-25778 Filed 9-25-75;8:45 am]

[TA-W-96]

**WESTERN SUPPLIES CO., ST. LOUIS,
MISSOURI**

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-96: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 24, 1975 in response to a worker petition received on July 23, 1975 by the International Association of Machinists (AFL-CIO) on behalf of workers formerly producing shoe cutting dies at the St. Louis, Missouri plant of Western Supplies Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32392), on August 1, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Western Supplies Company, its customers, the International Trade Commission, the Department of Commerce, and Department files. In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment in the first six months of 1975 decreased 18 percent from the same period in 1974. Average hours worked in the first six months of 1975 were 11 percent below the average level of hours worked in the first six months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the St. Louis plant declined 24 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. While imports of articles like or directly competitive with those produced at Western Supplies Company increased from 2300 units in 1973 to 2700 units in 1974, they have been an insignificant factor in the U.S. market, comprising less than two tenths of one percent of total domestic consumption and production during the period.

Increased imports of shoes and decreases in total domestic production of footwear have resulted in reduced demand for domestically produced shoe cutting dies. Reduced orders for shoe cutting dies resulted from declining shoe production rather than from increased imports of shoe cutting dies.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shoe cutting dies produced at Western's St. Louis, Missouri plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 18th day of September 1975.

GLORIA G. PRATT,
Director, Office of
Foreign Economic Policy.

[FR Doc.75-25775 Filed 9-25-75; 8:45 am]

Wage and Hour Division

INSTITUTIONS OF HIGHER EDUCATION

Certificates Authorizing Employment of Full-Time Students at Subminimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the regulation on employment of full-time students at subminimum wages (29 CFR 519), and Administrative Order No. 621 (36 FR 12819), the institutions of higher education listed in this notice have been granted authority to employ their full-time students outside of the individual student's regularly scheduled hours of instruction at hourly rates not less than 85 percent of the applicable statutory minimum rate specified under section 6 of the Act.

The regulation provides for the authority to be effective on the date a properly completed application is forwarded to the Wage and Hour Division provided applicable conditions of the

regulation are met. After review by the Division, the authority may be continued in effect for up to one year from the date the application was forwarded to the Division. Since there was insufficient time before the effective date of the Fair Labor Standards Amendments of 1974 for application forms to be distributed, completed, and acted on, a grace period through August 31, 1974, permitted authority to be effective May 1, 1974, provided the specific conditions of the grace period were met and a proper application was made to the Division before the end of the grace period. The expiration date of the authority granted to a particular institution of higher education listed in this notice occurs between May 30, 1975, and August 31, 1975.

The terms and conditions of the regulation further limit the authority to employ full-time students at subminimum wages to not more than 20 hours per week when school is in session, prohibit subminimum wage employment in unrelated trades or businesses such as apartment houses, stores, or other businesses not primarily catering to the students of the institution, and prohibit the hiring of full-time students at subminimum wages for work in a unit or units of the campus where abnormal labor conditions, such as a strike or lockout exist. The authority does not excuse noncompliance with higher standards applicable to full-time students under any other Federal law, State law, local ordinance, or union or other agreement.

Akron, The University of, Akron, OH.
Alverno College, Milwaukee, WI.
Ashland College, Ashland, OH.
Baldwin-Wallace College, Berea, OH.
Bluffton College, Bluffton, OH.
Bowling Green State University, Huron, OH.
Carroll College, Waukesha, WI.
Case Western Reserve University, Cleveland, OH.
Cedarville College, Cedarville, OH.
Cincinnati, University of, Cincinnati, OH.
The Cincinnati Bible Seminary, Cincinnati, OH.
Circleville Bible College, Circleville, OH.
Clermont General and Technical College, Batavia, OH.
Cleveland State University, Cleveland, OH.
College of Mount St. Joseph, Mount St. Joseph, OH.
Cuyahoga Community College: Cleveland, OH; Parma, OH; Warrensville Township, OH.
Defiance College, Defiance, OH.
Denison University, Granville, OH.
Edgecliff College, Cincinnati, OH.
Edgewood College, Madison, WI.
Findlay College, Findlay, OH.
Heidelberg College, Tiffin, OH.
Hocking Technical College, Nelsonville, OH.
John Carroll University, Cleveland, OH.
Kent State University: Ashtabula, OH; Canton, OH; Chardon, OH; East Liverpool, OH; Kent, OH; New Philadelphia, OH; Salem, OH; Warren, OH.
Kenyon College, Gambier, OH.
Lake Erie College, Painesville, OH.
Lakeland College, Sheboygan, WI.
Lawrence University, Appleton, WI.
Malone College, Canton, OH.
Marietta College, Marietta, OH.
Marquette University, Milwaukee, WI.
Mary Manse College, Toledo, OH.
Miami-Jacobs Junior College of Business, Dayton, OH.

Miami University: Hamilton, OH; Middletown, OH; Oxford, OH.
Milton College, Milton, WI.
Mount Union College, Alliance, OH.
Mt. Vernon Academy, Mount Vernon, OH.
Muskingum Area Technical College, Zanesville, OH.
Muskingum College, New Concord, OH.
Notre Dame College, Cleveland, OH.
Ohio College of Applied Science, Cincinnati, OH.
Ohio University, Athens, OH.
Ohio Wesleyan University, Delaware, OH.
Otterbein College, Westerville, OH.
Raymond Walters General and Technical College, Cincinnati, OH.
Ripon College, Ripon, WI.
St. Norbert College, De Pere, WI.
Silver Lake College of the Holy Family, Inc., Manitowoc, WI.
Steubenville, The College of, Steubenville, OH.
Toledo, The University of, Toledo, OH.
Walsh College, Canton, OH.
Wayne General & Technical College, Orrville, OH.
Wilmington College Main Campus, Wilmington, OH.
Wisconsin, University of: Menomonie; Oshkosh; River Falls and Stevens Point, WI.
Wittenberg University, Springfield, OH.
Wright State University, Dayton, OH.
Xavier University, Cincinnati, OH.
Youngstown State University, Youngstown, OH.

The authority has been granted to each institution of higher education upon the representations of the institution which, among other things, were that employment of full-time students at subminimum wages is necessary to prevent curtailment of opportunities for employment, the hiring of full-time students at subminimum wages will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under the authority, and such authority will not result in a reduction of the wage rate paid to a current employee. The authority may be annulled or withdrawn in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the granting of the authority to any of the institutions listed may seek a review or reconsideration thereof on or before November 10, 1975.

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

DONALD T. CRUMBACK,
Authorized Representative
of the Administrator.

[FR Doc.75-25695 Filed 9-25-75; 8:45 am]

LEGAL SERVICES CORPORATION

COMMITTEE ON PRESIDENTIAL SEARCH

Notice of Meeting

The Committee on Presidential Search of the Board of Directors of the Legal Services Corporation will meet at 1:30 p.m. on Friday, October 3, 1975 at the Statler Hilton Hotel, Washington, D.C., and at 5:30 p.m. on Saturday, October 4, 1975 at the Marvin Center, Washington, D.C.

The meetings will be in Executive Session for the purpose of interviewing can-

didates for President of the Corporation. Representatives of specific organizations will be invited to attend portions of the meetings.

Dated: September 25, 1975.

ROGER C. CRAMTON,
Chairman.

[FR Doc. 75-26069 Filed 9-25-75; 12:08 pm]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

SEPTEMBER 23, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before October 28, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 15643 (Sub-No. 6G), filed June 4, 1974. Applicant: FOUR WINDS VAN LINES, INC., 7035 Convoy Court, San Diego, Calif. 92138. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, Pennsylvania, New Jersey, New York, Ohio, Michigan, Illinois, Indiana, North Carolina, Maryland, Missouri, Virginia, West Virginia, Wisconsin, Rhode Island, Maine, New Hampshire, Vermont, Massachusetts, Oklahoma, Colorado, Louisiana, Arkansas, Kansas, Texas, New Mexico, District of Columbia, Alabama, Florida, Georgia, South Carolina, Tennessee, Kentucky, and Delaware. The purpose of this filing is to eliminate the gateways of Boston, Mass. and points within 25 miles, points in Oklahoma, North Carolina, Tennessee, Kentucky, Delaware, and Missouri, and points in Cleveland, Mc Claine, and Beckham Counties, Okla.

No. MC 21958 (Sub-No. 9G), filed June 4, 1974. Applicant: STARCK VAN LINES, INC., R.D. No. 1, Burgettstown,

Pa. 15021. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Connecticut, Delaware, Massachusetts, North Carolina, Rhode Island, Tennessee, on the one hand, and, on the other, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia and the District of Columbia, (2) between points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (3) between points in Florida, Georgia, Oklahoma, South Carolina, and Texas, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maine, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (4) between points in Connecticut and Delaware, on the one hand, and, on the other, points in North Carolina, Rhode Island, and Tennessee, and (5) between points in Rhode Island, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and points in Pennsylvania within 100 miles of Pittsburgh and points in West Virginia and points in Brook and Hancock Counties, W. Va. and points within 125 miles of said counties.

No. MC 22988 (Sub-No. 9G), filed April 22, 1974. Applicant: K. G. MOORE, INC., 16 Progress Avenue, Nashua, N.H. 03060. Applicant's representative: Robert G. Parks, 189 Nehoiden Street, Needham, Mass. 02192. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between those points along Massachusetts Highway 9 within 10 miles of Boston, Mass., on the one hand, and, on the other, points in Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway at Manchester, N.H.

No. MC 111956 (Sub-No. 30G), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Glassware, glass containers, and caps, stoppers, and covers*, therefor, in cartons, from Lancaster, Ohio, to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. and points in Pennsylvania within 50 miles of Bedford, Pa.; Keene,

N.H.; Boston and Cambridge, Mass.; Clinton, Conn.; Wilmington, Del.; and points in New York, Maryland, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateways at Bedford, Pa., Connellsville, Pa. and Washington, Pa. (b) from Salem, N.J., to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. and points in Pennsylvania within 50 miles of Bedford, Pa.; those points in Ohio (except Cleveland, Ohio), Chicago, Ill., and those points in that part of Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago. The purpose of this filing is to eliminate the gateways at Connellsville, Pa. and Washington, Pa.

(c) From points in Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., and points in Bedford, Blair, Fulton, Franklin, and Huntingdon Counties, Pa. and points in that part of Pennsylvania within 50 miles of Bedford, Pa., to points in Ohio, and Chicago, Ill. and those points in Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago. The purpose of this filing is to eliminate the gateways at Bedford, Pa. and Washington, Pa. (2) *Glassware, glass containers and caps, stoppers and covers*, from Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa., to Boston and Cambridge, Mass., Keene, N.H., Clinton, Conn. and those points in Rhode Island and New York. The purpose of this filing is to eliminate the gateway at Washington, Pa. (3) *Glass containers and caps* for glass containers, from Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., to points in West Virginia. The purpose of this filing is to eliminate the gateway at Connellsville, Pa.

No. MC 119864 (Sub-No. 61G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Michigan south of Michigan Highway 21, and that part of Ohio bounded by a line beginning at the Ohio-Indiana State line and extending east along U.S. Highway 36 to Delaware, Ohio thence northeast along U.S. Highway 42 to Cleveland, Ohio, thence west along the shore of Lake Erie to the Ohio-Michigan State line to the Ohio-Indiana State line and thence south along the Ohio-Indiana State line to point of beginning, including points on the indicated portions of the highways specified, to points in Illinois, Kentucky, Ohio, and St. Louis, Mo. The purpose of this filing is to eliminate the gateways of LaPorte, Ind. and Archbold, Ohio.

No. MC 119864 (Sub-No. 62G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio

43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Foodstuffs*, (a) from Chicago, Freeport, Joliet, and Marshall, Ill., to points in Indiana and (b) from points in Indiana, to points in Illinois and St. Louis, Mo. and (2) *foodstuffs* (except frozen), from Chicago, Freeport, Joliet, and Marshall, Ill., and points in Indiana, to points in Michigan north of Michigan Highway 21. The purpose of this filing is to eliminate the gateway of Archbold, Ohio. (B) (1) *Dairy products, canned goods, packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, restricted to shipments of foodstuffs, from St. Louis, Mo. and points in Illinois, to points in Indiana and (2) *dairy products, canned goods, packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, restricted to shipments of foodstuffs, (not frozen), from points in Illinois, to points in Michigan north of Michigan Highway 21. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Gary, Ind., and Archbold, Ohio.

No. MC 119864 (Sub-No. 63G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, from points in Illinois, to points in Ohio starting at the State line of Ohio-Michigan at U.S. Highway 127, thence south on U.S. Highway 127 to West Unity, Ohio, thence south on State Highway 191 to junction U.S. Highway 6, thence east on U.S. Highway 6 to Fremont, Ohio, thence east on U.S. Highway 20 to Elyria, Ohio, thence east on State Highway 82 to junction U.S. Highway 42, thence southwest on U.S. Highway 42 to Delaware, Ohio, thence west on U.S. Highway 36 to the Ohio-Indiana State line, thence north along the Ohio-Indiana State line to the junction of the Ohio-Michigan State line, thence east along the Ohio-Michigan State line to point of beginning, including points on the highways specified. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Gary, Ind.

No. MC 119864 (Sub-No. 64G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, packinghouse products and by-*

products, and materials and supplies used in the operation and maintenance of packinghouses, from points in Ohio starting at the State line of Ohio-Michigan at U.S. Highway 127, thence south on U.S. Highway 127 to West Unity, Ohio, thence south on State Highway 191 to junction U.S. Highway 6, thence east on U.S. Highway 6 to Fremont, Ohio, thence east on U.S. Highway 20 to Elyria, Ohio, thence east on State Highway 82 to junction U.S. Highway 42, thence southwest on U.S. Highway 42 to Delaware, Ohio, thence west on U.S. Highway 36 to the Ohio-Indiana State line, thence north along the Ohio-Indiana State line to the junction of the Ohio-Michigan State line, thence east along the Ohio-Michigan State line to point of beginning, including points on the highways specified, to points in Illinois. The purpose of this filing is to eliminate the gateways of Chicago, Ill. and Gary, Ind.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 83539 (Sub-No. E162) (Correction), filed May 23, 1974. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E165) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or

weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Wisconsin and Nebraska. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E169) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E176) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of Worcester, Minn.; East Port Chester, Conn.; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E178) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Iowa, Minnesota, and Missouri. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; East Port Chester, Conn.; New York; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E179) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size

or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Kansas, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; East Port Chester, Conn.; New York; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E180) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; East Port Chester, Conn.; New York; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E183) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; East Port Chester, Conn.; New York; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E186) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of East Port Chester, Conn.; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

No. MC 88368 (Sub-No. E40), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Com-

mission, (1) from points in Ohio in and east of Cuyahoga, Medina, Wayne, Holmes, Coshocton, Guernsey, Noble, and Washington Counties, to point in Arkansas on and south of a line beginning at the Arkansas-Texas State line near DeQueen extending along U.S. Highway 70 to Brinkley, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, (2) from points in Ohio to points in Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 82 to Tuscaloosa, thence along U.S. Highway 11 to the Alabama-Georgia State line, (3) from points in Ohio on and east of a line beginning at Cleveland extending along Ohio Highway 21 to junction Ohio Highway 18, thence along Ohio Highway 18 to Akron, thence along Interstate Highway 77 to Cambridge, thence along U.S. Highway 40 to Zanesville, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to Athens, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to Gallipolis, to points in Alabama.

(4) From points in Ohio to points in California on, north and west of a line beginning at Eureka extending along California Highway 299 to Redding, thence along Interstate Highway 5 to Weed, thence along U.S. Highway 97 to the California-Oregon State line, (5) from points in Ohio, to points in Idaho on, north and west of a line beginning at the Idaho-Montana State line extending along U.S. Highway 91 to Pocatello, thence along U.S. Highway 30 to Twin Falls, thence along U.S. Highway 93 to the Idaho-Nevada State line, (6) from points in Ohio on and east of U.S. Highway 23 to points in Louisiana, (7) from points in Jefferson County, Ohio, to points in New York in, east and south of Orange, Ulster, Greene, Albany, Schenectady, Montgomery (on and east of New York Highway 30), Saratoga Counties, and points on and east of Interstate Highway 87 from Saratoga County to the United States-Canada International Boundary line, (8) from points in Ohio, to points in Louisiana in, south and east of Calcasieu, Jefferson Davis, Acadia, Lafayette, St. Martin, Iberville, Pointe Coupee and West Feliciana Parishes, (9) from points in Ohio to points in Mississippi on and south of U.S. Highway 80, (10) from points in Ohio on and east of Interstate Highway 77 including Cambridge, Ohio, to points in Mississippi, (11) from points in Ohio to points in Missouri in, north and west of Howell, Texas, Dent, Washington, and Jefferson Counties, (12) from points in Ohio on and north of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 22 to Eaton, thence along U.S. Highway 35 to Dayton, thence along Ohio Highway 4 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Pennsylvania State line, to points in Missouri.

(13) From points in Ohio in and south of Preble, Montgomery, Clark, Madison, Franklin, Licking, Coshocton, Tuscarawas, Harrison, and Jefferson Counties, to

points in Montana in and west of Toole, Teton, Cascade, Meagher, Wheatland, Golden Valley, Yellowstone, and Carbon Counties, (14) from points in Ohio on, south and east of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 122 to Eaton, thence along U.S. Highway 35 to Dayton, thence along Ohio Highway 4 to Sandusky, to points in Nebraska on, south and west of a line beginning at the Nebraska-Kansas State line near McCook extending along U.S. Highway 83 to North Platte, thence along U.S. Highway 30 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, (15) from points in Ohio to points in Oregon on and west of a line beginning at the Oregon-California State line near Lakeview extending along U.S. Highway 395 to Pendleton, thence along Oregon Highway 11 to the Oregon-Washington State line, (16) from points in Ohio, to points in Cherokee County, Tex., (17) from points in Ohio on, north and west of a line beginning at the Ohio-Kentucky State line near Cincinnati extending along Interstate Highway 71 to Columbus, thence along Interstate Highway 70 to the Ohio-West Virginia State line, to points in Texas on and west of a line beginning at Laredo extending along U.S. Highway 81 to Hillsboro, thence along U.S. Highway 77 to Dallas, thence along U.S. Highway 75 to the Texas-Oklahoma State line.

(18) From points in Ohio on, south and east of a line beginning at the Ohio-Indiana State line near Greenville extending along U.S. Highway 36 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, to points in Wyoming on, south and west of a line beginning at the Wyoming-Nebraska State line near Torrington extending along U.S. Highway 26 to Casper, thence along U.S. Highway 87 to the Wyoming-Montana State line. The purpose of this filing is to eliminate the gateways of Bledsoe, Ky., and Florence, Ala., in (1) above; Harland, Bledsoe, and Molus, Ky., in (2) above; Harland and Bledsoe, Ky., in (3) above; Clinton, Ill., Newton, Kans., Sterling, Colo., Dalesport, Wash., in (4) above; Clinton, Ill., Newton, Kans., Sterling, Colo., and Monida, Mont., in (5) above; Bledsoe, Ky., Florence, Ala., Molus, Ky., and Birmingham, Ala., in (6) above; Philadelphia, Pa., in (7) above; Bledsoe, Ky., Florence, Ala., and Molus, Ky., and Birmingham, Ala., in (8) above; Molus, Ky., Huntsville Ala., and Bledsoe, Ky., in (9) above; Bledsoe, Ky., and Florence, Ala., in (10) above; Clinton, Ill., in (11) above; Clinton, Ill., in (12) above; Clinton, Ill., Newton, Kans., Sidney, Nebr., Casper, Wyo., and Sheridan, Wyo., in (13) above; Goessel Kans., Clinton, Ill., and Newton, Kans., in (14) above; Clinton, Ill., Newton, Kans., Sterling, Colo., Dalesport, Wash., and Walla Walla, Wash., in (15) above; Pototoc, Miss., Bledsoe, Ky., Florence, Ala., Shreveport, La., and Harlan, Ky., in (16) above; Clinton, Ill., Cowley City, Kans., and Arkansas City, Kans., in (17) above; and Clin-

ton, Ill., Goessel, Kans., and Sidney, Nebr., in (18) above.

No. MC 102616 (Sub E68), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Crossville, Ill., to points in New Hampshire, Vermont and Maine. The purpose of this filing is to eliminate the gateway of Granger, Ind. and Bay City or Ludington, Mich.

No. MC 102616 (Sub-No. E255), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles; (a) from points in Ohio on and south of U.S. Highway 35 to points in Delaware and points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 151, thence along Maryland Highway 151 to the Chesapeake Bay; (b) from points in Hamilton, Clermont, Warren, and Butler Counties, Ohio, to points in North Carolina on and east of U.S. Highway 301, and points in Virginia on and south of U.S. Highway 60, on and east of U.S. Highway 220, and on and north of U.S. Highway 460; (c) from points in Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 35 to junction Ohio Highway 72, thence along Ohio Highway 72 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Indiana-Ohio State line, to the District of Columbia; (d) from points in Ohio south of a line beginning at the West Virginia-Maryland State line and extending along U.S. Highway 35 to junction Ohio Highway 776, thence along Ohio Highway 776 to junction Ohio Highway 124, thence along Ohio Highway 124 to junction Ohio Highway 41, thence along Ohio Highway 41 to the Ohio-Indiana State line, to points in Maryland on and east of Interstate Highway 81 and on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Maryland-District of Columbia border line;

(e) From points in Ohio north and east of a line beginning at the Ohio-Kentucky State line and extending along Ohio

Highway 73 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction Ohio Highway 571, thence along Ohio Highway 571 to the Indiana-Ohio State line, to points in North Carolina on and west of U.S. Highway 321; (f) from points in Ohio to points in North Carolina on and east of U.S. Highway 321 and on and west of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 39 to junction U.S. Alternate Highway 70, thence along U.S. Alternate Highway 70 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 117, thence along U.S. Highway 117 to the Atlantic Ocean; (g) from points in Ohio on and west of a line beginning at the West Virginia-Ohio State line and extending along Ohio Highway 800 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to Lake Erie, to points in North Carolina on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 117 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to the Virginia-North Carolina State line; (h) from points in Ohio on and north of U.S. Highway 30 to points in North Carolina on and east of U.S. Highway 21 and on and west of U.S. Highway 70 and U.S. Highway 501; (i) from points in Ohio on and west of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 71 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 57, thence along Ohio Highway 57 to Lake Erie, to points in Virginia on and west of U.S. Highway 60 and on and east of U.S. Highway 1; and (j) from points in Franklin, Delaware, Licking, and Fairfield Counties, Ohio, to points in Mecklenburg, Union, Stanly, Cabarrus, Lincoln, Gaston, Cleveland, Catawba, and Iredell Counties, N.C. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub-No. E373), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles; (a) from Freedom, Pa., to points in Ohio on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line,

points in Michigan on and west of Interstate Highway 75 and on and north of U.S. Highway 10, and points in Indiana on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 18, thence along Indiana Highway 18 to the Indiana-Illinois State line; (b) from Hays and Neville Island, Pa., to points in Ohio on and west of Interstate Highway 77 and on and south of U.S. Highway 40, and points in Michigan on and north of Michigan Highway 21 and on and west of Michigan Highway 66; (c) from Delmont, Pa., to points in Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction Ohio Highway 19, thence along Ohio Highway 19 to Lake Erie, points in Indiana and Michigan; and (d) from Freedom, Hays, Delmont, and Neville Island, Pa., to points in Illinois and Missouri. The purpose of this filing is to eliminate the gateway of the Allied Chemical plant sites near Moundsville, W. Va.

No. MC 102616 (Sub-No. E395) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER July 29, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Virginia to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of South Charleston or Institute, W. Va., and Chicago, Ill. The purpose of this correction is to clarify the destination points and to include the origin point.

No. MC 103993 (Sub-No. E59), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such commodities and *equipment* incidental to the handling of such commodities from (1) all points in Mississippi, to all points in Delaware, Maryland, and Washington, D.C.; (2) all points in Alabama, to points in Garrett, Allegany, Washington, Frederick, Carroll, Baltimore, Harford and Cecil Counties, Md. (except Baltimore City, Md.), and New Castle County, Del.; and (3) all points in Alabama (except points in Russell, Macon, Montgomery, Lowndes, Butler, Crenshaw, Pike, Bullock, Barbour, Henry, Houston, Dale, Coffee, Geneva, and Covington Counties,

Ala.), to all points in Delaware, Maryland, and Washington, D.C. The purpose of this filing is to eliminate the gateway of the plantsite of Walker-Parkersburg, a division of Textron, Inc., at Parkersburg, W. Va.

No. MC 103993 (Sub-No. E60), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such buildings and *commodities and equipment* incidental to the handling of such commodities from (1) all points in Iowa and Minnesota, to all points in Virginia, North Carolina, and South Carolina; and (2) all points in Wisconsin on and west of a line beginning at the Wisconsin-Michigan State line and U.S. Highway 45, thence along U.S. Highway 45 to its junction with Wisconsin Highway 153, thence along Wisconsin Highway 153 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to its junction with Wisconsin Highway 78, thence along Wisconsin Highway 78 to its junction with the Wisconsin-Illinois State line, to all points in Virginia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Monticello, Iowa.

No. MC 103993 (Sub-No. E61), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such commodities and *equipment* incidental to the handling of such commodities, from all points in that part of Florida in and east of Jefferson County, Fla., to (1) all points in Alaska, California, Colorado (except Las Animas, Baca, Prowers, Bent, Otero, Crowley, and Kiowa Counties, Colo.), Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota (except Lake, Moody, McCook, Minnehaha, Hutchison, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union Counties, S. Dak.), Utah, Washington, and Wyoming; and (2) all points in New Mexico on and west of a line beginning at the junction of the New Mexico-Colorado State line and New Mexico Highway 3, thence along New Mexico Highway 3 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with Interstate Highway 10,

thence along Interstate Highway 10 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Pinellas County, Fla.

No. MC 103993 (Sub-No. E62), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such buildings and *commodities and equipment* incidental to the handling of such commodities from all points in Wisconsin (except points in Douglas, Washburn, Burnett, Polk, Barron, Saint Croix, Dunn, Pierre and Pepin County, Wisc.), points in that part of Illinois on and north of Interstate Highway 80, and points in the Upper Peninsula of Michigan to all points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Monticello, Iowa.

No. MC 103993 (Sub-No. E64), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such commodities and *equipment* incidental to the handling of such commodities from points in Michigan and Ohio (except points in Preble, Butler, Hamilton, Montgomery, Warren, Clermont, Greene, Clinton, Brown, Highland, Adams, Pike, Sciota, and Lawrence Counties, Ohio), to all points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Walker-Parkersburg, a division of Textron at Parkersburg, W. Va.

No. MC 103993 (Sub-No. E65), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such commodities and *equipment* incidental to the handling of such commodities from (1) points in Tennessee to all points in Connecticut, Massachusetts, Rhode Island, and points in that part of New York, south of New York Highway 7; and (2) points in Ten-

nessee (except points in and east of Bradley, McMinn, Loudon, Knox, Grainger, and Hancock Counties, Tenn.), to points in New Jersey and points in that part of Pennsylvania south of a line beginning at the Pennsylvania-Ohio State line, thence along Interstate Highway 80 to the junction of Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of the plant site of Walker-Parkersburg, a division of Textron, Inc., at Parkersburg, W. Va.

No. MC 103993 (Sub-No. E69), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such buildings and *commodities and equipment* incidental to the handling of such commodities from (1) points in Illinois on and south of Interstate Highway 80, and in that part of Iowa south and east of a line beginning at the Iowa-Missouri State line, thence along Interstate Highway 35 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line to points in North Dakota and South Dakota, and (2) from all points in Illinois to points in North Dakota and South Dakota on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Polk County, Iowa.

No. MC 103993 (Sub-No. E70), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such buildings and *commodities and equipment* incidental to the handling of such commodities from all points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Ohio, Tennessee, West Virginia, points in that part of Michigan on and south of U.S. Highway 10, and points in that part of Missouri on and east of U.S. Highway 63, to all points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of the plantsite or facilities of the Binkly Co., in Warren County, Mo.

No. MC 106603 (Sub-No. E20), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Hag-

gerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, as described by the Commission, which are building contractors' material and supplies, from points in Ohio on and south of U.S. Highway 30 to those points in the Upper Peninsula of Michigan west of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 35 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Superior. The purpose of this filing is to eliminate the gateways of Whiting, Ind., and Wilmington, Ill.

No. MC 106603 (Sub-No. E21), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, as described by the Commission, which are contractors' materials and supplies, from those points in Ohio north of U.S. Highway 30 to those points in the Upper Peninsula of Michigan south of a line beginning at Lake Michigan and extending along U.S. Highway 2 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Superior. The purpose of this filing is to eliminate the gateways of Whiting, Ind., and Wilmington, Ill.

No. MC 106603 (Sub-No. E22), filed May 4, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, which are building contractors' equipment, materials, and supplies, from those points in Ohio south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Ohio-West Virginia State line, to those points in the Lower Peninsula of Michigan north of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction U.S. Highway 31, thence along U.S. Highway 31 to Lake Michigan. The purpose of this filing is to eliminate the gateway of South Bend, Ind.

No. MC 106603 (Sub-No. E23), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand

Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, which are building contractors' equipment, materials, and supplies, from those points in Ohio south of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 39 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 229, thence along Ohio Highway 229 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Ohio-West Virginia State line, to those points in the Lower Peninsula of Michigan north and west of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction U.S. Highway 131, thence along U.S. Highway 131 to Lake Michigan. The purpose of this filing is to eliminate the gateway of South Bend, Ind.

No. MC 106603 (Sub-No. E25), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, and *insulating brick siding*, which are building contractors' materials, from those points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, to those points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 127 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Whiting or Lowell, Ind.

No. MC 106603 (Sub-No. E26), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* and *insulated brick siding*, which are building contractors' materials, from those points in Illinois south of a line beginning at the Illinois-Iowa State line and extending along U.S.

Highway 34 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Illinois-Missouri State line, to points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Illinois Highway 95, thence along Illinois Highway 95 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Whiting or Lowell, Ind.

No. MC 106603 (Sub-No. E27), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, and insulating brick siding, which are building contractors' materials, from those points in Illinois on, north, and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 51 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 48, thence along U.S. Highway 48 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Missouri-Illinois State line, to those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 39, thence along Ohio Highway 39 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Whiting or Lowell, Ind.

No. MC 106603 (Sub-No. E29), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulated brick siding*, which is building contractors' materials and supplies, from those points in Illinois bounded on the west by a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Missouri State line, and on the east by a line beginning at the Illinois-Kentucky State line and extending along Interstate Highway 24 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Lowell, Ind.

No. MC 107002 (Sub-E30), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, as described by the Commission, in bulk, in tank vehicles, from the plantsites and storage facilities utilized by American Mineral Spirits Company at Birmingham, Ala., to points in Arkansas (Tupelo and Friars Point, Miss., or Tupelo, Miss., Union County, Miss., and Memphis, Tenn.), Louisiana (Tupelo and Vicksburg, Miss., or Tupelo and Lambert, Miss.), Oklahoma, Missouri

(Tupelo and Washington County, Miss.), and those in Illinois on and south of a line beginning at Chester and extending along Illinois Highway 150 to junction Illinois Highway 154, to junction U.S. Highway 51, to Ashley, thence along U.S. Highway 460, to the Illinois-Indiana State line, restricted against the transportation of (a) asphalt to points in Illinois; (b) asphalt and liquefied petroleum gas to points in Missouri and Oklahoma, and (c) liquefied petroleum gas to points in Sevier, Howard, Little River, Hempstead, Miller, Lafayette, Nevada, and Columbia Counties, Ark., points in that part of Ouachita County, Ark., lying west of the Ouachita River, and points in that part of Union County, Ark., lying west of a line extending along Arkansas Highway 7 to El Dorado Ark., and thence along U.S. Highway 167 to the Arkansas-Louisiana State line; and (2) liquid petrochemicals, as defined by the Commission, in bulk, in tank vehicles, from the plantsites and storage facilities utilized by American Mineral Spirits Company at Birmingham, Ala., to Iowa, Kansas, Wisconsin (Tupelo, Miss., points in Mississippi within the Memphis, Tenn. Commercial Zone, and Barfield, Ark., and points within 10 miles thereof), Illinois (Tupelo, Miss., and points in Mississippi within the Memphis, Tenn. Commercial Zone), Minnesota, and those in Michigan on and north of Interstate Highway 94 (Cedartown, Ga.). The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107107 (Sub-No. E38), filed April 18, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, meats, meat products, and meat by-products*, as defined by the Commission, from Philadelphia, Pa., to those points in Louisiana on and south of U.S. Highway 80, and those in Mississippi on and south of U.S. Highway 98 (Sylvester, Ga.); (2) *meats, meat products, and meat by-products*, as defined by the Commission, from Philadelphia, Pa., to those points in Texas on and south of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-New Mexico State line (Sylvester, Ga.); (3) *fresh meats*, from Philadelphia, Pa., to those points in Texas north of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-New Mexico State line, and south of a line beginning at the Texas-Oklahoma State line and extending along the Red River to U.S. Highway 287, to junction U.S. Highway 66, thence along U.S. Highway 66 to the Texas-New Mexico State line (Florida); (4) *frozen foods*, from Philadelphia, Pa., to those points in Texas on and south of a line beginning at the Texas-Oklahoma State line and

extending along the Red River to U.S. Highway 287, to junction U.S. Highway 66, thence along U.S. Highway 66 to the Texas-New Mexico State line (Florida).

(5) *Candy and confectionery and related advertising and promotional materials*, from Philadelphia, Pa., to those points in Georgia on and south of a line beginning at the Atlantic Ocean and extending along Georgia Highway 99 to junction Georgia Highway 23, thence along Georgia Highway 23 to junction U.S. Highway 341, thence along U.S. Highway 341 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Georgia Highway 257, thence along Georgia Highway 257 to junction Georgia Highway 91, thence along Georgia Highway 91 to the Georgia-Alabama State line (Jacksonville, Fla.); (6) *candy and confectionery*, from Philadelphia, Pa., to points in Louisiana, those in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Mississippi State line, and those in Mississippi on and south of U.S. Highway 80 (Pensacola and Tallahassee, Fla.); and (7) *canned tomato products, cheese and spices*, from Philadelphia, Pa., to those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 84 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Baldwin-Escambia County line, thence along the Baldwin-Escambia County line to the Baldwin-Monroe County line, thence along the Baldwin-Monroe County line to the Baldwin-Clarke County line, thence along the Baldwin-Clarke County line to the Baldwin-Washington County line, thence along the Baldwin-Washington County line to the Mobile-Washington County line, thence along the Mobile-Washington County line to the Alabama-Mississippi State line, those in Mississippi on and south of U.S. Highway 84, and those in Louisiana south and west of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 84 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Texas State line (Jacksonville, Fla.). The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107295 (Sub-No. E58), filed May 9, 1974. Applicant: PRE FAB TRAN-SIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hardwood flooring*, from White Lake, Wis., to points in Arizona, points in California in and south of Monterey, San Benito, Fresno, Tulare, and San Bernardino Counties, points in New Mexico in, west, and south of San Juan, McKinley,

Valencia, Bernalillo, Torrance, Lincoln, De Baca, Roosevelt, and Curry Counties. The purpose of this filing is to eliminate the gateway of Warren, Ark.

No. MC 107295 (Sub-No. E32) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER March 10, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts thereof and equipment and materials incidental to the erection and completion of such buildings*: * * * (4) from points in that part of Pennsylvania located in, west, and south of Mercer, Butler, Armstrong, Indiana, Cambria, Blair, Huntingdon, and Franklin Counties to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (5) from points in that part of Pennsylvania located in, west, and south of Mercer, Venango, Clarion, Jefferson, Clearfield, Centre, Millin, Juniata, Perry, Dauphin, and Lancaster Counties to points in Maine. The purpose of this filing is to eliminate the gateways of: In (4) above, Baltimore, Md.; and in (5) above, Baltimore, Md. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 107295 (Sub-No. E76), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board*, from Chicago, Ill., to points in Alabama in and south of Choctaw, Marengo, Wilcox, Dallas, Lowndes, Montgomery, Macon, and Russell Counties, points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Trumann, Ark.

No. MC 107295 (Sub-No. E149), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Chicago, Ill., to points in New Mexico in and south of McKinley, Valencia, Socorro, Lincoln, De Baca, Roosevelt, and Curry Counties. The purpose of this filing is to eliminate the gateway of Camden, Ark.

No. MC 107295 (Sub-No. E190), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Doors and door sections*, from Columbus, Ohio, to points in

North Carolina in and east of Caswell, Alamance, Chatham, Lee, Moore, and Richmond Counties, and points in Virginia in and east of Highland, Bath, Rockridge, Bedford, and Pittsylvania Counties. The purpose of this filing is to eliminate the gateway of Harrisonburg, Va.

No. MC 107993 (Sub-No. E1), filed June 4, 1974. Applicant: J. J. WILLIS TRUCKING COMPANY, P.O. Box 30096, Dallas, Tex. 75220. Applicant's representative: Joseph P. Willis (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products and by-products, *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (I) (A) between points in Arizona, on the one hand, and, on the other, points in Arkansas; (B) (1) between points in Pueblo, Larimer, Otero, Las Animas, and Denver Counties, Colo., on the one hand, and, on the other, points in Pima, Santa Cruz and Yuma Counties, Ariz.; (2) between points in Moffat County, Colo., on the one hand, and, on the other, points in Santa Cruz County, Ariz.; (3) between points in Otero and Las Animas Counties, Colo., on the one hand, and, on the other, points in Gila, Yavapai, and Maricopa Counties, Ariz.; (4) between points in Logan, Washington, Sedgwick, Phillips, Yuma, Lincoln, Kit Carson, Cheyenne, Kiowa, Crowley, Bent, Prowers, and Baca Counties, Colo., on the one hand, and, on the other, points in Maricopa, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma Counties, Ariz., and that part of Arizona on and south of U.S. Highway 66 in Coconino County, Ariz.; (5) between points in Greenlee, Graham, and Cochise Counties, Ariz., on the one hand, and, on the other, points in that part of Colorado on, and north and east of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 550 to Montrose, thence along U.S. Highway 50 to the Colorado-Utah State line.

(C) Between points in Arizona, on the one hand, and, on the other, points in Kansas; (D) between points in Arizona, on the one hand, and, on the other, points in Oklahoma; (E) (1) between points in Cochise County, Ariz., on the one hand, and, on the other, points in Wyoming; (2) between points in Pima, Pinal, and Santa Cruz Counties, Ariz., on the one hand, and, on the other, points in Sheridan, Johnson, Natrona, Carbon, Campbell, Converse, Albany, Crook, Weston, Niobrara, Platte, Laramie, and Goshen Counties, Wyo.; (3) between points in Yuma County, Ariz., on the one hand, and, on the other, Campbell, Converse, Albany, Crook, Weston, Niobrara, Platte, Laramie, and Goshen

Counties, Wyo.; (4) between points in Greenlee, Graham, Gila, Maricopa, Yuma, Pinal, Pima, Cochise, and Santa Cruz Counties, Ariz., on the one hand, and, on the other, points in Campbell County, Wyo.; (5) between points in Greenlee, Graham, Gila, Pima, Pinal, Cochise, and Santa Cruz Counties, Ariz., on the one hand, and, on the other, Sheridan County, Wyo. (II) (A) (1) between points in Benton, Carroll, Boone, Washington, Madison, Newton, Crawford, Franklin, Johnson, Pope, Sebastian, Logan, Yell, Scott, Polk, Montgomery, Garland, Howard, Pike, Clark, Hot Spring, Sevier, Hempstead, Nevada, Little River, Miller, and Lafayette Counties, Ark., on the one hand, and, on the other, points in that part of Caddo Parish, La., south of U.S. Highway 80, De Soto, Red River, Sabine, Natchitoches, Vernon, Rapides, Beauregard, Allen, Evangeline, Saint Landry, Calcasieu, Jefferson Davis, Acadia, Lafayette, Saint Martin, Iberville, Ascension, Cameron, Vermillion, Iberia, Saint Mary, part of Saint Martin, Assumption, Saint James, Saint John the Baptist, Lafourche, Saint Charles, Orleans, Terrebonne, Jefferson, Plaquemines, and Saint Bernard Parishes, La.

(2) Between points in Benton, Carroll, Boone, Washington, Madison, Newton, Crawford, Franklin, Johnson, Pope, Sebastian, Logan, Yell, Scott, Polk, Montgomery, Garland, Howard, Pike, Clark, Hot Spring, Sevier, Hempstead, Nevada, Little River, Miller, and Lafayette Counties, Ark., on the one hand, and, on the other, points in Ouachita Parish, La.; (3) between points in Benton, Carroll, Boone, Washington, Madison, Newton, Crawford, Franklin, Johnson, Pope, Sebastian, Logan, Yell, Scott, Polk, Montgomery, Garland, Howard, Pike, Clark, Hot Spring, Sevier, Hempstead, Nevada, Little River, Miller, and Lafayette Counties, Ark., on the one hand, and, on the other, points in Beauregard, Allen, Evangeline, Saint Landry, Pointe Coupee, West Feliciana, East Feliciana, Saint Helena, Tangipahoa, Washington, Calcasieu, Jefferson Davis, Acadia, Lafayette, Saint Martin, Iberville, West Baton Rouge, East Baton Rouge, Livingston, Saint Tammany, Cameron, Vermillion, Iberia, Saint Mary, part of Saint Martin, Assumption, Ascension, Saint James, Saint John the Baptist, Lafourche, Terrebonne, Saint Charles, Orleans, Jefferson, Plaquemines, and Saint Bernard Parishes, La.; (B) between points in Arkansas, on the one hand, and, on the other, points in New Mexico; (C) between points in Arkansas, on the one hand, and, on the other, points in that part of Texas west and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 80 to junction U.S. Highway 54, thence along U.S. Highway 54 to El Paso, Tex., thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 84 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified, and points in Lea and Eddy Counties, N. Mex.

(III) (A) Between points in Colorado, on the one hand, and, on the other, points

in Louisiana; (B) (1) between points in Moffat, Routt, Jackson, Larimer, Boulder, Weld, Logan, Sedgwick, Morgan, Phillips, Washington, Yuma, Adams, Denver, Arapahoe, Douglas, Elbert, Lincoln, Kit Carson, El Paso, Cheyenne, Pueblo, Crowley, Kiowa, Otero, Bent, Prowers, and Baca Counties, Colo., on the one hand, and, on the other, points in Quay, De Baca, Curry, Roosevelt, Chavis, Grant, Sierra, Otero, Hidalgo, Luna, and Dona Ana Counties, N. Mex.; (2) between points in Moffat, Routt, Jackson, Larimer, Boulder, Weld, Logan, Sedgwick, Morgan, Phillips, Washington, Yuma, Adams, Denver, Arapahoe, Douglas, Elbert, Lincoln, Kit Carson, El Paso, Cheyenne, Pueblo, Crowley, Kiowa, Otero, Bent, Prowers, Baca, Rio Blanco, Garfield, Eagle, Grand, Summit, Gilpin, Jefferson, Clear Creek, Mesa, Pitkin, Lake, Park, Delta, Gunnison, Chaffee, Fremont, Saguache, Custer, Huerfano, and Las Animas Counties, Colo., on the one hand, and, on the other, points in Hidalgo and Quay Counties, N. Mex.; (3) between points in Logan, Sedgwick, Phillips, Washington, Yuma, Kit Carson, Cheyenne, Kiowa, Bent, Prowers and Baca Counties, Colo., on the one hand, and, on the other, points in Bernalillo, Torrance, and Socorro Counties, N. Mex.; (4) between points in Kit Carson County, Colo., on the one hand, and, on the other, points in McKinley, Sandoval, Los Alamos, and Santa Fe Counties, N. Mex.; (5) between points in Mesa County, Colo., on the one hand, and, on the other, points in Otero County, N. Mex.; (C) between points in Colorado, on the one hand, and, on the other, points in that part of Texas west and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 80 to junction U.S. Highway 54, thence along U.S. Highway 54 to El Paso, thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 84 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified and points in Lea and Eddy Counties, N. Mex.

(IV) (A) Between points in Kansas on the one hand, and, on the other, points in Louisiana; (B) between points in Phillips, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Rooks, Osborne, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Ottawa, Lincoln, Shawnee, Wabaunsee, Wyandotte, Ellis, Russell, Dickinson, Geary, Douglas, Johnson, Saline, Ellsworth, Morris, Osage, Lyon, Franklin, Miami, Rush, Barton, McPherson, Marion, Rice, Chase, Coffey, Anderson, Linn, Pawnee, Stafford, Reno, Harvey, Greenwood, Edwards, Butler, Woodson, Allen, Bourbon, Sedgwick, Pratt, Kiowa, Kingman, Wilson, Neosho, Crawford, Elk, Ford, Meade, Clarke, Comanche, Barber, Harper, Sumner, Cowley, Labette, Cherokee, Seward, and Chautauqua Counties, Kans., on the one hand, and, on the other, points in Colfax, Union, Mora, Harding, McKinley, Sandoval, Los Alamos, Santa Fe, San Miguel, Valencia,

Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, De Baca, Curry, Lincoln, Roosevelt, Chaves, Sierra, Otero, Lea, Grant, Hidalgo, Luna, Dona Ana, and Eddy Counties, N. Mex. (V) (A) between points in Louisiana, on the one hand, and, on the other, points in Oklahoma; (B) between points in Louisiana, on the one hand, and, on the other, points in Utah; (C) between points in Louisiana, on the one hand, and, on the other, points in Wyoming.

(VI) (A) Between points in New Mexico (except points in Union County), on the one hand, and, on the other, points in Oklahoma (except points in Cimarron County); (B) (1) between points in Quay, Curry, Roosevelt, Chaves, Otero, and Dona Ana Counties, N. Mex., on the one hand, and, on the other, points in Utah; (2) between points in Hidalgo and Colfax Counties, N. Mex., on the one hand, and, on the other, points in Cache County, Utah; (3) between points in Hidalgo County, N. Mex., on the one hand, and, on the other, points in Utah and Uintah Counties, Utah; (4) between points in Colfax County, N. Mex., on the one hand, and, on the other, points in Iron County, Utah; (C) (1) between points in Quay, Curry, De Baca, Roosevelt, Chaves, Lincoln, Otero, Dona Ana, Luna and Hidalgo Counties, N. Mex., on the one hand, and, on the other, points in Wyoming; (2) between points in Bernalillo and Socorro Counties, N. Mexico, on the one hand, and, on the other, points in Teton, Yellowstone National Park, Park, Hot Springs, Washakie, Big Horn, Sheridan, Johnson, Campbell, Converse, Crook, Weston, Niobrara, Platt, and Goshen Counties, Wyo.; (3) between points in Santa Fe County, N. Mex., on the one hand, and, on the other, points in Sheridan County, Wyo. (VII) (A) between points in that part of Texas west and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 80 to junction U.S. Highway 54, thence along U.S. Highway 54 to El Paso, thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 84 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified, and points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate the gateway of points in that part of Texas east and north of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 80 to junction U.S. Highway 54, thence along U.S. Highway 54 to El Paso, thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 84 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified, and points in Lea and Eddy Counties, N. Mex.

No. MC 108207 (Sub-No. E35) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER December 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike

Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273, 766, *dairy products, frozen foods, salad dressing, yeasts, uncooked bakery goods, fish, and prepared salads*, in vehicles equipped with mechanical refrigeration, and (2) *Food-stuffs*, in vehicles equipped with mechanical refrigeration (except those described in Paragraph 1 above, and alcoholic beverages, and except canned goods from Paris, Tex., when moving in mixed loads with one or more of the commodities described in Paragraph 1 above), from points in California to points in Ohio, Arkansas, Oklahoma, Kansas, Missouri, Illinois, Iowa, Michigan, Mississippi, Wisconsin, Indiana, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateways of points in Texas. The purpose of this correction is to correct the origin States.

No. MC 108207 (Sub-No. E40) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from points in California, New Mexico, Texas, and Arizona to Louisville, Ky., and Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of Mt. Pleasant, Tex. The purpose of this correction is to correct the gateway above.

No. MC 108207 (Sub-No. E51) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and dairy products*, from Columbus Junction, Iowa, to points in New Mexico, Arizona, California, Texas, Louisiana, Mississippi, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of points in Texas, Oklahoma, and Arkansas. The purpose of this correction is to correct the above gateway.

No. MC 108676 (Sub-No. E1), filed September 14, 1974. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, Tenn. 37917. Applicant's representative: A. A. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble and iron and steel articles*, the transportation of which, because of size or weight, requires the use of special equipment or special handling, and when moving in connection there-

with, related marble and iron and steel articles, the transportation of which, because of size or weight, does not require the use of special equipment or handling; (A) (1) between points in Lancaster, Kershaw, Lee, Chesterfield, Marlboro, Spartanburg, Cherokee, Darlington, York, Chester, Fairfield, Richland, Sumter, Florence, Marion, Dillon, and Horry Counties, S.C., on the one hand, and, on the other, points in Lauderdale and Colbert Counties, Ala., (2) between points in Lancaster, Kershaw, Lee, Chesterfield, Marlboro, Darlington, Dillon, Spartanburg, Cherokee, York, Chester, Lancaster, Kershaw, Sumter, Florence, Marion, and Horry Counties, S.C., on the one hand, and, on the other, points in that part of Alabama on, west, and north of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 231 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Mississippi-Alabama State line, and (3) between points in Spartanburg, Cherokee, York, Lancaster, Chesterfield, Darlington, Marlboro, Dillon, Marion, Florence, and Horry Counties, S.C., on the one hand, and, on the other, points in that part of Alabama on, west, and north of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 231 to junction Alabama Highway 20, thence along Alabama Highway 20 to junction Alabama Highway 24, thence along Alabama Highway 24 to the Alabama-Mississippi State line.

(B) (1) Between points in Alabama located in and west of Jackson, Marshall, Blount, Jefferson, Tuscaloosa, Hale, Marengo, Clarke, and Washington Counties, Ala., on the one hand, and, on the other, points in North Carolina (except Cherokee, Clay, Macon, Graham, Swain, Jackson, Transylvania, Henderson, Polk, Rutherford, Cleveland, Lincoln, and Gaston Counties, N.C.); (2) between points in Alabama located in, north, and west of Cherokee, Etowah, Blount, Walker, Tuscaloosa, Hale, Marengo, Clarke, and Washington Counties, on the one hand, and, on the other, points in North Carolina (except Cherokee, Graham, Swain, Clay, Macon, Jackson, Transylvania, Henderson, Polk, Rutherford, Cleveland, Lincoln, Gaston, Mecklenburg, Cabarrus, Stanly, Montgomery, Orrien, Arison, Richmond, and Scotland Counties, N.C.); (3) between points in that part of Alabama in, north, and west of a Cherokee, Etowah, Blount, Jefferson, Shelby, Bibb, Perry, Dallas, Wilcox, Monroe, and Baldwin Counties, on the one hand, and, on the other, points in that part of North Carolina north and east of Graham, Swain, Jackson, Transylvania, Henderson, Rutherford, Cleveland, Lincoln, Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Hoke, Robeson, Columbus, and Brunswick Counties; (4) between points in that part of Alabama in and west of Jackson, De Kalb, Cherokee, Cleburne, Talladega, Shelby, Chilton, Dallas, Wilcox, Monroe, and Baldwin Counties, on the one hand, and, on the other, points

Graham, Swain, Jackson, Transylvania, Henderson, Rutherford, Cleveland, Lincoln, Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Hoke, Robeson, Bladen, and Pender Counties; (5) between points in that part of Alabama in and west of Jackson, De Kalb, Cherokee, Cleburne, Randolph, Clay, Coosa, Elmore, Montgomery, Lowndes, Wilcox, Monroe, and Baldwin Counties, on the one hand, and, on the other, points in that part of North Carolina north of Graham, Swain, Jackson, Transylvania, Henderson, Rutherford, Cleveland, Lincoln, Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Lee, Harnett, Sampson, Duluth, Onslow, and Carteret Counties.

(6) Between points in that part of Alabama located in and west of Jackson, De Kalb, Cherokee, Cleburne, Randolph, Clay, Coosa, Elmore, Montgomery, Crenshaw, and Covington Counties, on the one hand, and, on the other, points in that part of North Carolina in, east, and north of Madison, Buncombe, McDowell, Burke, Catawba, Iredell, Rowan, Davidson, Randolph, Chatham, Wake, Franklin, Nash, Wilson, Edgecombe, Pitt, and Craven Counties; (7) between points in Alabama (except Russell, Barbour, Henry, Dale, Geneva, and Houston Counties), on the one hand, and, on the other, points in that part of North Carolina on and north of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 441 to junction U.S. Highway 19 and 23, thence along U.S. Highway 19 and 23 to junction Blue Ridge Parkway, thence along Blue Ridge Parkway to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 98, thence along North Carolina Highway 98 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean; (8) between points in Alabama (except Russell, Barbour, and Henry Counties), on the one hand, and, on the other, points in that part of North Carolina on, north, and east of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 441 to junction U.S. Highway 19 and 23, thence along U.S. Highway 19 and 23 to junction Blue Ridge Parkway, thence along Blue Ridge Parkway to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 86, thence along North Carolina Highway 86 to the Virginia-North Carolina State line; (9) between points in Alabama (except points in Henry, Dale, Geneva, and Houston Counties), on the one hand, and, on the other, points in that part of North Carolina located in and north of Watauga, Wilkes, Yadkin, Stokes, Rockingham, Caswell, Person, Granville, Vance, and Warren Counties; and (10) between points in Alabama, on the one hand,

and, on the other, points in Watauga, Wilkes, Surry, Allegheny, and Ashe Counties, N.C.

(C) Between points in Alabama, on the one hand, and, on the other, points in Virginia; (D) (1) between points in Barbour County, Ala., on the one hand, and, on the other, points in that part of Kentucky in and east of Daviess, Ohio, Butler, Edmonson, Barren, and Monroe Counties, (2) between points in Houston, Henry, Barbour, Dale, and Geneva Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Hancock, Breckinridge, Grayson, Edmonson, Barren, and Monroe Counties, (3) between points in that part of Alabama located in, east, and north of Covington, Crenshaw, Pike, and Barbour Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Meade, Hardin, Larue, Green, Adair, and Cumberland Counties; (4) between points in that part of Alabama located in or east of Chambers, Tallapoosa, Elmore, Montgomery, Butler, Covington, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Jefferson, Spencer, Nelson, Marion, Taylor, Adair, and Cumberland Counties; (5) between points in that part of Alabama located in and south of Cleburne, Calhoun, Talladega, Coosa, Chilton, Dallas, Marengo, and Choctaw Counties, on the one hand, and, on the other, points in Kentucky located in and east of Carroll, Henry, Franklin, Anderson, Washington, Marion, Casey, Pulaski, and McCreary Counties; (6) between points in Alabama located in and south of Cherokee, Etowah, Saint Claire, Jefferson, Tuscaloosa, and Pickens Counties, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 27 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Ohio State line.

(7) Between points in Alabama (except Lauderdale, Colbert, Lawrence, and Franklin Counties), on the one hand, and, on the other, points in that part of Kentucky east of a line beginning at the Tennessee-Kentucky State line, thence along Interstate Highway 75 to junction Kentucky Highway 627, thence along Kentucky Highway 627 to Winchester, Ky., thence along Kentucky Highway 227 to Paris, Ky., thence along U.S. Highway 27 to the Kentucky-Ohio State line; (8) between points in Alabama, on the one hand, and, on the other, points in that part of Kentucky in and east of Boyd, Lawrence, Johnson, Magoffin, Breathitt, Owsley, Jackson, Laurel, and Whitley Counties; (E) (1) between points in that part of Alabama in and south of Barbour, Pike, Crenshaw, Butler, Conecuh, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in that part of Tennessee on, east, and north of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 127 to Crossville, Tenn., thence along U.S. Highway 70 to the Tennessee-North Carolina State line;

(2) between points in Alabama, on the one hand, and, on the other, points in that part of Tennessee in, east, and north of Campbell, Anderson, Knox, and Sevier Counties; (F) (1) between points in that part of Georgia east and south of U.S. Highway 411, on the one hand, and, on the other, points in that part of North Carolina in and east of Watauga, Wilkes, Alexander, Iredell, Rowan, Davidson, Randolph, Chatham, Lee, Harnett, Cumberland, and Robeson Counties; (2) between points in that part of Georgia west and north of a line beginning at the Georgia-Tennessee State line, thence along U.S. Highway 411 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Georgia Highway 61, thence along Georgia Highway 61 to Villa Rica, Ga., thence along U.S. Highway 78 to the Georgia-Alabama State line, on the one hand, and, on the other, points in that part of North Carolina located in, west, and south of Watauga, Wilkes, Alexander, Iredell, Rowan, Davidson, Randolph, Chatham, Wake, Johnston, Wayne, Duplin, and Onslow Counties.

(3) Between points in that part of Georgia located in, east, and south of Union, Fannin, Gilmer, Gordon, Bartow, Paulding, and Haralson Counties, on the one hand, and, on the other, points in that part of North Carolina east and north of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 301 to Rocky Mount, thence along U.S. Highway 64 to Williamston, thence along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean; (G) (1) between points in that part of Georgia in and west of Murray, Gordon, Bartow, Paulding, Douglas, Coweta, Merriwether, Harris, Muscogee, and Chattahoochee Counties, on the one hand, and, on the other, points in Virginia; (2) between points in that part of Georgia in and west of Union, Fannin, Gilmer, Pickens, Bartow, Paulding, Douglas, Coweta, Merriwether, Harris, Muscogee, and Chattahoochee Counties, on the one hand, and, on the other, points in Virginia (except points in and south of Patrick, Franklin, Pittsylvania, Halifax, and Becklenburg Counties, Va.); (3) between points in that part of Georgia in and west of Union, Lumpkin, Dawson, Forsyth, Fulton, Fayette, Merriwether, Harris, Muscogee, and Chattahoochee Counties, on the one hand, and, on the other, points in that part of Virginia located in, west, and north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomattox, Buckingham, Cumberland, Powhatan, Chesterfield, Charles City, James City, and York Counties (except Northampton and Accomack Counties); (4) between points in that part of Georgia in and west of Union, Lumpkin, Dawson, Forsyth, Fulton, Fayette, Merriwether, Harris, Muscogee, Chattahoochee, Stewart, Randolph, Calhoun, Baker, and Decatur Counties, on the one hand, and, on the other, points in that part of Virginia in, west, and north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomattox, Buckingham, Cumber-

land, Powhatan, Chesterfield, Charles City, New Kent, King and Queen, and Middlesex Counties.

(5) Between points in that part of Georgia in and west of Union, Lumpkin, Dawson, Forsyth, Fulton, Fayette, Pike, Upton, Taylor, Schley, Sumter, Worth, Colquitt, and Thomas Counties, on the one hand, and, on the other, points in that part of Virginia in, west, and north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomattox, Buckingham, Cumberland, Fluvanna, Louisa, Spotsylvania, Caroline, Essex, and Westmoreland Counties; (6) between points in that part of Georgia in and west of Towns, White, Hall, Gwinnett, DeKalb, Henry, Spalding, Pike, Upton, Taylor, Schley, Sumter, Worth, Colquitt, and Thomas Counties, on the one hand, and, on the other, points in that part of Virginia in, west, and north of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Botetourt, Rockbridge, Amherst, Lynchburg, Nelson, Albemarle, Fluvanna, Louisa, Spotsylvania, and King George Counties; (7) between points in that part of Georgia in and west of Towns, White, Hall, Gwinnett, Rockdale, Newton, Jasper, Jones, Twiggs, Houston, Dooley, Crisp, Turner, Tift, Cook, and Lowndes Counties, on the one hand, and, on the other, points in that part of Virginia in, west, and north of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Botetourt, Rockbridge, Nelson, Albemarle, Fluvanna, Louisa, Spotsylvania, and Stafford Counties; (8) between points in that part of Georgia in and west of Towns, White, Hall, Gwinnett, Rockdale, Newton, Jasper, Putnam, Baldwin, Wilkinson, Bleckley, Pulaski, Wilcox, Turner, Tift, Cook, and Lowndes Counties, on the one hand, and, on the other, points in that part of Virginia in and west of Alleghany, Rockbridge, Augusta, Rockingham, Page, Warren, and Clarke Counties; (9) between points in that part of Georgia in and west of Towns, White, Hall, Gwinnett, Rockdale, Newton, Jasper, Jones, Twiggs, Laurens, Wheeler, Telfair, Coffee, Atkinson, Lanier, and Lowndes Counties, on the one hand, and, on the other, Bristol and Winchester, Va.

(10) Between points in that part of Georgia in and west of Towns, White, Hall, Jackson, Clarke, Oconee, Morgan, Putnam, Baldwin, Wilkinson, Twiggs, Houston, Dooley, Crisp, Turner, Tift, Cook, and Lowndes Counties, on the one hand, and, on the other, points in that part of Virginia on, north, and west of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction Interstate Highway 81, thence along Interstate Highway 81 to the West Virginia-Virginia State line; and (11) between points in that part of Georgia on and west of a line beginning at the North Carolina-Georgia State line, thence along U.S. Highway 441 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Georgia-Florida State line, on the one hand, and, on the other, Winchester, Va.; (H) (1) between points in that part of Georgia in and east of Union, White, Haber-

shaw, Stephens, Franklin, Hart, Elbert, Wilkes, Taliaferro, Warren, Glascock, Jefferson, Emanuel, Toombs, Appling, Baton, Ware, Atkinson, Berrien, Cook, Colquitt, and Thomas Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Lawrence, Johnson, Magoffin, Breathitt, Owsley, Clay, and Bell Counties; (2) between points in Georgia (except points in and west of Fannin, Gilmer, Pickens, Cherokee, Fulton, DeKalb, Henry, Butts, Lamar, Upton, Talbot, and Harris Counties), on the one hand, and, on the other, points in that part of Kentucky in and east of Daviess, Ohio, Grayson, Hart, Barriern, and Monroe Counties, and on and west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties; (3) between points in Georgia (except points in and north of Haralson, Paulding, Cobb, Fulton, Clayton, Fayette, Merriwether, Harris, Muscogee, and Chattahoochee Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Bullitt, Hardin, Larue, Taylor, Casey, Pulaski, and McCreary Counties and in and west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties; (4) between points in Georgia (except points in and west of Murray, Gordon, Bartow, and Polk Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Hancock, Breckinridge, Hardin, Larue, Green, Adair, and Cumberland Counties and in and west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties; (5) between points in Georgia (except points in and east of Hart, Elbert, Oglethorpe, Taliaferro, Warren, Glascock, Jefferson, Burke, Jenkins, and Screven Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Martin, Floyd, Knott, Perry, Leslie, and Harlan Counties; and (6) between points in Georgia, on the one hand, and, on the other, points in that part of Kentucky in and east of Jefferson, Spencer, Washington, Marion, Casey, Pulaski, and McCreary Counties and in and west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties.

(I) (1) Between points in Chatham, Effingham, Bryan, and Liberty Counties, Ga., on the one hand, and, on the other, points in that part of Tennessee in and west of Claiborne, Grainger, Hamblen, Jefferson, and Sevier Counties and in and north of Lauderdale, Haywood, Madison, Henderson, Decatur, Pennington, Lewis, Maury, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, Meigs, McMinn, and Monroe Counties; (2) between points in Fannin, Union, and Towns Counties, Ga., on the one hand, and, on the other, points in that part of Tennessee in and west of Henry, Carroll, Henderson, Chester, and McNairy Counties, and in and east of Scott, Anderson, Knox, and Sevier Counties; (3) between points in that part of Georgia in and east of Columbia, Rich-

mond, Burke, Screven, Effingham, and Chatham Counties, on the one hand, and, on the other, points in that part of Tennessee in and north and west of Dyer, Gibson, Carroll, Benton, Humphreys, Dickson, Cheatham, Davidson, Wilson, Cannon, Warren, Van Buren, Cumberland, Morgan, Anderson, Knox, Union, and Claiborne Counties; (4) between points in that part of Georgia in and east of Columbia, Richmond, Burke, Screven, Effingham, Bryan, Liberty, McIntosh, Glynn, and Camden Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Montgomery, Cheatham, Davidson, Wilson, Smith, Putnam, Cumberland, Morgan, Anderson, Knox, Union, and Claiborne Counties; (5) between points in that part of Georgia located in and east of Union, Towns, Habersham, Stephens, Franklin, Hart, Elbert, Wilkes, McDuffie, Richmond, Burke, Screven, Effingham, and Chatham Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Dyer, Crockett, Madison, Carroll, and Henry Counties, and points in Knox and Anderson Counties, Tenn.; (6) between points in that part of Georgia in and east of Columbia, Richmond, Burke, Emanuel, Toombs, Appling, Bacon, Ware, Clinch, Lanier, and Lowndes Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Montgomery, Robertson, Sumner, Trousdale, Smith, Putnam, Cumberland, Morgan, Anderson, Knox, Union, and Claiborne Counties.

(7) Between points in that part of Georgia in and east of Union, Towns, Habersham, Stephens, Franklin, Hart, Elbert, Wilkes, McDuffie, Richmond, Burke, Emanuel, Toombs, Appling, Bacon, Ware, Clinch, Lanier, and Lowndes Counties, on the one hand, and, on the other, points in Weakley, Henry, Anderson, and Knox Counties, Tenn.; (8) between points in that part of Georgia in and west of Union, Fannin, Dawson, Forsyth, Fulton, Clayton, Henry, Butts, Monroe, Bibb, Twiggs, Bleckley, Pulaski, Wilcox, Ben Hill, Irwin, Berrien, and Lowndes Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Campbell, Anderson, Knox, and Sevier Counties; (9) between points in that part of Georgia in and east of Hart, Madison, Clarke, Oglethorpe, Wilkes, McDuffie, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Ben Hill, Irwin, Tift, Worth, Dougherty, Baker, Miller, and Seminole Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Macon, Jackson, Putnam, Cumberland, Morgan, Anderson, Knox, Union, and Campbell Counties; (10) between points in that part of Georgia in and east of Hart, Madison, Clarke, Oconee, Greene, Putnam, Baldwin, Wilkinson, Laurens, Dodge, Wilcox, Crisp, Lee, Dougherty, Baker, Miller, and Seminole Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Pickett, Fentress, Cumberland, Morgan, Ander-

son, Knox, Union, and Campbell Counties; (11) between points in that part of Georgia in and west of Union, Lumpkin, Hall, Gwinnett, De Kalb, Henry, Butts, Monroe, Bibb, Twiggs, Bleckley, Dodge, Telfair, Ben Hill, Irwin, Berrien, and Lowndes Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Campbell, Anderson, Knox, and Sevier Counties and in or west of Greene and Sullivan Counties.

(12) Between points in that part of Georgia in and west of Union, Lumpkin, Hall, Gwinnett, De Kalb, Henry, Butts, Jasper, Putnam, Baldwin, Wilkinson, Laurens, Wheeler, Jeff Davis, Bacon, and Ware Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Campbell, Anderson, Knox, Grainger, Hamblen, and Hawkins Counties and that part of Sullivan County, Tenn., on and west of U.S. Highway 23; (13) between points in Georgia (except points in that part of Georgia in and east of Lincoln, Wilkes, McDuffie, Jefferson, Burke, Jenkins, and Screven Counties), on the one hand, and, on the other, points in Campbell, Anderson, Knox, Grainger, Hamblen, Hancock, Claiborne, and Union Counties, Tenn.; (14) between points in Georgia, on the one hand, and, on the other, points in Knox, Anderson, Campbell, and Union Counties, Tenn.; (J) (1) between points in Jasper, Hampton, Colleton, Dorchester, Charleston, and Beaufort Counties, S.C., on the one hand, and, on the other, points in Kentucky; (2) between points in that part of South Carolina in and south of Coonee, Anderson, Abbeville, Greenwood, Saluda, Lexington, Richland, Calhoun, Orangeburg, Dorchester, and Charleston Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties; and (3) between points in South Carolina, on the one hand, and, on the other, points in that part of Kentucky in and west of Mason, Robertson, Nicholas, Bourbon, Fayette, Madison, Rock Castle, Laurel, Knox, and Bell Counties; (K) (1) between points in South Carolina, on the one hand, and, on the other, points in that part of Tennessee west and north of Claiborne, Grainger, Jefferson, Cocke, Lincoln, Bedford, Coffee, Grundy, Sequatchie, Bledsoe, Rhea, Meigs, McMinn, Monroe, Blount, and Sevier Counties; (2) between points in that part of South Carolina located in, north, and east of Greenville, Spartanburg, Union, Fairfield, Richland, Calhoun, Orangeburg, Colleton, and Jasper Counties, on the one hand, and, on the other, points in Tennessee (except points in and east of Claiborne, Grainger, Jefferson, and Sevier Counties, and points in Marion, Sequatchie, Hamilton, Bradley, and Polk Counties).

(3) Between points in that part of South Carolina in and east of Spartanburg, Union, Fairfield, Richland, Sumter, Clarendon, Berkeley, and Charleston Counties, on the one hand, and, on the

other, points in that part of Tennessee in and west of Campbell, Anderson, Knox, and Blount Counties; and (4) between points in that part of South Carolina on and east of U.S. Highway 601, on the one hand, and, on the other, points in Tennessee in, west, and north of Claiborne, Grainger, Hamblen, Jefferson, Knox, Roane, Cumberland, Van Buren, Warren, Cannon, Rutherford, Marshall, and Giles Counties; (L) (1) between points in that part of North Carolina in, east, and south of Gaston, Lincoln, Catawba, Alexander, Iredell, Davie, Davidson, Guilford, and Rockingham Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Pendleton, Harrison, Bourbon, Clark, Madison, Rock Castle, Laurel, Knox, and Bell Counties; (2) between points in that part of North Carolina in, south, and east of Robeson, Bladen, Pender, Onslow, Carteret, Craven, Beaufort, Martin, Bertie, and Hertford Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Campbell, Pendleton, Harrison, Bourbon, Clark, Powell, Wolfe, Breathitt, Owsley, Clay, Knox, and Bell Counties; (3) between points in North Carolina (except points in that part of North Carolina in and north of Watauga, Wilkes, Yadkin, Forsyth, Guilford, Alamance, Caswell, Person, Granville, Vance, Warren, Halifax, and Bertie Counties), on the one hand, and, on the other, points in that part of Kentucky in and west of Mason, Fleming, Bath, Menifee, Powell, Estill, Jackson, Lauren, and Whitley Counties; and (4) between points in North Carolina, on the one hand, and, on the other, points in that part of Kentucky in and west of Campbell, Pendleton, Harrison, Bourbon, Clark, Powell, Estill, Jackson, Laurel, and Whitley Counties; (M) (1) between points in that part of North Carolina in, east, and south of Vance, Franklin, Nash, Wilson, Wayne, Sampson, Cumberland, Hoke, and Scotland Counties, on the one hand, and, on the other, points in that part of Tennessee in and west of Claiborne, Grainger, Hamblen, Jefferson, and Sevier Counties; and (2) between points in that part of North Carolina in and east of Madison, Buncombe, and Rutherford Counties, on the one hand, and, on the other, points in that part of Tennessee in and west of Claiborne, Union, Knox, and Blount Counties.

(N) (1) Between points in Northampton County, Va., on the one hand, and, on the other, points in that part of Kentucky in and west of Kenton, Grant, Scott, Fayette, Madison, Estill, Lee, Breathitt, Owsley, Clay and Bell Counties; (2) between points in that part of Virginia in, east, and south of Henry, Franklin, Roanoke, Bedford, Campbell, Appomattox, Prince Edward, Nottoway, Dinwiddie, Prince George, James City, Gloucester, and Northampton Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Gallatin, Owen, Scott, Fayette, Madison, Jackson, Laurel, and McCreary Counties; (3) between points in Virginia in, north, and east of Augusta,

Albemarle, Fluvanna, Cumberland, Amelia, Nottoway, and Brunswick Counties, and in and south of Mecklenberg, Halifax, and Pittsylvania Counties, on the one hand, and, on the other, points in that part of Kentucky in, west, and south of Hardin, Larue, Marion, Casey, Pulaski, Laurel, Knox, and Bell Counties; (4) between points in that part of Virginia in and south of Washington, Smythe, Wythe, Pulaski, Montgomery, Roanoke (including Roanoke), Bedford (including Lynchburg), Campbell, Appomattox, Prince Edward, Amelia, Powhattan, Henrico, New Kent, Gloucester, and Northampton Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Carroll, Henry, Franklin, Anderson, Washington, Marion, Taylor, Adair, Russell, and Clinton Counties; (5) between points in that part of Virginia in, south, and east of Washington, Smythe, Wythe, Pulaski, Montgomery, Roanoke (including Roanoke), Bedford (including Lynchburg), Campbell, Appomattox, Prince Edward, Amelia, Powhattan, Henrico, Hanover, Spotsylvania, Culpeper, and Stafford Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, Russell, and Clinton Counties; (6) between points in that part of Virginia east of Giles, Pulaski, Floyd, and Patrick Counties, on the one hand, and, on the other, points in that part of Kentucky in, west, and south of Hardin, Larue, Marion, Casey, Pulaski, Laurel, and Whitley Counties.

(7) Between points in that part of Virginia east of Giles, Pulaski, Wythe, and Grayson Counties, on the one hand, and, on the other, points in that part of Kentucky in, west, and south of Hardin, Larue, Marion, Casey, Pulaski, and McCreary Counties; (8) between points in that part of Virginia, on the one hand, and, on the other, points in that part of Kentucky in and west of Hardin, Larue, Marion, Taylor, Adair, Russell, and Clinton Counties; (O) (1) between points in that part of Virginia in and east of Frederick, Warren, Rappahannock, Madison, Greene, Albemarle, Fluvanna, Goochland, Powhattan, Amelia, Nottoway, and Brunswick Counties, on the one hand, and, on the other, points in that part of Tennessee in and west of Claiborne, Grainger, Hamble, and Cocke Counties; and (2) between points in Virginia, on the one hand, and, on the other, points in that part of Tennessee in and west of Scott, Anderson, Knox, and Blount Counties; (P) (1) between points in that part of Kentucky in, west, and south of Jefferson, Bullitt, Hardin, Grayson, Edmonson, Barren, Monroe, Cumberland, and Clinton Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Hawkins, Grainger, Knox, and Blount Counties; (2) between points in that part of Kentucky in and west of Jefferson, Bullitt, Hardin, Grayson, Edmonson, Warren, and Allen Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Hancock, Grain-

ger, Union, Anderson, Knox, and Blount Counties; (3) between points in that part of Kentucky in Trimble, Henry, Franklin, Anderson, Washington, Marion, Nelson, Bullitt, Jefferson, Oldham, Shelby, and Spencer Counties and in and west of Hancock, Daviess, McLean, Hopkins, Caldwell, Lyon, Marshall, and Calloway Counties, on the one hand, and, on the other, points in that part of Sullivan County, Tenn., on and east of U.S. Highway 19 and 19E, and points in, south, and east of Johnson, Carter, Washington, Greene, Hamblen, Jefferson, Knox, Anderson, Loudon, McMinn, and Monroe Counties.

(4) Between points in Franklin, Owen, Gallatin, Carroll, Trimble, and Henry Counties, Ky., on the one hand, and, on the other, points in Sullivan County, Tenn., and east of U.S. Highway 19 and 19E, and points in, south, and east of Johnson, Carter, Washington, Greene, Hamblen, Jefferson, Knox, Anderson, Roane, Meigs, and Hamilton Counties; (5) between points in that part of Kentucky in Jefferson County and in and west of Hancock, Daviess, McLean, Hopkins, Caldwell, Lyon, Marshall, and Calloway Counties, on the one hand, and, on the other, points in that part of Tennessee in, south, and east of Johnson, Sullivan, Washington, Greene, Hamblen, Jefferson, Knox, Anderson, Loudon, McMinn, and Monroe Counties; (6) between points in that part of Kentucky in and east of Mason, Robertson, Nicholas, Bourbon, Fayette, Madison, Rock Castle, Pulaski, and McCreary Counties, on the one hand, and, on the other, points in Knox, Blount, Monroe, McMinn, and Loudon Counties, Tenn.; (7) between points in Fayette County, Ky., on the one hand, and, on the other, points in that part of Tennessee in, south, and east of Unicoi, Washington, Greene, Hamblen, Jefferson, Knox, Anderson, Roane, Meigs, and Hamilton Counties; (8) between points in that part of Kentucky in and east of Boyd, Lawrence, Elliott, Morgan, Wolfe, Lee, Jackson, Laurel, and Whitley Counties, on the one hand, and, on the other, points in Shelby, Knox, Sevier, Blount, Monroe, McMinn, and Loudon Counties, Tenn.; (9) between points in Mason, Lewis, Greenup, Carter, and Boyd Counties, Ky., on the one hand, and, on the other, points in that part of Tennessee in, south, and east of Cocke, Hamblen, Jefferson, Knox, Anderson, Roane, Cumberland, Bledsoe, Sequatchie, Grundy, Coffee, and Franklin Counties; (10) between points in that part of Kentucky in, south, and east of Pike, Floyd, Magoffin, Breathitt, Owsley, and Jackson Counties, Laurel and Whitley Counties, on the one hand, and, on the other, points in that part of Tennessee located in, south, and east of Blount, Knox, Roane, Cumberland, Van Buren, Warren, Coffee, and Franklin Counties and in Tipton, Haywood, Madison, Hardeman, Fayette, and Shelby Counties, Tenn.

(11) Between points in Boyd County, Ky., on the one hand, and, on the other, points in that part of Tennessee in Shelby County and in, south, and east of

Cocke, Hamblen, Jefferson, Knox, Anderson, Roane, Cumberland, Van Buren, Warren, Grundy, and Marion Counties; (12) between points in that part of Kentucky in, south, and east of Pike, Floyd, Magoffin, Breathitt, Perry, Leslie, and Bell Counties, on the one hand, and, on the other, points in that part of Tennessee in and south of Blount, Knox, Anderson, Roane, Cumberland, White, DeKalb, Cannon, Rutherford, Marshall, Maury, Hickman, Perry, Decatur, Henderson, Madison, Gibson, and Dyer Counties; (13) between points in Pike, Knott, Perry, Leslie, Bell, Harlan, and Letcher Counties, Ky., on the one hand, and, on the other, points in that part of Tennessee in and south of Blount, Knox, Anderson, Morgan, Cumberland, Putnam, DeKalb, Wilson, Davidson, Williamson, Hickman, Perry, Decatur, Henderson, Madison, Gibson, and Dyer Counties; and (14) between points in Harlan and Bell Counties, Ky., on the one hand, and, on the other, points in that part of Tennessee in and south of Blount, Knox, Anderson, Morgan, Cumberland, Putnam, DeKalb, Wilson, Davidson, Cheatham, Montgomery, Stewart, Henry, Weakley, Obion, and Lake Counties; (Q) between points in that part of Kentucky in, south, and west of Livingston, Lyon, Trigg, and Christian Counties, on the one hand, and, on the other, points in that part of Kentucky in and south of Bell, Harlan, Fletcher, and Pike Counties; (R) (1) between points in that part of Tennessee in and west of Henry, Carroll, Madison, Haywood, Tipton, and Shelby Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Campbell, Anderson, Knox, Loudon, McMinn, and Monroe Counties.

(2) Between points in that part of Tennessee in and west of Montgomery, Dickson, Hickman, Maury, and Giles Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Campbell, Anderson, Knox, and Blount Counties; (3) between points in that part of Tennessee in and west of Pickett, Fentress, Morgan, Anderson, Knox, and Blount Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Hancock, Grainger, Jefferson, and Cocke Counties; (4) between points in that part of Tennessee in and south of Bradley, McMinn, Loudon, Blount, Sevier, and Cocke Counties, on the one hand, and, on the other, points in Scott and Campbell Counties, Tenn.; and (5) between points in that part of Tennessee in and south of Hamilton, Meigs, Loudon, Blount, and Sevier Counties, on the one hand, and, on the other, points in Campbell and Claiborne Counties, Tenn.; and (6) between points in that part of Virginia in and west of Buchanan, Russell, and Washington Counties, on the one hand, and, on the other, points in Graham, Cherokee, and Clay Counties, N.C. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 109478 (Sub-No. E17) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 22, 1975. Ad-

applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products* (except frozen foods), in bulk, in tank vehicles, from Lawton, Mich., to Fall River, Boston, New Bedford, and Taunton, Mass., Jersey City, N.J., and those points in New Jersey within 25 miles thereof, Swedesboro, N.J., Providence, R.I., all points in New York and points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line; and (2) *Preserved foodstuffs* (except frozen foods), in bulk, in tank vehicles, from Lawton, Mich., to the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) Geneva, Ohio and LeRoy, N.Y., and points within 50 miles thereof, and (2) Geneva, Ohio, and LeRoy or Mt. Morris, or Oakfield, N.Y. The purpose of this correction is to clarify the filing.

No. MC 109478 (Sub-No. E18) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods), in bulk, in tank vehicles, from Boston and Waban, Mass., Jersey City, N.J., and points in New Jersey within 25 miles thereof, points in New York, Geneva, Ohio, Philadelphia, and Erie County, Pa., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Brocton, N.Y., Genesee and Monroe Counties, N.Y., LeRoy, N.Y., and points within 50 miles thereof and Erie County, Pa. The purpose of this correction is to clarify the filing.

No. MC 109478 (Sub-No. E21), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in bulk, in tank vehicles, from Boston and Waban, Mass., to points in New York on and west of a line beginning at Lake Ontario and extending along New York Highway 14 to junction New York Highway 230, thence along New York Highway 230 to junction New York Highway 54, thence along New York Highway 54 to the New York-Pennsylvania State line; and (2) *Foodstuffs*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Chautauqua, Erie, Livingston, Niagara,

Orleans, Wayne, and Wyoming Counties, N.Y., and points in Ontario County, N.Y., on and west of New York Highway 21. The purpose of this filing is to eliminate the gateways of Genesee and Monroe Counties, N.Y.

No. MC 109478 (Sub-No. E22), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in bulk, in tank vehicles, from points in New York on and west of a line beginning at Lake Ontario and extending along New York Highway 14 to junction New York Highway 230, thence along New York Highway 230 to junction New York Highway 54, thence along New York Highway 54 to the New York-Pennsylvania State line to Fall River, Boston, New Bedford, and Taunton, Mass., and Providence, R.I.; and (2) *Foodstuffs*, in bulk, in tank vehicles, from points in Chautauqua, Erie, Livingston, Niagara, Orleans, Wayne, and Wyoming Counties, N.Y., and points in Ontario County, N.Y., on and west of New York Highway 21 to Jersey City, N.J., and points in New Jersey within 25 miles thereof and Swedesboro, N.J. The purpose of this filing is to eliminate the gateways of Monroe and Genesee Counties, N.Y.

No. MC 109478 (Sub-No. E23), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fruit and vegetable juices*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to Fall River, Boston, New Bedford, and Taunton, Mass., Jersey City, N.J., and points in New Jersey within 25 miles thereof, Swedesboro, N.J., points in New York and Pennsylvania and Providence, R.I.; and (2) *Preserved fruit and vegetable juices*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan and Ohio to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateways of: (1) Westfield, N.Y., LeRoy, N.Y., and 50 miles thereof, Genesee and Monroe Counties, N.Y., Geneva, Ohio, Erie County, Pa., Chautauqua and Erie Counties, N.Y.; and (2) Westfield, N.Y., North East, Pa., Erie County, Pa., Geneva, Ohio, LeRoy, Mt. Morris, and Oakfield, N.Y.

No. MC 109478 (Sub-No. E26), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and preserved*

fruits and vegetables, and *fruit and vegetable juice*, from points in New York on and west of a line extending from Lake Ontario south along New York Highway 250 to junction New York Highway 104, thence along New York Highway 104 to junction New York Highway 350, thence along New York Highway 350 to junction New York Highway 31, thence along New York Highway 31 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line, to points in Allegheny, Beaver, Butler, Crawford, Erie, Fayette, Greene, Lawrence, Mercer, Somerset, Venango, Washington, and Westmoreland Counties, Pa. The purpose of this filing is to eliminate the gateways of Chautauqua and Erie Counties, N.Y.

No. MC 109478 (Sub-No. E30) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice or grape juice concentrates*, in bulk, in tank vehicles. . . . The purpose of this correction is to reflect the correct commodity description. The remainder of the letter-notice remains as previously published.

No. MC 109478 (Sub-No. E31) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice and grape juice concentrates*, from points in Erie County, N.Y., within 50 miles of LeRoy, N.Y., to points in Massachusetts, Rhode Island, and Connecticut; and (2) *Grape juice*, from Chautauqua and Erie Counties, N.Y., and Erie County, Pa., to points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) Brocton and Westfield, N.Y., and (2) Brocton and Westfield, N.Y., and North East, Pa. The purpose of this correction is to clarify the filing.

No. MC 109478 (Sub-No. E34), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*; (a) from Boston and Waban, Mass., and

Jersey City, N.J., and points in New Jersey within 25 miles thereof to points in Illinois, Indiana, Ohio, and points in the Lower Peninsula of Michigan; (b) from Philadelphia, Pa., to points in Illinois, Indiana, the Lower Peninsula of Michigan and points in Ohio on, north, and west of a line extending from the Pennsylvania-Ohio State line extending along Interstate Highway 90 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224 to Findlay, Ohio, thence along Interstate Highway 75 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line; (c) from points in New York on, south, and west of a line beginning at Lake Ontario and extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line to points in Illinois, Indiana, Ohio, and points in the Lower Peninsula of Michigan; and (d) from Erie County, Pa., to points in Illinois on, north, and west, and south of a line extending from Lake Michigan, thence along Illinois Highway 22 to junction Illinois Highway 59, thence along Illinois Highway 59 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Indiana State line. (2) *Wine* (except in bulk), from Crawford County, Pa., to points in Illinois. The purpose of this filing is to eliminate the gateways of: in (1) (a) and (b), Brocton, N.Y.; in (1) (c), North East, Pa.; and in (1) (d) and (2), Westfield, N.Y.

No. MC 109478 (Sub-No. E35), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine* (a) from Lawton and Mattawan, Mich., to points in Massachusetts, Rhode Island, New York, Connecticut, New Jersey, Delaware, and the District of Columbia, and points in Maryland and Pennsylvania on, north, and east of a line extending from the Ohio-Pennsylvania State line along U.S. Highway 6 to Meadville, Pa., thence along U.S. Highway 322 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to Altoona, Pa., thence along U.S. Highway 220 to Bedford, Pa., thence along U.S. Highway 30 to junction Pennsylvania Highway 16, thence along Pennsylvania Highway 16 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia State line; and (b) from Geneva, Ohio, to points in Massachusetts, Rhode Island, New York, Connecticut, New Jersey, Delaware, and the District of Columbia, and points in Maryland and Pennsylvania on, north, and east of a line extending from the New York-Pennsylvania State line along U.S. Highway 62 to Warren, Pa., thence along U.S. Highway 6 to junction U.S.

Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 322, thence along U.S. Highway 322 to Harrisburg, Pa., thence along U.S. Highway 15 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Brocton and Westfield, N.Y., and Northeast, Pa.

No. MC 109478 (Sub-No. E36), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*; (a) from North East, Pa., to points in Massachusetts, Connecticut, Rhode Island, that part of New York on and east of a line beginning at Lake Erie and extending along U.S. Highway 17 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, New Jersey, Delaware, Maryland, West Virginia, the District of Columbia, Indiana, Illinois, the lower Peninsula of Michigan, and that part of Ohio on, west, and south of a line extending from Cleveland, Ohio, along Interstate Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Ohio-Pennsylvania State line; (b) from points in Chautauqua County, N.Y., within five miles of the shore of Lake Erie to points in Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, the District of Columbia, Indiana, Illinois, the Lower Peninsula of Michigan, and points in Ohio on and south of a line extending from Cleveland, Ohio, along Interstate Highway 77 to junction Interstate Highway 80, and thence along Interstate Highway 80 to the Ohio-Pennsylvania State line; and (c) from Erie, Pa., to points in Massachusetts, Connecticut, Rhode Island, points in New York on and east of a line extending from Lake Erie along U.S. Highway 17 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line (except New York City), Connecticut, New Jersey, Delaware, Maryland, points in West Virginia on and south of a line extending from the Ohio-West Virginia State line along U.S. Highway 50 to the West Virginia-Maryland State line, the District of Columbia, Indiana, Illinois, the Lower Peninsula of Michigan, and points in Ohio on and south of a line extending from the Ohio-West Virginia State line along U.S. Highway 50 to Athens, Ohio, thence along U.S. Highway 33 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Ohio Highway 109, thence along Ohio Highway 109 to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateways of: in (a) and (b) above, Brocton or Westfield, N.Y.; and (c) Westfield, N.Y.

No. MC 109478 (Sub-No. E57), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's

representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Preserved food products* (other than frozen or in bulk, in tank vehicles); (a) from Crawford County, Pa., to Connecticut, Delaware, Massachusetts, New Jersey, New York, and Rhode Island; and (b) from Cambridge Springs, Pa., to Baltimore, Md., and Washington, D.C. (2) *Food products* (other than frozen or in bulk, in tank vehicles); (a) from Crawford County, Pa., to points in Illinois, New Hampshire, Vermont, and points in Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to Bangor, Maine, thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine; and (b) from Cambridge Springs, Pa., to points in Indiana located on and west of U.S. Highway 31. (3) *Foodstuffs* (other than frozen or in bulk, in tank vehicles), from points in Crawford County, Pa., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and points in New Jersey (except New Brunswick, N.J.), and points in Bergen, Essex, Hudson, Middlesex, Morris, Somerset, Passaic, and Union Counties, N.J.). (4) *Grape juice, tomato juice, honey, jams, jellies, and preserves, and frozen fruits, frozen fruit juices, and frozen tomato juice*, from LeRoy, N.Y., and points within 50 miles thereof to points in Illinois.

(5) *Grape juice, tomato juice, jams, jellies, and preserves* (other than frozen or in bulk, in tank vehicles), from points in New York to points in Indiana. (6) *Preserved foodstuffs*, in vehicles equipped with mechanical refrigeration (other than frozen or in bulk, in tank vehicles), from points in New York within 50 miles of LeRoy, N.Y., to points in Indiana. (7) *Food products* (other than frozen or in bulk, in tank vehicles); (a) from points in New York on, north, and east of a line beginning at Lake Ontario and extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line to points in the Lower Peninsula of Michigan; and (b) from points in New York) except points in Allegany, Cattaraugus, Chautauqua, Erie, Wyoming, and Steuben Counties, N.Y.), to points in Ohio. (8) *Preserved fruits and vegetables and fruit or vegetable juices* (other than frozen or in bulk, in tank vehicles); (a) from points in Allegany, Cattaraugus, Steuben, and Wyoming Counties, N.Y., to points in Ohio; (b) from points in Genesee, Livingston, Monroe, Niagara, Orleans, Wayne, and Wyoming Counties, N.Y., to points in Pennsylvania on and south of Interstate Highway 80 and on and west of Interstate Highway 81; (c) from points in Genesee, Niagara, and Orleans Counties, N.Y., to points in Pennsylvania on and west of Interstate Highway 81; and (d) from points in New York (except points in Chautauqua and Erie Counties, N.Y.), located on, west, and north of a line

extending from Lake Ontario east along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 20, thence along U.S. Highway 20 to Erie County, N.Y., to points in Pennsylvania on, west, and north of a line extending from the New York-Pennsylvania State line along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-Ohio State line.

(9) *Preserved foodstuffs and canned fruit and vegetable juices* (other than frozen or in bulk, in tank vehicles), from points in New York located on and north of U.S. Highway 20 and points in Chautauqua, Erie, Livingston, Onondaga, Ontario, Wyoming, and Yates Counties, N.Y., to points in West Virginia. (10) *Food products* (other than frozen or in bulk, in tank vehicles); (a) from Boston and Waban, Mass., to points in Wayne County, N.Y., that part of New York located on, west, and north of a line extending from Lake Ontario along New York Highway 14 to junction New York Highway 17, thence along New York Highway 17 to Lake Erie, and points in Ohio; (b) from Boston and Waban, Mass., to points in Pennsylvania on, west, and north of a line extending from the New York-Pennsylvania State line along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line; (c) from Boston and Waban, Mass., to points in West Virginia located on, west, and north of a line extending from the Ohio-West Virginia State line along West Virginia Highway 2 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line; (d) from Philadelphia, Pa., to Wayne, Ontario, Livingston, Wyoming, Erie, and Chautauqua Counties, N.Y.; and (e) from Boston and Waban, Mass., and Philadelphia, Pa., to points in the Lower Peninsula of Michigan. (11) *Preserved fruits and vegetables and fruit and vegetable juices*, from Philadelphia, Pa., to points in Ohio located on and north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line.

(12) *Frozen prepared foodstuffs*; (a) from Detroit, Mich., to points in Massachusetts, New Jersey, Baltimore, Md., and Washington, D.C., and points in Pennsylvania located on and north of a line extending from the Delaware-Pennsylvania State line along Pennsylvania Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 125, thence along Pennsylvania Highway 125 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line; (b) from Cleveland, Ohio, to points in New Jersey and Massachusetts and points in Pennsylvania located on, east, and north of a line extending from the Delaware-Pennsylvania State line along Pennsylvania Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 125, thence along Pennsylvania Highway 125 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 and 405 to Lewisburg, Pa., and thence along U.S. Highway 15 from Lewisburg, Pa., to the Pennsylvania-New York State line. (13) *Preserved food products* (except commodities in bulk), frozen or refrigerated; (a) from Crawford, Pa., to points in Massachusetts, New York, New Jersey, and Pennsylvania; and (b) from Cambridge Springs, Pa., to Baltimore, Md., and Washington, D.C.

(14) *Frozen food products*; (a) from Boston and Waban, Mass., LeRoy, N.Y., and points in New York within 50 miles thereof to points in Crawford County, Pa., points in Ohio and the Lower Peninsula of Michigan; (b) from Jersey City, N.J., and points in New Jersey within 25 miles thereof to points in Crawford County, Pa., the Lower Peninsula of Michigan and points in Ohio located on and north of a line extending from the Ohio-Pennsylvania State line along Ohio Highway 82 to junction Ohio Highway 5, thence along Ohio Highway 5 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Ohio Highway 585, thence along Ohio Highway 585 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Interstate Highway 71, and thence along Interstate Highway 71 to the Ohio-Kentucky State line; and (c) from Philadelphia, Pa., to points in Ohio located on and north of a line extending from the Pennsylvania-Ohio State line along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 29, thence along Ohio Highway 29 to the Ohio-Indiana State line.

(15) *Frozen prepared foodstuffs*; (a) from Dedham, Mass., to points in Ohio; (b) from points in New York on and north of a line extending from Hancock, N.Y., along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to Kingston, N.Y., and junction with New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line to points in Ohio; (c) from points in New York on and south of a line extending from Hancock, N.Y., east along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to Kingston, N.Y., and junction with New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, and thence along U.S. Highway 44 to the New York-Connecticut State line to points in Ohio located on and north of a line beginning at the Kentucky-Ohio State line, and extending north and east along Interstate Highway 71 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 5, thence along Ohio Highway 5 to the Ohio-Pennsylvania State line; (d) from Seacucus, N.J., to points in Ohio located on and north of a line beginning at the Kentucky-Ohio State line, and extending along Interstate Highway 71 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 5, thence along Ohio Highway 5 to the Ohio-Pennsylvania State line; and (e) from Philadelphia, Pa., to points in Ohio located on and north of a line extending from the Pennsylvania-Ohio State line along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 29, thence along Ohio Highway 29 to the Ohio-Indiana State line.

(16) *Food products*, refrigerated (except frozen foods and commodities in bulk); (a) from Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Wayne, and Wyoming Counties, N.Y., to points in Connecticut; (b) from points in New York (other than the above-described counties in (a)), located on and west of a line extending from Lake Ontario along New York Highway 14 to junction New York Highway 54, thence along New York Highway 54 to the New York-Pennsylvania State line to points in Connecticut located on and east of a line beginning at Bridgeport, Conn., and extending along Connecticut Highway 8 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Interstate Highway 91, thence along Interstate Highway 91, to the Connecticut-Massachusetts State line; and (c) from points in New York located on and west of a line extending from Lake Ontario

York Highway 28 to Kingston, N.Y., and junction with New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line to points in Ohio; (c) from points in New York on and south of a line extending from Hancock, N.Y., east along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New

York Highway 28 to Kingston, N.Y., and junction with New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line to points in Ohio; (c) from points in New York on and south of a line extending from Hancock, N.Y., east along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to Kingston, N.Y., and junction with New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, and thence along U.S. Highway 44 to the New York-Connecticut State line to points in Ohio located on and north of a line beginning at the Kentucky-Ohio State line, and extending north and east along Interstate Highway 71 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 5, thence along Ohio Highway 5 to the Ohio-Pennsylvania State line; (d) from Seacucus, N.J., to points in Ohio located on and north of a line beginning at the Kentucky-Ohio State line, and extending along Interstate Highway 71 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 5, thence along Ohio Highway 5 to the Ohio-Pennsylvania State line; and (e) from Philadelphia, Pa., to points in Ohio located on and north of a line extending from the Pennsylvania-Ohio State line along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 29, thence along Ohio Highway 29 to the Ohio-Indiana State line.

(16) *Food products*, refrigerated (except frozen foods and commodities in bulk); (a) from Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Wayne, and Wyoming Counties, N.Y., to points in Connecticut; (b) from points in New York (other than the above-described counties in (a)), located on and west of a line extending from Lake Ontario along New York Highway 14 to junction New York Highway 54, thence along New York Highway 54 to the New York-Pennsylvania State line to points in Connecticut located on and east of a line beginning at Bridgeport, Conn., and extending along Connecticut Highway 8 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Interstate Highway 91, thence along Interstate Highway 91, to the Connecticut-Massachusetts State line; and (c) from points in New York located on and west of a line extending from Lake Ontario

along New York Highway 14 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 15, and thence along U.S. Highway 15 to the New York-Pennsylvania State line to points in Rhode Island.

(17) *Frozen fruits, frozen berries, and frozen vegetables*; (a) from points in New York and points in Pennsylvania located on, east, and north of a line extending from the Ohio-Pennsylvania State line east and south along Pennsylvania Highway 51 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line to points in Illinois; (b) from points in Pennsylvania to points in Illinois on and north of a line extending from the Indiana-Illinois State line along U.S. Highway 24 to junction Illinois Highway 116, and thence along Illinois Highway 116 to the Illinois-Iowa State line; (c) from points in New York and Pennsylvania to points in Indiana located on, west, and north of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 19 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 119, thence along Indiana Highway 119 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction U.S. Highway 24, and thence along U.S. Highway 24 to the Indiana-Illinois State line; (d) from points in Pennsylvania located on, east, and north of a line extending from the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, and thence along U.S. Highway 522 to the Pennsylvania-Maryland State line to points in Indiana; (e) from points in Erie, Crawford, and Warren Counties, Pa., to points in West Virginia; and (f) from points in Cattaraugus, Chautauqua, Erie, Livingston, Ontario, Seneca, Wyoming, and Yates Counties, N.Y., and other points in New York located on and north of a line extending from the Massachusetts-New York State line along U.S. Highway 20 to junction U.S. Highway 20A, thence along U.S. Highway 20A to junction U.S. Highway 20, and thence along U.S. Highway 20 to the New York-Pennsylvania State line to points in West Virginia.

(18) *Fresh and preserved fruits and vegetables, and fruit and vegetable juices, frozen or refrigerated*; (a) from points in New York located east and north of Chautauqua and Erie Counties, N.Y., to points in Illinois and Indiana; and (b) from points in New York located on and north of a line extending from Lake Erie, along New York Highway 75 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 20A, thence along U.S. Highway 20A to junc-

tion U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line to points in West Virginia. (19) *Frozen food products* (except commodities in bulk), from Philadelphia, Pa., to points in Illinois, and those points in Indiana on, north, and west of a line extending from the Ohio-Indiana State line along U.S. Highway 224 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Kentucky State line at New Albany, Ind. (20) *Fresh preserved food-stuffs, frozen or refrigerated* (other than in tank vehicles), from Lawton and Mat-tawan, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia, and points in Pennsylvania in and east of Blair, Clearfield, Crawford, Elk, Erie, Fulton, Huntingdon, McKean, and Warren Counties, Pa. (21) *Preserved food products, frozen or refrigerated* (other than in bulk, in tank vehicles), from the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hartford, Bailey, and Grawn, Mich., to the District of Columbia. (22) *Frozen fruits and vegetables and frozen fish* (other than in bulk, in tank vehicles), from Boston, Dedham, and Waban, Mass., to points in Illinois, Indiana, and West Virginia.

(23) *Frozen fruits and vegetables* (other than in bulk, in tank vehicles), from Jersey City, N.J., and New Jersey points within 25 miles thereof to points in Illinois and Indiana. (24) *Preserved food products* (other than frozen or in bulk, in tank vehicles); (a) from points in Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Wayne, and Wyoming Counties, N.Y., to Baltimore, Md., and the District of Columbia. (25) *Food products* (other than frozen or in bulk, in tank vehicles); (a) from points in Allegany, Cattaraugus, Chautauqua, Genesee, Livingston, Monroe, Niagara, Orleans, and Wayne Counties, N.Y., to points in Connecticut; (b) from points in Allegany, Cattaraugus, Chautauqua, Genesee, Livingston, Monroe, Niagara, Orleans, and Wayne Counties, N.Y., to points in Massachusetts and Rhode Island; (c) from points in Chautauqua, Erie, Genesee, Monroe, Niagara, Orleans, and Wayne Counties, N.Y., to points in Pennsylvania on and east of Interstate Highway 81; and (d) from points in Chautauqua, Erie, Genesee, Monroe, Niagara, Ontario, Orleans, and Wayne Counties, N.Y., to points in New Jersey.

The purpose of this filing is to eliminate the gateways of: in (1) above, Chautauqua County, N.Y.; in (2)(a) above, Chatham and Westfield, N.Y.; in (2)(b) above, Westfield, N.Y.; in (3) above, Chautauqua County, N.Y., and Hamlin, Holley, and Williamson, N.Y.; in (4) and (5) above, Erie County, N.Y., and North East, Pa., or Westfield, N.Y.; in (6) above, points in Chautauqua County,

N.Y., within five miles of Lake Erie and Erie, Pa.; in (7)(a) above, Hamlin, Holley, and Williamson, N.Y., and points in New York within 50 miles of LeRoy, N.Y.; in (7)(b) above, Hamlin, Holley, and Williamson, N.Y.; in (8)(a) above, Erie County, N.Y.; in (8)(b) above, Chautauqua and Erie Counties, N.Y., and Hamlin, Holley, and Williamson, N.Y.; in (8)(c) above, Erie County, N.Y., and Holley, N.Y.; in (8)(d) above, Chautauqua and Erie Counties, N.Y., and Hamlin, Holley, and Williamson, N.Y.; in (9) above, points in Chautauqua County, N.Y., located within five miles of Lake Erie, and Hamlin, Holley, and Williamson, N.Y.; in (10)(a)-(c) above, Hamlin, Holley, and Williamson, N.Y., and Genesee and Monroe Counties, N.Y.; in (10)(d) above, Brocton, N.Y., and Genesee and Monroe Counties, N.Y.; in (10)(e) Genesee and Monroe Counties, N.Y.; in (11) above, Brocton, N.Y.; in (12) and (13) above, that part of Chautauqua County, N.Y., within five miles of the shore of Lake Erie; in (14)(a) above, Brocton, N.Y., Chautauqua County, N.Y., and Linesville, Pa.; in (14)(b) and (c) above, Brocton, N.Y., and Linesville, Pa.; in (15) above, Westfield, N.Y.; in (16) above, Hamlin, Holley, and Williamson, N.Y.; in (17)(a)-(e) above, Linesville, Pa.; in (17)(f) above, North Girard, Pa., Linesville, Pa.; in (18) above, Erie County, N.Y., within 50 miles of LeRoy, N.Y., and Linesville, Pa.; in (19) above, Brocton, N.Y., and Linesville, Pa.; in (20) above, North East, Pa., and Westfield, N.Y.; in (21) above, Bergen, Hamlin, Holley, N.Y., and LeRoy, Mt. Morris and Oakfield, N.Y.; in (22) above Linesville, Pa.; in (23) above, North Girard, Pa.; in (24) above, LeRoy, Mt. Morris, and Oakfield, N.Y.; and in (25) above, Brocton, Hamlin, and Williamson, N.Y., and Genesee and Monroe Counties, N.Y.

No. MC 109637 (Sub-No. E31) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant's representative: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Madison, Ind., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, Texas, and points in Florida on and south of Florida Highway 40 and points in Escambia and Santa Rosa Counties, Fla. The purpose of this filing is to eliminate the gateway of Calvert City, Ky. The purpose of this correction is to correct the "E" number, previously published as E37.

No. MC 109637 (Sub-No. E40), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from West Point, Ky., to points in Ala-

bama, Mississippi, points in South Carolina on and south of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 76 to junction South Carolina Highway 34, thence along South Carolina Highway 34 to the Atlantic Ocean, points in Arkansas on and south of U.S. Highway 64, and points in Georgia on and south of U.S. Highway 76. The purpose of this filing is to eliminate the gateways of Floyd County, Ind., and Robertson County, Tenn.

No. MC 109637 (Sub-No. E58), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in Maryland and Pennsylvania to Tullahoma, Tenn., and points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Ashland, Ky.

No. MC 109637 (Sub-No. E59), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, restricted to the transportation of traffic having an immediate prior movement by water, from points in New Jersey, Delaware, New York, and points in Virginia on and south of U.S. Highway 211 to points in Illinois. The purpose of this filing is to eliminate the gateway of Lawrenceburg, Ind.

No. MC 109637 (Sub-No. E61), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., to points in Kentucky east of U.S. Highway 61. The purpose of this filing is to eliminate the gateways of Daviess County, Ky., and Troy, Ind.

No. MC 109637 (Sub-No. E81), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue, fly ash, plastic granules and resin powder*, in bulk, in tank vehicles, from Ironton and South Point, Ohio to points in Missouri and

points in Tennessee west of Tennessee Highway 56. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 111401 (Sub-No. E51) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER May 2, 1975. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Kingsport, Tenn., to points in Colorado, Oklahoma west of U.S. Highway 81 and on and north of U.S. Highway 80 and Texas located on and north of U.S. Highway 66 and on and east of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Longview, Tex. The purpose of this correction is to correct the destination territory.

No. MC 111823 (Sub-No. E86) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 19, 1975. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between the Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia area, Bolling Air Force Base, Fort McNair, Walter Reed Army Medical Center, and Naval Station, District of Columbia, Andrews Air Force Base, Camp Springs, Md., National Naval Medical Center, Bethesda, Md., Fort Myer, Arlington, Va., and Cameron Station, Alexandria, Va., on the one hand, and on the other, Craig Air Force Base, Selma, Ala., Redstone Arsenal, Huntsville, Ala., Blytheville Air Force Base, Blytheville, Ark., Little Rock Air Force Base, Jacksonville, Fla., Ent Air Force Base and Peterson Field, Colorado Springs, Colo., Fitzsimons General Hospital, Denver, Colo., U.S. Air Force Academy, Colorado Springs, Colo., Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Ill., Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Belleville, Ill., Grissom Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Forbes Air Force Base, Topeka, Kans., Fort Leavenworth, Leavenworth, Kans., Fort Riley, Junction City, Kans., McConnell Air Force Base, Wichita, Kans., Fort Campbell, Hopkinsville, Ky., Fort Knox, Fort Knox, Ky., Barksdale Air Force Base, Shreveport, La., England Air Force Base, Alexandria, La., Fort Polk, Leesville, La., Naval Air Station, New Orleans, La., Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens,

Mich., Wurtsmith Air Force Base, Oscoda, Mich., Duluth International Airport, Duluth, Minn., Columbus Air Force Base, Columbus, Miss., Keesley Air Force Base, Biloxi, Miss., Naval Air Station, Meridian, Miss., Naval Construction Battalion, Gulfport, Miss., Fort Leonard Wood, Waynesville, Mo., Richards-Gebaur Air Force Base, Kansas City, Mo., Whiteman Air Force Base, Knob Noster, Mo., Offutt Air Force Base, Omaha, Nebr., Grand Forks Air Force Base, Emmerado, N. Dak., Minot Air Force Base, Minot, N. Dak., Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Altus Air Force Base, Altus, Okla., Fort Sill, Lawton, Okla., Tinker Air Force Base, Oklahoma City, Okla., Vance Air Force Base, Enid, Okla., Ellsworth Air Force Base, Rapid City, S. Dak., Arnold Air Force Base, Tullahoma, Tenn., Naval Air Station Memphis, Millington, Tenn., Bergstrom Air Force Base, Austin, Tex., Brooks Air Force Base, San Antonio, Tex., Carswell Air Force Base, Fort Worth, Tex., Dyess Air Force Base, Abilene, Tex., Ellington Air Force Base, Houston, Tex., Naval Air Station, Dallas, Tex., Fort Bliss, El Paso, Tex., Fort Hood, Killeen, Tex., Fort Sam Houston, San Antonio, Tex., Fort Wolters, Mineral Wells, Tex., Goodfellow Air Force Base, San Angelo, Tex., Kelly Air Force Base, San Antonio, Tex., Laredo Air Force Base, Laredo, Tex., Laughlin Air Force Base, Del Rio, Tex., Naval Air Station, Corpus Christi, Tex., Naval Air Station Chase Field, Beeville, Tex., Naval Air Station, Kingsville, Tex., Randolph Air Force Base, Universal City, Tex., Reese Air Force Base, Lubbock, Tex., Sheppard Air Force Base, Wichita Falls, Tex., Webb Air Force Base, Big Spring, Tex., and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line. The purpose of this correction is to correct the "E" number, which was previously published as E60.

No. MC 112304 (Sub-No. E1), filed May 14, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require special handling and the use of special equipment; (A) (1) between points in Maryland, Virginia, the District of Columbia, and points in Pennsylvania east of U.S. Highway 15, on the one hand, and, on the other; (a) points in Michigan (Clarksburg, W. Va., or points within 50 miles thereof); (b)

points in Wisconsin (points within 50 miles of Clarksburg, W. Va., and Ohio) *; (A) (2) between points in Maryland, the District of Columbia, points in Pennsylvania east of U.S. Highway 15, and points in Virginia on and east of U.S. Highway 220, on the one hand, and, on the other; (a) points in Indiana and Ohio (Clarksburg, W. Va., or points within 50 miles thereof) *; (b) points in Illinois (points within 50 miles of Clarksburg, W. Va., and Ohio) *; (B) between points in the Lower Peninsula of Michigan on and east of a line beginning at Lake Michigan and extending along U.S. Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Illinois (Ohio) *, points in Illinois; (C) between points in West Virginia and points in Kentucky on and east of U.S. Highway 127, on the one hand, and, on the other, points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, and points in Wisconsin (Ohio) *;

(D) Between points in Indiana, Kentucky, and Michigan, on the one hand, and, on the other, points in New Jersey, New York, Maryland, points in Pennsylvania on and east of U.S. Highway 15, and the District of Columbia (Clarksburg, W. Va., and points within 50 miles thereof, and Ohio) *; (E) between points in Kentucky on and west of U.S. Highway 127, on the one hand, and, on the other, points in Virginia north and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 29, thence along U.S. Highway 20 to the Virginia-District of Columbia State line (Clarksburg, W. Va., and points within 50 miles of Clarksburg) *; (F) between points in the Lower Peninsula of Michigan on and bounded by a line beginning at Clare, Mich., and extending along U.S. Highway 10 to junction Michigan Highway 25, thence along Michigan Highway 25 to junction Michigan Highway 29, thence along Michigan Highway 29 to junction Michigan Highway 25, thence along Michigan Highway 25 to the Michigan-Ohio State line to junction U.S. Highway 27, thence along U.S. Highway 27 to point of beginning, on the one hand, and, on the other, points in Wisconsin on and south of a line beginning at Lake Michigan and extending along U.S. Highway 18 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Minnesota State line (Ohio) *; (G) between points in Indiana on and east of a line

beginning at the Indiana-Michigan State line and extending along Indiana Highway 327 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Illinois and Wisconsin (Ohio) *;

(H) Between points in West Virginia on, west, and north of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 65, thence along West Virginia Highway 65 to the West Virginia-Kentucky State line, on the one hand, and, on the other, points in New York, points in New Jersey on and north of New Jersey Highway 33, points in Pennsylvania bounded on, south, and east of a line beginning at the Pennsylvania-New York State line, and extending along U.S. Highway 15 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 276, thence along U.S. Highway 276 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Pennsylvania-New Jersey State line (Ohio) *; (I) between points in Pennsylvania on and west of a line beginning at Lake Erie and extending along U.S. Highway 19 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in New Jersey and points in New York on and east of U.S. Highway 81 (except Onandago and Oswego Counties) (Ohio) *; (J) between points in Hancock, Brooke, Ohio, and Marshall Counties, W. Va., on the one hand, and, on the other, points in New Jersey, New York, and points in Pennsylvania on and east of U.S. Highway 15 (Ohio) *; (2) *Iron and steel articles*, which because of size or weight requires the use of special equipment; (A) from points in Indiana, the Lower Peninsula of Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, New York, New Jersey, Virginia, Maryland, and the District of Columbia, to points in Texas (Davless County, Ky.) *;

(B) (1) From points in New York west and north of a line beginning at Lake Ontario and extending along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Pennsylvania State line; (2) from points in that portion of Pennsylvania on and north of U.S. Highway 90; (3) from points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 90 to junction U.S. Highway 271, thence

along U.S. Highway 271 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line to points in that portion of Tennessee on and west of Interstate Highway 65 from the Kentucky-Tennessee State line to the Tennessee-Alabama State line (Oakland or Wayne Counties, Mich.) *; (3) *Aluminum products*, which because of size or weight require the use of special equipment, from points in Indiana on and east of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 327 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line, Maryland, the Lower Peninsula of Michigan, Ohio, Pennsylvania, West Virginia, and the District of Columbia, to points in Missouri, Arkansas, Kansas, Colorado, Oklahoma, Texas, and New Mexico (Murfreesboro, Ill.) *; (4) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (A) between points in the Lower Peninsula of Michigan on and east of a line beginning at Lake Michigan and extending along U.S. Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Illinois (Ohio) *; (B) between points in Kentucky on and east of U.S. Highway 127 and points in West Virginia, on the one hand, and, on the other, points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, and points in Wisconsin (Ohio) *;

(C) Between points in Indiana, Kentucky, Michigan, and points in West Virginia on, west, and north of a line beginning at the West Virginia-Pennsylvania State line and extending along West Virginia Highway 3 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 65, thence along West Virginia Highway 65 to the West Virginia-Kentucky State line, on the one hand, and, on the other, points in New Jersey and New York, and points in Pennsylvania on and east of U.S. Highway 15 (Ohio) *; (D) between points in the Lower Peninsula of Michigan on and bounded by a line beginning at Clare, Mich., and extending along U.S. Highway 10 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Michigan Highway 29, thence along Michigan Highway 29 to junction U.S. Highway 25, thence along U.S. Highway

25 to the Michigan-Ohio State line, to junction U.S. Highway 27, thence along U.S. Highway 27 to the point of beginning, on the one hand, and, on the other, points in Wisconsin on and south of a line beginning at Lake Michigan and extending along U.S. Highway 18 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 94, thence along U.S. Highway 94 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Minnesota State line (Ohio)*; (E) between points in Indiana on and east of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 327 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Illinois and Wisconsin (Ohio)*; (5) *Un-crated new office and institutional furniture, fixtures, and equipment, un-crated cooling or freezing boxes and refrigerators, and uncrated new store fixtures and equipment, which, because of size or weight, require the use of special equipment, between points in Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 27 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, and Vermont (Norwood, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.*

No. MC 112963 (Sub-No. E3), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry di-calcium phosphate*, in bulk, in tank vehicles, from points in New Jersey to points in Maine. The purpose of this filing is to eliminate the gateways of Peabody, Mass.

No. MC 112963 (Sub-No. E4), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicles, from New York, N.Y., to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateways of points in Massachusetts (except Worcester, Boston, and points within 25 miles of the State House in Boston), and Everett, Mass.

No. MC 112963 (Sub-No. E5), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicle, from points in Massachusetts to points in Maine. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 112963 (Sub-No. E6), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicles, from points in New Jersey to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 112963 (Sub-No. E7), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicles, from Barnstable, Bristol, Norfolk, Plymouth, and Suffolk Counties, Mass., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 112963 (Sub-No. E8), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicles, from points in Barnstable, Bristol, Norfolk, Plymouth, and Suffolk Counties, Mass., to points in Vermont. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 113459 (Sub-No. E113), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, (1) between points in Louisiana, on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 65, and (2) between points in Missouri on and west of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 19 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 17, thence along

Missouri Highway 17 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 71 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 23, thence along Louisiana Highway 23 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 113843 (Sub-No. E92) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER June 12, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*; (3) between those points in Berkshire County, Mass., on the one hand, and, on the other, those points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 14 to junction U.S. Highway 15, thence along U.S. Highway 15 to Williamsport, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line; (4) between those points in Bristol County, Mass., on the one hand, and, on the other, Lewistown and State College, Pa., and those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 281 to Somerset, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to Williamsport, thence along U.S. Highway 15 to the Pennsylvania-New York State line; (5) between those points in Plymouth, Essex, Norfolk, and Suffolk Counties, Mass., on the one hand, and, on the other, Lewistown, State College, Millinburg, and Lewisburg, Pa., and those points in Pennsylvania. . . . The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this partial correction is to correct the highway description in (3) above; correct the territorial description in (4) above; and correct a typographical error in (5) above. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E386) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER June 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*; (1) (b) from Havre de Grace, Md., to points in Nebraska, North Dakota, South Dakota, and those points in Iowa on, north, and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 218 to Charles City, Iowa, thence along U.S. Highway 218 to

junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 147, thence along Iowa Highway 147 to Rockford, Iowa, thence along Iowa Highway 147 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 18 to Mason City, Iowa, thence along U.S. Highway 18 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, those in Kansas on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line. . . . The purpose of this filing is to eliminate the gateways of Hamlin, Holley, and Williamson, N.Y., for points in Michigan, and the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, and Williamson, N.Y., for points in Iowa, Nebraska, Kansas, North Dakota, South Dakota, Minnesota, Wisconsin, and Missouri. The purpose of this partial correction is to correct the highway description in (1) (b) above. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E820) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER June 19, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to points in Illinois, those in Kentucky on and west of U.S. Highway 45, and those in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 14 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Indiana-Illinois State line, and those in Indiana on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of points in the Lower Peninsula of Michigan. The purpose of this correction is to correct the territorial description.

No. MC 113843 (Sub-No. E1040) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER July 10, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to Calais, Maine, and points in Aroostook County, Maine. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

The purpose of this correction is to correct a typographical error above.

No. MC 113855 (Sub E99), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Commodities* (except boats) the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (b) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities transported on trailers), (A) between points in Washington, on the one hand, and, on the other, points in South Dakota east of Missouri River. (Montana) * (B) between points in Pacific, Wahkiakum, Cowlitz and Clark Counties, Wash., on the one hand, and, on the other, points in South Dakota west of the Missouri River and south of U.S. Highway 212. (Utah) * (C) between points in Skamania, Klickitat, Yakima, Benton, Franklin, Whatcom and Walla Walla Counties, Wash., on the one hand, and, on the other, points in Pennington, Custer, Fall River, Shannon, Bennett, Washabaugh, Jackson, Haakon, Stanley, Jones, Lyman, Mellette, Todd, Tripp and Gregory Counties, S.D. (Utah) *.

(D) Between points in Skagit, Snohomish, King, Pierce, Thurston, Lewis, Grays, Harbor, Mason, Jefferson, Clallam and Kitsap Counties Wash., on the one hand, and, on the other, points in Fall River, Shannon, Bennett, Washabaugh, Melette, Todd, Tripp and Gregory Counties, S.D. (Utah) * (2) (a) heavy machinery and other contractors' materials, supplies, and equipment, which because of size or weight require the use of special equipment, (b) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities transported on trailers), between points in Washington, on the one hand, and, on the other, points in South Dakota on and east of South Dakota Highway 73. (Montana) * The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub E107), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minnesota 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and related

machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Iowa on, west and south of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 71 to junction U.S. Highway 20, to junction Interstate Highway 35, to junction Interstate Highway 80, to junction U.S. Highway 63, to junction U.S. Highway 34, to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Minnesota within 50 miles of Sioux Falls, S.D.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-25790 Filed 9-25-75; 8:45 am]

[Notice No. 866]

ASSIGNMENT OF HEARINGS

SEPTEMBER 23, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

- MC 51312 Sub 14, Bowling Green Transfer Inc., now assigned November 14, 1975 at Chicago, Illinois; is canceled and the application is dismissed.
- MC 116763 Sub 313, Carl Subler Trucking, Inc., now being assigned November 14, 1975 (1 day) at Chicago, Illinois; in a hearing room to be designated later.
- MC 82492 Sub 118, Michigan & Nebraska Transit Co., Inc. and MC 106920 Sub 61, Leonard Bros. Trucking Co., Inc. now being assigned December 5, 1975 (1 day) at Chicago, Illinois; in a hearing room to be designated later.
- MC-F 12438, Neuendorf Transportation Company—Purchase—Charles A. Groepper, d.b.a. Badger Truck Line, Inc., now being assigned December 8, 1975 (1 week) at Chicago, Illinois; in a hearing room to be designated later.
- MC 4405 Sub 520, Dealers Transit, Inc., now assigned October 24, 1975, at Atlanta, Ga., is canceled and application dismissed.
- AB-1 Sub 18, Chicago and North Western Transportation Company Abandonment Between Clutier and Buckingham, in Tama County, Iowa, now being assigned December 2, 1975 (2 days) at Traer, Iowa; in a hearing room to be designated later.
- MC 114457 Sub 235, Dart Transit Company, now assigned November 13, 1975, at St. Paul, Minn., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-25791 Filed 9-25-75; 8:45 am]

federal register

FRIDAY, SEPTEMBER 26, 1975



PART II:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service



ENDANGERED AND THREATENED WILDLIFE AND PLANTS

**Reclassification of American Alligator
and Other Amendments**

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Reclassification of the American Alligator and Other Amendments

On July 8, 1975, the Service proposed certain changes in regulations on endangered and threatened wildlife (40 FR 28712). The proposal would reclassify the American alligator, removing it completely from an endangered or threatened status in a portion of its range. It also would add new provisions to Part 17 on similarity of appearance, on captive, self-sustaining populations, and on interpretations of prohibitions applicable to endangered and threatened wildlife. Finally, the proposal would establish a new format for lists of endangered and threatened wildlife. With the changes noted in this preamble, this rulemaking adopts the proposal, effective September 26, 1975.

In response to comments received during the comment period, it has been determined to retain the alligator in the endangered status in all of its range except Cameron, Vermilion and Calcasieu Parishes in Louisiana. Alligators in those three parishes will be listed as threatened, due to their similarity in appearance to the endangered alligators. The Service will re-study the distribution and density of alligator populations in the southeastern coastal areas and the problems of enforcement and administration. Based on this study, the Service will soon propose a reclassification of the endangered populations into threatened and endangered, with a new boundary line separating the classifications.

BACKGROUND

In 1967, the U.S. Department of the Interior determined the American alligator to be an endangered species throughout its entire range. This determination expressed concern for alligator populations which had become drastically reduced after many years of excessive exploitation and habitat usurpation by man. Within recent years, however, alligators have increased considerably in some areas, mainly in response to intensive State and Federal protection. In 1972 and 1973, the State of Louisiana was able to allow a limited commercial hunting season on the species.

On December 28, 1973, the new Endangered Species Act (16 U.S.C. 1531-1543, 87 Stat. 884) went into effect. This Act made it a violation of Federal law to take any species listed as endangered, except under permit for scientific purposes or to enhance the propagation or survival of the species. The Act also established a new "threatened" classification, and authorized the Secretary of the Interior to issue such regulations as he deemed

necessary and advisable for the conservation of such species.

On March 29, 1974, Governor Edwin Edwards of Louisiana submitted a petition to the Secretary of the Interior requesting that "in southwestern coastal marshes (Chenier Plain) in the parishes of Cameron, Vermilion, and Calcasieu of Louisiana, the American alligator be removed from the Secretary of the Interior's list of threatened and endangered species; that in the southcentral and southeastern coastal Louisiana marshes, the American alligator be classified as a threatened species; and that throughout the remainder of the State, the classification of the American alligator remain unchanged."

This petition, as amplified by other available information, was found by the Director to present substantial information warranting a review of the status of the alligator throughout its range. A notice to that effect was placed in the FEDERAL REGISTER on July 16, 1974 (39 FR 26050). Simultaneously, Governors of States in which alligators are resident were notified of the review and requested to supply data relative to the status of the species in their respective States.

This review produced evidence that the American alligator is making encouraging gains in population over much of its known historical range. Population levels in parts of South Carolina, Georgia, Florida, Louisiana, and Texas are high, and, in many areas over these regions are considered to be ecologically secure. Increasing urbanization and development is resulting in more frequent human-alligator conflicts, and control of certain populations is needed to minimize public hostility toward the species. Even though actual numerical levels of alligators may be below the biotic carrying capacity in most habitats, socioeconomic factors must be considered in setting management goals to maximize public interest in, and acceptance of, coexistence with this potentially troublesome but ecologically important species.

Available data indicate that the primary threats to alligator populations in areas named above are not biotic, but rather the absence of adequate regulatory and enforcement mechanisms (1) to prevent malicious and illicit commercially-oriented killing, and (2) to control illegal commerce in products. Malicious killing stems to a large degree from public hostility and fear, and to some extent could be ameliorated through public education. Illegal commercial killing currently is being held at a tolerable level by rigid enforcement programs. These programs, however, are inadequate in the face of burgeoning alligator populations and increasing human-alligator conflicts. Reorientation of enforcement efforts toward effective control of commerce in parts and products of legally taken alligators would permit the initiation of practicable management programs and a realistic reappraisal of the population status of the species. Some populations in States named above now are at the point where the species could be best

served by more flexible management programs.

PUBLIC COMMENTS

The proposed rulemaking was published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28712). Interested persons were invited to submit written comments to the Director until September 8, 1975. The written responses are summarized, essentially, as follows:

(1) 26 Responses supported the proposed rulemaking;

(2) 17 Responses opposed any change in current classification of the American alligator as endangered throughout its entire range;

(3) 24 Responses generally approved the proposed rulemaking, but recommended one or more changes to reflect the writer's position;

(4) 4 Responses generally opposed the proposed rulemaking, unless one or more changes are made in the final rules; and

(5) 17 Responses either were totally irrelevant or merely acknowledged receipt of the proposed rules and their transmittal to an appropriate official for further response.

Despite reservations on the part of some responders with respect to impact of a classification change on welfare of the American alligator, and on other endangered wildlife which also may be reclassified at some future date, the sum of all responses reflects a preponderance of opinion in general support of the proposed rulemaking. Several significant issues of major concern to responders are referred to below.

(1) Extent to which the alligator has recovered from previously depressed population numbers and restricted occupation of its range, and sufficiency of data to verify its recovery. Information available to the Director confirms such substantial and sufficient increase in the American alligator since 1967 throughout the important habitat of its range to allow utilization of the species within the constraints imposed, with confidence that its welfare currently and in the future will not be jeopardized by the management programs afforded by these rules.

(2) Adequacy of controls to protect alligators from unlawful take and commercial utilization. The proposed rules were adjusted to eliminate objectionable features in the system of controls applicable to the taking, inventory, accountability, and disposition of alligators and products made from their hides so that effective protection of the species can be accomplished.

(3) Need for an Environmental Impact Statement. An environmental assessment was prepared which indicates that an Environmental Impact Statement is not prerequisite to accomplishing the changes contemplated by the proposed rulemaking. This assessment is on file at the Office of Endangered Species, U.S. Fish and Wildlife Service, in Suite 1100 at 1612 K Street, N.W., Washington, D.C., and is available for inspection during regular working hours.

(4) Failure to invoke "similarity of appearance" provisions against importation of products of all crocodilian species. This is acknowledged as a valid consideration which would enhance capability to effectively administer the degree of protection to American alligators anticipated under these rules. A change in the final rules to accommodate this provision is not possible, however, since the proposed rulemaking failed to include such a requirement. The Service intends to initiate further action at an early date to effect this desirable change.

DESCRIPTION OF THE RULEMAKING

Following careful review and consideration of all written comments, the proposed rulemaking is modified to include more definitive population data in support of reclassification of the American alligator, and to accommodate other substantive changes as described below. Finally, extensive editorial and format changes were made to correct incongruity in statements and other grammatical deficiencies, and to facilitate readability and understanding.

(1) *Population estimates of the American alligator.* Following is a summary of population estimates pertaining to the status of the alligator in Cameron Parish, Vermilion, and Calcasieu Parishes in Louisiana: 77,300 alligators in 1226 square miles of suitable habitat in Cameron Parish, Louisiana (density of 63/mi²); 20,851 alligators in 562 square miles of suitable habitat in Vermilion Parish (density of 37/mi²); 400 alligators in 15 square miles of suitable habitat in Calcasieu Parish (density of 27/mi²). In these three parishes, population densities may have reached maximum carrying capacity.

(2) *Changes from the proposal.* Generally speaking, there is only one major change from the proposal, dealing with the status of the alligator. However, there are a number of editorial revisions for clarity, and some minor substantive changes to further define concepts set out in the proposal. Also, the drafting and typographical errors in the proposal have been corrected. The differences between the proposal and this final rulemaking will be discussed subpart by subpart, below.

SUBPART A (INTRODUCTION AND GENERAL PROVISIONS)

In the proposal, Subpart A contained a series of definitions necessary for proper implementation of the Act. Especially notable were the definitions of "industry and trade", which clarified the scope of some of the interstate commerce prohibitions, and of "harass", which clarified the scope of the prohibition on taking. The definition of "harass" has been retained in a modified form in this final rulemaking, to make it applicable to actions or omissions with the potential for injury. The concept of environmental damage being considered a "taking" has been retained, but is now found in a new definition, of the word "harm". "Harm" covers actions or omissions which actually, (as opposed to potentially), cause

injury. In addition, the definition of "harass" has been modified by restricting its application to acts or omissions which are done intentionally or negligently. In the proposal, "harass" would have applied to any action, regardless of intent or negligence. Also, definitions of "endangered" and "threatened" have been added.

By moving the concept of environmental degradation to the definition of "harm", potential restrictions on environmental modifications are expressly limited to those actions causing actual death or injury to a protected species of fish or wildlife. The actual consequences of such an action upon a listed species is paramount.

These environmental restrictions represent a reasonable response to the habitat needs of listed species. Congress specifically acknowledged these needs by stating in the "Purposes" subsection of the Act: "The purposes of this Act are to provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved . . ." (87 Stat. 885, Section 2(b), 16 U.S.C. 1531 (b)). Furthermore, Congress acknowledged that a rational relationship existed between the protection of the needs of listed species and the public welfare: "The Congress finds and declares that . . . (3) these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational and scientific value to the Nation and its people . . ." (87 Stat. 884, Section 2(a)(3), 16 U.S.C. Section 1541(3)).

It should be noted that this definition of "harm" which includes significant environmental modification, does not permanently limit the environmental modifications that are permissible for the habitat of a listed species of fish or wildlife. If the species was originally classified as endangered and made a significant recovery, it could be down-listed to threatened with regulations that don't prohibit "takings". Second, the species could recover completely and be delisted altogether. Finally, the species in question could abandon its use of the area. In all of these situations, the limited restrictions on environmental modification under the definition of "harm" would be removed.

Subpart A, as proposed, also contained rules on the exemption for Alaskan natives, of pre-Act wildlife, on the new concept of captive, self-sustaining populations, and on the similarity-of-appearance provisions in the Act. All of these rules have been retained without substantial change. They have been edited somewhat for clarity and consistency. The rules on similarity-of-appearance have been moved to subpart E (Similarity of Appearance). This was done to improve the organization and clarity of the rules, by grouping all of the similarity-of-appearance provisions in one place, and cutting down the need for cross-referral in reading the rules.

SUBPART B (LISTS)

This subpart has been changed by consolidating the lists in Sections 17.11,

17.12, and 17.13 into one list, appearing in Section 17.11. In addition, several species have been included which have previously been listed under the Act (kangaroos, grizzly bears, American crocodile, Cedros Island mule deer, several trout, and other species). As indicated above, the proposed reclassification of alligators has been temporarily withdrawn, pending further study, except for the alligators in the parishes of Cameron, Vermilion, and Calcasieu in Louisiana. This is reflected in changes in the listing in Section 17.11.

The inclusion of the species which were previously listed, brings together in one place all of the endangered and threatened species. This will be more convenient for all users of the regulations. It will also avoid an apparent conflict in drafting that would otherwise have occurred because the previous listings utilized a Section 17.32 for the list of threatened species, but this proposal uses the same section number for a different purpose.

The listing of the alligator in this final rulemaking differs from the proposal in several respects. First, as mentioned above, the alligator will retain its endangered status in all places except Cameron, Vermilion, and Calcasieu Parishes in Louisiana. Second, captive alligators will be treated as threatened due to their similarity of appearance to endangered alligators. (This is indicated on the list in § 17.11(i) by the entry "T(S/A)" in the "status" column. The decision to change the status of only the alligators in the three parishes in Louisiana is explained elsewhere in this preamble.

There are two "populations" of alligators which are treated as threatened species because of their similarity of appearance to endangered alligators. These are (i) the alligators in Cameron, Vermilion and Calcasieu Parishes in Louisiana, and (ii) alligators in captivity. These populations clearly meet the criteria for "similarity of appearance" treatment set out in the Act and in these regulations.

The Act requires three things:

- (i) that the species be substantially difficult to distinguish, at the point in question, for law-enforcement personnel;
- (ii) that this difficulty is an additional threat to the endangered or threatened species; and
- (iii) that the treatment of the similar species as threatened or endangered will facilitate enforcement.

The regulations expand upon these criteria to a certain degree, especially by making it clear that the difficulty in distinction can arise between two different geographic "populations" of the same taxonomic species, as well as between different species. The regulations also make it clear that one method of facilitating law enforcement can be by providing a system of controls to distinguish the similar species from the endangered or threatened.

The designation of these two populations as threatened species, due to their similarity in appearance, fits the criteria very well. First, alligators in the three

parishes or in captivity are impossible to distinguish from endangered alligators since they are, in fact, taxonomically and morphologically identical. Especially when it comes to the identification of products, distinction between the various populations is impossible, without some controls. Second, a major factor in the threat to the alligator's existence is the illegal killing of alligators in order to put alligator hide products on the commercial market. Once a legal market is established for one of the populations, that market may in fact serve as "screen" for products of alligators taken from the other populations. Without being able to identify one alligator population as opposed to another, there is no way for enforcement officers to prevent this misuse of the legal market. Third, the controls established by this rulemaking will provide a practicable, enforceable, method for distinguishing between the various populations of alligators. It is based on a series of marking and tagging requirements which provide what nature could not—a reliable method for identifying an alligator, throughout the processing and marketing chain, to the population from which it was taken. Any alligator which cannot be identified, by this method, to the "legal" population for taking, is then automatically suspect.

The editorial revisions in § 17.11 (formerly § 17.13) are intended to clarify the meaning of the different entries on the list of species. This new format of listing is designed to provide all users of these regulations with one, easy-to-use source of information on endangered and threatened species.

SUBPART C (ENDANGERED WILDLIFE)

The major changes in Subpart C from the proposal have been the revision of the exception to the taking prohibition, the addition of a law enforcement exception to the prohibition on the possession, transportation, etc. of unlawfully taken wildlife, and editorial revisions of the permit provisions.

The proposed exception in Section 17.21(c)(2) to the taking prohibition to allow State, local and Federal employees to "take" endangered wildlife in emergency situations has been revised substantially. It now includes an exception applicable to the general public for takings in self defense or defense of the lives of others. Although most endangered species would not pose a threat to human life, there are some, such as alligators in certain areas, that could be dangerous. A reporting requirement has been added to help assure that this provision is not abused. In addition, the disposition of the specimen must be under the guidance of the Service. The language in the exception with actions by State, local and Federal employees has been revised. The types of persons covered by this provision have been defined, and are now limited to those whose duties include the handling of wildlife, and who work for agencies which normally become involved with wildlife in the course of their land management activities. Also, the reporting and disposition requirements

described above apply to actions by State and Federal employees under this exception.

An exception has been added to § 17.21 (d), to authorize the possession, transportation, etc. of endangered wildlife as necessary to perform law enforcement functions. While this activity is authorized by law, it was felt to be useful to state it expressly, and thereby avoid confusion, and avoid misapprehensions on the part of State personnel.

The provisions on permits have been adopted substantially as they were proposed, with some editorial revisions. A similar proposal for permit provisions was made on May 20, 1975 (40 F.R. 21977), in conjunction with the proposal to designate certain sea turtles as threatened species (40 F.R. 21974). The May 20 proposal regarding permit provisions is hereby rescinded, and this final rulemaking will serve instead.

SUBPART D (THREATENED WILDLIFE)

A number of significant changes have been made in this subpart. First, the adoption of the general prohibitions, in § 17.31, has been modified to make it clear that all of the provisions of § 17.21, including the exceptions, are adopted for threatened species. Thus, a threatened specimen may be taken by a State wildlife officer if it has been orphaned or injured, for example. In addition, there is a special rule authorizing certain Federal and State personnel to take threatened wildlife in the course of research or conservation programs, provided (in the case of a State) that a cooperative agreement is in effect.

Section 17.31 has also been changed by the addition of paragraph (c), which states that when a special rule is in effect, it completely supersedes the general rules set out in paragraphs (a) and (b) of § 17.31. This change clarifies what was proposed, and is the cornerstone of the system for regulating threatened wildlife. To restate it, the general prohibitions and exceptions stated in § 17.31 apply to any wildlife designated as threatened, unless that species is subject to a special rule. Likewise, the general permits available under § 17.32 apply (as further exceptions to the actions prohibited by § 17.31), unless a special rule is in effect for that species. When a special rule is in effect for a particular species, it will contain all the prohibitions, exceptions and permits applicable to that species. The special rule will be referred to in the "special rules" column in § 17.11(i) (the endangered and threatened wildlife list).

Section 17.32, on general permits for threatened wildlife has been editorially revised. The information requirements for permit applicants have been included in their entirety, rather than simply by reference back to § 17.21. The applicant must submit all information relevant to the purpose for which he is seeking a permit, but need not submit information which does not appear relevant.

A new § 17.33, providing special permits for transactions with specimens of captive, self-sustaining populations, has

been inserted. The application requirements for this permit have been refined, from the proposal, to deal specifically with these permits. An example has been added to clarify the role of these permits, and the flexibility available with them. Specific reporting and recordkeeping requirements will be set out in the permits themselves. The Service is considering several different methods, and will endeavor to cut out all unnecessary paperwork.

In order to incorporate previous rulemakings on threatened species in this republication, the rules pertaining to 3 species of kangaroos, to grizzly bears, and to 3 western species of trout have been put into the appropriate sections for special rules. These rules have been incorporated without substantive change.

The special rule for the American alligator has been changed significantly in form, but not in substance. First, the exemptions to the taking provisions which were proposed in § 17.35 (a) (1) for "nuisance" animals and for research and conservation programs have been redrafted to be consistent with the same provisions in §§ 17.21 and 17.31, discussed above.

Second, the application of each prohibition to American alligators has been specified and clarified. Thus, users of these regulations will be able, without cross references, to find all the rules relating to threatened alligators in one place.

Third, the rules which were found in the "similarity-of-appearance" subpart in the proposal are now moved to the special rule on threatened alligators. This is appropriate, since § 4(e) of the Act provides that species which are similar in appearance shall be treated as endangered or threatened species. Thus, the alligators in the three parishes in Louisiana are treated as threatened. The actual rules for the marketing of hides have been reviewed for consistency with the proposed Louisiana regulations for the taking and tagging of alligators. The provisions for permits for buyers, tanners and fabricators have been edited to correct drafting errors in the proposal.

The controls over the marketing of the hides of American alligators in these regulations are based on the implementation and enforcement of Louisiana's regulations. If at any time the Director finds that the program in Louisiana is unsatisfactory, he will re-designate the alligator, in the three parishes in Louisiana where it will be "de-listed", as threatened or endangered, by emergency rulemaking.

SUBPART E (SIMILARITY OF APPEARANCE)

This subpart has been substantially redrafted and reorganized, but there have been no significant changes in substance. The material from § 17.7 in the proposal has been inserted in § 17.50, instead of the material originally in Section 17.50 as proposed. Thus all the rules pertaining to the determination that a species is similar in appearance to an endangered or threatened species, and pertaining to the treatment applied to such species, are now found in one subpart.

Generally, the similar species will be treated as endangered, and all the rules in Subpart C (Endangered Wildlife) will apply to it, or as threatened, in which case all the rules in Subpart D (Threatened Wildlife), including special rules, will apply. In addition, a special permit is available to distinguish a specimen of a "similar" species from the endangered or threatened species. A new provision has been added to that permit section, indicating that the availability of this permit could be nullified by a special rule. Such special rules could appear in Subpart C (Endangered Wildlife) as well as Subpart D (Threatened Wildlife). They would be used where there is no reliable way to distinguish the "similar" specimens, or, as in the case of the American alligator (see § 17.42(a)(3)(ii)), where a different system is provided to distinguish the "similar" specimen from the threatened specimens.

FUTURE RULEMAKINGS

As indicated at the beginning of this preamble, a proposed rulemaking will be issued shortly to reclassify the American alligator. As soon as the Service completes a reevaluation of the data, it intends to propose the reclassification of certain populations to the threatened status. This proposal will contain a new boundary between the endangered and threatened populations.

The list of endangered and threatened wildlife will, of course, be subject to continual revision. All new proposals for additions, deletions, or changes in status of species will be done in the format established by this rulemaking.

New regulations in further implementation of the Act, particularly in the area of the licensing of importers and exporters of wildlife, will be forthcoming. Also, the Service is studying revisions of the Declaration for the Importation of Wildlife (Form 3-177). These rules will probably appear in Part 14 (Import, Export, and Interstate Transportation of Wildlife) rather than this Part 17 (Endangered Wildlife), since they relate generally to all wildlife transactions.

The Service also intends to follow this rulemaking, very shortly, with a proposal to treat the products of all crocodilians as similar in appearance to the American alligator and to several other protected forms of crocodilians (such as the Nile crocodile). This is necessary to enhance the controls over the commerce in endangered and threatened crocodilians.

ADOPTION AND EFFECTIVE DATE

Having considered public comments on the proposed rulemaking of July 8, 1975 (40 F.R. 28712), affecting Part 17, the Service deems it appropriate to adopt the proposal, with modifications discussed above. Based on this proposal, the State of Louisiana issued proposed rules for an alligator hunt in Calcasieu, Cameron, and Vermilion Parishes, to begin September 20, 1975. It was necessary for the State to act in advance of adoption of final Federal rules to satisfy its own legal requirements for appropriate procedures. Additionally, September is an approximate time for such hunting when the

weather is still warm and alligators are still feeding actively.

For these reasons, the Service finds there is good cause to make these rules effective September 26, 1975.

It was noted above that several species which were recently added to the regulations have been included in the new consolidated listing in § 17.11(i). This has been done for the convenience of the users of the regulations. However, the effective date of the addition of some of those species is later than the effective date of this rulemaking. Therefore, to avoid any inconsistency, the effective date of the portion of this regulation which lists those eight species has been delayed to coincide with the effective date shown in the final rulemaking document for those species (see 40 FR 44149).

Accordingly, Part 17 of Chapter I, Title 50, Code of Federal Regulations, is amended as set forth below. This amendment is effective on September 26, 1975, except that the insertion of the following species in § 17.11(i) shall be effective on "October 28, 1975: (i) Peninsular pronghorn antelope (*Antilocapra americana peninsularis*), (ii) Cedros Island mule deer (*Odocoileus hemionus cerrosensis*), (iii) Hawaiian creoper (*Loxops maculata mana*), (iv) Po'o uli (*Melamprosops phaeosoma*), (v) Newell's Manx Shearwater (*Puffinus puffinus newelli*), (vi) American crocodile (*Crocodylus acutus*), (vii) Bayou darter (*Etheostoma rubrum*), and (viii) Scioto madtom (*Noturus trautmani*).

LYNN A. GREENWALT,
Director, Fish and
Wildlife Service.

Part 17, Title 50, Code of Federal Regulations, is amended and republished as follows:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Subpart A—Introduction and General Provisions

- Sec. 17.1 Purpose of regulations.
- 17.2 Scope of regulations.
- 17.3 Definitions.
- 17.4 Pre-Act wildlife.
- 17.5 Alaska natives.
- 17.6 State cooperative agreements [Reserved].
- 17.7 Captive, self-sustaining populations.

Subpart B—Lists

- 17.11 Endangered and threatened wildlife.
- 17.12 Endangered and threatened plants [Reserved].
- 17.13 Amendments to the lists.

Subpart C—Endangered Wildlife

- 17.21 Prohibitions.
- 17.22 Permits for scientific purposes, or for the enhancement of propagation or survival.
- 17.23 Economic hardship permits.

Subpart D—Threatened Wildlife

- Sec. 17.31 Prohibitions.
- 17.32 Permits—general.
- 17.33 Permits—captive, self-sustaining populations.
- 17.34 Permits. [Reserved]
- 17.35 Permits. [Reserved]
- 17.36 Permits. [Reserved]
- 17.37 Permits. [Reserved]
- 17.38 Permits. [Reserved]

- Sec. 17.39 Permits. [Reserved]
- 17.40 Special rules—mammals.
- 17.41 Special rules—birds. [Reserved]
- 17.42 Special rules—reptiles.
- 17.43 Special rules—amphibians. [Reserved]
- 17.44 Special rules—fishes.
- 17.45 Special rules—mollusks. [Reserved]
- 17.46 Special rules—crustaceans [Reserved]
- 17.47 Special rules—insects. [Reserved]
- 17.48 Special rules—other forms. [Reserved]

Subpart E—Similarity of Appearance

- 17.50 General.
- 17.51 Treatment as endangered or threatened.
- 17.52 Permits—similarity of appearance.

AUTHORITY: Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

Subpart A—Introduction and General Provisions

§ 17.1 Purpose of regulations.

(a) The regulations in this part implement the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531-43.

(b) The regulations identify those species of wildlife and plants determined by the Director to be endangered or threatened with extinction under section 4(a) of the Act and also carry over the species and subspecies of wildlife designated as endangered under the Endangered Species Conservation Act of 1969 (83 Stat. 275, 16 U.S.C. 868cc-1 to 6) which are deemed endangered species under section 4(c)(3) of the Act.

§ 17.2 Scope of regulations.

(a) The regulations of this part apply only to endangered and threatened wildlife and plants.

(b) By agreement between the Service and the National Marine Fisheries Service, the jurisdiction of the Department of Commerce has been specifically defined to include certain species, while jurisdiction is shared in regard to certain other species. Such species are footnoted in Subpart B of this part, and reference is given to special rules of the National Marine Fisheries Service for those species.

(c) The provisions in this part are in addition to, and are not in lieu of, other regulations of this Subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife.

(d) The examples used in this part are provided solely for the convenience of the public, and to explain the intent and meaning of the regulation to which they refer. They have no legal significance.

§ 17.3 Definitions.

In addition to the definitions contained in Part 10 of this subchapter, and unless the context otherwise requires, in this Part 17:

"Act" means the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884);

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. section 1603(b) (85 Stat. 588)) as a citizen of the United States who is of one-fourth degree or

more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part;

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 28, 1973, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) of this subchapter (in the case of marine mammals) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups such as cooperatives, is permitted so long as no large scale mass production results;

"Endangered" means a species of wildlife listed in § 17.11 or a species of plant listed in § 17.12 and designated as endangered.

"Harass" in the definition of "take" in the Act means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.

"Harm" in the definition of "take" in the Act means an act or omission which actually injures or kills wildlife, including acts which annoy it to such an extent as to significantly disrupt essential behavioral patterns, which include, but are not limited to, breeding, feeding or sheltering; significant environmental modification or degradation which has such effects is included within the meaning of "harm";

"Industry or trade" in the definition of "commercial activity" in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

"Native village or town" means any community, association, tribe, clan or group;

"Population" means a group of fish or wildlife in the same taxon below the subspecific level, in common spatial arrangement that interbreed when mature;

"Specimen" means any animal or plant, or any part, product, egg, seed or root of any animal or plant;

"Subsistence" means the use of endangered or threatened wildlife for food, clothing, shelter, heating, transportation and other uses necessary to maintain the life of the taker of the wildlife, or those who depend upon the taker to provide them with such subsistence, and includes selling any edible portions of such wildlife in native villages and towns in Alaska for native consumption within native villages and towns;

"Threatened" means a species of wildlife listed in § 17.11 or plant listed in § 17.12 and designated as threatened.

"Wasteful manner" means any taking or method of taking which is likely to result in the killing or injury of endangered or threatened wildlife beyond those needed for subsistence purposes, or which results in the waste of a substantial portion of the wildlife, and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of the wildlife, or which is not immediately followed by a reasonable effort to retrieve the wildlife.

§ 17.4 Pre-Act wildlife.

(a) The prohibitions defined in Subparts C and D of this Part 17 shall not apply to any activity involving endangered or threatened wildlife which was held in captivity or in a controlled environment on December 28, 1973: *Provided*,

(1) That the purposes of such holding were not contrary to the purposes of the Act; and

(2) That the wildlife was not held in the course of a commercial activity.

Example 1. On January 25, 1974, a tourist buys a stuffed hawksbill turtle (an endangered species listed since June, 1970), in a foreign country. On December 28, 1973, the stuffed turtle had been on display for sale. The tourist imports the stuffed turtle into the United States on January 26, 1974. This is a violation of the Act since the stuffed turtle was held for commercial purposes on December 28, 1973.

Example 2. On December 27, 1973 (or earlier), a tourist buys a leopard skin coat (the leopard has been listed as endangered since March 1972) for his wife in a foreign country. On January 5, he imports it into the United States. He has not committed a violation since on December 28, 1973, he was the owner of the coat, for personal purposes, and the chain of commerce had ended with the sale on the 27th. Even if he did not finish paying for the coat for another year, as long as he had possession of it, and he was not going to resell it, but was using it for personal purposes, the Act does not apply to that coat.

Example 3. On or before December 28, 1973, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in March 1974. The importation is not subject to the Act. The hunter has not engaged in a commercial activity, even though he bought the services of a guide, outfitters, and a taxidermist to help him take, preserve, and import the leopard.

This applies even if the trophy was in the possession of the taxidermist on December 28, 1973.

Example 4. On January 15, 1974, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in June 1974. This importation is a violation of the Act since the leopard was not in captivity or a controlled environment on December 28, 1973.

(b) Service officers or Customs officers may refuse to clear endangered or threatened wildlife for importation into or exportation from the United States, pursuant to § 14.53 of this subchapter, until the importer or exporter can demonstrate that the exemption referred to in this section applies. Exempt status may be established by any sufficient evidence, including an affidavit containing the following:

- (1) The affiant's name and address;
- (2) Identification of the affiant;
- (3) Identification of the endangered or threatened wildlife which is the subject of the affidavit;
- (4) A statement by the affiant that to the best of his knowledge and belief, the endangered or threatened wildlife which is the subject of the affidavit was in captivity or in a controlled environment on December 28, 1973, and was not being held for purposes contrary to the Act or in the course of a commercial activity;
- (5) A statement by the affiant in the following language:

The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to recognize an exempt status regarding (insert description of wildlife), under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(6) As an attachment, records or other available evidence to show:

(i) That the wildlife in question was being held in captivity or in a controlled environment on December 28, 1973;

(ii) The purpose for which the wildlife was being held; and

(iii) The nature of such holding (to establish that no commercial activity was involved).

(c) This section applies only to wildlife born on or prior to December 28, 1973. It does not apply to the progeny of any such wildlife born after December 28, 1973.

§ 17.5 Alaska natives.

(a) The provisions of Subpart C of this part relating to the importation or the taking of endangered wildlife, and any provision of Subpart D of this part relating to the importation or the taking of threatened wildlife, shall not apply to:

(1) Any Indian, Aleut, or Eskimo who is an Alaskan native and who resides in Alaska; or

(2) Any non-native permanent resident of an Alaskan native village who is primarily dependent upon the taking of

wildlife for consumption or for the creation and sale of authentic native articles of handicrafts and clothing:

if the taking is primarily for subsistence purposes, and is not accomplished in a wasteful manner.

(b) Edible portions of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in native villages or towns in Alaska for native consumption within native villages and towns in Alaska.

(c) Non-edible by-products of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in interstate commerce when made into authentic native articles of handicrafts and clothing.

§ 17.6 State cooperative agreements. [Reserved]

§ 17.7 Captive, self-sustaining populations.

(a) Whenever the Director determines that a captive, self-sustaining population of otherwise endangered wildlife exists within the United States, such population may be treated as threatened and may be listed in § 17.11. Each

such listing shall bear the notation "(C/P)" following the designation of status, to indicate that the reason for treating it as threatened rather than endangered was the attainment of a captive, self-sustaining population within the United States.

(b) The listing of species as threatened because they are captive, self-sustaining populations within the United States shall follow the same procedures as required in section 4(f) of the Act for the listing of endangered or threatened species, except that captive wildlife shall not be considered to be "resident" wildlife within the meaning of section 4(b) (1) of the Act.

(c) In determining whether to list a species as threatened because it is a captive, self-sustaining population, the Director shall consider the following factors:

(1) The approximate number of specimens of that species that exist in captivity in the United States;

(2) The age and sex ratios of such captive specimens;

(3) The number of persons who have successfully propagated the species in captivity;

(4) The number of generations of the species that have been successfully propagated in captivity;

(5) The likelihood that persons owning or controlling such captive specimens will cooperate in insuring the continued existence of and reproduction among such captive specimens;

(6) The number of requests to take or import wild specimens of the same species received during the 24 months immediately prior to the date consideration of the species was undertaken;

(7) The ratio of wild born versus captive born specimens of the species in captivity in the United States; and

(8) Such other factors as he deems appropriate.

(d) Permits shall be available pursuant to § 17.33 for persons who wish to engage in otherwise prohibited activities with specimens of wildlife listed as threatened under this section.

Example. Although the XY pheasant is endangered in the wild and has been determined to be an endangered species, the Director determines that there exists in the United States a captive, self-sustaining population of the pheasant which constitutes no drain on the wildlife population. After following the proper procedures, the pheasant would be listed in § 17.11 as follows:

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Populations	Known Distribution	Portion of Range Where Endangered or Threatened			
XY pheasant	<i>Gigantus smallus</i>	N/A	Southeast Asia	Entire	E		6 N/A
Do	do	In captivity in U.S.	N/A	Entire	T(C/P)		6 N/A

Subpart B—Lists

§ 17.11 Endangered and threatened wildlife.

(a) The list in this section contains all the species of wildlife which are determined by the Director or by the Secretary of Commerce to be endangered or threatened. It also contains species of wildlife treated as endangered or threatened because they are similar in appearance to an endangered or threatened species (see Subpart E) or because they constitute a captive, self-sustaining population (see § 17.7).

(b) The columns entitled "Common name", "Scientific name" and "Population" define the "species" of wildlife within the meaning of the Act. Thus, two different geographic populations of the same subspecies or species will be identified by their differing geographic boundaries, even though the common and scientific names are identical for both entries. The same is true for two different color phases, identified by their unique colors. The prohibitions in the Act and in this Part 17 apply to all specimens of the "species" listed, wherever they are found, and to their progeny. Although common names are included, they cannot be relied upon for identification of any specimen, since they vary greatly in local usage.

(c) If the "status" column has an "E", that species is thereby designated as endangered. If the "status" column has a "T", that species is thereby designated as threatened. The addition of the letters "S/A" in parentheses indicates that the reason for designating the species as endangered or threatened is its similarity in appearance. The addition of the letters "C/P" in parentheses indicates that the reason for designating the species as threatened is that it constitutes a captive, self-sustaining population.

(d) For information purposes only, the "known distribution" column will indicate the normal, known distribution of a species, subspecies, or a smaller taxon. This column does not imply any limitation on the application of the prohibitions in the Act and in this Part 17. Such prohibitions apply to all specimens of the species, wherever found.

(e) The column entitled "Portion of the range where endangered or threatened" designates that portion of the range of the species over which it is endangered or threatened. The Act requires that the species must be endangered or threatened over all or a significant portion of its range in order to be listed. When a species is listed because it is similar in appearance to an endangered or threatened species, this requirement does not apply. Therefore, the notation

"N/A" (not applicable) will appear in this column.

(f) For information purposes only, the "When listed" column provides a footnote reference to the date and location of the FEDERAL REGISTER publication actually listing the species. That publication will include a statement indicating the basis for the current status.

(g) The "special rules" column is a reference to any special rules. The letters "N/A" (not applicable) appearing in this column indicate that there are no such special rules which apply to that species. However, all other appropriate rules in this Part 17 still apply to that species. In addition, there may be other rules in this Subchapter B (Parts 10-22) that also relate to such wildlife, such as port-of-entry requirements, etc. It is not intended that the references in the "Special rules" column list all the regulations of the Service which might apply to the wildlife in question, or the regulations of other Federal, State or local agencies.

(h) The listing of a particular taxonomic group includes all lower taxonomic groups. Example: If the genus *Felis* was listed, all species, subspecies, races, and populations of that genus are considered to be listed. If the species *Felis concolor* was listed, all subspecies, races, and populations of that species are considered to be listed.

SPECIES		RANGE		Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution				
MAMMALS:							
Anoa	<i>Anoa depressicornis</i>	N/A	Indonesia	Entire	E	3	N/A
Armadillo, Pink Fairy	<i>Chlamyphorus truncatus</i>	N/A	Argentina	Do	E	3	N/A
Ass, African Wild	<i>Equus africanus</i>	N/A	Ethiopia, Somalia, Sudan	Do	E	3	N/A
Ass, Asian Wild	<i>Equus hemionus</i>	N/A	Southwestern and Central Asia	Do	E	3	N/A
Avahe	<i>Anchi</i> spp. (all species)	N/A	Malagasy Republic (Madagascar)	Do	E	4	N/A
Aye-aye	<i>Duhoentonia madagascariensis</i>	N/A	Do	Do	E	3	N/A
Bandicoot, Barred	<i>Perameles bougainville</i>	N/A	Australia	Do	E	4	N/A
Bandicoot, Desert	<i>Perameles eromiana</i>	N/A	Do	Do	E	6	N/A
Bandicoot, Rabbit	<i>Macrotis lagotis</i>	N/A	Do	Do	E	4	N/A
Bandicoot, Lesser Rabbit	<i>Macrotis leucura</i>	N/A	Do	Do	E	4	N/A
Bandicoot, Pig-footed	<i>Chaeropus ecaudatus</i>	N/A	Do	Do	E	4	N/A
Banteng	<i>Bibos banteng</i>	N/A	Southeast Asia	Do	E	4	N/A
Bat, Hawaiian Hoary	<i>Lasiurus cinereus semotus</i>	N/A	USA (Hawaii)	Entire	E	2	N/A
Bat, Indiana	<i>Myotis sodalis</i>	N/A	Eastern and Midwestern USA	Do	E	1	N/A
Bear, Grizzly	<i>Ursus arctos horribilis</i>	USA (48 conterminous States)	USA (Montana, Idaho, Wyoming)	Do	T	9	17.40(b)
Bear, Mexican Grizzly	<i>Ursus arctos nelsoni</i>	N/A	Mexico	Do	E	3	N/A
Bison, Wood	<i>Bison bison athabascus</i>	N/A	Canada	Do	E	3	N/A
Cat, Tiger	<i>Felis tigrina</i>	N/A	Costa Rica to Northern South America	Do	E	4	N/A
Cheetah	<i>Acinonyx jubatus</i>	N/A	Africa to India	Do	E	3.5	N/A
Colobus, Red	<i>Colobus badius rufonitratus</i>	N/A	Kenya	Do	E	4	N/A
Colobus, Zanzibar Red	<i>Colobus badius kirkii</i>	N/A	Tanzania (Zanzibar)	Do	E	4	N/A
Cougar, Eastern	<i>Felis concolor congar</i>	N/A	Eastern USA	Do	E	6	N/A
Deer, Bawean	<i>Hilaphys kuhlii (Cervus kuhlii)</i>	N/A	Indonesia	Do	E	3	N/A
Deer, Brown-antlered, Eld's	<i>Cervus eldi</i>	N/A	India, Southeast Asia	Do	E	4	N/A
Deer, Cedros Island Mule	<i>Odocoileus hemionus cerrosensis</i>	N/A	Mexico (Cedros Island)	Entire	E	10	N/A
Deer, Columbian Whitetailed	<i>Odocoileus virginianus leucurus</i>	N/A	USA (Oregon, Washington)	Do	E	1	N/A
Deer, Key	<i>Odocoileus virginianus clarium</i>	N/A	USA (Florida)	Do	E	1	N/A
Deer, Marsh	<i>Blastocercus dichotomus</i>	N/A	Argentina, Uruguay, Paraguay, Brazil	Do	E	4	N/A
Deer, McNeill's	<i>Cervus elaphus macneilli</i>	N/A	China, Tibet	Do	E	4	N/A
Deer, Persian Fallow	<i>Dama dama mesopotamica</i>	N/A	Iraq, Iran	Do	E	3	N/A
Deer, Swamp	<i>Cervus damusceli</i>	N/A	India, Nepal	Do	E	4	N/A
Dibatag (see Gazelle, Clark's)	<i>Antechinus apicalis</i>	N/A	Australia	Do	E	4	N/A
Dibbler	<i>Cuon alpinus</i>	N/A	USSR, India	Do	E	4	N/A
Dog, Asiatic Wild (Dhole)	<i>Dugong dugong</i>	N/A	East Africa to Ryukyu Islands	Do	E	4	N/A
Dugong	<i>Mustela nigripes</i>	N/A	Western USA and Western Canada	Do	E	1, 3	N/A
Ferret, Black-footed	<i>Macropus giganteus tasmanianensis</i>	N/A	Australia	Do	E	6	N/A
Forester, Tasmanian (Kangaroo)	<i>Vulpes velox hebes</i>	N/A	Canada	Do	E	3	N/A
Fox, Northern Kit	<i>Vulpes macrotis mutica</i>	N/A	USA (California)	Do	E	1	N/A
Fox, San Joaquin Kit	<i>Amurodonorcas clarkii</i>	N/A	Somalia, Ethiopia	Do	E	3	N/A
Gazelle, Clark's (Dibatag)	<i>Gazella cuvieri</i>	N/A	Morocco, Tunisia	Do	E	4	N/A
Gazelle, Cuviers	<i>Gazella dama mhorr</i>	N/A	Morocco	Do	E	4	N/A
Gazelle, Mhorr	<i>Gazella dorcas mauruscula</i>	N/A	Morocco, Algeria	Do	E	4	N/A
Gazelle, Moroccan (Dorcas)	<i>Gazella dama loanoi</i>	N/A	Spanish Sahara	Do	E	4	N/A
Gazelle, Rio de Oro Dama	<i>Gazella leptoceros</i>	N/A	Sudan, Algeria, Egypt, Libya	Do	E	4	N/A
Gazelle, Slender-horned (Rhim)	<i>Hylobates klassi</i>	N/A	Indonesia	Do	E	4	N/A
Gibbon, Kloss	<i>Hylobates pileatus</i>	N/A	Laos, Thailand, Cambodia	Do	E	4	N/A
Gibbon, Pileated	<i>Gorilla gorilla</i>	N/A	Central and Western Africa	Do	E	4	N/A
Gorilla	<i>Atelapha buselaphus swaynei</i>	N/A	Ethiopia	Do	E	4	N/A
Hartbeest, Swayne's	<i>Sus salweenis</i>	N/A	India, Nepal, Bhutan, Sikkim	Do	E	4	N/A
Hog, Pygmy	<i>Hyena apurca barbara</i>	N/A	Morocco	Do	E	4	N/A
Hyena, Barbary	<i>Hyena brunnea</i>	N/A	South Africa	Do	E	4	N/A
Hyena, Brown	<i>Cyprina pyrenaica pyrenaica</i>	N/A	Spain	Do	E	3	N/A
Ibex, Pyrenean	<i>Cyprina wallei</i>	N/A	Ethiopia	Do	E	3	N/A
Ibex, Walla	<i>Aepyproros melampus peteret</i>	N/A	Southwest Africa, Angola	Do	E	4	N/A
Impala, Black-faced	<i>Indri</i> spp. (all species)	N/A	Madagasy Republic (Madagascar), Comoro I.	Do	E	3, 4	N/A
Indris	<i>Panthera onca</i>	N/A	Central and South America	Do	E	4	N/A
Jaguar	<i>Macropus giganteus</i> (all subspecies except <i>tasmanianensis</i>)	N/A	Australia	Do	T	7	17.40(a)
Kangaroo, Eastern Gray (see also Forester, Tasmanian)	<i>Megalea rufa</i>	N/A	Australia	Do	T	7	17.40(a)
Kangaroo, Red	<i>Macropus fuliginosus</i>	N/A	Australia	Do	T	7	17.40(a)
Kangaroo, Western Gray	<i>Bos sauveli</i>	N/A	Cambodia	Do	E	3	N/A
Kouprey	<i>Pypathrix nemata</i>	N/A	Indochina, China (Hainan)	Entire	E	4	N/A
Langur, Dunc	<i>Simias concolor</i>	N/A	Indonesia	Do	E	4	N/A
Langur, Pugi Island	<i>Kobus leche emblemani</i>	N/A	Zambia	Do	E	4	N/A
Lechwe, Black	<i>Lemuridae</i> ; all members of the Genera <i>Lemur</i> , <i>Haplolemur</i> , <i>Lepilemur</i> , <i>Cheirogaleus</i> , <i>Microcebus</i> , <i>Phaner</i>	N/A	Madagasy Republic (Madagascar) and Comoro Islands	Do	E	3, 4	N/A
Lemurs	<i>Panthera pardus</i>	N/A	Africa and Asia	Do	E	3.5	N/A
Leopard	<i>Neofelis nebulosa brachyurus</i>	N/A	Taiwan	Do	E	4	N/A
Leopard, Formosan Clouded	<i>Panthera uncia</i>	N/A	Central Asia	Do	E	6	N/A
Leopard, Snow	<i>Panthera leo persica</i>	N/A	India	Do	E	3	N/A
Lion, Asiatic	<i>Felis lynx pardina (Felis pardina)</i>	N/A	Spain	Do	E	3	N/A
Lynx, Spanish	<i>Macaca ellenus</i>	N/A	India	Do	E	3	N/A
Macaque, Lion-tailed	<i>Trichechus inunguis</i>	N/A	South America: Amazon River Basin	Do	E	3	N/A
Manatee, Amazonian	<i>Trichechus manatus</i>	N/A	USA (Florida), Caribbean, South America	Entire	E	1, 3	N/A
Manatee, West Indian (Florida)	<i>Cerocebus galerita galerita</i>	N/A	Kenya	Do	E	8	N/A
Maugabey, Tana River	<i>Felis wiedii</i>	N/A	Central and South America	Do	E	5	N/A
Muray	<i>Cullimico goeldii</i>	N/A	Brazil, Colombia, Ecuador, Peru	Do	E	4	N/A
Marmoset, Goeldi's	<i>Antechinomys laniger</i>	N/A	Australia	Do	E	4	N/A
Marmoset, Golden (See Tamarin)	<i>Sminthopsis psammophilus</i>	N/A	Australia	Do	E	4	N/A
Marsupial, Eastern Jerboa	<i>Sminthopsis longicaudata</i>	N/A	Australia	Do	E	4	N/A
Marsupial-mouse, Large Desert	<i>Martes flavigula chrysocephala</i>	N/A	Taiwan	Do	E	4	N/A
Marsupial-mouse, Long-tailed							
Marten, Formosan Yellow-throated							
Monk-seal (See Seal, Mediterranean Monk)	<i>Atles geoffroyi frontatus</i>	N/A	Costa Rica, Nicaragua	Do	E	3	N/A
Monkey, Spider	<i>Atles geoffroyi panamensis</i>	N/A	Costa Rica, Panama	Do	E	3	N/A
Monkey, Spider	<i>Saimiri oerstedii (Saimiri sclerurus oerstedii)</i>	N/A	Costa Rica, Panama	Do	E	3	N/A
Monkey, Red-backed Squirrel							

SPECIES			RANGE				
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Monkey, Woolly Spider	<i>Brachyteles arachnoides</i>	N/A	Brazil	Entire	E	4	N/A
Mouse, Field's	<i>Pseudomys fieldi</i>	N/A	Australia	Do	E	4	N/A
Mouse, Gould's	<i>Pseudomys gouldii</i>	N/A	Do	Do	E	6	N/A
Mouse, New Holland	<i>Pseudomys newhollandiae</i>	N/A	Do	Do	E	4	N/A
Mouse, Salt Marsh Harvest	<i>Reithrodontomys rusciventris</i>	N/A	USA (California)	Do	E	4	N/A
Mouse, Shark Bay	<i>Pseudomys spracensis</i>	N/A	Australia	Do	E	4	N/A
Mouse, Shortridge's	<i>Pseudomys shortridgei</i>	N/A	Do	Do	E	4	N/A
Mouse, Smoky	<i>Pseudomys fumens</i>	N/A	Do	Do	E	4	N/A
Mouse, Western	<i>Pseudomys occidentalis</i>	N/A	Do	Do	E	4	N/A
Native-cat, Eastern	<i>Dasyurus viverrinus</i>	N/A	Do	Do	E	6	N/A
Numbat	<i>Myrmecobius fasciatus</i>	N/A	Do	Do	E	6	N/A
Ocelot	<i>Felis pardalis</i>	N/A	Central and South America	Do	E	5	N/A
Orangutan	<i>Pongo pygmaeus</i>	N/A	Indonesia, Malaysia, Brunei	Entire	E	3	N/A
Oryx, Arabian	<i>Oryx leucorox</i>	N/A	Arabian Peninsula	Do	E	3	N/A
Otter, Cameroon Clawless	<i>Paronyx microdon</i>	N/A	Cameroon	Do	E	4	N/A
Otter, Giant	<i>Pteronura brasiliensis</i>	N/A	South America	Do	E	3	N/A
Otter, La Plata	<i>Lutra platensis</i>	N/A	Uruguay, Argentina, Bolivia, Brazil	Do	E	4	N/A
Panther, Florida	<i>Felis concolor coryi</i>	N/A	USA (Florida)	Do	E	1	N/A
Platigale, Little	<i>Platigale subtilissima</i>	N/A	Australia	Do	E	4	N/A
Platigale, Southern	<i>Platigale tenuirostris</i>	N/A	Do	Do	E	4	N/A
Possum, Thin-spined	<i>Cascotomys sulcirostris</i>	N/A	Brazil	Do	E	3	N/A
Possum, Mountain Pygmy	<i>Birramys parvus</i>	N/A	Australia	Do	E	4	N/A
Possum, Scaly-tailed	<i>Wynella squamicaudata</i>	N/A	Do	Do	E	4	N/A
Prairie Dog, Mexican	<i>Cynomys merriami</i>	N/A	Mexico	Do	E	4	N/A
Prairie Dog, Utah	<i>Cynomys parvidens</i>	N/A	USA (Utah)	Entire	E	0	N/A
Pronghorn, Peninsular	<i>Antilocapra americana peninsularis</i>	N/A	Mexico (Baja California)	Do	E	10	N/A
Pronghorn, Sonoran	<i>Antilocapra americana sonoriensis</i>	N/A	USA (Arizona) Mexico	Do	E	1,3	N/A
Quokka	<i>Setonix brachyurus</i>	N/A	Australia	Do	E	6	N/A
Rabbit, Volcano	<i>Romerolagus diazi</i>	N/A	Mexico	Do	E	4	N/A
Rat, Morris Bay Kangaroo	<i>Dipodomys heermanni morroensis</i>	N/A	USA (California)	Do	E	2	N/A
Rat, Stick-nest	<i>Leptomys conditor</i>	N/A	Australia	Do	E	6	N/A
Rat, False Water	<i>Xeromys myoides</i>	N/A	Do	Do	E	4	N/A
Rat-kangaroo, Brush-tailed	<i>Bettongia penicillata</i>	N/A	Do	Do	E	4	N/A
Rat-kangaroo, Gaimard's	<i>Bettongia gaimardi</i>	N/A	Do	Do	E	6	N/A
Rat-kangaroo, Heston's	<i>Bettongia leucur</i>	N/A	Do	Do	E	4	N/A
Rat-kangaroo, Plain	<i>Caloprymnus campestris</i>	N/A	Do	Do	E	4	N/A
Rat-kangaroo, Queensland	<i>Bettongia tropica</i>	N/A	Australia	Entire	E	4	N/A
Rhin (see Gazelle, Slender-horned)							
Rhinoceros, Great Indian	<i>Rhinoceros unicornis</i>	N/A	India, Nepal	Do	E	4	N/A
Rhinoceros, Javan	<i>Rhinoceros sondaicus</i>	N/A	Indonesia, Burma, Thailand	Do	E	3	N/A
Rhinoceros, Northern White	<i>Ceratotherium simum cottoni</i>	N/A	Zaire, Uganda, Sudan, Central African Republic	Do	E	4	N/A
Rhinoceros, Sumatran	<i>Didermoceros sumatrensis</i>	N/A	Bangladesh to Viet-Nam to Indonesia (Borneo)	Do	E	3	N/A
Saki, White-nosed	<i>Chiropotes albinus</i>	N/A	Brazil	Do	E	4	N/A
Seal, Mediterranean Monk	<i>Monachus monachus</i>	N/A	Mediterranean, Northwest African Coast and Black Sea	Do	E	3	N/A
Seledang (Gaur)	<i>Bos gaurus</i>	N/A	India, Southeast Asia, Bangladesh	Do	E	4	N/A
Serval, Barbary	<i>Felis serval constantina</i>	N/A	Algeria	Do	E	4	N/A
Shoat	<i>Cervus elaphus wallichi</i>	N/A	Tibet, Bhutan	Do	E	4	N/A
Sifakas	<i>Propithecus</i> spp. (all species)	N/A	Madagascar	Entire	E	4	N/A
Smith, Brazilian Three-toed	<i>Bradypus torquatus</i>	N/A	Brazil	Do	E	4	N/A
Snow Leopard (see Leopard)							
Solenodon, Cuban	<i>Atopogale cubana</i>	N/A	Cuba	Do	E	4	N/A
Solenodon, Haitian	<i>Solenodon paradoxus</i>	N/A	Dominican Republic, Haiti	Do	E	4	N/A
Squirrel, Delmarva Peninsula Fox	<i>Sciurus niger ciscoensis</i>	N/A	USA (Maryland)	Do	E	1	N/A
Stag, Barbary	<i>Cervus elaphus barbarus</i>	N/A	Tunisia, Algeria	Do	E	3	N/A
Stag, Kashmir	<i>Cervus elaphus hanglu</i>	N/A	India (Kashmir)	Do	E	3	N/A
Tamaraw	<i>Anoa mindorensis</i>	N/A	Philippines	Do	E	4	N/A
Tamarin, Golden-rumped (Golden-headed Tamarin; Golden-lion Marmoset)	<i>Leontideus</i> spp. (all species)	N/A	Brazil	Do	E	3	N/A
Tapir, Brazilian	<i>Tapirus terrestris</i>	N/A	Venezuela, Argentina, Brazil, Colombia	Do	E	4	N/A
Tapir, Central American	<i>Tapirus bairdii</i>	N/A	Southern Mexico to Colombia and Ecuador	Do	E	4	N/A
Tapir, Mountain	<i>Tapirus pinchague</i>	N/A	Colombia	Do	E	4	N/A
Thylacine (See Tiger, Tasmanian)							
Tiger	<i>Panthera tigris</i>	N/A	Temperate and Tropical Asia	Entire	E	3,5	N/A
Tiger, Tasmanian (Thylacine)	<i>Thylacinus cynocephalus</i>	N/A	Australia	Do	E	3	N/A
Uakari	<i>Cacajao</i> spp. (all species)	N/A	Peru, Colombia, Brazil, Venezuela, Ecuador	Do	E	3	N/A
Victoria	<i>Vicugna vicugna</i>	N/A	Peru, Bolivia, Argentina	Do	E	3	N/A
Wallaby, Banded Hare	<i>Lepocephalus fasciatus</i>	N/A	Australia	Do	E	4	N/A
Wallaby, Bridled Nail-tail	<i>Ongychopelta frenata</i>	N/A	Do	Do	E	4	N/A
Wallaby, Crescent Nail-tail	<i>Ongychopelta lunata</i>	N/A	Do	Do	E	4	N/A
Wallaby, Parma	<i>Macropus parvus</i>	N/A	Do	Do	E	4	N/A
Wallaby, Western Hare	<i>Lagorchestes hirsutus</i>	N/A	Do	Do	E	4	N/A
Wallaby, Yellow-footed Rock	<i>Petrogale xanthopus</i>	N/A	Do	Do	E	6	N/A
Whale, Blue	<i>Balaenoptera musculus</i>	N/A	Oceanic	Entire	E	4	N/A
Whale, Bowhead	<i>Balaenoptera mysticetus</i>	N/A	Oceanic	Entire	E	4	N/A
Whale, Finback	<i>Balaenoptera physalus</i>	N/A	Do	Do	E	4	N/A
Whale, Gray	<i>Eschrichtius gibbosus</i>	N/A	Do	Do	E	4	N/A
Whale, Humpback	<i>Megaptera novaeangliae</i>	N/A	Do	Do	E	4	N/A
Whale, Right	<i>Eubalaena</i> spp. (all species)	N/A	Do	Do	E	4	N/A
Whale, Sei	<i>Balaenoptera borealis</i>	N/A	Do	Do	E	4	N/A
Whale, Sperm	<i>Physeter catodon</i>	N/A	Do	Do	E	4	N/A
Wolf, Eastern Timber	<i>Canis lupus lycaon</i>	N/A	USA (Minnesota, Michigan), Eastern Canada	Do	E	1	N/A
Wolf, Mined	<i>Chrysocyon brachyurus</i>	N/A	Argentina, Bolivia, Brazil, Paraguay	Do	E	4	N/A
Wolf, Northern Rocky Mountain	<i>Canis lupus tremotus</i>	N/A	USA (Wyoming, Montana)	Do	E	6	N/A
Wolf, Red	<i>Canis rufus</i>	N/A	USA (Texas, Louisiana)	Do	E	2	N/A
Wombat, Bernard's	<i>Lasiorhinus bernardii</i>	N/A	Australia	Do	E	4	N/A
Wombat, Queensland Hairy-nosed	<i>Lasiorhinus hillesbrandi</i>	N/A	Australia	Do	E	4	N/A
Yak, Wild	<i>Bos grunniens mutus</i>	N/A	Tibet, India	Entire	E	4	N/A

SPECIES			RANGE				
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BIRDS							
Alopi, Hawaii (Honeycreeper)	<i>Lycops coccyzus coccyzus</i>	N/A	USA (Hawaii)	Entire	E	2	N/A
Alopi, Maui (Honeycreeper) (aka- nia)	<i>Lycops coccyzus ochraceus</i>	N/A	USA (Hawaii)	Entire	E	2	N/A
Akialoa, Kaula (Honeycreeper)	<i>Hirapnathus proterus</i>	N/A	USA (Hawaii)	Entire	E	1	N/A
Akialoa, Hawaii (Honeycreeper)	<i>Hirapnathus wilsoni</i>	N/A	USA (Hawaii)	Entire	E	1	N/A
Albatross, Short-tailed	<i>Diomedea albatrus</i>	N/A	Japan	Entire	E	3	N/A
Bobwhite, Masked (Quail)	<i>Colinus virginianus ridgwayi</i>	N/A	USA (Arizona, New Mexico), Northern Mexico	Entire	E	1, 3	N/A
Bristlebird, Western (Flycatcher)	<i>Myzopeta trachypterus longirostris</i>	N/A	Australia	Entire	E	1	N/A
Bulbul, Mauritius Olivaceous	<i>Myzopeta barbotiana olivacea</i>	N/A	Mauritius	Entire	E	3	N/A
Bullfinch, Sao Miguel (Finch)	<i>Pyrrhula pyrrhula murina</i>	N/A	Eastern Atlantic Ocean; Portugal (Azores)	Entire	E	3	N/A
Bustard, Great Indian	<i>Choriotis nigripes</i>	N/A	India, Pakistan	Entire	E	3	N/A
Cahow (Bermuda Petrel)	<i>Pterodroma cahow</i>	N/A	Western Atlantic Ocean; Bermuda	Entire	E	4	N/A
Condor, Andean	<i>Vultur gryphus</i>	N/A	Colombia to Chile and Argentina	Entire	E	4	N/A
Condor, California	<i>Gymnogyps californianus</i>	N/A	USA (California)	Entire	E	1	N/A
Coot, Hawaiian	<i>Fulica americana alai</i>	N/A	USA (Hawaii)	Entire	E	2	N/A
Crane, Hooded	<i>Grus monacha</i>	N/A	Japan, USSR	Entire	E	4	N/A
Crane, Japanese	<i>Grus japonensis</i>	N/A	China, Japan, Korea, USSR	Entire	E	4	N/A
Crane, Mississippi Sandhill	<i>Grus canadensis pulla</i>	N/A	USA (Mississippi)	Entire	E	4	N/A
Crane, Siberian White	<i>Grus leucogeranus</i>	N/A	Siberia to India	Entire	E	4	N/A
Crane, Whooping	<i>Grus americana</i>	N/A	Canada, USA	Entire	E	1, 3	N/A
Creeper, Hawaii	<i>Lycops maculata maculata</i>	N/A	USA (Hawaii)	Entire	E	10	N/A
Creeper, Molokai (Kakawahi) (Honeycreeper)	<i>Lycops maculata flavescens</i>	N/A	USA (Hawaii)	Entire	E	3	N/A
Creeper, Oahu (Alauahilo) (Honeycreeper)	<i>Lycops maculata maculata</i>	N/A	USA (Hawaii)	Entire	E	2	N/A
Crow, Hawaiian (Alau)	<i>Circus tropicus</i>	N/A	USA (Hawaii)	Entire	E	1	N/A
Cuckoo-shrike, Mauritius	<i>Cypselus cyprinus</i>	N/A	Mauritius	Entire	E	3	N/A
Cuckoo-shrike Remion	<i>Cypselus aculeatus</i>	N/A	Indian Ocean; France (Remion I.)	Entire	E	3	N/A
Curlew, Red-billed	<i>Curlew iduna</i>	N/A	Brazil	Entire	E	1	N/A
Curlew, Trinidad White-headed	<i>Pipilo pipilo pipilo</i>	N/A	West Indies; Trinidad	Entire	E	2	N/A
Curlew, Eskimo	<i>Numenius borealis</i>	N/A	Canada to Argentina	Entire	E	1, 3	N/A
Dove, Cloven-feathered	<i>Drepanopelia holoceryx</i>	N/A	Southwest Pacific Ocean; New Caledonia	Entire	E	4	N/A
Dove, Grenada	<i>Leptotila uellei</i>	N/A	West Indies; Grenada	Entire	E	1	N/A
Dove, Palau Ground	<i>Gallinula palauensis</i>	N/A	West Pacific Ocean; Palau Islands	Entire	E	4	N/A
Duck, Hawaiian (Koloa)	<i>Anas wyvilliana</i>	N/A	USA (Hawaii)	Entire	E	1	N/A
Duck, Laysan	<i>Anas layardiana</i>	N/A	USA (Hawaii)	Entire	E	1	N/A
Duck, Mexican	<i>Anas diazi</i>	N/A	USA (Texas, Arizona), Mexico	Entire	E	1	N/A
Duck, White-winged Wood	<i>Cairina scolopacea</i>	N/A	India, Burma, Thailand, Ma- laysia, Indonesia	Entire	E	3	N/A
Eagle, Monkeyeating	<i>Pithecophaga jefferyi</i>	N/A	Philippines	Entire	E	3	N/A
Eagle, Southern Bald	<i>Haliaeetus leucorhynchus leucorhynchus</i>	N/A	USA (South of the 40th Parallel)	Entire	E	1	N/A
Eagle, Spanish Imperial	<i>Aquila heliaca adalberti</i>	N/A	Spain, Morocco, Algeria	Entire	E	4	N/A
Kerret, Chinese	<i>Agretila culphotes</i>	N/A	China, Korea	Entire	E	4	N/A
Falcon, American	<i>Falco peregrinus anatum</i>	N/A	Canada, USA, Mexico	Entire	E	2, 3	N/A
Falcon, Arctic Peregrine	<i>Falco peregrinus tundrius</i>	N/A	Canada, USA, Greenland to South America	Entire	E	2, 4	N/A
Finches, Laysan and Nihoa (Honeycreepers)	<i>Exelastur eximius</i>	N/A	USA (Hawaii)	Entire	E	1	N/A
Flycatcher, Chatham Island Robin	<i>Petroica traversi</i>	N/A	New Zealand	Entire	E	4	N/A
Flycatcher, Euler's (Tyrant)	<i>Empidonax euleri johnstoni</i>	N/A	West Indies; Grenada	Entire	E	3	N/A
Flycatcher, Grey-necked Rock-fowl	<i>Ptilinopus griseus</i>	N/A	Cameroon	Entire	E	3	N/A
Flycatcher, Palau Fantail	<i>Rhipidura lepida</i>	N/A	West Pacific Ocean; Palau Islands	Entire	E	4	N/A
Flycatcher, Scarlet-breasted Robin (Tyrant)	<i>Petroica multicolor</i>	N/A	Australia (Norfolk I.)	Entire	E	3	N/A
Flycatcher, Seychelles Black	<i>Troglodytes corvina</i>	N/A	Indian Ocean; Seychelles	Entire	E	4	N/A
Flycatcher, Tahiti	<i>Pomatorhinus nigra</i>	N/A	South Pacific Ocean; Tahiti	Entire	E	3	N/A
Flycatcher, Whit-necked Rock-fowl	<i>Ptilinopus griseus</i>	N/A	Africa; Togo to Sierra Leone	Entire	E	3	N/A
Fody, Seychelles (Weaver-finch)	<i>Foudia sechellarum</i>	N/A	Indian Ocean; Seychelles	Entire	E	3	N/A
Gallinule, Hawaiian	<i>Gallinula chloropus sandvicensis</i>	N/A	USA (Hawaii)	Entire	E	1	N/A
Goose, Aleutian Canada	<i>Branta canadensis leucopaisia</i>	N/A	Western USA, Japan	Entire	E	1, 4	N/A
Goose, Hawaiian (None)	<i>Branta sandvicensis</i>	N/A	USA (Hawaii)	Entire	E	1	N/A
Goshawk, Christmas Island	<i>Accipiter fasciatus natalis</i>	N/A	Indian Ocean; Australia (Christ- mas I.)	Entire	E	3	N/A
Grackle, Slender-billed	<i>Cassidix palustris</i>	N/A	Mexico	Entire	E	4	N/A
Grass-wren, Eyrean (Flycatcher)	<i>Ampelis gouldii</i>	N/A	Australia	Entire	E	4	N/A
Grebe, Atlitlan	<i>Podilymbus gigas</i>	N/A	Guatemala	Entire	E	3	N/A
Gull, Horned	<i>Oropus stricklandi</i>	N/A	Guatemala; Mexico	Entire	E	3	N/A
Gull, Audouin's	<i>Larus audouinii</i>	N/A	Mediterranean Sea and adjacent lands	Entire	E	3	N/A
Hawk, Anjouan Island Sparrow	<i>Accipiter francesii pusillus</i>	N/A	Indian Ocean; Comoro Islands	Entire	E	3	N/A
Hawk, Gallapagos	<i>Buteo galapagoensis</i>	N/A	Ecuador (Galapagos Islands)	Entire	E	3	N/A
Hawk, Hawaiian (Io)	<i>Buteo solitarius</i>	N/A	USA (Hawaii)	Entire	E	1	N/A
Honeycreeper, Crested (Akolekohoh)	<i>Palmeria delicata</i>	N/A	USA (Hawaii)	Entire	E	1	N/A
Honeycreeper, Helmeted	<i>Meliphaga cassidix</i>	N/A	Australia	Entire	E	4	N/A
Ibis, Japanese Crested	<i>Nipponia nippon</i>	N/A	China, Japan, Korea, USSR	Entire	E	3	N/A
Kagu (Rail)	<i>Phaethon lepturus</i>	N/A	Southwest Pacific Ocean; New Caledonia	Entire	E	3	N/A
Kakapo (Owl Parrot)	<i>Strigops habroptilus</i>	N/A	New Zealand	Entire	E	4	N/A
Kestrel, Mauritius	<i>Falco puuctatus</i>	N/A	Mauritius	Entire	E	3	N/A
Kestrel, Seychelles	<i>Falco tinnunculus</i>	N/A	Indian Ocean; Seychelles	Entire	E	3	N/A
Kite, Cuba Hook-billed	<i>Chondrohierax uilonii</i>	N/A	Cuba	Entire	E	4	N/A
Kite, Grenada Hook-billed	<i>Chondrohierax uilonii</i>	N/A	West Indies; Grenada	Entire	E	4	N/A
Kite, Florida Everglade (Snail Kite)	<i>Rostrhamus sociabilis plumbeus</i>	N/A	USA (Florida)	Entire	E	1	N/A
Kokoi (Wattlebird)	<i>Callaeus cinereus</i>	N/A	New Zealand	Entire	E	3	N/A
Margate-rubin, Seychelles (Thrush)	<i>Coppychus sechellarum</i>	N/A	Indian Ocean; Seychelles	Entire	E	3	N/A
Makoua, Red-faced	<i>Phaethon lepturus pyrrhocapillus</i>	N/A	St. Lanka	Entire	E	3	N/A
Megapode, La Perouse's	<i>Megapodius lagranga</i>	N/A	Western Pacific Ocean; Palau Is- lands, Marianas Islands	Entire	E	4	N/A

SPECIES			RANGE				
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Megapode, Maleo	<i>Macrocephalon maleo</i>	N/A	Indonesia (Celebes)	Entire	E	4	N/A
Millerbird, Nihoa (Warbler)	<i>Acrocephalus kingi</i>	N/A	USA (Hawaii)	Do	E	1	N/A
Monals (see Phoeasant)							
Monarch, Tinian (Tyrant Flycatcher)	<i>Monarcha talahasianae</i>	N/A	Western Pacific Ocean: Manana Islands (Tinian)	Do	E	3	N/A
Nukupuna, Kaula & Maui (Honeycreeper)	<i>Hemignathus leucurus</i>	N/A	USA (Hawaii)	Do	E	2	N/A
Oo, Kaula (Oo Aa) (Honeycreeper)	<i>Moko braccatus</i>	N/A	USA (Hawaii)	Do	E	1	N/A
Ostrieh, Arabian	<i>Struthio camelus syriacus</i>	N/A	Jordan, Saudi Arabia	Do	E	3	N/A
Ostrieh, West African	<i>Struthio camelus spatzi</i>	N/A	Spanish Sahara	Do	E	4	N/A
Ou (Honeycreeper)	<i>Ptilinopus ptilinopus</i>	N/A	USA (Hawaii)	Do	E	1	N/A
Owl, Anjouan Scops	<i>Otus rufinus capnodes</i>	N/A	Indian Ocean: Comoro Islands	Do	E	3	N/A
Owl, Palau	<i>Otus podargina</i>	N/A	Western Pacific Ocean: Palau Islands	Entire	E	4	N/A
Owl, Seychelles	<i>Otus insularis</i>	N/A	Indian Ocean: Seychelles	Do	E	3	N/A
Owlet, Mrs. Morden's	<i>Otus irenaeus</i>	N/A	Kenya	Do	E	3	N/A
Pallia (Honeycreeper)	<i>Ptilinopus pallia</i>	N/A	USA (Hawaii)	Do	E	1	N/A
Parakeet, Forbes'	<i>Cyanoramphus auriceps forbesi</i>	N/A	New Zealand	Do	E	4	N/A
Parakeet, Golden-shouldered	<i>Psephotus chrysopterygia</i>	N/A	Australia	Do	E	4	N/A
Parakeet, Mauritius Ring-necked	<i>Ptilinopus krameri echo</i>	N/A	Mauritius	Do	E	4	N/A
Parakeet, Ochré-marked	<i>Egrrhura eruentata</i>	N/A	Brazil	Do	E	4	N/A
Parakeet, Orange-bellied	<i>Neophema chrysogaster</i>	N/A	Australia	Do	E	4	N/A
Parakeet, Paradise	<i>Psephotus pulcherrimus</i>	N/A	Australia	Do	E	4	N/A
Parakeet, Scarlet-chested	<i>Neophema splendida</i>	N/A	Australia	Entire	E	4	N/A
Parakeet, Turquoise	<i>Neophema pulchella</i>	N/A	Australia	Do	E	4	N/A
Parrot, Bahamas	<i>Amazona leucoccephala bahamensis</i>	N/A	Western Atlantic Ocean: Bahamas	Do	E	3	N/A
Parrot, Ground	<i>Pezoporus wallicus</i>	N/A	Australia	Do	E	6	N/A
Parrot, Imperial	<i>Amazona imperialis</i>	N/A	West Indies: Dominica	Do	E	4	N/A
Parrot, Night	<i>Geopelia occidentalis</i>	N/A	Australia	Do	E	3	N/A
Parrot, Puerto Rican	<i>Amazona vittata</i>	N/A	USA (Puerto Rico)	Do	E	1	N/A
Parrot, Red-browed	<i>Amazona rhodocorytha</i>	N/A	Brazil	Do	E	4	N/A
Parrot, St. Lucia	<i>Amazona tereticaolor</i>	N/A	West Indies: St. Lucia	Do	E	4	N/A
Parrot, St. Vincent	<i>Amazona guildingii</i>	N/A	West Indies: St. Vincent	Do	E	4	N/A
Parrot, Thick-billed	<i>Rhynchopsitta pachyrhyncha</i>	N/A	Mexico, USA (Arizona, New Mexico)	Entire	E	3	N/A
Parrotbill, Maui (Honeycreeper)	<i>Pseudonestor xanthophrys</i>	N/A	USA (Hawaii)	Do	E	1	N/A
Pelican, Brown	<i>Pelecanus occidentalis</i>	N/A	USA, West Indies, Central and South America: Coastal	Do	E	2,4	N/A
Penguin, Galapagos	<i>Spheniscus mendiculus</i>	N/A	Ecuador (Galapagos Islands)	Do	E	2,4	N/A
Petrel, Hawaiian Dark-rumped	<i>Pterodroma phaeopygia sandwichensis</i>	N/A	USA (Hawaii)	Do	E	1	N/A
Pheasant, Bar-tailed	<i>Symplectes lunifrons</i>	N/A	Burma, China	Do	E	3	N/A
Pheasant, Blyth's Tragopan	<i>Tragopan blythii</i>	N/A	Burma, China, India	Do	E	3	N/A
Pheasant, Brown-eared	<i>Crossoptilon manchuricum</i>	N/A	China	Do	E	3	N/A
Pheasant, Cabot's Tragopan	<i>Tragopan caboti</i>	N/A	China	Do	E	3	N/A
Pheasant, Chinese Monal	<i>Lophophorus luyasi</i>	N/A	China	Do	E	3	N/A
Pheasant, Edward's	<i>Lophura edwardsi</i>	N/A	Vietnam	Entire	E	3	N/A
Pheasant, Imperial	<i>Lophura imperialis</i>	N/A	Vietnam	Do	E	3	N/A
Pheasant, Mikado	<i>Symplectes mikado</i>	N/A	Taiwan	Do	E	4	N/A
Pheasant, Palawan Peacock	<i>Polyplectron emphanum</i>	N/A	Philippines	Do	E	3	N/A
Pheasant, Selator's Monal	<i>Lophophorus sclateri</i>	N/A	Burma, China, India	Do	E	3	N/A
Pheasant, Swinhoe's	<i>Lophura swinhoei</i>	N/A	Taiwan	Do	E	3	N/A
Pheasant, Western Tragopan	<i>Tragopan melanoccephalus</i>	N/A	India, Pakistan	Do	E	3	N/A
Pheasant, White-eared	<i>Crossoptilon crossoptilon</i>	N/A	China (Tibet), India	Do	E	4	N/A
Pigeon, Azores Wood	<i>Columba palumbus azoricus</i>	N/A	East Atlantic Ocean: Portugal (Azores)	Do	E	3	N/A
Pigeon, Chatham Island	<i>Hemiphysalis neocasslandiae chathamensis</i>	N/A	New Zealand	Do	E	4	N/A
Pigeon, Puerto Rican Plain Plopie (Wattlebird)	<i>Columba inornata wetmorei</i>	N/A	USA (Puerto Rico)	Entire	E	2	N/A
	<i>Turturina capensis</i>	N/A	Indian Ocean: France (Reunion Island)	Do	E	3	N/A
Fratre Chicken, Attwater's Greater Plover, New Zealand Shore Po's Ull	<i>Tympanuchus cupido attwateri</i>	N/A	USA (Texas)	Do	E	1	N/A
	<i>Tibicen notae-zealandiae</i>	N/A	New Zealand	Do	E	4	N/A
	<i>Melospiza phaeonota</i>	N/A	USA (Hawaii)	Do	E	10	N/A
Rail, Auckland Island	<i>Rallus pacificus mulleri</i>	N/A	New Zealand	Do	E	3	N/A
Rail, California Clapper	<i>Rallus longirostris obsoletus</i>	N/A	USA (California)	Do	E	2	N/A
Rail, Light-footed Clapper	<i>Rallus longirostris leipes</i>	N/A	Mexico, USA (California)	Do	E	2	N/A
Rail, Yuma Clapper	<i>Rallus longirostris yumanensis</i>	N/A	Mexico, USA (Arizona, California)	Do	E	1	N/A
Ribes, Darwin's	<i>Pterocnemis pennata</i>	N/A	Argentina, Bolivia, Peru, Uruguay	Do	E	4	N/A
Roller, Long-tailed Ground Scrub-bird, Noisy	<i>Uroloncha khimera</i>	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
	<i>Atrichornis diomedeae</i>	N/A	Australia	Do	E	3	N/A
Shama, Cebu Black (Thrush)	<i>Copsychus niger cebuensis</i>	N/A	Philippines	Do	E	3	N/A
Shrewwater, Newell's Mauz	<i>Puffinus puffinus newelli</i>	N/A	USA (Hawaii)	Do	T	10	N/A
Sparrow, Cape Sable	<i>Ammodramus maritima mirabilis</i>	N/A	USA (Florida)	Do	E	1	N/A
Sparrow, Dusky Seaside	<i>Ammodramus maritima nigrescens</i>	N/A	USA (Florida)	Do	E	1	N/A
Sparrow, Santa Barbara	<i>Melospiza melodia graminea</i>	N/A	USA (California)	Do	E	6	N/A
Starling, Ponce Mountain	<i>Aplonis pelzelni</i>	N/A	Western Pacific Ocean: Caroline Islands (Ponape)	Do	E	4	N/A
Starling, Rothschild's (Myna) Still, Hawaiian	<i>Leucophaea rothschildi</i>	N/A	Indonesia (Bali)	Do	E	4	N/A
	<i>Himationopus himantopus knudseni</i>	N/A	USA (Hawaii)	Do	E	2	N/A
Stork, White Oriental	<i>Ciconia ciconia boyciana</i>	N/A	China, Japan, Korea, USSR	Entire	E	4	N/A
Tern, California Least	<i>Sterna albifrons browni</i>	N/A	Mexico, USA	Do	E	2,4	N/A
Thrush, White-breasted	<i>Ramphocelus berythina</i>	N/A	West Indies: Martinique, St. Lucia	Do	E	3	N/A
Thrush, Large Kaula	<i>Phacornis obscurus myadestes</i>	N/A	USA (Hawaii)	Do	E	2	N/A
Thrush, Molokai (Olonau)	<i>Phacornis obscurus rufa</i>	N/A	USA (Hawaii)	Do	E	2	N/A
Thrush, Small Kaula (Pindoh)	<i>Phacornis palmeri</i>	N/A	USA (Hawaii)	Do	E	1	N/A
Tragopans (see Pheasants)							
Tumbler, Martinique Brown	<i>Cinclercia ruficauda gutturalis</i>	N/A	West Indies: Martinique	Do	E	3	N/A
Wandreeer, Plain	<i>Pedionomus torquatus</i>	N/A	Australia	Do	E	6	N/A
Warbler (Wood), Bachman's	<i>Vermivora bachmanii</i>	N/A	Cuba, USA (Southeastern)	Do	E	1,4	N/A
Warbler (Wood), Barbados Yellow	<i>Dendroica petechia petechia</i>	N/A	West Indies Barbados	Entire	E	4	N/A
Warbler, (Wood) Kirtland's	<i>Dendroica kirtlandi</i>	N/A	USA, West Indies: Bahamas	Do	E	1,4	N/A
Warbler, Reed	<i>Acrocephalus luscinius</i>	N/A	Western Pacific Ocean: Mariana Islands	Do	E	3	N/A
Warbler, Rodrigues	<i>Troglodytes rodriguesii</i>	N/A	Mauritius (Rodrigues I.)	Do	E	3	N/A
Warbler, Semper's	<i>Leucophaea semperi</i>	N/A	West Indies: St. Lucia	Do	E	3	N/A

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Warbler, Seychelles	<i>Behrensia sechellensis</i>	N/A	Indian Ocean; Seychelles	Do	E	3	N/A	
Whipbird, Western (Thrush)	<i>Pompholax nigropolaris</i>	N/A	Australia	Do	E	4	N/A	
Whip-poor-will, Puerto Rican	<i>Caprimulgus vociferans</i>	N/A	USA (Puerto Rico)	Do	E	6	N/A	
White-eye, Pomape Great	<i>Halimastur</i>	N/A	Western Pacific Ocean; Caroline Islands (Pomape)	Do	E	4	N/A	
White-eye, Seychelles	<i>Zosterops modestus</i>	N/A	Indian Ocean; Seychelles	Do	E	4	N/A	
Woodpecker, Imperial	<i>Campycolaptes curvipennis</i>	N/A	Mexico	Entire	E	3	N/A	
Woodpecker, Ivory-billed	<i>Campycolaptes principalis</i>	N/A	Cuba, USA (South Central and Southeast)	Do	E	1, 3	N/A	
Woodpecker, Red-cockaded	<i>Dendrocopos borealis</i>	N/A	USA (South Central and Southeast)	Do	E	2	N/A	
Woodpecker, Tristram's	<i>Dryocopus javanicus richardi</i>	N/A	Korea	Do	E	3	N/A	
Wren, Guadeloupe House	<i>Troglodytes aedon guadeloupen-sis</i>	N/A	West Indies; Guadeloupe	Do	E	3	N/A	
Wren, New Zealand Bush	<i>Xenicops longipes</i>	N/A	New Zealand	Do	E	3	N/A	
Wren, St. Lucia	<i>Troglodytes aedon nicolleti</i>	N/A	West Indies; St. Lucia	Do	E	3	N/A	
REPTILES:								
Alligator, American	<i>Alligator mississippiensis</i>	Whenever found in the wild, except in Cameron, Vermillion, and Calcasieu Parishes in Louisiana.	Southwestern USA	Entire	E	11	N/A	
Alligator, American	<i>Alligator mississippiensis</i>	In the wild in Cameron, Vermillion, and Calcasieu Parishes in Louisiana.	USA (Cameron, Vermillion, Calcasieu Parishes in Louisiana)	N/A	T(S/A)	11	17.42(a)	
Alligator, American	<i>Alligator mississippiensis</i>	In captivity, wherever found	Worldwide	N/A	T(S/A)	11	N/A	
Boa, Puerto Rican	<i>Epicrater inornatus</i>	N/A	Puerto Rico	Entire	E	2	N/A	
Boa, Jamaican	<i>Epicrater subflavus</i>	N/A	Jamaica	Entire	E	4	N/A	
Crocodile, American	<i>Crocodylus acutus</i>	Florida	USA (South Florida and Florida Keys)	Entire	E	10	N/A	
Crocodile, Cuban	<i>Crocodylus rhombifer</i>	N/A	Cuba	Entire	E	4	N/A	
Crocodile, Morelet's	<i>Crocodylus moreletii</i>	N/A	Mexico, British Honduras	Entire	E	4	N/A	
Crocodile, Nile	<i>Crocodylus niloticus</i>	N/A	Africa	Entire	E	4	N/A	
Crocodile, Orinoco	<i>Crocodylus intermedius</i>	N/A	South America; Orinoco River Basin	Entire	E	4	N/A	
Gavial (Gharial)	<i>Gavialis gangeticus</i>	N/A	Pakistan, India, Burma, Bangladesh	Entire	E	4	N/A	
Gecko, Day	<i>Phelsuma newtoni</i>	N/A	Mauritius	Entire	E	4	N/A	
Gecko, Round Island Day	<i>Phelsuma guentheri</i>	N/A	Do	Entire	E	4	N/A	
Iguana, Anegada Ground	<i>Cyclura pinguis</i>	N/A	Virgin Islands; Anegada Island	Entire	E	3	N/A	
Iguana, Barrington Land	<i>Conolophus pallidus</i>	N/A	Ecuador; Galapagos Islands	Entire	E	4	N/A	
Lizard, Blunt-nosed Leopard	<i>Crotaphytus vilis</i>	N/A	USA; California	Entire	E	1	N/A	
Snake, San Francisco Garter	<i>Thamnophis sirtalis tetrataenia</i>	N/A	USA; California	Entire	E	1	N/A	
Terrapin, River (Turtle)	<i>Batagur baska</i>	N/A	Burma, India, Indonesia, Malaysia, Bangladesh	Entire	E	1	N/A	
Tortoise, Galapagos	<i>Testudo chelonopsis</i>	N/A	Ecuador; Galapagos Islands	Entire	E	4	N/A	
Tortoise, Madagascar Radiated	<i>Testudo radiata</i>	N/A	Madagascar	Entire	E	4	N/A	
Tortoise, Short-necked or Swamp	<i>Pseudemys umbrina</i>	N/A	Malaysia Republic (Malagascar)	Entire	E	4	N/A	
Tuatara	<i>Sphenodon punctatus</i>	N/A	Australia	Entire	E	4	N/A	
Turtle, Aquatic Box	<i>Trionyx coahuila</i>	N/A	New Zealand	Entire	E	6	N/A	
Turtle, Atlantic Ridley	<i>Leidichthys lewini</i>	N/A	Mexico	Entire	E	4	N/A	
Turtle, Hawaiian	<i>Chelonia mydas</i>	N/A	Do	Entire	E	3	N/A	
Turtle, Leatherback	<i>Dermochelys coriacea</i>	N/A	Tropical and Temperate Seas	Entire	E	3	N/A	
Turtle, South American	<i>Podocnemis expansa</i>	N/A	South America; Orinoco and Amazon River Basins	Entire	E	3	N/A	
Turtle, South American Yacare (Caiman)	<i>Podocnemis unifilis</i>	N/A	Do	Entire	E	4	N/A	
	<i>Caiman yacari</i>	N/A	Bolivia, Argentina, Peru, Brazil	Entire	E	3	N/A	
AMPHIBIANS:								
Frog, Iguazu Painted	<i>Dicranophaga nigrovittata</i>	N/A	Israel	Entire	E	4	N/A	
Frog, Stephen Island	<i>Leiopelma bailloni</i>	N/A	New Zealand	Do	E	4	N/A	
Salamander, Desert Slender	<i>Batrachoseps aridus</i>	N/A	USA (California)	Do	E	5	N/A	
Salamander, Santa Cruz Long-tailed	<i>Ambystoma macrodactylus croceum</i>	N/A	Do	Do	E	1	N/A	
Salamander, Texas Blind	<i>Typhlodromus rathbunae</i>	N/A	USA (Texas)	Do	E	1	N/A	
Toad, Houston	<i>Bufo houstonsensis</i>	N/A	Do	Do	E	2	N/A	
FISHES:								
Abu Bakr	<i>Salmo phlegippus</i>	N/A	Turkey	Entire	E	3	N/A	
Ayuzmodoki	<i>Hyporhamphus curti</i>	N/A	Japan	Do	E	3	N/A	
Blindcat, Mexican	<i>Pristella phreatophila</i>	N/A	Mexico	Do	E	3	N/A	
Bonytail, Palmarugat	<i>Gila robusta jordani</i>	N/A	USA (Nevada)	Do	E	2	N/A	
Catfish	<i>Pangasius sanilwaongae</i>	N/A	Thailand	Do	E	3	N/A	
Catfish, Giant	<i>Pangasius odon gipes</i>	N/A	Do	Do	E	3	N/A	
Chub, Humpback	<i>Gila cypha</i>	N/A	USA (Arizona, Utah, Wyoming)	Do	E	1	N/A	
Chub, Mohave	<i>Siphateles mohavensis</i>	N/A	USA (California)	Do	E	2	N/A	
Creek	<i>Acutanthias lucidus</i>	N/A	Turkey	Do	E	3	N/A	
Cisco, Longjaw	<i>Catopoma alpinum</i>	N/A	USA (Lakes Michigan, Huron, and Erie)	Do	E	1	N/A	
Cui-ti	<i>Channa striata</i>	N/A	USA (Nevada)	Do	E	1	N/A	
Dace, Kendall Warm Springs	<i>Blaschkeia oculata thersites</i>	N/A	USA (Wyoming)	Do	E	2	N/A	
Dace, Moapa	<i>Moapa corbora</i>	N/A	USA (Nevada)	Do	E	1	N/A	
Darter, Bayou	<i>Etheostoma ruberum</i>	N/A	USA (Mississippi)	Do	T	10	N/A	
Darter, Fountain	<i>Etheostoma fonticola</i>	N/A	USA (Texas)	Entire	E	2	N/A	
Darter, Maryland	<i>Etheostoma caeruleum</i>	N/A	USA (Maryland)	Do	E	1	N/A	
Darter, Okaloosa	<i>Etheostoma okaloosae</i>	N/A	USA (Florida)	Do	E	6	N/A	
Darter, Watercress	<i>Etheostoma nuchale</i>	N/A	USA (Alabama)	Do	E	2	N/A	
Gambusia, Big Bend	<i>Gambusia affinis</i>	N/A	USA (Texas)	Do	E	1	N/A	
Gambusia, Clear-Creek	<i>Gambusia holbrooki</i>	N/A	Do	Do	E	1	N/A	
Gambusia, Peccot	<i>Gambusia affinis</i>	N/A	Do	Do	E	2	N/A	
Killifish, Fabricamp	<i>Fundulus heteroclitus</i>	N/A	USA (Nevada)	Do	E	1	N/A	
Madtom, Scoto	<i>Notopterus anthurus</i>	N/A	USA (Ohio)	Do	E	10	N/A	

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Nekogird	<i>Coreobagrus ichikawai</i>	N/A	Japan	Do	E	3	N/A	
Pike, Bide	<i>Stizostedion vitreum glaucum</i>	N/A	USA (Lakes Erie and Ontario)	Do	E	1	N/A	
Pupfish, Comanche Springs	<i>Cyprinodon elegans</i>	N/A	USA (Texas)	Do	E	1	N/A	
Pupfish, Devil's Hole	<i>Cyprinodon diabolis</i>	N/A	USA (Nevada)	Do	E	1	N/A	
Pupfish, Owens River	<i>Cyprinodon radiatus</i>	N/A	USA (California)	Do	E	1	N/A	
Pupfish, Teepa	<i>Cyprinodon nevadensis calidus</i>	N/A	USA (California)	Do	E	2	N/A	
Pupfish, Warm Springs	<i>Cyprinodon nevadensis pectoralis</i>	N/A	USA (Nevada)	Do	E	2	N/A	
Squawfish, Colorado River	<i>Ptychocheilus lucius</i>	N/A	USA (Colorado River System)	Do	E	1	N/A	
Stickleback, Unarmored Threespine	<i>Gasterosteus aculeatus wilkiamsoni</i>	N/A	USA (California)	Do	E	2	N/A	
Sturgeon, Shortnose	<i>Acipenser brevirostrum</i>	N/A	Atlantic Coast of USA and Canada	Do	E	1	N/A	
Tauro, Miyako	<i>Tunakia tunago</i>	N/A	Japan	Do	E	3	N/A	
Topminnow, Gila	<i>Poeciliopsis occidentalis</i>	N/A	USA (Arizona), Mexico	Do	E	1	N/A	
Trout, Arizona (Apache)	<i>Salmo apache</i>	N/A	USA (Arizona)	Do	T	8	§ 17.44(a)	
Trout, Gila	<i>Salmo gilae</i>	N/A	USA (New Mexico)	Do	E	1	N/A	
Trout, Greenback Cutthroat	<i>Salmo clarki stomias</i>	N/A	USA (Colorado)	Do	E	1	N/A	
Trout, Labontan Cutthroat	<i>Salmo clarki leucostictus</i>	N/A	USA (California, Nevada)	Do	T	8	§ 17.44(a)	
Trout, Palute Cutthroat	<i>Salmo clarki selenis</i>	N/A	USA (California)	Do	T	8	§ 17.44(a)	
Woundfin	<i>Pisgaster argenteus</i>	N/A	USA (Utah)	Do	E	2	N/A	
SNAILS:								
Reed, Manus Island Tree	<i>Papustyla pulcherrima</i>	N/A	Admiralty Islands (Manus I.)	Do	E	4	N/A	
MOLLUSKS: [reserved]								
INSECTS: [reserved]								
OTHER FORMS: [reserved]								

- 1-32 FR 4601; March 11, 1967
- 2-35 FR 16047; October 13, 1970
- 3-35 FR 8491; June 2, 1970
- 4-35 FR 18319; December 2, 1970
- 5-37 FR 6476; March 30, 1972

- 6-38 FR 14678; June 4, 1973
- 7-39 FR 44990; December 30, 1974
- 8-40 FR 29863; June 16, 1975
- 9-40 FR 31734; July 28, 1975
- 10-40 FR 44149; Sept. 25, 1975
- 11-40 FR 44412; Sept. 26, 1975

§ 17.12 Endangered and threatened plants [Reserved]

§ 17.13 Amendments to the lists.

(a) The lists in §§ 17.11 and 17.12 may be revised from time to time, in accordance with the procedures specified in the Act, as additional data become available which show, to the Director's satisfaction, that a species should be added to or removed from the list, or changed in status.

(b) At any time, any interested person may petition the Director to review the status of any species, with a view to taking one of the actions described in paragraph (a) of this section. Such petitions must be dated and in writing, and must be submitted to the Director (FWS/SE). The petition must contain the following information:

- (1) Name and address of the person making the request;
- (2) Association, organization, or business, if any, represented by the person making the request;
- (3) Reasons why the person making the request, or the person he represents, should be considered to be an "interested person";
- (4) Designation of the particular species in question by common and scientific names;
- (5) Narrative explanation of the request for review and justification for a change in the status of the species in question.
- (6) Scientific, commercial, or other data believed to support the request; and
- (7) Signature of the person making the request.

If it is determined that substantial evidence has been presented which war-

rants a review, a finding to that effect shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to comment and to submit additional data and information.

Subpart C—Endangered Wildlife

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c) (1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c) (1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Ma-

rine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

- (i) Aid a sick, injured or orphaned specimen; or
- (ii) Dispose of a dead specimen; or
- (iii) Salvage a dead specimen which may be useful for scientific study; or
- (iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c) (2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by

transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d) (1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

§ 17.22 Permits for scientific purposes or for the enhancement of propagation or survival.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.21, in accordance with the issuance criteria of this section, for scientific research or for enhancing the propagation or survival of endangered wildlife. (See § 17.32 for permits for threatened species.)

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity prohibited by § 17.21. Each application must be submitted on an official application form (Form 3-200) provided by the Service, and must include as an attachment, all of the following information:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) was born in captivity;

(3) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(4) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was raised in captivity, the country and place where such wildlife was born;

(5) A complete description and address of the institution or other facility

where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(6) If the applicant seeks to have live wildlife covered by the permit,

(i) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(ii) A brief resume of the technical expertise of the persons who will care for such wildlife including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(iii) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook;

(iv) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period; and

(v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant, if any (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the wildlife sought to be covered by the permit; and

(iv) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.23 Economic hardship permits.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.21, in accordance with the issuance criteria of this section in order to prevent undue economic hardship.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited by § 17.21. Each application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, all of the information required in § 17.22 plus the following additional information:

(1) The possible legal, economic or subsistence alternatives to the activity sought to be authorized by the permit;

(2) A full statement, accompanied by copies of all relevant contracts and correspondence, showing the applicant's involvement with the wildlife sought to be covered by the permit (as well as his involvement with similar wildlife), including, where applicable, that portion of applicant's income derived from the taking of such wildlife, or the subsistence use of such wildlife, during the calendar year

immediately preceding either the notice in the FEDERAL REGISTER of review of the status of the species or of the proposal to list such wildlife as endangered, whichever is earliest;

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the wildlife sought to be covered by the permit;

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued under any of the three categories of economic hardship, as defined in section 10(b)(2) of the Act. In making his decisions, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is being requested is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) The economic, legal, subsistence, or other alternatives or relief available to the applicant;

(4) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which:

(i) Deals specifically with the wildlife sought to be covered by the permit; and

(ii) Became binding prior to the date when the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER.

(5) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b) (4) of this section would cause if the permit were denied;

(6) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and the relationship of that portion to the balance of his income;

(7) Where applicable, the nature and extent of subsistence taking generally by the applicant; and

(8) The likelihood that applicant can reasonably carry out his desired activity within one year from the date a notice is published in the FEDERAL REGISTER to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued

under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

(d) Duration of permits issued under this section shall be designated on the face of the permit. No permit issued under this section, however, shall be valid for more than one year from the date a notice is published in the FEDERAL REGISTER to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

Subpart D—Threatened Wildlife

§ 17.31 Prohibitions.

(a) Except as provided in Subpart A of this Part, or in a permit issued under this Subpart, all of the provisions in § 17.21 shall apply to threatened wildlife.

(b) In addition to any other provisions of this Part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take any threatened wildlife to carry out scientific research or conservation programs.

(c) Whenever a special rule in §§ 17.40 to 17.48 applies to a threatened species, none of the provisions of paragraphs (a) and (b) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions.

§ 17.32 Permits—general.

Upon receipt of a complete application the Director may issue a permit for any activity otherwise prohibited with regard to threatened wildlife. Such permit shall be governed by the provisions of this section unless a special rule applicable to the wildlife, appearing in §§ 17.40 to 17.48, below, provides otherwise. Permits issued under this section must be for one of the following purposes: scientific purposes, or the enhancement of propagation or survival; or economic hardship; or zoological exhibition; or educational purposes; or management by State conservation agencies; or special purposes consistent with the purposes of the Act. Such permits may authorize a single transaction, a series of transactions, or activities over a specific period of time.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the prohibited activity. Each application must be submitted on an official application form (Form 3-200) provided by the Serv-

ice, and must include, as an attachment, as much of the following information which relates to the purpose for which the applicant is requesting a permit:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) was born in captivity;

(3) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(4) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was raised in captivity, the country and place where such wildlife was born;

(5) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(6) If the applicant seeks to have live wildlife covered by the permit,

(i) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(ii) A brief resume of the technical expertise of the persons who will care for such wildlife including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(iii) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook;

(iv) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period; and

(v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the wildlife sought to be covered by the permit; and

(iv) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated on the permit.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.33 Permits—captive, self-sustaining populations.

Upon receipt of a complete application, the Director may issue a permit authorizing delivery, receipt, carriage, transportation or shipment in interstate commerce, in the course of a commercial activity, or sale or offer for sale in interstate commerce, of specimens of a captive, self-sustaining population (see § 17.7). Such species are listed in § 17.11 with the notation "T (C/P)" in the "current status" column. Such permits may authorize all of the above activities relating to interstate commerce during the duration of the permit. These permits will not be issued for importation and exportation.

Example: A breeder of exotic endangered pheasants wants to buy and sell captive-reared endangered birds for the purpose of propagation. The species he has have all been determined to have captive, self-sustaining populations pursuant to § 17.7, and such captive populations have been listed as threatened [T (C/P)]. He now may apply for a permit to authorize the interstate sale under this § 17.33. If his permit is issued, and is valid for 2 years, it would cover all transactions of the type for which it was issued (such as sales in interstate commerce) for that period. A separate permit and application fee is not required for each transaction. Individual transactions are accounted for by the reporting and recordkeeping requirements in the regulations, and those specified on the face of the permit. At the end of the 2-year period, the permit may be renewed by following the renewal procedures in Part 13 (General Permit Procedures), § 13.24 (Renewal).

(a) *Application requirements.* Applications for permits under this section shall be submitted to the Director by the intended recipient of the wildlife. Each such application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, the following information:

(1) The common and scientific names of the species sought to be covered by the permit, and the activity sought to be authorized (such as selling in interstate commerce);

(2) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(3) A brief resume of the technical expertise of the persons who will care for such wildlife, including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(4) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data on a studbook; and

(5) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period;

(6) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant (or any other wildlife of the same genus or family), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the proposed use of the wildlife would probably result, directly or indirectly, in the death, injury or reduction of the reproductive ability of the wildlife;

(2) Whether the ability of the captive population in question to sustain itself will be substantially impaired by the proposed activities;

(3) Whether the expertise, facilities or other resources available to the applicant appear adequate to accomplish the objectives stated in the application;

(4) Whether the applicant has a recordkeeping system adequate to insure that wildlife obtained under the permit can be distinguished from wildlife obtained from the wild or otherwise;

(5) Whether the purpose for which the permit is sought would establish, complement or otherwise enhance the status of the species in captivity; and

(6) Such other factors as he deems relevant.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall, unless otherwise authorized on the face of the permit, be subject to the condition that the permittee may not transfer any wildlife held or obtained under the permit except to another holder of a permit issued under this section.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.34 Permits. [Reserved]

§ 17.35 Permits. [Reserved]

§ 17.36 Permits. [Reserved]

§ 17.37 Permits. [Reserved]

§ 17.38 Permits. [Reserved]

§ 17.39 Permits. [Reserved]

§ 17.40 Special rules—mammals.

(a) *Kangaroo; Eastern Gray (Macropus giganteus), Red (Megalia rufa), and*

Western Gray (*Macropus fuliginosus*)—

(1) **Prohibitions.** The following prohibitions apply to the Eastern Gray, Red and Western Gray kangaroos:

(i) **Import.** (A) Except as permitted in paragraph (a) (1) (i) (B) below, or in paragraph (a) (2) of this section, it shall be unlawful to import any such wildlife for commercial purposes.

(B) Upon receiving from the Australian Government a certificate that (1) a particular Australian State has developed an effective sustained-yield program for such wildlife, and (2) the taking of such wildlife in that State will not be detrimental to the survival of the species or subspecies of which such wildlife is a part, the Director may, consistent with the purposes of the act, permit by publication of a notice in the FEDERAL REGISTER the commercial importation of any such wildlife originating from that State, upon proof that such wildlife is lawfully taken and exported from that State: *Provided*, That if the Director determines from all the evidence that a previously certified Australian State no longer maintains an effective sustained yield program for such wildlife, he may

(ii) **Unlawfully imported kangaroos.** It shall be unlawful, in the course of a commercial activity, to deliver, receive, carry, transport, or ship in interstate or foreign commerce any such wildlife imported unlawfully.

(iii) **Commercial transactions.** It shall be unlawful to sell or offer for sale in interstate or foreign commerce any such wildlife imported unlawfully.

(2) **Permits.** The following permits are available for the Eastern Gray, Red and Western Gray kangaroos:

(i) **Economic hardship.** (A) The Director may grant permits for the importation of such wildlife to prevent economic hardship. The provisions of § 17.23 (with the exception of §§ 17.23(b) (4), 17.23(b) (8), and 17.23(d)), shall apply to the issuance of such permits. In addition, the requirements of section 10(b) of the Endangered Species Act of 1973 (16 U.S.C. 1539(b)) regarding hardship exemptions for endangered species shall apply to applications for hardship exemptions under this section as if such wildlife were classified "endangered;" and the applicant for an exemption under this section must submit all information required by section 10(b).

(B) The duration of any economic hardship permit issued for such wildlife under this provision will be limited by section 10(b) of the Endangered Species Act of 1973 as if those species were listed as "endangered" under the act.

(b) **Grizzly bear (*Ursus arctos horribilis*)—**(1) **Prohibitions.** The following prohibitions apply to the grizzly bear:

(i) **Taking.** (A) Except as provided in paragraphs (b) (1) (i) (B) through (F), of this section no person shall take any grizzly bear in the 48 conterminous states of the United States.

(B) Grizzly bears may be taken in self-defense, or in defense of others, but any such taking shall be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement,

P.O. Box 19183, Washington, D.C. 20036, and to appropriate State officials, within 5 days after it occurs.

(C) **Removal of nuisance bears.** A grizzly bear constituting a demonstrable but non-immediate threat to human safety, or committing significant depredations to lawfully present livestock, may be taken, but only if:

(1) it has not been reasonably possible to eliminate such threat or depredation by live-capturing and releasing unharmed in a remote area the grizzly bear involved; and

(2) the taking is done in a humane manner by authorized Federal or State employees; and

(3) the taking is reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, and to appropriate State officials, within 5 days after it occurs.

(D) **Federal or State scientific or research activities.** Federal or State employees may pursue, capture, or collect grizzly bears for scientific or research purposes.

(E) **Northwestern Montana.** If it is not contrary to the laws and regulations of the State of Montana, a person may hunt grizzly bears in the Flathead National Forest, the Bob Marshall Wilderness Area, and the Mission Mountains Primitive Area of Montana: *Provided*, That if in any year in question, 25 grizzly bears have already been killed for whatever reason in that part of Montana, including the Bob Marshall Wilderness Area and the Mission Mountains Primitive Area, which is bounded on the north by the United States-Canadian Border, on the east by U.S. Highway 91, on the south by U.S. Highway 12, and on the west by Montana-Idaho State line, the Director shall post and publish a notice prohibiting such hunting, and any such hunting for the remainder of that year shall be unlawful: *Provided further*, That any taking of a grizzly bear, for whatever reason, in the above-described portion of Montana shall be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, and to the Montana Department of Fish and Game, within 5 days after the taking occurs; and except that any taking on an Indian reservation within the above-described area shall be so reported only to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036.

(F) **National Parks.** The regulations of the National Park Service shall govern all taking of grizzly bears in National Parks.

(ii) **Unlawfully taken grizzly bears.** (A) Except as provided in paragraph (b) (1) (ii) (B) of this section, no person shall possess, deliver, carry, transport, ship, export, or sell grizzly bear taken unlawfully.

(B) Federal or State employees may for scientific or research purposes possess, deliver, carry, transport, ship, or export unlawfully taken grizzly bears.

(iii) **Import or export.** (A) Except as provided in this paragraph (b) (1) (iii) (A), below, no person shall import any grizzly bear into the United States.

(1) **Federal or State scientific or research activities.** Federal or State employees may import grizzly bears into the United States for scientific or research purposes.

(2) **Public zoological institutions.** Public zoological institutions (see 50 CFR 10.12) may import grizzly bears into the United States.

(B) Except for public zoological institutions (see 50 CFR 10.12), no person shall, in the course of a commercial activity, export any grizzly bear from the United States.

(iv) **Commercial transactions.** (A) Except for public zoological institutions (see 50 CFR 10.12), no person shall, in the course of a commercial activity, deliver, receive, carry, transport, or ship in interstate or foreign commerce any grizzly bear.

(B) Except for public zoological institutions (see 50 CFR 10.12) dealing with other public zoological institutions, no person shall sell or offer for sale in interstate or foreign commerce any grizzly bear.

(v) **Other violations.** No person shall attempt to commit, cause to be committed, or solicit another to commit any act prohibited by paragraph (a) (4) (ii) of this section.

(2) **Definitions.** As used in paragraph (b) of this section the term "grizzly bear" means any member of the species, *Ursus arctos horribilis* of the 48 conterminous states of the United States, including any part, offspring, dead body, part of a dead body, or product of such species.

§ 17.41 Special rules—birds. [Reserved]

§ 17.42 Special rules—reptiles.

(a) **American alligator (*Alligator mississippiensis*)—**(1) **Prohibitions.** The following prohibitions apply to the American alligator.

(i) **Taking.** Except as provided in this paragraph (a) (1) (i) of this section, no person may take American alligators.

(A) Any person may take American alligators in defense of his own life or the lives of others.

(B) Any employee or agent of the Service, any other Federal land management agency, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take American alligators without a permit if such action is necessary to:

- (1) Aid a sick, injured or orphaned specimen; or
- (2) Dispose of a dead specimen; or
- (3) Salvage a dead specimen which may be useful for scientific study; or
- (4) Remove specimens which constitute a demonstrable but non-immediate threat to human safety. The taking must be done in a humane manner, and may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and

releasing the specimen unharmed, in a remote area.

(C) Any taking pursuant to paragraphs (a) (1) (i) (A) and (B) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(D) Any employee or agent of the Service or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take American alligators to carry out scientific research or conservation programs.

(E) Any person may take American alligators in Cameron, Vermillion and Calcasieu parishes in accordance with the laws and regulations of the State of Louisiana, including that State's marking and tagging requirements: *Provided*, That the hides of such alligators are only sold or offered for sale to a person holding a valid Federal license, issued under this subsection, as a buyer of hides; and that the meat and other parts are not sold or offered for sale.

(F) When American alligators are taken by Service or State officials in accordance with paragraph (a) (1) (i) (D) of this section the hides may be sold by State or Federal officials: *Provided*, That the hides have first been tagged by the State of origin with a non-corrosible numbered tag inserted no more than six inches from the tip of the tail; the tag number and a description of the hide, including its length and the date and place of taking are recorded; and a shipping tag or label is affixed to the outside of any packages showing the name and address of the consignor and consignee, identifying the contents as alligator hides, and showing the number of hides in the package: *Provided further*, That such hides may be sold only to a person holding a valid Federal license, issued under this subsection, as a buyer of hides; and that the meat and other parts are not sold or offered for sale.

(ii) *Unlawfully taken alligators.* No person may possess, sell, deliver, carry, transport, or ship, by any means whatsoever, American alligators taken unlawfully.

(iii) *Import or export.* No person may import or export any American alligator.

(iv) *Commercial transactions.* Except as otherwise provided in this subsection or as may be authorized by a permit issued under authority of § 17.32, no person may deliver, receive, carry, transport, ship, sell, or offer to sell in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any American alligator: *Provided*, That the hides of American alligators lawfully obtained from the State of

Louisiana prior to December 28, 1973, may be sold or offered for sale in interstate (not foreign) commerce if the Director of the State wildlife conservation agency certifies to the Director that all such hides were lawfully obtained and can be identified; and such hides are sold, offered for sale, delivered, carried, transported, or shipped only to a person holding a valid Federal license, issued under this subsection, as a buyer of hides.

(2) *Definitions.* For the purposes of this paragraph (a)

(i) "Buyer" shall mean a person engaged in the business of buying and selling hides of American alligators in the wholesale market. A buyer may also be a tanner and a fabricator;

(ii) "Tanner" shall mean a person engaged in the business of processing green, untanned hides of American alligators into leather. A tanner may also be a buyer and a fabricator;

(iii) "Fabricator" shall mean a person engaged in the business of manufacturing products from American alligator leather. A fabricator may also be a buyer and a tanner.

(iv) "American alligator" shall mean any member of the species *Alligator mississippiensis* which is designated as threatened in § 17.11, and any part, offspring, dead body, part of a dead body or product of such species.

(3) *Permits and licenses.* (i) All permits available under § 17.32 (General permits—threatened wildlife) are available in relation to threatened American alligators. All the terms and provisions of § 17.32 apply to such permits issued under the authority of this paragraph (a) (3) (i).

(ii) This paragraph (a) (3) of this section applies instead of the permits available under § 17.52 (similarity of appearance). Therefore, permits issued under § 17.52 are not available in relation to threatened American alligators.

(iii) Upon receipt of a complete application, the Director may issue a license, in accordance with the issuance criteria of this paragraph (a) (3) (iii), for each of the categories defined in paragraph (a) (2) of this section.

(A) *Application requirements.* Applications for licenses under this subparagraph must be submitted to the Director by the person who wishes to engage in the activities described in paragraph (a) (2) of this section (buyer, tanner, or fabricator). Each application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, all of the following information:

(1) The category (buyer and/or tanner and/or fabricator) for which the license is desired;

(2) A description of the applicant's business organization, including: a description of the physical plant; the method of operation of the business; experience, if any, over the previous five years; all shareholders, partners, directors, officers or other parties in interest in the business organization;

(3) A description, including samples, of the applicant's present or proposed

system of inventory control and bookkeeping capable of insuring accurate accounting for all American alligator hides and tags dealt with;

(4) A statement detailing any convictions or civil penalties under State or Federal laws for taking or trafficking in wildlife within the previous five years for the applicant, or any shareholder, partner, director, officer, principle, employee or agent.

(B) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) (3) (iii) (A) of this section, the Director will decide whether or not a license for one or more of the three categories in paragraph (a) (2) should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the applicant's reliability and apparent ability and willingness to maintain accurate inventory and bookkeeping records of all American alligator hides and State tags dealt with.

(c) *Special conditions.* In addition to the general conditions set forth in Part 13 of the subchapter, licenses issued under this provision shall be subject to the following special conditions:

(1) Licensees may not buy, tan or fabricate any American alligator hide except one which was taken, sold, offered for sale, delivered, carried, transported or shipped in accordance with paragraph (a) (1) (i) of this section;

(2) A buyer must leave all tags and shipping labels on the hides, unless the shipments are broken apart, in which case the shipping tags or labels must be removed, recorded, and returned to the issuer;

(3) If a buyer has broken apart original shipments and removed the shipping tags or labels as provided in (a) (3) (iii) (c) (2) of this section, he must affix a shipping tag or label to the outside of each new shipment of hides, showing the name and address of the consignor and consignee, identifying the contents of the shipment as American alligator hides, and showing the number of hides in the shipment;

(4) A tanner must leave all tags on the hides, but must collect, record, and return to the issuer all shipping tags;

(5) A fabricator must remove, record, and return to the issuer all tags;

(6) Every licensee must maintain complete and accurate records of all American alligator hides including all State tags, and the stub of the verification tag; capacity.

(7) Fabricators shall in addition maintain complete and accurate records showing the relationships of American alligator hides processed to finished American alligator products;

(8) Fabricators must affix, under the supervision of the Service, a mark provided by the Service to each product made of American alligator hides.

(4) Manufactured products of American alligators which have been marked by a licensed fabricator in accordance with paragraph (a) (3) (iii) (C) (8) may be transported, shipped, delivered, carried or received in interstate commerce

in the course of a commercial activity, and may be sold or offered for sale in interstate commerce.

(5) No person shall, except as authorized pursuant to paragraph (a) duplicate or apply any mark used to identify products of American alligator hides produced by a fabricator licensed under this section.

§ 17.43 Special rules—amphibians. [Reserved]

§ 17.44 Special rules—fishes.

(a) Lahontan cutthroat trout, Paiute cutthroat trout, and Arizona trout (*Salmo clarki henshawi*, *Salmo clarki seleniris*, and *Salmo apache*).

(1) All the provisions of § 17.31 apply to these species, except that they may be taken in accordance with applicable State law.

(2) Violation of State law will also be a violation of the Act.

(b) Bayou darter (*Etheostoma rubrum*).

(1) All the provisions of § 17.31 apply to this species, except that they may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

§ 17.45 Special rules—mollusks. [Reserved]

§ 17.46 Special rules—crustaceans. [Reserved]

§ 17.47 Special rules—insects. [Reserved]

§ 17.48 Special rules—other forms. [Reserved]

Subpart E—Similarity of Appearance

§ 17.50 General.

(a) Whenever the Director determines that a species which is not endangered or threatened closely resembles an endangered or threatened species, such species shall be treated as either endangered or threatened, pursuant to section 4(e) of the Act. Such species shall appear in the list in § 17.11 with the notation "S/A" in the "status" column, following either a letter "E" or a letter "T" to indicate whether the species is being treated as endangered or threatened.

(b) In determining whether to treat a species as endangered or threatened due to similarity of appearance, the Director shall consider the following factors in addition to the criteria in section 4(e) of the Act:

(1) The degree of difficulty which law enforcement personnel would have in dis-

tinguishing the species in question from an endangered or threatened species especially where: (i) The distinction between the endangered or threatened species and other species is based upon geographical boundaries; (ii) the normal morphological or other differentiating characteristics of the species are minute, or can be easily masked, or would not be apparent when products are processed.

(2) The additional threat posed to the endangered or threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The amount of control over transactions involving endangered or threatened species to be gained either by: (i) Imposing the same prohibitions on the species which is similar, as apply to the endangered or threatened species, or (ii) providing, where the species is treated as threatened, special rules in Subpart D of this part to distinguish the similar species from the endangered or threatened species.

Example 1. The ABC sparrow is endangered wildlife. The ABD sparrow is a subspecies that is so similar to the ABC sparrow that when found outside their normal habitat, the two cannot readily be distinguished by law enforcement personnel. The ABD sparrow is listed in § 17.11, after following the proper procedures as follows:

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Endangered or Threatened			
ABC sparrow	<i>ABCus</i>	N/A	North America	Entire	E	7	N/A
ABD sparrow	<i>ABDus</i>	N/A	North America	N/A	E(S/A)	7	N/A

Example 2. Suppose the ABC sparrow is listed as endangered in only a portion of its range. Within the meaning of the Act, the ABC sparrow as defined by geographic boundaries is a "species." The ABC sparrow which occurs beyond those boundaries is a different

"species", even though it is identical, except in location, to the listed "species." If the criteria of this section were met, the two "species" could be listed as follows:

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Endangered or Threatened			
ABC sparrow	<i>ABCus</i>	Idaho	Idaho	Entire	E	7	N/A
Do	do	N/A	U.S.	N/A	E(S/A)	7	N/A

§ 17.51 Treatment as endangered or threatened.

(a) Any species listed in § 17.11, pursuant to § 17.50, shall be treated as endangered or threatened, as indicated in the "status" column.

(b) All of the provisions of Subparts C (Endangered Wildlife) and D (Threatened Wildlife) shall apply to any such species of wildlife; as appropriate.

§ 17.52 Permits—similarity of appearance.

Upon receipt of a complete application, and unless otherwise indicated in a special rule, the Director may issue permits for any activity otherwise prohibited with a species designated as endangered or threatened due to its similarity of appearance with an endangered or threatened species (see Subpart E—Similarity of appearance).

(a) Application requirements. Applications for permits under this section

must be submitted to the Director by the person who wishes to engage in the activity with the similar species. Each application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the origin of the wildlife (or if born in captivity, the place where born) of the wildlife in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, expert opinion, bills of sale, or other appropriate information.

(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria, in § 13.21

(b) of this subchapter, the following factors:

(1) Whether the information submitted by the applicant appears reliable;

(2) Whether the information submitted by the applicant adequately identifies the wildlife in question so as to distinguish it from any endangered or threatened wildlife.

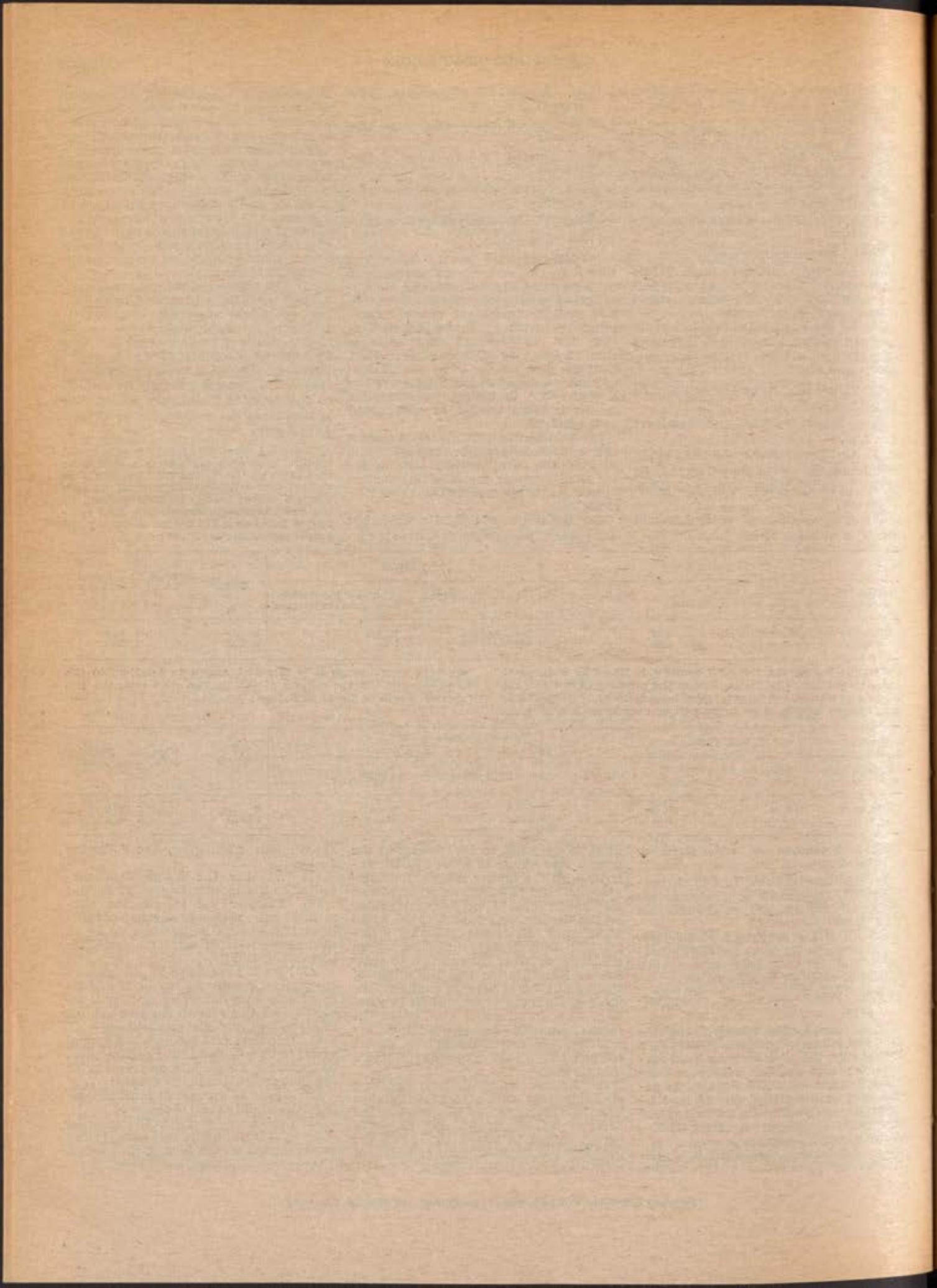
(c) Permit conditions. In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife, and remain for the time designated in the permit;

(2) A copy of the permit must accompany the wildlife at all times.

(d) Duration of permits. The duration of permits issued under this section shall be designated on the face of the permit.

[FR Doc.75-25480 Filed 9-25-75;8:45 am]



federal register

FRIDAY, SEPTEMBER 26, 1975



PART III:

DEPARTMENT OF LABOR

**Employment Standards
Administration**



MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards
AdministrationMINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modi-

fications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration,

Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION
DECISION

New Jersey----- NJ75-3098

MODIFICATIONS TO GENERAL WAGE
DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:		
CA75-5085; CA75-5086	-----	July 25, 1975.
Hawaii:		
HI75-5098	-----	Aug. 1, 1975.
Indiana:		
IN75-2088	-----	June 27, 1975.
IN75-2089	-----	July 3, 1975.
Missouri:		
MO75-4144; MO75-5145	----	Aug. 1, 1975.
New Jersey:		
NJ75-3049	-----	June 20, 1975.
NJ75-3050	-----	July 11, 1975.
Ohio:		
AR-3047	-----	Aug. 23, 1974.
Oregon:		
OR75-5111	-----	Sept. 5, 1975.
Tennessee:		
TN75-1070	-----	July 18, 1975.
Virginia:		
AP-494	-----	Mar. 23, 1973.
Washington:		
WA75-5113	-----	Sept. 12, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE
DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:		
AL75-1056 (AL75-1086)	---	May 30, 1975.
District of Columbia:		
DC75-3061 (DC75-3099)	---	June 20, 1975.
Kentucky:		
AR-4047 (KY75-1100)	----	Nov. 1, 1974.
AR-4056 (KY75-1096)	----	Nov. 8, 1974.
Mississippi:		
MS75-1013 (MS75-1099)	--	Jan. 31, 1975.
Pennsylvania:		
PA75-3021 (PA75-3093)	---	Mar. 28, 1975.
Rhode Island:		
RI75-2090 (RI75-2111)	----	July 3, 1975.
RI75-2091 (RI75-2112)	----	July 11, 1975.
South Dakota:		
SD75-5112 (SD75-5119)	---	Sept. 5, 1975.
Tennessee:		
AQ-4128 (TN75-1098)	----	June 28, 1974.
Virginia:		
MD75-3062 (MD75-3100)	--	June 20, 1975.

Signed at Washington, D.C., this 19th day of September 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

LOCATION: BERGEN, ESSEX, HUDSON & PASSAIC COUNTIES

DATE: DATE OF PUBLICATION

DECISION NO.: NUTS-3056

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pensions	Vacation	
\$ 9.202	.5003	.4974	10%	.02
9.48	8%	19%	10%	.01
8.95	8%	19%	10%	.01
10.35	.50	.70		
9.70	.97	.70		.02
9.80	.84	.65		.02
10.58	.87	.75		.05
8.50	1.00	.50		.02
10.15	.50	.50		
9.05	8%	8%+.40		.02
10.13	6%	6%		1/5001%
10.38	6%	6%		1/5001%

ASBESTOS WORKERS
 BOILERMAKERS
 BOILERMAKERS HELPERS
 BRICKLAYERS, STONE WORKERS,
 CEMENT MASONS & PLASTERERS:
 Bergen (North Arlington, Lynd-
 hurst - east of Ridge Rd. and
 north to Rutherford Ave. and
 Barry's Creek west of the
 Hackensack River), Essex (ex-
 cept Millburn Twp.) & Hudson
 (that portion west of the
 Hackensack River) Counties
 Bergen (except Wallington, part
 of East Paterson, Garfield,
 Lodi, North Arlington, part of
 Lynnhurst and part of Edge-
 water) County
 Bergen (remainder of county) &
 Passaic Counties
 Hudson (remainder of county)
 County:
 Bricklayers & Stone Masons
 Cement Masons & Plasterers
 Essex (Millburn Twp.) County
 CARPENTERS, INSULATORS & MILL-
 WRIGHTS:
 Bergen (Cliffside, Fort Lee,
 Greatwood, Palisades Park,
 Ridgefield, Edgewater, Fair-
 view, Leonia & Coytesville) &
 Hudson (east of the Hackensack
 River) Counties
 Essex (except Millburn Twp.) &
 Hudson (remainder of county)
 Counties:
 Carpenters & Insulators
 Millwrights

DECISION NO. NUTS-3058

CARPENTERS, INSULATORS & MILLWRIGHTS: (Cont'd.)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pensions	Vacation	
\$ 9.73	6%	6%		.02
9.88	6%	6%		.02
10.65	.50	.50		.10
10.80	6%	8%	10%	1/2 of 1%
11.23	3%	6%+.58	10%	1.5%
11.00	4%	6%		
9.52	.445	.29%	b+c	.02
7.34	.445	.29%	b+c	.02
4.76				
8.75	.445	.29%	b+c	.02
6.56	.445	.29%	b+c	.02
4.76				
7.90	.445	.29%	b+d	.02
5.92	.445	.29%	b+d	.02
4.76				
9.27	.45	1.00		.01
10.80	.70	.65		.05
10.19	7%	23%	10%	1%
6.85	.50	.70		

Bergen (remainder of county),
 Essex (Millburn Twp.) &
 Passaic Counties:
 Carpenters & Insulators
 Millwrights
 HUDSON TOWNSHIP & FINISHERS:
 ELECTRICIANS & CABLE SPlicERS:
 Essex County
 Bergen & Hudson County
 Passaic County
 ESSEX TOWNSHIP CONSTRUCTORS:
 Construction:
 Mechanics
 Helpers
 Probationary Helpers
 Modernization:
 Mechanics
 Helpers
 Probationary Helpers
 Contract Repairs:
 Mechanics
 Helpers
 Probationary Helpers
 ORNAMENTAL:
 Bergen & Passaic Counties
 Essex & Hudson Counties
 INSULATORS:
 Structural, Reinforcing &
 Ornamental
 LABORERS:
 Bergen (Garfield, Passaic &
 Wallington Twp.s., Lodi, Lodi
 Boro. & East Paterson) &
 Passaic Counties:
 Laborers, Air Tool Operators
 (Jacobsmen, vibrators),
 Mason Tenders, Mortar Mixers,
 Pipelayers (concrete & clay)
 & Plaster Tenders

DECISION NO. 14775-3098

LARGE: (Cont'd)

Bergen (remainder of county)
County:
Laborers, Air Tool Operators
(locksmen, fibrovars),
Nose Tenders, Mortar Helpers,
Pipelayers (concrete & clay),
Plaster Tenders, Meekling
& Excavation
Essex (City of East Orange,
Twp. of South Orange &
Hightstown) County:
Regular Laborers
Mortar Mixers, Scaffold Men
& Pneumatic Hammer Operators
Essex (Orange and Montclair)
County:
Common Laborers
Essex (Willburn Twp.) County:
Common Laborers
Essex (remainder of county) &
Hudson (Kenilworth, East Newark &
Harrison) Counties:
Common Laborers, Air Tool
Operators, Mason Tenders,
Mortar Mixers & Pipelayers
(concrete & clay)
Hudson (remainder of county)
County:
Common Laborers
LATHEMEN
LEADERS
LINE CONSTRUCTION:
Essex County:
Linenmen, Cable Splicers, Line
Equipment Operators, Lise
Truck Operators, Groundmen
& Welders
Frisco County:
Linenmen & Equipment Operators
Cable Splicers
Groundmen

Basic Hourly Rates	Fringe Benefits Payments			Apr. T.
	H & W	Pension	Vacation	
\$ 6.80	.50	.60		.02
7.45	.45	.30		
7.70	.45	.30		
7.35	.40	.30		
6.95	.60	.50		
7.20	.40	.45		
6.80	.60	.60	.35	.02
9.10	.35	.25	e	.01
9.25				
10.80	6%	8%	10%	1/2 of 1%
11.00	4%	6%	10%	1/2 of 1%
11.95	4%	6%	10%	1/2 of 1%
7.70	4%	6%	10%	1/2 of 1%

DECISION NO. 14775-3098

LINE CONSTRUCTION: (Cont'd)

Bergen & Hudson Counties:
Linenmen, Cable Splicers,
Equipment Operators &
Groundmen
MAJILE SETTERS, TERRAZZO WORKERS,
& TILE SETTERS:
Marble Setters
Terrazzo Workers
TILE SETTERS
MAJILE SETTERS, TERRAZZO WORKERS,
& TILE SETTERS HELPERS:
Marble Setters Helpers
Terrazzo Workers Helpers
TILE Setters Helpers
PAINTERS:
Bergen & Frisco Counties:
New & old construction of
one & two family houses:
Painters & Tapers
Other Residential Constructions:
Painters & Tapers
Essex & Hudson (west half of
county) Counties:
Painters on New Construction
and Major Alterations
Painters on Repair Work
Spraying or application of
hazardous or dangerous
materials on repair work
Exterior work exceeding 3
stories in height for paint-
ing of open structural steel
and on interior work which
requires painting higher than
20' above the ground or floor
Repair work as described
above
Spraying or application of
hazardous or dangerous
material

Basic Hourly Rates	Fringe Benefits Payments			Apr. T.
	H & W	Pension	Vacation	
\$11.23	3%	6% + .50		1/2 of 1%
7.80	.76	.94	f	
9.10	1.09	1.50		
8.40	.75	1.95		
7.33	.74	.88	f	
7.43	.95	.475		
8.45	6%	7%		
8.80	.90	1.35		.06
9.05	.90	1.35		.06
8.90	.55	.50	.15	.05
8.50	.55	.50	.15	.05
9.10	.55	.50	.15	.05
9.05	.55	.50	.15	.05
8.65	.55	.50	.15	.05
9.50	.55	.50	.15	.05

DECISION NO. EFTS-3076

PAINTERS: (Cont'd)

Hudson (remainder of county)
County:
Painters & Paperhangers
Exterior Seafield work (except
1 & 2 family houses)

PLUMBERS & STEAMFITTERS:

Bergen & Hudson Counties

PLUMBERS:

ZONE 1

ZONE 2

ZONE 3

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Retire	Vacation	
\$ 6.75	.70	1.15	.30	
7.25	.70	1.15	.30	
9.65	.95	1.63	.61	.02
10.00	.60	.80	1.00	.25
9.30	.60	.65	1.00	.03
9.40	.61	.55	1.00	.02
10.85	.70	1.00		.10

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Bergen (Alpine, Bergenfield, Bogota, Carlstadt, Closter, Cresskill, Demarest, Dumont, East Rutherford, Emerson, Englewood Cliffs, Hackensack, Harrington Park, Eastbrook Heights, Haworth, Hillsdale, Leonia, Little Ferry, Lyndhurst, Maywood, Montvale, Moonachie, North Arlington, Northvale, Norwood, Old Tappan, Oradell, Palisades Park, Paramus, Park Ridge, Sigencefield Park, River Edge, Riverdale, Rochelle Park, Rockleigh, Rutherford, Saddle Brook, Saddle River, South Hackensack, Teaneck, Tenafly, Teterboro, Upper Saddle River, Warren Point, Washington Twp., Westwood, Woodcliff Lake and Wood-Ridge) County.

ZONE 2 - Bergen (Cliffside Park, Edgewater, Fairview, Fort Lee, Morrisville and Ridgefield) and Hudson (Outtenberg, North Bergen, Secaucus, Weehawken and West New York) Counties.

ZONE 3 - Hudson (Cities of Hoboken, Bayonne and Jersey City) County.

PLUMBERS & GASFITTERS:

Essex (except all of the Oranges, Livingston & Maplewood) & Hudson (Harrison, East Newark & Kearny) Counties

10.865 .60 .90 .05

DECISION NO. EFTS-3078

PLUMBERS & PIPEFITTERS:

ZONE 1

ZONE 2

AREA COVERED BY PLUMBERS AND PIPEFITTERS ZONES

ZONE 1 - Essex (Orange, West Orange, East Orange, South Orange, Maplewood and Livingston) County

ZONE 2 - Bergen (East Paterson, Fairlawn, Glen Rock, Ridgewood, Highland Park, Hoboken, Lakeside, Allendale, Upper Saddle River Twp., Ramsey, Oakland, Franklin Lakes and Mahwah) & Passaic (Paterson, West Paterson, Little Falls, Totowa Boro., Wayne, North Mahwah, Saleeb, Hawthorne, Pompton Lakes, West Milford Twp., Ringwood Boro, Boro of Nanque, Bloomfield, Mountain View, Part of Clifton and Clinton) Counties.

PLUMBERS & STEAMFITTERS:

Bergen (Lodi, Garfield & Wallington) & Passaic (Passaic) Counties:

Plumbers

Steamfitters

Essex (Short Hills & Millburn) County

Essex (remainder of county) County:

Steamfitters

9.865	.60	.90	1.00	
10.21	.505	.90	1.00	
9.97	.60	.90	.75	.10
9.85	.66	.75	1.05	1/2 of 15

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS (Cont'd)

GROUP 3 - Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, scissor, roof, tuggor, and house cars or any other similar type hoisting machines, portable or stationary, (except Chicago boom type), elevators or house cars, roof hoist

GROUP 4 - Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde concrete machine (CMI & similar), autograde concrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar), autograde machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jammers (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instant concrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders (hazel), automatic and similar types, conveyor (under 125'), drill crushing machines, ditching machines (small, ditchwitch or similar), drill dozer (duties include dust collector, maintenance), slope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators (generator grinders, graders and motor patrols, guniting machines (excluding mortar), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), loaders (motorized), ladderator, lights (portable generating light plants), locomotive (disk type), maintenance and repair of asphalt curbing machines, concrete finishing machines, gas baggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanical (mixers excepting paving mixers), motor patrols and graders, pavers (under 21-3), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bedding machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bedding machines (power), scales (power), seaman pulverizing mixer, silas, steam jammers and boilers (irrespective of their use), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP 5 - Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100 constitutes a battery), welding systems, multiple (rectifier transformer type)

GROUP 6 - Ballcleaner, firmman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (3-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

DECISION NO. MJT-3098

POWER EQUIPMENT OPERATORS:

GROUP	Basic Hourly Rates	R & V	Penalties	Variables	App. To
GROUP 1	\$11.28	7 1/2	1 1/2	8	3 1/2
GROUP 2	10.40	7 1/2	1 1/2	8	3 1/2
GROUP 3	10.20	7 1/2	1 1/2	8	3 1/2
GROUP 4	9.51	7 1/2	1 1/2	8	3 1/2
GROUP 5	9.36	7 1/2	1 1/2	8	3 1/2
GROUP 6	9.31	7 1/2	1 1/2	8	3 1/2
GROUP 7	8.60	7 1/2	1 1/2	8	3 1/2
GROUP 8	8.45	7 1/2	1 1/2	8	3 1/2
GROUP 9	8.15	7 1/2	1 1/2	8	3 1/2
GROUP 10	8.16	7 1/2	1 1/2	8	3 1/2
GROUP 11	8.05	7 1/2	1 1/2	8	3 1/2
GROUP 12	10.50	7 1/2	1 1/2	8	3 1/2
GROUP 13	8.96	7 1/2	1 1/2	8	3 1/2
GROUP 14	12.88	7 1/2	1 1/2	8	3 1/2
GROUP 15	9.76	7 1/2	1 1/2	8	3 1/2
GROUP 16	10.65	7 1/2	1 1/2	8	3 1/2

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1600 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rego, helicopters (copilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), macking machines, pavers (21-3 and over), paver (resinous, broyball), pavement & concrete breaker (superhammer), pavement breaker truck mounted, pile-driver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP 2 - "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry picker (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezer & similar types, conveyors (125' & over), econobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letouneau, de's also), pumpcrete (unit type), pumpcrete machines (squeezcrete & concrete pumping regardless of size), scrapers (letouneau, de's also), side booms, squeezer, straddle carrier (ross & similar types), winch trucks (hoisting)

DECISION NO. ENT-3028

CLASSIFICATION INSPECTIONS
POWER EQUIPMENT OPERATORS

GROUP 7 - Compressor (single), heaters (helium or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (helium or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint systems (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP 8 - Concrete spreaders (small type), fertilizing equipment and maintenance of, grease, gas, fuel and oil supply trucks, mauling equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self-propelled)

GROUP 9 - Assistant engineer/oiler, mechanics helper, tire repair & maintenance
GROUP 10 - Water Operations: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP 11 - Water Operations: Deckhand

GROUP 12 - Pump (staging)

GROUP 13 - Rollers (grade fill or stone base), tractors under D-8

GROUP 14 - Helicopters (pilot/engineer)

GROUP 15 - Asphalt spreaders, bridge deck finisher, grader finish only

GROUP 16 - Boiler blacktop

DECISION NO. ENT-3028

ROOFERS:

Berren & Passaic Counties:
Composition

Slate & Tile

Slate & Tile Helpers

Berren & Hudson Counties:

Composition, Dump & Water-

proofing:

Berren & Hudson (west of the

Hackensack River) Counties

Hudson (remainder of county)

County

Slate & Tile

Slate & Tile Helpers

SEWER WORK: WORKERS:

Berren & Passaic Counties

Berren & Hudson Counties

SOFT FLOOR LAYERS

SPRINKLER FITTERS

TRUCK-DRIVERS:

Berren, Hudson & Passaic Counties:

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

Essex County:

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	W & H	Retiremen	Unempl. Ins.	
\$10.35	.68	1.00		
8.96	.60	1.00		
7.21	.60	1.00		
-10.71	.70	.50		
8.64	1.24	2.20	.63	
10.40	.70	.30		
9.30	.70	.30		
10.53	1.44	1.055	.84	.03
9.70	5/8+.06+4	5/8	1/4+.06	.02
8.67	6/8	5/8+.50		
11.03	.50	.60		.07
7.27	.68	.75	1+1	
7.50	.68	.75	1+1	
7.55	.68	.75	1+1	
7.65	.68	.75	1+1	
7.75	.68	.75	1+1	
7.27	x	.81	1+1	
7.50	x	.81	1+1	
7.55	x	.81	1+1	
7.65	x	.81	1+1	
7.75	x	.81	1+1	

DECISION NO. NJT-3096

CLASSIFICATION REFINITIONS

ZONE 1 - Mechanic Helper

ZONE 2 - Drivers on the following type vehicles: Straight Dumps, Flats, Fleets, Pickups, Container Handlers, Pail, Water Sprinkler, Road Oil, Stringer, Road, Hot Pads, Bus, Dumpcarts, Trussit Mixers, Lighter Mixer, Half Truck, Winch Truck, Side-o-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All Dual Purpose Trucks, Trucks with mechanical tail gates, Asphalt Distributor, Batch Trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intrinsit), Parts Chaser, Excort, Scissor, HI-lift, Telescope, Concrete Breaker, Six Pole, Stone, Sand, Asphalt Distributor & Spreader, Ripper, Pail Trucks (drivers on Pail Trucks including handling of hose & nozzle-entire unit), Team Drivers, Vacuum or Vee-all Trucks (entire unit), Skid Truck (chassis container - entire unit), concrete Mobile Trucks (entire unit), Expediter (parts chaser), Beltonite Trucks, Pump Crete Trucks, Lime Truck, Seal Truck, Wheelers, Utility trucks, Tack Trucks, Warehousemen, Warehouse Parts-Men, Yardmen, Lift Truck in Warehouse, Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man, Material Checkers, Receivers, Shippers, Blowing Men (Materials), Cardex Man, Helper when required on Brooklyn Coal Tar Epoxy Truck & Asphalt & Bituminous Distributor Truck. Drivers on the following type vehicles: Brooklyn Coal Tar Epoxy Trucks, Little-Ford Bituminous Distributor, Slurry Seal Truck or Vehicle, Thiozol Truck Master Pickup (Swamp Cat Pickup), Bucket Loader Dump Truck & any Rubber Tired Tractor used in pulling & towing Farm Wagons & Trailers of any description, similar type vehicles, Off-site & On-site Repair Shop.

ZONE 3 - Drivers on straight 3-Axle Materials: Trucks & Fleets.

ZONE 4 - Drivers on all Euclid Type Vehicles: Euclids, International Harvesters, Wabcos, Caterpillar, Eoehring, Tractors & Wagons, Dumpsters, Straight, Bottom, Bear & Side Dumps, Carryalls & Scrapers (not self loading-loading over the top), Water Sprinkler Trailers, Water Pulls & similar types of Vehicles; Drivers on Tractors & Trailer type vehicles: Flat, Fleets, I-Beams, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil, Pail, Bottom Dump Hopper, Bear Dump, Office, Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Seal Trailer, and similar types of vehicles.

ZONE 5 - Winch Trailers Drivers

DECISION NO. NJT-3096

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- s. Employer contributes \$8.00 per day per employee to an Annuity Fund.
- b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day & Armistice Day.
- c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.
- d. Employees with 6 months of service but less 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 or more years of service receive 4 weeks.
- e. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regularly scheduled work days immediately preceding and following the holiday.
- f. Paid Holiday: St. Patrick's Day.
- g. Paid Holidays: A through F; plus Washington's Birthday, Presidential Election Day and Veterans' Day providing the employee works any of the 3 days in the 5 days preceding the holiday and the first work day after the recognized holiday.
- h. Employer contribution of 3¢ based on the basic hourly rate plus health & welfare plus pension plus vacation fringes.
- i. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day providing the employee has been assigned to work on "staples" one day of the calendar week during which the holiday falls.
- j. Employees working or receiving pay for 80 days within a year receive one week's vacation (48 hours); 125 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours).
- k. Employer contribution of \$83.00 per month per employee to Health & Welfare Funds.

DECISION #CA75-5085 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
99.08	.60	1%		.01
12.11	.60	1%		.01
13.38	.60	1%		.01
11.015	1.70	1.15	1.11	.15
11.04	.95	1.65	1.20	.25
10.99	.58	.60	1.95	.10
9.32	.40	.75	.35	
9.36	.82	1.10		.04
10.36	.82	1.10		.04
10.86	.48	1.20		10%
11.76	.48	1.61		.12
9.17	.55	.30	1.00	
9.70	.70	.50	.90	.035

Line Construction:
 Monterey County
 Groundmen
 Linemen; Technicians
 Cable Splicers
 Plumbers; Steamfitters:
 Marin, Mendocino, San
 Francisco and Sonoma Counties
 San Mateo County
 Lake Tahoe Area
 Roofers:
 Del Norte and Humboldt Cos.,
 Amador, Sacramento and Yuba
 Counties
 Roofers (slate, tile and
 composition)
 Painter and Pitch
 Sheet Metal Workers:
 Del Norte, Humboldt, Lake,
 Marin, Mendocino, San
 Francisco, Sonoma and
 Trinity Counties
 San Mateo County
 Tile Setters:
 Alpine, Amador, Calaveras,
 San Joaquin and Tuolumne
 Counties
 Butte, Colusa, Eldorado,
 Glenn, Lassen, Modoc,
 Nevada, Placer, Plumas,
 Sacramento, Shasta, Sierra,
 Sutter, Tehama, Yuba and
 Yuba Counties

DECISION #CA75-5085 - Mod. #2
 (40 FR 31457 - July 23, 1975)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$10.30	.55	.60	1.00	
10.70	.74	1.26	.75	.04
10.85	.74	1.26	.75	.04
11.20	.74	1.26	.75	.04
10.97	.74	1.26	.75	.07
11.41	.70	1.45	.50	.03
12.84	.70	1.45	.50	.03
12.10	.60	1%		.01
13.37	.60	1%		.01
10.10	.48	.50		.01

Chiangi:
 Bricklayers; Stonemason:
 Alpine, Amador, Calaveras,
 San Joaquin, Stanislaus and
 Tuolumne Counties
 Carpenters:
 Carpenters
 Hardwood floorlayers; Power
 saw operator; Saw fillers;
 Shinglers; Steel scaffold
 erectors and/or steel
 shoring erectors
 Millerights
 Drywall installers
 Electricians:
 Alameda County
 Electricians
 Cable Splicers
 Monterey County
 Electricians
 Cable Splicers
 Laibers:
 Butte, Colusa, Glenn,
 Humboldt, Lake (That portion
 of County from Lakeport up
 to County Line), Nevada,
 Placer, Plumas, Shasta,
 Sierra, Tehama and Trinity
 Counties

MODIFICATION P. 4

DECISION #CA75-5086 - (Cont'd)

DECISION #CA75-5086 - Mod. #2

(40 FR 31474 - July 25, 1975)
 Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California

Change:

Bricklayers; Stonemasons; Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties

Carpenters

Hardwood floorlayers; Power saw operator; Saw fillers; Shinglers; Steel scaffold erectors and/or steel shoring

Millwrights

Drywall installers

Electricians:

Alameda County

Electricians

Cable Splicers

Monterey County

Electricians

Cable Splicers

Lathers:

Humboldt, Nevada, Shasta and Tehama Counties

Plumbers; Steamfitters:

Marin, San Francisco and Sonoma Counties

San Mateo County

Lake Tahoe Area

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Retiremen	Vacation	
\$10.30	.55	.60	1.00	.04
10.70	.74	1.26	.75	.04
10.85	.74	1.26	.75	.04
11.20	.74	1.26	.75	.07
10.97	.74	1.26	.75	.07
11.41	.70	1.26	.75	.03
12.84	.70	1.26	.75	.03
12.10	.60	1.1	1.1	.01
13.37	.60	1.1	1.1	.01
10.10	.48	.50		.01
11.015	1.70	1.15	1.11	.15
11.04	.95	1.65	1.20	.25
10.99	.58	.60	1.95	.10

MODIFICATION P. 3

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Retiremen	Vacation	
\$9.32	.40	.75	.35	
9.36	.82	1.10		.04
10.36	.82	1.10		.04
10.86	.48	1.20		10%
11.76	.48	1.61		.12
9.17	.55	.30	1.00	
9.70	.70	.90	.90	.025

Roofers:
 Del Norte and Humboldt Cos., Amador, Sacramento and Yolo Counties
 Roofers
 Emsemblers and Pitch
 Sheet Metal Workers:
 Del Norte, Humboldt, Marin, San Francisco and Sonoma Counties
 San Mateo County
 Tile Setters:
 Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties
 Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Cos.

DECISION #175-5098 - Mod. #1
 (40 FR 32555 - August 1, 1975)
 Statewide, Hawaii

Change:

Carpenters:
 Carpenters; Hardwood Floorlayers; Patent Scaffold Erectors; Piledrivers; Pneumatic Nailers; Shinglers Millwrights
 Power Saw Operator (2 HP and above)
 Drywall Applicator
 Electricians:
 Groundmen
 Line Equipment Men
 Electricians; Linemen
 Technicians
 Cable Splicers
 Ironworkers:
 Bridges; Ornamentals;
 Reinforcing; Structural
 Painters:
 Brush
 Tapers
 Spray
 Plasterers

DECISION NO. 1875-2088 - Mod. #2
 (40 FR 27422 - June 27, 1975)
 Allen, Bartholomew, Benton,
 Dearborn, Delaware, Grant,
 Marion, Monroe, Tippecanoe,
 Vanderburgh, & Vigo Counties,
 Indiana

DECISION NO. 1875-2088 (Cont'd)

CHANGES	Basic Hourly Rates	Fringe Benefits Payments			App. Fr.
		H & W	Retirees	Vacation	
Changes: Asbestos workers: Bartholomew, Benton, Dela- ware, Marion, Monroe, Tippecanoe, & Vigo Counties Dearborn County Vanderburgh County Bricklayers: Bartholomew, & Monroe Counties: Bricklayers; Marble setters; Stonemasons; Terrazzo Workers; & Tile setters Benton & Tippecanoe Counties Bricklayers; Marble setters & Stonemasons Terrazzo workers; & Tile setters Marion County: Bricklayers; & Stonemasons Marble setters; & Tile setters Carpenters: Bartholomew County (Camp Atterbury); & Marion County: Carpenters; Millwrights Benton; & Tippecanoe Counties: Carpenters; & Soft floor layers Millwrights; & Filledrivers Grant County: Carpenters Filleddrivers Millwrights Concrete masons Benton & Tippecanoe Counties Vanderburgh County	\$10.31 9.96 10.09	.35 .45 .35	.35 .85 .30	.05 .02	
Electricians: Allen County Benton & Tippecanoe Counties Delaware County Grant County Monroe County Ironworkers: Benton & Tippecanoe Counties Lathers: Dearborn County Painters: Monroe County: Brush; Drywall; Paperhanging; Roller; & Vinyl Structural steel Sandblasting; Spray Pipefitters; Steamfitters: Dearborn County Plumbers; Steamfitters: Grant County Monroe County Roofers: Bartholomew, Marion, Monroe Counties: Compositors; Waterproofers Slate, Tile, Asbestos, & precast slab Belgers Dearborn County Delaware County Sheet metal workers: Bartholomew, Delaware, Marion, & Monroe Counties Sprinkler fitters Culit: Carpenters: Bartholomew County (Camp Atterbury) & Marion County: Filleddrivers Soft floor layers Add: Terrazzo workers' helpers: Bartholomew, Delaware, Grant, Marion, Monroe, Tippecanoe, & Vigo Counties	\$9.60 9.60 9.30 9.45 9.15 9.49 11.145	.25 .40 .40 .40 .30 .65 .25	.30 .30 .30 .30 .30 .975 .55 .70 .30 .30 .30 .85 .10 .30 .30 .30 .85 .10 .50 .50 .47 .47	.06 1/2 of 1% .2% .2% .02 .02 .025	.06 .06 .05 .10 .06 .08 .06 .06
	7.95				7.95

MODIFICATION P. 6

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	M & W	Pensions	Vacation	
\$9.45	.70	1.00		.02
9.23	.40	.40	1.62	.03
9.70	.50			
10.42	.52	1.05		12
10.69	.60	.70		.10
9.93	3.65%	3.25%		

DECISION #M075-4144 - Mod. #1
(40 FR 37611 - August 1, 1975)
Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas, Missouri

CHANGE:
BOTTLEMAKERS
GLAZIERS
LATERS
PIPEFITTERS
PLUMBERS
TERRAZZO WORKERS

MODIFICATION P. 7

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	M & W	Pensions	Vacation	
10.05	.45	.55	.50	.02
10.04	.50	.35		.05
8.70	.40	.35	a	.01
10.51	.50	.57		.05
10.30	5%	6.3%	4%	.72
10.30	3.8%	5.8%	4%	.72
11.34	.47	.35		
8.75	.40	.30		.03
8.90	.40	.30		.03
5.00	.40	.30		.03
10.55	.50	.80		.08
6.90	.35	.35		.07
7.05	.35	.35		.07
7.80	.35	.35		.07
6.20	.35	.35		.07
6.35	.35	.35		.07
8.45	.35	.35		.07

DECISION #M04145 - Mod. #1
(40 FR 37616 - August 1, 1975)
Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas, Missouri

CHANGE:
BOTTLEMAKERS
GLAZIERS
LATERS
PIPEFITTERS
PLUMBERS
TERRAZZO WORKERS

DECISION NO. IM75-2089 - Mod. #2
(40 FR 28345 - July 3, 1975)
Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

Change:
Bricklayers:
Lake & Porter Counties:
Bricklayers; Marble setters;
Stonemasons; & Terrazzo workers
St. Joseph County:
Bricklayers; Stonemasons
Marble setters
Carpenters:
Lake, LaPorte, & Porter Counties:
Carpenters; Millwrights;
Filedrivermen; Soft floor layers
Electricians:
Lake County
LaPorte & Porter Counties
Roofers:
Lake & Porter Counties:
Composition, Damp & water-proof workers; Slate, Tile & Asbestos
LaPorte & St. Joseph Counties:
Composition, Damp & water-proof
Slate, Tile & Asbestos
Helpers
Sprinkler fitters:
Lake County (Remainder of Co.), LaPorte, Porter, & St. Joseph Counties
Laborers (Heavy & Highway Construction)
Lake County
Group I
Group II
Group III
Laborers (Heavy & Highway Construction)
LaPorte, Porter, & St. Joseph Cos.
Class I
Class II
Class III

DECISION NO. BITTS-3049 (Cont'd)

Labors, Heavy & Highway Construction (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & P	Pensions	Vacation	
\$ 8.25	.60	.95	d	
8.10	.60	.95	d	
7.85	.60	.95	d	
7.80	.60	.95	d	
7.70	.60	.95	d	
7.60	.60	.95	d	
7.35	.60	.95	d	
7.20	.60	.95	d	
7.15	.60	.95	d	
8.62	.60	.95	d	
8.22	.60	.95	d	
8.06	.60	.95	d	
7.55	.60	.95	d	
7.40	.60	.95	d	
7.25	.60	.95	d	
7.00	.60	.95	d	
7.00	.60	.95	d	
8.90	.55	.50	.15	.05
8.50	.55	.50	.15	.05
9.10	.55	.50	.15	.05

ROBINSON BITTS-3049 - Mod. #2
(40 FR 26219 - June 20, 1975)
Atlantic, Burlington, Camden,
Cape May, Cumberland, Gloucester,
Mercer, Monmouth, Ocean and
Salem Counties, New Jersey

Change:
Bricklayers, Stone Masons,
Marble Masons, Cement Masons,
Plasterers, Tile Setters &
Terrazzo Workers:

Zone 1
Electricians & Cable Splicers:
Zone 1

Labors, Building Construction:
Zone 1
Laborers, Mason Tenders &
Plaster Tenders
Air, Gas, Electric Tool Ops.
Omnite Men

Zone 2
Laborers, Brick Tenders,
Motor Tenders, Scaffold
Builders (brick), Rod
Carriers (brick) & Power
Tool Ops.

Jack Hammer Ops., Barrow
Tampor Ops., Concrete
Whistor Ops. (over 27 lbs.)
Motorized Buggy Ops., Burners
Mortlemen (granite work)
Plaster & Lather Tenders

Labors, Heavy & Highway
Construction:
Zone 1

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 8

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & P	Pensions	Vacation	
\$ 9.60	.60	1.00		.03
11.45	.45	14.30		.01
6.85	.55	.40		.02
7.10	.55	.40		.02
7.25	.55	.40		.02
7.20	.40	.55		.02
7.45	.40	.55		.02
7.325	.40	.55		.02
7.60	.40	.55		.02
7.75	.50	.95	d	
7.15	.60	.95	d	
7.40	.60	.95	d	
7.25	.60	.95	d	
7.15	.60	.95	d	
6.90	.60	.95	d	
6.85	.60	.95	d	
6.75	.60	.95	d	

DECISION NO. 8475-3049 (Cont'd)

Painters (Cont'd)

not be applicable to machinery or equipment located therein)
 Repaint Work as described above
 On Bridges, Televisions and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers, Sand-blasting, Stenciling, Spraying or application of hazardous materials
 Plumbers & Pipefitters:
 Zone 3
 Zone 4
 Roofers:
 Zone 4

Composition, Waterproofing, Slate and Asphalt Shingle

Add:

Ironworkers - Structural, Ornamental & Reinforcing:
 Monmouth and Ocean (northern half of county) Counties

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & B	Provision	Variable	
\$ 9.05	.55	.50	.15	.05
8.65	.55	.50	.15	.05
9.50	.55	.50	.15	.05
9.65	.74	.77	1.10	.09
10.94	.57	.85		.05
10.15	.50	.60		
10.19	.74	.23	10%	14

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & B	Provision	Variable	
\$10.19	.45	.45		.02
10.13	.64	.64		1/50th
10.38	.64	.64		1/50th
6.80	.90	.60		.02
6.80	.60	.60	.35	.02
7.40	.45	.45		.02
7.30	.50	.50		.02
7.30	.50	.50		.02
7.80	.55	.55		.02
7.00	.70	.60		.02
8.25	.60	.55		e
8.10	.60	.55		e
7.85	.60	.55		e
7.80	.60	.55		e
7.70	.60	.55		e
7.60	.60	.55		e
7.35	.60	.55		e
7.20	.60	.55		e
7.15	.60	.55		e
8.62	.60	.55		e
8.22	.60	.55		e
8.06	.60	.55		e
7.55	.60	.55		e

DECISION 8475-3050 - Mod. #2
 (NO. 84 29901 - July 11, 1975)
 Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union & Warren Counties, New Jersey

Change:

Bricklayers, Stone Masons, Cement Masons & Plasterers:
 Zone 8
 Carpenters, Insulators & Millwrights:
 Zone 2
 Carpenters & Insulators
 Millwrights

Labors, Building Construction:

Zone 2
 Zone 7
 Zone 10
 Zone 11
 Zone 12
 Zone 15
 Zone 16
 Labors, Heavy & Highway Construction:
 Group 1
 Group 2
 Group 3
 Group 4
 Group 5
 Group 6
 Group 7
 Group 8
 Group 9

Labors, Free Air Tunnel Jobs:

Group 1
 Group 2
 Group 3
 Group 4

DECISION NO. MITS-3050 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
\$ 9.62	7%	23%	10%	1%
10.29	7%	23%	10%	1%

Call:
 Ironworkers-Structural,
 Reinforcing & Ornamental:
 Middlesex County
Add:
 Ironworkers-Structural,
 Reinforcing & Ornamental:
 Bergen, Essex, Hudson,
 Middlesex, Morris, Passaic,
 Somerset, Sussex & Union
 Counties

DECISION #AB-3047 - Mod. #2
 (39 FR 30800 - August 23, 1974)
 Trumbull County, Ohio

Change:
 Painters:
 Commercial & Residential:
 Brush, Paperhanging, water-
 proofing, and wall washing
 Drywall Taping
 Spray
 Industrial:
 Brush & Bridges
 Spray & Sandblasting

DECISION NO. MITS-3050 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
\$ 7.70	.61	.69	e	
7.55	.61	.69	e	
7.30	.61	.69	e	
7.55	.61	.69	e	
7.30	.61	.69	e	
7.40	.60	.95	e	
7.25	.60	.95	e	
7.00	.60	.95	e	
7.25	.60	.95	e	
7.00	.60	.95	e	
11.29	4%	14-.50		1/2 of 1%
9.74	4%	14-.50		1/2 of 1%
9.05	.90	1.35		.06
10.05	.90	1.35		.06
11.55	.90	1.35		.06
9.94	.695	.795	1.192	.099
10.94	.57	.85		.05
9.65	.74	.77	1.10	.09
10.15	.50	.60		
10.40	.70	.30		
9.30	.70	.30		
11.25	.50	.80		.08

Laborers, Asphalt Construction:
 Zone 1
 Street:
 Road Builders
 Bakers & Screen Men
 Dumpers, Smoothers, Kettle-
 men, Finishers, Shovelers &
 Roller Boys
 Plant:
 Scale Mixer & Burner Men
 Feeders & Dust Men
 Zone 2
 Street:
 Road Builders
 Bakers & Screen Men
 Dumpers, Smoothers, Kettle-
 men, Finishers, Shovelers &
 Roller Boys
 Plant:
 Scale Mixer & Burner Men
 Feeders & Dust Men
 Zone 7
 Line Construction:
 Linemen & Equipment Operators
 Groundmen & Line Truck Oper-
 ators
 Painters:
 Zone 1
 Commercial, Industrial & Diners
 Steel Outside
 Spray
 Zone 5
 Plumbers:
 Zone 5
 Zone 3
 Zone 4
 Roofers:
 Zone 2
 Compositors, Waterproofing,
 Slate & Asphalt Shingle
 Zone 5
 Slate & Tile
 Slate & Tile Helpers
 Sprinkler Fitters:
 Zone 2

MODIFICATION P. 15

	Basic Monthly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #0675-5111 - Mod. #1 (40 FR 41971 - September 5, 1975) Stateside, Oregon Change: Sprinkler Fitters	\$10.55	.50	.80		.08
DECISION #7875-1070 - Mod. #1 (40 FR 30435 - July 18, 1975) Shelby County, Tennessee CHANGE: Ironworkers Steamfitters, air conditioning mechanics and pipefitters	\$ 9.15 10.47	.35 .30	.60 .30		.125
DECISION #AP-494 - Mod. #1 (38 FR 7693 - March 23, 1973) The Independent Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth & Virginia Beach, Virginia Change: Electricians	\$8.00	5%	6%		1%
DECISION #W75-5113 - Mod. #1 (40 FR 42507-September 12, 1975) Stateside, Washington Change: Sprinkler Fitters: Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Counties Remaining Counties	\$12.26 10.55	.50 .50	.80 .60		.09 .08

SUBSEQUENT REVISION

STATE: Alabama
 REVISION NUMBER: AL75-1086
 COURTESY: Jefferson & Shelby
 DATE: Date of Publication
 Repealed Decision No.: AL75-1056 dated May 30, 1975 in 1/1 PR 23632
 DESCRIPTION OF WORK: Building construction, (excluding single family homes
 and garden type apartments up to and including 4 stories.)

AL75-1086 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
Asbestos workers	8.61	.30	.30		.05
Boilermakers	7.50	.40	.50		.02
Bricklayers; painters; sealers; stonemasons	8.75	.25	.25		.05
Carpenters:	7.75	.40	.25		.06
soft floor layers	9.15	.40	.25		.06
Millwrights	7.95	.40	.25		.06
Pile-drivers	7.33	.50			.06
Cement masons	8.50	.30	%		$\frac{3}{4}$
Electricians:	8.75	.30	%		$\frac{3}{4}$
Cable splicers	8.02	.45	.29	36-a-a-b	.02
Elevator constructors	5.61	.45	.29	36-a-a-b	.02
Elevator constructors helpers	4.01	.40	.40		.01
Elevator constructors helpers (Prob.)	7.33	.55	.595		.04
Glassers	8.25	.55	.01		.01
Ironworkers	7.15	.20	%		$\frac{3}{4}$
Lathers	3.44	.20	%		$\frac{3}{4}$
Linemen:	4.04	.20	%		$\frac{3}{4}$
Groundmen under one year	6.08	.20	%		$\frac{3}{4}$
Groundmen one year and over	5.01	.20	%		$\frac{3}{4}$
Hole and ditch digging equipment, tractor with winch and derrick, truck with winch and derrick	4.29	.20	%		$\frac{3}{4}$
Tractor with towing machines, truck with winch only	5.85	.20	%		$\frac{3}{4}$
Truck without winch	7.45	.40	.40		.07
Marble setters	7.95	.40	.40		.10
Painters:	7.60	.50	.40		.05
Brush	7.47	.40	.40		.08
Spray; Structural steel	6.80	.40	.40		.07
Paperhangers	9.00	.40	.40		.10
Plasterers	8.75	.40	.40		.05
Plumbers: Pipefitters	7.60	.40	.40		.08
Roofers	5.30	.20	.20		.05
Sheet metal workers	5.75	.20	.20		.05
Sprinkler fitters	5.95	.20	.20		.05
Terrazzo workers; Tile setters					
Tile, Marble terrazzo helpers					
Truck Drivers:					
Up to but not including 1 1/2 tons					
1 1/2 to but not including 3 tons					

Truck Drivers (Cont'd)
 3 tons but not including 5 tons
 5 tons and over including special equipment
 Heavy Duty - off the road trucks
 Welders, riggers, riveters - relative rates prescribed for craft performing operation to which welders, riggers and riveters are incidental.

PAID HOLIDAYS:
 1-New Year's Day; 2-Memorial Day; 3-Independence Day; 4-Labor Day
 Thanksgiving Day; 5-Christmas Day.

FOOTNOTES:
 a. 6 paid holidays: 1 through 5.

b. Employer contributes 1/4% of regular hourly rate to Vacation Pay
 Credit for employee who has worked in business more than 5 years.
 Employer contributes 2% of regular hourly rate to Vacation Pay
 Credit for employee who has worked in business less than 5 years.

AL75-1086 - (Cont d)

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Basic Hourly Rates	Fringe Benefits Payments		App. Tr.
	H & W	Vacation	
8.14	.30	.20	.10
7.91	.30	.20	.10
7.14	.30	.20	.10
6.84	.30	.20	.10
6.43	.30	.20	.10
7.27	.30	.20	.10

GROUP A
Asphalt plant; boom tractors; bulldozers; cableways; core drillers; compactors (2 or more); crane-derrick-dragline; dinky locomotive; dredges; fork lift; front end loader; gradall; heavy duty mechanic; hoist (1 arm or more); mixers; push tractors; scrapers; shovels; trenching machines (and all similar equipment); winch trucks; motor graders; concrete pump; pile-driver; rotary drill

GROUP B
Air compressor (over 125); asphalt spreaders; blade graders (pull type); boat operator; conveyor (2 or more up to 4); crawler tractor; distributors (bituminous surface); farm tractors; finishing machines; pumps over 4 inches; rollers; welding machine (4 or more)

GROUP C
Air compressor (125 & under); cillars-firmans; conveyor (1) tended by oiler; pumps (under 4 inches); welding machines (3 or under); mechanic helpers

ON STEEL SECTIONS: Crane; dragline, derrick; hoist; piledriver; winch truck; fork lift; tower cranes; climbing cranes; cherry picker; mechanics; locomotives; tug boat

GROUP E
Tractors; welding machines; gas or diesel driven welding machine (4 or more); air compressors over 125 (2 or less); power generating units (gas or diesel)

GROUP F
Gas or diesel driven welding machine (3 or less); mechanic helper, air compressor 125 and under (2 or less); oiler; fireman; small boat

AL75-1086 (Cont d)

BUILDING CONSTRUCTION

LABORERS:

Basic Hourly Rates	Fringe Benefits Payments		App. Tr.
	H & W	Vacation	
5.55	.20	.30	.03
5.50	.20	.30	.03
5.45	.20	.30	.03
5.40	.20	.30	.03
5.30	.20	.30	.03
5.25	.20	.30	.03
5.15	.20	.30	.03
5.20	.20	.30	.03
5.10	.20	.30	.03
5.95	.20	.30	.03

GROUP A
Air or electric tool operators and asphalt makers

GROUP B
Vibrator operators, chain saw ops., of mechanical equipment which replaces (wheelbarrows or huggies), power mowers, mortar mixers, pipe layers, conc. & clay and muckers

GROUP C
Plasterers' tenders & hod carriers

GROUP D
Mason tenders, building laborers and wagon drill operators' helpers

GROUP E
Burners on demolition, wagon drill operators and tunnel laborers

GROUP F
Powderman

GROUP G
Caisson-driller

GROUP H
Tunnel mixer

GROUP I
Pneumatic concrete gun operator and masonman

GROUP J
Crack tender

SUPERSEDES DECISION

STATE: Washington, D. C.

DATE: Date of Publication

DECISION NO.: DC-75-3099

Supersedes Decision No. DC-75-3061, dated June 20, 1975, in 40 FR 26242.

DESCRIPTION OF WORK: Building (excluding single family houses and garden type apartments, up to and including 4 stories), Heavy (excluding Metro Projects), and Highway Construction, Demolition and Sewer and Water Lines.

1-D, C, 1-2-

Page 2

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$9.45	.45	.55		.013
ROULETTEMAKERS - Blacksmiths	9.40	.60	.90		.02
BRICKLAYERS	9.85	.60	.60		.10
CARPENTERS	9.55	.50	.49		.07
CEMENT MASONRY:					
Cement Masons	9.65	.465	.45		.11
Grinding Machine	9.90	.485	.45		.11
ELECTRICIANS	10.30	.35	\$24.75		.10
ELEVATOR CONSTRUCTORS	9.775	.445	.29	31+ab	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.84	.445	.29	31+ab	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROS.)	4.89				
GLAZIERS	9.03	.56	.40		.05
IRONWORKERS:					
Structural, Ornamental and Chain					
Link Fence	9.55	.30	.60		.05
Reinforcing	10.00	.35	.60		.03
LABORERS:					
Common Laborers, Landscapers	7.71	.35	.40		.05
Wrecking	8.21	.35	.40		.05
Air Tool Operator; Scaffold					
Builder; Paving Breakers;					
Spaders; Mortarman and					
Scooters					
Pipelayers	7.86	.35	.40		.05
Plasterers' Tenders	7.03	.32	.35		.05
Plumbers' Laborers	6.93	.30	.40		.05
Powdermen	8.685	.35	.40		.05
Powerrow, Wall Points	7.96	.35	.40		.05
LATHERS	8.73	.50	.50		.025
LEAD BURNERS	9.25	.35			.01
LINE CONSTRUCTION:					
Linemen, Cable Splicers,					
Equipment Operators	10.86	.35	.12		1/42
Truck with Winch, Truck Pole or					
Steel Handling	7.18	.35	.12		1/42
Groundmen (0 to 1 year)	5.76	.35	.12		1/42
Groundmen (1 to 2 years)	6.67	.35	.12		1/42
Groundmen (over 2 years)	6.92	.35	.12		1/42

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
MARBLE SETTERS	\$10.80	.45	.30		.05
MARBLE SETTERS' HELPERS	7.35				
MILLRIGHTS	9.99	.50	.49		.07
PAINTERS:					
Brush, Spray, Paperhangers,					
Yapers	9.44	.41	.18		.06
Steel, Sandblasting, Swing Stage,					
Power Brushing	9.94	.41	.18		.06
CARPET LAYERS	6.07	.30			.05
PILEDRIVENMEN	9.75	.50	.49		.07
PLASTERERS	9.80	.45	.25		.06
PLUMBERS	9.43	.58	.55		.18
ROOFERS:					
Composition	7.51	.52	.20		.12
Slate, Tile, Mopmen, Water-					
proofers, Sprayers, Sprandrel					
and Ironite	8.07	.42	.20		.12
Helpers	5.48	.42	.74		.07
SHEET METAL WORKERS	9.26	.64	.49		.12
SOFT FLOOR LAYERS	9.55	.50	.49		.07
SPRINKLER FITTERS	10.60	.50	.80		.08
STEAMFITTERS, REFRIGERATION and					
Air Conditioning Mechanic	9.45	.52	.65		.12
STONE MASONS	10.80	.45	.30		.05
STONE CUTTERS:					
Fitters and trimmers	9.90	.18	.20		.18
Ornamental Carvers	9.49	.18	.20		.18
Figure Carvers	10.11	.18	.20		.18
TERRAZZO and MOSAIC WORKERS	9.33	.40	.30		.30
TERRAZZO WORKERS' HELPERS	8.05	.40	.30		.30
TILE SETTERS	9.33	.40	.30		.30
TILE SETTERS' HELPERS	8.05	.40	.30		.30
TRUCK DRIVERS:					
Boom Trucks	6.40	.25			.87j
Small Dump, Water Sprinkler,					
Grease and Oil	6.15	.25			.87j
Flat, Pick-up Hauling Materials,					
Small Euclids, Dump over 8 wheels	6.25	.25			.87j
Trailers, Low Boys, Tractor					
Pulls	6.45	.25			.87j
Helpers	6.00	.25			.87j

DECISION NO. DC-75-3099

BUILDING & HEAVY CONSTRUCTION

DECISION NO. DC-75-3099

TRUCK DRIVERS: (Coal's)

Carroll's, Large Excelsior, Tunnel
Excelsior Water Sprinkler, Tunnel
Work under ground

McDonald
RIGGERS and WELDERS - Receive
rates prescribed for crafts per-
forming operations to which
rigging and welding are incidental.

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & M	Pensions	Vacation	
\$6.55	.25	F	F†	
6.30	.25	F	F†	

PAID HOLIDAYS: A-New Year's Day; B-Memoria Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Holidays: A Through F.
- b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 4 years service as Vacation Pay Credit.
- c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).
- f. \$8.00 per week when employee has worked 40 days and works 3 days in a work week.
- g. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday).
- h. Five Paid Holidays: Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day and New Year's Day.
- j. One week's paid vacation providing employee has worked 3 years and a minimum of 1650 hours during any calendar year.

DEMOLITION (excluding Metro Projects)

Labotors
Burners
Power Equipment Operators
Cranes
Loaders
Truck Drivers

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & M	Pensions	Vacation	
\$5.62	.28	.25		.03
6.12	.28	.25		.03
9.695	.50	.55		.12
9.295	.50	.55		.12
4.00				

Fringe Benefits Payments	Fringe Benefits Payments		App. Tr.
	M & B	Variable	
\$10.45	.50	.55	.12
10.70	.50	.55	.12
9.42	.50	.55	.12
10.05	.50	.55	.12
9.67	.50	.55	.12
9.80	.50	.55	.12
9.79	.50	.55	.12
9.61	.50	.55	.12
9.80	.50	.55	.12
9.60	.50	.55	.12
8.74	.50	.55	.12

FOURTEEN B. H. V. V. OPERATORS

Power Equipment Operators:

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7
- GROUP 8
- GROUP 9
- GROUP 10
- GROUP 11

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

- GROUP 1 - 35 ton cranes and above, tower and climbing cranes
- GROUP 2 - Backhoes, boom cots, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, floodlighting engines, power shovels, tunnel shovels, mucking machines, ditch plant, concrete pumps, locomotives (standard borrow gauge), power driven wheel scoops and scrapers (50 cu. yds, struck capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.)
- GROUP 3 - Mechanic, mechanic welder, welders
- GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractors, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)
- GROUP 5 - Air compressors (on steel)
- GROUP 6 - Front end loaders (lift), fork lifts
- GROUP 7 - Boilers (skeleton), trenching machines, tug boats, well drilling machines
- GROUP 8 - Air compressors (except on steel), concrete mixers, mechanics and maintenance men, pumps, tunnel mechanics, tunnel motor men, blade machines, well points
- GROUP 9 - Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders
- GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., struck capacity), blade graders, bulldozers, motor graders
- GROUP 11 - Firemen

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	M & B	Variable	App. Tr.	
\$9.85	.45	.45		.10
9.55	.50	.49		.07
9.65	.485	.45		.11
10.00	.35	.60		.03
9.75	.50	.69		.07
9.43	.58	.55		.18
7.64	.35	.35		.05
7.39	.35	.35		.05
7.19	.35	.35		.05
7.27	.35	.35		.05
7.09	.35	.35		.05
7.06	.35	.35		.05
7.04	.35	.35		.05
6.94	.35	.35		.05
6.92	.35	.35		.05
6.84	.35	.35		.05
6.74	.35	.35		.05
6.65	.35	.35		.05
6.20	.35	.35		.05
6.05	.35	.35		.05
6.00	.35	.35		.05
2.75	.12			

SEWER and WATER LINES

- BRICKLAYERS
- CARPENTERS
- CEMENT MASONS
- IRONWORKERS; Reinforcing
- PILEDRIVERS
- PLUMBERS

POWER EQUIPMENT OPERATORS:

- Backhoes, Cable ways, Cranes.
- Draglines power shovels, Tunnel
- Shovels, Tunnel mucking machines,
- Derricks, 1 cu. yd. and over
- Backhoes, Cableways, Cranes
- Derricks, Dragline, Tunnel
- Shovels, Tunnel mucking
- machines up to 1 cu. yd., Boom
- cats, Elevating graders, Hoists,
- Paving mixers, Piledriving
- engines, Batch Plants, Concrete
- pumps
- Trenching Machines (above 8'5")
- Backhoes (hydraulic, under 1/2 cu. yd.)
- Trenching machines (up to 8'3"),
- Soilers skeleton, Well drilling
- machines
- Air Compressors, tunnel
- Front end loaders (high lift),
- Bulldozers
- Concrete mixers, Power wheel
- scoops and scrapers, Motor
- graders, Tunnel motor men, blade
- Graders, tunnel mechanics
- Mechanics
- Bulldozer, Hydraulic tampers
- Roller
- Air Compressors, Pump, Welding
- machines well points
- Apprentice Engineers:
- Firemen
- Truck crane oilers
- Oilers
- TRUCK DRIVERS:
- Dump trucks

DECISION NO. DC-75-3099

2 of 3

DECISION NO. DC-75-3099

TRUCK DRIVERS: (Cont'd)

Dump trucks over 8 wheels
Flat trucks
Trailers
Fuel and Oil trucks
Excels

LABORERS:

Open Cut:
Laborers, Jackhammer, Escapers and Spaders
Timbermen, Sheeting-men, Shorting-men, Caulkers, Pipelayers' Helpers
Bottom Man
Wagon Drillers, Air Track Drillers
Pipelayers
Rock Drillers
Tunnels:
Brickman, Bull Gang, Dumpet, Trackmen, Concrete Man
Chuck Tender, Powder in Prime House, Form Setters and Movers, Moppers, Cablemen, Roscemen, Groat Men, Bell or Signal Man, TTop or Bottom, Vibrator Operator, Caulkers' Helpers
Miners, Rodmen, Re-bar underground, Concrete or Gomite
Kozlemen, Powermen, Timberman and Retimberman wood or steel including liner plate or any other support material, motor-man, Caulkers, Diamond Drill, Riggers, Cement Finishers (underground), Welders and Burnets, Shield Driver
Mocking machine Operator (air)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$2.85	.12	C		
2.85	.12	C		
2.95	.12	C		
2.75	.12	C		
3.10	.12	C		
5.78	.28	.25		.03
5.93	.28	.25		.03
5.83	.28	.25		.03
6.13	.28	.25		.03
6.13	.28	.25		.03
5.88	.28	.25		.03
6.415	.28	.25		.03
6.715	.28	.25		.03
7.365	.28	.25		.03
7.615	.28	.25		.03
72.74	a	b		.03
76.08	a	b		.03
79.41	a	b		.03
82.76	a	b		.03

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$56.09	a	b		.03
89.44	a	b		.03
92.77	a	b		.03

COMPRESSED AIR: (All rates per day)

Gauge Pressure Work Period
Pounds

From 26 to 32 4 hours
From 32 to 38 3 hours
From 38 to 44 2 1/2 hours

FOOTNOTES:

- a. Employer contributes \$2.24 per day to Health and Welfare.
- b. Employer contributes \$2.00 per day to Pension.
- c. \$4.00 per week when employee has worked 90 days and work three days in any work week.

COMPRESSED AIR: (All rates per day)

Gauge Pressure Work Period
Pounds

From 1 to 14 7 hours
From 14 to 18 6 hours
From 18 to 22 5 1/2 hours
From 22 to 26 5 hours

Basic Hourly Rates	H & W	Fringe Benefits Payments	Vacation	App. Tr.	Others
\$6.30	.22	.25			
6.50	.22	.25			
6.40	.22	.25		.10	
9.85	.60	.60		.03	
8.55	.50	.48			
6.75	.22	.25			
6.50	.22	.25			
6.40	.22	.25			
6.75	.22	.25			
6.25	.22	.25			
6.45	.22	.25			
6.40	.22	.25			
6.50	.22	.25			
6.70	.22	.25			
6.75	.22	.25			
6.90	.22	.25			
7.00	.22	.25			
7.65	.22	.25			
7.90	.22	.25			
6.40	.22	.25			
6.75	.22	.25			
6.25	.22	.25			
6.37	.22	.25			
6.75	.22	.25			

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HEAVY CONSTRUCTION

- Asphalt shoveler
- Asphalt taker
- Asphalt tamper
- Bricklayers
- Carpenters
- Cement masons
- Concrete saw operator
- Concrete shoveler
- Form setter
- Labors:
- Laborers
- Jackhammer
- Sand burner operator
- Power Equipment Operators:
- Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-1/2 cu. yds., or less), asphalt plant mixer
- Loader operator tracks (2-1/2 cu. yds. or less), butter planer, bulldozer, mechanic or welder, rubber tired loader (over 1-1/2 cu. yds.)
- Asphalt spreader, hydraulic backhoe (1/2 cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)
- Crane operator, concrete paving op.
- Shovel operator
- Gradall operator (1-1/2 cu. yds., or less), motor grader, loader op. tracks (over 2-1/2 cu. yds.)
- G-1000 Gradall operator (over 1-1/2 cu.yds.)
- Power broom, oiler
- Sand setter
- Truck Drivers:
- Truck drivers (standard)
- Tractor
- Tractor trailer (capable of moving heavy equipment)

SUPERSEDES DECISION

STATE: Kentucky COUNTY: Boyd
 DECISION NUMBER: KY75-1100 DATE: Date of Publication
 Superse-des Decision No. AR-1047 dated November 1, 1974, in 39 FR 36824
 DESCRIPTION OF WORK: Building Construction (excluding single family homes
 and garden type apartments up to and including 4 stories)

KY75-1100 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Residence	Vacation	
\$8.91	.50	.85	c+1.00	.10
9.11	.50	.85	c+1.00	.10
9.31	.50	.85	c+1.00	.10
9.41	.50	.85	c+1.00	.10
8.82	.45	.40		.05
9.32	.45	.40		.03
8.81	.40	.50		.08
10.55	.50	.80		

PLUMBERS and STEAMFITTERS:
 Within a 5 mile radius of 17th Street and Winchester Avenue, Ashland
 Over 5 mile and within a 15 mile radius of 17th Street and Winchester Avenue, Ashland
 Over 15 and within 30 mile radius of 17th and Winchester Avenue, Ashland
 Over 30 miles radius of 17th Street and Winchester Avenue, Ashland
 ROOFERS
 SHEET METAL WORKERS
 SOFT FLOOR LAYERS
 SPRINKLER FITTERS
 WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTES:
 a. Six Paid Holidays: A through F
 b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who worked in business less than 5 years.
 c. Two Paid Holidays: C and F.
 d. Nine Paid Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Residence	Vacation	
\$10.65	.35	.35		.03
8.55	.60	.80		.02
9.86				
9.86				
8.91	.40	.50		.03
9.98	.40	.37		.03
9.20	.40	.50		.01
10.11				
9.80	.30	154.32	1.02	.04
9.79	.30	154.32	1.02	.04
8.31	.25	154.27	1.02	.02
6.65	.25	154.27	1.02	.02
9.14	.24	154.27	1.02	.02
9.38	.29	144.6		.02
707JR	.445	.29	144.6	.02
502JR				
10.26	.65	.70		.01
7.865	.30	.10	d	.01
8.25				
6.97				
7.13				
7.49				
7.24				
7.44				
10.11				.01

ASBESTOS WORKERS
 BOILERMAKERS-Blacksmiths
 BRICKLAYERS:
 Bricklayers
 Stone Masons
 CARPENTERS:
 Carpenters
 Millwrights
 Piledrivers
 CEMENT MASONS
 ELECTRICIANS:
 Electricians
 Cable Splicers
 Linemen
 Groundmen
 Cable Splicers
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS' HELPERS
 ELEVATOR CONSTRUCTORS' HELPERS
 (PROP.)
 IRONWORKERS:
 Structural, Ornamental,
 Reinforcing
 LATHERS
 LEADERS
 PAINTERS:
 Commercial:
 Brush
 Roller
 Spray
 Industrial:
 Brush
 Spray
 PLASTERERS

KYTS-1100 (Cont d)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Vacation	App. Tr.	
\$9.20	.30	.30		.05
7.06	.30	.30		.05
6.46	.30	.30		.05

POWER EQUIPMENT OPERATORS:

- Class A
- Class B
- Class C

POWER EQUIPMENT OPERATORS

Class A: Auto Patrol, Batch Plaster, Bituminous Paver, Cableway, Central Compressor Plant, Climshell, Concrete Mixer (21 cu. ft. or over), Concrete Pump, Crane, Cranes, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Operator, Dredge Engineer, Elevating Grader and all types of Loaders, Hoisting Machine, Hoisting Engine (2 or more drums) Locomotive, Motor Scraper, Carry-all Scoop, Bulldozer, Heavy Duty Welder, Mechanic, Grangepeel Bucket, Pile Driver, Power Blade, Motor Grader, Roller (Bituminous), Scarifier, Shovel, Tractor Shovel, Tractor Crane, Winch Truck, Push Doser, Highlift, Forklift (regardless of lift height), all types of Boom Cuts, Core Drill, Hoist, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradedall, Hoist, Hyster, Pumpcrete, Moss Carrier, Side Boom, Tall Boom Rotary Drill, Hydro Hammer, Mocking Machine, Rock Spreader attached to equipment, Scoopmobile, Kecal Loader, Tower Cranes (French, German and other types), Hydro Crane, Backfiller, Carries, Sub-grader

Class B: All Air Compressors, (600 cu. ft. per min. or greater capacity), Bituminous Mixer, Joint Sealing Machine, Concrete Mixer (under 21 cu. ft.), Form Grader, Roller (rock), Tractor (50 HP, P and over) Boll Floater, Finish Machine Outboard Motor Boat, Flexoplans, Fireman, Boom type Tamping Machine, Truck Crane Oiler, Greaser on grease facilities servicing heavy equipment, Switchman or Brakeman, Mechanic Helper, Whalley Oiler, self-propelled Compactor, Tractor and Road Widening Trencher and Farm Tractor with attachments except Backhoe, Highlift and End Loader, Elevator (regardless of ownership when used for hoisting any building material), Hoisting Engine (one drum or back hoist), Well Points, Grout Pump, Throttle-valve Man, Tugger, Electric Vibrator Compactor

Class C: Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Roller (earth), Tamping Machine, Tractors (under 50 H.P.), Vibrator, Oiler, Concrete Saw, Burlap and Carling Machine, Hydro-seeder, Power Form Handling equipment, Beckhand Oiler, Hydraulic Post Driver and Drill Helper

KYTS-1100 (Cont d)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Vacation	App. Tr.	
\$6.57	.25	.25		
6.72	.25	.25		
6.74	.25	.25		
6.77	.25	.25		
6.82	.25	.25		
7.07	.25	.25		
7.27	.25	.25		
7.77	.25	.25		

LABORERS:

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7
- Group 8

LABORERS

Group 1: Laborers, Carpenters' Helpers, Concrete Men, Wreckers, Wall Men, Handlers of empty oxygen and acetylene bottles

Group 2: Hod Carriers, Mortar Men, Cement Finishers' Helpers, Lathers and Plasterers' Tenders

Group 3: Wrapping, Heating and Applying hot and cold tar on all pipes, Applying tape on pipes and operating of Tester

Group 4: Deck Hand and Scow Men

Group 5: Jackhammer and Electrical, gas or air power driven tools, Burning Torch, Wagon Drill Operators and Tile Layers, Handling or all creosote material, Signal Men, Tool Room Men, Asphalt Baker and Sandblasters

Group 6: Rock and Powdermen

Group 7: Sand Hog or Mucker, Tunnel Miners

Group 8: Callison Workers

XVTS-1100 (Cont d)

Basic Monthly Rate	Fringe Benefits Payments			Add. %
	H & V	Pensions	Vacation	
\$7.57	a	b	.50	
7.67	a	b	.50	
7.82	a	b	.50	
7.87	a	b	.50	
8.22	a	b	.50	
7.97	a	b	.50	
7.92	a	b	.50	

TRUCK DRIVERS:

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7

TRUCK DRIVERS

Group 1: Warehousemen, Yardmen, Truck Helpers, Pickups, Station Wagons, Panel Trucks, Flatbody material trucks (straight jobs), Gridders, Washers, Firemen, Gas Pump Attendants, Dump Trucks (up to 5 cu. yds.)

Group 2: Tank Trucks (straight)

Group 3: Dump Trucks (5 cu. yds. or over), Semi-dump Trucks, Semitrailers whether Flat, Rack or Pole and hauling or pushed by trucks or tractors, Agitator or Mixer Trucks (up to 5 cu. yds.), Farm type Tractors, Tank Truck (semi)

Group 4: Loaders, Tractors, Winch Trucks, Fork Trucks, Distributors Trucks (front and back end), Truck Cranes, Motorail

Group 5: Euclids, Dumpsters, Turnrockers, Boss Carriers, Athey Wagons or similar equipment, A-Frames, Hydro-lifts, Dual purpose trucks and Mechanics

Group 6: Agitators or Mixer Trucks (5 cu. yds. and over)

Group 7: Material Checkers and Receivers Mechanics Helpers

FOOTNOTES:

- a. \$38.50 per month for employees employed over 30 days or more.
- b. \$34.67 per month for employees employed over 30 days or more.

Kentucky 3-TD-2-3-E

KY75-10% - (Cont'd)
HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V

Basic Monthly Rates	Fringe Benefits Payments		
	M & W	Vacation	Apr. Tr.
6.44	a	b	
6.55	a	b	
6.73	a	b	
6.76	a	b	
6.83	a	b	

- GROUP I - Truck helper and warehousemen
- GROUP II - Driver, 3 tons and under, greaser, tire changer and mechanic helper
- GROUP III - Truck mechanic, driver, over 3 tons, distributors, dump truck and tandem axle, semi-trailer or pole trailer when used to pull building material or equipment
- GROUP IV - Driver on mixer trucks (all types)

- GROUP V - Driver, solid and other heavy earth-moving equipment and low boy, fork lift truck when used to transport building materials, pavement breakers, winch truck and A-Frame truck when used in transporting materials

FOOTNOTES:

- a. \$13.50 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.
- b. \$14.00 per week for each employee who has been employed in a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

KY75-10% - (Cont'd)

HEAVY & HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Basic Monthly Rates	Fringe Benefits Payments		
	M & W	Vacation	Apr. Tr.
9.64	.16	.80	.11
9.52	.16	.80	.11
8.18	.16	.80	.11
8.05	.16	.80	.11
6.84	.16	.80	.11

CLASS A - Power Equipment Operators: Air compressor on steel erection, boiler operator on compressor or generator when mounted on a rig, cableways, combination concrete mixer and tower, concrete plants (over 4 yd. capacity), concrete pumps, cranes (all types, including a-frames, boom trucks, cherry pickers), derricks, draglines, dredge (dipper, clam or suction), elevating grader or solid loader, floating equipment (all types), helicopter crew (operator-pilot or winch), hoists (all types), hoisting engines or shaft or tunnel work, hoisting engines, industrial type tractor, jet engine dryer (26 or 29) diesel tractor, locomotives (standard gauge), maintenance operator class A mixer, paving (single or double drum), marking machines, multiple scraper, pile-driving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), rotary drill on caisson work, slip-form paver, survey crew party chief, tower derricks, tree shearer, trench machines (over 24" wide), truck mounted concrete pump/tug boat, tunnel machine, wheel excavator

CLASS B - Asphalt paver, automatic subgrader machine, self-propelled (CMT type), ball rollers, soil loader, Kalsman loader (production type - Dirt), lead grease man, maintenance operators Class B, power grader, power scoops and scrapers, push out, trench machines (24" wide and under).

CLASS C - Air compressors on tunnel work (low pressure), asphalt plant engineer, locomotive (narrow gauge), mixers, concrete (more than on bag capacity), mixers, cam bag capacity (side loader), power boilers over 15 1/2" pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers (asphalt, utility operator (small equipment), welding machines and generators

CLASS D - Backfillers, bar, joint and mesh installing chains, batch plant, ball floats, burial and curing machines, compressors (portable, sewer, heavy and highway), concrete plant (capacity 4 yd and under), concrete saw (multiple), conveyors (highway), crushers, dooband, drill, highway (with integral power), farm type tractors with attachments (highway), finishing machines, firmans, floating equipment (all types), fork lift (highway), form trenchers, hydro seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grader, macadam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, survey instrument man, tractor (pulling sheetfoot roller or grader), vibratory compactors (with integral power

CLASS E - Drum fireman (asphalt plant), helpers, inboard-outboard motor load-launch, oil heaters (asphalt plants), oilers, power-driven beaters, pumps (under 4" discharge), signalmen, survey rodmen or chaining tire repairmen

SUPERSEDING DECISION

STATE: Mississippi
 COUNTY: Harrison, Hancock, Jackson, & Pearl River
 DATE: Date of Publication
 SUPERSEDING DECISION No.: MS75-1099 dated January 31, 1975 in 40 Ex. 483A.
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), and heavy construction.

MS75-1099 - (Cont'd.)

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	M & V	Payments	Vacation	
7.25	.40	.90	c	.02
8.60	.395	.75		.02
7.50	.40	.90		
7.90	.15	.15		
7.90	.15	.15		
7.90	.15	.15		
7.90	.15	.15		
7.80	.15	.15		
7.80	.15	.15		
7.28	.15	.15		
7.15	.20	.20		
7.15	.20	.20		
7.47	.20	.20		
8.55	.25	76-.20		1/86
8.80	.25	76-.20		1/86
6.89	.445	.29	26-abb	.015
4.82	.445	.29	26-abb	.015
3.445				
5.00				
8.77	.30	.35		
8.98	.30	.35		
4.50	.15	.10		
4.65	.15	.10		.01
6.00	.10	.10		
8.55	.25	76-.20		1/86
8.80	.25	76-.20		1/86
5.83				.05
6.00				.05
6.68				.05
6.55				.05
7.80				.05
5.30				.03
6.55				.03
5.55				.03
6.55				.03
8.63	.30	.35		.01
8.88	.30	.35		
8.35	.31	.25		
6.55	.15	.15		
4.40				
5.00				
7.315	.25	.40		.10
8.60	.50	.70		.08

Labors (Cont'd.):
 Asphalt mixers, mason tenders, mortar mixers, masonry cleaners, pipelayers, power Sawyer, pipe wrapping, power post hole digger, railroad men, sandblasting, and vibrator-jackhammer; plasterer tender
 Lathers
 Line Construction:
 Linemen
 Cable splicers
 Painters (Jackson County):
 Commercial:
 Brush
 Roller
 Spray
 Industrial:
 Brush
 Spray & Sandblasting
 Painters (Hancock, Harrison, & Pearl River Counties):
 Commercial:
 Brush & roller
 Spray
 Structural steel under 30':
 Brush & roller
 Spray
 Piledrivers
 Piledrivers on concrete material
 Plumbers & steamfitters
 Roofers:
 Roofers
 Helpers
 Kettlemen
 Sheet metal workers
 Sprinkler fitters

MS75-1099 - (Cont'd)

TRUCK DRIVERS:

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
6.20	.30	.35		
6.78	.30	.35		
8.06	.30	.35		
8.76	.30	.35		
5.43	.30	.35		
6.20	.30	.35		
6.51	.30	.35		

GROUP I: Truck drivers on equipment up to but not including $\frac{1}{2}$ tons, station wagons, jeeps and automobiles, truck spotters, general warehousemen.

GROUP II: Truck drivers on equipment $\frac{1}{2}$ tons and up to but not including 5 tons.

GROUP III: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss or conning wagons, dumpsters, semi-drivers, agitators, cross carriers, demsey dumps, euclid trucks, forklift trucks in warehouse and similar equipment such as tractors, 10 wheelers, jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment.

GROUP IV: Mechanics

GROUP V: Truck helpers

GROUP VI: Truck helpers when unloading creosote or Coppertox Materials

GROUP VII: Mechanics helpers

MS75-1099 - (Cont'd)

PAID HOLIDAYS:

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
		C-Independence Day		
		F-Christmas Day		
		E-Thanksgiving Day		
		D-Memorial Day		
		A-New Year's Day		
		B-Labor Day		

FOOTNOTES:

- a. Holidays: A through F
- b. Employer contributes $\frac{1}{8}$ of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes $\frac{2}{8}$ of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- c. Holidays: Labor Day, Mardi Gras Day, provided the employee works at least one day out of the 3 workdays prior to the paid holiday, and the first workday after the paid holiday.

HS75-1099 - (Cont'd)

POWER EQUIPMENT OPERATORS:

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Permanents	Vacations	
8.25	.30			
	.30	.30		
7.50	.30	.30		
	.30	.30		
6.50	.30	.30		
	.30	.30		
5.70	.30	.30		
	.30	.30		

GROUP 1:

Engineer - operating under air pressure

GROUP 2:

Mechanic

GROUP 3:

Air tugger (2 drum), asphalt plant, bakchosa, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator (power belt), fork-lift, hoist (2 drum) locomotive engineer, marine engineer (chief, master pilot, mixer), motor patrol & similar type equipment, paver (21 C.F. or larger), piledriver, recharger, roaming grasser (1st), scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), trowelpall, MW-10 & similar multi-type scrapers, transvator and similar endloaders, welder, welding machines or S/W pump (2 to 6), well driller, well point pump

GROUP 4:

Air tugger, asphalt spreader (bituminous distributor) asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, heating plant, hoist, marine engineer (assistant), mixer, payloader, and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machine (18" or smaller bucket line width), tugboat, well driller (1st helper), winch truck

GROUP 5:

Air compressor, form grader, locomotive hostler, mechanic helper, oiler (truck crane) pump, roughneck, tractor (without attachments), welding machine

GROUP 6:

Batch scale, deckhand, motorboat (in or outboard), oiler, steerman

SUPERSEDES DECISION

STATE: Pennsylvania
 COUNTIES: Cameron, Clarion, Clearfield and Jefferson
 DATE: Date of Publication
 DECISION NO.: PA75-3093
 SUPERSEDES DECISION NO. PA75-3021, dated March 28, 1975, in 40 FR 12947.
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DECISION NO. PA75-3093

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		N & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 9.92	.35	.70		.01
BOILERMAKERS	9.07	7%	7%		#
BRICKLAYERS & STONEMASONS:				6%	.20 to 1%
Cameron County	9.755	.45	.70		
Clarion County	9.65	.45	.45		
Clearfield County	8.65	5%	7%		
JEFFERSON COUNTY	9.35	6%	10%		
JEFFERSON COUNTY	9.05	.45	12%-25%		1%
JEFFERSON COUNTY	10.10	.35	.20+1%	.60	.05
ELEVATOR CONSTRUCTORS	9.54	.445	.29	3%ab+c	.02
ELEVATOR CONSTRUCTORS HELPERS	8.68	.445	.29	3%ab+c	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	4.77				
IRONWORKERS:					
Clarion County	9.545	.785	.905		.03
JEFFERSON COUNTY	9.06	.70	.81		.04
LABORERS:					
Clearfield County:					
Building Laborer	6.78	.40	.50		1/2
Plasterer tender	6.83	.40	.50		1/2
Cameron County:					
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building material handlers (loading and unloading), concrete pitman, puddler, mason trowel	7.42	.40	.50		1/2
mechanical tappers (power) powered wheelbarrows and buggies & worklifts, sweepers and similar, mortar mixer, bell bottom man on formaces and studs, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper					

LABORERS (CONT'D):
 (Includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power tapper operators, y-gun, burnercutting torch, carryable pumps, chain saw operator, pipe layers, all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance men, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plasterer tender, form cleaning machine operator, plaster applying and/or pump machine operator, paving breaker, asphalt taker, lance, berfix cutting tool, gunite potman, blacksmith, tool dresser (cable tools) Blasters, wagon drill operator, drill runner, gunite nozzle man, grout machine operator, walk behind power roller and temper, welder, driller (cable tools)
 Remaining Counties:
 Laborers, carryable pumps, west brick buggy or similar vibrator operators, walk behind forklift or similar (non self-propelled), stripper & mover of forms, cement masons, footers, window cleaner, toll room man, all material conveyor (regardless of power used, incl. starting & stopping)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		N & W	Pensions	Vacation	
	\$ 7.67	.40	.50		1/2
	8.22	.40	.50		1/2
	7.40	.40	.50		

NOTICES

DECISION NO. PAIS-3081

DECISION NO. PAIS-3081

LABORERS (CONT'D):

Best brick buggy or similar (self-propelled), power wheelbarrows & buggies, walk behind forklift or similar (self-propelled), wagon drill helper, drill runner, drill runner's drill runner's helper, (incl. drill runner's helper, (incl. or similar), Blaster's helpers, all operators of compacting equipment, pipe layer, burner, jackhammerman, concrete buster, hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, inc. starting & stopping), grout machine feeder & pump operator
Concrete saw operators
Concrete mazzelman
Blaster & wagon drill operators

LEAD BURNERS
LINE CONSTRUCTION:
Cameron County

Liceman, dynamite man, heavy equipment operator
Groundman-Truck Driver
Remaining Counties:
Line men
Winch truck operator
Groundman
MILLWRIGHTS

Basic Monthly Rates	Fringe Benefits Payments		App. To.
	M & M	Pensions	
7.525	.40	.50	
7.70	.40	.50	
7.90	.40	.50	
7.95	.40	.50	
9.25	.35		.01
9.50	.20	1%	
5.74	.20	1%	
10.82	.30	1%	3/8%
7.57	.30	1%	3/8%
6.49	.30	1%	3/8%
8.33	5%	3% + .25%	1%

DECISION NO. PAIS-3081

PAINTERS:

Jefferson County
Brookway
Spray
Beaver Risegold, and Porter Top
Commercial Brush
Commercial Spray
Industrial Brush
Industrial Spray
Remaining of Counties plus
Remaining Tops in Jefferson
County

Commercial Brush
Commercial Spray
Industrial Brush
Industrial Spray
PILEDRIVERS:
PLASTERERS:
Clarion County
Clearfield and Jefferson Co
PLUMBERS & STEAMFITTERS:
Clarion County
Remaining Counties
ROOFERS COMPOSITION
SHEET METAL WORKERS:
Cameron and Clearfield Cos.
Remaining Counties
SPARKLE FILTERS
TRUCK COUNTY:
Clarion County:
Class 1
Class 2
Class 3
Class 4
Class 5
Class 6
Class 7
Class 8

Basic Monthly Rates	Fringe Benefits Payments		App. To.
	M & M	Pensions	
\$ 6.75			
7.25			
7.59	.60	.40	
8.09	.60	.40	
8.44	.60	.40	
9.65	.60	.40	
8.20	.45	.60	.01
9.30	.45	.60	.01
8.90	.45	.60	.01
9.90	.45	.60	.01
10.07	5%	8%	.50off%
9.65	.45	.45	
9.39	.37	.70	
9.47	.30	.25	
9.32	.65	.65	
9.76	.62	1.50	
9.58	.75	.80	
9.58	.75	.90	.055
10.75	.50	.80	.08
6.96	6.5%	5.6%	F
7.01	6.5%	5.6%	F
7.03	6.5%	5.6%	F
7.12	6.5%	5.6%	F
7.05	6.5%	5.6%	F
7.32	6.5%	5.6%	F
7.14	6.5%	5.6%	F
7.30	6.5%	5.6%	F

DECISION NO. PA15-1097

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

CLASSIFICATIONS DEFINITIONS

Class 1: Warehouseman, Chauffeur, and Ambulance Driver, Service Truck (pickup, Jeep, Busses, Station Wagon, Panel truck, Excort Vehicle, including Fuel and Water Trucks)

Class 2: Dump and Flat Top (including Fuel and Water Trucks, Fork Lift in Warehouse or job site storage area and single axle Trucks with power tailgate); Distributor Truck over 33,000 lbs. Gross weight (Oil, Tar Asphalt products Two man operation, Both men)

Class 3: Transit Mix, Single Axle

Class 4: Transit Mix, Tandem

Class 5: Heavy Duty Tractor and Tractor with High Bed, 4 wheels

Class 6: Heavy Duty Tractor and Tractor with Low Bed, 6 to 16 Wheels and Pole Trailer and Wide Load

Class 7: Distributor Truck up to 33,000 lbs. gross weight (Oil, Tar Asphalt products) One Man Operation; Truck with Dolly and Scissor Truck; Truck with Dump Trailer or Tandem, including Fuel and Water, Tandem Axis Truck with power Tailgate and Scissor Truck; Euclid's or Equivalant, Tri-axle including Mixer, driver's towing equipment

Class 8: Winch Truck and Form Truck

DECISION NO. PA15-1092

TRUCK COUNTY (CONT'D)

Cameron County:
Trucks up to 30,000 lbs. (includes pickups, fuel and water trucks), warehousemen Trucks over 30,000 lbs. (includes fuel and water trucks
Tri-Axle Trucks over 30,000 lbs. (includes fuel and water tri trucks
Low Boy
Concrete Mixer Trucks
Concrete Mixer Trucks (Tri-Axle)
Semi-Trailer
Earth Moving Equipment up to 35 Ton (Belly Dump, Side Dump, End Dump, etc.)
Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)
A-Frame and Winch Trucks (when used for hauling material on bed of truck)
Distributor Truck (Oil, Tar, Asphalt, etc.)
Euclid and Jefferson: Service, dump, flat top, jeep, fuel and water
Transit mix, dump trailer, winch truck
Euclid's, 6 tractor trailer
Helper

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	M & V	Frigh Benefits Payments	
		Previous	Apr 71
\$ 7.20	.20	.20	
7.30	.20	.20	
7.40	.20	.20	
7.50	.20	.20	
7.55	.20	.20	
7.65	.20	.20	
7.60	.20	.20	
7.70	.20	.20	
7.80	.20	.20	
7.85	.20	.20	
7.70	.20	.20	
5.46	8	h	
5.54	8	h	
5.61	8	h	
5.36	8	h	

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**BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS**

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Health	
CLASS 1	\$10.695	.50	.60		.09
CLASS 1-A	10.875	.50	.60		.09
CLASS 1-B	11.195	.50	.60		.09
CLASS 1-C	11.375	.50	.60		.09
CLASS 2	11.475	.50	.60		.09
CLASS 3	9.35	.50	.60		.09
CLASS 4	8.70	.50	.60		.09
CLASS 5	7.65	.50	.60		.09
CLASS 6	7.95	.50	.60		.09
CLASS 6-A	8.05	.50	.60		.09
CLASS 6-B	8.20	.50	.60		.09

DECISION NO. PA75-3093

PAID HOLIDAYS: (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving;
F-Christmas Day.

FOOTNOTES:

- a. Employer contributes \$45.00 per year.
- b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- c. Paid holidays: A through F.
- d. Nine paid holidays: A through F and Washington's Birthday; Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holidays.
- e. Paid holiday Labor Day provided the employee has worked six calendar months, and appears on the payroll during the pay period in which the holiday occurs.
- f. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

- g. \$17.61 per month.
- h. \$8.00 per week.

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CLASS 1: Austin-Western or similar type up to 25 ton, auto grader (OMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engine-maintenance truck or similar type pile driver, gradual (remote control or otherwise), helicopter & helicopter-hoist when used for erection purposes, hi-lift hoist, or over, hoist-hoist (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, kneehing scooper, motor winch harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mixing machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), post mobile or similar type, Quad Line, shovels (all types), slip form paver (OMI or similar), tractor-boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirly

CLASS 14: Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure)

CLASS 15: Cranes (boom or mast over 150 ft. up to & including 200 ft.) engine-less

CLASS 16: Cranes (boom or mast over 200 ft.)

CLASS 2: Asphalt plant op., atboy loader, auger-truck, truck or tractor mounted back-filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor-S, compressor and air pump, compressor and air tugger, crusher & gumbits machine (combination), crane-overhead, crushing and screening (combination), concrete bolt placer, crane-overhead, drilling and screening plants, drillcore (truck or skid mounted) drill-hoist or similar type, drill-well & core (truck mounted), elevator solid loader, excavating equipment (all other), grader, grader-elevating, grasser-equipment (boom), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hoist (bidge., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving machine, pipe cleaning machine, refrigeration plant, res carrier (or similar type), scoop (single bowl) self-powered & tractor driven), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpcrete machine op., (stationary), tire repairman, welder (repairman)

CLASS 3: Oiler, compactor (ridden or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well and horizontal (self-propelled and self-contained), elevator, forklifts (ridden or self-propelled), hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe drem, roller saw concrete soil stabilizer (pump type), stone crusher, stone spreader self-propelled tractors (when used for making and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other equipment

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CLASS 4: Ballast regulator, boring machines, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 500) hoists monorail (regardless of power used), hoist roof (regardless of power used), mixer truck machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-1/2" discharge, regardless of power used), spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) plant, private or industrial air or steam valve

CLASS 5: Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladicator, mixer mortar (10 c.f. or under, milching machine, pin puller (powered), pulverizer, pump-1/2" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor fann (when used on landscaping) water blaster, oilertruck crane 50 ton or over

CLASS 6: Brake man, deck hand, helicopter, signalman, oiler, mechanical helper

CLASS 6a: crane truck oiler and fireman

CLASS 6b: Oiler - truck crane 50 ton or over

RI75-2111

3-RI-1-3

PAID HOLIDAYS:

PAID HOLIDAYS:
 1-New Year's Day; 2-Memorial Day; 3-Independence Day; 4-Labor Day; 5-Thanksgiving Day; 6-Christmas Day.

FOURTEENTHS:

- a. Employer contributes 1/2 basic hourly rate for 5 years or more of service or 1/4 basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- b. Holidays: A through F.
- c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 15 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- d. Holidays: A through F; Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

3-RI-2-3-4-3 1 of 2

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & V	Pensions	Vacation		
\$ 8.67	.55	.40			.01
8.85	.30	.30			
8.75	.25	.25			.01
7.25	.50	.35			
9.00	1/2	1/4+.25	1/2		1/2
8.80	.38	1/4+.50			.02
8.73	.55	.90+.50			.03
7.50	.50	.45			.30
7.75	.50	.45			.10
8.00	.50	.45			.10
8.45	.50	.45			.10
8.00	.50	.45			.10
9.36	.30	1/2			
6.39	.30	1/2			
8.34	.30	1/2			
7.17	.30	1/2			
7.76	.62	.4			.04
10.88	.62	.85			.04
8.78	.62	.45			.04
8.15	.50	.50			.50
9.15	.50	.50			.50
8.40	.50	.50			.50
8.65	.50	.50			.50

HEAVY, HIGHWAY & MARINE CONSTRUCTION
 Bricklayers, stone masons, catch basin, masonry builders
 Carpenters, book builders, pile-drivers
 Little Compton, Siverton
 Remainder of County
 Cement masons
 Electricians
 Little Compton, Siverton
 Remainder of County
 Ironworkers: Str., Orn., & Shinf.
 Laborers:
 Laborers, carpenter & cement finishers & wrecking laborers
 Masons, asphalt makers, barotype jumping tapers, chain saw operators concrete and power buggy operators, concrete saw operators demolition burners fence and guard rail erectors highway stone spreaders, mechanical grinder operators, mortar mixers, pipe layers, pipe trench bracers, pneumatic tool operators, rigup and dry stone-wall builders, setters of metal forms for roadways, stamper operators, tree toppers, tree trimmers, wagon drill ops., wood chipper operators
 Air track drill op.
 Blasters & powdermen
 Pavers, rammers, curb setters
 Lunk Construction:
 Linemen
 Groundmen
 Equipment operator
 Driver groundman
 Painters:
 Little Compton & Siverton Twp:
 Brush
 Structural Steel
 Spray (other than steel)
 Remainder of County:
 Brush & Roller
 Spray & Pot man
 Structural steel & steam cleaning
 Air power brush

RI75-2111

HEAVY HIGHWAY & MAINT CONSTRUCTION

Plumbers

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOURTEEN:

a. Holidays A through F, Columbus Day provided the employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pensions	Vacation	
\$ 9.54	.15	.70		.07

RI75-2111

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS

- Class I
- Class II
- Class III
- Class IV
- Class V
- Class VI
- Class VII

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pensions	Vacation	
\$5.68	.15	.50	a+b	
6.03	.15	.50	a+b	
6.88	.15	.50	a+b	
7.08	.15	.50	a+b	
7.33	.15	.50	a+b	
7.58	.15	.50	a+b	

Class I Pick-up trucks, Station Wagons and Panel Trucks

Class II Two Axle, Rollers on Low Beds

Class III Three Axle Equipment and ready mix equipment

Class IV Four & Five Axle Equipment

Class V Low Load Tractors, Special Earth moving equipment under 35 tons, Mechanics, Paving

Class VI Reclamation Vehicle & Vac Haul

Class VII Special Earthmoving Equipment over 35 tons

Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOURTEEN:

a. Holidays A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day provided employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive 1 week's vacation; 5 years or more - 2 weeks vacation.

8175-2111

HAULING CONSTRUCTION POWER EQUIPMENT OPERATORS

Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over
 Automobile type equipment
 Fork lift
 Firemen and Oilers
 Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.
 Pippin type backhoes
 Maintenance Engineers
 Well-point Installation
 Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Vacation	App. T.	
\$9.60	.50	.85	.075	.075
9.375	.50	.85	.075	.075
9.175	.50	.85	.075	.075
7.625	.50	.85	.075	.075
8.175	.50	.85	.075	.075
8.525	.50	.85	.075	.075
8.125	.50	.85	.075	.075
8.125	.50	.85	.075	.075
8.175	.50	.85	.075	.075

81-1-PRD-1-P

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Vacation	App. T.	
\$9.42	.50	.85	.075	.075
9.57	.50	.85	.075	.075
7.95	.50	.85	.075	.075
6.95	.50	.85	.075	.075
7.90	.50	.85	.075	.075
8.02	.50	.85	.075	.075
8.00	.50	.85	.075	.075
7.65	.50	.85	.075	.075
7.77	.50	.85	.075	.075
6.80	.50	.85	.075	.075
6.25	.50	.85	.075	.075
7.85	.50	.85	.075	.075
9.92	.50	.85	.075	.075
10.17	.50	.85	.075	.075

8175-2111

BRIDGES, CAISSONS, DOCKS, MARINE, PILES, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS

Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers and front end loaders, 3 yds., and over
 Firemen and Oilers
 Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds.
 Pippin type backhoes
 Maintenance Engineers
 Well-point Installation
 Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Vacation	App. T.	
10.325	.50	.85	.075	.075
8.20	.50	.85	.075	.075
8.875	.50	.85	.075	.075
9.025	.50	.85	.075	.075
9.05	.50	.85	.075	.075
8.625	.50	.85	.075	.075
9.95	.50	.85	.075	.075
8.35	.50	.85	.075	.075

Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers and front end loaders, 3 yds., and over
 Firemen and Oilers
 Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds.
 Maintenance Engineers
 Well-point Installation Crews
 Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants
 Boat and Tug Operators
 Apprentices (Deckhands)

81-1-PRD-2-P

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Vacation	App. T.	
10.325	.50	.85	.075	.075
8.20	.50	.85	.075	.075
8.875	.50	.85	.075	.075
9.025	.50	.85	.075	.075
9.05	.50	.85	.075	.075
8.625	.50	.85	.075	.075
9.95	.50	.85	.075	.075
8.35	.50	.85	.075	.075

Digging machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, front end loaders 3 to 4 yds., automobile, ross carriers
 Fork lifts
 Oilers
 Bulldozers, spreader, roller, front end loader less than 3 yds., tractors
 Scrapers, graders, dozer pusher operator
 Pippin type backhoe operator
 Maintenance engineer
 Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
 Test boring machine operator
 Test boring machine assistant
 Well point installation crews
 Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
 Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

CLASSIFICATIONS

- Class I Digging machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers, front end loaders 3 to 4 yds., automobile, ross carriers
- Class II Fork lifts
- Class III Firemen
- Class IV Oilers
- Class V Bulldozers, spreader, roller, front end loader less than 3 yds., tractors
- Class VI Scrapers, graders, dozer pusher operator
- Class VII Pippin type backhoe operator
- Class VIII Maintenance engineer
- Class IX Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
- Class X Test boring machine operator
- Class XI Test boring machine assistant
- Class XII Well point installation crews
- Class XIII Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
- Class XIV Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

STATE: Rhode Island
 COUNTY: Washington
 DECISION NUMBER: R175-2112
 DATE: Date of Publication
 SUPERSEDES DECISION NO. R175-1091, dated July 11, 1975 to 40 FR 49523.
 DESCRIPTION OF WORK: Building (including Residential), Heavy, Highway and Marine Construction

BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 9.32	.71	.73		.01
10.00	.50	10%		
9.15	.65	.55		
9.15	.65	.55		.01
9.00	.60	.40		.05
7.05	.50	.35		.05
9.06	.50	.35		.05
8.85	.55	.45		
8.85	.50	.35		
9.95	.75	1/4+.40		1/4
5.50	.75	1/4+.45		1/4
9.40	.48	1/4+.90		.02
6.00	.38	1/4		.02
9.39	.45	.29	3/4+.4	.02
7.06	.45	.29	3/4+.4	.02
5.68	.45	.29	3/4+.4	.02
8.68	.47	.60+.25		.01
8.73	.55	.90+.50		.05
7.50	.50	.45		.10
7.75	.50	.45		.10
8.00	.50	.45		.10

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 7.75	.50	.45		.30
8.15	.50	.45		.30
7.00	.50	.45		.30
7.25	.50	.45		.30
9.25	.65	.55		.01
9.45	.35		c	.01
9.36	.30	1/4	4	
7.77	.30	1/4	4	
6.39	.30	1/4	4	
8.34	.30	1/4	d	
9.35	.65	.55		
7.23	.50	.50		
8.65	.55	.55		
8.90	.55	.55		
9.65	.55	.55		
9.15	.55	.55		
8.85	.50	.35		
8.85	.55	.45		.07
9.94	.75	.45		
9.20	.45	.85		.04
7.40	.45	.85		.07
8.35	.45	.85		.07
7.80	.45	.85		.07
9.53	.66	.75		.07
9.64	.50	.70		.07
9.03	.70	.91		.07
7.05	.48	.595		
7.13	.48	.595		
7.38	.48	.595		
7.63	.48	.595		

DECISIONS 8175-2112

PAID BOUNTIES:

- A. New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; F-Christmas Day

FOURTEENS:

- a. Holidays: A through F; employer contributes 1/4 basic hourly rate for 5 years or more of service or 2/5 basic hourly rate for 6 months to 5 years as vacation pay credit.
- b. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday
- c. Holiday: A through F; Columbus Day, providing employee has been employed 5 working days prior to the holiday and provided employee works the scheduled work days immediately preceding and following the holiday.

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BEATT, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Apr. 71
		W & B	Pensions	Vacation	
Bricklayers, Stone masons, catch basin, masonry builders	\$ 9.10	.55	.45		.01
Carpenters, pile-drivers, S. Kings-ton	9.11	.60	.40		.05
Common masons - finishers	7.85	.50	.35		
Electricians:					
Westerly	9.95	.75	16.40		36
Remainder of County	8.80	.38	16+.90		.02
Ironworkers, stru., orn. reinf.	8.73	.55	30+.50		.05
Laborers	7.50	.50	.45		.10
Admen, asphalt labor, barotype jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinders operators, mortar mixers, pipelayers, pipe trench bidders, pneumatic tool operators, setters of metal forms for roadways, stump operators, tree-toppers, tree trimmers wagon drill operators, wood chipper operators	7.75	.50	.45		.10
Air track operator	8.00	.50	.45		.10
Blaster and powdermen	8.25	.50	.45		.10
Barers, rammers and curb setters	8.00	.50	.45		.10
Line Construction:					
Licensen	9.36	.30	1/8	a	
Equipment operator	8.34	.30	1/8	a	
Groundman	6.37	.30	1/8	a	
Driver fromman	7.77	.30	1/8	a	
Painters:					
Brush & roller	8.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Spray & Pot men	9.15	.50	.50		
Air Power Brush	8.65	.50	.50		
Flumbers	9.64	.75	.60		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Holidays: A through F, Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

BOILING CONSTRUCTION POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$9.60	.50	.85		.075
9.375	.50	.85		.075
9.175	.50	.85		.075
7.625	.50	.85		.075
8.175	.50	.85		.075
8.525	.50	.85		.075
8.125	.50	.85		.075
8.25	.50	.85		.075
8.175	.50	.85		.075

Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over
 Economobile type equipment
 Fork lift
 Firemen and Oilers
 Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.
 Pippin type backhoes
 Maintenance Engineers
 Well-point Installation
 Gas or electric driven pumps, hoister, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants

BI-1-YEB-2-4-P

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
10.325	.50	.85		.075
8.20	.50	.85		.075
8.875	.50	.85		.075
9.025	.50	.85		.075
9.05	.50	.85		.075
8.625	.50	.85		.075
9.85	.50	.85		.075
8.35	.50	.85		.075

BRIDGES, CAISSONS, DOCKS, MARINE, PILES, SUB-BASEMENT, SUPERSTRUCTURE, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS

Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers and front end loaders, 3 yds, and over
 Firemen and Oilers
 Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds
 Maintenance Engineers
 Well-point Installation Crews
 Gas or electric driven pumps, hoisters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants
 Boat and Tug Operators
 Apprentices (Deckhands)

8175-2112, P. 8

8175-2112, P. 7

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION

P. I. 1-1-1950-1 E

CLASSIFICATION	Fringe Benefits Payments			App. To
	Basic Hourly Rates	H & V	Vacation	
Class I	\$9.42	.50	.85	.075
Class II	8.57	.50	.85	.075
Class III	7.75	.50	.85	.075
Class IV	6.95	.50	.85	.075
Class V	6.10	.50	.85	.075
Class VI	5.25	.50	.85	.075
Class VII	4.40	.50	.85	.075
Class VIII	3.55	.50	.85	.075
Class IX	2.70	.50	.85	.075
Class X	1.85	.50	.85	.075
Class XI	1.00	.50	.85	.075
Class XII	0.15	.50	.85	.075
Class XIII	0.30	.50	.85	.075
Class XIV	0.45	.50	.85	.075

POWER EQUIPMENT OPERATORS

- Class I Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers, front end loaders 3 to 4 Yds., automobile, rock carriers
- Class II Fork lifts
- Class III Oilers
- Class IV Ballcoars, spreader, roller, front end loader less than 3 Yds., tractors
- Class V Scrapers, graders, cover paver operator
- Class VI Pippin type backhoe operator
- Class VII Maintenance engineer
- Class VIII Gas & electric driven hoisters, pumps, concrete mixers, stone crusher, air compressor, light plant, welding machines, concrete pumps
- Class IX Test boring machine operator
- Class X Test boring machine assistant
- Class XI Well point installation crews
- Class XII Operators of track cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
- Class XIII Operators of track cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

CLASSIFICATIONS

- Class I Push-up trucks, Station Wagons and Panel Trucks
- Class II Two axle, Helpers on Low Beds
- Class III Three axle Equipment and ready mix equipment
- Class IV Four & Five axle Equipment
- Class V Load Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicles & Vac Eaul
- Class VI Special Earthmoving Equipment over 35 tons
- Class VII Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:

- 1-New Year's Day; 2-Memorial Day; 3-Independence Day; 4-Labor Day; 5-Thanksgiving Day; 6-Christmas Day.

PROVISIONS:

- a. Holidays: 1 through 7; Washington's Birthday, Columbus Day, Veterans Day; 8-J Day provided employee has worked at least one day in the calendar week in which the holiday falls.
- b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

CLASSIFICATION

CLASSIFICATION	Fringe Benefits Payments			App. To
	Basic Hourly Rates	H & V	Vacation	
Class I	\$6.68	.45	.50	abb
Class II	6.83	.45	.50	abb
Class III	6.88	.45	.50	abb
Class IV	6.98	.45	.50	abb
Class V	7.08	.45	.50	abb
Class VI	7.33	.45	.50	abb
Class VII	7.58	.45	.50	abb

- Class I Push-up trucks, Station Wagons and Panel Trucks
- Class II Two axle, Helpers on Low Beds
- Class III Three axle Equipment and ready mix equipment
- Class IV Four & Five axle Equipment
- Class V Load Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicles & Vac Eaul
- Class VI Special Earthmoving Equipment over 35 tons
- Class VII Trailers when used on a double hook-up (pulling 2 trailers)

SUPERSTIPULAS DECISION

STATE: South Dakota
 COUNTY: Meade and Pennington
 DECISION NUMBER: SD75-5119
 DATE: Date of Publication
 SUPREMACY DECISION No. SD75-5112 dated September 3, 1975, in 40 FR 41381
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO. SD75-5119

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Positive	Variable	
\$5.25				.005
5.40				.005
5.75				.005
6.25	.30	.20		.03
8.53	.50	.80		.005
7.64				.08
8.75				

PAINTERS:
 Brush
 Drywall Finishers and Tapers
 All painting over 30 ft.: Paint Mitt; Sandblasting; Spray Steel (Structural); Swing Stage; Windowjack
 PLASTERERS
 FLORERS; Steamfitters
 SHEET METAL WORKERS
 SPRINKLER FITTERS
 RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Positive	Variable	
88.53	.35	.40		.02
8.35	.60	1.00		
7.60				
8.24		.30		.05
8.51		.30		.05
8.76		.30		.05
6.175	.20			
7.85	.30	1%	6%	15%
8.40	.30	1%	6%	15%
8.25	.30	1%	6%	15%
8.80	.30	1%	6%	15%
7.10	.40	.65		.10
5.40	.35	.05		
5.90	.35	.05		

ASBESTOS WORKERS
 BOILERMAKERS
 BRICKLAYERS; Stonemasons
 CARPENTERS:
 Carpenters, Accastical and Drywall Applicators
 Filledriversmen
 Millwrights
 CEMENT MASONS
 ELECTRICIANS:
 Within 15 miles radius of Rapid City Post Office
 Electricians
 Cable Splicers
 Outside of 15 miles radius of Rapid City Post Office
 Electricians
 Cable Splicers
 IRONWORKERS:
 Fence Erectors; Ornamental; Reinforcing; Sheet; Structural
 LABORERS:
 Laborers, Flagman, Signalman; Power Tool Operator of all Mechanical Air, Gas, Electrical Tools, including self-propelled Buggies, Wagon and Air Track
 P-tilts; Pipe Layer (non-metallic); Sandblasting; Mortar Mixers; Mason Tender; Plaster Tender; Cement Mixer; Air Compressor up to 210; Masonry Fork Lift
 Gunite Workers; Powdermen; Muro; Timberman; Jackhammer, Pavement Breaker or Drills of 65 lbs. or over

SUPERSEDES DECISIONS

STATE: TENNESSEE
 REVISION NUMBER: 1075-1096
 Supercedes Decision No.: AQ-1128 dated June 28, 1974 in 39 BR 24196

COURT: *See below
 DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction consisting of single family home and garden type apartments up to and including 4 stories.

Basic Hourly Rate	Fringe Benefits Payments		
	H & W	Pension	App. Tc
*Carter, Sallivad			
Acoustical Tile Mechanic	\$3.50		
Air Conditioning Mechanic	3.00		
Bricklayers	6.00		
Carpenters	4.07		
Cement Masons	4.25		
Electricians	4.76		
Brickwall Finishers	4.50		
Brickwall Hangers	4.50		
Ironworkers, structural	2.75		
Ironworkers, reinforcing	4.70		
Insulation Installers	3.20		
Laborers:			
Laborers	2.50		
Mason Tenders	2.75		
Mortar Mixers	2.75		
Pipelayers	3.00		
Lathers	5.15		
Painters, brush	3.00		
Plasterers	4.75		
Plumbers	4.04		
Roofers	3.00		
Sheet Metal Workers	3.00		
Soft Floor Layers	3.30		
Tile Setters	3.00		
Truck Drivers	2.57		
Power Equipment Operators:			
Air Compressor	3.55		
Backhoe	3.50		
Bulldozer	3.50		
Front End Loader	3.75		
Grader	3.55		
Highlift	3.62		
Shovel	3.00		

DECISION NO. MD-75-3160
BUILDING CONSTRUCTION

STATE: Maryland and Virginia
COUNTIES: Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the city of Alexandria and Dulles International Airport, Virginia

DATE: Date of Publication
Supersedes Decision No. MD-75-3062, dated June 20, 1975, in 40 FR 26203.
DESCRIPTION OF WORK: Building Construction (excluding all residential projects.)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Positive	Vacation	
\$10.80	.45	.30		.05
7.35	.50	.49		.07
9.95				
9.44	.41	.18		.06
9.94	.41	.18		.06
6.07	.30			.05
9.75	.50	.49		.07
9.80	.45	.25		.06
9.43	.58	.35		.18
7.51	.52	.20		
8.07	.42	.20		
5.48	.42	.20		
9.26	.64	.74		.12
9.55	.50	.49		.07
10.60	.50	.80		.08
9.45	.52	.65		.12
10.80	.45	.30		.05
9.90	.18	.20		
9.49	.18	.20		
10.11	.18	.20		
9.33	.40	.30		
8.05	.40	.30		
9.33	.40	.30		
8.05	.40	.30		
6.40	.25	f		e†j
6.15	.25	f		e†j
6.25	.25	f		e†j
6.45	.25	f		e†j
6.00	.25	f		e†j

MARBLE SETTERS
MARBLE SETTERS' HELPERS
MILLRIGHTS
PAINTERS:
Brush, Spray, Paperhangers, Tapers
Steel, Sandblasting, Swing Stage, Power Brushing
CARPET LAYERS
FILERS/RIVETERS
PLASTERERS
PLUMBERS
ROOFERS:
Composition
Slate, Tile, Mopmen, Water-proofers, Sprayers, Sprandrel and ironite
Helpers
SHEET-METAL WORKERS
SOFT FLOOR LAYERS
SPRINKLER FITTERS
STEAMFITTERS, REFRIGERATION and Air Conditioning Mechanic
STONE MASONS
STONE CUTTERS:
Fitters and trimmers
Ornamental Carvers
Figure Carvers
TERRAZZO and MOSAIC WORKERS
TERRAZZO WORKERS' HELPERS
TILE SETTERS
TILE SETTERS' HELPERS
TRUCK DRIVERS:
Boom Trucks
Small Dump, Water Sprinkler, Grease and Oil
Flat, Pick-up Hauling Materials, Small Euclids, Dump over 8 wheel
Trailers, Low Boys, Tractor Pulls
Helpers

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Positive	Vacation	
\$9.45	.45	.35		.015
9.40	.60	.90		.02
9.85	.60	.60		.10
9.55	.50	.49		.07
9.65	.485	.45		.11
9.90	.485	.45		.11
10.10	.35	12+.75		.10
9.775	.445	.39	32+e+b	.02
6.84	.445	.29	32+e+b	.02
4.89				
9.03	.56	.40		.05
9.55	.50	.60		.05
10.00	.35	.60		.03
7.71	.35	.40		.05
8.21	.35	.40		.05
7.86	.35	.40		.05
7.86	.35	.40		.05
7.03	.32	.35		.05
6.93	.30	.40		.05
8.885	.35	.40		.05
7.96	.35	.40		.05
8.73	.50	.50		.025
9.25	.35			.01
10.86	.35	12		1/42
7.18	.35	12		1/42
5.76	.35	12		1/42
6.67	.35	12		1/42
6.92	.35	12		1/42

BUILDING CONSTRUCTION
AGREESIVE WORKERS
BOILERMAKERS - Blacksmiths
BRICKLAYERS
CARPENTERS
CEMENT MASONS:
Gypsum Masons
Grinding Machine
ELECTRICIANS
ELEVATOR CONSTRUCTORS
ELEVATOR CONSTRUCTORS' HELPERS
ELEVATOR CONSTRUCTORS' HELPERS (PROP.)
GLAZIERS
IRONWORKERS:
Structural, Ornamental and Chain Link Fence
Reinforcing
LABORERS:
Common Laborers, Landscapers
Acetylene Burners Used on Wrecking
Air Tool Operator; Scaffold Builders; Paving Breakers; Teamsters; Buggy Mobs; Spaders; Mortarman and Scooterets
Pipelayers
Plasterers' Tenders
Plumbers' Laborers
Powdermen
Powerman, Well Points
LATHERS
LEAD BURGERS
LINE CONSTRUCTION:
Linemen, Cable Splicers, Equipment Operators
Truck with Winch, Truck Pole or Steel handling
Groundmen (0 to 1 year)
Groundmen (1 to 2 years)
Groundmen (over 2 years)

2-D.C. - PD-1-2-8

DECISION NO MD-75-3100

BUILDING CONSTRUCTION

Power Equipment Operators:

Grade	Fringe Benefits (Percent)		Step To
	H & V	Per Diem	
\$10.45	.50	.55	.12
10.70	.50	.55	.12
9.82	.50	.55	.12
10.05	.50	.55	.12
9.87	.50	.55	.12
9.80	.50	.55	.12
9.79	.50	.55	.12
9.62	.50	.55	.12
9.40	.50	.55	.12
9.80	.50	.55	.12
8.74	.50	.55	.12

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

- GROUP 1 - 35 ton cranes and above, tower and climbing cranes
- GROUP 2 - Backhoes, boom casts, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, pile-driving engines, power shovels, tunnel shovels, mooring machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops and scrapers (50 cu. yds. strack capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.)
- GROUP 3 - Mechanic, mechanic welder, welders
- GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractors, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)
- GROUP 5 - Air compressors (on steel)
- GROUP 6 - Front end loaders (hi-lift), fork lifts
- GROUP 7 - Rollers (skelaton), trenching machines, log boats, wall drilling machines
- GROUP 8 - Air compressors (except on steel), concrete mixers, mechanics and maintenance men, pumps, tunnel mechanic, tunnel motorman, welding machines, wall points
- GROUP 9 - Rollers, asphalt spreaders, ball float finishing machines, concrete spreaders, concrete finishing machines, fine graders
- GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., strack capacity), blade graders, ballboaters, motor graders
- GROUP 11 - Firemen

DECISION NO MD-75-3100

BUILDING CONSTRUCTION

TRUCK DRIVERS - (Cont'd)
 Carryalls, Large Facilities,
 Buclid Motor Sprinkler, Tunnel
 Work under ground
 Mechanics
 RIGGERS AND WELDERS - Receive
 rates prescribed for crafts per-
 forming operations to which
 rigging and welding are incidentals.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day;
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOURTEEN:

- a. Holidays: A Through F.
- b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as vacation pay credit.
- c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday) \$8.00 per week when employee has worked 90 days and works 3 days in a work week.
- d. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday)
- e. Five Paid Holidays: Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and New Year's Day.
- f. One week's paid vacation providing employee has worked 3 years and a minimum of 1450 hours during any calendar year.

[PR Doc 75-35418 Filed 9-25-75; 8:45 am]

federal register

FRIDAY, SEPTEMBER 26, 1975



PART IV:

PRIVACY ACT OF 1974

Implementation

■

VARIOUS AGENCIES

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE
SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

Subpart G—Privacy Act Regulations

Subpart G, Part 1, Subtitle A of 7 CFR is amended by adding Appendix A setting forth internal procedures for compliance by agencies of the United States Department of Agriculture (USDA) with the provisions of the Privacy Act of 1974 (5 U.S.C. 552a).

Subpart G published on August 28, 1975, 40 FR 39519, prescribed the procedures whereby individuals can request information about, access to, or amendments of, records pertaining to them which are contained in a system of records maintained by an agency of USDA; and the procedures for handling of these requests by agencies of USDA. The Appendix added by this docket provides further guidance to the agencies of USDA concerning their responsibilities and obligations under the Privacy Act with regard to systems and records they maintain.

Since these regulations constitute internal agency directives and thus are matters of agency management, the notice and public procedure requirements of 5 U.S.C. 553 are inapplicable. Accordingly, 7 CFR, Part 1, Subpart G, is amended by adding Appendix A, reading as follows:

APPENDIX A—INTERNAL DIRECTIVES

SECTION 1 *General Requirements.* Each agency that maintains a system of records subject to 5 U.S.C. 552a and the regulations of this Subpart shall:

- (a) Maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;
- (b) Collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;
- (c) Inform each individual whom it asks to supply information, on the form which it uses to collect the information, or on a separate form that can be retained by the individual:
 - (1) the authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of such information is mandatory or voluntary;
 - (2) the principal purpose or purposes for which the information is intended to be used;
 - (3) the routine uses which may be made of the information, as published pursuant to paragraph (d) (4) of this section; and
 - (4) the effects on him, if any, of not providing all or any part of the requested information;
- (d) Subject to the provisions of section 2 of this Appendix, prepare for publication in the FEDERAL REGISTER at least annually a notice of the existence and character of each system it maintains, which notice shall include:
 - (1) the name and location(s) of the system;

(2) the categories of individuals on whom records are maintained in the system;

(3) the categories of records maintained in the system;

(4) each routine use of the records contained in the system, including the categories of uses and the purpose of such use;

(5) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) the title and business address of the agency official who is responsible for the system of records;

(7) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(8) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(9) the categories of sources of records in the system;

(e) Maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(f) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to 5 U.S.C. 552a(b) (2), make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

(g) Maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained, or unless pertinent to and within the scope of an authorized law enforcement activity;

(h) Make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(i) Establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

(j) Establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

SEC. 2 *Amendment of routine uses for an existing system of records, or establishment of a new system of records.*

(a) Any agency which intends to add a routine use, or amend an existing one, in a system of records it maintains, shall, in accordance with 5 U.S.C. 552a(e) (11), insure that 30 days advance notice of such action is given by publication in the Federal Register and an opportunity provided for interested persons to submit written data, views or arguments to the agency.

(b) Any agency which intends to establish a new system of records, or to alter any existing system of records, shall insure that adequate advance notice is provided to Congress and the Office of Management and Budget to permit an evaluation of the probable or potential effect of such action on the

privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers. Such notice is required for any new system of records and for any alteration in an existing one which will:

(1) Increase the number or types of individuals on whom records are maintained;

(2) Expand the type or amount of information maintained;

(3) Increase the number or categories of agencies or other persons who may have access to those records;

(4) Alter the manner in which the records are organized so as to change the nature or scope of those records (e.g., the combining of two or more existing systems);

(5) Modify the way the system operates at its location(s) in such a manner as to alter the procedures which individuals can exercise their rights under this Subpart; or

(6) Change the equipment configuration on which the system is operated so as to create the potential for greater access (e.g., adding a telecommunications capability).

SEC. 3 *Accounting of Certain Disclosures.* Each agency, with respect to each system of records under its control, shall:

(a) Except for disclosures made under 5 U.S.C. 552a(b) (1) and (2), keep an accurate account of:

(1) the date, nature, and purpose of each disclosure of a record to any person or agency outside the Department; and

(2) the name and address of the person or agency to whom the disclosure is made;

(b) Retain the accounting made under paragraph (a) of this section for the longer of a period of five years, after the date of the disclosure for which the accounting is made, or the life of the record disclosed;

(c) Except for disclosures made under 5 U.S.C. 552a(b) (7), make the accounting above available to the individual named in the record at his request.

SEC. 4 *Government Contractors.* When an agency within the Department provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this Subpart to be applied to such system. For purposes of 5 U.S.C. 552a(1) any such contractor or any employee of such contractor, if such contract is agreed to on or after September 27, 1975, shall be considered to be an employee of an agency and therefore subject to the criminal penalties set forth in that section.

SEC. 5 *Mailing Lists.* No agency within the Department shall sell or rent any individual's name and address unless such action is specifically authorized by law. This section shall not be construed to require, or to authorize, the withholding of names and addresses whose disclosure is required by 5 U.S.C. 552.

SEC. 6 *Social security account numbers.* (a) No agency shall deny, or permit any State or local government with whom it is involved in a cooperative venture to deny, to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(b) The provisions of paragraph (a) of this Section shall not apply with respect to:

(1) any disclosure required by Federal statute; or

(2) any disclosure to any agency relating to a system of records it maintained prior to January 1, 1975, if such disclosure was required under statute or regulation adopted prior to that date, to verify the identity of an individual.

(c) Any agency in the Department which requests an individual to disclose his social security account number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and what uses will be made of it. The agency shall also insure that this information is provided by a State or local government with whom it is involved in a cooperative agreement.

Sec. 7. *Annual report.* Each agency in the Department shall submit to the Office of the General Counsel prior to March 30 of each year (beginning March 30, 1976) a report containing the following information related to implementation of 5 U.S.C. 552a:

- (a) a summary of major accomplishments;
- (b) a summary of major plans for activities in the upcoming year;

(c) a list of the systems which were exempted during the year from any of the operative provisions of this Subpart pursuant to 5 U.S.C. 552a (j) and (k), whether or not the exemption was effected during that year, the number of instances with respect to each system exempted in which the exemption was invoked to deny access, and the reasons for invoking the exemption;

(d) a brief summary of changes to the total inventory of personal data system subject to this Subpart including reasons for major changes; and

(e) a general description of operational experiences including estimates of the number of individuals (in relation to the total number of records in the system):

- (1) requesting information on the existence of records pertaining to them;
- (2) refusing to provide information;
- (3) requesting access to their records;
- (4) appealing initial refusals to amend records; and
- (5) seeking redress through the courts.

Sec. 8 *Effect of 5 U.S.C. 552.* No agency in the Department shall rely on any exemption in 5 U.S.C. 552 to withhold from an individual any record which is otherwise accessible to such individual under the provisions of 5 U.S.C. 552a and this Subpart. (5 U.S.C. 301, 552a).

Effective date: September 27, 1975.

Done at Washington, D.C., this 23rd day of September 1975.

EARL L. BUTZ,
Secretary.

[FR Doc. 75-25795 Filed 9-25-75; 8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Implementation of Privacy Act of 1974

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER of August 27, 1975 (40 FR 39423) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed amendments to 8 CFR Part 103 in implementation of the Privacy Act of 1974 (P. L. 93-579), including provisions for individuals to seek access to records pertaining to them contained in the system of records of the Service and to seek correction or

amendment of those records. These regulations are intended to be read as a supplement to the regulations of the Department of Justice in implementation of the Privacy Act of 1974.

No representations were received in response to the proposed rules of August 27, 1975. In addition to numerous non-substantive changes of an editorial or clarifying nature, the proposed rules have been modified in the following respects for the purpose of conforming Service regulations to the regulations of the Department of Justice in implementation of the Privacy Act of 1974:

1. Proposed § 103.21(b) (2) is amended by adding the words "place of birth," immediately following the words "date of birth."

2. In proposed § 103.21(c), the first sentence is amended to modify the meaning of parent and child. The terms parent and child are no longer restricted to the definitions of those terms as contained in the Immigration and Nationality Act. Proposed § 103.21(c) is also amended to provide that a parent or guardian of a child or of a person judicially determined to be incompetent, shall establish his own identity, as well as the identity of the child or other person he represents. Proposed § 103.21(c) is further amended by deleting the last sentence thereof which reads: "In the case of a stepchild or illegitimate child, sufficient evidence must be presented to establish the relationship."

3. Proposed § 103.22(a) is amended by adding "or (k) (3) or (k) (4)" immediately following "5 U.S.C. 552a (j)".

4. The last sentence of proposed §§ 103.22(b) (2) and (3) is revised to read as set forth below.

5. Proposed § 103.23(a) has been revised in its entirety to read as set forth below.

6. In proposed § 103.28(a), the first sentence is amended by inserting at the beginning thereof, the clause: "Unless a record is exempted from correction."

7. In proposed § 103.28(f), the first sentence is revised to read as set forth below.

8. In proposed § 103.30(b), the last sentence is deleted.

The proposed rules, as modified and as set forth below, are hereby adopted:

In Part 103, new §§ 103.20 through 103.36 are added to read as follows:

§ 103.20 Purpose and scope.

(a) Sections 103.20 through 103.36 comprise the regulations of the Service implementing the Privacy Act of 1974, P.L. 93-597. The regulations apply to all records contained in systems of records maintained by the Service which are identifiable by individual name or identifier and which are retrieved by individual name or identifier, except those personnel records governed by Civil Service Commission regulations. The regulations set forth the procedures by which individuals may seek access to records pertaining to themselves and request correction of those records. The regulations also set forth the requirements applicable to Service employees maintaining, col-

lecting, using or disseminating such records.

(b) The Associate Commissioner, Management, shall provide that the provisions of §§ 103.20 through 103.36 of this chapter and 28 CFR 16.40 through 16.56, and any revisions thereof, shall be brought to the attention of and made available to:

(1) Each employee at the time of issuance of the aforesaid regulations and any amendment thereto; and

(2) Each new employee at the time of employment.

(c) The Associate Commissioner, Management, shall be responsible for insuring that employees of the Service are trained in the obligations imposed by the Privacy Act of 1974 and by these regulations.

§ 103.21 Access by individuals to records maintained about them.

(a) *Access to available records.* An individual seeking access to records about himself in a system of records, which have not been exempted from access pursuant to the Privacy Act of 1974, shall present his request in person or in writing to the manager of the particular system of records to which he seeks access. Systems managers are identified in the "Notice of Systems of Records" published by the National Archives and Records Service, General Services Administration. Access to records in multiple systems of records shall be addressed to the Office of the Associate Commissioner, Management, which shall assist the requester in identifying his request more precisely and shall be responsible for forwarding the request to the appropriate system managers.

(b) *Verification of identity.* The following standards are applicable to any individual who requests records concerning himself, unless other provisions for identity verification are specified in the published notice pertaining to the particular system of records.

(1) An individual seeking access to records about himself in person shall establish his identity by the presentation of a single document bearing a photograph (such as a passport, alien registration receipt card or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and address (such as a driver's license, or credit card).

(2) An individual seeking access to records about himself by mail shall establish his identity by a signature, address, date of birth, place of birth, alien or employee identification number, if any, and one other identifier such as a photocopy of an identifying document.

(3) An individual seeking access to records about himself by mail or in person who cannot provide the necessary documentation of identification may provide a notarized statement swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001. Forms for such notarized statements may be obtained on request

from the office of the system manager of a system of records at a system location listed in the "Notice of Systems of Records" published in the FEDERAL REGISTER.

(c) *Verification of guardianship.* The parent or guardian of a child or of a person judicially determined to be incompetent and seeking to act on behalf of such child or incompetent, shall, in addition to establishing his own identity, establish the identity of the child or other person he represents as required in paragraph (b) of this section, and establish his own percentage or guardianship of the subject of the record by furnishing either a copy of a birth certificate showing parentage or a court order establishing the guardianship.

(d) *Accompanying persons.* An individual seeking to review records pertaining to himself may be accompanied by another individual of his own choosing. Both the individual seeking access and the individual accompanying him shall be required to sign the required form indicating that the Service is authorized to discuss the contents of the subject record in the presence of both individuals.

(e) *Specification of records sought.* Requests for access to records, either in person or by mail, shall describe the nature of the records sought, the approximate dates covered by the record, the system in which it is thought to be included as described in the "Notice of Systems of Records" published in the FEDERAL REGISTER, and the identity of the individual or office of the Service having custody of the system of records. In addition, the published "Notice of Systems of Records" for individual systems may include further requirements of specification, where necessary, to retrieve the individual record from the system.

§ 103.22 Records exempt in whole or in part.

(a) When an individual requests records about himself which have been exempted from individual access pursuant to 5 U.S.C. 552a(j) or (k) (3) or (k) (4) or which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Service will neither confirm nor deny the existence of the record but shall advise the individual only that there is no record which is available to him pursuant to the Privacy Act of 1974.

(b) Individual requests for access to records which have been exempted from access pursuant to 5 U.S.C. 552a(k) shall be processed as follows:

(1) Requests for information classified by the Service pursuant to Executive Order 11652 require the Service to review the information to determine whether it continues to warrant classification under the criteria of sections 1 and 5(B), (C), (D), and (E) of the Executive Order. Information which no longer warrants classification under these criteria shall be declassified and made available to the individual, if not otherwise exempt. If the information continues to warrant classification, the individual

shall be advised that the information sought is classified; that it has been reviewed and continues to warrant classification; and that it has been exempted from access pursuant to 5 U.S.C. 552a(k) (1). Information which has been exempted pursuant to 5 U.S.C. 552a(j) and which is also classified shall be reviewed as required by this paragraph but the response to the individual shall be in the form prescribed by paragraph (a) of this section.

(2) Requests for information which has been exempted from disclosure pursuant to 5 U.S.C. 552a(k) (2) shall be responded to in the manner provided in paragraph (a) of this section unless a review of the information indicates that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under Federal law. In that event, the individual shall be advised of the existence of the record and shall be provided the information except to the extent it would identify a confidential source. If and only if information identifying a confidential source can be deleted or the pertinent parts of the record summarized in a manner which protects the identity of the confidential source, the document with deletions made or the summary shall be furnished to the requester.

(3) Information compiled as part of an employee background investigation which has been exempted pursuant to 5 U.S.C. 552a(k) (5) shall be made available to an individual upon request except to the extent that it identifies a confidential source. If and only if information identifying a confidential source can be deleted or the pertinent parts of the record summarized in a manner which protects the identity of the confidential source, the document with deletions made or the summary shall be furnished to the requester.

(4) Testing or examination material which has been exempted pursuant to 5 U.S.C. 552a(k) (6) shall not be made available to an individual if disclosure would compromise the objectivity or fairness of the testing or examination process but shall be made available if no such compromise possibility exists.

(5) The Service records which are exempted and the reasons for the exemptions are enumerated in 28 CFR 16.99.

§ 103.23 Special access procedures.

(a) *Records of other agencies.* When information sought from a system of records of the Service includes information:

(1) That has been classified pursuant to Executive Order 11652, the request shall be referred to the appropriate classifying authority pursuant to 28 CFR 17.61 and the individual requesting the record shall be so advised unless the record is also exempt from disclosure pursuant to 5 U.S.C. 552a(j) or (k);

(2) That has been furnished by another component of the Department of Justice, the request shall be referred to the component originating the informa-

tion for a decision as to access or correction;

(3) That has been furnished by another agency, the Service shall consult the other agency before granting access or making a correction and may refer the request to the other agency if referral will provide more expeditious access or correction, but the requester shall be notified of the referral.

(b) *Medical records.* When an individual requests medical records concerning himself, which are not otherwise exempt from disclosure, the system manager shall, if deemed necessary, advise the individual that records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation, the system manager will permit the physician to review the records or to receive copies of the records by mail, upon proper verification of identity. The determination of which records should be made available directly to the individual and which records should not be disclosed because of possible harm to the individual shall be made by the physician.

§ 103.24 Requests for accounting of record disclosure.

At the time of his request for access or correction or at any other time, an individual may request an accounting of disclosures made of his record outside the Department of Justice. Requests for accounting shall be directed to the appropriate system manager listed in the "Notice of Systems of Records". Any available accounting, whether kept in accordance with the requirements of the Privacy Act or under procedures established prior to September 27, 1975, shall be made available to the individual except that an accounting need not be made available if it relates to: (a) A disclosure with respect to which no accounting need be kept (see § 103.30(c) of this part); (b) A disclosure made to a law enforcement agency pursuant to 5 U.S.C. 552a(b) (7); (c) An accounting which has been exempted from disclosure pursuant to 5 U.S.C. 552a(j) or (k).

§ 103.25 Notice of access decisions: time limits.

(a) *Responsibility for notice.* The system manager of the system from which information is sought or his delegate has responsibility for determining whether access to records is available under the Privacy Act and for notifying the individual of that determination in accordance with these regulations. If access is denied because of an exemption, the responsible person shall notify the individual that he may appeal that determination to the Deputy Attorney General within thirty working days of the receipt of the determination.

(b) *Time limits for access determinations.* The time limits provided by 28 CFR 16.45 shall be applicable to requests for access to information pursuant to the Privacy Act of 1974.

§ 103.26 Fees for copies of records.

The fees charged by the Service under the Privacy Act shall be those specified in

28 CFR 16.46. Remittances shall be made in accordance with § 103.7(a) of this part.

§ 103.27 Appeals from denials of access.

An individual who has been denied access by the Service to the records concerning him may appeal that decision in the manner prescribed in 28 CFR 16.47.

§ 103.28 Requests for correction of records.

(a) *How made.* Unless a record is exempted from correction, an individual may request amendment or correction of a record concerning him by addressing his request to the system manager of the system in which the record is maintained either in person or by mail, his identity to be established as provided in § 103.21 of this part. The request must indicate the particular record involved, the nature of the correction sought, and the justification for the correction or amendment. Requests made by mail should be addressed to the system manager at the address specified in the "Notice of Systems of Records" published by the General Services Administration and shall be clearly marked on the request and on the envelope "Privacy Correction Request." Where the individual cannot determine the precise system manager or believes that the same record appears in more than one system, he may address his request to the office of the Associate Commissioner, Management, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, which shall assist him in identifying the system or systems in which the record is located.

(b) *Initial determination.* Within 10 working days of the receipt of the request, the appropriate Service official shall advise the individual that his request has been received. If the record is to be amended or corrected, the system manager may so advise the individual but if correction is refused, in whole or in part, it must be done by the head of the component in which the record is located, or his designee. If a correction is to be made, the individual shall be advised of his right to obtain a copy of the corrected record upon payment of the standard fee, established in 28 CFR 16.46. If a correction or amendment is refused, in whole or in part, the individual shall be so advised, shall be given reasons for the refusal, and shall be advised of his right to appeal to the Deputy Attorney General in accordance with the procedures set forth in 28 CFR 16.48.

(c) *Appeals.* A refusal, in whole or in part, to amend or correct a record may be appealed as provided in 28 CFR 16.48.

(d) *Appeal determinations.* 28 CFR 16.48 provides for appeal determinations.

(e) *Statements of disagreement.* Statements of disagreement may be furnished by the individual in the manner prescribed in 28 CFR 16.48.

(f) *Notices of correction or disagreement.* When a record has been corrected, the system manager shall, within thirty working days thereof, advise all prior recipients of the record whose identity can be determined pursuant to the accounting required by the Privacy Act or any other accounting previously made, of the correction. Any dissemination of

a record after the filing of a statement of disagreement shall be accompanied by a copy of that statement. Any statement of the Service giving reasons for refusing to correct shall be included in the file.

§ 103.29 Records not subject to correction.

The following records are not subject to the correction or amendment by individuals:

(a) Transcripts or written statements made under oath;

(b) Transcripts of Grand Jury Proceedings, judicial or quasi-judicial proceedings which form the official record of those proceedings;

(c) Pre-sentence reports comprising the property of the courts but maintained in Service files; and

(d) Records duly exempted from correction by notice published in the FEDERAL REGISTER.

§ 103.30 Accounting for disclosures.

(a) As soon as possible, but not later than September 27, 1975, the Service shall establish a system of accounting for all disclosures of records, either orally or in writing, made outside the Department of Justice. Accounting procedures may be established in the least expensive and most convenient form that will permit the system manager to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed.

(b) Accounting records, at a minimum, shall include the identification of the particular record disclosed, the name and address of the person or agency to which disclosed, and the date of the disclosure. Accounting records shall be maintained for at least 5 years, or until the record is destroyed or transferred to the Archives, whichever is later.

(c) Accounting is not required to be kept for disclosures made within the Department of Justice or disclosures made pursuant to the Freedom of Information Act.

§ 103.31 Notices of subpoenas and emergency disclosures.

(a) *Subpoenas.* When records concerning an individual are subpoenaed by a Grand Jury, court, or a quasi-judicial agency, the official served with the subpoena shall be responsible for assuring that notice of its issuance is provided to the individual. Notice shall be provided within 10 days of the service of the subpoena or, in the case of a Grand Jury subpoena, within 10 days of its becoming a matter of public record. Notice shall be mailed to the last known address of the individual and shall contain the following information: the date the subpoena is returnable, the court in which it is returnable, the name and number of the case or proceeding, and the nature of the information sought. Notice of the issuance of subpoenas is not required if the system of records has been exempted from the notice requirement pursuant to 5 U.S.C. 552a(j), by a Notice of Exemption published in the FEDERAL REGISTER.

(b) *Emergency disclosures.* If information concerning an individual has been disclosed to any person under com-

prising circumstances affecting health or safety, the individual shall be notified at his last known address within 10 working days of the disclosure. Notification shall include the following information: the nature of the information disclosed, the person or agency to whom it was disclosed, the date of the disclosure, and the compelling circumstances justifying the disclosure. Notification shall be given by the officer who made or authorized the disclosure.

§ 103.32 Information forms.

(a) *Review of forms.* The Service shall be responsible for the review of forms it uses to collect information from and about individuals.

(b) *Scope of review.* The Service Forms Control Unit shall review each form to assure that it complies with the requirements of 28 CFR 16.52.

§ 103.33 Contracting Record Systems.

Any contract by the Service for the operation of a record system shall be in compliance with 28 CFR 16.53.

§ 103.34 Security of Records Systems.

The security of records systems shall be in accordance with 28 CFR 16.54.

§ 103.35 Use and collection of Social Security numbers.

The use and collection of Social Security numbers shall be in accordance with 28 CFR 16.55.

§ 103.36 Employee standards of conduct with regard to privacy.

Service employee standards of conduct with regard to privacy shall be in compliance with 28 CFR 16.56.

(Sec. 103, 66 Stat. 173; 5 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to set forth the procedures by which individuals may seek access to records pertaining to themselves and request correction of those records, as well as set forth the requirements applicable to Service employees maintaining, collecting, using or disseminating such records, in implementation of the Privacy Act of 1974.

Compliance with the provisions of 5 U.S.C. 553 as to delayed effective date is impracticable because these regulations are in implementation of the Privacy Act of 1974 (Pub. L. 93-579) which becomes effective September 27, 1975.

Effective date. These regulations shall become effective September 27, 1975.

Dated: September 23, 1975.

L. F. CHAPMAN, JR.
Commissioner of Immigration
and Naturalization

[FR Doc. 75-25779 Filed 9-25-75; 8:45 am]

Title 10—Energy
CHAPTER I—NUCLEAR REGULATORY
COMMISSION
PART 9—PUBLIC RECORDS
Privacy Act Regulations

Notice is hereby given that the Nuclear Regulatory Commission has adopted amendments to its regulations in 10 CFR Part 9, Public Records, set forth below to implement the provisions of the Privacy Act of 1974, Public Law 93-579,

enacted December 31, 1974, including, in particular, those provisions of the Privacy Act which require the promulgation of agency rules.

On August 12, 1975, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (40 FR 33833-33838) for public comment, proposed amendments to 10 CFR Part 9, Public Records. Interested persons were invited to submit comments or suggestions for consideration in connection with the proposed amendments by September 12, 1975. Two responses concern § 9.95 of the regulations which relates to specific exemptions. A clarifying change in the wording of § 9.95 suggested by one commenter has been adopted in substance. A suggestion that § 9.95 be revised to describe the exemptions in each of the systems of records affected with greater specificity and that the revision be renoted for further public comment has not been adopted. The Commission is of the opinion that it is impractical at this time to specify the exempt portions of records more precisely. In addition, the Commission has also made a number of minor clarifying changes in the text of the amendments. These changes are more particularly described as follows:

1. In § 9.54, the heading of paragraph (c) is changed to read "Verification of parentage or guardianship" in order to identify the subject of the paragraph more precisely. For purposes of further clarifying the text of paragraph 9.54(c), the word "legal" is inserted immediately before the word "guardian" where the latter word first appears and the word "of" is inserted immediately before the words "an individual judicially determined to be incompetent." The typographical errors in this paragraph are also corrected.

2. The following changes are made in § 9.65 for the purposes of accuracy and completeness. In paragraph (a), the last sentence is revised by inserting the words "or deny" between the words "grant access" and by changing the term "30 days" to read "30 working days." In the first sentence of paragraph (b), the term "30 days" is changed to read "30 working days." In paragraph (c)(1), the phrase "The Executive Director for Operations" is changed to read "The Executive Director for Operations, or his designee." In paragraph (c)(2) the phrase "Executive Director for Operations" is changed to read "Executive Director for Operations, or his designee," wherever it appears.

3. In § 9.66, immediately following the first sentence in paragraph (a)(1), a new sentence is added for consistency which reads, "Unless the request presents unusual difficulties or involves extensive numbers of records, individuals shall be notified of determinations to authorize or refuse correction or amendment of a record within 30 working days after receipt of the request."

4. In paragraph 9.66(b) the term "30 days" is changed to read "30 working days".

5. The following changes are made in paragraph 9.66(c) for purposes of consistency and completeness. In paragraph 9.66(c)(1), the phrase "The Executive Director for Operations" is changed to read "The Executive Director for Operations, or his designee." Paragraph 9.66(c)(2) is redesignated as paragraph 9.66(c)(3), and the phrase "the Executive Director for Operations" in that paragraph is changed to read "the Executive Director for Operations, or his designee." Immediately following paragraph 9.66(c)(1), a new paragraph (c)(2) is added which reads as set forth below.

6. In paragraph (a) of § 9.67, the term "30 days" is changed to read "30 working days".

7. For purposes of clarification and accuracy, paragraph (a) of § 9.69 is revised to read as set forth below.

8. In § 9.80, in the last sentence of paragraph (a)(7), the words "or if" immediately following the words "FEDERAL REGISTER" are deleted and are replaced by the word "and".

9. A centerhead "FEES" is inserted immediately preceding "§ 9.85 Fees."

10. In § 9.90, a typographical error in paragraph (a) is corrected.

11. For purposes of clarification and accuracy, the following changes are made in § 9.95. In the first sentence, the phrase "and from the provisions of this part other than § 9.61:" is reworded to read "and are subject to the provisions of § 9.61 of this part:" In paragraphs (a), (b), (d), (f) and (j) the names of the systems of records are corrected to read as set forth below.

In accordance with the requirements of the Privacy Act of 1974, the amendments adopted herein must be in effect on or before September 27, 1975. In view of these requirements and in view of the fact that the amendments do not impose obligations on persons other than the Commission, the Commission has found that good cause exists for making the amendments effective without the customary 30 day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, the amendments to Title 10, Chapter I, Code of Federal Regulations, Part 9, set forth below are published as a document subject to codification.

EFFECTIVE DATE. These amendments become effective on September 27, 1975.

Dated at Bethesda, Maryland, this 19th day of September, 1975.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

1. The table of contents, citation of authority and §§ 9.1 and 9.2 are revised and a new § 9.1a is added, to read as follows:

PART 9—PUBLIC RECORDS

Sec.	
9.1	Scope.
9.1a	Subparts.
9.2	Definitions.

Subpart A—Freedom of Information Act Regulations

Sec.	
9.3	Scope of subpart.
9.3a	Definitions.
9.4	Availability of records.
9.5	Exemptions.
9.6	Deletion of identifying details.
9.7	Publicly available records.
9.8	Requests for records.
9.9	Initial determination.
9.10	Form and content of responses.
9.11	Appeal from initial determination.
9.12	Production or disclosure of exempt records.
9.13	Extension of time for response.
9.14	Charges for production of records.
9.15	Committees, boards, panels, and offices reporting to the Commission.
9.16	Annual report to Congress.

Subpart B—Privacy Act Regulations

9.50	Scope of subpart.
9.51	Definitions.
PROCEDURES APPLICABLE TO REQUESTS BY INDIVIDUALS FOR INFORMATION, ACCESS OR AMENDMENT OF RECORDS MAINTAINED ABOUT THEM	
PRESENTATION OF REQUESTS	
9.52	Types of requests.
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9.55	Specification of records.
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NRC PROCEDURES FOR PROCESSING REQUESTS	
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DETERMINATIONS AND APPEALS	
9.65	Access determinations; appeals.
9.66	Determinations authorizing or denying correction of records; appeals.
9.67	Statements of disagreement.
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9.69	Notices of correction or dispute.
DISCLOSURE TO OTHERS OF RECORDS ABOUT INDIVIDUALS	
9.80	Disclosure of record to persons other than the individual to whom it pertains.
9.81	Notices of subpoenas.
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9.85	Fees.
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9.95	Specific exemptions.

APPENDIX A—REQUESTS FOR DECLASSIFICATION REVIEW

AUTHORITY: Sec. 161, Pub. L. 63-703, 68 Stat. 948, (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); Subpart A also issued under 5 U.S.C. 552; Subpart B also issued under 5 U.S.C. 552a.

§ 9.1 Scope.

The regulations in this part implement: (a) The provisions of the Freedom of Information Act, 5 U.S.C. 552, with respect to the availability to the public of Nuclear Regulatory Commission records for inspection and copying; and (b) the provisions of the Privacy Act of 1974, Pub. L. 93-579, with respect to disclosure and availability of certain

Nuclear Regulatory Commission records maintained on individuals.

§ 9.1a Subparts.

Subpart A sets forth special rules applicable to matters pertaining to the Freedom of Information Act. Subpart B sets forth special rules applicable to matters pertaining to the Privacy Act of 1974.

§ 9.2 Definitions.

As used in this part:

(a) "NRC" means the Nuclear Regulatory Commission, established by the Energy Reorganization Act of 1974.

(b) "NRC personnel" means employees, consultants, and members of advisory boards, committees and panels of the NRC; members of boards designated by the Commission to preside at adjudicatory proceedings; and officers or employees of Government agencies, including military personnel, assigned to duty at the NRC.

(c) "Commission" means the commission of five members or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974.

(d) "Government agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(e) "Working days" means Monday through Friday, except legal holidays.

2. A new subpart heading is added following § 9.2, § 9.3 is revised and a new § 9.3a is added, to read as follows:

Subpart A—Freedom of Information Act Regulations

§ 9.3 Scope of subpart.

This subpart prescribes procedures under which NRC records are made available to the public for inspection and copying pursuant to the provisions of 5 U.S.C. 552. This subpart does not affect the dissemination or distribution of NRC originated, or NRC contractor originated, information to the public pursuant to any NRC public, technical, or other information program or policy, nor is it intended to restrict or limit the free flow of information between the NRC and its contractors and subcontractors, or between the NRC and a Government agency. Except where specifically noted otherwise, this subpart applies to all records whether they predate or postdate July 4, 1967.

§ 9.3a Definitions.

As used in this subpart:

(a) "Office", unless otherwise indicated, means all offices and divisions of the NRC reporting to or through the Executive Director for Operations, except for the Office of the Executive Legal Director.

(b) "Record" means any book, paper, map, photograph, brochure, punch card, magnetic tape, paper tape, sound recording, pamphlet, slide, motion picture, or

other documentary material regardless of form or characteristics, made by, in the possession of, or under the control of the NRC pursuant to Federal law or in connection with the transaction of public business as evidence of NRC organization, functions, policies, decisions, procedures, operations, programs or other activities. "Records" do not include objects or articles such as structures, furniture, tangible exhibits or models, or vehicles and equipment.

3. A new subpart B following § 9.16 is added to read as follows:

Subpart B—Privacy Act Regulations

§ 9.50 Scope of subpart.

This subpart implements the provisions of section 3 of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a, with respect to (a) the procedures by which individuals may determine the existence of, seek access to and request correction of NRC records concerning themselves, and (b) the requirements applicable to NRC personnel with respect to the use and dissemination of such records. The regulations in this subpart apply to all records which are retrievable from a system of records under the control of the Nuclear Regulatory Commission by the use of an individual's name or of an identifying number, symbol, or other identifying particular assigned to such individual. Except where specifically provided otherwise, this subpart applies to all NRC records maintained on individuals whether they predate or postdate September 27, 1975.

§ 9.51 Definitions.

As used in this subpart:

(a) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) The term "maintain" includes maintain, collect, use or disseminate.

(c) "Record" means any item, collection or grouping of information about an individual that is maintained by the NRC, including, but not limited to, his education, financial transactions, medical history, employment history or criminal history, and that contains the individual's name, or the identifying number, symbol or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(d) "System manager" means the NRC official responsible for maintaining a system of records.

(e) "Systems of records" means a group of records under the control of the NRC from which information is retrieved by the name of an individual or by an identifying number, symbol, or other identifying particular assigned to an individual.

(f) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by the Census Act, 13 U.S.C. 8.

(g) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is com-

patible with the purpose for which it was collected, as described in a notice published in the FEDERAL REGISTER.

PROCEDURES APPLICABLE TO REQUESTS BY INDIVIDUALS FOR INFORMATION, ACCESS OR AMENDMENT OF RECORDS MAINTAINED ABOUT THEM

PRESENTATION OF REQUESTS

§ 9.52 Types of requests.

(a) Individuals may make the following requests respecting records about themselves maintained by NRC in a system of records subject to the provisions of the Privacy Act of 1974:

(1) Request a determination whether a record about the individual is contained in a system of records.

(2) Request access to a record about the individual. Access requests may include requests to review the record and to have a copy made of all or any portion thereof in a form comprehensible to the individual.

(3) Request correction or amendment of a record about the individual.

(b) *Requests for accounting of disclosures.* Individuals may, at any time, request an accounting by NRC of disclosures to any other person or Government agency of any record about themselves contained in a system of records controlled by NRC, except the following: (1) Disclosures made pursuant to the Freedom of Information Act, 5 U.S.C. 552; (2) disclosures made within the Nuclear Regulatory Commission; (3) disclosures made to another Government agency or instrumentality for an authorized law enforcement activity pursuant to 5 U.S.C. 552a(b)(7); (4) disclosures expressly exempted by NRC regulations from the requirements of 5 U.S.C. 552a(c)(3) pursuant to 5 U.S.C. 552a(k).

§ 9.53 Requests: how and where presented.

(a) Requests may be made in person or in writing. Assistance regarding requests or other matters relating to the Privacy Act of 1974 may be obtained by writing to the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Requests relating to records in multiple systems of records should be made to the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The Director, or his designee, shall assist the requestor in identifying his request more precisely and shall be responsible for forwarding the request to the appropriate system manager.

(b) All written requests shall be made to the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and shall clearly state on the envelope and on the letter, as appropriate: "Privacy Act Request", "Privacy Act Disclosure Accounting Request", "Privacy Act Correction Request".

(c) Requests may be made in person during official hours at the U.S. Nuclear Regulatory Commission office where the record is located, as listed in the "Notice of System of Records" for the system in which the record is contained.

§ 9.54 Verification of identity of individuals making requests.

(a) Identification requirements in paragraphs (a) (1) and (2) of this section are applicable to any individual who makes requests respecting records about himself, except that no verification of identity shall be required if the records requested are available to the public under the provisions of the Freedom of Information Act. With respect to certain sensitive records, additional requirements for verification of identity stated in the appropriate published "Notice of System of Records" may be imposed.

(1) *Written requests.* An individual making a written request respecting a record about himself may establish his identity by a signature, address, date of birth, employee identification number if any, and one other item of identification such as a photocopy of a driver's license or other document.

(2) *Requests in person.* An individual making a request in person respecting a record about himself may establish his identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear a name, address and signature (such as a driver's license or credit card).

(b) *Inability to provide requisite documentation of identity.* An individual making a request in person or in writing respecting a record about himself who cannot provide the necessary documentation of identity may provide a notarized statement, swearing or affirming to his identity and to the fact that he understands that penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Forms for such notarized statements may be obtained on request from the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(c) *Verification of parentage or guardianship.* In addition to establishing the identity of the minor, or other individual he represents as required in paragraph (a) of this section, the parent or legal guardian of a minor or of an individual judicially determined to be incompetent shall establish his status as parent or guardian by furnishing a copy of a birth certificate of the minor showing parentage or a copy of a court order establishing guardianship.

§ 9.55 Specification of records.

(a)(1) Requests relating to records shall, insofar as practicable, specify the nature of the record sought, the approximate dates covered by the record, the system of records in which the record is thought to be included and the system manager having custody of the record system as shown in the annual compilation, "Notices of Records Systems", published by the General Services Administration. Requests shall, in addition, comply with any additional specification

requirements contained in the published "Notice of System of Records" for that system.

(2) Requests for correction or amendment of records shall, in addition, specify the particular record involved, state the nature of the correction or amendment sought and furnish justification for the correction or amendment.

(b) Requests which do not contain information sufficient to identify the record requested will be returned promptly to the requestor, with a notice indicating what information is lacking. Individuals making requests in person will be informed of any deficiency in the specification of records at the time the request is made. Individuals making requests in writing will be notified of any such deficiency when their request is acknowledged.

§ 9.56 Accompanying persons.

An individual requesting access to records about himself may be accompanied by another individual of his own choosing. Both the individual requesting access and the individual accompanying him shall sign the required form indicating that the Nuclear Regulatory Commission is authorized to discuss the contents of the subject record in the presence of both individuals.

NRC PROCEDURES FOR PROCESSING REQUESTS

§ 9.60 Acknowledgment of requests.

(a) Written requests by individuals to verify the existence of, obtain access to or correct or amend records about themselves maintained by NRC in a system of records subject to the provisions of the Privacy Act of 1974, shall be acknowledged in writing by the Director, Office of Administration, or his designee, within ten working days after date of actual receipt. The acknowledgment shall advise the requestor if any additional information is needed to process the request. Wherever practicable, the acknowledgment shall notify the individual whether his request to obtain access to the record or to correct or amend the record has been granted or denied.

(b) When an individual requests access to records or permission to correct or amend records in person, every effort will be made to make an immediate determination as to whether access or correction or amendment should be granted. If an immediate determination cannot be made, the request will be processed in the same manner as a written request. Records will be made available for immediate inspection whenever possible.

§ 9.61 Procedures for processing requests for records exempt in whole or in part.

(a) When an individual requests information concerning the existence of, or access to, records about himself which have been compiled in reasonable anticipation of a civil action or proceeding in either a court or before an administrative tribunal, the NRC shall advise the individual only that no record available to him pursuant to the Privacy Act of 1974 has been identified.

(b) *Specific exemptions pursuant to 5 U.S.C. 552a(k).* Individual requests for access to records which have been exempted from access pursuant to the provisions of 5 U.S.C. 552a(k) and § 9.95 shall be processed as follows:

(1) *Information classified pursuant to Executive Order 11652 and exempted pursuant to 5 U.S.C. 552a(k)(1).* Requested information classified by NRC will be reviewed by the responsible official of the NRC to determine whether it continues to warrant classification under the criteria of sections 1 and 5 (B), (C), (D), and (E) of Executive Order 11652. Information which no longer warrants classification under these criteria shall be declassified and made available to the individual. If the requested information has been classified by another agency, the responsible official of the NRC will request the classifying agency to review the information to ascertain if classification is still warranted. If the information continues to warrant classification, the individual shall be advised that the information sought is classified, that it has been reviewed and continues to warrant classification, and that it has been exempted from access pursuant to 5 U.S.C. 552a(k)(1).

(2) *Investigatory material compiled for law enforcement purposes exempted pursuant to 5 U.S.C. 552a(k)(2).* Requests shall be responded to in the manner provided in paragraph (a) of this section unless a review of the information indicates that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under Federal law. In that event, the individual shall be advised of the existence of the information and shall be provided the information except to the extent it would reveal the identity of a confidential source. Information that would reveal the identity of a confidential source shall be extracted or summarized in a manner which protects the source and the summary or extract shall be provided to the requesting individual.

(3) *Material within a system of records required by statute to be maintained and used solely as statistical records and exempted pursuant to 5 U.S.C. 552a(k)(4).* The exempted information requested will be reviewed by the responsible official of the NRC to determine whether it continues to warrant exemption. Information which no longer warrants exemption shall be made available to the individual. If the information continues to warrant exemption, the individual shall be advised that the information sought is exempt from disclosure, that it has been reviewed and continues to warrant exemption, and that it has been exempted from access pursuant to 5 U.S.C. 552a(k)(4).

(4) *Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information and exempted pursuant to 5 U.S.C. 552a(k)(5).* Information exempt-

ed pursuant to 5 U.S.C. 552a(k) (5) shall be made available to an individual upon request except to the extent that the information would reveal the identity of a confidential source. Material that would reveal the identity of a confidential source shall be extracted or summarized in a manner which protects the source and the summary or extract shall be provided to the requesting individual.

(5) *Testing or examination material exempted pursuant to 5 U.S.C. 552a(k)*

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service which has been exempted pursuant to 5 U.S.C. 552a(k) (6) shall not be made available to an individual if disclosure would compromise the objectivity or fairness of the testing or examination process but may be made available if no possibility of such compromise exists.

§ 9.62 Special procedures.

(a) *Medical records under the control of NRC.* Requests received by NRC pertaining to medical records under the control of NRC, with the exception of radiation exposure records, will be made available to a physician of the requesting individual's choosing. Both the physician and the requestor shall first sign the required form indicating that NRC is authorized to disclose the contents of the record to the physician. Radiation exposure records will be made available directly to the requesting individual pursuant to § 19.13 of this chapter.

(b) *Records under the control of another government agency.* (1) *Medical records.* Requests received by NRC pertaining to medical records under the control of the U.S. Public Health Service or another Government agency will either be referred to the appropriate agency or returned to the requestor with the name of the controlling Government agency, if known, within ten working days after receipt by NRC. NRC will inform the requestor of any referral of his request to another Government agency at the time the referral is made.

(2) *Nonmedical records.* Requests received by NRC pertaining to nonmedical records under the control of another Government agency will be returned to the requestor with the name of the controlling Government agency, if known, within ten working days after receipt by NRC.

DETERMINATION AND APPEALS

§ 9.65 Access determinations; appeals.

(a) *Initial determinations.* The Director, Office of Administration, or his designee, with the advice of the system manager having control of the record to which access is requested, shall determine whether access to the record is available under the Privacy Act and notify the requesting individual in person or in writing of that determination. Unless the request presents unusual difficulties or involves extensive numbers of records, individuals shall be notified of determinations to grant or deny access within 30 working days after receipt of the request.

(1) Notices granting access shall inform the individual when and where the requested record may be seen, how copies may be obtained, and of any fees or anticipated charges which may be incurred pursuant to § 9.85 of this subpart.

(2) Notices denying access shall state the reasons for the denial, and advise the individual that he may appeal the denial to the Executive Director for Operations in accordance with the procedures set forth in this section.

(b) *Appeals from denials of access.* Within 30 working days of the receipt of an initial determination denying access to a record, an individual may request a final review and determination of his request by the Executive Director for Operations. Requests for final review shall be in writing, shall be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and shall be clearly marked on the request and on the envelope "Privacy Act Appeal—Denial of Access".

(c) *Final determinations.* (1) The Executive Director for Operations, or his designee, shall make a final determination within 30 working days of receipt of the request for final review, unless he extends the time for good cause shown such as the need to obtain additional information, the volume of records involved or the complexity of the issue. The extension of time shall not exceed 30 additional working days. The requestor shall be advised in advance of any extension of time and of the reasons therefor.

(2) If the Executive Director for Operations, or his designee, determines that access was properly denied because the information requested has been exempted from disclosure, he shall undertake a review of the exemption to determine whether the information should continue to be exempt from disclosure. The Executive Director for Operations, or his designee, shall notify the individual in writing of his final determination to grant or deny the request for access. Notices denying access shall state the reasons therefor and shall advise the individual of his right to judicial review pursuant to 5 U.S.C. 552a(g).

§ 9.66 Determinations authorizing or denying correction of records; appeals.

(a) *Initial determinations.* (1) The Director, Office of Administration, or his designee, with the advice of the system manager having control of the record, shall determine whether to authorize or refuse correction or amendment of a record. Unless the request presents unusual difficulties or involves extensive numbers of records, individuals shall be notified of determinations to authorize or refuse correction or amendment of a record within 30 working days after receipt of the request. In making this determination, the Director, or his designee, shall be guided by the following standards:

(i) Records shall contain only such information about an individual as is

relevant and necessary to accomplish an NRC function required to be accomplished by statute or by executive order of the President;

(ii) Records used by NRC in making any determination about any individual shall be as accurate, relevant, current, and complete as is reasonably necessary to assure fairness to the individual in the determination;

(iii) No record shall describe how any individual has exercised rights guaranteed by the First Amendment unless such record is expressly authorized by statute or by the individual about whom the record is maintained, or is pertinent to and within the scope of an authorized law enforcement activity.

(2) If correction or amendment of a record is authorized, the Director, Office of Administration, or his designee, shall correct or amend the record, notify the requesting individual in writing that the correction or amendment has been made and provide the individual with a courtesy copy of the corrected record.

(3) If correction or amendment of a record is refused, the Director, Office of Administration, or his designee, shall notify the requesting individual in writing of the refusal and the reasons therefor, and shall advise the individual of his right to request a review of the refusal by the Executive Director for Operations in accordance with the procedures set forth in this section.

(b) *Appeals from initial adverse determinations.* Within 30 working days of the receipt of an initial determination of refusal to amend or correct a record in whole or in part, an individual may request a final review and determination of his request by the Executive Director for Operations. Requests for final review shall be in writing, shall be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and shall be clearly marked on the request and on the envelope "Privacy Act Correction Appeal". Requests for final review shall set forth the specific item of information sought to be corrected or amended and the individual's documentation justifying the correction or amendment.

(c) *Final determinations.* (1) The Executive Director for Operations, or his designee, shall make a final determination within 30 working days of receipt of the request for final review unless, for good cause shown such as the need to obtain additional information, the volume of records involved or the complexity of the issue, he extends the time for making the final determination. The extension of time shall not exceed 30 additional working days. The requestor shall be advised in advance of any extension of time and the reasons therefor.

(2) If the Executive Director for Operations, or his designee, makes a final determination that an amendment or correction of the record is warranted on the facts, he shall notify the Director, Office of Administration, to correct or amend the record pursuant to the procedures in § 9.66(a) (2).

(3) If the Executive Director for Operations, or his designee, makes a

final determination that an amendment or correction of the record is not warranted on the facts, he shall notify the individual in writing of his refusal to authorize correction or amendment of the record in whole or in part, and of the reasons therefor, and shall advise the individual of his right to provide a "Statement of Disagreement" for the record and of his right to judicial review pursuant to 5 U.S.C. 552a(g).

§ 9.67 Statements of disagreement.

(a) Written "Statements of Disagreement" may be furnished by the individual within 30 working days of the date of receipt of the final adverse determination of the Executive Director for Operations. "Statements of Disagreement" shall be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and shall be clearly marked on the statement and on the envelope "Privacy Act Statement of Disagreement".

(b) The Executive Director for Operations, or his designee, shall be responsible for ensuring that: (1) The "Statement of Disagreement" is included in the system or systems of records in which the disputed item of information is maintained; and (2) the original record is marked to indicate the information disputed, the existence of a "Statement of Disagreement", and the location of the "Statement of Disagreement" within the system of records.

§ 9.68 NRC Statements of Explanation.

The Executive Director for Operations, or his designee, may, if he deems it appropriate, prepare a concise statement of the reasons why the requested amendments or corrections were not made. Any NRC "Statement of Explanation" shall be included in the system of records in the same manner as the "Statement of Disagreement". Courtesy copies of the NRC statement and of the notation of dispute as marked on the original record shall be furnished to the individual who requested correction or amendment of the record.

§ 9.69 Notices of correction or dispute.

(a) When a record has been corrected upon request or when a "Statement of Disagreement" has been filed, the Director, Office of Administration, or his designee, shall, within 30 working days thereof, advise all prior recipients of the affected record whose identity can be determined pursuant to an accounting of disclosures required by the Privacy Act or any other accounting previously made, of the correction or of the filing of the "Statement of Disagreement".

(b) Any disclosure of disputed information occurring after a "Statement of Disagreement" has been filed shall clearly identify the specific information disputed and be accompanied by a copy of the "Statement of Disagreement" and a copy of any NRC "Statement of Explanation".

DISCLOSURE TO OTHERS OF RECORDS ABOUT INDIVIDUALS

§ 9.80 Disclosure of record to persons other than the individual to whom it pertains.

(a) NRC Commissioners and NRC personnel shall not disclose any record which is contained in a system of records maintained by NRC by any means of communication to any person, or to another Government agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record is:

(1) To NRC Commissioners and NRC personnel who have a need for the record in the performance of their duties;

(2) Required under 5 U.S.C. 552;

(3) For a routine use published in the FEDERAL REGISTER;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and the record is transferred in a form that is not individually identifiable. The advance written statement of assurance shall (i) state the purpose for which the record is requested, and (ii) certify that the record will be used only for statistical purposes. Prior to release for statistical purposes in accordance with the provisions of this paragraph, the record shall be stripped of all personally identifying information and reviewed to ensure that the identity of any individual cannot reasonably be determined by combining two or more statistical records;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or to the Administrator of General Services or his designee for evaluation to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the NRC specifying the particular portion of the record desired and the law enforcement activity for which the record is sought. A record may be disclosed to a law enforcement agency at the initiative of the NRC if criminal conduct is suspected, provided that such disclosure has been established as a routine use by publication in the FEDERAL REGISTER, and the instance of misconduct is directly related to the purpose for which the record is maintained;

(8) To any person upon a showing of compelling circumstances affecting the health or safety of any individual;

(9) To either House of Congress or, to the extent of matter within its jurisdic-

tion, to any committee or subcommittee thereof or to any joint committee of the Congress or to any subcommittee of such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

§ 9.81 Notices of subpoenas.

When records concerning an individual are subpoenaed or otherwise disclosed pursuant to court order, the NRC officer or employee served with the subpoena shall be responsible for assuring that the individual is notified of the disclosure within five days after such subpoena or other order becomes a matter of public record. The notice shall be mailed to the last known address of the individual and shall contain the following information: (1) The date the subpoena is returnable; (2) the court in which it is returnable; (3) the name and number of the case or proceeding; and (4) the nature of the information sought.

§ 9.82 Notices of emergency disclosures.

When information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety, the NRC officer or employee who made or authorized the disclosure shall notify the individual at his last known address within five days of the disclosure. The notice shall contain the following information: (a) The nature of the information disclosed; (b) the person or agency to whom the information was disclosed; (c) the date of the disclosure; and (d) the compelling circumstances justifying the disclosure.

FEES

§ 9.85 Fees.

(a) *When charged.* Fees shall not be charged for search for or review of records requested pursuant to this subpart or for making copies or extracts of records in order to grant access to records and make them available for review. Fees established pursuant to 31 U.S.C. 483a and 5 U.S.C. 552a(f)(5) shall be charged according to the schedule contained in paragraph (b) of this section for actual copies of records requested by individuals pursuant to the Privacy Act of 1974, unless the Director, Office of Administration, or his designee, waives the fee because of the inability of the individual to pay. Fees shall not be charged where they would amount, in the aggregate, to less than \$3.

(b) *Schedule of fees.* Fees may only be assessed for reproduction charges for actual copies of records requested by individuals pursuant to the Privacy Act of 1974 in accordance with the following schedule:

(1) Record sizes up to 8½ x 14 inches made on office copying machines—\$0.10 per page copy.

(2) Record sizes greater than 8½ x 14 inches—\$0.10 for each 8½ x 14 inch unit or fraction thereof per page copy.
 (3) Microfiche—8½ x 11 inches—\$0.15 per page copy.

(4) The charge for reproducing records other than those specified above will be computed on the basis of NRC's direct costs.

(c) *Notice of anticipated charges.* When it is anticipated that fees chargeable under this section will amount to more than \$3, and the requestor has not indicated in advance his willingness to pay fees as high as are anticipated, the requestor shall be notified of the amount of the anticipated cost before copies are made. The notification shall offer the requestor the opportunity to confer with NRC personnel with the object of reformulating the request to meet the requestor's needs at lower cost.

(d) *Form and place of payment.* Fee payments shall be by check, draft or money order payable to the U.S. Nuclear Regulatory Commission. No employee of NRC is authorized to accept payment of fees in cash.

(e) *Advance deposit.* Where the anticipated fee chargeable under this section exceeds \$25, an advance deposit of 25% of the anticipated fee or \$25, whichever is greater, may be required. Where a requestor has previously failed to pay a fee under this section, an advance deposit of the full amount of the anticipated fee may be required.

ENFORCEMENT

§ 9.90 Violations.

(a) An injunction or other court order may be obtained pursuant to 5 U.S.C. 552a(g) (1-3) to compel NRC to permit an individual to review, amend or copy a record pertaining to him, or to be accompanied by someone of his own choosing when he reviews his record. A court order may be obtained for the payment of a civil penalty imposed pursuant to 5 U.S.C. 552a(g) (4) if NRC intentionally or willfully fails to maintain a record accurately, or fails to comply with any provision of 5 U.S.C. 552a, or any provision of this subpart, if such failure results in an adverse determination or has an adverse effect on an individual. Court costs and attorney's fees may be awarded in civil actions.

(b) Any officer or employee of NRC who willfully maintains a system of records without meeting the notice requirements of 5 U.S.C. 552a(e) (4), or who willfully discloses information knowing such disclosure to be prohibited by 5 U.S.C. 552a or by any rules or regulations issued thereunder, may be guilty of a criminal misdemeanor and upon conviction may be fined up to \$5000. Any person who knowingly and willfully requests or obtains any record concerning an individual from NRC under false pretenses may be convicted of a criminal misdemeanor and upon conviction may be fined up to \$5000.

EXEMPTIONS

§ 9.95 Specific exemptions.

Pursuant to 5 U.S.C. 552a(k), portions of the following NRC systems of records

are exempt from 5 U.S.C. 552a (c) (3); (d); (e) (1); (e) (4) (G), (H) and (I) and (f) and are subject to the provisions of § 9.61 of this part:

- (a) Contracts Records Files
- (b) Office of Inspector and Auditor Index File and Associated Records
- (c) Development and Advancement for Regulatory Employees (DARE) Records
- (d) Equal Employment Opportunity Records Files
- (e) General Personnel Records (Official Personnel Folder and Related Records)
- (f) Personnel Security Files and Associated Records
- (g) Personnel Performance Appraisals
- (h) Personnel Research and Test Validation Records
- (i) Recruiting, Examining and Placement Records
- (j) Secretariat Records Facility Files.

[FR Doc.75-25759 Filed 9-25-75;8:45 am]

Title 32—National Defense
CHAPTER I—OFFICE OF THE
SECRETARY OF DEFENSE

PART 292a—PRIVACY ACT OF 1974

Adoption of Rules

In FR Doc. 75-22203 published in the FEDERAL REGISTER (40 FR No. 166, 37509 thru 37516) of August 26, 1975, the Defense Intelligence Agency, set forth the Proposed Rulemaking, prescribed by the Privacy Act of 1974, within the Defense Intelligence Agency. The Director, Defense Intelligence Agency, after providing due time for public comment and in accordance with 5 U.S.C. 553, subsections 3 and 4 of the Administrative Procedures Act and the Privacy Act of 1974; and, after receiving no public participation in the proposed rulemaking either in person or through the mail, written data, views or arguments, does hereby adopt and implement title 32 of the Code of Federal Regulations, Part 292a, effective September 27, 1975.

Dated: SEPTEMBER 18, 1975.

DANIEL O. GRAHAM,
Lieutenant General, USA
Director.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

SEPTEMBER 18, 1975.

PART 292a—PRIVACY ACT OF 1974

Subpart A—Implementation of the Privacy Act of 1974

- Sec. 292a.1 Purpose.
- 292a.2 References.
- 292a.3 Applicability.
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- 292a.10 DIA requirements.
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- 292a.14 DIA Privacy Act officer.
 - 292a.15 Safeguarding personal information in records systems.
 - 292a.16 Disposition and destruction.
 - 292a.17 System of records content.
 - 292a.18 Annual report requirements.
 - 292a.19 Agency fees for duplication under the Privacy Act of 1974.
 - 292a.20 Federal Register annual notice.
 - 292a.21 Rules of conduct.
- Subpart B—Exemptions**
- 292a.22 General information.
 - 292a.23 Specific exemptions.

AUTHORITY: 5 U.S.C. 522a (f), (j), and (k).

Subpart A—Implementation of the Privacy Act of 1974

§ 292a.1 Purpose.

To implement the "Privacy Act of 1974," 5 U.S.C. 552a and DoD Directive 5400.11, "Personal Privacy and Rights of Individuals Regarding Their Personal Records," within the DIA and outline policy and procedures governing the release of information maintained in records on individuals (a U.S. citizen or an alien lawfully admitted for permanent residence).

§ 292a.2 References.

- (a) 5 U.S.C. 552a (Privacy Act of 1974).
- (b) 5 U.S.C. 552 (Freedom of Information Act).
- (c) 13 U.S.C. section 8.
- (d) 18 U.S.C. section 3056.
- (e) DoD Directive 5400.9, "Publication of Proposed and Adopted Regulations Affecting the Public," 23 December 1974.
- (f) DOD Directive 5400.11, "Personal Privacy and Rights of Individuals Regarding Their Personal Records," 4 August 1975.
- (g) DoD 5200.1-R, "Information Security Program Regulation," November 1973.
- (h) DoD Directive 5400.7, "Availability to the Public of Department of Defense Information," 14 February 1970.
- (i) DoD Directive 7650.1, "General Accounting Office, Comprehensive Audits," 9 July 1958.
- (j) Federal Personnel Manual.
- (k) Executive Order 9397, 22 November 1943.
- (l) DIAR 12-27, "Control and Protection of 'For Official Use Only' Information."
- (m) DIAR 12-39, "Availability to the Public of Department of Defense Information."

§ 292a.3 Applicability.

This regulation applies to all DIA elements and governs the collection, use, maintenance, storage, destruction, amendment, appeal procedures, and release of records containing personal information. This regulation is effective 27 September 1975.

§ 292a.4 Policy.

Upon receipt of a written request, the DIA will release to individuals those records or reasonably segregable portions of records which are rightfully information which is releasable and applicable to the individual making the request. Generally, information, other than that exempted

in § 292a.11, will be provided to the individual.

(a) In determining whether documentary material qualifies as a "record," 5 U.S.C. 552a will be used as a guide. The statute defines the term "record" as: "Any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, criminal or employment history, and that contains his name, or an identifying number, symbol or other identifying particular assigned to the individual, such as a finger or voice print or a photograph." The applicability of the Privacy Act of 1974 depends on the existence of an identifiable record.

(b) Records include data on individuals stored in computers.

(c) Initial availability, releasability, and cost determinations will normally be made within 10 working days of the date on which a written request for any identifiable record is received by DIA and acknowledgment sent to the individual. If, due to unusual circumstances, additional time is needed, a written notification of the delay will be forwarded to the requester within the 10 working-day period. This notification will briefly explain the circumstances for the delay and indicate the anticipated date for a substantive response. Normally, access to records or a copy will be provided within 30 working days of receipt of the request.

(d) Records containing information/documents provided by another agency will not be released. The individual will be notified that a request should be sent to that identified agency concerning information in our records obtained from other agencies.

(e) In addition to the provisions of the Privacy Act and DoD Directive, 5400.11, the instructions issued by an activity responsible for a system of records (i.e., Civil Service Commission) will be complied with in granting access to such records.

§ 292a.5 Requests for record procedures.

(a) Requests to obtain copies of records or reasonably segregable portions thereof must be made in writing. The request should contain at least the following information:

(1) Reasonable identification including the first name, middle name, or initial, surname, date of birth, and social security number (SSN) of the individual concerned, if known. Where the sensitivity of the data warrants it, a signed notarized statement may be required to verify identification.

(2) Request should state that whatever cost is involved is acceptable or acceptable up to a specified limit.

(b) Requests for records review where the individual will be accompanied by a person of his own choosing, must furnish a written statement authorizing discussion of the individual's record in the accompanying person's presence.

(c) Individuals desiring records should direct inquiry to:

Defense Intelligence Agency, ATTN: SC(PA 1974), Washington, D.C. 20301.

(d) Personnel of DIA, both civilian and military, have always had the prerogative to review and annually update their personnel files, and correct administrative errors thereto. This regulation does not change or alter in any way nor does it impose any requirement in contradiction of those in existence concerning review and annually updating, except when a prohibition may exist which is invalidated by the Privacy Act of 1974 and this regulation.

(e) This regulation does not require that a record be created or that an individual be given access to records which are not retrieved by name or other individual identifier.

(f) If providing a copy is the only means whereby access to the record can be accomplished, reproduction fees will not be assessed. This applies when a copy/extract must be made in order to delete information contained in the record pertaining to another individual or under the exemptions in § 292a.11.

(g) The individual requesting access does not have to justify a need to gain access.

(h) An individual will not be denied access to his file or record for refusing to disclose his SSN unless the disclosure of the SSN is required by statute or by regulation adopted prior to 1 January 1975.

(i) Individuals may not be denied access to a record pertaining to themselves because those records are exempted from disclosure under the Freedom of Information Act.

(j) Any request from an individual for access to or for copies of his own records will be processed in accordance with this regulation and not the Freedom of Information Act.

§ 292a.6 Schedule of fees.

Fees will be collected only for making copies of records but not for costs of search and review of the record.

(a) Fees will not be waived except when:

(1) Payment of the full costs or fee would not be in the interest of the program. Employees, currently in status with DIA, will not be charged for the first copy of a record provided by the Agency.

(2) Ordered by a court to amend the record.

(3) DIA makes a copy of the record as a necessary part of the review process in determining availability of the record or parts thereof for release to the subject.

(b) Normally, collection of fees will be made at the time of conveying the copy of the record. In some instances fees will be paid in advance. In the absence of an agreement to pay required anticipated costs, the time for responding to a request begins on resolution of this agreement to pay.

(c) The schedule of fees chargeable is contained in § 292a.19.

(d) Remittances will be by personal check, bank draft on a U.S. bank or by

U.S. postal money order made payable to "The Defense Intelligence Agency." Remittances will be forwarded to the office designated in § 292a.5(c).

§ 292a.7 Disclosure of records.

The DIA will not disclose any record to any person or agency except by written request or prior written consent of the subject of the record unless the disclosure of the record is required by law or by the following:

(a) Officers and employees of the DIA and DoD who either maintain the record and/or have a need for the record in the performance of their duties.

(b) Required under 5 U.S.C. 552 (the Freedom of Information Act).

(c) Routine use which is compatible with the purpose for which the record was collected.

(d) Bureau of the Census pursuant to the provisions of Title 13 for purposes of planning or carrying out a census, survey, or related purpose.

(e) A recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and that the record is to be transformed in a form that is not individually identifiable.

(f) National Archives of the United States as a record having sufficient historical or other value to warrant its continued preservation by the U.S. Government, or by evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(g) Another agency or instrumentality of any governmental jurisdiction within or under the control of the United States or a civil or criminal law enforcement activity if such is authorized by law and if the head of the agency or instrumentality has made a written request to the DIA specifying the particular portion desired and the law enforcement activity for which the record is required.

(h) A person showing a compelling circumstance affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of the subject.

(i) Either House of Congress or to congressional committees having jurisdiction in a specific matter.

(j) The Comptroller General or authorized representatives in the course of the performance of duties of the General Accounting Office.

(k) Pursuant to the order of a court of competent jurisdiction.

§ 292a.8 Deputy Directors' responsibilities for accounting for certain disclosures.

(a) Except for disclosures made under § 292a.7 (a) and (b), maintain an accurate accounting of:

(1) Date, nature, and purpose of each disclosure of a record to any person or agency under § 292a.7 (c) through (k).

(2) Name and address of the person or agency to whom the disclosure is made.

(b) Retain the accounting of disclosures for at least 5 years or the life of the record, whichever is longer.

(c) The accounting of disclosures will be available for review by the subject at his request except for disclosures made under § 292a.7 (a) and (g). A separate disclosure form will be kept for actions specified in § 292a.7(g).

(d) Inform any person or agency of any correction or notation of dispute made by the DIA in accordance with procedures of § 292a.10(c) if an accounting of the disclosure was made.

(e) A form (which will be published later) need not be used for the accounting of disclosures provided that the office can construct from its system a document listing all disclosures for an individual record. For example, payroll, tax, bond, social security, retirement, and similar records transferred to the proper office outside the Agency do not require the separate accounting form, provided that the accounting may be reconstructed when requested by the individual or when necessary to inform previous recipients of any corrected or disputed information.

§ 292a.9 Individual request for amendment of personal information.

(a) An individual may request, either in person or through the mail, that his record be amended; however, such request will be made in writing and addressed to:

Defense Intelligence Agency, ATTN: SC(PA 1974), Washington, D.C. 20301.

Requests should contain as a minimum, identifying information to locate the record, a description of the items to be amended and the reason amendment is being requested. A request will not be rejected or required to be resubmitted unless additional information is essential to process the request. Incomplete or inaccurate requests will not be rejected categorically; the individual will be asked to clarify the request as needed. Individuals will be required to provide verification of identity as in § 292a.5(a)(1) to assure that the requester is seeking to amend records pertaining to him and not, inadvertently or intentionally, the records of another individual. A written request is not required when individuals indicate amendments during routine annual review and updating of records programs conducted by the Agency for civilian personnel and the Services for military personnel.

(b) A written acknowledgment of the receipt of a request for amendment of a record must be provided to the individual within 10 working days (excluding Saturdays, Sundays, and legal public holidays) after receipt by the proper office. The acknowledgment will clearly identify the request and advise the individual when he may expect to be advised of action taken on the request. Whenever practicable, the decision will be made within 30 working days. No separate acknowledgment of receipt is necessary if the request can be either approved or denied, and the individual advised within the 10-day period. For requests presented in person, written acknowledgment may be provided at the time the request is presented. The annual report will indicate the number of cases which DIA was un-

able to complete within the 30-day requirement.

(c) If the DIA agrees with any portion or all of the individual's request to amend a record, the Agency will promptly advise the individual and amend the record accordingly. If a disclosure accounting has been made, the DIA will advise all previous recipients of the record that the amendment has been made and the substance of the correction.

(d) If DIA disagrees with all or any portion of a request to amend a record, it will promptly:

(1) Advise the individual of its refusal and the reasons therefor;

(2) Inform the individual that he may request a further review by the Director, DIA, or his designee; and

(3) Describe the procedures for requesting such a review, including the name and address of the official to whom the request should be directed as contained in § 292a.12.

(e) A review of the initial refusal to amend a record will be made if requested by the individual.

(1) The Director (DR), DIA, or his official designee will make a review of the initial determination.

(2) If, after conducting the review, the reviewing official also refuses to amend the record in accordance with the individual's request, the individual will be notified:

(i) Of the refusal and the reasons therefor.

(ii) Of the right to file a concise statement of reasons for disagreeing with the decision of the Agency.

(iii) That he may file a statement of disagreement; and that such statement will be made available to anyone to whom the record is subsequently disclosed. Statements should be addressed as in § 292a.9(a).

(iv) That prior recipients of the disputed record will be provided a copy of the statement of disagreement to the extent that an accounting of disclosures is maintained.

(v) Of his right to seek judicial review of the Agency's refusal to amend a record.

(3) If the reviewing official determines that the record should be amended in accordance with the request, the DIA will amend the record, advise the individual, and inform previous recipients where an accounting of disclosure has been maintained.

(4) A final determination on the individual's request for a review of an initial refusal to amend a record must be completed within 30 working days after receipt by the proper office unless the Director, DIA, determines that a fair and equitable review cannot be completed in that time. If additional time is required, the individual will be informed in writing of the reasons for the delay and of the approximate date on which the review is expected to be completed.

(f) When an individual files a statement of dispute, the DIA will clearly annotate the record so that the dispute is apparent to anyone who may subsequently grant access to, use or disclose the record. The notation itself will be integral to the record. Where an account-

ing of disclosure has been made, the Agency will advise previous recipients that the record has been disputed and will provide a copy of the individual's statement.

(1) The individual's statement of dispute need not be filed as an integral part of the record to which it pertains. It will, however, be maintained in such a manner as to permit ready retrieval whenever the disputed portion of the record is to be disclosed. When information which is the subject of a statement of dispute is subsequently disclosed, the DIA will note which information is disputed and provide a copy of the individual's statement.

(2) DIA may include a brief summary of its reasons for not making an amendment when disclosing disputed information. Summaries normally will be limited to the reasons stated to the individual. The summary will be treated as part of the individual's record; however, it will not be subject to the amendment procedures.

§ 292a.10 DIA requirements.

(a) Maintain in the records only such information about an individual as is relevant and necessary to accomplish a purpose required by statute or by Executive Order of the President.

(b) Collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determination about an individual's rights, benefits, and privileges under Federal programs.

(c) Inform each individual, who is requested to provide information of: (DIA Form 973, Standardized Privacy Act Statement, will be used to fulfill these requirements during the interim phase).

(1) The authority (statute, Executive Order or Agency Directive/Regulation) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary.

(2) The principal purpose for which the information will be used.

(3) The routine use which may be made of the information as published in the FEDERAL REGISTER.

(4) The effects on him, if any, of not providing all or any part of the requested information.

(d) Publish in the FEDERAL REGISTER at least annually a notice of the existence and character of the system of records.

(e) Maintain all records which are used by the DIA in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual.

(f) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to 5 U.S.C. 552, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for DIA purposes.

(g) Maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the subject of the record or unless pertinent

to and within the scope of an authorized law enforcement activity.

(h) Make reasonable efforts to serve notice on an individual when any record on him is made available to any person under compulsory legal process when such process becomes a matter of public record.

(i) At least 30 days prior to establishing a new use of information, publish in the FEDERAL REGISTER a notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the DIA.

(j) Requests for disclosure of the individual's SSN must inform the individual (1) whether that disclosure of the SSN is mandatory or voluntary; (2) by what statutory or other authority such number is solicited; and (3) what uses will be made of it.

(k) If disclosure of the SSN is not required by Federal Statute or is not for a system of records in existence and operating prior to 1 January 1975, the DIA is not precluded from requesting it. However, the separate Privacy Act Statement for the SSN alone or a merged Privacy Act Statement, covering not only the SSN but also other items of personal information must make clear that the disclosure of the SSN is voluntary. If, in such instances, the individual refuses to disclose the SSN, DIA elements must be prepared to identify him by alternate means.

§ 292a.11 Privacy Act exemptions.

(a) Officers and employees of the DIA or DoD who have a need for the record in the routine performance of their duties are exempt from disclosure accountability.

(b) Access to investigative material held by the DIA which is compiled solely for the purpose of determining suitability for employment and for access to classified information will be denied only when it would reveal the identity of a source who furnished information to the Government under an express promise of confidence or, prior to 27 September 1975, under an implied promise of confidence. Generally all investigative reports will be examined to determine if reasonably segregable portions may be released without unwarranted invasion of third party privacy, or when the meaning of these portions is not distorted and it reasonably can be assured that a skillful and knowledgeable person could not reconstruct the exempt information.

(c) The categories of sources of information of records in the system are exempt from disclosure if the information is received from anyone, including an individual, a foreign national, an international organization, a state or local government, or corporation or any other organization, with the understanding, expressed or implied, that the information will be retained on a privileged or confidential basis under criteria contained in Executive Order 11652 and DoD 5200-1-R.

(d) Notices in the FEDERAL REGISTER for exempted records systems must provide basic information in accordance with § 292a.20; however, they may be exempted from the Notification, Access, Contest and Source requirements. All systems exempted should specify the reasons for claiming the exemption. Failure to publish an exempted notice when required by the Act constitutes a criminal violation.

(e) A system of records specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy, and which are in fact properly classified pursuant to such Executive Order, are exempt.

(f) The Inspector General files on complaints and investigations are partially exempt from disclosure under 5 U.S.C. 552a(k) (1) and (2). The exemption of the individual's right of access to the complete record is based on confidentiality and privacy of individuals related to the investigation or complaint. However, the individual may have access only to that information provided by himself.

(g) The regulation does not entitle an individual to have access to any information compiled in reasonable anticipation of a civil action or proceeding.

(h) Copies of investigatory records compiled by an investigative organization, but in the temporary custody of an element requesting the record for purposes of adjudication or other personal action, are the records of the originating investigatory organization. Individuals seeking access to such records will be directed to the originating investigative organization and should be instructed to direct all requests submitted under the Privacy Act of 1974 to that organization. Records concerning the adjudication, or other personnel actions based on the investigatory records, originated by the organization using the investigation, are the records of the using organization which will respond to all other requests under the Privacy Act of 1974 concerning them.

(i) All systems of records maintained by the DIA will be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k) (1) to the extent that the system contains any information properly classified under Executive Order "Classification and Declassification of National Security Information Material," 8 March 1972 (37 FR 10053, 19 May 1972), and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions as published in the FEDERAL REGISTER may contain isolated items of information which have been properly classified.

§ 292a.12 Appeal for refusal to amend or release a record.

(a) Procedures to amend a record are contained in § 292a.10. If the Agency

refuses to amend the record, the individual may file suit against the DIA in any district court. The court may order the Agency to amend the individual's record in accordance with his request or as directed by the court.

(b) The District courts have jurisdiction in suits filed when a record is withheld and the individual files civil suit. In such cases the court will determine the matter de novo and may examine the contents of DIA records in camera.

(c) A requestor may appeal an initial decision to withhold a record or amend a record. Appeals should be addressed to:

Director, Defense Intelligence Agency, ATTN: SC (PA 1974), Washington, D.C. 20301.

(d) Final determination on appeal, concerning the release of the record, will normally be made within 30 days of the receipt of the appeal.

(e) When an appeal is denied, the requester will be apprised of the following:

(1) Applicable exemptions and the significant and legitimate governmental purpose served by the denial.

(2) Name and title of position of the official responsible for the denial and of the provision for judicial review of the denial.

§ 292a.13 Responsibilities.

When a request for release of a record or amendment of a record is received:

(a) Chief of Staff/Deputy for Management and Plans (CS/DP):

(1) Exercises overall staff supervision of the Privacy Act of 1974 activities within the Agency.

(2) Acts as the responsible official for all final denials to release individual records and/or amendments to individual records.

(b) The Secretariat (SC):

(1) Receives all requests and assigns tasking except for the annual updating of records program conducted by the Deputy Director for Personnel, Career Development and Training (PM).

(2) Forwards payments received to the Reference Library Branch (DS-4A) for processing.

(3) Maintains appropriate suspenses and authorizes all extensions of response time.

(4) Acts as the responsible official for all initial denials of access or amendment to the individual's record after complete coordination with all offices concerned.

(c) General Counsel (GC):

(1) Insures uniformity in the Privacy Act of 1974 legal positions within the DIA and DoD.

(2) Secures coordination with the DoD General Counsel on denial for release of individual records or for amendments to individual records.

(3) Acts as the focal point in all judicial actions.

(4) Reviews all initial and final denials for release of records or amendments to records.

(d) DS-4A, Central Reference Division, Director for Support:

(1) Acts as the responsible operating office for all Agency actions related to requests under the Privacy Act of 1974.

(2) Responds on:

(i) Obtaining supplemental information from the requester.

(ii) Informing the requester of any required fees and processing such fees for delivery to the Comptroller.

(iii) The transfer to another component or agency of the initial request after collaboration with other directorates.

(3) Fulfills the annual reporting requirements in conjunction with the DIA Privacy Act Officer (Records Management Officer) and maintains appropriate records.

(4) Drafts for SC:

(i) Notification of an extension of response time.

(ii) A documented response in all cases of denial of release and/or amendment of records.

(iii) Response for release of individual records.

(e) The Deputy Director for Information Systems (SO):

(1) Formulates policies to insure that ADP systems contain appropriate safeguards to protect personal privacy in accordance with current directives.

(2) Maintains an ADP file on all FEDERAL REGISTER notices for all systems of records reported by the DIA to the DoD Privacy Board.

(3) Provides an annual automated printout of updated FEDERAL REGISTER notices.

(f) PM:

(1) Monitors all personnel records to insure compliance with the Act.

(2) Plans, develops, present, and monitors the DIA training program to insure adequate training of personnel having access to personal information in the course of their official duties.

(3) Establishes a general orientation program for all DIA personnel not covered by (2) above.

(g) All DIA elements will:

(1) When identified by DS-4A as an Office of Primary Interest (OPI):

(i) Review records for possible release within the time constraints assigned.

(ii) Prepare a documented response to DS-4A in all cases of non-release and/or denial of amendment of a record.

(iii) Provide to DS-4A all reasonable segregable portions of records for release to the individual and state generally the nature of or fact that other information was not released and the reasons for denial.

(iv) Inform DS-4A of any documents contained in OPI's file that belong to other elements of DIA and/or other governmental agencies in order that DS-4A can take proper action to obtain their possible release or notify the individual of location of additional information.

(v) Provide to DS-4A information as required by paragraph § 292a.18.

(2) Require DIA personnel including newly-assigned personnel to read this regulation to insure familiarity with the requirements of the Privacy Act of 1974 as implemented. All personnel are to comply with the Rules of Conduct.

§ 292a.14 The DIA Privacy Act Officer.

A DIA Privacy Act Officer position is established as an additional duty for the purpose of insuring the preservation of individual's privacy within the DIA. The officer will develop privacy policies and programs in accordance with guidance and directives issued by the Defense Privacy Board. The DIA Privacy Act Officer will:

(a) Be the Records Management Officer.

(b) In conjunction with the representatives of all major staff elements, identify all systems of records affected by the Act.

(c) Obtain all data required by the Act concerning each records system so identified.

(d) Review policies, practices, and procedures relating to each identified system of records to insure they conform with the Act.

(e) Review for conformity with the Act, all procedures, including forms, which require the individual to furnish information and assist the appropriate staff element to formulate corrections or supplementary provisions, as necessary.

(f) Supervise and coordinate the preparation for publication in the FEDERAL REGISTER of all required information on systems of records affected by the Act.

(g) In conjunction with PM, insure development within the DIA of an appropriate training program for all personnel whose duties involve responsibility for systems of records affected by the Act.

(h) In conjunction with DS-4A, refer to the DIA GC for resolution any requests for information from an individual which do not appear to be clearly authorized by law or Executive Order.

(i) Maintain contact with the Defense Privacy Board and submit annually the required DIA Federal Register notices to the Board.

(j) Review annually and continuously monitor DIA regulations implementing the Privacy Act.

(k) Act as the DIA primary point of contact with DoD on all Privacy Act problems except legal requirements which will be handled by the DIA GC.

§ 292a.15 Safeguarding personal information in records systems.

(a) Minimum standards for physical safeguarding of personal information from unauthorized or unintentional access, disclosure, modification, or destruction requires that personal information be stored in a locked container or room. This minimum standard is prescribed for non-duty hours as well as for duty time when there is no requirement for use of the files.

(b) Personnel handling personal information during routine use will insure that the information is properly controlled to prevent unintentional or unauthorized disclosure. Such information will be used, held, or stored only where facilities or conditions are adequate to prevent unauthorized or unintentional disclosure.

(c) All DIA supervisors, maintaining any records which contain personal in-

formation, are charged with the responsibility to insure proper safeguarding and accounting for all such records.

(d) Access to personal information will be restricted to those persons whose official duties require access during routine use and the individual concerned.

§ 292a.16 Disposition and destruction.

(a) Disposition of records containing personal information will be accomplished in accordance with approved record disposition standards as established in DIAM 13-1, "Records Maintenance and Disposition."

(b) To prevent unauthorized disclosure, personal information will be destroyed in such a manner that will prevent the contents from being disclosed. Examples are:

(1) Tearing, shredding, pulping, macerating, or burning depending on volume or the availability of equipment.

(2) Through a waste paper contractor, provided the contract prohibits resale of the records as documents and a Federal official witnesses the destruction.

(3) By burial provided the records are chemically treated to facilitate decomposition.

(4) By degaussing, in the case of magnetic tapes and discs.

§ 292a.17 System of records content.

(a) Each staff element will maintain in its records system only such information as is relevant and necessary to accomplish a purpose or mission required by statute or Executive Order of the President.

(b) Each staff element will identify the specific provision of law, or Executive Order, which provides authority for the maintenance of information in each system of records.

(c) Statutory or regulatory authority to establish and maintain a system of records does not convey unlimited authority to collect and maintain all information which may be useful or convenient to have. Staff elements maintaining records will evaluate each category of information in a system for both necessity and relevance. In performing this evaluation the following will be considered:

(1) Relationship of each item of information to the statutory or regulatory purpose for which the system is maintained.

(2) Specific adverse consequence of not collecting each category of information.

(3) Possibility of obtaining the information requested through use of information not individually identifiable or through sampling techniques.

(4) Length of time that the information is needed and where appropriate, techniques for purging parts of the records.

(5) Financial cost of information maintenance compared to risk or adverse consequence of not maintaining it.

(6) Necessity and relevance of this information to all individuals included in the system.

(d) Collection will be discontinued for each category or item of information which after the above evaluation does

not appear to be fully justifiable. Moreover, such information will be withdrawn and destroyed provided it can be economically segregated from the necessary and relevant information.

(e) The evaluation prescribed above will be performed by each staff element maintaining a system of records of subject to the test.

(1) During the design phase of a new system of records or a change in an existing system of records.

(2) Annually, prior to the republication of all system notices in the FEDERAL REGISTER.

§ 292a.18 Annual report requirements
RCS DD(A) 1379.

(a) Each DIA element maintaining records which are subject to the Privacy Act will submit an annual report to DS-4A. Two copies of the report will be furnished by 1 March of each year.

(b) The annual report will contain the following:

(1) The number of records in any system of records exempted from the provisions of the Act and the reasons why the systems were exempted.

(2) The number of systems of records changed, the number of new systems, and a brief summary of the reasons for major changes.

(3) A brief summary of major accomplishments, including training provided and any other significant efforts undertaken to comply with the Act.

(4) Problems in complying with the Act and recommendations for solutions to problems or other changes.

(5) Report of available data on costs of administering the Act. Reports of manhours (by grade) expended and other costs are to be reported.

(c) DS-4A will consolidate the information provided by all staff elements and prepare a brief general description of operational experiences, including estimates of the number of individuals exercising their rights under the Act (compared to the number of records in the system), requesting information on the existence of records pertaining to them, refusing to provide information, requesting access to their records and appealing initial refusals to amend records, and the seeking of redress through the courts.

§ 292a.19 Agency fees for duplication
under the Privacy Act of 1974.

General Fees

Minimum fee, per request plus.....	\$2.00
Forms, per copy.....	.05
Publications, per printed page.....	.01
Microfiche, per fiche.....	.06
Reports, per printed page.....	.05

(Examples: Cost of 20 forms, \$3.00; cost of a printed publication with 100 pages, \$3.00; cost of a microfiche publication consisting of 10 fiche, \$2.60.)

Office Copy Reproduction (when shelf stock is not available).

Minimum charge up to 6 reproduced pages.....	\$2.00
Minimum charge, 1st fiche.....	5.00
Each additional page.....	.05
Each additional fiche.....	.10

Other Issuances

Minimum charge up to 6 pages.....	\$2.00
Each additional page.....	.05

§ 292a.20 Federal Register annual notice.

The annual notice published in the FEDERAL REGISTER must include information on the existence and character of the system of records and will include the following:

(a) Name and location of the system.

(b) The categories of records maintained in the system.

(c) Each routine use of the records contained in the system, including categories of users and the purpose of such use.

(d) The policies and practices of the Agency regarding storage, retrievability, access controls, retention, and disposal of the records.

(e) The title and business address of the Agency official who is responsible for the system of records.

(f) The Agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him.

(g) The Agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records and how he can contest its content.

(h) The categories of sources of records in the system (may be exempt by the DR).

§ 292a.21 Rules of conduct.

(a) Purpose. To prescribe the rules of conduct relating to the possible conflict between official use and dissemination of information from all files and systems of records reported under the Privacy Act of 1974, and the unofficial disclosure of such information by personnel having access to such files on a routine-use basis. Close adherence to these rules will insure compliance with the high ethical standards demanded of all DIA employees. Violations of these rules may cause the individual to be found guilty under the civil and/or criminal penalties set forth in the Privacy Act of 1974. Appropriate disciplinary action may also be imposed or recommended by the Director, DIA for violation of these rules of conduct. All military and civilian employees will familiarize themselves thoroughly with the rules of conduct.

(b) Scope. The rules of conduct apply to all military and civilian employees of the DIA and cover all files, records, or systems of records containing identifiable personal information as covered by the provisions of the Privacy Act of 1974.

(c) Ethical Standards of Conduct. DIA personnel will refrain from any disclosure of personal information, except those official disclosures covered as routine use as published in the Federal Register notices on systems of records. All other disclosures must be authorized by the individual who is the subject of the record. Unauthorized disclosures place the DIA employee in a position of conflict and jeopardize the privacy of the

individual who may seek legal relief for such actions.

(d) Unauthorized Release of Personal Information. It is the individual responsibility of all personnel, both military and civilian, of the DIA to refrain from releasing to any individual or business concern or its representatives any personal information from files maintained by DIA.

(e) Considerations of Disclosure.

(1) DIA personnel will not knowingly provide personal information to military or civilian personnel, or former military or civilian personnel, of the Government if such action will result in a violation of the Privacy Act.

(2) All DIA personnel who are members or officers of non-governmental associations or organizations must avoid the use of disclosure of personal information gained through official duties or position for use of the association or organization for whatever stated purpose.

(3) DIA personnel are prohibited from personal use of private information for commercial solicitation and sale. Information obtained through official duties will not be sold, rented, or passed to commercial enterprises.

(4) DIA personnel having access to personal information will avoid any action which might result in or create an appearance of giving preferential treatment to any persons which could be based on knowledge obtained from official DIA files.

(5) All DIA employees should avoid any action or activity relating to the privacy of an individual which could adversely affect the confidence of the public in the integrity of the DIA or the Government in the management of personal information.

(6) All DIA employees should avoid the solicitation, acceptance, or agreement to accept anything of value in return for providing personal information.

(f) Information to Personnel. Information to clarify these rules of conduct and case determinations as to legality of proposed actions will be referred to the DIA GC for resolution.

(g) Reporting Suspected Violators. DIA personnel who have information which causes them to believe that there has been a violation of the Privacy Act of 1974 or of this regulation will promptly report such incidents to their immediate supervisor. If the supervisor believes there has been a violation, it will be reported to the DR for appropriate action. Any question or doubt on the part of the immediate supervisor will be resolved in favor of reporting the matter. A brief of the circumstances of the violation will be submitted in writing with a comment that the alleged violator has been advised of the violation. Supervisors should recommend action and route the documents through DIA GC for legal determination in order to provide the DR with staff recommendations.

§ 292a.22 General information.

(a) The Director, Defense Intelligence Agency proposes to designate the follow-

ing systems of records listed in 32 CFR, Part 292a.24 which are maintained by the DIA for exemptions under the specified provisions of the Privacy Act of 1974 (Public Law 93-579).

(b) Any person interested in the exemptions proposed herein may participate in this proposed rulemaking by submitting, either in person or through the mail, written data, views or arguments on the proposed exemptions to the Defense Intelligence Agency, ATTN: SC (PA 1974), The Pentagon, Washington, D.C. 20301, on or before September 27, 1975.

(c) All systems of records maintained by the DIA will be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k) (1) to the extent that the system contains any information properly classified under Executive Order 11652, "Classification and Declassification of National Security Information and Material," 8 March 1972 (37 FR 10053, 19 May 1972), and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions herein may contain isolated items of information which have been properly classified.

(d) Although the Defense Intelligence Agency is not a law enforcement agency, there are incidents when law enforcement information is developed concerning an individual. All such information, developed in the course of investigative procedures within DIA, will be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(j) (2). Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in concealment, destruction, or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and investigative personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources, and methods used during investigations and could result in the invasion of the privacy of individuals only incidentally related to the investigations. The exemption of the individual's right of access to his records and the reasons therefore necessitate the exemption of this information from the requirements of the other cited provisions.

§ 292a.23 Specific exemptions.

- (a) ID—Manual L DIA 0800.
- (1) Sysname. Project Files.
- (2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C. Section 552a: (c) (3), (d), (e) (1), (e) (4) (G), (e) (4) (H), (e) (4) (I) and (f).
- (3) Authority. 5 U.S.C. 552a(k) (1).
- (4) Reasons. These files contain properly classified information under Exec-

utive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense or foreign policy.

- (b) ID—Automated L DIA 0802.
- (1) Sysname. Project files.
- (2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c) (3), (d), (e) (1), (e) (4) (G), (e) (4) (H), (e) (4) (I) and (f).
- (3) Authority. 5 U.S.C. 552a(d) (1).
- (4) Reasons. These files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of defense or foreign policy.

- (c) ID—Manual L DIA 530.
- (1) Sysname. Intelligence collection records.
- (2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C., Code 552a: (c) (3), (d), (e) (1), (e) (4) (G), (e) (4) (H), (e) (4) (I) and (f).
- (3) Authority. 5 U.S.C. 552a(k) (1).
- (4) Reasons. These files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense or foreign policy.

- (d) ID—Manual L DIA 0272.
- (1) Sysname. Complaints.
- (2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c) (3), (d), (e) (1), (e) (4) (G), (e) (4) (H), (e) (4) (I) and (f).
- (3) Authority. 5 U.S.C. 552a(k) (1) and (2).
- (4) Reasons. Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources, and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

- (i) The exemption of the individual's right of access to the complete record and the reasons therefore necessitate the exemption of this system of records from the requirements of the other cited provisions. However, the individual may have access only to that information provided by himself. These files contain properly classified information under Executive Order 11652 and are required by the Executive Order to keep secret in the interest of national defense.

- (e) ID—Manual L DIA 0271.
- (1) Sysname. Investigations.
- (2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c) (3), (d), (e) (1), (e) (4) (G), (e) (4) (H), (e) (4) (I) and (f).
- (3) Authority. 5 U.S.C. 552a(k) (1) and (2).
- (4) Reasons. Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources, and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

- (i) The exemption of the individual's right of access to the complete record and the reasons therefore necessitate the exemption of this system of records from the requirements of the other cited provisions. However, the individual may have access only to that information provided by himself. These files contain properly classified information under Executive Order 11652 and are required by the Executive Order to keep secret in the interest of national defense.

- (f) ID—Manual L DIA 0271.
- (1) Sysname. Investigations.
- (2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c) (3), (d), (e) (1), (e) (4) (G), (e) (4) (H), (e) (4) (I) and (f).
- (3) Authority. 5 U.S.C. 552a(k) (1) and (2).
- (4) Reasons. Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

- (c) (3), (d), (e) (1), (e) (4) (G), (e) (4) (H), (e) (4) (I) and (f).

- (3) Authority. 5 U.S.C. 552a(k) (1) and (2).

- (4) Reasons. Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

- (i) The exemption of the individual's right of access to the complete record and the reasons therefore necessitate the exemption of this system of records from the requirements of the other cited provisions. However, the individual may have access only to that information provided by himself. The files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense.

[FR Doc. 75-25429 Filed 9-25-75; 8:45 am]

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1608—PUBLIC INFORMATION

Miscellaneous Amendments

Whereas, on August 22, 1975, the Director of Selective Service published a notice of proposed amendments of Selective Service Regulations, 40 FR 36887 of August 22, 1975; and

Whereas more than thirty days have elapsed subsequent to such publication during which period no comments from the public have been received, the proposed amendments are being made effective without change.

The revision of Part 1608 places at the beginning of that part, renumbered as sections 1608.1 through 1608.9, the currently effective sections of Part 1608 constituting the regulations having particular applicability to availability and access to public information required by Pub. L. 93-502. The provisions of these sections are not changed in substance but are rearranged for clarity and convenience in use.

The revision institutes in Part 1608 beginning at section 1608.10 and continuing through 1608.22, a new subpart subtitled Protection of Privacy. The regulation in this subpart comprise the agency rules having particular applicability to the Privacy Act of 1974 and required to be established by Section 3, 5 U.S.C. 552a(f), of that Act.

The revised and renumbered section on fees, section 1608.22, conforms to the requirements of both the Freedom of In-

formation Act, as amended, and the Privacy Act of 1974.

Now therefore by virtue of the authority invested in me by the Military Selective Service Act, as amended (50 U.S.C. App. section 451 et seq.) and 32 CFR 1604.1, the Selective Service Regulations, are hereby amended, effective 11:59 p.m. e.d.t. on September 26, 1975, as follows:

PART 1608—PUBLIC INFORMATION

- Sec.
- 1608.1 Public information policy.
- 1608.2 Definitions.
- 1608.3 General policy on disclosure of information.
- 1608.4 Available information.
- 1608.5 Places where information may be obtained.
- 1608.6 Rules governing the obtaining of information.
- 1608.7 Identification of information requested.
- 1608.8 Request for information not authorized to be disclosed.
- 1608.9 Review of denials of requests for information.
- PROTECTION OF PRIVACY**
- 1608.10 Protection of privacy procedure—purpose and scope.
- 1608.11 Procedure for requests pertaining to an individual record in a system.
- 1608.12 Times, place and requirements for identification of individuals making requests.
- 1608.13 Disclosure of requested information to individuals.
- 1608.14 Special procedure—medical records [reserved].
- 1608.15 Request for correction or amendment to record.
- 1608.16 Agency review of request for correction or amendment of record.
- 1608.17 Appeal of initial adverse agency determination on correction or amendment.
- 1608.18 Disclosure of record to person other than the individual to whom it pertains.
- 1608.19 Waiver of confidential nature of information on registrants files.
- 1608.20 Subpoena of records.
- 1608.21 Demands of courts or other authorities for records or information protected by these regulations.
- 1608.22 Fees.

AUTHORITY: Military Selective Service Act (50 U.S.C. App. sec. 451 et seq.), 32 CFR 1604.1.

§ 1608.1 Public information policy.

The Selective Service System has a positive public information policy under which information is brought to the attention of the public. The Selective Service System brings to the public, through news releases, pamphlets, educational material for distribution to high schools, and other documents, information concerning important events, and the functions of the Selective Service System.

§ 1608.2 Definitions.

When used in this part, the following words shall have the meaning ascribed to them as follows:

- (a) "Disclose" shall mean an oral or written statement concerning any such record or information.
- (b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.
- (c) "Examine" shall mean a visual inspection and examination of any such

record or information at the office of the local board or appeal board as the case may be.

(d) "Information" shall mean all the data in a record or records including those items on standard forms left blank, marked "Not Applicable" or the equivalent.

§ 1608.3 General policy on disclosure of information.

(a) It is the general policy of the Selective Service System to make information available to the public unless the disclosure thereof is prohibited by law.

(b) Technical instructions pertaining to automatic data processing, memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material prepared for the purpose of internal communication within the Selective Service System or between the Selective Service System and other organizations or persons generally are not information available to the public.

(c) Lists of registrants may be furnished only in accordance with written instructions from the Director of Selective Service.

§ 1608.4 Available information.

(a) Upon request, current documents specifically identified as being printed for free distribution to the general public will be furnished without charge. Each individual requesting such documents shall be entitled to only one copy of each document.

(b) The Registrants Processing Manual is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Selective Service Regulations appear in Chapter XVI of title 32, Code of Federal Regulations.

(c) The Registrants Processing Manual may be inspected at the office of any local board, the office of the State Director of Selective Service for any State or at the National Headquarters, Selective Service System.

(d) Each local board maintains a Classification Record (SSS Form 102) which contains the name, selective service number, and the current and past classifications for each person registered with that board. Information in this record may be inspected at the local board at which it is maintained.

(e) Any compensated employee of the Selective Service System may disclose to the former employer of a registrant who is serving in or who has been discharged from the Armed Forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the Armed Forces.

(f) The names, position titles, grades, salaries, and duty stations of employees of the Selective Service System are public information.

(g) The names of local board members and the names and addresses of advisors to registrants will be posted in an area

available to the public at each board office to which such personnel are assigned.

(h) Personal data concerning board members that relate to their legal qualifications for appointment and/or continuation in office are a matter of official record. Upon request, the executive secretary or clerk of a local board or appeal board will verify that a member of that board was legally qualified for appointment and for continuation in office without disclosing the personal data pertaining to such member without the member's consent.

§ 1608.5 Places where information may be obtained.

(a) Requests for information concerning a registrant should be directed to the local board where he is registered.

(b) Requests for information concerning the national administration of the Military Selective Service Act should be directed to the National Headquarters, Selective Service System, 1724 F Street NW., Washington, D.C. 20435.

(c) Requests for information concerning the administration of the Military Selective Service Act within a particular State should be directed to the State Director of Selective Service of that state.

§ 1608.6 Rules governing the obtaining of information.

(a) A request for information under this part should be made orally or in writing during business hours at the appropriate selective service office. When information to be furnished is not readily available, the employee responsible for obtaining the information shall advise the requester how and where it may be obtained.

(b) Although the time period allowed for inspection of documents must be sufficient to allow hand copying, the activity should not interfere with the daily business activities of the selective service office. Accordingly, the selective service employee handling the request for information or inspection should arrange for inspection of files and documents during specified hours of the business week.

(c) Any person entitled under the provisions of this part to examine any record or information shall be permitted to copy it by hand, to photograph it or to copy it by using portable copying equipment so long as the use of such equipment does not disrupt the normal operations of the office.

§ 1608.7 Identification of information requested.

(a) Any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. Information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information may be declined.

(b) If the description is insufficient, the employee processing the request will notify the requester and, to the extent possible, indicate the additional infor-

mation required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought. Records will not be withheld merely because it is difficult to find them.

(c) When a request is received at an office not having charge of the records, it shall promptly forward the request to the proper office and notify the requester of the action taken.

§ 1608.8 Request for information not authorized to be disclosed.

Whenever an employee receives a request for information or documents the disclosure of which is not clearly authorized by the provisions of this part that request will be immediately reported by telephone to the General Counsel, Selective Service System, for instruction as to its disposition.

§ 1608.9 Review of denials of requests for information.

(a) Complaints concerning possible abuse of discretion granted Selective Service employees under this part or failure to respond to inquiries shall be directed to the state director in the case of state headquarters or local board employees and to the Director in the case of National Headquarters employees.

(b) A requester whose request for information or documents has not been satisfied may appeal to the Director of Selective Service, 1724 F Street NW., Washington, D.C. 20435.

PROTECTION OF PRIVACY

§ 1608.10 Protection of privacy procedure—Purpose and scope.

(a) The purpose of this subpart is to provide that records of the Selective Service System are maintained as required by the provisions of the Privacy Act of 1974 (P.L. 93-579). The provisions hereof extend to records and systems of records defined in that Act as being subject thereto.

(b) The Selective Service System will not disclose any record in a system of records pertaining to an individual maintained by the Selective Service System except (1) pursuant to the provisions of the Privacy Act of 1974 (P.L. 93-579), 5 U.S.C. 552a, and (2) the provisions of this subpart.

§ 1608.11 Procedure for requests pertaining to an individual record in a system.

A request by an individual that he be informed if a system of records named by him contains a record pertaining to him should be directed to the Selective Service System office responsible for maintaining such system of records. If the request is not directed to the proper office, it will be referred by the office which receives such request to the proper office of the Selective Service System. Such office will promptly ascertain if the system of records named by the individual making the request contains a record pertaining to such individual and, thereafter, promptly inform the requester in writing of the existence or non-existence of such record.

§ 1608.12 Times, place and requirements for identification of individuals making requests.

An individual requesting a record or information pertaining to him must make such request orally or in writing during business hours at the Selective Service System office where such record is maintained. The requester shall submit appropriate evidence to the employee responsible for maintaining such record sufficient to identify the requester as the individual to whom the requested record or information pertains. If the requester is a registrant, he should provide his Selective Service Number or date and place of registration if such number is for some reason unavailable.

§ 1608.13 Disclosure of requested information to individuals.

(a) Information contained in records maintained on a specific individual and the records pertaining to such individual may be disclosed or furnished to or examined, without charge, by the individual concerned, and any person having current written authority dated and signed by the individual concerned.

(b) A copy or copies of such records will be provided to the individuals to whom the records pertain, and to any other requester referred to in (a) above upon payment of the fees prescribed in Section 1608.22 of this part.

§ 1608.14 Special procedure—medical records. [Reserved]

§ 1608.15 Request for correction or amendment to record.

An individual shall be permitted to request amendment of a record pertaining to him and such record shall be amended as hereinafter provided. A request for amendment of a record shall be made in writing to the employee responsible for maintaining such record or information. Receipt of such request will be acknowledged in writing to the requester not later than 10 days (excluding Saturdays, Sundays and legal public holidays) after the date of the receipt of such request. Unless it is determined that the request for amendment should be refused, the responsible employee will promptly accomplish the amendment of the record or information by placing in the file the documentation submitted to support the amendment requested and taking appropriate action for the corresponding amendment of all records derived from such file. The requester will be notified of the action for amendment of his record. Notification of the amendment will be made to any known agency or person who had been furnished information from the record prior to its amendment.

§ 1608.16 Agency review of request for correction or amendment of record.

If for any reason it is determined that a request for amendment of a record or records must be refused, the individual making the request will be notified of the refusal, of the reason for such refusal, and the procedures established for the individual to request a review of the refusal by the officer designated by the Director of Selective Service for such re-

view and the name and business address of that officer.

§ 1608.17 Appeal of initial adverse agency determination on correction or amendment.

(a) An initial determination to refuse to amend a local board or state record may be appealed in writing by the individual making the request for amendment to the State Director of Selective Service having supervision over the employee who made such determination. An initial determination to refuse to amend a National Headquarters record may be appealed in writing to the National Headquarters Division Manager having responsibility for supervision of such records.

(b) If after review the State Director or National Headquarters Division Manager concerned also refuses to amend the record, the individual making the request will be permitted to file a concise statement setting forth the reasons for his disagreement with the refusal. After such statement has been filed, the request and all relevant documentation will be forwarded promptly for final review to the Director of Selective Service whose decision will be the final action of the Selective Service System.

§ 1608.18 Disclosure of record to person other than the individual to whom it pertains.

Information contained in records in a registrant's file and records pertaining to a specific individual may be disclosed or furnished to, or examined by, the following:

(a) Any person or other agency upon submission to the employee responsible for the system of records of the prior written consent of the individual to whom the record pertains. The consent authorization must bear a current date and the signature of the individual concerned.

(b) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System who have a need for the record in the performance of their duties.

(c) In the case of registrants, a U.S. Attorney and his duly authorized representatives, including agents of the Federal Bureau of Investigation, whenever the registrant has been reported to the U.S. Attorney as a violator for prosecution for violating the Military Selective Service Act or the rules, regulations, or directions made pursuant thereto.

(d) Any other agency, official, or employee, or class or group of officials or employees of the United States upon written request in individual cases, but only when and to the extent specifically authorized in writing by the Director of Selective Service.

(e) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as entitled to obtain such information.

§ 1608.19 Waiver of confidential nature of information on registrants files.

The making or filing by or on behalf of a registrant of a claim or action for

damages against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall constitute a waiver of the confidential nature of all Selective Service records of such registrant, and, in addition, all such records shall be produced in response to the subpoena or summons of the tribunal in which such claim or action is pending.

§ 1608.20 Subpoena of records.

(a) In the prosecution of a registrant or any other person for a violation of the Military Selective Service Act, the Selective Service Regulations, any orders or directions made pursuant to such act or regulations, or for perjury, all records of the registrant shall be produced in response to the subpoena or summons of the court in which such production or proceeding is pending. Any officer or employee of the Selective Service System who produces the records of a registrant in court shall be considered the custodian of such records for the purpose of this section.

(b) Except as provided in paragraph (a) of this section, no officer or employee of the Selective Service System shall produce a registrant's file, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpoena or summons of any court without the consent, in writing, of the registrant concerned or of the Director of Selective Service.

(c) Whenever, under the provisions of this section, a registrant's file, or any part thereof, is produced as evidence in the proceedings of any court, such file shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original file, to substitute a copy of the file with the court.

§ 1608.21 Demands of courts or other authorities for records or information protected by these regulations.

No officer or employee of the Selective Service System will comply with a request, demand or order of a court or other authority to produce information the disclosure of which is prohibited or restricted by the provisions of this part without the prior approval of the Director of Selective Service.

§ 1608.22 Fees.

Fees for copies of records are the following:

(a) Search of records is made by compensated employees of the Selective Service System without charge.

(b) The charge for copies of documents and records prepared on Selective Service System equipment is 25 cents per page.

(c) Copies will not be released to any requester until the required fee is paid in full by cash, check or money order. Checks and money orders should be

made payable to the Selective Service System.

(d) Documents will be furnished without charge or at a reduced charge where it is determined that the waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(e) Where a registrant has been charged under the Military Selective Service Act and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, the Selective Service System will furnish to him, or to any person he may designate, one copy of his Selective Service file free of charge.

BYRON V. PEPITONE,
Director.

SEPTEMBER 23, 1975.

[FR Doc.75-25805 Filed 9-25-75;8:45 am]

Title 35—Panama Canal CHAPTER I—CANAL ZONE REGULATIONS

PART 10—ACCESS TO INFORMATION CONCERNING INDIVIDUALS

Adoption of Regulations Implementing the Privacy Act of 1974

On August 28, 1975, notice appeared in the FEDERAL REGISTER of proposed rules implementing section 3 of the Privacy Act of 1974 (5 U.S.C. 552a). Those proposed rules, which would constitute a new Part 10 in Title 35, Code of Federal Regulations, were published in the FEDERAL REGISTER on September 2, 1975 (40 FR 40485-89). Interested parties were given the opportunity to submit data, views, and arguments concerning the proposed regulations on or before September 20, 1975.

No unfavorable comments have been received. The proposed rules are hereby adopted with the two following changes:

1. Paragraph (b) of § 10.6 appearing on page 40486 is corrected in the second from the last line by substituting the word "effect" for the word "affect".

2. Paragraph (b) (5) of § 10.14 appearing on page 40488-89 is amended by adding as a new subparagraph (x) Recruiting and Placement Records, PCC-CZG/PR-5. This additional exemption has been determined to be desirable in order to protect the identity of confidential sources who may provide information on applicants for positions which are not under the Canal Zone Merit System and whose identities are therefore not protected from disclosure under the exemptions provided for Merit System records.

Accordingly, 35 CFR Chapter I, is amended by adding thereto a new part designated Part 10, Access to Information concerning individuals, which reads as set forth below.

Effective date. This regulation is effective September 27, 1975.

(2 O.C.Z.C. §§ 33, 66, 76A Stat. 7, 11; 5 U.S.C. 552a)

Dated: September 22, 1975.

[SEAL] H. R. PARFITT,
Governor of the Canal Zone,
President, Panama Canal Company

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AUTHORITY: 5 U.S.C. 552a, 88 Stat. 1977.

§ 10.1 Purpose and scope.

(a) The purpose of this part is to establish policies and procedures for implementing the Privacy Act of 1974 (Pub. L. 93-579), and particularly the provisions of 5 U.S.C. 552a as enacted thereby.

(b) The procedures specified in this part apply only to information concerning individuals which is maintained under the control of the Panama Canal Company or the Canal Zone Government or both, in a system of records the existence and character of which has been disclosed by publication in the FEDERAL REGISTER. Where another agency has published notice of the existence and character of a system of records which is partially under the control of the Panama Canal Company or Canal Zone Government, the regulations of the agency publishing the notice take precedence over these regulations.

(c) For purposes of these regulations and the provisions of 5 U.S.C. 552a, all systems of records maintained by either the Panama Canal Company or the Canal Zone Government are deemed to be systems of records maintained by both agencies, and officers or employees of either agency who have need for a record in the performance of their duties are deemed to be employees of the agency which maintains the record within the meaning of 5 U.S.C. 552a(b)(1). Implementation of the provisions of the Privacy Act by the Canal Zone Government is not intended to waive any exemption to which the agency is entitled under 5 U.S.C. 551(1)(C) as the government of a territory or possession of the United States.

§ 10.2 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the meanings set forth therein.

(b) As used in this part: "Agency Records Officer" means the Chief, Administrative Services Division. "System manager" means the official designated as such in the most recent Notice of Systems of Records published in the FEDERAL REGISTER.

§ 10.3 Procedures for requests pertaining to individual records in a record system.

(a) An individual wishing to determine whether a particular system of records contains information pertaining to him shall:

(1) Apply either in person or in writing to the system manager designated in the Notice of the System of Records or to the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone;

(2) Reasonably identify the system or systems of records to which the request pertains; and

(3) Adequately identify himself to the official to whom the request is made. If the request is made in person, display of a proper employee identification card, driver's license, or other photo identification card shall be sufficient. If the request is made in writing, the individual shall supply such information as may assist in verifying his identity (e.g., signature, employee identification number, date and place of birth) and may be required to provide the certificate of a notary public or other official authorized to administer oaths.

(b) An inquiry which is submitted in writing shall be clearly marked, on the envelope and in the text, with the words "Privacy Act Inquiry".

(c) The official to whom an inquiry is directed shall acknowledge its receipt promptly, but in no case later than 10 work days. The individual shall be notified:

(1) That a record is maintained on him in the system of records specified, and the conditions under which it may be reviewed;

(2) That no record is maintained on him in the system of records specified; or

(3) That no answer to the inquiry can be given because the system of records or the individual has not been adequately identified, the system of records is exempt from disclosure, or the record or system of records in question is not within the agency's control.

§ 10.4 Times, places, and requirements for identification of individuals making requests.

(a) An individual who desires to inspect his record or information pertaining to him shall present himself during regular working hours at the location specified in the Notice of the System of Records or at the office of the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. He shall identify himself to the system manager

or the Agency Records Officer (or a person designated by them) by displaying at least one identification document containing his picture (e.g., employee identification card, driver's license, passport) or at least two identification documents containing his signature, or other documentation suitable to the official concerned.

(b) An individual purporting to act on behalf of another individual, as the parent of a minor or as the legal guardian of an individual who has been declared to be incompetent, shall (after satisfactorily identifying himself) present evidence that he is entitled to act on the other individual's behalf. A parent shall display a certified or authenticated copy of the minor's birth certificate and a legal guardian shall display a certified or authenticated copy of the court order establishing guardianship. In addition, in appropriate cases the parent or legal guardian of a minor may be requested to provide evidence that the minor is in his custody, that the minor has consented to disclosure of certain information to him, or otherwise that he has authority to act on the minor's behalf.

(c) An individual who desires to inspect his record or information pertaining to him but who cannot appear in person during regular working hours shall contact the system manager or the Agency Records Officer, by telephone or by letter, to establish the procedures to be followed in verifying the individual's identity and in granting him access to the record or records in question. An individual who is unable to appear in person shall normally be required to have his identity verified by a notary public or equivalent officer empowered to administer oaths.

(d) When for any reason an individual is unable to establish his identity to the satisfaction of the system manager or Agency Records Officer, such individual may be requested to furnish a signed statement asserting his identity and stipulating that he understands that knowingly and willfully requesting or obtaining access to any record concerning another individual under false pretenses is a misdemeanor punishable by a fine of up to \$5,000.

§ 10.5 Disclosure of requested information to individuals.

(a) When a system manager has determined, in response to a request, that information pertaining to an individual is contained in a system of records under his control and is not exempt from disclosure to that individual, and when the individual has satisfactorily identified himself, immediate access to the record or records in question will normally be provided. When for any reason immediate access cannot be provided, the system manager shall arrange with the individual for access at a mutually acceptable time and place or for copying of the record or records in question. In the event that access cannot be granted within 10 working days following a request, the individual shall be advised in writing of the circumstances causing the delay.

(b) Illustrative of the circumstances that can reasonably be anticipated to cause delay in granting an individual access to his records or information pertaining to him are: physical inaccessibility of the record, volume of material involved, number of requests pending with the system manager, need to extract from a record information which is exempt from disclosure or which pertains to other individuals, and need to consult with other agencies having a substantial interest in determinations involved with the request.

(c) The decision by a system manager to deny an individual access to his record or to information pertaining to him shall not be considered a final agency decision unless it has been reviewed and confirmed in writing by the Agency Records Officer.

(d) An individual who is granted access to his record or to information pertaining to him may, upon request, be accompanied by a person of his choosing provided he has furnished the system manager with a written statement authorizing disclosure of the record or information to such person.

(e) An individual may be granted access to copies of a record rather than to the record itself when such record is not maintained at, or cannot be transferred to, a location which is accessible to the individual. Copies prepared at the request of the individual are subject to payment of the fees prescribed in § 10.11. No fee will be charged the individual for copies prepared at the election of the agency unless the individual declines to return such copies at the agency's request.

(f) No individual shall be permitted to inspect original agency records except under the immediate supervision of the system manager or his designee.

§ 10.6 Special procedures: Medical records.

(a) Medical records pertaining to an individual, including psychological records which are not subject to paragraph (b) of this section, may be disclosed to the individual only after the Health Director or his designee has determined that such disclosure would not be likely to have an adverse effect upon the individual to whom they pertain. Upon written request from an individual, however, medical records which are not otherwise exempt from disclosure may be reviewed by a licensed medical practitioner designated by the individual.

(b) Psychological records which are maintained on students by the Division of Schools may be disclosed to the individual to whom they pertain, or to the parent or legal guardian of such individual, only to the extent that the Superintendent of Schools or his designee determines that such disclosure would not be likely to have an adverse effect upon the individual to whom they pertain.

§ 10.7 Request for correction or amendment to record.

After an individual has inspected a record pertaining to him, he may apply in writing to the Agency Records Officer,

Box M, Balboa Heights, Canal Zone, for the correction or amendment of any portion of such record which he believes is not accurate, timely, relevant, or complete. The envelope and the letter containing such request shall be clearly marked with the words "Privacy Act Request for Amending Records" and the letter shall set forth with reasonable specificity the record or portion of the record concerned, the correction or amendment desired, and the reasons therefor, together with any other information which may be necessary for proper processing of the request.

§ 10.8 Agency review of requests for correction or amendment of record.

(a) Within 10 working days after receipt of a request for correction or amendment of a record, the Agency Records Officer or his designee shall acknowledge receipt of the request and advise the individual making the request of either (1) the initial agency decision or (2) the date by which an initial agency decision can be expected.

(b) When all or part of the individual's request is approved, the Agency Records Officer or the system manager will so advise the individual. The system manager will be responsible for correcting the record and, where an accounting of disclosures has been maintained, for advising all previous recipients of the record that the correction has been made.

(c) Where after initial review all or part of the individual's request is disapproved, the Agency Records Officer or the system manager will:

(1) Advise the individual of this determination and the reasons therefor, including any criteria for determining accuracy which were employed in the review;

(2) Inform the individual that he may request a further review by the Lieutenant Governor of the Canal Zone (Vice President, Panama Canal Company) or by some other specified official in cases where the initial determination is based upon advice from another agency; and

(3) Describe the procedures to be followed in obtaining such review.

§ 10.9 Appeal of initial adverse agency determination on correction or amendment.

(a) An individual whose request for correction or amendment of a record has been denied in whole or in part may obtain review of such denial by the Lieutenant Governor of the Canal Zone (Vice President, Panama Canal Company). Requests for review must be in writing and must be clearly marked on the exterior and in the text with the words "Privacy Act Appeal".

(b) Following receipt of a request, the Lieutenant Governor-Vice President shall direct such review as he deems appropriate and shall make a final agency determination within 30 working days from the date of the request.

(c) If the Lieutenant Governor-Vice President concurs in the refusal to amend the record, he will advise the individual of such refusal and the reasons therefor, and that:

(1) Such determination is a final agency action;

(2) The individual may file a concise statement setting forth his reasons for disagreeing with the determination, and any procedures to be followed in submitting such a statement;

(3) Such statement, if submitted, will be made available to anyone to whom the record is subsequently disclosed and to any prior recipients of the disputed record (to the extent that an accounting of disclosures has been maintained), together with any summary of the agency's position which is considered appropriate; and

(4) The individual may seek judicial review of the agency's refusal to amend a record, in accordance with 5 U.S.C. 552 a(g).

(d) If the Lieutenant Governor-Vice President determines that the record should be amended in accordance with the individual's request, he will so advise the individual. The system manager will be responsible for correcting the record and, where an accounting of disclosures has been maintained, for advising all previous recipients of the record that such correction has been made.

(e) The 30-day period specified in paragraph (b) of this section may be extended by the Governor for good cause shown. When additional time is required, the individual shall be advised in writing of the reason for the delay and the approximate date on which the review will be completed.

(f) When an individual elects to file with the agency a statement of disagreement with the denial of his request for amendment of a record, the system manager shall cause the disputed portion of the record to be clearly marked. Thereafter, copies of the statement of disagreement shall be provided to anyone to whom the record is subsequently disclosed and to any prior recipients of the disputed record (to the extent that an accounting of disclosures has been maintained), together with any summary of the agency position which is deemed appropriate.

§ 10.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Except as provided in this section or as required by other applicable law, information on an individual which is maintained in a system of records under the control of the Panama Canal Company and Canal Zone Government may not be released to anyone other than the individual to whom it pertains without the prior written consent of that individual.

(b) Pursuant to 5 U.S.C. 552a, information pertaining to an individual may be disclosed:

(1) Upon written request by the individual (5 U.S.C. 552a(b));

(2) To the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, where such person is acting on the individual's behalf (5 U.S.C. 552a(h));

(3) To officers and employees of the Panama Canal Company and Canal Zone Government having a need for such information in the performance of their duties (5 U.S.C. 552a(b)(1));

(4) As required under the Freedom of Information Act (5 U.S.C. 552) (5 U.S.C. 552a(b)(2));

(5) For a routine use as described for all systems of records in Appendix A and for specific systems of records in the Notice of Systems of Records published in the FEDERAL REGISTER (5 U.S.C. 552a(b)(3));

(6) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13, U.S. Code (5 U.S.C. 552a(b)(4));

(7) To a recipient who has provided advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable (5 U.S.C. 552a(b)(5));

(8) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value (5 U.S.C. 552a(b)(6));

(9) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request specifying the particular portion desired and the law enforcement activity for which the record is sought (5 U.S.C. 552a(b)(7));

(10) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual (5 U.S.C. 552a(b)(8));

(11) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee (5 U.S.C. 552a(b)(9));

(12) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office (5 U.S.C. 552a(b)(10));

(13) Pursuant to the order of a court of competent jurisdiction (5 U.S.C. 552a(b)(11)).

(c) The system manager or his designee shall maintain an accounting of each disclosure of personal information from a system of records under his control, except where such disclosure is made pursuant to paragraphs (b)(3) or (b)(4) of this section. Such accounting shall include the date, nature, and purpose of each such disclosure and the name and address of the person or agency to whom the disclosure is made. This accounting shall be retained for the life of the record, but in no instance for less

than five years following the disclosure. Except with respect to disclosures made pursuant to paragraph (b)(9) of this section, the accounting shall be made available to an individual named in the record to which it pertains, in accordance with the procedures specified in § 10.5, unless the record is exempt from disclosure pursuant to § 10.13 or § 10.14.

§ 10.11 Fees.

(a) The fee for the first copy of a record or any portion thereof furnished an individual pursuant to a request under this part shall be that provided in § 9.5 (a)(1) of this title for copies of documents furnished under the Freedom of Information Act. Additional copies of a record or any portion thereof shall be provided at the photocopy reproduction rate set forth in the official tariff of the Panama Canal Company and the Canal Zone Government.

(b) The cost of regular or airmail postage, insurance, and special delivery or certified mail fees may also be charged to the individual where transmission of records to places off the Isthmus is required and where such cost exceeds \$1.00.

(c) A request for copies of records or portions thereof which is expected to involve fees in excess of \$50 will not be deemed to have been received until the requester has been advised of the anticipated cost and has agreed in writing to pay it.

§ 10.12 Penalties.

Subsections (g) and (i) of 5 U.S.C. 552a provide civil remedies and criminal penalties for noncompliance with provisions of the Privacy Act of 1974 (Pub. L. 93-579) or regulations promulgated thereunder. Adverse or disciplinary action also may be taken against any officer or employee who willfully or negligently fails to comply with the requirements of the act or the regulations in this part.

§ 10.13 General exemptions.

(a) Activities pertaining to the enforcement of criminal laws are performed as the principal function of the Internal Security Office and the following components of the Civil Affairs Bureau: Canal Protection Division, Customs Division, Police Division, and Probation and Parole Unit. Identification of individuals who are (or are not) the subjects of investigative files, disclosure to such individuals of the contents of such files and of the persons or agencies to whom such contents may have been transmitted, and the imposition of certain restrictions on the manner in which investigatory data is collected, verified, or retained could be expected to preclude the apprehension or the successful prosecution of persons engaged in criminal activity. Accordingly, the following systems of records maintained by the aforementioned agency components shall be exempt, pursuant to 5 U.S.C. 552a(j), from subsections (c) (3) and (4), (d), (e) (1) through (3), (e) (4) (G) through (I), (e) (5), (e) (8), (f) through (h), and (o) of 5 U.S.C. 552a and from the procedures for access and con-

test set forth in §§ 10.3 through 10.9 of this part:

- (1) Vital Installation Access Files, PCC-CZG/CACP-1;
 - (2) State Department Visa Lookout Book, PCC-CZG/CACU-1;
 - (3) Immigration and Naturalization Service Lookout Book, PCC-CZG/CACU-2;
 - (4) Customs Fugitive Records, PCC-CZG/CACU-3;
 - (5) Cardex File—Smuggling; Narcotics; Violators or Suspects and Fugitives, PCC-CZG/CACU-4;
 - (6) Cardex File—Vehicle Exporters, PCC-CZG/CACU-5;
 - (7) Cardex File—Contraband Violations, PCC-CZG/CACU-6;
 - (8) Seamen's Locator List, PCC-CZG/CACU-7;
 - (9) Law Enforcement Case Report Files, PCC-CZG/CAPL-1;
 - (10) Police Headquarters Confidential Files, PCC-CZG/CAPL-2;
 - (11) Detective Confidential Files, PCC-CZG/CAPL-3;
 - (12) Convict Files, PCC-CZG/CAPL-4;
 - (13) Prisoner Record Cards, PCC-CZG/CAPL-5;
 - (14) Police Photo Files, PCC-CZG/CAPL-6;
 - (15) Fingerprint File, PCC-CZG/CAPL-7;
 - (16) Pending Detective Investigation Records, PCC-CZG/CAPL-8;
 - (17) Informant Name File, PCC-CZG/CAPL-9;
 - (18) Master Name File, PCC-CZG/CAPL-10;
 - (19) Youth Unit Drug Abuse File, PCC-CZG/CAPL-11;
 - (20) Youth Unit Name Index File, PCC-CZG/CAPL-12;
 - (21) Probation and Parole Unit Child Custody Reports, PCC-CZG/CAPR-1;
 - (22) Presentence and Pre-parole Investigative Reports, PCC-CZG/CAPR-2;
 - (23) Probation and Parole Unit Statistical File, PCC-CZG/CAPR-3;
 - (24) Personnel Security Files, PCC-CZG/ISO-1;
 - (25) Confidential Sources and Contacts, PCC-CZG/ISO-2;
 - (26) Card Index System, PCC-CZG/ISO-3;
 - (27) Index of Contractor Employees, PCC-CZG/ISO-4;
 - (28) Biographical Data Cards, PCC-CZG/ISO-5;
 - (29) Biographical Data Files, PCC-CZG/ISO-6;
- (b) Individuals may not obtain access under this part to information contained in any system of records when such information is identified as having been obtained from a system of records that has been exempted by any agency from the provisions of 5 U.S.C. 552a(d) by authority of 5 U.S.C. 552a(j).

§ 10.14 Specific exemptions.

(a) The following systems of records shall be exempt, pursuant to 5 U.S.C. 552a(k), from subsections (c) (3), (d), (e) (1), (e) (4) (G) through (I), and (f) of 5 U.S.C. 552a and from the procedures for access and contest set forth in §§ 10.3 through 10.9 of this part;

(1) Systems containing material which has been properly classified in accordance with Part 60 of this title, because its disclosure could reasonably be expected to cause damage to the national security:

- (i) Personnel Security Files, PCC-CZG/ISO-1;
- (ii) Confidential Sources and Contacts, PCC-CZG/ISO-2;
- (iii) Card Index System, PCC-CZG/ISO-3;
- (iv) Biographical Data Files, PCC-CZG/ISO-6.

(2) Systems consisting of investigatory material compiled for law enforcement purposes, because disclosure could be expected to impede the investigatory process, reveal the identities of confidential sources, or prevent the detection of unlawful actions:

- (i) Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1;
- (ii) Vital Installation Access Files, PCC-CZG/CACP-1;
- (iii) State Department Visa Lookout Book, PCC-CZG/CACU-1;
- (iv) Immigration and Naturalization Service Lookout Book, PCC-CZG/CACU-2;
- (v) Customs Fugitive Records, PCC-CZG/CACU-3;
- (vi) Cardex File—Smuggling; Narcotics; Violators or Suspects and Fugitives, PCC-CZG/CACU-4;
- (vii) Cardex File—Vehicle Exporters, PCC-CZG/CACU-5;
- (viii) Cardex File—Contraband Violations, PCC-CZG/CACU-6;
- (ix) Seamen's Locator List, PCC-CZG/CACU-7;
- (x) Driver's License Investigatory File, PCC-CZG/CALS-7;
- (xi) Law Enforcement Case Report Files, PCC-CZG/CAPL-1;
- (xii) Police Headquarters Confidential Files, PCC-CZG/CAPL-2;
- (xiii) Detective Confidential Files, PCC-CZG/CAPL-3;
- (xiv) Convict Files, PCC-CZG/CAPL-4;
- (xv) Prisoner Record Cards, PCC-CZG/CAPL-5;
- (xvi) Police Photo Files, PCC-CZG/CAPL-6;
- (xvii) Fingerprint File, PCC-CZG/CAPL-7;
- (xviii) Pending Detective Investigation Records, PCC-CZG/CAPL-8;
- (xix) Informant Name File, PCC-CZG/CAPL-9;
- (xx) Master Name File, PCC-CZG/CAPL-10;
- (xxi) Youth Unit Drug Abuse File, PCC-CZG/CAPL-11;
- (xxii) Youth Unit Name Index File, PCC-CZG/CAPL-12;
- (xxiii) Probation and Parole Unit Child Custody Reports, PCC-CZG/CAPR-1;
- (xxiv) Presentence and Pre-parole Investigative Reports, PCC-CZG/CAPR-2;
- (xxv) Probation and Parole Unit Statistical File, PCC-CZG/CAPR-3;
- (xxvi) Mail Covers, PCC-CZG/CAPS-1;
- (xxvii) Claims Investigation Files,

PCC-CZG/CAPS-2;

(xxviii) Personnel Investigation Records, PCC-CZG/CZPB-3;

(xxix) Embezzlements, Burglaries, and Cash Shortages, PCC-CZG/FVAC-1;

(xxx) Claims Files, PCC-CZG/FVAK-1;

(xxxi) Cash Audit Files, PCC-CZG/FVGA-1;

(xxxii) EEO Counselling and Investigation File, PCC-CZG/GVEO-2;

(xxxiii) Medical Administration System—Exempt, PCC-CZG/HL-2;

(xxxiv) Personnel Security Files, PCC-CZG/ISO-1;

(xxxv) Confidential Sources and Contacts, PCC-CZG/ISO-2;

(xxxvi) Card Index System, PCC-CZG/ISO-3;

(xxxvii) Index of Contractor Employees, PCC-CZG/ISO-4;

(xxxviii) Biographical Data Cards, PCC-CZG/ISO-5;

(xxxix) Biographical Data Files, PCC-CZG/ISO-6;

(xl) Housing Complaint File, PCC-CZG/SC-2.

(3) [Reserved]

(4) Systems used only for statistical research or reporting purposes and not used in making any determinations about identifiable individuals:

(i) Minority Group Designator Records, PCC-CZG/PR-11.

(5) Systems consisting of investigatory material compiled to determine suitability, eligibility or qualifications for employment, security clearance, or participation in Federal contracts, to the extent that disclosure would reveal the identity of confidential sources:

(i) Merit System Recruiting, Examining, and Placement Records, PCC-CZG/CZPB-1;

(ii) Appeals, Grievances, Complaints, and Requests for Assistance, PCC-CZG/CZPB-2;

(iii) Personnel Investigation Records, PCC-CZG/CZPB-3;

(iv) Embezzlements, Burglaries, and Cash Shortages, PCC-CZG/FVAC-1;

(v) Personnel Security Files, PCC-CZG/ISO-1;

(vi) Confidential Sources and Contacts, PCC-CZG/ISO-2;

(vii) Card Index System, PCC-CZG/ISO-3;

(viii) Index of Contractor Employees, PCC-CZG/ISO-4;

(ix) Biographical Data Files, PCC-CZG/ISO-6;

(x) Recruiting and Placement Records, PCC-CZG/PR-5.

(6) Systems containing testing or examination material used to determine individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fairness of the testing or examination process:

(i) Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1;

(ii) Merit System Recruiting, Examining, and Placement Records, PCC-CZG/CZPB-1;

(iii) Marine License Files, PCC-CZG/MRBLI-1;

(iv) Admeasurer Examination File, PCC-CZG/MRPA-1.

(b) Information in any other system of records which meets one or more of the criteria for exemption specified in paragraph (a) of this section or in subsection (k) of 5 U.S.C. 552a shall be deemed to be part of a system of records which is exempt from disclosure pursuant thereto.

(c) Information contained in a system of records listed under paragraph (a) (2) of this section which is used to deny to an individual any right, privilege, or benefit to which he would otherwise be entitled by law or for which he would otherwise be eligible shall be disclosed to such individual pursuant to §§ 10.5 or 10.6 except to the extent that such disclosure would reveal the identity of a confidential source.

APPENDIX A—GENERAL ROUTINE USES

Information pertaining to individuals which is maintained in any system of records under the control of the Panama Canal Company or Canal Zone Government is subject to disclosure, as a routine use of such information, to any of the following persons or agencies under the circumstances described:

1. Information indicating a violation or potential violation of law (whether civil, criminal, or regulatory in nature, and whether involving a statute or regulation or a rule or order issued pursuant thereto) may be referred to the federal, state, local, foreign, or international agency charged with investigating or prosecuting such violations or charged with implementing or enforcing the particular statute, or regulations, rule, or order, which is pertinent thereto.

2. Information which has a bearing on matters which may be in dispute may be disclosed in the course of presenting evidence or argument to a court or administrative tribunal, a judicial official, or counsel for a party in connection with litigation or administrative proceedings in which the agency, or its officers or employees, are or may become involved.

3. Information may be provided to persons or agencies from whom information is solicited, to the extent necessary to elicit facts which may be relevant to a financial audit or an agency decision to hire or retain an employee, issue a security clearance, award a contract, grant a license, or otherwise provide a benefit or incur an obligation.

4. Information may be disclosed to a federal agency, in response to its request in a particular case or in a category of cases, in connection with that agency's (a) decision in a personnel matter; (b) financial audits and accounting; (c) issuance of a security clearance; (d) investigation of an individual employed or formerly employed by the Panama Canal Company or Canal Zone Government; or (e) decision to award a contract, grant a license, or otherwise provide a benefit or incur an obligation.

5. Information may be supplied in response to an inquiry from a Member of Congress on behalf of an individual or, at any stage of the legislative coordination and clearance process, to the Office of Management and Budget in connection with the review of private relief legislation.

6. Information which has a bearing on the qualifications of professional personnel (such as architects, attorneys, engineers, medical practitioners, pilots, and teachers)

who have been employed by the agency or have had professional dealings with the agency may be provided to the appropriate authorities such as professional licensing and certifying boards and grievance committees.

[FR Doc. 75-25806 Filed 9-25-75; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 155]

PROTECTION OF PRIVACY IN THE PROCUREMENT PROCESS

This amendment of the Federal Procurement Regulations provides policies, procedures, a solicitation notification, and a contract clause which implement the Privacy Act of 1974, (Pub. L. 93-579, December 31, 1974, 5 U.S.C. 552a), and OMB Circular No. A-108. The amendment concerns the application of the Privacy Act to the design, development, or operation of any system of records on individuals to accomplish an agency function when the operation of the system is undertaken by a contractor under a contract with a Government agency.

PART 1-1—GENERAL

The table of contents for Part 1-1 is amended by adding the following entries:

Subpart 1-1.3—General Policies

Sec.	
1-1.324	[Reserved]
1-1.325	[Reserved]
1-1.326	[Reserved]
1-1.327	Protection of the privacy of individuals.
1-1.327-1	General.
1-1.327-2	Definitions.
1-1.327-3	Statutory requirements.
1-1.327-4	Applicability.
1-1.327-5	Procedures.

Subpart 1-1.3—General Policies

Subpart 1-1.3 is amended by adding the following sections:

§ 1-1.324	[Reserved]
§ 1-1.325	[Reserved]
§ 1-1.326	[Reserved]
§ 1-1.327	Protection of the privacy of individuals.
§ 1-1.327-1	General.

This section implements the Privacy Act of 1974 (Pub. L. 93-579, December 31, 1974; 5 U.S.C. 552a), and OMB Circular No. A-108, July 9, 1975. In enacting this legislation, Congress stated that "the right to privacy is a personal and fundamental right protected by the Constitution of the United States." The Privacy Act concerns rights of a citizen or a resident alien under the Act and does not extend to the rights of proprietorships in their business capacity, partnerships, businesses, or corporations.

§ 1-1.327-2 Definitions.

As used herein, the following terms have the meanings set forth below:

(a) The term "agency" means any executive department, military department,

Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) The term "maintain" includes maintain, collect, use, or disseminate.

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(e) The term "system of records on individuals" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(f) The term "operation of a system of records" means performance of any of the activities associated with maintaining the system of records, including the collection, use, and dissemination of records.

(g) The term "the Act" means the Privacy Act of 1974 (Pub. L. 93-579, December 31, 1974).

§ 1-1.327-3 Statutory requirements.

(a) The purpose of the Act as it pertains to Government contracts is to guard the individual's right of privacy whenever an agency system of records on individuals is operated under contract and not by the agency. The individual's privacy is ensured by requiring the contractor to observe all the rules on privacy that apply to the agency which awards the contract. Except as otherwise provided by law, Federal agencies must maintain (see § 1-1.327-2(c)) any record of identifiable information on individuals in a manner that meets the following criteria. The action must be for a necessary and lawful purpose, the information must be current and accurate for its intended use, and adequate safeguards must be provided to prevent misuse of such information. Each agency that maintains a system of records on individuals is required, among other things, to establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records on individuals, or in maintaining any record. Further, each agency is required to instruct each person involved regarding the rules and requirements of Section 3 of the Act (5 U.S.C. 552a), including any rules and procedures adopted by the agency pursuant to Section 3 and the civil and criminal penalties for noncompliance.

(b) The paragraph in Section 3 of the Act which pertains to Government contracts states as follows:

(m) **GOVERNMENT CONTRACTORS.**—When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section [Section 3 of the Privacy Act and the agency's implementing regulations] to be applied to such system. For purposes of subsection (1) of this section [the criminal sanctions set forth in 5 U.S.C. 552a(1)], any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section [September 27, 1975], shall be considered to be an employee of an agency.

However, the criminal penalties of the Act do not extend to contractors or their employees who design or develop systems of records pursuant to a Government contract.

(c) An agency which, within the limits of its authority, fails to require that systems of records on individuals operated on its behalf under contracts be maintained in accordance with the Act may be civilly liable to individuals injured as a consequence of any subsequent failure to maintain records in conformance with the Act. Any officer or employee of the agency may be criminally liable for violations of the Act. The reference in the Act to the contractor and his employees as employees of the agency is intended only for the purposes of the criminal penalties of the Act and not to suggest that, by virtue of this language, they are employees for any other purposes.

§ 1-1.327-4 Applicability.

(a) Whenever a Federal agency contracts for the design, development, operation, or maintenance of a system of records on individuals on behalf of the agency in order to accomplish an agency function, the agency must apply the requirements of the Act to the contractor and his employees working on that contract. Systems of records on individuals operated under a contract which are designed to accomplish an agency function are deemed to be maintained by the agency and are subject to Section 3 of the Act.

(b) (1) In order to establish the applicability of the clause in § 1-1.327-5, it is necessary for the agency awarding a contract to determine whether a purpose of any system of records on individuals which may be involved is to accomplish an agency function. For the Act to be applicable, the contract need not have as its sole purpose the design, development, or operation of such a system of records, but the contract should specifically state whether it involves the design, development, or operation of a system of records. The Act is not applicable to a system of records used by a contractor as a result of his management discretion. For example, it is not applicable to systems of personnel records maintained by contractors on their own behalf.

(2) Illustrations of systems of records to which the Act applies include the following:

(i) The determinations on benefits are made by Federal agencies;

(ii) Records are maintained for administrative functions of a Federal agency, such as personnel and payroll; or

(iii) Health records are maintained by an outside contractor engaged to provide health services to agency personnel.

(3) Illustrations of systems of records to which the Act does not apply include the following:

(i) Records are maintained by the contractor on individuals whom the contractor employs in the process of providing goods and services to the Federal government; or

(ii) An agency contracts with a State or private educational organization to provide training, and the records generated on contract students pursuant to their attendance (admission forms, grade reports) are similar to those maintained on other students and are commingled with their records on other students.

§ 1-1.337-5 Procedures.

(a) All procurement requirements shall be reviewed to determine whether the design, development, or operation of a system of records on individuals to accomplish an agency function will be required, and the related contract shall identify specifically which of those functions is to be performed by the contractor. If the design, development, or operation of such a system is required, related solicitations and contracts shall include the notification set forth in § 1-1.337-5 (b) and the clause set forth in § 1-1.337-5(c). Pertinent implementing agency rules and regulations shall be made available in accordance with agency procedures. All contract work statements shall specifically identify (1) the system or systems of records and (2) the work to be performed by the contractor in terms of any one of the following: (i) design, (ii) development, or (iii) operation.

(b) The following notification shall be included in every solicitation and resulting contract, and in every contract awarded without a solicitation, when the statement of work requires the design, development, or operation of a system of records on individuals for an agency function:

PRIVACY ACT NOTIFICATION

This procurement action requires the contractor to do one or more of the following: design, develop, or operate a system of records on individuals to accomplish an agency function in accordance with the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 U.S.C. 552a) and applicable agency regulations. Violation of the Act may involve the imposition of criminal penalties.

(c) The following clause shall be included in every solicitation and resulting contract, and in every contract awarded without a solicitation, when the statement of work requires the design,

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development, or operation of a system of records on individuals to accomplish an agency function.

PRIVACY ACT

(a) The contractor agrees:

(1) To comply with the Privacy Act of 1974 and the rules and regulations issued pursuant to the Act in the design, development, or operation of any system of records on individuals in order to accomplish an agency function when the contract specifically identifies (i) the system or systems of records and (ii) the work to be performed by the contractor in terms of any one or combination of the following: (A) design, (B) development, or (C) operation;

(2) to include the solicitation notification contained in this contract in every solicitation and resulting subcontract and in every subcontract awarded without a solicitation when the statement of work in the proposed subcontract requires the design, development, or operation of a system of records on individuals to accomplish an agency function; and

(3) to include this clause, including this paragraph (3), in all subcontracts awarded pursuant to this contract which require the design, development, or operation of such a system of records.

(b) In the event of violations of the Act, a civil action may be brought against the agency involved where the violation concerns the design, development, or operation of a system of records on individuals to accomplish an agency function, and criminal penalties may be imposed upon the officers or employees of the agency where the violation concerns the operation of a system of records on individuals to accomplish an agency function. For purposes of the Act when the contract is for the operation of a system of records on individuals to accomplish an agency function, the contractor and any employee of the contractor is considered to be an employee of the agency.

(c) The terms used in this clause have the following meanings:

(1) "Operation of a system of records" means performance of any of the activities associated with maintaining the system of records including the collection, use, and dissemination of records.

(2) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(3) "System of records" on individuals means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1-4.4—Public Utilities

Section 1-4.410-5 is amended by adding paragraph (b) (3) as follows:

§ 1-4.410-5 Uniform clauses for utility service contracts.

(b) . . .

(3) Privacy Act. (see § 1-1.327-5(c)).

PART 1-7—CONTRACT CLAUSES

The table of contents for Part 1-7 is amended to add new entries as follows:

Sec.	
1-7.103-29	Privacy Act.
1-7.203-24	Privacy Act.
1-7.303-65	Privacy Act.
1-7.403-59	[Reserved]
1-7.403-60	Privacy Act.
1-7.703-24	Privacy Act.

Subpart 1-7.1—Fixed-Price Supply Contracts

Section 1-7.103 is amended to add § 1-7.103-29 as follows:

§ 1-7.103 Clauses to be used when applicable.

§ 1-7.103-29 Privacy Act.

Insert the clause prescribed by § 1-1.327-5 under the conditions set forth therein.

Subpart 1-7.2—Cost-Reimbursement Type Supply Contracts

Section 1-7.203 is amended to read as follows:

§ 1-7.203 Clauses to be used when applicable.

§ 1-7.203-24 Privacy Act.

Insert the clause prescribed by § 1-1.327-5 under the conditions set forth therein.

Subpart 1-7.3—Fixed-Price Research and Development Contracts

Section 1-7.303 is amended to read as follows:

§ 1-7.303 Clauses to be used when applicable.

§ 1-7.303-65 Privacy Act.

Insert the clause prescribed by § 1-1.327-5 under the conditions set forth therein.

Subpart 1-7.4—Cost-Reimbursement Type Research and Development Contracts

Section 1-7.403 is amended to read as follows:

§ 1-7.403 Clauses to be used when applicable.

§ 1-7.403-59 [Reserved]

§ 1-7.403-60 Privacy Act.

Insert the clause prescribed by § 1-1.327-5 under the conditions set forth therein.

Subpart 1-7.7—Transportation Contracts

Section 1-7.703 is amended to read as follows:

§ 1-7.703 Required clauses in transportation contracts.

§ 1-7.703-24 Privacy Act.

Insert the clause prescribed by § 1-1.327-5 under the conditions set forth therein.

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

Effective date. This amendment is effective September 27, 1975.

Dated: September 23, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

ARTHUR F. SAMPSON,
Administrator of General
Services.

[FR Doc. 75-25793 Filed 9-25-75; 8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Privacy Act Regulations

On August 26, 1975, the Department of the Interior published in the FEDERAL REGISTER (40 FR 37216-37223) proposed regulations to implement section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Interested persons were given until September 17, 1975, to submit comments on the proposed regulations.

No comments on the regulations have been received and, pursuant to the authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the regulations are hereby adopted with the following editorial corrections:

1. The cross reference in § 2.47 to 2.46 (f) (1) has been corrected to read § 2.46 (f).

2. The second sentence of § 2.63 (b) (4) was garbled in printing and has been corrected to read as follows: A request which does not state the amount of fees the requester is willing to pay will be treated as a request to inspect the requested records.

3. Section 2.79 (b) (6) listed the system number for the Special Investigations, Coal Mine Health and Safety System as Interior/MESA-3. The system number for this system should have been Interior/MESA-10 and the paragraph has been accordingly corrected.

4. Miscellaneous spelling and punctuation errors have been corrected.

The regulations, as adopted, are set forth below.

SEPTEMBER 20, 1975.

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

Subpart D—Privacy Act

Sec.	
2.45	Purpose and scope.
2.46	Definitions.
2.47	Records subject of Privacy Act.
2.48	Standards for maintenance of records subject to the Act.

- Sec. 2.49 Reserved.
- 2.50 FEDERAL REGISTER notices describing systems of records.
- 2.51 Assuring integrity of records.
- 2.52 Conduct of employees.
- 2.53 Government contracts.
- 2.54 Reserved.
- 2.55 Reserved.
- 2.56 Disclosure of records.
- 2.57 Accounting for disclosures.
- 2.58 Reserved.
- 2.59 Reserved.
- 2.60 Request for notification of existence of records: Submission.
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AUTHORITY: 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 483a; and 43 U.S.C. 1460.

Subpart D—Privacy Act

§ 2.45 Purpose and scope.

This subpart contains the regulations of the Department of the Interior implementing section 3 of the Privacy Act. Sections 2.47 through 2.57 describe the procedures and policies of the Department concerning maintenance of records which are subject to the Act. Sections 2.60 through 2.66 describe the procedure under which an individual may determine whether a system of records subject to the Act contains a record relating to him and the procedure under which he may seek access to that record, if one should exist. Sections 2.70 through 2.77 describe the procedure under which an individual may petition for amendment of a record subject to the Act relating to him. Section 2.79 lists records systems partially exempt from the Act.

§ 2.46 Definitions.

- (a) *Act*. As used in this subpart, "Act" means section 3 of the Privacy Act, 5 U.S.C. 552a.
- (b) *Bureau*. For purposes of this subpart, a "bureau" is any constituent bureau or office of the Department, including the Office of the Secretary and any other Departmental office.
- (c) *Individual*. As used in this subpart, "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(d) *Maintain*. As used in this subpart, the term "maintain" includes maintain, collect, use or disseminate.

(e) *Record*. As used in this subpart, "record" means any item, collection, or grouping of information about an individual that is maintained by the Department or a bureau thereof, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

(f) *System of records*. As used in this subpart, "system of records" means a group of any records under the control of the Department or a bureau thereof from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(g) *Medical records*. As used in this subpart, "medical records" means records which relate to the identification, prevention, cure or alleviation of any disease, illness or injury including psychological disorders, alcoholism and drug addiction.

(h) *Civil Service Commission personnel records*. As used in this subpart, "Civil Service Commission personnel records" means records maintained for the Civil Service Commission by the Department and used for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

(i) *Statistical records*. As used in this subpart, "statistical records" means records in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.

(j) *Routine use*. As used in this subpart, "routine use" means a use of a record for a purpose which is compatible with the purpose for which it was collected.

(k) *System notice*. As used in this subpart, "system notice" means the notice describing a system of records required by 5 U.S.C. 552a(e) (4) to be published annually in the FEDERAL REGISTER.

(l) *System manager*. As used in this subpart, "system manager" means the official designated in a system notice as having administrative responsibility for a system of records.

(m) *Departmental Privacy Act Officer*. As used in this subpart, "Departmental Privacy Act Officer" means the official in the Office of the Assistant Secretary-Management charged with responsibility for assisting the Assistant Secretary-Management in carrying out the functions which he is assigned in this subpart and for coordinating the activities of the bureaus of the Department in carrying out the functions which they are assigned in this subpart.

(n) *Bureau Privacy Act Officer*. As used in this subpart, "Bureau Privacy

Act Officer" means the official within each bureau assigned responsibility for bureau implementation of the Act and the regulations of this subpart.

§ 2.47 Records subject to Privacy Act.

The Privacy Act applies to all "records," as that term is defined in § 2.46(e), which the Department maintains in a "system of records," as that term is defined in § 2.46(f).

§ 2.48 Standards for maintenance of records subject to the Act.

(a) *Content of records*. Records subject to the Act shall contain only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive Order of the President.

(b) *Standards of accuracy*. Records subject to the Act which are used in making any determination about any individual shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making the determination.

(c) *Collection of information*. (1) Information which may be used in making determinations about an individual's rights, benefits, and privileges under Federal programs shall, to the greatest extent practicable, be collected directly from that individual.

(2) In deciding whether collection of information from an individual, as opposed to a third party source, is practicable, the following factors, among others, may be considered:

(i) Whether the nature of the information sought is such that it can only be obtained from a third party;

(ii) Whether the cost of collecting the information from the individual is unreasonable when compared with the cost of collecting it from a third party;

(iii) Whether there is a risk that information collected from third parties, if inaccurate, could result in an adverse determination to the individual concerned;

(iv) Whether the information, if supplied by the individual, would have to be verified by a third party; or

(v) Whether provisions can be made for verification, by the individual, of information collected from third parties.

(d) *Advice to individuals concerning uses of information*. (1) Each individual who is asked to supply information about himself which will be added to a system of records shall be informed of the basis for requesting the information, how it may be used, and what the consequences, if any, are of not supplying the information.

(2) At a minimum, the notice to the individual must state:

(i) The authority (whether granted by statute or Executive Order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(ii) The principal purpose or purposes for which the information is intended to be used;

(iii) The routine uses which may be made of the information; and

(iv) The effects on him, if any, of not providing all or any part of the requested information.

(3) (i) When information is collected on a standard form, the notice to the individual shall be on the form or on a tear-off sheet attached to the form or on a separate sheet, whichever is most practical.

(ii) When information is collected by an interviewer, the interviewer shall provide the individual with a written notice which the individual may retain. If the interview is conducted by telephone, however, the interviewer may summarize the notice for the individual and need not provide a copy to the individual unless the individual requests that a copy be mailed to him.

(iii) An individual may be asked to acknowledge, in writing, that he has been afforded the notice required by this section.

(e) *Records concerning activity protected by the First Amendment.* No record may be maintained describing how any individual exercises rights guaranteed by the First Amendment to the Constitution unless (1) expressly authorized by statute or by the individual about whom the record is maintained or (2) pertinent to and within the scope of an authorized law enforcement activity.

§ 2.49 [Reserved]

§ 2.50 Federal Register notices describing systems of records.

(a) The Privacy Act requires annual publication of a notice in the FEDERAL REGISTER describing each system of records subject to the Act, 5 U.S.C. 552a(e) (4).

(b) Each bureau shall notify the Departmental Privacy Act Officer, no later than August 1 of each year, of any modifications or amendments which are required in the then-current notice describing the system for which he is responsible.

(c) A bureau desiring to establish a new system of records or a new use for an existing system of records shall notify the Departmental Privacy Act Officer, no fewer than seventy-five (75) calendar days in advance.

§ 2.51 Assuring integrity of records.

(a) *Statutory requirement.* The Privacy Act requires that records subject to the Act be maintained with appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained, 5 U.S.C. 552a(e) (10).

(b) *Records maintained in manual form.* When maintained in manual form, records subject to the Privacy Act shall be maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:

(1) Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons. The warning shall also summarize the requirements of § 2.52 and state that the Privacy Act contains a criminal penalty for the unauthorized disclosure of records to which it applies.

(2) During working hours, (i) the area in which the records are maintained or regularly used shall be occupied by authorized personnel or (ii) access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(3) During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(4) Where a locked room is the method of security provided for a system, the bureau responsible for the system shall, no later than December 31, 1976, supplement that security by (i) providing lockable file cabinets or containers for the records or (ii) changing the lock or locks for the room so that they may not be opened with a master key. For the purposes of this paragraph, a master key is a key which may be used to open rooms other than the room containing records subject to the Privacy Act, unless those rooms are utilized by officials or employees authorized to have access to the records subject to the Privacy Act.

(c) *Records maintained in computerized form.* When maintained in computerized form, records subject to the Privacy Act shall be maintained, at a minimum, subject to safeguards based on those recommended in the National Bureau of Standard's booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of records in the system.

(d) *Civil Service Commission personnel records.* A system of records made up of Civil Service Commission personnel records shall be maintained under the security requirements set out in 5 CFR 293.108.¹

(e) *Bureau responsibility.* (1) The bureau responsible for a system of records shall be responsible for assuring that specific procedures are developed to assure that the records in the system for which it is responsible are maintained with security meeting the requirements of the Act and this section.

(2) These procedures shall be in writing and shall be posted or otherwise periodically brought to the attention of employees working with the records contained in the system.

§ 2.52 Conduct of employees.

(a) *Handling of records subject to the Act.* Employees whose duties require handling of records subject to the Privacy Act shall, at all times, take care

¹ [Text of 5 CFR 293.108 will be set out when that section is finalized by the Civil Service Commission.]

to protect the integrity, security and confidentiality of these records.

(b) *Disclosure of records.* No employee of the Department may disclose records subject to the Privacy Act unless disclosure is permitted under § 2.56 or is to the individual to whom the record pertains.

(c) *Alteration of records.* No employee of the Department may alter or destroy a record subject to the Privacy Act unless (1) such alteration or destruction is properly undertaken in the course of the employee's regular duties or (2) such alteration or destruction is required by a decision under §§ 2.70-2.75 or the decision of a court of competent jurisdiction.

(d) *Bureau responsibility.* The bureau responsible for a system of records shall be responsible for assuring that employees with access to the system are made aware of the requirements of this section and of 5 U.S.C. 552a(i)(1), which imposes criminal penalties for knowingly and willfully disclosing a record about an individual without the written request or consent of that individual unless disclosure is permitted under one of the exceptions listed in § 2.56 (b) and (c).

§ 2.53 Government contracts.

(a) *Required contract provisions.* When a contract provides for the operation by or on behalf of the Department of a system of records to accomplish a Department function, the contract shall, consistent with the Department's authority, cause the requirements of 5 U.S.C. 552a and the regulations contained in this subpart to be applied to such system.

(b) *System manager.* The head of the bureau responsible for the contract shall designate a regular employee of the bureau to be the manager for a system of records operated by a contractor.

§§ 2.54-2.55 [Reserved]

§ 2.56 Disclosure of Records.

(a) *Prohibition of disclosure.* No record contained in a system of records may be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

(b) *General exceptions.* The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:

(1) To those officers or employees of the Department who have a need for the record in the performance of their duties; or

(2) required by the Freedom of Information Act, 5 U.S.C. 552.

(c) *Specific exceptions.* The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:

(1) for a routine use as defined in § 2.46(j) which has been described in a systems notice published in the FEDERAL REGISTER;

(2) to the Bureau of the Census for purposes of planning or carrying out a

census or survey or related activity pursuant to the provisions of title 13, United States Code.

(3) to a recipient who has provided the System Manager responsible for the system in which the record is maintained with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(4) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(5) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought;

(6) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(7) to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(8) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(9) pursuant to the order of a court of competent jurisdiction.

(d) *Reviewing records prior to disclosure.* (1) Prior to any disclosure of a record about an individual, unless disclosure is required by the Freedom of Information Act, reasonable efforts shall be made to assure that the records are accurate, complete, timely and relevant for agency purposes.

(2) When a record is disclosed in connection with a Freedom of Information request made under Subpart B of this part and it is appropriate and administratively feasible to do so, the requester shall be informed of any information known to the Department indicating that the record may not be fully accurate, complete, or timely.

§ 2.57 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 specific exceptions provided by § 2.56 (c), an accounting shall be made.

(2) The accounting shall 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 shall 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 accountings.* (1) Except for accountings of disclosures made under § 2.56(c) (5), accountings of all disclosures of a record shall be made available to the individual to whom the record relates at his request.

(2) An individual desiring access to accountings of disclosures of a record pertaining to him shall submit his request by following the procedures of § 2.63.

(c) *Notification of disclosure.* When a record is disclosed pursuant to § 2.56(c) (9) as the result of the order of a court of competent jurisdiction, reasonable efforts shall be made to notify the individual to whom the record pertains as soon as the order becomes a matter of public record.

§§ 2.58-2.59 [Reserved]

§ 2.60 Request for notification of existence of records: Submission.

(a) *Submission of requests.* (1) (i) An individual desiring to determine under the Privacy Act whether a system of records contains records pertaining to him shall address his inquiry to the system manager having responsibility for the system unless the system notice describing the system prescribes or permits submission to some other official or officials.

(ii) If a system notice describing a system requires that an individual contact more than two officials concerning the existence of records in the system, an individual desiring to determine whether the system contains records pertaining to him may contact the system manager for assistance in determining which official is most likely to be in possession of records pertaining to that individual.

(2) If an individual desires to determine whether records pertaining to him are maintained in two or more systems, he shall make a separate inquiry concerning each system.

(b) *Form of request.* (1) An inquiry to determine whether a system of records contains records pertaining to an individual shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT INQUIRY."

(3) The request shall state that the individual is seeking information concerning records pertaining to himself and shall supply such additional identifying information, if any, as is called for in the system notice describing the system.

(4) If an individual has reason to believe that information pertaining to him or her may be filed under a name other than the name he or she is currently using (e.g., a maiden name), he or she shall include this information in the request.

§ 2.61 Requests for notification of existence of records: Action on.

(a) *Decisions on Request.* (1) An individual inquiring to determine whether a

system of records contains records pertaining to him shall be promptly advised whether or not the system does contain records pertaining to him unless (i) the records were compiled in reasonable anticipation of a civil action or proceeding or (ii) the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking.

(2) If the records were compiled in reasonable anticipation of a civil action or proceeding or the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking, the individual will be promptly notified that he is not entitled to notification of whether the system contains records pertaining to him.

(b) *Authority to deny requests.* A decision to deny a request for notification of the existence of records shall be made by the system manager responsible for the system of records concerning which inquiry has been made and shall be concurred in by the bureau Privacy Act officer for the bureau which maintains the system, provided, however that the head of a bureau may, in writing, require (1) that the decision be made by the bureau Privacy Act officer and/or (2) that his (the bureau head's) own concurrence in the decision be obtained.

(c) *Form of decision.* (1) No particular form is required for a decision informing and individual whether or not a system of records contains records pertaining to him.

(2) A decision declining to inform an individual whether or not a system of records contains records pertaining to him shall be in writing and shall state the basis for denial of the request and shall advise the individual that he may appeal the declination to the Assistant Secretary-Management pursuant to § 2.65 by writing to the Privacy Act Officer, Office of the Assistant Secretary-Management, U.S. Department of the Interior, Washington, D.C. 20240, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

§ 2.62 Requests for access to records.

The Privacy Act permits an individual, upon his request, to gain access to his record or to any information pertaining to him which is contained in a system and to review the record and have a copy made of all or any portion thereof in a form comprehensive to him. 5 U.S.C. 552a(d)(1). A request for access shall be submitted in accordance with the procedures in this subpart.

§ 2.63 Requests for access to records: Submission.

(a) *Submission of requests.* (1) (i) Requests for access to records shall be submitted to the system manager having responsibility for the system in which the records are maintained unless the system notice describing the system prescribes or permits submission to some other official or officials.

(ii) If a system notice describing a system requires that an individual contact more than two officials concerning

access to records in the system, an individual desiring to request access to records pertaining to him may contact the system manager for assistance in determining which official is most likely to be in custody of records pertaining to that individual.

(2) If an individual desires access to records maintained in two or more separate systems, he shall submit a separate request for access to the records in each system.

(b) *Form of request.* (1) A request for access to records subject to the Privacy Act shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT REQUEST FOR ACCESS."

(3) The request shall specify whether the requester seeks all of the records contained in the system which relate to him or only some portion thereof. If the requester seeks only a portion of the records which relate to him, the request shall reasonably describe the specific record or records sought.

(4) If the requester seeks to have copies of the requested records made, the request shall state the maximum amount of copying fees which the requester is willing to pay. A request which does not state the amount of fees the requester is willing to pay will be treated as a request to inspect the requested records. Requesters are further notified that under § 2.64(d) the failure to state willingness to pay fees as high as are anticipated by the Department will delay processing of a request.

(5) The request shall supply such identifying information, if any, as is called for in the system notice describing the system.

(6) Requests failing to meet the requirements of this paragraph shall be returned to the requester with a written notice advising the requester of the deficiency in the request.

§ 2.64 Requests for access to records: Initial decision.

(a) *Decisions on requests.* A request made under this subpart for access to a record shall be granted promptly unless (1) the record was compiled in reasonable anticipation of a civil action or proceeding or (2) the record is contained in a system of records which has been excepted from the access provisions of the Privacy Act by rulemaking.

(b) *Authority to deny requests.* A decision to deny a request for access under this subpart shall be made by the system manager responsible for the system of records in which the requested record is located and shall be concurred in by the bureau Privacy Act officer for the bureau which maintains the system, provided, however, that the head of a bureau may, in writing, require (1) that the decision be made by the bureau Privacy Act officer and/or (2) that his (the bureau head's) own concurrence in the decision be obtained.

(c) *Form of decision.* (1) No particular form is required for a decision granting access to a record. The decision shall,

however, advise the individual requesting the record as to where and when the record is available for inspection or, as the case may be, where and when copies will be available. If fees are due under § 2.64(d), the individual requesting the record shall also be notified of the amount of fees due or, if the exact amount has not been determined, the approximate amount of fees due.

(2) A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to Assistant Secretary-Management pursuant to § 2.65 by writing to Privacy Act Officer, Office of Assistant Secretary-Management, U.S. Department of the Interior, Washington, D.C. 20240, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(d) *Fees.* (1) No fees may be charged for the cost of searching for or reviewing a record in response to a request made under § 2.63.

(2) Fees for copying a record in response to a request made under § 2.63 shall be charged in accordance with the schedule of charges contained in Appendix A to this Part, unless the official responsible for processing the request determines that, in his opinion, reduction or waiver of fees is appropriate.

(3) Where it is anticipated that fees chargeable in connection with a request will exceed the amount the person submitting the request has indicated he is willing to pay, the official processing the request shall notify the requester and shall not complete processing of the request until the requester has agreed, in writing, to pay fees as high as are anticipated.

§ 2.65 Requests for notification of existence of records and for access to records: Appeals.

(a) *Right of appeal.* If an individual has been notified that he is not entitled to notification of whether a system of records contains records pertaining to him or has been denied access, in whole or part, to a requested record, that individual may appeal to the Assistant Secretary-Management.

(b) *Time for appeal.* (1) An appeal must be received by the Privacy Act Officer no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the initial decision on a request.

(2) The Assistant Secretary-Management may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the initial decision of the request.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial request and the decision on the request.

(2) The appeal shall contain a brief statement of the reasons why the ap-

pellant believes the decision on the initial request to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Office of the Assistant Secretary-Management, U.S. Department of the Interior, Washington, D.C. 20240.

(d) *Action on appeals.* (1) Appeals from decisions on initial requests made pursuant to §§ 2.61 and 2.63 shall be decided for the Department by the Assistant Secretary-Management after consultation with the Solicitor.

(2) The decision on an appeal shall be in writing and shall state the basis for the decision.

§ 2.66 Requests for access to records: Special situations.

(a) *Medical records.* (1) Medical records shall be disclosed to the individual to whom they pertain unless it is determined, in consultation with a medical doctor, that disclosure should be made to a medical doctor of the individual's choosing.

(2) If it is determined that disclosure of medical records directly to the individual to whom they pertain could have an adverse effect on that individual, the individual may designate a medical doctor to receive the records and the records will be disclosed to that doctor.

(b) *Inspection in presence of third party.* (1) An individual wishing to inspect records pertaining to him which have been opened for his inspection may, during the inspection, be accompanied by a person of his own choosing.

(2) When such a procedure is deemed appropriate, the individual to whom the records pertain may be required to furnish a written statement authorizing discussion of his record in the accompanying person's presence.

§§ 2.67-2.69 [Reserved]

§ 2.70 Amendment of records.

The Privacy Act permits an individual to request amendment of a record pertaining to him if he believes the record is not accurate, relevant, timely or complete. 5 U.S.C. 552a (d)(2). A request for amendment of a record shall be submitted in accordance with the procedures in this subpart.

§ 2.71 Petitions for amendment: Submission and form.

(a) *Submission of petitions for amendment.* (1) A request for amendment of a record shall be submitted to the system manager for the system of records containing the record unless the system notice describing the system prescribes or permits submission to a different official or officials. If an individual wishes to request amendment of records located in more than one system, a separate petition must be submitted to each system manager.

(2) A petition for amendment of a record may be submitted only if the individual submitting the petition has previously requested and been granted access to the record and has inspected or been given a copy of the record.

(b) *Form of petition.* (1) A petition for amendment shall be in writing and

shall specifically identify the record whose amendment is sought.

(2) The petition shall state, in detail, the reasons why the petitioner believes the record, or the portion thereof objectionable to him, is not accurate, relevant, timely or complete. Copies of documents or evidence relied upon in support of these reasons shall be submitted with the petition.

(3) The petition shall state, specifically and in detail, the changes sought in the record. If the changes involve rewriting of the record or portions thereof or involve adding new language to the record, the petition shall propose specific language to implement the changes.

§ 2.72 Petitions for amendment: Processing and initial decision.

(a) *Decisions on petitions.* In reviewing a record in response to a petition for amendment, the accuracy, relevance, timeliness and completeness of the record shall be assessed against the criteria set out in § 2.48. In addition, personnel records shall be assessed against the criteria for determining record quality published in the Federal Personnel Manual and the Departmental Manual addition thereto.

(b) *Authority to decide.* An initial decision on a petition for amendment may be made only by the system manager responsible for the system of records containing the challenged record and must, if he declines to amend the record as requested, be concurred in by the bureau Privacy Act officer for the bureau which maintains the system, provided, however, that the head of a bureau may, in writing, require (1) that the decision be made by the bureau Privacy Act officer and/or (2) that his (the bureau head's) own concurrence in the decision be obtained.

(c) *Acknowledgement of receipt.* Unless processing of a petition is completed within ten (10) days (Saturdays, Sundays and public legal holiday excepted), the receipt of the petition for amendment shall be acknowledged in writing by the system manager to whom it is directed.

(d) *Inadequate petitions.* (1) If a petition does not meet the requirements of § 2.71, the petitioner shall be so advised and shall be told what additional information must be submitted to meet the requirements of § 2.71.

(2) If the petitioner fails to submit the additional information within a reasonable time, his petition may be rejected. The rejection shall be in writing and shall meet the requirements of paragraph (e) of this section.

(e) *Form of decision.* (1) A decision on a petition for amendment shall be in writing and shall state concisely the basis for the decision.

(2) If the petitioned for amendment is rejected, in whole or part, the decision shall advise the petitioner that the rejection may be appealed to the Assistant Secretary-Management by writing to the Privacy Act Officer, Office of the Assistant Secretary-Management, U.S. Department of the Interior, Washington,

D.C. 20240, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(f) *Implementation of initial decision.* If a petitioned for amendment is accepted, in whole or part, the bureau maintaining the record shall:

(1) Correct the record accordingly and,

(2) Where an accounting of disclosures has been made pursuant to § 2.57 advise all previous recipients of the record that the correction was made and the substance of the correction.

§ 2.73 Petitions for amendments: Time limits for processing.

(a) *Acknowledgement of receipt.* The acknowledgement of receipt of a petition required by § 2.72(c) shall be dispatched not later than ten (10) days (Saturdays, Sundays and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record, unless a decision on the petition has been previously dispatched.

(b) *Decision on petition.* A petition for amendment shall be processed promptly. A determination whether to accept or reject the petitioned for amendment shall be made within no more than thirty (30) days (Saturdays, Sundays and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record.

(c) *Suspension of time limit.* The thirty (30) day time limit for a decision on a petition shall be suspended if it is necessary to notify the petitioner, pursuant to § 2.72(d), that additional information in support of the petition is required. Running of the thirty (30) day time limit shall resume on receipt of the additional information by the system manager responsible for the system containing the challenged record.

(d) *Extensions of time.* (1) The thirty (30) day time limit for a decision on a petition may be extended if the official responsible for making a decision on the petition determines that an extension is necessary for one of the following reasons:

(i) A decision on the petition requires analysis of voluminous record or records;

(ii) Some or all of the challenged records must be collected from facilities other than the facility at which the official responsible for making the decision is located.

(iii) Some or all of the challenged records are of concern to another bureau of the Department or another agency of the Federal Government whose assistance and views are being sought in processing the request.

(2) If the official responsible for making a decision on the petition determines that an extension is necessary, he shall promptly inform the petitioner of the extension and the date on which a decision is expected to be dispatched.

§ 2.74 Petitions for amendment: Appeals.

(a) *Right of appeal.* Where a petitioned-for amendment has been rejected, in whole or part, the individual submitting the petition may appeal the denial to Assistant Secretary-Management.

(b) *Time for appeal.* (1) An appeal must be received no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the decision on a petition.

(2) The Assistant Secretary-Management may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision on a petition.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial petition and the decision on that petition.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the petition to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Office of the Assistant Secretary-Management, U.S. Department of the Interior, Washington, D.C. 20240.

§ 2.75 Petitions for amendment: Action on appeals.

(a) *Authority.* Appeals from decisions on initial petitions for amendment shall be decided for the Department by the Assistant Secretary-Management, after consultation with the Solicitor, unless the record challenged by the initial petition is a Civil Service Commission personnel record maintained for the Commission by the Department. Appeals from decisions on initial petitions requesting amendment of Civil Service Commission records maintained for the Commission by the Department shall be transmitted by the Assistant Secretary-Management to the Director, Bureau of Manpower Information System, U.S. Civil Service Commission, for decision.

(b) *Time limit.* (1) A final determination on any appeal shall be made within thirty (30) days (Saturdays, Sundays and legal public holidays excepted) after receipt of the appeal.

(2) The thirty (30) day period for decision on an appeal may be extended, for good cause shown, by the Secretary of the Interior. If the thirty (30) day period is extended, the individual submitting the appeal shall be notified of the extension and of the date on which a determination on the appeal is expected to be dispatched.

(c) *Form of decision.* (1) The final determination on an appeal shall be in writing and shall state the basis for the determination.

(2) If the determination upholds, in whole or part, the initial decision rejecting the petitioned for amendment, the determination shall also advise the individual submitting the appeal:

(i) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the agency;

(ii) Of the procedure established by § 2.77 for the filing of the statement of disagreement;

(iii) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Department, a brief statement by the Department summarizing its reasons for refusing to amend the record;

(iv) That prior recipients of the challenged record will be provided a copy of any statement of dispute to the extent that an accounting of disclosure was maintained; and

(v) Of his or her right to seek judicial review of the Department's refusal to amend the record.

(3) If the determination reverses, in whole or part, the initial decision rejecting the petitioned for amendment, the system manager responsible for the system containing the challenged record shall be directed to:

(i) Amend the challenged record accordingly; and

(ii) If an accounting of disclosure has been made, advise all previous recipients of the record which was amended of the amendment and its substance.

§ 2.76 [Reserved]

§ 2.77 Statements of disagreement.

(a) *Filing of statements.* If the determination of the Assistant Secretary-Management under § 2.75 rejects in whole or part, a petitioned for amendment, the individual submitting the petition may file with the system manager for the system containing the challenged record a concise written statement setting forth the reasons for his disagreement with the determination of the Department.

(b) *Disclosure of statements.* In any disclosure of a record containing information about which an individual has filed a statement of disagreement under this section occurring after the filing of the statement, the disputed portion of the record will be clearly noted and the recipient shall be provided copies of the statement of disagreement. If appropriate, a concise statement of the reasons of the Department for not making the requested amendments may also be provided to recipient.

(c) *Maintenance of statements.* System managers shall develop procedures to assure that statements of disagreement filed with them shall be maintained in such a way as to assure dissemination of the statements to recipients of the records to which they pertain.

§ 2.78 [Reserved]

§ 2.79 Exemptions.

(a) *Criminal law enforcement records exempt under 5 U.S.C. 552a(f)(2).* Pursuant to 5 U.S.C. § 552a(j)(2) the following systems of records have been exempted from all of the provisions of 5 U.S.C. 552a and the regulations in this subpart except subsections (b), (c)(1),

and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11) and (l) of 5 U.S.C. 552a and the portions of the regulations in this subpart implementing these subsections:

(1) Investigative Case File System, Interior/FWS-20.

(2) Law Enforcement Services System, Interior/BIA-18.

(3) Law Enforcement Statistical Reporting System, Interior/NPS-19.

(b) *Law enforcement records exempt under 5 U.S.C. 552a(k)(2).* Pursuant to 5 U.S.C. 552a(k)(2), the following systems of records have been exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these subsections:

(1) Investigative Records, Interior/Office of the Secretary-6.

(2) Permits System, Interior/FWS-21.

(3) Criminal Case Investigation System, Interior/BLM-18.

(4) Civil Trespass Case Investigations, Interior/BLM-19.

(5) Employee Conduct Investigations, Interior/BLM-20.

(6) Special Investigations, Coal Mine Health and Safety, Interior/MESA-10.

(7) Employee Conduct Investigations, Interior/MESA-4.

(8) Employee Financial Irregularities, Interior/NPS-17.

(9) Trespass Cases, Interior/Reclamation-37.

(10) Litigation, Appeal and Case Files System, Interior/Office of the Solicitor-1 to the extent that it consists of investigatory material compiled for law enforcement purposes.

(c) *Investigatory records exempt under 5 U.S.C. 552a(k)(5).* Pursuant to 5 U.S.C. 552a(k)(5), the following systems of records have been exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these subsections:

(1) Applicant Files System, Interior/Office of the Secretary-29.

(2) National Research Council Grants Program, Interior/GS-9.

[FR Doc.75-25580 Filed 9-25-75;8:45 am]

Title 45—Public Welfare
CHAPTER VI—NATIONAL SCIENCE
FOUNDATION
PART 613—PRIVACY ACT
REGULATIONS
Implementation

This addition to Chapter VI of Title 45 of the Code of Federal Regulations implements 5 USC 552a(f) by setting forth rules and procedures for notification of the existence of records, obtaining copies of records and correction of records under the Privacy Act of 1974. A proposed regulation was published for comment in the FEDERAL REGISTER on July 29, 1975, 40 FR 31811, but no comments were received from members of the public. Any changes from the proposed regulation are editorial in nature, except that a few minor revisions have been made to

§ 613.3(a), including some changes in the list of systems requiring positive identification.

Section 613.6 exercises the Foundation's right to exempt certain investigatory materials from disclosure. The Foundation is claiming an exemption under 5 USC 552a(k)(5) with respect to the identity of persons supplying references for applicants for various types of NSF fellowships. Fellowships are considered to fall within the class of activities described in 5 USC 552a(k)(5), and it is considered imperative that reference reports be provided on a confidential basis. In practice, the exercise of this exemption will often require the withholding of the actual reference reports since the comments will in many cases reflect the identity of the reference. Confidentiality is needed to ensure that references are given with complete candor.

The Foundation is also claiming an exemption with respect to the identity of references of persons seeking employment with the Foundation. The reasons for this are substantially the same as maintaining fellowship references in confidence—the need for candor in response.

These regulations shall be effective on September 27, 1975.

Chapter VI of Title 45 of the Code of Federal Regulations is amended as follows:

1. The table of parts is revised to add the following entry: "613 Privacy Act Regulations"

2. Part 613 is added to read as follows:

- Sec.
613.1 Purpose and scope.
613.2 Procedures for notification of existence of records pertaining to individuals.
613.3 Procedures for requests for access to or disclosure of records pertaining to an individual.
613.4 Correction of records.
613.5 Disclosure of records to agencies or persons other than the individual to whom the record pertains.
613.6 Exemptions.

AUTHORITY: 5 USC 552a(f).

§ 613.1 Purpose and scope.

This part sets forth the National Science Foundation procedures under the Privacy Act of 1974 as required by 5 USC 552a(f). Internal guidance for NSF staff and other regulations implementing the Privacy Act are contained or will be contained in NSF Circulars.

§ 613.2 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 National Science Foundation are listed annually in the FEDERAL REGISTER as required by that Act. Any person who wishes to know whether a system of records contains a record pertaining to him may either appear in person at the NSF Management Analysis Office at 1800 G St., NW., Washington, D.C. 20550, on work days between the hours of 8:30 a.m. and 5:00 p.m. or may write to the NSF Privacy Act Officer, Assistant Director

for Administration, National Science Foundation, Washington, D.C. 20550. It is recommended that requests be made in writing, since in many cases it will take several days to ascertain whether a record exists.

(b) Requests for notification of the existence of a record should specifically identify the system of records involved and should state, if the requester is other than the individual to whom the record pertains, the relationship of the requester to that individual. (Note that requests will not be honored by the Foundation pursuant to the Privacy Act unless made (1) by the individual to whom the record pertains, (2) by such individual's parent if the individual is a minor, or (3) by such individual's legal guardian if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction). In cases where the NSF Notice of the System appearing in the Federal Register states that the system location is decentralized the special instruction in such notice pertaining to "Notification" and "Access" and "Content" must be followed.

(c) The Foundation 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 from the time any required identification is established, whichever is later.

§ 613.3 Procedures for requests for access to or disclosure of records pertaining to an individual.

(a) Any person may request review of records pertaining to him by appearing at the NSF Management Analysis Office at 1800 G Street, NW, Washington, D.C. on work days between the hours of 8:30 a.m. and 5:00 p.m. or by writing to the NSF Privacy Act Officer, Assistant Director for Administration, NSF, Washington, D.C. 20550. (See (b) and (c), below, for identification requirements.) The request should specifically identify the systems of records involved, and the request should include any special information specified in the notice of the system under "Notification" and "Access and Contest." The Foundation will strive either to make the record available within 15 working days of the request or to inform the requester of the need for additional identification or the tendering of fees (as specified in § 613.4(e)) within 15 working days; except that if the request for access was not preceded by a notification request as provided in § 613.2, then the 15-day period shall not begin until after such time as it has been determined that the record exists.

(b) In the case of persons making requests by appearing at the Foundation the amount of personal identification required will of necessity vary with the sensitivity of the record involved. Except as indicated below reasonable identification such as employment identification cards, drivers licenses, credit cards will normally be accepted as sufficient evidence of identity in the absence of any indications to the contrary. Records in the following systems of records, however, are consid-

ered to contain relatively sensitive and/or detailed personal information—

- Applicants to Committee on the Challenges of Modern Society Fellowship Program (NATO);
- Applicants for Employment;
- Confidential Statements of Employment and Financial Interests;
- Congressional Contact Files;
- Doctorate Records File;
- Earnings and Tax Statements;
- Employee Grievance and Appeals File;
- Employee Payroll Jackets;
- Equal Employment Opportunity Case File;
- Fellowship and Traineeship Filing System;
- Grants to Individuals;
- Health Service Medical Records;
- Intergovernmental Personnel Act Grant Jackets;
- Manpower Management Subsystem;
- Medical Examination Records for Service in Antarctica;
- Minority Applicants for Employment;
- Nominees for and Recipients of the National Medal of Science;
- NSF Payroll System;
- Official Passports;
- Official Personnel Folders;
- Presidential Internships in Science and Engineering;
- Science Education Participant Information Subsystem;
- Separated Employees Service Record (SF7);
- Student Science Training Program Participant Information;
- Time and Attendance Reports; and
- U.S. Antarctic Research Program Personal Information.

Accordingly, with respect to requests for records in these systems the Foundation reserves the right to require sufficient identification to identify positively the individual making the request. This might involve independent verification by the Foundation as by phone calls to determine whether an individual has made a request, personal identification by Foundation employees who know the individual, or such other means as are considered appropriate under the circumstances.

(c) A written request will be honored only if it contains the following certification before a duly commissioned notary public of any state or territory (or similar official if the request is made outside the United States):

I, _____, do hereby certify that I am the individual about whom the record requested in this letter pertains or that I am within the class of persons authorized to act on his behalf in accordance with 5 USC 552a(h).

(Signature)

(Date)

In the County of _____ State of _____

On this _____ day of _____, 19____,

(Name of Individual)

who is personally known to me, did appear before me and sign the above certificate.

(Signature)

(Date)

(S) My commission expires _____

However, where the record requested is contained in any of the systems of records listed in paragraph (b) of this sec-

tion, the Foundation reserves the right to require additional identification and/or to independently verify to its satisfaction the identity of the requester.

(d) Charges for copies of records will be at the rate of \$0.10 per photocopy of each page. Where records are not susceptible to photo-copying, e.g., punch cards, magnetic tapes or oversize materials, the amount charged will be actual cost as determined on a case-by-case basis. Only one copy of each record requested will be supplied. No charge will be made unless the charge as computed above would exceed \$3.00 for each request or related series of requests. If a fee in excess of \$25.00 would be required, the requester shall be notified and the fee must be tendered before the records will be copied.

§ 613.4 Correction of Records.

(a) Any individual is entitled to request amendments of records pertaining to him pursuant to 5 U.S.C. 552a(d) (2). Such a request shall be made in writing and addressed to the Privacy Act Officer, Assistant Director for Administration, National Science Foundation, Washington, D.C. 20550.

(b) The request should specify the record and systems of records involved, and should specify the exact correction desired and state that the request is made pursuant to the Privacy Act. An edited copy of the record showing the desired correction is desirable. Within 10 working days of the receipt of a properly addressed request (or within 10 working days of the time the Privacy Act Officer becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act), the Privacy Act Officer shall acknowledge receipt of the request.

(c) The Privacy Act Officer upon the receipt of such a request shall promptly confer with the Directorate or office within the Foundation responsible for the record. In the event it is felt that correction is not warranted in whole or in part, the matter shall be brought to the attention of the General Counsel. If, after review by the General Counsel and discussion with the requester if deemed helpful, it is determined that correction as requested is not warranted, a letter shall be sent by the Privacy Act Officer to the requester denying his request and/or explaining what correction might be made if agreeable to the requester. This letter shall set forth the reasons for the refusal to honor the request for correction. It shall also inform him of his right to appeal this decision and include a description of the appeals procedure set forth in paragraph (d), of this section.

(d) An appeal may be taken from an adverse determination under paragraph (c) of this section, to the Deputy Director of the Foundation. Such appeal must be made in writing and should clearly indicate that it is an appeal. The basis for the appeal should be included, and it should be mailed to the same address as listed in paragraph (a) of this section. A hearing at the Foundation may be requested. Such hearing will be informal,

and shall be before the Deputy Director or his designee. If no hearing is requested, the request for appeal should include the basis for the appeal. Where no hearing is requested the Deputy Director shall render his decision within thirty working days after receipt of the written appeal at the Foundation unless the Director, for good cause shown, extends the 30-day period and the appellant is advised in writing of such extension. If a hearing is requested, then the Foundation will attempt to contact the appellant within five working days and arrange a suitable time for the hearing. In such cases the decision of the Deputy Director shall be made within 30 working days after the hearing unless the time is extended and the appellant is advised in writing of such extension.

(e) The final decision of the Deputy Director in an appeal shall be in writing and, if adverse to the appellant, set forth the reasons for the refusal to amend the record and advise him of his right to appeal the decision under 5 U.S.C. 552a(g)(1)(A). The individual shall also be notified that he has the right to file with the Foundation a concise statement setting forth the reasons for his disagreement with the refusal of the Foundation to amend his record.

§ 613.5 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

Records subject to the Privacy Act that are requested by any person other than the individual to whom they pertain will not be made available except under the following circumstances:

(a) Records required to be made available by the Freedom of Information Act will be released in response to a request formulated in accordance with NSF regulations found at 45 CFR Part 612.

(b) Records not required by the Freedom of Information Act to be released may be released, at the discretion of the Foundation, if the written consent of the individual to whom they pertain has been obtained or if such release would be authorized under 5 USC 552a(b)(1) or (3)-(11).

§ 613.6 Exemptions.

(a) *Fellowships.* Pursuant to 5 USC 552a(k)(5), the Foundation hereby exempts from the application of 5 USC 552a(d) any materials which would disclose the identity of references of fellowship applicants contained in any of the following systems of records: (1) Fellowship and Traineeship Filing System and (2) Applicants to Committee on the Challenges of Modern Society Fellowship Program (NATO).

(b) *Applicants for Employment.* Pursuant to 5 USC 552a(k)(5), the Foundation hereby exempts from the application of 5 USC 552a(d) any materials which would disclose the identity of references of applicants for employment at NSF contained in the system of records entitled "Official Personnel Folders."

H. GUYFORD STEVER,
Director.

[FR Doc. 75-25642 Filed 9-25-75; 8:45 am]

Title 47—Telecommunication
CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION

[FCC 75-1053; Docket No. 20563]

PART 0—COMMISSION ORGANIZATION
Rules to Implement the Privacy Act of 1974

1. A Notice of Proposed Rule Making in this proceeding was released on August 5, 1975 (FCC 75-920, 40 FR 33239, August 7, 1975). The Notice proposed rules to implement the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a. Because no comments on the proposed rules were filed, they are hereby adopted as proposed. The final rules are set out below.

2. Authority for the rules is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a.

3. In view of the foregoing, *It is ordered*, effective September 27, 1975, That the amendments to Part 0 of the Rules set out below are adopted.

Secs. 4, 303, 49 Stat. as amended, 1066, 1082;
(47 U.S.C. 154, 303.)

Adopted: September 17, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, a new Subpart E is added, to read as follows:

Subpart E—Privacy Act Regulations

§ 0.551 Purpose and scope; definitions.

(a) The purpose of this subpart is to implement the Privacy Act of 1974, 5 U.S.C. 552(a), and to protect the rights of the individual in the accuracy and privacy of information concerning him which is contained in Commission records. The regulations contained herein cover any group of records under the Commission's control from which information about individuals is retrievable by the name of an individual or by some other personal identifier.

(b) In this subpart:

(1) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(2) "Record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including but not limited to, his education, financial transactions, medical history, and criminal or employment history, and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(3) "System of Records" means a group of records under the control of the Commission from which information is retrievable by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(4) "Routine Use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;

(5) "System Manager" means the Commission official responsible for the storage, maintenance, safekeeping, and disposal of a system of records.

§ 0.552 Notice identifying Commission systems of records.

The Commission annually publishes in the FEDERAL REGISTER a notice listing systems of records currently maintained by the Commission, including for each system of records:

(a) The name and location of the system;

(b) The categories of individuals on whom records are maintained in the system;

(c) The categories of records maintained in the system;

(d) Each routine use of the records contained in the system, including the categories of users and the purposes of such use;

(e) The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(f) The title and business address of the system manager;

(g) The address of the agency office to which inquiries should be addressed and the addresses of locations at which the individual may inquire whether a system contains records pertaining to himself;

(h) The agency procedures whereby an individual can be notified how access can be gained to any record pertaining to that individual contained in a system of records, and the procedure for correcting or contesting its contents; and

(i) The categories of sources of records in the system.

§ 0.553 New uses of information.

Before establishing a new routine use of a system of records, the Commission will publish a notice in the FEDERAL REGISTER of its intention to do so, and will provide at least 30 days for public comment on such use. The notice will contain:

(a) The name of the system of records for which the new routine use is to be established;

(b) The authority for the system;

(c) The categories of records maintained;

(d) The proposed routine use(s); and

(e) The categories of recipients for each proposed routine use.

§ 0.554 Procedures for requests pertaining to individual records in a system of records.

(a) Upon request, the Commission will notify an individual as to whether it maintains information about him or her in a system of records and, subject to the provisions of § 0.555(b), will disclose the substance of such information to that individual. In order to properly request notification or access to record information, reference must be made to the Notice described in § 0.552. A table

of contents, which is alphabetized by bureau or office, precedes the system descriptions and allows members of the public to easily identify record systems of interest to them. An individual may inquire into information contained in any or all systems of records described in the Notice. However, each inquiry shall be limited to information from systems located within a single bureau or office and shall be addressed to that bureau or office.

(b) Reasonable identification is required of all individuals making requests pursuant to Paragraph (a) of this section in order to assure that disclosure of any information is made to the proper person.

(1) An individual who chooses to register a request for information in person may verify his or her identity by showing any two of the following: social security card; drivers license; employee identification card; medicare card; birth certificate; bank credit card; or other positive means of identification. Documents incorporating a picture and/or signature of the individual shall be produced if possible. If an individual can provide no suitable document for identification, he will be required to sign a statement asserting his identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to \$5,000.

NOTE: An individual's refusal to disclose his social security number shall not constitute cause in and of itself, for denial of a request.

(2) All requests for record information sent by mail shall be signed by the requestor and shall include his printed name, current address and telephone number (if any). Commission officials receiving such requests will attempt to verify the identity of the requestor by comparing his or her signature to those in the record. If the record contains no signatures and if positive identification cannot be made on the basis of other information submitted, the requestor will be required to sign a statement asserting his identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to \$5,000.

(3) If positive identification cannot be made on the basis of the information submitted, and if data in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom the record pertains, the Commission reserves the right to deny access to the record pending the production of additional more satisfactory evidence of identity.

NOTE: The Commission will require verification of identity only where it has determined that knowledge of the existence of record information or its substance is not subject to the public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended.

(c) All requests for notification of the existence of record information or for access to such information shall be delivered to the business address of the system manager responsible for the system of records in question, except that requests relating to official personnel records shall be addressed to the Chief, Personnel Division. Such addresses can be found in the Notice described in § 0.552.

(d) A written acknowledgement of receipt of a request for notification and/or access will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual making the request. Such an acknowledgement may, if necessary, request any additional information needed to locate a record. A search of all systems of records identified in the individual's request will be made to determine if any records pertaining to the individual are contained therein, and the individual will be notified of the search results as soon as the search has been completed. Normally, a request will be processed and the individual notified of the search results within 30 days (excluding Saturdays, Sundays, and legal holidays) from the date the inquiry is received. However, in some cases, as where records have to be recalled from Federal Record Centers, notification may be delayed. If it is determined that a record pertaining to the individual making the request does exist, the notification will state approximately when the record will be available for personal review. No separate acknowledgement is required if the request can be processed and the individual notified of the search results within the ten-day period.

§ 0.555 Disclosure of record information to individuals.

(a) An individual having been notified that the Commission maintains a record pertaining to him or her in a system of records may request access to such record in one of three ways: by in person inspection at the system location; by transfer of the record to a nearer location; or by mail.

(1) Individuals who wish to review their records at the system location must do so during regular Commission business hours (8:00 a.m.—4:30 p.m., Monday through Friday). For personal and administrative convenience, individuals are urged to arrange to review a record by appointment. Preferences as to specific dates and times can be made by writing or calling the system manager responsible for the system of records in question at least two days in advance of the desired appointment date, and by providing a telephone number where the individual can be reached during the day in case the appointment must be changed. Verification of identity is required as in § 0.554(b)(1) before access will be granted an individual appearing in person. Individuals may be accompanied by a person of his or her own choosing when reviewing a record. However, in such cases, a written statement authorizing discussion of his or her rec-

ord in the presence of the accompanying person must be furnished. In addition, any disclosure of original Commission records must take place in the presence of a Commission representative having physical custody of the records.

(2) Individuals may request that a record be transferred to a Commission field office or installation in the vicinity of his or her home and that access be granted at that location. The addresses of Commission field offices are listed in § 0.121. A request to transfer records must specify the exact location where the records should be sent and a telephone number to call when the information is available for review at the field location. Paragraph (a)(1) of this section regarding personal appointments, verification of identity accompanying persons, and disclosure of original records applies equally to this paragraph.

(3) Individuals may request that copies of records be sent directly to them. In such cases, the individual must verify his or her identity as in § 0.554(b)(2) and provide an accurate return address. Records shall be sent only to that address.

(b) The disclosure of record information under this section is subject to the following limitations:

(1) Records containing medical information pertaining to an individual are subject to individual access under this section unless, in the judgment of the system manager having custody of the records after consultation with a medical doctor, access to such record information could have an adverse impact on the individual. In such cases, a copy of the record will be delivered to a medical doctor named by the individual.

(2) Classified material, investigative material compiled for law enforcement purposes, investigatory material compiled solely for determining suitability for federal employment or access to classified information, and certain testing or examination material shall be removed from the records to the extent permitted in the Privacy Act of 1974, 5 U.S.C. 552 (a). Section 0.561 of this subpart sets forth the systems of records maintained by the Commission which are either totally or partially exempt from disclosure under this subparagraph.

(c) No fee will be imposed if the number of pages of records requested is 25 or less. Requests involving more than 25 pages shall be submitted to the duplicating contractor (see § 0.456(a)).

(d) The provisions of this section in no way give an individual the right to access any information compiled in reasonable anticipation of a civil action or proceeding.

§ 0.556 Request to correct or amend records.

(a) An individual may request the amendment of information contained in his or her record. Except as otherwise provided in this paragraph, the request to amend should be submitted in writing to the system manager responsible for the records. Requests to amend the official personnel records of active FCC employees should be submitted to the Chief,

Personnel Division, Office of Executive Director, 1919 M Street NW., Washington, D.C. 20554. Requests to amend official personnel records of former FCC employees should be sent to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415. Any request to amend should contain, as a minimum:

(1) The identity verification information required by § 0.554(b)(2) and the information needed to locate the record as required by § 0.554(a).

(2) A brief description of the item or items of information to be amended; and

(3) The reason for the requested change.

(b) A written acknowledgement of the receipt of a request to amend a record will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual requesting the amendment. Such an acknowledgement may, if necessary, request any additional information needed to make a determination. There will be no acknowledgement if the request can be reviewed, processed, and the individual notified of compliance or denial within the 10 day period.

(c) The responsible system manager or, in the case of official personnel records of active FCC employees, the Chief, Personnel Division, shall (normally within 30 days) take one of the following actions regarding a request to amend:

(1) If the system manager agrees that an amendment to the record is warranted, he shall:

(i) So advise the individual in writing;
 (ii) Correct the record in compliance with the individual's request; and
 (iii) If an accounting of disclosures has been made, advise all previous recipients of the fact that the record has been corrected and of the substance of the correction.

(2) If the system manager, after an initial review, does not agree that all or any portion of the record merits amendment, he shall:

(i) Notify the individual in writing of his refusal to amend and the reasons therefore;

(ii) Advise the individual that he may seek further administrative review of the initial decision by the full Commission pursuant to the procedures set forth in § 0.557. (In cases where the request to amend involves official personnel records, review is available exclusively from the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, Washington, D.C. 20415); and

(iii) Inform the individual of the procedures for requesting Commission review pursuant to § 0.557.

(d) In reviewing a record in response to a request to amend, the system manager shall assess the accuracy, relevance, timeliness, or completeness of the record in light of each data element placed into controversy and the use of the record in making decisions that could possibly affect the individual. Moreover, he shall adjudge the merits of any request to delete information based on whether or

not the information in controversy is both relevant and necessary to accomplish a statutory purpose required of the Commission by law or executive order of the President.

§ 0.557 Administrative review of an initial decision not to amend a record.

(a) An individual has 30 days from the date of the determination not to amend a record consistent with his or her request to seek further administrative review by the full Commission. Such a request shall be in writing and should be addressed to either the system manager who made the initial adverse decision, or, in the case of official personnel records of active FCC employees, to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, Washington, D.C. 20415. Any request for administrative review must:

(1) Clearly identify the questions presented for review (e.g., whether the record information in question is, in fact, accurate; whether information subject to a request to delete is relevant and necessary to the purpose for which it is maintained);

(2) Specify with particularity why the decision reached by the system manager is erroneous or inequitable; and

(3) Clearly state how the record should be amended or corrected.

(b) The Commission shall conduct an independent review of the record in controversy using the standards of review set out in § 0.556(d). It may seek such additional information as is necessary to make its determination. Final administrative review shall be completed not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date on which the individual requests such review unless the Chairman determines that a fair and equitable review cannot be made within the 30 day period. In such event, the individual will be informed in writing of the reasons for the delay and the approximate date on which the review is expected to be completed.

(c) If upon review of the record in controversy the Commission agrees with the individual that the requested amendment is warranted, the Commission will proceed in accordance with § 0.556(c)(1)-(iii).

(d) If after the review, the Commission also refuses to amend the record as requested, it shall:

(1) Notify the individual in writing of its refusal and the reasons therefore;

(2) Advise the individual of his or her right to file a concise statement of the reasons for disagreeing with the decision of the Commission;

(3) Inform the individual:

(i) That such a statement should be signed and addressed to the system manager having custody of the record in question;

(ii) That the statement will be made available to any one to whom the record is subsequently disclosed together with, at the Commission's discretion, a summary of its reasons for refusing to amend the record; and

(iii) That prior recipients of the record will be provided a copy of the state-

ment of dispute to the extent that an accounting of such disclosures is maintained; and

(4) Advise the individual of his or her right to seek judicial review of the Commission's decision not to amend the record in any district court of the United States.

§ 0.558 Advice and assistance.

Individuals who have questions regarding the procedures contained in this subpart for gaining access to a particular system of records or for contesting the contents of a record, either administratively or judicially, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Office of General Counsel, 1919 M Street NW., Washington, D.C. 20554.

Individuals who request clarification of the Notice described in § 0.552 or who have questions concerning the characterization of specific systems of records as set forth therein, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Records Management Division, Office of Executive Director, 1229 20th Street NW., Washington, D.C. 20554.

§ 0.559 Disclosure of disputed information to persons other than the individual to whom it pertains.

If the Commission determines not to amend a record consistent with an individual's request, and if the individual files a statement of disagreement pursuant to § 0.557(d)(2), the Commission shall clearly annotate the record so that the disputed portion becomes apparent to anyone who may subsequently have access to, use or disclose the record. A copy of the individual's statement of disagreement shall accompany any subsequent disclosure of the record. In addition, the Commission may include a brief summary of its reasons for not amending the record when disclosing the record. Such statements become part of the individual's record for granting access, but are not subject to the amendment procedures of § 0.556.

§ 0.560 Penalty for false representation of identity.

Any individual who knowingly and willfully requests or obtains under false pretenses any record concerning an individual from any system of records maintained by the Commission shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000.

§ 0.561 Exemptions.

The following systems of records are totally or partially exempt from Subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§ 0.554-0.557 of this subpart:

(a) System name: Radio Operator Records—FCC. Parts of this system of records are EXEMPT pursuant to Section (k)(2) of the Act because they con-

tain investigatory material compiled solely for law enforcement purposes.

(b) *System name:* Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)—FCC. Parts of this system of records are EXEMPT because they are maintained as a protective service for individuals described in Section 3056 of title 18, and because they are necessary for Commission employees to perform their duties, pursuant to Sections (k) (1), (2), and (3) of the Act.

(c) *System name:* Investigations involving Broadcast Owners, officers, employees—FCC.

(1) Hearing Division case file (includes information furnished by witnesses, complainants, informants)—FCC.

(2) Attorney Misconduct Files—FCC. This system of records is EXEMPT pursuant to Section 3(k) (2) of the Act because it is maintained for law enforcement purposes.

(d) *System name:* Complaints against Broadcast Stations, Licensees, Officers, Employees—FCC.

(1) Communications Interception—§ 605—FCC.

(2) Alleged Violators File (United States District Court Enforcement Actions)—FCC.

(3) Alleged Violators File (Ex Parte Rules)—FCC.

(4) Licensees or Unlicensed Persons Operating Radio Equipment Improperly—FCC.

Part of this system of records are EXEMPT pursuant to Section 3(k) (2) of the Act because they embody investigatory material compiled solely for law enforcement purposes.

(e) (1) *System name:* Personnel Investigations of Members of Advisory Committee (Maritime Communications Subcommittee, National Industry Advisory Committee)—FCC.

(2) *System name:* Personnel Investigations of Employees—FCC.

Parts of these systems of records are exempt because they embody investigatory material pursuant to sections 3(k) (2) and 3(k) (5) of the Act as applicable.

[FR Doc.75-25758 Filed 9-25-75;8:45 am]

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[32 CFR Part 292a]

PRIVACY ACT OF 1974

Notice of Proposed Rulemaking;
Correction

In FR Doc 75-22203 published in the FEDERAL REGISTER (40 FR 37516) of August 26, 1975, setting forth the Notice of Proposed Rulemaking as prescribed by the Privacy Act of 1974, within the Defense Intelligence Agency, the following Defense Intelligence Agency change is required:

32 CFR Part 292a, § 292a.23, *Specific Exemptions*, paragraph (e) ID—Manual L DIA 0291 is amended to read:
(e) ID—Manual L DIA 0271.

Amendment required due to clerical error.

NOTE: This correction is incorporated in the rulemaking document for 32 CFR 392a appearing elsewhere in this Part II of the issue.

MAURICE W. ROCHE,
*Director, Correspondence and
Directives, OASD (Comptroller)*.

SEPTEMBER 18, 1975.

[FR Doc.75-25755 Filed 9-25-75;8:45 am]

NUCLEAR REGULATORY
COMMISSION

[10 CFR Part 9]

PRIVACY ACT REGULATIONS

Notice of Proposed Exemptions

Notice is hereby given that the Nuclear Regulatory Commission is proposing exemptions as provided under the Privacy Act of 1974 (5 U.S.C. 552a(k)). These proposed exemptions are in addition to

those proposed exemptions in § 9.95 of the Commission's proposed regulations implementing the Privacy Act published in the FEDERAL REGISTER on August 12, 1975 (40 FR 33833). Specific exemptions from the requirements of the Privacy Act pertaining to accounting for disclosure of records to an individual named in the record, access of individuals to records containing information pertaining to them, maintenance of information on individuals only relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive Order, notice of agency procedures whereby an individual can be notified at his request if a records system contains a record pertaining to him, and how he can gain access to such record and contest its content, notice of sources of records in records systems and promulgation of rules such as those which follow are proposed for portions of:

(A) Protection Support Files and Associated Records;

(B) Personnel Security Files and Associated Records; and

(C) Information Security Files and Associated Records.

The proposed exemptions for portions of the above systems of records are intended to prevent access to records that contain information specifically authorized under Executive Order (E.O. 11652) to be kept secret in the interest of national defense and foreign policy and, to protect the identity of confidants who provide information under an expressed or implied promise of confidentiality.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, as amended, notice

is hereby given that adoption of the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 9, is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by October 28, 1975. Copies of comments received will be available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

1. New § 9.95 (k), (l), and (m) are added to read as follows:

§ 9.95 Specific exemptions.

Pursuant to 5 U.S.C. 552a(k), portions of the following NRC systems of records are exempt from 5 U.S.C. 552a(c)(3); (d); (e) (1); (e) (4) (G), (H) and (I) and (f) and are subject to the provisions of § 9.61 of this part.

(k) Protection support files and associated records.

(l) Personnel security files and associated records.

(m) Information security files and associated records.

AUTHORITY: Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552a.

Dated at Washington, D.C., this 23rd day of September, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-25760 Filed 9-25-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary
PRIVACY ACT OF 1974

Adoption of Systems of Records Notices

By notice published in the FEDERAL REGISTER on September 5, 1975 (40 FR 41432-41507), the Department of the Interior proposed adoption of 205 notices describing systems of records which it maintains which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

Comments were solicited on this first group of notices with a deadline for submission of September 17, 1975. No comments have been received on these notices.

A review of the notices by the Department indicated, however, a need to correct errors or omissions in some of the notices. Additionally, it is necessary to revise some notices to reflect adoption of the Department's Privacy Act regulations which exempt certain systems of records from specified provisions of the Act.

The revisions necessitated by adoption of the Department's regulations are as follows:

The proposed notices for the Investigative Case File System (Interior/FWS—20), and the Law Enforcement Statistical Reporting System (Interior/NPS—19) indicated that these systems were proposed for exemption from specified portions of the Privacy Act under the authority of 5 U.S.C. 552a(j)(2). Since a regulation exempting these systems has now been adopted, the "Systems exempted from certain provisions of the act" paragraph of each notice is revised to read: Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR, Part 2, Subpart C, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10) and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR, Part 2, Subpart C implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

Similarly, the proposed notices for the Investigative Records System (Interior/Office of the Secretary—6), the Permits System (Interior/FWS—21), the Criminal Case Investigation System (Interior/BLM—18), the Civil Trespass Case Investigations System (Interior/BLM—19), the Employee Conduct Investigations System (Interior/BLM—20), the Employee Conduct Investigations System (Interior/MESA—4), the Employee Financial Irregularities (Interior/NPS—17) and the Trespass Cases System (Interior/Reclamation—37) indicated that each was proposed for exemption from specified portions of the Act under the authority of 5 U.S.C. 552a(k)(2). The "System exempted from certain portions of the act" paragraph of these notices is revised as follows to reflect the regulation: Under the specific exemption

authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

The proposed notice for the Litigation, Appeal and Case Files System (Interior/Office of the Solicitor—1) indicated that the system was proposed for exemption from specified portions of the Act under the authority of 5 U.S.C. 552a(k)(2) to the extent that it consists of investigative material compiled for law enforcement purposes. This system has also now been exempted by a Department regulation and the "System exempted from certain provisions of the act" paragraph is revised to read: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system (to the extent that it consists of investigatory material compiled for law enforcement purposes) from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

Finally, the proposed notices for the Applicant Files System (Interior/Office of the Secretary—29) and National Research Council Grants Program (Interior/GS—9) indicated that these systems were proposed for exemption under the authority of 5 U.S.C. 552a(k)(5). A regulation exempting these systems has been adopted and the "Systems exempted from certain provisions of the act" paragraph of the notices for the systems is revised to read: Under the specific exemption authority of 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation (43 CFR 2.79(c)) which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) to the extent that the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

Other modifications in the notices published on September 5, 1975, are as follows:

1. The address cited for the system manager of the Financial Interest Statements and Ethics Counselor Decisions System (Interior/Office of the Secretary—4) was incomplete. The "System Manager" paragraph of this notice is revised to read: Department Ethics Counselor, Office of Audit and Investigation, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

2. The "Authority for maintenance of the system" paragraph of the Safety

Management Information System (Interior/Office of the Secretary—8) is revised to read: (1) 5 U.S.C. 7901, (2) 28 U.S.C. 2671-2680, (3) 31 U.S.C. 240-243, (4) Executive Order 11807 (1974), (5) 29 CFR 1960.

3. The system name for the Freedom of Information Files System (Interior/Office of the Secretary—10) is changed to Freedom of Information Appeals Files System to distinguish the system from the Freedom of Information Request Files System (Interior/Office of the Secretary—44). Additionally, the following second location is added to the "System location" paragraph of the notice: Office of Communications, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

4. The "Authority for maintenance of the system" paragraph of the Payroll, Attendance and Leave System (Interior/Office of the Secretary—11) is revised to read: 5 U.S.C. 5101, et seq., 31 U.S.C. 66a.

5. The "Record source categories" paragraph of the notice for the Position Control System (Interior/Office of the Secretary—13) is revised by addition of the words "and employing offices" at the end thereof.

6. The system name for the Private Relief Claimants System (Interior/Office of the Secretary—17) is changed to Private Relief Claimants, Department System to distinguish the system from the Private Relief Claimants, Bureau System (Interior/Office of the Secretary—45). Additionally, the "Categories of records in the system" paragraph of the notice for the system is revised for purposes of clarification to read: Copies of relief bills and congressional committee reports, Departmental reports on bills, correspondence, comments of bureaus and offices.

7. The Chief, Division of Personnel Services, Office of Secretarial Operations was inadvertently omitted as a system manager for the Employee Experience, Skills, Performance and Career Development Records System (Interior/Office of the Secretary—24). The "System manager(s) and address" paragraph of the notice is accordingly revised to read: The Personnel Officer of each bureau of the Department for records maintained in his bureau. (See Appendix for addresses of bureau headquarters offices.) The Chief, Division of Personnel Services, Office of Secretarial Operations, U.S. Department of the Interior, 18th and C streets, NW., Washington, D.C. 20240 for records maintained by offices in the Office of the Secretary and the other Departmental offices.

To conform the "Contesting record procedures" paragraph to this change, the word "Bureau" is deleted from that paragraph.

The "Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system" paragraph of the notice is revised so that item (1) of the paragraph reads as follows: Storage—records are maintained in file folders or on pre-printed forms in file cabinets or on computer media.

The "Notification procedure" paragraph of the notice is revised to read: An individual may inquire whether or not the system contains a record pertaining to him by contacting: The personnel officer and/or administrative officer servicing the facility where he is employed. See 43 CFR 2.60.

8. The notice for the Unfair Labor Practice Charges/Complaints System (Interior/Office of the Secretary—25) is revised by deletion of the words "management officials" from the "Record access procedures" paragraph and addition of these same two words at the end of the "Record source categories" paragraph.

9. The final three paragraphs of the notice for the Negotiated Grievance Procedure Files System (Interior/Office of the Secretary—26) were jumbled in printing. These paragraphs are revised to read as follows:

Record access procedures: A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Subject complainant, colleagues and supervisors of complainant and management officials.

10. The system name of the Automated Data Files System (Interior/Office of the Secretary—27) is changed to Personnel Data Files (Automated) System and item (2) of the "System manager(s) and address" paragraph of the notice describing the system is revised to read: (2) Bureau Systems: Bureau Personnel Officers. (See Appendix for addresses of bureau headquarters offices.)

11. The "Categories of records in the system" paragraph of the notice for the Emergency Loan Fund Committee Records System (Interior/Office of the Secretary—28) was erroneously titled "Categories of individuals covered by the system" and the text of the "Categories of individuals covered by the system" paragraph was omitted from the notice. The pertinent portion of the notice is revised to read as follows:

Categories of individuals covered by the system: Employees of the Department of the Interior who have applied for emergency loans.

Categories of records in the system: Contains the name, grade, and organization of person applying for a loan. Contains a statement of need for the loan written by the employee and endorsed by his supervisor. Contains a record of action taken by the Emergency Loan Committee, a schedule of repayments and a history of how repayment was accomplished.

12. The notice for the Applicant Files System (Interior/Office of the Secretary—29) is revised by addition of four locations and four system managers.

The additional locations added to the notice are: (4) Office of Land Use and

Water Planning, U.S. Department of the Interior, 801—19th Street, NW., Washington, D.C. 20006. (5) Office of Minerals Policy Development, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (6) Office of Territorial Affairs, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (7) Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

The additional system managers added to the notice are: (4) For the Office of Land Use and Water Planning: Director, Office of Land Use and Water Planning, U.S. Department of the Interior, 801—19th Street, NW., Washington, D.C. 20006. (5) For the Office of Minerals Policy and Development: Director, Office of Minerals Policy Development, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (6) For the Office of Territorial Affairs: Director, Office of Territorial Affairs, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (7) For the Office of Water Research and Technology: Director, Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

13. The notice for the Privacy Act Files System (Interior/Office of the Secretary—30) is revised by addition of a third item to the "System location" paragraph and addition of the "System manager(s) and address" paragraph, which was inadvertently omitted from the September 5 printing. Additionally, the notification, access and contest paragraphs of the notice are revised to reflect the addition of the additional item to the "System location" paragraph.

The additional item added to the "System location" paragraph is: (3) Offices of Systems Managers and other officials authorized to receive requests for notification and access and petitions for amendments. (See system notices for addresses.)

The "System manager(s) and address" paragraph, as revised, reads as follows: (1) For records in the Office of the Assistant Secretary—Management: Privacy Act Officer, Office of the Assistant Secretary—Management, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (2) For other records: Bureau Privacy Act Officers. (See Appendix for addresses of bureau headquarters offices.)

The notification, access and contest paragraphs, as revised, read:

Notification procedure: Inquiries regarding the existence of records should be addressed to any office or offices to which the requester has submitted a request for notification or an appeal. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access should be addressed to any office or offices to which the requester has submitted a request for access or an appeal. The request must be in writing

and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

14. The "System manager(s) and address" paragraph was inadvertently omitted from the notice for the Litigation, Appeal and Case Files System (Interior/Office of the Solicitor—1). This paragraph reads: Administrative Officer, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

15. The routine uses, record management policy and practice, system manager and notification procedure paragraphs of the notice for the Claims Files System (Interior/Office of the Solicitor—2) were jumbled in printing. These paragraphs are revised to read as follows:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Adjudication of Tort, Federal Employee, Admiralty and Irrigation claims. (2) Transfer to another Federal agency or a State or local government body having partial or complete jurisdiction over the claim or related claims. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage—maintained in manual form in file folders. (2) Retrievability—indexed by name of claimant. (3) Safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal—claim and investigative material returned to operating bureau or office after completion of processing. Records of decision not authorized for disposal.

System manager(s) and address: Administrative Officer, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Notification procedure: System Manager or, with respect to records maintained in the office for which he is responsible, a Regional or Field Solicitor. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or, with respect to the office for which he is responsible, a Regional or Field Solicitor. The request

must meet the content requirements of 43 CFR 2.63.

16. In the sixth line of the "Categories of records in the system" paragraph of the notice for the Hearings and Appeals Files System (Interior/Office of Hearings and Appeals—1), the word "of" is changed to "by." In the "Authority for maintenance of the system" paragraph, everything appearing after "5 U.S.C. 301" in item (a) is deleted and the following is inserted in item (b) immediately before "56 Stat. 1021": amended, sec. 1, 38 Stat. 586, 42 Stat. 1185 as amended, secs. 1, 2.

The latter portion of this notice was jumbled in printing. To correct this error, everything appearing in the "Routine uses" paragraph of the notice beginning with the words "after completion of OHA functions" is deleted and the remaining paragraphs of the notice are revised as follows:

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage—maintained in manual form in file folders. (2) Retrievability—indexed by name of appellant, claimant, etc., and by OHA docket number. (3) Safeguards—maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal—case materials returned to operating bureau or office after completion of OHA functions. Records of decisions not authorized for disposal.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager or, with respect to records maintained in a field office for which it is responsible, an administrative law judge or chief administrative law judge in charge. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager or, with respect to records maintained in a field office for which he is responsible, an administrative law judge or chief administrative law judge in charge. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Records in the system include information submitted by the appellants, claimants, and other persons involved in the hearings and appeals proceedings, as well as by the Government.

System manager(s) and address: Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

17. For purposes of clarification, the notices for the Water Development Project and/or Effluent Discharge Permit Application Review System (Interior/FWS—7), the Fish Disease Inspec-

tion Report System (Interior/FWS—8), the Great Lakes Commercial Fisheries Catch Records System (Interior/FWS—14), the Animal Damage Control Authorization Records System (Interior/FWS—15), the Endangered Species License System (Interior/FWS—19), and the Permits System (Interior/FWS—21) are revised by addition of the following to the "Categories of individuals covered by the system" paragraph of each notice: (Many of the records in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. These records are subject to the Privacy Act only to the extent that they reflect personal information. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

18. For purposes of clarification, the "Categories of records in the system" paragraph of the notice for the Labor Cost Information Records System (Interior/FWS—1) is revised to read: Contains time and cost data by organization, by employee.

19. The notice for the Travel Records System (Interior/FWS—2) is revised by adding a second location to the "System location" paragraph: (2) Input documents supplied by all facilities of U.S. Fish and Wildlife Service. (See Appendix for addresses.)

20. The notice for the Fish Tag Returns System (Interior/FWS—12) is revised by addition of the following to the "Notification procedures" paragraph: See 43 CFR 2.60 for submission requirements. The notice is further revised by addition of the following to the "Record access procedures" paragraph: See 43 CFR 2.63 for submission requirements.

21. The notice for the American Attitudes Toward Animals System (Interior/FWS—15) is revised by deletion of the second sentence from the "Categories of individuals covered by the system" paragraph.

22. The notice for the Waterfowl Hunter Attitude Study (Interior/FWS—16) is revised by deletion of the second routine use listed for the system.

23. The notice for the Payroll System (Interior/FWS—24) is revised by addition of 31 U.S.C. 66a as a second statute providing authority for maintenance of the system.

24. The notice for the Payroll, Attendance and Leave System (Interior/GS—1) is revised by addition of a second location to the "System location" paragraph: (2) Input documents supplied by all facilities of the U.S. Geological Survey. (See Appendix for addresses.)

25. The notice for the Property Loan Agreement Files System (Interior/BIA—1) is revised by addition of the following "Record source categories" paragraph, which had been inadvertently omitted: Employees, supervisors.

26. The notice for the Safety Management Information System (Interior/BIA—2) is revised by addition of the following authorities for maintenance of the system: 28 U.S.C. 2671-2680, 31 U.S.C. 240-243.

27. The heading for the "Contesting records procedures" paragraph of the notice for the Indian Land Records System (Interior/BIA—4) was inadvertently omitted; the text of this paragraph accordingly appeared as the final sentence of the preceding paragraph. The notice is revised to correct this error.

28. The heading for the "Categories of records in the system" paragraph of the notice for the Navajo-Hopi Joint Use Project (Interior/BIA—6) was inadvertently omitted. The notice is revised to correct this omission.

29. The notice for the Trip Reports System (Interior/BIA—15) is revised by addition of 25 U.S.C. 13 to the "Authority for maintenance of the system" paragraph.

30. The notice for the Payroll System (Interior/BIA—17) is revised by addition of 31 U.S.C. 66a to the "Authority for maintenance of the system" paragraph.

31. The "Contesting records procedures" paragraph of the notice for the Alaska Native Claims System (Interior/BLM—5) was inadvertently omitted. This paragraph reads: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

32. The notice for the Identification Cards and Passes System (Interior/BLM—11) is revised by modification of the "Authority for maintenance of the system" paragraph to read: 5 U.S.C. 301, 3101, 43 U.S.C. 12457.

33. The notice for the Safety Management Information System (Interior/BLM—13) is revised by addition of the following authorities for maintenance of the system: 28 U.S.C. 2671-2680, 31 U.S.C. 240-243.

34. The heading for the "System manager(s) and address" paragraph of the notices for the Mineral and Vegetal Material Sales System (Interior/BLM—16) was inadvertently omitted; the text of this paragraph accordingly appeared as the final sentence of the preceding paragraph. The notice is revised to correct this error.

35. The notice for the Payroll System (Interior/BLM—17) is revised by modification of the "Authority for maintenance of the system" paragraph to read: 5 U.S.C. 5101, et seq., 31 U.S.C. 66a.

36. The word "violated" is deleted from item (2) of the "Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system" paragraph of the notice for the Criminal Case Investigation System (Interior/BLM—18).

37. The notice for the Employee Conduct Investigations System (Interior/BLM—20) is revised by modification of the "Authority for maintenance of the system" paragraph to read: 5 U.S.C. 7301, 43 U.S.C. 11, Executive Order 11222.

38. The number for the Financial Management System should have been Interior/BLM—22, rather than Interior/BLM—2. The notice for the system is revised accordingly.

39. The "System location" paragraphs of the notices for the Payroll Records

System (Interior/MESA—8) are revised by addition of the following second location: (2) Input documents supplied by all facilities of the Mining and Enforcement Safety Administration. (See Appendix for addresses).

40. The "Record source categories" paragraph was omitted from the notice for the Management Information System (Interior/NPS—3). This paragraph reads: Project and Regional Offices. Additionally, for purposes of clarity, the name of this system is changed to Land Acquisition Management Information System.

41. The paragraph heading for the "Routine uses" paragraph of the Travel Records System (Interior/NPS—4) was inadvertently omitted; as a result of this omission, the text of the paragraph appeared as part of the preceding paragraph. The notice is revised to correct these errors.

42. The notice for the National Park Service Historical Library System (Interior/NPS—7) is revised by addition of the words "and recollections of others" to the "Record source categories" paragraph.

43. The "Notification procedure" paragraph of the notice for the "Property and Supplies Accountability System" is modified by revision of the first sentence thereof to read: "Inquiries regarding the existence of records shall be addressed to the System Manager, or, with respect to the records for which they each is responsible, the Chief, Division of Contracting and Property Management at the Regional level."

The "Record access procedures" paragraph of the notice is modified by revision of the first sentence thereof to read as follows: A request for access may be addressed to the System Manager, or, with respect to the records for which each is responsible, the Chief, Division of Contracting and Property Management at the Regional level.

44. The "System manager(s) and address" paragraph was omitted from the notice for the Employee Financial Irregularities System (Interior/NPS—17). That paragraph reads: Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

45. The heading for the "Record source categories" paragraph of the notice for the Congressional Correspondence System (Interior/BOR—1) was inadvertently omitted. The notice is revised to correct this omission.

46. The notice for the financial Management System (Interior/BOR—5) is revised by addition of 31 U.S.C. 86a to the "Authority for maintenance of the system" paragraph.

47. The notice for the Accounts Receivable System (Interior/Reclamation—2) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3, 4(j), 6 (a thru i) and 8 (a thru h).

48. The notice for the Attendance at Meetings System (Interior/Reclamation—3) is revised by addition of the following locations to item (3) of the

"System location" paragraph: 3 (a thru l), 4(j), 6 (a thru i) and 8.

49. The notice for the Audiograms System (Interior/Reclamation—4), is revised by addition of the following locations to the "System location" paragraph: 3(a thru l), 4(j) and 6(a thru i). The notice is further revised by modification of item (4) of the "Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system" paragraph to read: (4) Disposal—in accordance with approved retention and disposal schedules.

50. The notice for the Claims System (Interior/Reclamation—5) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(f, j, l), 4(j) and 6(a thru i).

51. The notice for the Collection Contracts System (Interior/Reclamation—6) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(a, b, g thru j), 5(a thru d), 6(a thru i), 8(a thru h) and 9(b, c, e).

52. The notice for the Concessions System (Interior/Reclamation—7) is revised by modification of item (2) of the "System location" paragraph to substitute 3(a, c, g, j) for 3(a thru f).

53. The notice for the Driver's License System (Interior/Reclamation—8) is revised by substitution of the number "2" for "3" in item (2) of the "System location" paragraph and by addition of the following locations to that paragraph: 4(j), 8.

54. The notice for the Identification Cards System (Interior/Reclamation—10) is revised by addition of the following location to item (2) of the "System location" paragraph: 4(j).

55. The notice for the Individual Record of Issues System (Interior/Reclamation—11) is revised by addition of the following second item to the "System location" paragraph: (2) Reclamation offices number 6 (a thru i) in Appendix. The notice is further revised by addition of the words "and upper Colorado Region" at the end of the "Categories of individuals covered by the system" paragraph.

56. The notice for the Irrigation Management System (Interior/Reclamation—13) is revised by modification of items (1) and (3) of the "Policies and practices" paragraph to read as follows: (1) Storage—on computer media. (3) Safeguards—maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records.

57. The notice for the Land Exchange System (Interior/Reclamation—14) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(a, c, g, j).

58. The notice for the Land Settlement Entries System (Interior/Reclamation—15) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(j) and 8(g).

59. The notice for the Litigation System (Interior/Reclamation—16) is revised by addition of the following locations to item (2) of the "System loca-

tion" paragraph: 3(a, b, d, e, g, i, j) and 4(j).

60. The notice for the Lands-Leases, Sales, Rentals, and Transfers System (Interior/Reclamation—17) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(i), 4(j) and 8(a, b, e, g).

61. The notice for the Lease of Housing System (Interior/Reclamation—18) is revised by addition of the following locations to the "System location" paragraph: 3(f, l) and 8(a thru h).

62. The notice for the Mineral Location Entries System (Interior/Reclamation—19) is revised by deletion of item (3) from the "System location" paragraph.

63. The notice for the Moveable Property ADP Records System (Interior/Reclamation—20) is revised by addition of the following locations to the "system location" paragraph: 4(j) and 8(a thru h).

64. The notice for the Moveable Property Individual Responsibility System (Interior/Reclamation—21) is revised by modification of the "System location" paragraph to read: General Services Branch, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

65. The notice for the Oil and Gas Applications System (Interior/Reclamation—22) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3 (a through j) and 8 (a through h).

66. The notice for the Payroll, Attendance and Leave Records System (Interior/Reclamation—24) is revised by addition of 31 U.S.C. 66a to the "Authority for maintenance of the system" paragraph.

67. The notice for the Photographic Files System (Interior/Reclamation—26) is modified by addition of the following locations to the "System location" paragraph: 6 (a thru i).

68. The notice for the Real Property and Right-of-Way Acquisition System (Interior/Reclamation—28) is revised by addition of the following location to item (2) of the "System location" paragraph: 4(j).

69. The notice for the Right-of-Way Applications System (Interior/Reclamation—29) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3 (a thru j) and 8 (a thru h).

70. The notice for the Safe Driving Records System (Interior/Reclamation—30) is revised by addition of the following locations to item (2) of the "System location" paragraph: 4(j) and 8 (a thru h).

71. The notice for the Special Use Applications, Licenses, and Permits System (Interior/Reclamation—32) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(b, d, e, h, i) and 4(j).

72. The notice for the Speeches System (Interior/Reclamation—33) is revised by addition of the following locations to item (3) of the "System location" paragraph: 3(a thru l), 6(a thru i) and 8(a thru h).

73. The notice for the Travel Authorizations and Reports System (Interior/Reclamation—35) is revised by addition of the following location to item (2) of the "System location" paragraph: 4(j).

74. The notice for the Trespass Cases System (Interior/Reclamation—37) is revised by addition of the following location to item (2) of the "System location" paragraph: 3(h thru l).

75. The notices for the Water Rights Applications System (Interior/Reclamation—38) and the Water Rights Acquisition System (Interior/Reclamation—39) are revised by addition of the following locations of the "System location" paragraph: 3(a, c, g, h, j) and 4(j).

76. The notice for the Water Sales and Delivery Contracts System (Interior/Reclamation—40) is revised by deletion of location 3(f) from item (2) of the "System location" paragraph and by addition of location 4(j) to that paragraph.

77. The notice for the Permits System (Interior/Reclamation—41) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(d, g, l, j) and 6(a thru l).

78. The "Categories of individuals covered by the system" paragraph of the notice for the Payroll Files System (Interior/BPA—2) was inadvertently omitted. That paragraph reads: BPA annual and hourly employees. Additionally, item (11) under the "Routine uses" paragraph is revised to read: Transfer to the Department of the Treasury for issuance of checks and distribution of pay according to employee authorizations for savings bond allotments and other authorized purposes.

79. The notice for the Motor Vehicle Operator Identification Records System (Interior/BPA—5) is revised by addition of the word "appropriate" immediately preceding the words "agency or agencies" in item (3) of the "Routine uses" paragraph and by addition of the word "issuing" immediately preceding the word "officer" in item (4) of the "Policies and practices" paragraph.

80. Item (3) of the "Routine uses" paragraph of the notice for the Safety Training Files System (Interior/BPA—2) was not printed in full. This item reads: Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. Additionally, a portion of the address for the System manager was printed as part of the "Notification procedure" paragraph. The notice is revised to correct this error.

81. Item (7) of the "Routine uses" paragraph of the notice for the Plan Services Personal Accountability Property System (Interior/BPA—9) is revised by addition of the words "or potential violation" immediately preceding the words "of a statute."

82. The notice for the Administrative Management and Fiscal Records System (Interior/Southeastern Power—1) is revised by addition of the following to the "System manager(s) and address" paragraph: Samuel Elbert Building, Elberton, Georgia 30635.

Pursuant to the authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the system notices published in the FEDERAL REGISTER for September 5, 1975, are adopted with the revisions set forth above.

The Privacy Act takes effect on September 27, 1975. So that these notices will be in effect when the Act takes effect, good cause for waiving the 30-day waiting period for effectiveness exists and the notices, accordingly, will take effect on September 27, 1975.

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

SEPTEMBER 20, 1975.

[FR Doc.75-25581 Filed 9-25-75;8:45 am]

PRIVACY ACT OF 1974 System of Records Preface

Pursuant to the authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the Department of the Interior hereby adopts a Preface and a Table of Contents to be included as part of the annual compilation of notices of systems of records subject to section 3 of the Privacy Act which is to be published by the Office of the Federal Register.

The Preface is based on the preamble which appeared with the notices of systems of records which the Department published in the FEDERAL REGISTER on September 5, 1975. (40 FR 41432-41433). The Preface outlines the principles which guided the Department in identifying records subject to the Act, in making decisions concerning the configuration of these records into systems of records, and in preparation of notices describing these systems.

The Table of Contents lists the system of records notices adopted by the Department, by bureau, and office. The Preface and Table of Contents are set forth below.

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

SEPTEMBER 20, 1975.

PREFACE

This Preface outlines the principles which guided the Department of the Interior in identifying records subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a, in making decisions concerning the configuration of these records into systems of records, and in preparation of notices describing these systems.

The provisions of section 3 of the Privacy Act apply generally to all "records" which are maintained in a "system of records." The term "record" is defined by the Act to mean "any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a

photograph." 5 U.S.C. 552a(a)(4). The term "individual," which is necessarily crucial in interpreting the term "record," is defined to mean "a citizen of the United States or an alien lawfully admitted for permanent residence." 5 U.S.C. 552a(a)(1). The term "system of records" means "a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual, 5 U.S.C. 552a(a)(5).

In synthesizing these three definitions, the Department, relying in part on guidelines for implementation of the Privacy Act published by the Office of Management and Budget in the FEDERAL REGISTER for July 9, 1975 (40 FR 38949-38978), developed several principles which it applied in considering the application of the Act to records in its files.

First, the Department concluded that the Act does not reach records concerning individuals acting in an entrepreneurial or proprietary capacity, as opposed to records containing personal information about individuals. This conclusion is based, in part, on the plain words of the definition of "individual." Natural persons may be citizens; artificial persons cannot. *Orient Ins. Co. v. Daggs*, 172 U.S. 557 (1869). Fictional business entities thus cannot be citizens. Information on such an entity, even though the entity may be closely tied with a natural person, is not "information about an individual." The Department's conclusion is reinforced by the legislative history of the Act. As pointed out and discussed in more detail in the OMB guidelines, the Senate Report states that the definition of individual is intended to "distinguish between the rights which are given to the citizen as an individual under this Act and the rights of proprietorships, businesses and corporations which are not intended to be covered by this Act." S. Rept. 1183, 93rd Cong., 2d Sess. 79 (1974).

Based on this conclusion, the Department has not included as systems collections of records appearing to pertain only to businesses (including sole proprietorships, partnerships, and corporations).

The Department recognizes, however, that in some instances records pertaining to very small business may have a dual character. Information concerning the finances of a sole proprietorship may also be personal financial information concerning the proprietor in his individual capacity. Because of this possibility, the Department has included as systems some collections of records which contain primarily entrepreneurial information, but which may contain some small amount of information which is personal in character. It is the Department's understanding that the collections of records covered by these systems notices are "systems" subject to the Act only to the extent that they contain personal information. The entrepreneurial component of the collections is not subject to the Act.

In a number of cases, notices for systems which contain primarily entrepre-

neurial information contain a statement under the heading "Category of Individual" explaining the basis on which they were included. The absence of this statement from a notice should not, however, be read to infer or imply that entrepreneurial information covered by the notice is viewed by the Department as being subject to the Act.

Second, the Department concluded that collections of records containing personal information about individuals were not "systems" if that information is not retrieved by individual name or identifier. This reading seems to be the only one which can be given to the definition of "system of records."

Despite this conclusion, the Department has been liberal in deciding whether personal information "is" retrieved by individual name or identifier. Included among the Department's systems are several from which information can physically be retrieved by individual name, but for which there is no significant history of use of this capability. It was the Department's conclusion with respect to these systems that the potential for such retrieval ought to be viewed as bringing them within the Act because the information in the systems was information in which individuals may have a privacy interest.

With respect to personal information not retrieved by individual name and thus not subject to the Act, the Department will, consistent with the spirit of the Privacy Act, exercise appropriate caution in the handling and dissemination of records. In particular, invocation of the sixth exemption from the Freedom of Information Act's disclosure requirements will be seriously considered when such information is sought in a Freedom of Information request.

Third, the Department concluded that the Privacy Act does not reach records kept by employees which are not official records. It is the Department's view that personal records maintained by an employee are not under its control and, accordingly not "maintained by an agency" within the meaning of 5 U.S.C. 552a(a)(4). In reaching this conclusion, the Department relied upon the analysis offered at page 28952 of the OMB guidelines.

The Department views this conclusion as excluding only a fairly narrow category of records from coverage by the Act, however. The type of records excluded are mainly personal telephone lists; birthday and similar lists developed by employees on their own time for purposes of exchanging greeting cards or gifts; and similar documents.

Fourth, the Department concluded that the Act does not apply to published works, including library books and standard research and reference authorities. The basis of this conclusion is the doctrine of statutory interpretation that legislation ought not to be interpreted so as to yield an absurd result. Even though a library book may contain personal information and may be retrievable by individual name through a card catalogue, application of the Privacy Act protections to that book would

serve no sensible purpose. The publication of a book containing very sensitive personal information concerning a person may give rise to an action for damages, but locking up the Government's copies of the book cannot reasonably be reviewed as ameliorating the invasion of privacy which has occurred or protecting the individual from further invasions of privacy or adverse consequences stemming therefrom.

Fifth, the Department concluded that mailing lists containing solely lists of names and addresses are not "systems of records." The definition of "record," as quoted above, offers as examples of items of information within its scope information concerning "education, financial transactions, medical history, and criminal or employment history." Applying the principle of *ejusdem generis*, the Department is of the view that the words "item, collection or grouping of information" must be read as applying to things of the same general kind or class as those mentioned. The Department does not view an individual's address, without more, as being in the same class as the specifically enumerated items in the definition. Mailing lists integrated with information beyond name and address are, of course, covered in the Department's system notices.

The Department's conclusion on this point does not mean that mailing lists which it maintains are generally available to the public. Subsection (n) of 5 U.S.C. 552a precludes the sale of mailing lists. Further, where mailing lists are requested under the Freedom of Information Act, it will be the policy of the Department to consider carefully the application of exemption (6) and to withhold such lists where, even though disclosure in and of itself may not constitute an invasion of privacy, the requester will use the list in such a way as to invade personal privacy by, for example, conducting a commercial solicitation. See, *Wine Hobby USA, Inc. v. I.R.S.*, 502 F. 2d 133 (3rd Cir. 1974).

Sixth, the Department concluded that, in resolving close questions concerning the application of the Act to records, it should view the Act as applicable if there was a significant possibility that the records might be used to make determinations adverse to an individual. As a result of this decision, the Department included as systems several collections of records which it might not have otherwise included. For example, the Supervisor's Record of Employees System (Interior/Office of the Secretary—16) is defined to include a supervisor's personal notes concerning employee conduct. An argument could have been made for excluding such notes on the ground that they are not "official records," but was not because of the possibility that these records might be used in making adverse determinations about employees.

The Department has not generally prepared notices covering records which are covered in general Government-wide notices issued by other agencies. The principal category of records excluded from the Department's notices by this

decision is official personnel records. These records are covered in a series of general notices issued by the Civil Service Commission, which is, in any event, the technical owner of official personnel records in the hands of the Department.

In configuring collections of records subject to the Act into systems for purposes of notice publication, the Department's policy was to aggregate similar records maintained in widely dispersed locations geographically into either bureau- or Department-wide systems. Three factors influenced this decision. First, the Department concluded that such aggregation would promote greater uniformity and central direction in the handling and maintenance of records within the system, hence reducing the possibility of abuses. Second, the Department concluded that keeping the number of system notices which it needed to publish at a minimum would permit individuals to more readily identify general groupings of records which might contain information pertaining to them. Finally, the Department concluded that preparation of separate notices for each component of decentralized systems would involve an unjustifiable expenditure of the taxpayers' money. Rather than the approximately 250 notices which the Department has adopted, this approach would have compelled preparation and publication of 5000 or more notices.

In organizing the proposed notices for publication, the Department has grouped the notices by bureau. While the Department views itself, for Privacy Act purposes, as a single agency, it was felt that organization of notices by bureau would facilitate each location of records by individuals seeking to determine if the Department maintains records pertaining to them. This will be particularly so because a large portion of the Department's notices relate to administrative management matters (payroll, property management, travel, and so forth) which would be of particular interest to employees in the various bureaus of the Department.

The notices are organized in the following order:

- Office of the Secretary
- Office of the Solicitor
- Office of Hearings and Appeals (OHA)
- Bureau of Indian Affairs (BIA)
- Bureau of Land Management (BLM)
- Bureau of Mines (Mines)
- Mining Enforcement and Safety Administration (MESA)
- National Park Service (NPS)
- Bureau of Outdoor Recreation (BOR)
- Bureau of Reclamation (Reclamation)
- Alaska Power Administration
- Bonneville Power Administration (BPA)
- Southeastern Power Administration
- Southwestern Power Administration

It should be noted that under the category of Office of the Secretary, the Department has included not only notices covering records maintained exclusively within offices making up the Office of the Secretary, but several notices describing Department-wide systems of records. It is possible that, in a few cases, a Department-wide notice overlaps with more

specific bureau notices. In these cases, the more specific notice controls on matters such as notification, access and contest procedures.

The format for the notices, including the paragraph headings, is that recommended by the Office of the Federal Register in the FEDERAL REGISTER for June 19, 1975. (40 FR 25988-25990).

Within the notice format, the Department has made one deviation which may not have been required by the Act or the format guidelines developed by the Office of the Federal Register. It has been persuasively argued that the "routine uses" for records subject to the Act can be distinguished from the primary or main use which is made of the records. The basis of this distinction is subsection 552a (a) (7), which defines "routine uses" to mean use of a record "for a purpose which is compatible with the purpose for which it was collected." This definition suggests that use of a record for the purpose for which it was collected is not a routine use and, hence, that only corollary uses are "routine uses." While the Department views this distinction as a correct interpretation of the Act, it has nevertheless not applied the distinction in developing the "Routine Uses" section of its system notices. Rather, in preparing the "Routine Uses" section of notices, the Department has in most cases, included both the principal uses for which records in a system are used as well as corollary uses. Ordinarily, the principal uses are listed first, corollary uses are listed second.

The reason for this decision was to avoid confusion among readers of the Department's notices. The meaning of "routine uses" for purposes of the Act is obviously different from the colloquial meaning of the term and persons not versed in the details of the Privacy Act might well be misled by listing only corollary uses as "routine uses."

The impact of this decision is that many uses of records not involving their transfer outside of the Department of the Interior are listed as "routine uses." For purposes of applying subsections (b) and (c) of 5 U.S.C. 552a, which relate to conditions of disclosure and accounting for disclosures, the Department will treat internal disclosures to officers or employees having a need for records in the performance of their duties as disclosures permitted by subsection (b) (1), which allows internal disclosures, rather than as disclosure under subsection (b) (3), which allows disclosures for "routine uses."

In developing the "Location" item of system notices, the Department determined that listing all locations of decentralized systems in each notice would lead to undue repetition, since a number of systems share common locations. Accordingly, the "Location" item on some notices lists only the categories of offices maintaining records within the system and not the address of each individual office. The addresses of the facilities of the Department are listed in the Appendix following the notices. Persons interested in particular system may determine

the addresses of the facilities at which it is located by cross-referencing the Appendix.

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 2. Security Clearance Files System.
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 4. Financial Interest Statements and Ethics Counselor Decisions*.
 5. Audit Files and Workpapers System.
 6. Investigative Records System.
 7. Parking Assignment Records System.
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 10. Freedom of Information Appeal Files System.
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 12. Travel System.
 13. Position Control System.
 14. Accounts Receivable System.
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 31. Secretarial Correspondence Card File System.
 32. Employee Identification Card Files System.
 33. Central Employee Locator Index System.
 34. Motor Vehicle Operator's Identification Card Applications System.
 35. Property Accountability System.
 36. Travel Arrangement Records System.
 37. Discrimination Complaints System.
 38. Biography File System*.
 39. Classified Documents System.
 40. Aircraft Instructor Qualification File System.
 41. Aircraft Crew/Mechanic Information File (Commercial Operators) System.
 42. Aircraft Crew/Mechanic Information (Department of Interior) System.
 43. Library Circulation Control System*.
 44. Freedom of Information Request Files System*.
 45. Private Relief Claimants, Bureau System*.
 46. Office Operations Records on Employees, Department System*.
 47. Office Operations Records on Employees, Bureau System*.
 48. Aircraft Services Administrative and Fiscal Records System.
 49. Trust Territory Administrative and Fiscal Records System.
50. Government of American Samoa Administrative and Fiscal Records System.
51. Executive Reservist Records System*.
 - II. Office of the Solicitor.
 1. Litigation, Appeal and Case Files System.
 2. Claims Files System.
 3. Patent Files System.
 4. Workload Analysis System.
 - III. Office of Hearings and Appeals.
 1. Hearing and Appeals.
 - IV-VII. (Reserved).
 - VIII. U.S. Fish and Wildlife Service.
 1. Labor Cost Information Records System.
 2. Travel Records System.
 3. Security Clearance File System.
 4. Tort Claim Records System.
 5. National Wildlife Refuge Special Use Permits System.
 6. Hunting and Fishing Survey Records System.
 7. Water Development Project and/or Effluent Discharge Permit Application Review System.
 8. Fish Disease Inspection Report System.
 9. Farm Pond Stocking Program System.
 10. National Fish Hatchery Special Use Permits System.
 11. Real Property Records System.
 12. Fish Tag Returns System.
 13. North American Breeding Bird Survey System.
 14. Great Lakes Commercial Fisheries Catch Records System.
 15. American Attitudes Toward Animals System.
 16. Waterfowl Hunter Attitude Study System.
 17. Diagnostic-Extension Service Records System.
 18. Animal Damage Control Authorization Records System.
 19. Endangered Species Licensee System.
 20. Investigative Case File System.
 21. Permits System.
 22. U.S. Deputy Game Warden System.
 23. Motor Vehicle Permit Log System.
 24. Payroll System.
 25. Contract and Procurement Records System.
 26. Migratory Bird Populations and Harvest System.
 27. Correspondence Control System.
 - IX. U.S. Geological Survey.
 1. Payroll, Attendance and Leave Records System.
 - X. Bureau of Indian Affairs.
 1. Property Loan Agreement Files System.
 2. Safety Management Information System.
 3. Individual Indian Monies System.
 4. Indian Land Records System.
 5. Indian Land Leases System.
 6. Navajo-Hopi Joint Use Project System.
 7. Tribal Rolls System.
 8. Indian Social Services Case Files System.
 9. Traders License Files System.
 10. Indian Housing Improvement Program System.
 11. Indian Business Development Program (Grants) System.
 12. Indian Trust Land Mortgages System.
 13. Indian Loan Files System.
 14. Travel Accounting System.
 15. Trip Reports System.
 16. Travel Files System.
 17. Payroll System.
 18. Law Enforcement Services System.
 19. Indian Association Stock Purchase Records System.
 20. Correspondence Files System.
 21. Correspondence Control System.
 22. Indian Student Records System.
 23. Employment Assistant Case Files System.
 24. Timber Cutting and Fire Trespass Claims Case Files System.

- XI. Bureau of Land Management.
1. Mining Claim Title Clearance System.
 2. Range Management System.
 3. Mineral Lease Management System.
 4. Coal Lease Data System.
 5. Alaska Native Claims System.
 6. Mineral Surveyor Appointment File System.
 7. Land Case File System.
 8. Aircraft Passenger Manifest Records System.
 9. Property and Supplies Accountability System.
 10. Vehicle Use Authorization System.
 11. Identification Cards and Passes System.
 12. Manpower Management System.
 13. Safety Management Information System.
 14. Security Clearance Files System.
 15. Correspondence Control System.
 16. Mineral and Vegetal Material Sales System.
 17. Payroll System.
 18. Criminal Case Investigation System.
 19. Civil Trespass Case Investigations System.
 20. Employee Conduct Investigations System.
 21. Travel System.
 22. Financial Management System.
 23. Contract Files System.
 24. Payroll System.
 25. Outer Continental Shelf Lease Sale System.
- XII. Bureau of Mines.
1. Payroll System.
 2. Travel Advance File System.
 3. Travel Vouchers and Authorizations System.
 4. Property Control System.
 5. Personnel Identification System.
 6. Safety Files System.
 7. Security Files System.
 8. Library Borrowers' Records System.
 9. Distribution Center and Film Borrower Record Cards System.
 10. Biographical Reference File System.
- XIII. Mining Enforcement and Safety Administration.
1. Coal and Metal and Nonmetal Mine Accident and Injury System.
 2. Identification Cards System.
 3. Metal and Nonmetal Mine Health and Safety Management Control System.
 4. Employee Conduct Investigations System.
 5. Payroll Records System.
 6. Travel System.
 7. Travel Advance File System.
 8. Accident and Injury Records System.
 9. Security Clearance Records System.
 10. Coal Mine Health and Safety Special Investigations System.
 11. National Mine Health and Safety Academy Records System.
 12. Property Control System.
- XIV. National Park Service.
1. Special Use Permits System.
 2. Land Acquisition and Relocation Files System.
 3. Management Information System.
 4. Travel Records System.
 5. Retirement Record System.
 6. Audiovisual Performance Selection Files System.
 7. National Park Service Historical Library System.
 8. Property and Supplies Accountability System.
 9. Advisory Council on Historic Preservation Membership System.

10. Central Files System.
 11. Congressional Correspondence System, Advisory Council on Historic Preservation.
 12. U.S. Park Police Personnel Photograph File System.
 13. Concessioners System.
 14. Concessioner Financial Statement and Audit Report Files System.
 15. Concessions Management Files System.
 16. Position and Manpower Reporting System.
 17. Employee Financial Irregularities System.
 18. Collection, Certifying and Disbursing Officers and Imprest Funds Cashiers System.
 19. Law Enforcement Statistical Reporting System.
 20. Payroll System.
 21. Visitor Statistical Survey Forms System.
- XV. Bureau of Outdoor Recreation.
1. Congressional Correspondence File System.
 2. Payroll System.
 3. Management by Objectives System.
 4. Motor Vehicle Operations Program System.
 5. Financial Management System.
 6. Property Hand Receipt File System.
 7. Travel and Transportation Automated Accounting System.
- XVI. Bureau of Reclamation.
1. Accidents System.
 2. Accounts Receivable System.
 3. Attendance at Meetings System.
 4. Audiograms (Hearing Test Record) System.
 5. Claims System.
 6. Collection Contracts System.
 7. Concessions System.
 8. Driver's License System.
 9. Foreign Visitors and Observers System.
 10. Identification Cards System.
 11. Individual Record of Issues System.
 12. Inventions and Patents System.
 13. Irrigation Management Service System.
 14. Land Exchange System.
 15. Land Settlement Entries System.
 16. Litigation System.
 17. Lands-Lease, Sales, Rentals and Transfers System.
 18. Lease of Housing System.
 19. Mineral Location Entries System.
 20. Moveable Property ADP Records System.
 21. Moveable Property Individual Responsibility System.
 22. Oil and Gas Applications System.
 23. Parking System.
 24. Payroll, Attendance and Leave Records (PAYPERS) System.
 25. Personal Author Reports System.
 26. Photographic Files System.
 27. Publication Sales System.
 28. Real Property and Right-of-Way Acquisition System.
 29. Right-of-Way Applications System.
 30. Safe Driving Records System.
 31. Sale of Power to Individuals System.
 32. Special Use Applications, Licenses, and Permits System.
 33. Speeches System.
 34. Thefts Listing System.
 35. Travel Approval Authorizations and Reports System.
 36. Travel Voucher Records System.
 37. Trespass Cases System.
 38. Water Rights Applications System.
 39. Water Rights Acquisition System.
 40. Water Sales and Delivery Contracts System.

41. Permits System.
 42. (Reserved.)
 43. Recordable Contracts System.
 44. Vendor Payment Records System.
 45. Equipment, Supply and Service Contracts System.
 46. Employee Trip Reports System.
 47. Employees' Compensation Records System.
- XVII. Alaska Power Administration.
1. Administrative Management and Fiscal Records System.
- XVIII. (Reserved.)
- XIX. Bonneville Power Administration.
1. Travel Records System.
 2. Payroll Files System.
 3. Audiometric Testing Forms System.
 4. Automotive Accident Files System.
 5. Motor Vehicle Operator Identification Records System.
 6. Industrial Accident Files and Employee Claims Files System.
 7. Safety Training Files System.
 8. Plant Services History Files System.
 9. Plant Services Personal Accountability Property System.
 10. Land Records System.
 11. Accounts Receivable System.
 12. Report of Inventions System.
 13. Parking Assignment Records System.
 14. Security Clearance File System.
- XX. Southeastern Power Administration.
1. Administrative Management and Fiscal Records.
- XXI. Southwestern Power Administration.
1. Payroll System.
 2. Contracts System.
 3. Budget Forecast System.
 4. Property Management System.
 5. Travel Records System.

[FR Doc. 75-25582 Filed 9-25-75; 8:45 am]

FEDERAL HOME LOAN BANK BOARD PRIVACY ACT OF 1974

Notice of Systems of Records Correction

In FR Doc. 75-22535 appearing at page 39057 in the issue of August 27, 1975, make the following changes:

1. The preamble, which was inadvertently omitted, should read as set forth below.

2. The systems of records identified as FHLBB-1, Internal Office Personnel Files, FHLBB-9, Candidates for Appointed Directorships of Federal Home Loan Banks, and FHLBB-10, Depositors/Account Holders in Defaulted Associations, were inadvertently printed out of order. Consequently, they are reprinted in full for the convenience of the reader, and should read as set forth below.

Following are the systems of records prescribed by the Privacy Act of 1974. Any omissions due to oversight will be published at a later date.

Public comment is solicited on the routine use portion of the notices, and should be submitted by September 26, 1975.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

FHLBB-1

System name: INTERNAL OFFICE PERSONNEL FILES

System location: SEE "SYSTEM MANAGER".

Categories of individuals covered by the system: FEDERAL HOME LOAN BANK BOARD EMPLOYEES, CONSULTANTS, AND EMPLOYEES OF THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, AND FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECEIVERSHIPS.

Categories of records in the system: THIS SYSTEM CONSISTS OF A VARIETY OF RECORDS RELATING TO PERSONNEL ACTIONS AND DETERMINATIONS REGARDING INDIVIDUALS WHILE EMPLOYED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, THE FEDERAL HOME LOAN BANK BOARD, AS CONSULTANTS TO THE BOARD, OR AS EMPLOYEES OF A FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECEIVERSHIP. THE RECORDS MAY CONTAIN INFORMATION ABOUT AN INDIVIDUAL RELATING TO: DATE OF BIRTH; SOCIAL SECURITY NUMBER; VETERANS PREFERENCE; TENURE; PHYSICAL HANDICAP; PAST AND PRESENT SALARIES, GRADES, AND POSITION TITLES; AND MAY INCLUDE LETTERS OF COMMENDATION, REPRIMANDS, CHARGES, AND DECISION ON CHARGES; NOTICES OF REDUCTIONS-IN-FORCE; ACCIDENT REPORTS; UPWARD-MOBILITY INFORMATION; LOCATOR FILES; LOANS WITH SAVINGS AND LOANS; PERSONNEL ACTIONS, INCLUDING BUT NOT LIMITED TO APPOINTMENT, PROMOTION, REASSIGNMENT, DEMOTION, WORK DETAIL, TRANSFER, AND SEPARATION; PROBATIONARY PERIOD; TRAINING; MINORITY GROUP INDICATOR; LIFE INSURANCE, HEALTH BENEFITS, AND DESIGNATION OF BENEFICIARY; APPLICATION FOR EMPLOYMENT; LETTERS OF REFERENCE; PERFORMANCE RATINGS (MBO/KOI OR OTHER AS APPLICABLE); DOCUMENTATION OF PERSONNEL ACTIONS OR DECISIONS MADE ABOUT THE INDIVIDUAL; AWARDS; RECORDS OF EQUIPMENT AND MATERIALS ISSUED TO THE INDIVIDUAL; LEAVE AND TIME-AND-ATTENDANCE RECORDS; TRAVEL RECORDS; AND OTHER INFORMATION REGARDING THE INDIVIDUAL.

Authority for maintenance of the system: 5 U.S.C. 1302, 2951, 4118, 4308, 4506, AND EXECUTIVE ORDER 10561, DATED SEPTEMBER 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: INFORMATION IN THESE RECORDS IS USED OR MAY BE USED:

(1) BY BOARD AND RECEIVERSHIP OFFICIALS FOR REVIEW IN CONNECTION WITH TRAINING, APPOINTMENTS, TRANSFERS, PROMOTIONS, REASSIGNMENTS, ADVERSE ACTIONS (INCLUDING DISCIPLINARY ACTIONS), DETERMINATIONS OF QUALIFICATIONS OF AN INDIVIDUAL, DETERMINATIONS OF CONFLICTS OF INTEREST, EQUIPMENT ASSIGNED TO AN INDIVIDUAL, ENTITLED BENEFITS, LEAVE AUTHORIZED AND USED, TRAVEL UNDERTAKEN, AND RE-IMBURSEMENTS;

(2) BY THE CIVIL SERVICE COMMISSION FOR WHEN A CURRENT OR FORMER FEDERAL EMPLOYEE QUESTIONS THE VALIDITY OF A SPECIFIC DOCUMENT IN HIS RECORD;

(3) BY THE COURTS TO RENDER A DECISION WHEN AN AGENCY HAS REFUSED TO RELEASE TO A CURRENT OR FORMER FEDERAL EMPLOYEE A RECORD UNDER THE FREEDOM OF INFORMATION ACT;

(4) TO PROVIDE INFORMATION TO A PROSPECTIVE EMPLOYER OF A CURRENT OR FORMER FEDERAL EMPLOYEE;

(5) TO PROVIDE DATA FOR THE AUTOMATED CENTRAL PERSONNEL DATA FILE (CPDF);

(6) TO PROVIDE DATA TO UPDATE FEDERAL AUTOMATED CAREER SYSTEMS (FACS), THE EXECUTIVE INVENTORY FILE, SECURITY INVESTIGATIONS, THE INDEX ON NEW HIRES, AND MATERIALS CONCERNING ADVERSE ACTIONS AND TERMINATION;

(7) TO PROVIDE INFORMATION TO A FEDERAL AGENCY, IN RESPONSE TO ITS REQUEST, IN CONNECTION WITH HIRING OR RETENTION OF AN EMPLOYEE, LETTING OF A CONTRACT, OR ISSUANCE OF A LICENSE, GRANT, OR OTHER BENEFIT BY THE REQUESTING AGENCY, TO THE EXTENT THAT THE INFORMATION IS RELEVANT AND NECESSARY TO THE REQUESTING AGENCY'S DECISION ON THE MATTER;

(8) IN CONNECTION WITH REQUESTS FOR INFORMATION FROM A FEDERAL, STATE, OR LOCAL AGENCY MAINTAINING CIVIL, CRIMINAL, OR OTHER RELEVANT ENFORCEMENT OR OTHER PERTINENT INFORMATION, SUCH AS LICENSES, IF THE OBTAINING OF SUCH INFORMATION IS NECESSARY TO AN AGENCY DECISION CONCERNING HIRING OR RETENTION OF AN EMPLOYEE, ISSUANCE OF A SECURITY CLEARANCE, LETTING OF A CONTRACT, OR ISSUANCE OF A LICENSE, GRANT, OR OTHER BENEFIT;

(9) TO REFER, WHERE THERE IS INDICATION OF A VIOLATION OR POTENTIAL VIOLATION OF LAW (WHETHER CIVIL, CRIMINAL, OR REGULATORY), TO THE APPROPRIATE FEDERAL, STATE, OR LOCAL AGENCY CHARGED WITH RESPONSIBILITY FOR INVESTIGATING OR PROSECUTING SUCH VIOLATION OR ENFORCING OR IMPLEMENTING STATUTE, OR RULE, REGULATION, OR ORDER ISSUED PURSUANT THERETO;

(10) AS A DATA SOURCE FOR MANAGEMENT INFORMATION FOR PRODUCTION OF SUMMARY DESCRIPTIVE STATISTICS AND ANALYTICAL STUDIES IN SUPPORT OF THE FUNCTION FOR WHICH THE RECORDS ARE COLLECTED AND MAINTAINED, OR FOR RELATED PERSONNEL MANAGEMENT FUNCTIONS OR MANPOWER STUDIES, AND FOR UTILIZATION IN RESPONSE TO GENERAL REQUESTS FOR STATISTICAL INFORMATION (WITHOUT PERSONAL IDENTIFICATION OF INDIVIDUALS) UNDER THE FREEDOM OF INFORMATION ACT OR TO LOCATE SPECIFIC INDIVIDUALS FOR PERSONNEL RESEARCH OR OTHER PERSONNEL MANAGEMENT FUNCTIONS; AND

(11) VERIFICATION OF EMPLOYMENT FOR CREDIT PURPOSES.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: RECORDS ARE MAINTAINED IN FILE FOLDERS OR ON KARDEX CARDS IN LOCKABLE CONTAINERS OR IN SECURED ROOMS.

Retrievability: RECORDS ARE FILED BY NAME OF INDIVIDUAL.

Safeguards: ACCESS IS LIMITED TO PERSONNEL WHOSE OFFICIAL DUTIES REQUIRE SUCH ACCESS AND WHO HAVE A NEED TO KNOW THE INFORMATION IN A RECORD FOR A PARTICULAR JOB-RELATED PURPOSE.

Retention and disposal: RECORDS ARE GENERALLY RETAINED UNTIL 60 DAYS AFTER TERMINATION OF EMPLOYMENT. SOME RECORDS (SUCH AS LETTERS OF REPRIMAND, MEMORANDA FOR THE RECORD, INFORMATION ON POSSIBLE CONFLICTS OF INTEREST, AND OTHER SUCH RECORDS) ARE RETAINED

FOR UP TO TWO YEARS AFTER EMPLOYMENT TERMINATION. TRAVEL, TIME-AND-ATTENDANCE, AND LEAVE RECORDS ARE RETAINED FOR ONE FISCAL YEAR BEYOND THE CURRENT FISCAL YEAR, OR UNTIL AUDITED, WHICHEVER IS LATER. INFORMATION GATHERED IN CONNECTION WITH THE MBO/KOI PERFORMANCE RATING SYSTEM IS RETAINED NO MORE THAN ONE YEAR AFTER AN EMPLOYEE ACCEPTS THE RATING GIVEN. RECORDS OF RECEIVERSHIP FILES ARE RETAINED FOR THREE YEARS AFTER DISSOLUTION OF RECEIVERSHIP. IN THE OES WASHINGTON OFFICE KARDEX CARDS SUMMARIZING PAST OR PRESENT EMPLOYEES' EMPLOYMENT HISTORIES ARE MAINTAINED PERMANENTLY.

System manager(s) and address: THE BUSINESS ADDRESS OF EACH SYSTEM MANAGER LISTED BELOW, UNLESS OTHERWISE INDICATED, IS:

FEDERAL HOME LOAN BANK BOARD
320 FIRST STREET, N. W.

WASHINGTON, D. C. 20552

PERSONNEL LIAISON OFFICER, MANAGEMENT SYSTEMS DIVISION

PERSONNEL LIAISON OFFICER, ACCOUNTING AND FISCAL OPERATION BRANCH, FINANCIAL MANAGEMENT DIVISION

DIRECTOR, OFFICE OF ECONOMIC RESEARCH GENERAL COUNSEL, OFFICE OF THE GENERAL COUNSEL

DIRECTOR, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

DIRECTOR, GENERALIZED SYSTEM RESEARCH AND DESIGN DIVISION

DIRECTOR, OFFICE OF EXAMINATIONS AND SUPERVISION

DIRECTOR, OFFICE OF HOUSING AND URBAN AFFAIRS

DIRECTOR, ADMINISTRATION AND METHODS DIVISION

DIRECTOR, OFFICE OF INDUSTRY DEVELOPMENT
DEPUTY DIRECTOR, OFFICE OF THE FEDERAL HOME LOAN BANKS

PERSONNEL LIAISON OFFICER, INFORMATION SYSTEMS DIVISION

DISTRICT DIRECTOR—EXAMINATIONS OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD
ONE UNION STREET—FOURTH FLOOR

BOSTON, MASSACHUSETTS 02108

DISTRICT DIRECTOR—EXAMINATIONS OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD
ONE WORLD TRADE CENTER, FLOOR 103

NEW YORK, NEW YORK 10048

DISTRICT DIRECTOR—EXAMINATIONS OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD
11 STANWIX STREET, ROOM 300

PITTSBURGH, PENNSYLVANIA 15222

ASSISTANT DISTRICT DIRECTOR—ADMINISTRATION OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD
260 PEACHTREE STREET, N.W.

ATLANTA, GEORGIA 30303

ASSISTANT DISTRICT DIRECTOR

SILVER SPRING AREA OFFICE

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

8701 GEORGIA AVENUE, ROOM 400

SILVER SPRING, MARYLAND 20910

ASSISTANT DISTRICT DIRECTOR

CHARLOTTE AREA OFFICE

OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD

4915 ALBEMARLE ROAD

CHARLOTTE, NORTH CAROLINA 28205

ASSISTANT DISTRICT DIRECTOR

FORT LAUDERDALE AREA OFFICE

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

1525 SOUTH ANDREWS AVENUE

FORT LAUDERDALE, FLORIDA 33316

DISTRICT DIRECTOR—EXAMINATIONS

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

2400 DUBOIS TOWER

511 WALNUT STREET

CINCINNATI, OHIO 45202

ASSISTANT DISTRICT DIRECTOR

CINCINNATI AREA OFFICE

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

2400 DUBOIS TOWER

511 WALNUT STREET

CINCINNATI, OHIO 45202

ASSISTANT DISTRICT DIRECTOR

NASHVILLE AREA OFFICE

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

2209 CRESTMOOR ROAD

NASHVILLE, TENNESSEE 37215

ASSISTANT DISTRICT DIRECTOR

CANTON AREA OFFICE

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

229 WELLS AVENUE, N. W.

CANTON, OHIO 44703

ASSISTANT DISTRICT DIRECTOR

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

2950 INDIANA TOWER

ONE INDIANA SQUARE

INDIANAPOLIS, INDIANA 46204

DISTRICT DIRECTOR—EXAMINATIONS

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

111 EAST WACKER DRIVE—UITE 700

CHICAGO, ILLINOIS 60601

DISTRICT DIRECTOR—EXAMINATIONS

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

714 SECOND AVENUE

DES MOINES, IOWA 50309

DISTRICT DIRECTOR—EXAMINATIONS

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

634 HARRISON STREET

TOPEKA, KANSAS 66603

ASSISTANT DISTRICT DIRECTOR

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

ROOM 379, POST OFFICE BUILDING

10TH AND STOUT STREETS

DENVER, COLORADO 80202

DISTRICT DIRECTOR—EXAMINATIONS

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

600 STEWART STREET, SUITE 610

SEATTLE, WASHINGTON 98101

DISTRICT DIRECTOR—EXAMINATIONS

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

600 CALIFORNIA STREET

SAN FRANCISCO, CALIFORNIA 94108

DISTRICT DIRECTOR—EXAMINATIONS

OFFICE OF EXAMINATIONS AND SUPERVISION

FEDERAL HOME LOAN BANK BOARD

1350 TOWER BUILDING

LITTLE ROCK, ARKANSAS 72201

OFFICE SUPERVISOR

DALLAS BRANCH OFFICE
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
1100 COMMERCE STREET, ROOM 3B-29
DALLAS, TEXAS 75202
OFFICE SUPERVISOR

HOUSTON BRANCH OFFICE
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
201 FANNIN STREET, ROOM 321
HOUSTON, TEXAS 77002
ADMINISTRATIVE OFFICER

FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION

10001 WEST ROOSEVELT BOULEVARD
WESTCHESTER, ILLINOIS 60153

RECEIVERSHIP AGENT

MIDWESTERN OFFICE RECEIVERSHIPS

FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION

10001 WEST ROOSEVELT BOULEVARD
WESTCHESTER, ILLINOIS 60153

MANAGER, SCOTTSDALE OFFICE

FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION

6370 NORTH SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85252

RECEIVERSHIP MANAGER

NORTHWEST GUARANTY RECEIVERSHIP

FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION

1100 TOWER BUILDING

SEATTLE, WASHINGTON 98101

WESTERN OFFICE MANAGER

FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION

900 WILSHIRE BOULEVARD, SUITE 840
LOS ANGELES, CALIFORNIA 90017

Notification procedure: INQUIRIES CONCERNING RECORDS SHALL BE MADE BY NOTIFYING THE APPROPRIATE SYSTEM MANAGER. SUCH NOTIFICATION MUST INCLUDE THE INDIVIDUAL'S NAME, SOCIAL SECURITY NUMBER OR EMPLOYEE IDENTIFICATION NUMBER, DATE OF BIRTH, OFFICE OF EMPLOYMENT (INCLUDING LOCATION), PERIOD OF EMPLOYMENT AND THE NAME OF THE RECORD SYSTEM.

Record access procedures: PERSONS WISHING TO HAVE ACCESS TO THEIR RECORDS OR TO HAVE SUCH RECORDS CHANGED (INCLUDING MODIFICATION, ADDITION, AND DELETION) SHALL NOTIFY THE APPROPRIATE SYSTEM MANAGER. SUCH NOTIFICATION SHALL INCLUDE THE SAME INFORMATION REQUIRED TO BE FURNISHED UNDER "NOTIFICATION", PLUS A STATEMENT SETTING FORTH THE DESIRED ACCESS OR CHANGES AND THE REASONS FOR SUCH CHANGES.

Contesting record procedures: SEE "ACCESS PROCEDURES".

Record source categories: INFORMATION IN THIS SYSTEM OF RECORDS MAY HAVE BEEN OBTAINED FROM THE INDIVIDUAL, HIS IMMEDIATE SUPERVISOR OR PERSONS AT OTHER SUPERVISORY LEVELS, THE PERSONNEL OFFICE, THE PAYROLL OFFICE, SAVINGS AND LOAN ASSOCIATIONS, U. S. CIVIL SERVICE COMMISSION, OR OTHER SOURCES.

FHLBB-9

System name: CANDIDATES FOR APPOINTED DIRECTORSHIPS OF FEDERAL HOME LOAN BANKS.

System location: FEDERAL HOME LOAN BANK BOARD, 320 FIRST STREET, N.W., WASHINGTON, D. C. 20552.

Categories of individuals covered by the system: CANDIDATES FOR APPOINTED DIRECTORSHIPS OF THE FEDERAL HOME LOAN BANKS.

Categories of records in the system: RESUMES OF POTENTIAL CANDIDATES, REFERRAL LETTERS, AND INTERNAL AGENCY MEMORANDA.

Authority for maintenance of the system: SECTION 7 OF THE FEDERAL HOME LOAN BANK ACT (12 U.S.C. 1427).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: INFORMATION IS USED BY THE DIRECTOR OF THE OFFICE OF FEDERAL HOME LOAN BANKS AND BY BOARD MEMBERS TO DETERMINE QUALIFICATIONS AND AVAILABILITY OF CANDIDATES BEING CONSIDERED AS APPOINTED DIRECTORS OF FEDERAL HOME LOAN BANKS. INFORMATION FROM THIS SYSTEM MAY BE CONVEYED TO THE PRESIDENTS AND STAFFS OF THE REGIONAL FEDERAL HOME LOAN BANKS, AND TO THE EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: RECORDS ARE MAINTAINED IN FILE FOLDERS.

Retrievability: RECORDS ARE FILED BY NAME OF CANDIDATE.

Safeguards: ACCESS IS LIMITED TO PERSONNEL WHOSE OFFICIAL DUTIES REQUIRE SUCH ACCESS AND WHO HAVE A NEED TO KNOW THE INFORMATION FOR A PARTICULAR JOB-RELATED PURPOSE. ACCESS IS

GAINED ONLY THROUGH THE ADMINISTRATIVE ASSISTANT (ELECTIONS), OFFICE OF THE FEDERAL HOME LOAN BANKS.

Retention and disposal: RECORDS ARE RETAINED FOR THREE YEARS, UNLESS A CANDIDATE IS APPOINTED. RECORDS OF APPOINTEES ARE TRANSFERRED TO THE DISTRICT BANK BOARD OF DIRECTORS BIOGRAPHY FILE.

System manager(s) and address: ADMINISTRATIVE ASSISTANT (ELECTIONS), OFFICE OF THE FEDERAL HOME LOAN BANKS. SEE "LOCATION" FOR ADDRESS.

Notification procedure: INQUIRIES CONCERNING RECORDS SHALL BE MADE TO THE SYSTEM MANAGER. SUCH

NOTIFICATION MUST INCLUDE THE CANDIDATE'S NAME AND BANK DISTRICT.

Record access procedures: PERSONS WISHING TO HAVE ACCESS TO THEIR RECORDS OR TO HAVE SUCH RECORDS CHANGED (INCLUDING MODIFICATION, ADDITION AND DELETION) SHALL NOTIFY THE SYSTEM MANAGER, FURNISHING THE INFORMATION REQUIRED UNDER "NOTIFICATION", PLUS A STATEMENT OF DESIRED ACCESS OR CHANGE AND THE REASONS FOR SUCH CHANGES.

Contesting record procedures: SEE "ACCESS PROCEDURES".

Record source categories: POTENTIAL CANDIDATE; LETTERS OF REFERENCE FOR APPOINTED DIRECTOR; MEMORANDA.

FHLBB-10

System name: DEPOSITORS/ACCOUNT HOLDERS IN DEFAULTED ASSOCIATIONS

System location: SEE "SYSTEM MANAGER".

Categories of individuals covered by the system: EVERY INDIVIDUAL WITH AN ACCOUNT IN A DEFAULTED ASSOCIATION.

Categories of records in the system: INFORMATION PERTAINING TO THE ACCOUNT OF AN INDIVIDUAL, INCLUDING THE TYPE OF ACCOUNT, ACCOUNT BALANCE, RATE OF RETURN AND INTEREST EARNED, INSURANCE PAYMENT, AND OTHER INFORMATION RELATING TO SAVINGS ACCOUNTS.

Authority for maintenance of the system: 402, 405 OF THE NATIONAL HOUSING ACT.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: INFORMATION CONTAINED IN THIS RECORD SYSTEM MAY BE DISCLOSED:

(1) IN CONNECTION WITH SETTLEMENT OF INSURANCE CLAIMS AGAINST DEFAULTED INSTITUTIONS INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, TO REPRESENTATIVES OF THE CORPORATION (INCLUDING A PRIVATE CONTRACTOR ASSISTING IN INSURANCE SETTLEMENT ACTIVITIES BY PROVIDING NEEDED DATA PROCESSING OR OTHER SERVICES);

(2) FOR CREDIT CHECKS (CONSISTENT WITH THE FAIR CREDIT REPORTING ACT) BY INDIVIDUALS, FIRMS, OR AGENCIES WISHING TO VERIFY AN INDIVIDUAL'S FINANCIAL STANDING;

(3) IN THE EVENT THAT A SYSTEM OF RECORDS MAINTAINED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION TO CARRY OUT ITS FUNCTIONS INDICATES A VIOLATION OR POTENTIAL VIOLATION OF LAW, WHETHER CIVIL, CRIMINAL OR REGULATORY IN NATURE, AND WHETHER ARISING BY GENERAL STATUTE OR PARTICULAR PROGRAM STATUTE, OR BY REGULATION, RULE OR ORDER ISSUED PURSUANT THERETO, THE RELEVANT RECORDS IN THE SYSTEM OF RECORDS MAY BE REFERRED, AS A ROUTINE USE, TO THE APPROPRIATE AGENCY, WHETHER FEDERAL, STATE, LOCAL OR FOREIGN, CHARGED WITH THE RESPONSIBILITY OF INVESTIGATING OR PROSECUTING SUCH VIOLATION OR CHARGED WITH ENFORCING OR IMPLEMENTING THE STATUTE, OR RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO; AND

(4) TO FEDERAL, STATE AND LOCAL AUTHORITIES, IF NECESSARY FOR ASSESSMENT, COMPUTATION, AND COLLECTION OF FEDERAL, STATE, AND LOCAL TAXES IN ACCORDANCE WITH ESTABLISHED PROCEDURES.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: RECORDS ARE MAINTAINED IN LOCKABLE CONTAINERS AND ON MAGNETIC TAPE OR OTHER RETRIEVAL DEVICES FOR USE IN COMPUTER SYSTEMS.

Retrievability: RECORDS ARE FILED BY A COMBINATION OF NAME AND ACCOUNT NUMBER.

Safeguards: ACCESS IS LIMITED TO PERSONNEL WHOSE OFFICIAL DUTIES REQUIRE SUCH ACCESS AND WHO HAVE A NEED TO KNOW THE INFORMATION IN A RECORD FOR A PARTICULAR JOB-RELATED PURPOSE.

Retention and disposal: RECORDS ARE RETAINED FOR TEN YEARS AFTER FINAL PAYMENTS ARE DISTRIBUTED.

System manager(s) and address:

RECEIVERSHIP AGENT
MIDWESTERN OFFICE RECEIVERSHIPS
FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION

10001 WEST ROOSEVELT BOULEVARD
WESTCHESTER, ILLINOIS 60153
INSURANCE SETTLEMENT OFFICE
FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION

10001 WEST ROOSEVELT BOULEVARD
WESTCHESTER, ILLINOIS 60153
MANAGER, SCOTTSDALE OFFICE
FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION

6370 NORTH SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85252
RECEIVERSHIP MANAGER
NORTHWEST GUARANTY RECEIVERSHIP
FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION

1100 TOWER BUILDING
SEATTLE, WASHINGTON 98101

Notification procedure: INQUIRIES CONCERNING RECORDS SHALL BE MADE TO THE APPLICABLE SYSTEM MANAGER, FURNISHING NAME OF THE INDIVIDUAL, NAME OF INSTITUTION WHERE ACCOUNT WAS HELD, ACCOUNT NUMBER, AND THE NAME OF THE RECORD SYSTEM.

Record access procedures: PERSONS WISHING TO HAVE ACCESS TO THEIR RECORDS OR TO HAVE SUCH RECORDS CHANGED (INCLUDING MODIFICATION, ADDITION, AND

DELETION) SHALL NOTIFY THE APPROPRIATE SYSTEM MANAGER. SUCH NOTIFICATION SHALL INCLUDE THE INFORMATION REQUIRED UNDER "NOTIFICATION", PLUS A STATEMENT SETTING FORTH THE DESIRED ACCESS OR CHANGES AND THE REASONS FOR SUCH CHANGES.

Contesting record procedures: SEE "ACCESS PROCEDURES".

Record source categories: DEFAULTED ASSOCIATION RECORDS, THE INDIVIDUAL WHOSE RECORD IS MAINTAINED, AND THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, ITS AGENTS AND CONTRACTORS.

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Systems of Records; Correction

In FR Doc. 75-22666 published in the FEDERAL REGISTER (40 FR 39137) of August 27, 1975, setting forth the systems of records prescribed by the Privacy Act of 1974 within the General Services Administration (GSA), the following correction to the Appendix GSA/ADTS Address of Location (page 39187) is submitted.

Change Region 9 address to read:

Regional Commissioner, ADTS, 525 Market Street, San Francisco, California 94105, Telephone: 415-556-3272.

Dated: September 24, 1975.

W. E. BURTON,
Temporary Chairman,
GSA Privacy Board.

[FR Doc. 75-25864 Filed 9-25-75; 8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

IMPLEMENTATION OF PRIVACY ACT OF 1974

Notice of Systems of Records and Routine Uses Thereof

Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93-579), the National Transportation

Safety Board hereby gives notice of the maintenance of the following systems of records:

Claimants under Federal Tort Claims Act (NTSB-1)
Employee Payroll, Leave, and Attendance Records (NTSB-6)
Equal Employment Opportunity Complaint Records (NTSB-7)
Personnel Nonpermanent Records (NTSB-2)
Privacy Act Requests Records (NTSB-8)
Reports of Employee's Financial Interests and Outside Employment (NTSB-5)
Security Records (NTSB-3)
Travel Records of Employees (NTSB-4)

The systems of records and proposed routine uses thereof, identified above as NTSB-1 (Claimants under Federal Tort Claims Act), NTSB-2 (Personnel Nonpermanent Records), NTSB-3 (Security Records), and NTSB-4 (Travel Records of Employees), were published in the FEDERAL REGISTER on Monday, August 11, 1975, at 40 FR 33813 and 33814. Public comment was invited. No comments having been received, the Board now adopts those systems of records without change.

The systems of records and proposed routine uses thereof, identified above as NTSB-5 (Reports of Employee's Financial Interests and Outside Employment) and NTSB-6 (Employee Payroll, Leave, and Attendance Records), were published in the FEDERAL REGISTER on Friday, August 29, 1975, at 40 FR 40137; however, because the notice which appeared in

that issue was misprinted, a corrected notice was published on Friday, September 5, 1975, at 40 FR 41197. Public comment was invited, but none was received. The Board now adopts system of record NTSB-5 without change. The Board also adopts system of record NTSB-6 with an amendment to the "Safeguards" portion only, the amended portion to read as follows:

Safeguards: Only qualified personnel are permitted to process time cards. After the cards have been processed, they are stored in lockable metal cabinets. The tapes are maintained in the computer center; access is permitted only to certain specified FHWA employees or appropriate employees of contractor agencies.

The Board, by notice appearing in the FEDERAL REGISTER of Thursday, September 25, 1975, at 40 FR 44301, has added two additional systems of records, namely, NTSB-7, Equal Employment Opportunity Complaint Records, and NTSB-8, Privacy Act Requests Records. The proposed routine uses of these systems of records are included in that notice. Public comment has been invited in accordance with 5 U.S.C. 552a(e)(11).

Approved by the National Transportation Safety Board at Washington, D.C., this 22nd day of September, 1975.

[SEAL]

JOHN H. REED,
Chairman.

[FR Doc. 75-25640 Filed 9-25-75; 8:45 am]

ACTION
PRIVACY ACT OF 1974
Notice of Additional Systems of Records

On Wednesday, September 10, 1975, ACTION systems of records were published in 40 F.R. No. 176 at p. 42113. That notice was published in accord with 5 U.S.C. 552a(e)(4) and (11) of the Privacy Act of 1974 (Pub. L. 93-570) therein and herein referred to as the "Act". Notice is hereby given that in accord with the aforesaid Act ACTION proposes to give notice of additional systems of records as set forth below.

Any person interested in this notice may submit written views, comments or other data to ACTION/GC, Room 607, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. Although the systems of records set forth below will be considered adopted as published, any comments received from the public within 30 days from publication will be considered and appropriate amendments will be made. Comments received will be available for public inspection at the above address between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday (except holidays).

The Preliminary Statement published as indicated above in connection with ACTION's original publication of notice of systems of records is incorporated herein and made a part hereof and shall apply to all systems of records set forth below.

This notice is issued in Washington, D.C. on September 23, 1975.

Willard H. Meinecke,
Acting Director, ACTION.

ACTION/IO-13

System name: Overseas Staff Correspondence Files—ACTION/IO

System location: Africa Regional Office as to personnel serving in Africa and Latin America Regional Office as to personnel serving in Latin America, the Caribbean and Central America, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps overseas staff, contractors and consultants.

Categories of records in the system: Correspondence between the Regional Director or the Deputy Director and current overseas staff, consultants or contractors.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9-10-75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed by country of service and alphabetically within such countries.

Safeguards: Records in this system are available to regional office personnel and other officials of ACTION needing such records in the performance of their duties.

Retention and disposal: Records in this system are reviewed annually and destroyed when no longer needed.

System manager(s) and address: Regional Director (Africa or Latin America) ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

Record source categories: Individuals who are the subjects of the system and staff members of the Regional Offices.

ACTION/IO-14

System name: Regional Volunteer Correspondence Files

System location: Africa Regional Office as to volunteers serving in Africa and Latin America Regional Office as to volunteers serving in Latin America, the Caribbean and Central America, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Present and former Peace Corps volunteers

Categories of records in the system: These records contain copies and original correspondence to and from volunteers regarding project related activities.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9-10-75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order by country of service

Safeguards: Records are available only to officials of ACTION needing such records in performance of their duties.

Retention and disposal: These records are reviewed annually and destroyed when no longer needed.

System manager(s) and address: The country desk officer of each country served by Peace Corps volunteers, Latin America Region and Africa Region, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: Peace Corps volunteers and ACTION staff members.

ACTION/IO-15

System name: Regional Peace Corps Personnel Records—ACTION/IO

System location: Africa Region, Latin America Region and North Africa, Near East, Asia and Pacific Region (NANEAP), ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Staff Employees of ACTION serving in Regional Offices or overseas.

Categories of records in the system: These files contain correspondence, copies of resumes, form 171s and other documents regarding personnel matters and actions of current use.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq. and pertinent sections of the Peace Corps Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9/10/75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff for the need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel Management after the employee terminates his employment with ACTION. Thereafter all other records are destroyed after two years following the termination of such employee.

System manager(s) and address: Personnel Analyst, Regional Offices, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: The individual employee to whom the record pertains, supervisors and other ACTION personnel.

ACTION/IO-16

System name: Contractors and Consultants Records File—ACTION/IO

System location: Africa, Latin America and NANEAP Regions, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Individuals who have served or could serve as Contractors/Training Consultants for Peace Corps programs overseas.

Categories of records in the system: These files contain correspondence, resumes, and other materials pertaining to current personal services contractors, training consultants, etc., or perspective applicants for such positions.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9-10-75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order. Alternatively records may be indexed by skills categories but alphabetically within such skills categories.

Safeguards: Records are available only to ACTION staff for the need for such records in the performance of their duties.

Retention and disposal: These records are reviewed annually and those which are no longer necessary for current operations are destroyed.

System manager(s) and address: Contract/Training Specialist, Africa, Latin America or NANEAP Region, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: The individual contractor or consultant to whom the record pertains, supervisors and other ACTION personnel.

ACTION/OD—1

System name: Office of the Director Personnel Records—ACTION/OD

System location: Office of the Director, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525

Categories of individuals covered by the system: Staff employees of ACTION serving in the Office of the Director.

Categories of records in the system: Resumes, job descriptions and miscellaneous copies of personnel forms.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq. and the Domestic Volunteer Service Act, 42 U.S.C. 4951 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9/10/75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff with a need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel

Management upon the employee's termination of employment with ACTION. Thereafter all other records are destroyed within two years following the termination of employee.

System manager(s) and address: Administrative Assistant to the Director, ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: The individual to whom the record pertains, supervisors, and other ACTION personnel.

ACTION/OD—2

System name: National Advisory Council File

System location: Office of the Director, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Present, past and prospective members of the National Volunteer Advisory Council.

Categories of records in the system: Resumes, Form 171s, clearance forms, and miscellaneous related documents.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq. and the Domestic Volunteer Service Act, 42 U.S.C. 4951 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9/10/75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff with a need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel Management upon the personnel's termination of service with ACTION. Thereafter all other records are destroyed within two years following the termination of personnel's service.

System manager(s) and address: Administrative Assistant to the Director/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: The individual to whom the record pertains, other ACTION staff personnel, and other governmental authorities concerned with the appointment of a person whose records exist in the system.

NUCLEAR REGULATORY COMMISSION PRIVACY ACT OF 1974

Notices of Systems of Records—Proposed Routine Uses

On August 27, 1975, in accordance with Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4) and (11)), a notice of system of records maintained by the Nuclear Regulatory Commission was published in the Federal Register (40 FR 38997). A correction notice was published in the Federal Register on September 2, 1975 (40 FR 40492). This notice supplements those notices by listing seven additional systems of records. This notice is subject to all of the provisions and explanations contained in the earlier notices, except as stated below.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed routine uses specified in these notices of systems of records should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by October 28.* Copies of comments received will be available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated at Washington, D.C. this 23d day of September 1975.

For the Nuclear Regulatory Commission:

Samuel J. Chilk,
Secretary of the Commission.

NRC—34

System name: Advisory Committee on Reactor Safeguards (ACRS) Correspondence Index and Associated Records—NRC

System location: Advisory Committee on Reactor Safeguards, NRC, 1717 H Street, N.W., Washington, D.C.

Categories of individuals covered by the system: Persons providing information to or requesting information from the ACRS.

Categories of records in the system: These records contain information relating to incoming requests and correspondence from individuals and replies thereto and a listing by authors names of technical information.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Indexing is maintained on computer tapes and disks and individual materials are located in ACRS files.

Retrievability: Indexed by one or more of the following categories: author and addressee's name, subject title using the Key Word Out of Context (KWOC) index and issuing organization or agency.

Safeguards: Access is limited to those persons whose official duties require such access.

Retention and disposal: Records held indefinitely or until no longer needed.

System manager(s) and address:

Technical Information Officer
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Records contain information prepared by private individuals or organizations, government agencies and their contractors, companies, and other groups such as the American National Standards Institute (ANSI).

NRC—35

System name: Division of Technical Review Employee Work Schedule File—NRC

System location: National Institutes of Health Computer Facility, c/o Office of Management Information and Program Control, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Categories of individuals covered by the system: Division of Technical Review (DTR) professional employees assigned review tasks.

Categories of records in the system: These records contain DTR employees' work schedules and summary description of work completed.

Authority for maintenance of the system: Section 161p, Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(p).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on computer magnetic tapes and in file folders.

Retrievability: Records are accessed by DTR employee's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Retained indefinitely for development of budget program planning and statistical purposes.

System manager(s) and address:

Director, Division of Technical Review
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: DTR employees to whom records pertain and their supervisors.

NRC—36

System name: Employee Locator Records Files—NRC

System location: Primary system—Division of Administrative Operations, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

Categories of individuals covered by the system: Persons who are NRC employees, consultants, contractors and other government personnel.

Categories of records in the system: These records contain information relating to name, address (home and business), telephone numbers (home and business), organization, persons to be notified in case of emergency and other related records.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on index cards and in file folders.

Retrievability: Indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Stored indefinitely or until association with NRC is discontinued.

System manager(s) and address:

Director, Division of Administrative Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individual on whom the record is maintained, general personnel records, and other related records.

NRC-37

System name: Information Security Files and Associated Records—NRC

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission proposes to exempt portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The exemption rule is contained in proposed Section 9.95 of NRC regulations in 10 CFR Part 9.

System location: Primary system—Division of Security, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

Categories of individuals covered by the system: Persons including present or former NRC employees, NRC contractors, NRC consultants, licensees, other government agency personnel, and other cleared persons.

Categories of records in the system: These records include information regarding:

a. personnel who are authorized access to specified levels, categories and types of information, the approving authority, and related documents.

b. individuals who originate classified documents as well as identifying information about the document.

Authority for maintenance of the system: a. Sections 145 and 161i, Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165 and 2201(i).

b. E.O. 11652, March 8, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be used:

a. To provide information relating to the control of classified information and material to the Interagency Classification Review Committee, Department of Defense, Energy Research and Development Administration and other government agencies; and

b. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained primarily in file folders, magnetic tape, and disk packs.

Retrievability: Indexed and accessible by name, social security account number or by some other representation or a combination thereof.

Safeguards: Maintained in locked buildings, containers, or security areas under guard and/or alarm protection, as appropriate.

Retention and disposal: Records are handled in accordance with NRC Manual directives, including NRC Manual Appendix 0230, 'Record Disposition.'

System manager(s) and address:

Director, Division of Security
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information is classified pursuant to Executive Order 11652 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Persons including NRC employees, NRC contractors, NRC consultants, NRC licensees, and NRC visitors as well as information furnished by other government agencies or their contractors.

NRC-38

System name: Mailing Lists—NRC

System location: Primary location—Division of Administrative Operations, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (f) and (h).

Categories of individuals covered by the system: Individuals with an interest in receiving information from the NRC.

Categories of records in the system: Mailing lists include primarily the individual's name and address. Some lists also include telephone number, title, occupation, institutional affiliation and in the case of the associates, type of membership.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are maintained in card files, index cards, address plates, magnetic cards, punch cards, cassettes and magnetic tape.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Access to use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Stored until requestor no longer desires the information.

System manager(s) and address:

Director, Division of Administrative Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individuals expressing an interest in NRC activities and employees.

NRC-39

System name: Personnel Security Files and Associated Records—NRC

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission proposes to exempt portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). The exemption rule is contained in proposed Section 9.95 of the NRC regulations in 10 CFR Part 9.

System location: Primary system—Division of Security, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1(j) and (k) and Part 2.

Categories of individuals covered by the system: Persons including NRC employees and employment applicants, NRC consultants, NRC contractors, licensees, other government agency personnel (e.g., General Services Administration personnel), other persons who have been considered for a personnel clearance, aliens who visit at NRC's facilities and actual or suspected violators of laws administered by NRC.

Categories of records in the system: These records include information relating to personnel, including name, address, date and place of birth, social security account number, citizenship, residence history, employment history, foreign travel, education, personal references, organizational membership and security clearance history. These records also contain copies of investigative reports from other agencies (primarily from the Civil Service Commission or the Federal Bureau of Investigation), summaries of investigative reports, results of Federal agency indices checks, reports of personnel security interviews, clearance actions information (e.g., grants and terminations), violations of laws, reports of security infractions, 'Request for Visit or Access Approval' (Form NRC-277), and other related personnel security processing documents.

Authority for maintenance of the system: a. Sections 145 and 161(i), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165 and 2201(i).

b. E.O. 11652, March 8, 1972.

c. E.O. 10450, April 27, 1953.

d. E.O. 10865, February 20, 1960.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used by the Division of Security, Personnel Security Board Members or Personnel Security Review Board Members, Civil Service Commission, Federal Bureau of Investigation, and other Federal agencies:

- To determine clearance eligibility;
- To certify clearances;
- To maintain the NRC personnel security program; and
- For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained primarily in file folders, magnetic tape, and disk packs.

Retrievability: Indexed and accessible by name, social security account number, or case file number of a combination thereof.

Safeguards: File folders and computer print-outs are maintained in locked buildings, containers, or security areas under guard and/or alarm protection as appropriate. Computer area access limited to cleared personnel with a need to know.

Retention and disposal: Records are handled in accordance with NRC Manual directives, including NRC Manual Appendix 0230, 'Records Disposition.'

System manager(s) and address:

Director, Division of Security
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information is classified pursuant to Executive Order 11652 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Persons including NRC employees, NRC contractors, NRC consultants, NRC licensees, and NRC visitors as well as information furnished by other government agencies or their contractors.

NRC-40

System name: Protection Support Files and Associated Records—NRC

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission proposes to exempt portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The exemption rule is contained in proposed Section 9.95 of the NRC regulations in 10 CFR Part 9.

System location: Primary system—Division of Security, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda,

Maryland.

Duplicate systems—duplicate systems exist in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

Categories of individuals covered by the system: Persons including present or former NRC employees, NRC consultants, NRC contractors, licensees, other government agency personnel and actual or suspected violators of laws relating to the NRC's activities.

Categories of records in the system: These records include information regarding: NRC facilities and NRC contractor facilities security programs and associated records; individuals visiting NRC facilities; NRC employees and NRC related identification files maintained for access purposes; actual or suspected violations of laws administered by NRC; including copies of investigative reports from other government agencies; records of individual's firearms qualification scores including the accountability of firearms; and other documents relating to the safeguarding of National Security Information.

Authority for maintenance of the system: a. Sections 145 and 161 i., k., and p., Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165 and 2201(i), (k) and (p).

b. E.O. 11652, March 8, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be used:

- To provide licensees and contractors with the information necessary to maintain an adequate security program; and
- For any of the routine uses specified in the Prefatory Statement. HI HJ maintained in file folders and on related forms.

Retrievability: Indexed and accessible by name, facility, badge number, identification card number, chronologically, or a combination thereof.

Safeguards: Maintained in locked buildings, containers, or security areas under guard and/or alarm protection, as appropriate.

Retention and disposal: Records are handled in accordance with NRC Manual directives, including Appendix 0230, 'Record Disposition.'

System manager(s) and address:

Director, Division of Security
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:

Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information is classified pursuant to Executive Order 11652 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Persons including NRC employees, NRC Contractors, NRC consultants, NRC licensees, and NRC visitors as well as information furnished by other government agencies or their contractors.

NUCLEAR REGULATORY COMMISSION

PRIVACY ACT OF 1974

Proposed Routine Uses

On August 27, 1975, the U.S. Nuclear Regulatory Commission published in the FEDERAL REGISTER (40 FR 338997) thirty-three systems records. Two additional proposed routine uses are added to the routine uses found in the Nuclear Reactor Operator Licensees Records File (NRC-16). This system of records was renamed Facility Operator Licensees Records File (10 CFR Part 55). These additional routine uses involve the transmittal of test and examination materials to researchers for test validation purposes and to contractors for developing and preparing facility operator license examinations.

Three additional proposed routine uses are added to the routine uses found in the Payroll Accounting Records (NRC-21). These additional routine uses involve the transmittal of payroll data to the Energy Research and Development Administration for preparing computer tapes, providing the Civil Service Commission with retirement and life insurance information, and transmitting information to state agencies for unemployment purposes.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed routine uses should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by October 28, 1975. Copies of comments received will be available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, as amended, notice is hereby given that adoption of the following additional routine uses to the Facility Operator Licensee Records File (NRC-16) and the Payroll Accounting Records (NRC-21) is contemplated.

1. The Routine Use section of the system of records named "Nuclear Reactor Operator Licensees Records File NRC-16" (subsequently renamed "Facility Operator Licensees Records File (10 CFR Part 55)") published on August 27, 1975 (40 FR 39006) is amended by deleting the word "and" after the semicolon at the end of paragraph (a), by changing the period at the end of paragraph (b) to a semicolon, and by adding two new paragraphs (c) and (d) to read as follows:

NRC-16

System name: Facility Operator Licensees Records File (10 CFR Part 55).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: * * *

a. To determine if the individual meets the requirements of 10 CFR Part 55 to take an examination or to be issued an operator's license;

b. For any of the routine uses specified in the Prefatory Statement;

c. To provide researchers with information for statistical evaluations related to selections, training and examination of facility operators; and

d. To provide for examination and testing material and obtain results from contractors.

2. The Routine Use section of the system of records named "Payroll Accounting Records NRC-21" published in the FEDERAL REGISTER on August 27, 1975 (40 FR 39006) is amended by deleting the word "and" after the semicolon at the end of paragraph (l), by changing the period at the end of paragraph (j) to a semicolon, and by adding three new paragraphs (k), (l), and (m) to read as follows:

NRC-21

System name: Payroll Accounting Records—NRC.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: * * *

l. For transmittal to the Office of Management and Budget for review of budget requests;

j. For any of the routine uses specified in the Prefatory Statement;

k. For transmittal of data to the Energy Research and Development Administration for preparing computer material for NRC's transmittal of data to the U.S. Treasury;

l. For withholding of retirement and life insurance to the U.S. Civil Service Commission; and

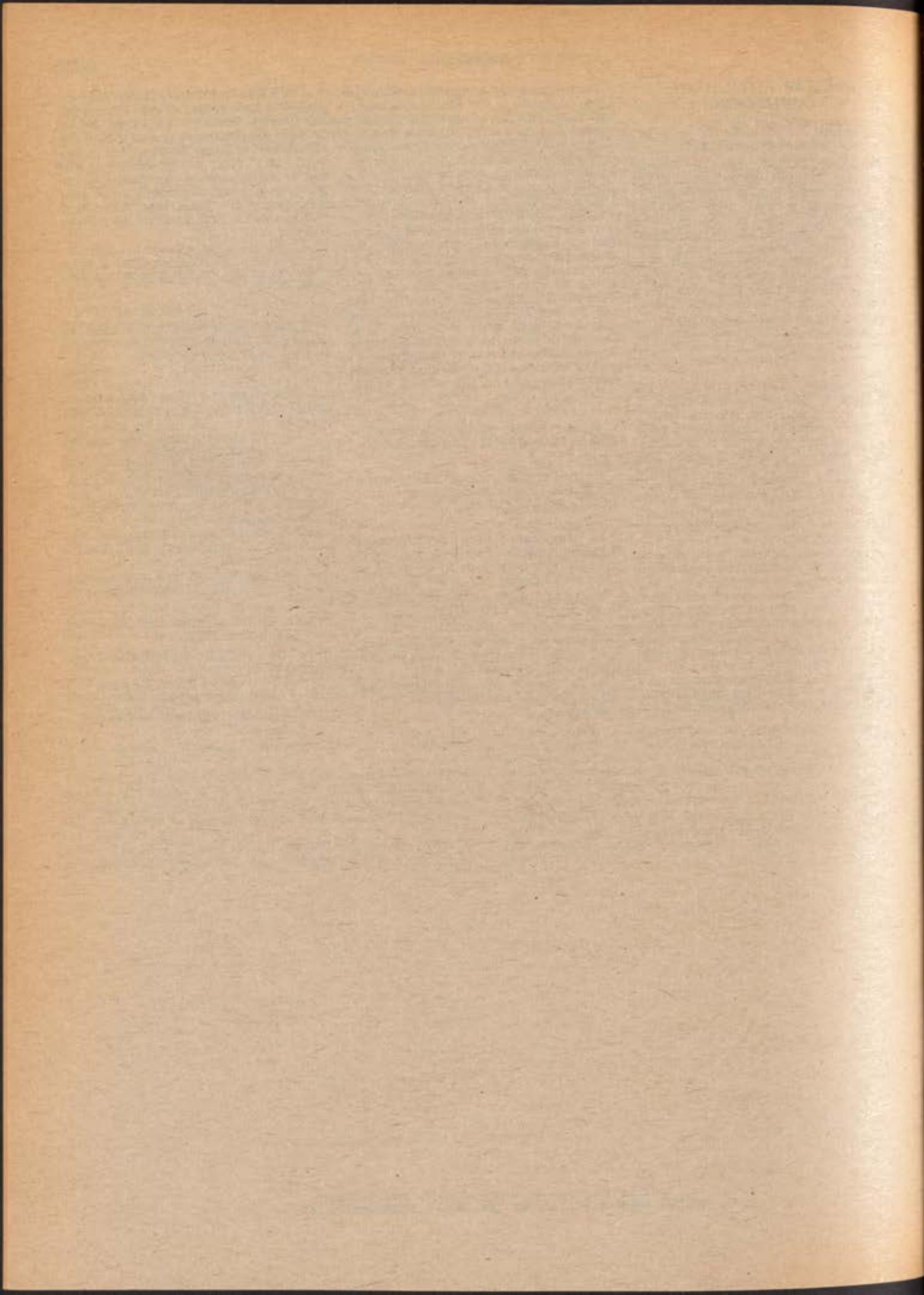
m. For transmittal of information to state agencies for unemployment purposes.

Dated at Washington, D.C. this 23rd day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-25761 Filed 9-25-75;8:45 am]





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