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# federal register

MONDAY, SEPTEMBER 29, 1975




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# presidential documents

## Title 3—The President

PROCLAMATION 4396

# Child Health Day, 1975

*By the President of the United States of America*

### A Proclamation

In the years since 1928, when Child Health Day was first proclaimed, our concept of health has acquired new dimensions. No longer do we consider health merely the timely treatment and cure of illness. Health now encompasses the prevention of those conditions which can lead to illness.

Scientific technology and medical research have given us many new tools to help in the essential tasks of preventing illness or conditions which can cripple. Thanks to vaccines which have been developed in recent decades, poliomyelitis is no longer the widespread crippler it once was. Children can now be protected against measles and the risk of death or brain damage resulting from this disease. Immunization against rubella not only protects young children, but also protects pregnant women from contracting the disease and risking the mental health of their unborn children.

Future challenge includes prevention of such divergent problems as birth abnormality, the battered child syndrome and the teen-age alcoholic, drug addict or criminal.

In our Bicentennial year as a Nation, we are charting a course for the future that will enable us to complete the American dream. We can be certain that future scientific discoveries will help to control and conquer other conditions which now cripple or otherwise handicap children. For the present, each of us must resolve to apply the knowledge and the means now at hand for the fullest protection of our children's health.

As an expression of its concern, the Congress, by joint resolution (36 U.S.C. 143), has asked the President to designate the first Monday in October as Child Health Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do proclaim Monday, October 6, 1975, as Child Health Day.

I ask American parents on Child Health Day this year to place special emphasis on ensuring protection for their children against all diseases for which safe and effective vaccines are now available.

I call upon all citizens, agencies and organizations interested in child welfare to promote and observe appropriate activities, especially those which emphasize the preventive immunizations so necessary for proper health care.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-26072 Filed 9-25-75;12:44 pm]

# rules and regulations

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

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

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

### PART 316—TEMPORARY AND INDEFINITE EMPLOYMENT

#### Noncompetitive Term Appointments

Section 316.302 is amended to permit term appointments to be made noncompetitively to persons eligible for Veterans Readjustment Appointments.

Effective on September 29, 1975, § 316.302(c) is amended as set out below:

§ 316.302 Selection of term employees.

* * * * *

(c) When the Commission has authorized an agency to make term appointments, the agency may give a term appointment without regard to the existence of an appropriate register to:

(1) A person with eligibility for reinstatement;

(2) A veteran or disabled veteran as defined in section 2108 (1) and (2) of title 5, United States Code, who:

(i) Served active duty in the armed forces of the United States during the Vietnam era;

(ii) Completed not more than 14 years of education;

(iii) Is appointed within the period ending 1 year after either his separation from the armed services or his release from hospitalization or treatment immediately following separation from the armed forces, except that in the case of appointments made prior to June 31, 1978, the 1-year period of eligibility is extended by the length of time a veteran is continuously enrolled in a program of education (as defined in 38 U.S.C. 1652) on more than half of the full-time basis (defined in 38 U.S.C. 1788), including customary periods of vacation and permissible absences, plus a minimum of 6 additional months after the veteran ceases to be so enrolled; and

(iv) Is qualified to perform the duties of the position.

An appointment under this subparagraph may be made only to a position at GS–5 or below, or the equivalent in another pay system. A veteran or disabled veteran who is an applicant for a position at GS–3 and below under this subparagraph is considered to be qualified to perform the duties of the position on the basis of his total experience, including his military experience.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-25813 Filed 9-26-75;8:45 am]

## Title 7—Agriculture

### CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1976 crop year.

ALABAMA

| | |
|---|---|
| Blount | Hale |
| Cherokee | Jackson |
| Chilton | Lauderdale |
| Colbert | Lawrence |
| Conecuh | Limestone |
| Covington | Madison |
| Cullman | Marshall |
| Dallas | Morgan |
| De Kalb | Pickens |
| Escambia | Shelby |
| Etowah | Tuscaloosa |

ARIZONA

| | |
|---|---|
| Maricopa | Yuma |
| Pinal | |

ARKANSAS

| | |
|---|---|
| Arkansas | Lee |
| Ashley | Lincoln |
| Chicot | Lonoke |
| Clay | Mississippi |
| Craighead | Monroe |
| Crittenden | Phillips |
| Cross | Poinsett |
| Desha | Prairie |
| Greene | Randolph |
| Jackson | St. Francis |
| Jefferson | Woodruff |
| Lawrence | |

CALIFORNIA

| | |
|---|---|
| Fresno | Madera |
| Imperial | Merced |
| Kern | Riverside |
| Kings | Tulare |

GEORGIA

| | |
|---|---|
| Ben Hill | Lee |
| Brooks | Miller |
| Clay | Mitchell |
| Colquitt | Randolph |
| Cook | Sumter |
| Crisp | Terrell |
| Decatur | Thomas |
| Dooly | Tift |
| Early | Turner |
| Irwin | Worth |

KENTUCKY

Fulton

LOUISIANA

| | |
|---|---|
| Acadia | Concordia |
| Avoyelles | East Carroll |
| Bossier | Evangeline |
| Caddo | Franklin |
| Caldwell | Lafayette |
| Catahoula | Madison |
| Morehouse | Richland |
| Natchitoches | St. Landry |
| Pointe Coupee | Tensas |
| Rapides | West Carroll |
| Red River | |

MISSISSIPPI

| | |
|---|---|
| Alcorn | Madison |
| Benton | Monroe |
| Bolivar | Panola |
| Calhoun | Pontotoc |
| Carroll | Prentiss |
| Chickasaw | Quitman |
| Coahoma | Sharkey |
| De Soto | Sunflower |
| Hinds | Tallahatchie |
| Holmes | Tippah |
| Humphreys | Tunica |
| Issaquena | Union |
| Lee | Washington |
| Leflore | Yazoo |

MISSOURI

| | |
|---|---|
| Butler | Pemiscot |
| Dunklin | Scott |
| Mississippi | Stoddard |
| New Madrid | |

NEW MEXICO

| | |
|---|---|
| Chaves | Eddy |
| Dona Ana | Lea |

NORTH CAROLINA

| | |
|---|---|
| Anson | Nash |
| Cleveland | Northampton |
| Edgecombe | Robeson |
| Halifax | Scotland |
| Hoke | Union |
| Lincoln | |

OKLAHOMA

| | |
|---|---|
| Beckham | Jackson |
| Caddo | Kiowa |
| Grady | Tillman |
| Harmon | Washita |

SOUTH CAROLINA

| | |
|---|---|
| Aiken | Florence |
| Allendale | Hampton |
| Anderson | Kershaw |
| Bamberg | Laurens |
| Barnwell | Lee |
| Calhoun | Lexington |
| Chester | Marion |
| Chesterfield | Marlboro |
| Clarendon | Orangeburg |
| Darlington | Spartanburg |
| Dillon | Sumter |
| Dorchester | Williamsburg |
| Edgefield | York |

TENNESSEE

| | |
|---|---|
| Carroll | Lake |
| Chester | Lauderdale |
| Crockett | Lawrence |
| Dyer | Lincoln |
| Fayette | McNairy |
| Franklin | Madison |
| Gibson | Obion |
| Giles | Shelby |
| Hardeman | Tipton |
| Haywood | Weakley |
| Henderson | |

TEXAS

| | |
|---|---|
| Austin | Hill |
| Bailey | Hockley |
| Bell | Hudspeth |
| Bosque | Hunt |
| Brazos | Knox |
| Briscoe | Lamar |
| Burleson | Lamb |
| Calhoun | Limestone |
| Cameron | Lubbock |
| Castro | Lynn |
| Childress | Matagorda |
| Cochran | McLennan |
| Collin | Milam |
| Crosby | Navarro |
| Culberson | Nueces |
| Dawson | Parmer |
| Deaf Smith | Pecos |
| Denton | Presidio |
| Ellis | Reeves |
| El Paso | Refugio |
| Falls | Robertson |
| Fannin | San Patricio |
| Floyd | Swisher |
| Fort Bend | Terry |
| Garza | Travis |
| Grayson | Victoria |
| Hale | Wharton |
| Hall | Wilbarger |
| Haskell | Willacy |
| Hidalgo | Williamson |

VIRGINIA

Southampton

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
*Manager, Federal Crop Insurance Corporation.*

[FR Doc.75-25922 Filed 9-26-75;8:45 am]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX: COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1976 crop year.

ARIZONA

| | |
|---|---|
| Maricopa | Yuma |
| Pinal | |

COLORADO

Kit Carson

KANSAS

| | |
|---|---|
| Allen | Greenwood |
| Anderson | Harvey |
| Atchison | Haskell |
| Barton | Jackson |
| Bourbon | Jefferson |
| Brown | Jewell |
| Butler | Johnson |
| Chase | Kearny |
| Clay | Kingman |
| Cloud | Labette |
| Coffey | Lincoln |
| Cowley | Linn |
| Crawford | Lyon |
| Dickinson | Marion |
| Doniphan | Marshall |
| Douglas | McPherson |
| Elk | Meade |
| Ellis | Miami |
| Ellsworth | Mitchell |
| Finney | Montgomery |
| Ford | Morris |
| Franklin | Morton |
| Geary | Nemaha |
| Grant | Neosho |
| Gray | Osage |

KANSAS—Continued

| | |
|---|---|
| Osborne | Sedgwick |
| Ottawa | Seward |
| Pawnee | Shawnee |
| Phillips | Sheridan |
| Pottawatomie | Smith |
| Pratt | Stafford |
| Reno | Stanton |
| Republic | Stevens |
| Rice | Sumner |
| Riley | Wabaunsee |
| Rooks | Wallace |
| Rush | Washington |
| Russell | Wichita |
| Saline | Wilson |
| Scott | Woodson |

MISSOURI

| | |
|---|---|
| Atchison | Henry |
| Barton | Jasper |
| Bates | Vernon |

NEBRASKA

| | |
|---|---|
| Adams | Madison |
| Boone | Nance |
| Butler | Nemaha |
| Cass | Nuckolls |
| Clay | Otoe |
| Colfax | Pawnee |
| Dodge | Platte |
| Fillmore | Polk |
| Franklin | Richardson |
| Gage | Saline |
| Hall | Saunders |
| Hamilton | Seward |
| Jefferson | Thayer |
| Johnson | Webster |
| Kearney | York |
| Lancaster | |

NEW MEXICO

| | |
|---|---|
| Curry | Lea |

OKLAHOMA

| | |
|---|---|
| Caddo | Nowata |
| Craig | Ottawa |
| Delaware | Texas |
| Kay | Washita |
| Mayes | |

SOUTH DAKOTA

| | |
|---|---|
| Bon Homme | Hutchinson |
| Charles Mix | Lyman |
| Davison | Sanborn |
| Douglas | Tripp |
| Hanson | |

TEXAS

| | |
|---|---|
| Bailey | Hunt |
| Bell | Hutchinson |
| Bosque | Lamb |
| Briscoe | Lubbock |
| Calhoun | Matagorda |
| Camerson | McLennan |
| Carson | Milam |
| Castro | Moore |
| Collin | Navarro |
| Crosby | Nueces |
| Dallam | Ochiltree |
| Deaf Smith | Oldham |
| Denton | Parmer |
| Ellis | Randall |
| Falls | Refugio |
| Fannin | San Patricio |
| Floyd | Sherman |
| Fort Bend | Starr |
| Grayson | Swisher |
| Guadalupe | Travis |
| Hidalgo | Victoria |
| Hale | Willacy |
| Hansford | Wharton |
| Hartley | Williamson |
| Hill | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
*Manager, Federal Corp Insurance Corporation.*

[FR Doc.75-25923 Filed 9-26-75;8:45 am]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX: PARISHES DESIGNATED FOR SUGARCANE CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following parishes have been designated for sugarcane crop insurance for the 1976 crop year.

LOUISIANA

| | |
|---|---|
| Ascension | St. James |
| Assumption | St. John the Baptist |
| Iberia | St. Martin |
| Iberville | St. Mary |
| Lafayette | Terrebonne |
| Lafourche | West Baton Rouge |
| Pointe Coupee | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
*Manager, Federal Crop Insurance Corporation.*

[FR Doc.75-25920 Filed 9-26-75;8:45 am]

## PART 411—GRAPE CROP INSURANCE

### Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAPE CROP INSURANCE

Pursuant to authority contained in § 411.1 of the above-identified regulations, the following counties have been designated for grape crop insurance for the 1976 crop year.

NEW YORK

| | |
|---|---|
| Chautauqua | Seneca |
| Niagara | Steuben |
| Ontario | Yates |
| Schuyler | |

PENNSYLVANIA

Erie

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
*Manager, Federal Crop Insurance Corporation.*

[FR Doc.75-25921 Filed 9-26-75;8:45 am]

## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SO-120]

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

### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Greenville, N.C., transition area.

The Greenville transition area is described in § 71.181 (40 FR 441) and contains an extension predicated on the Greenville RBN. The airport sponsor is planning to establish a new navigational aid on the airport and it is FAA policy that on-airport facilities have the same name as the airport. Therefore, it is necessary to change the name of the

RBN from Greenville to Alwood. Since this amendment is minor in nature, notice and public precedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Greenville, N.C., transition area is amended as follows:

"* * * Greenville RBN * * *" is deleted and "* * * Alwood RBN * * *" is substituted therefor.

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

Issued in East Point, Ga., on September 19, 1975.

PHILLIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.75-25799 Filed 9-26-75;8:45 am]

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[Docket No. 14320, Amdt. 121-123]

## PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

### Retention of Documents

The purpose of these amendments to Part 121 of the Federal Aviation Regulations is to permit supplemental air carriers and commercial operators to retain certain required flight documents for 30 days at a place other than the principal operations base.

Interested persons have been afforded an opporunity to participate in the making of these amendments by a notice of proposed rulemaking (Notice 75-8) issued February 21, 1975, and published in the FEDERAL REGISTER on March 3, 1975 (40 FR 8830). The FAA received four public comments all of which favored adoption of the proposed amendments. These amendments and the reasons therefor are the same as those contained in Notice 75-8.

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

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective October 29, 1975, by amending § 121.697(c) and (d), and by adding a new paragraph (e) to that section, to read as follows:

**§ 121.697 Disposition of load manifest, flight release, and flight plans: supplemental air carriers and commercial operators.**

* * * * *

(c) Except as provided in paragraph (d) of this section, if a flight originates at a place other than the principal operations base of the air carrier or commercial operator, the pilot in command (or another person not aboard the airplane who is authorized by the carrier or operator) shall, before or immediately after departure of the flight, mail signed copies of the documents listed in paragraph (a) of this section to the principal operations base.

(d) If a flight originates at a place other than the principal operations base of the air carrier or commercial operator and there is at that place a person to manage the flight departure for the air carrier or commercial operator who does not himself depart on the aircraft, signed copies of the documents listed in paragraph (a) of this section may be retained at that place for not more than 30 days before being sent to the principal operations base of the air carrier or commercial operator. However, the documents for a particular flight need not be further retained at that place or be sent to the principal operations base, if the originals or other copies of them have been previously returned to the principal operations base.

(e) The supplemental air carrier or commercial operator shall:

(1) Identify in its operations manual the person having custody of the copies of documents retained in accordance with paragraph (d) of this section; and

(2) Retain at its principal operations base either the original or a copy of the records required by this section for at least six months.

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

JAMES E. DOW,
*Acting Administrator.*

[FR Doc.75-25800 Filed 9-26-75;8:45 am]

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## Title 17—Commodity and Securities Exchanges

## CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5613]

## PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

### Limitations on Amount of Securities Which May Be Sold

The Securities and Exchange Commission announced today it had adopted an amendment to paragraph (e)(1) of Rule 144 (17 CFR 230.144) under the Securities Act of 1933 ("1933 Act").

Rule 144 relates to the resale of securities acquired directly or indirectly from an issuer in transactions not involving any public offering and to the sale of securities held by persons in a control relationship with an issuer. The adopted amendments to paragraph (e)(1)(i) deal with the use of figures for trading volume on the National Association of Securities Dealers Automated Quotations System ("NASDAQ") in determining the volume limitations on sales made under the Rule.

The Commission stated in 1972, in its release announcing the adoption of Rule 144 that:

> Should reliable volume figures become publicly available through the automated quotation service of NASD, Inc. (NASDAQ), the Commission will consider amending the rule relating to over-the-counter companies to base the amount of securities which may be sold on such volume, as in the case of securities listed on exchanges.[1]

[1] Securities Act Release No. 5223 (April 12, 1972).

The Commission believes that experience with NASDAQ has shown NASDAQ volume figures to be reliable enough to justify amendments to the Rule to incorporate the NASDAQ volume figures into the volume limitations provisions of the rule.

The amendments to paragraph (e)(1)(i) of Rule 144 adopted today would allow aggregation of volume on both exchanges and NASDAQ for those securities listed on an exchange and quoted on NASDAQ. Thus, a limited number of NASDAQ issuers whose securities are listed on a national securities exchange would be permitted to aggregate NASDAQ volume figures with national securities exchange volume figures in determining the average weekly trading volume figure. This would in all cases represent a relaxation of the volume limitations for those NASDAQ issuers whose securities are listed on a national securities exchange. Accordingly, the Commission feels that publication for comment pursuant to the Administrative Procedure Act is unnecessary.

Section 230.144(e)(1) is amended to read as follows:

**§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.**

* * * * *

(e) *Limitation on amount of securities sold.* Except as hereinafter provided, the amount of securities which may be sold in reliance upon this rule shall be determined as follows:

(1) *Sales by affiliates.* If restricted or other securities are sold for the account of an affiliate of the issuer, the amount of securities sold, together with all sales of restricted and other securities of the same class for the account of such person within the preceding six months, shall not exceed the following:

(i) If the securities are admitted to trading on a national securities exchange or are quoted on the automated quotation system of a registered securities association as well as traded on a national securities exchange, the lesser of (A) one percent of the shares or other units of the class outstanding as shown by the most recent report or statement published by the issuer, or (B) the average weekly reported volume of trading in such securities on all securities exchanges and reported through such automated quotation system during the four calendar weeks preceding the filing of notice required by paragraph (h) of this section, or if no such notice is required the receipt of the order to execute the transaction by the broker; or

* * * * *

The Commission has taken action to adopt the amendments to Rule 144 pursuant to sections 2(11), 4(1), 4(2), and 19(a) of the Securities Act of 1933. The Commission finds that the amendments to Rule 144 relieve a restriction and that publication of the rule pursuant to section 553 of the Administrative Procedure Act is not required. Accordingly, amendments to paragraph (e)(1) of Rule 144 are adopted effective September 29, 1975.

(Secs. 2(11), 4(1), 4(2), 4(4), 19(a), 48 Stat. 74, 77, 85; sec. 209, 48 Stat. 908; secs. 1–4, 68 Stat. 683; sec. 12, 78 Stat. 580; (15 U.S.C. 77b(11), 77d(1), 77d(2), 77d(4), 77s(a)))

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

SEPTEMBER 11, 1975.

[FR Doc.75-25858 Filed 9-26-75;8:45 am]

## Title 19—Customs Duties

### CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-240]

### PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

#### El Salvador; Exemption From Special Tonnage

The Department of State advised the Department of the Treasury on March 25, 1975, that the Department of State has obtained from the Government of El Salvador satisfactory evidence that no discriminating duties of tonnage or imposts are imposed or levied in ports of El Salvador upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into El Salvador in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of El Salvador, and the produce, manufactures, or merchandise imported into the United States in such vessels from El Salvador or from any other foreign country. This suspension and discontinuance shall take effect from March 25, 1975, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22 of the Customs regulations (19 CFR 4.22) is amended by the insertion of "El Salvador" in appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 251, as amended, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 3, 121, 128, 141)).

Since there is a statutory requirement for the suspension of discriminating duties when reciprocity has been established, notice and public procedure under 5 U.S.C. 553 is unnecessary. Inasmuch as the suspension grants an exemption from the payment of duties, there is good cause under 5 U.S.C. 553(d)(1) for making the suspension effective on the earliest date possible.

Dated: September 22, 1975.

DAVID R. MACDONALD,
*Assistant Secretary of the Treasury.*

[FR Doc.75-25787 Filed 9-26-75;8:46 am]

[T.D. 75-241]

### PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

#### Informal Entry of Certain Merchandise

Section 498(a)(10) of the Tariff Act of 1930, as amended (19 U.S.C. 1498(a)(10)), authorizes the Secretary of the Treasury to prescribe rules and regulations for the declaration and entry of merchandise when, in the opinion of the Secretary of the Treasury, the value thereof cannot be declared. Section 143.11 of the Customs Regulations (19 CFR 143.11), relating to entry by appraisement, presently is the only procedure prescribed pursuant to section 498(a)(10) for the entry of such merchandise.

It has been determined that with respect to certain merchandise, the value of which cannot be declared because of uniqueness in character or design, the procedure for appraisement pursuant to § 143.11 of the Customs Regulations (19 CFR 143.11) often involves unnecessary expenditures of time and effort. It has therefore been decided to amend § 143.21 of the Customs Regulations (19 CFR 143.21) to provide that the importer or consignee of merchandise which is so unique in character or design that the value thereof cannot be declared and which is not intended for sale or imported pursuant to a purchase or agreement for purchase may apply to the Commissioner of Customs for a ruling that such merchandise is entitled to be entered under informal entry procedures. This amendment will provide an additional element of flexibility in regard to the Customs treatment of merchandise the value of which cannot be determined while ensuring that the collection of the revenue is adequately protected.

Accordingly, § 143.21 of the Customs Regulations (19 CFR 143.21) is amended by adding a new paragraph (i) at the end thereof to read as follows:

**§ 143.21 Merchandise eligible for informal entry.**

* * * * *

(i) Merchandise which, upon written application to the Commissioner of Customs, is determined to be so unique in character or design that the value thereof cannot be declared and which is not intended for sale or imported in pursuance of a purchase or agreement for purchase.

(R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759 (19 U.S.C. 66, 1498, 1624))

Because this amendment relieves a restriction, notice and public procedure thereon is 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 29, 1975.

VERNON D. ACREE,
*Commissioner of Customs.*

Approved: September 22, 1975.

DAVID R. MACDONALD,
*Assistant Secretary of the Treasury.*

[FR Doc.75-25788 Filed 9-26-75;8:45 am]

## Title 21—Food and Drugs

### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75C-0242]

### PART 8—COLOR ADDITIVES

#### D&C Green No. 6 in Certain Surgical Sutures

The Commissioner of Food and Drugs is amending the color additive regulations to permit the use of D&C Green No. 6 in polyglycolic acid surgical sutures, effective October 30, 1975.

An order was published in the FEDERAL REGISTER of April 25, 1975 (40 FR 18167), amending § 8.4070 to provide for safe use of D&C Green No. 6 for coloring polyglycolic acid surgical sutures, including sutures for ophthalmic use. The order also amended the existing provision for use of D&C Green No. 6 in polyethylene terephthalate surgical sutures, including sutures for ophthalmic use, to require that such sutures conform in all respects to the requirements of the United States Pharmacopeia (U.S.P.). In addition, the order amended § 9.104 (21 CFR 9.104) to incorporate by reference the identity and specifications prescribed for D&C Green No. 6 by § 8.4070.

Four objections were filed in response to the order. (No person requested a formal evidentiary hearing.) Pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e), the filing of the objections operated to stay the effectiveness of the provisions of the order to which objections were made. The objections received and the Commissioner's final action upon the objections are discussed below.

I. *Use of D&C Green No. 6 in Absorbable Sutures.* Letters were received from three surgeons who objected to the use of D&C Green No. 6 in polyglycolic acid sutures. These letters noted that the color is already permitted in the nonabsorbable polyethylene terephthalate suture and asserted that similar coloring of the absorbable polyglycolic acid suture could lead to confusion of absorbable and nonabsorbable sutures in the operating room.

In response, letters were received from ten surgeons, three operating room supervisors, and the petitioner in support of the new usage. These letters stated that suture identity is properly established by reference to labeling and maintained by good operating room procedures. These letters further stated that

suture identity is not properly established by reference to the color of the suture and that it is not unusual for sutures of differing characteristics to have the same color.

After evaluating the various letters, the Commissioner agrees with the latter viewpoint. Color additives are used in sutures to make them visible to the surgeon during surgery. Color additives are not intended to be a means of identifying the various sutures. The Commissioner agrees that good operating room procedure requires reliance on the labeling of the suture, not its color, as the means of proper identification. Accordingly, the Commissioner concludes that paragraph (c)(1)(ii) of § 8.4070, permitting the use of D&C Green No. 6 in polyglycolic acid sutures, shall not be revised.

II. *Compliance with the U.S.P. Criteria.* A manufacturer of polyethylene terephthalate sutures objected to the new provision in § 8.4070(c)(2) that subject sutures must meet the requirements of the U.S.P. The objection asked that this provision be deleted or clarified. The objection stated that, as presently written, the provision might prevent appropriate use of the color in new sutures designed to permit needles to be detached from suture material with less force than the U.S.P. requires.

The U.S.P. requirement was intended to ensure that sutures colored with D&C Green No. 6 would comply with appropriate specifications for surgical sutures. The Commissioner concludes that there are sufficient safeguards, other than the color additive regulations, available: The requirements of the U.S.P., if the sutures are marketed as U.S.P.; requirements of applicable new drug applications (NDA's); and the general requirements of good manufacturing practice. Accordingly the Commissioner concludes that the U.S.P. requirement is unnecessary, and § 8.4070 is amended below to delete the provision.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706 (b), (c), and (d), 52 Stat. 1055 as amended, 74 Stat. 399–403 as amended (21 U.S.C. 371(e), 376 (b), (c), and (d))) and the transitional provisions accompanying the Color Additive Amendments of 1960 (sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 2.120), it is ordered that the amendments of §§ 8.501, 8.4070, and 9.104, as published in the FEDERAL REGISTER of April 25, 1975 (40 FR 18167), shall become effective October 30, 1975 except that § 8.4070 *D&C Green No. 6* is amended by deleting paragraph (c)(2) and marking it "Reserved."

Any person who will be adversely affected by the deletion of paragraph (c)(2) from § 8.4070 may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections and a request for hearing. Objections and requests for hearing will be accepted during regular business hours, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays, and shall be submitted on or before October 29, 1975. Each objection shall be separately numbered and shall state the grounds for the objection. If a hearing is requested, each numbered objection on which a hearing is requested shall specifically so state and include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. A copy of any report, article, survey or other written document relied upon and a summary of the testimonial evidence to be presented by any witnesses relied upon shall be submitted.

Objections and requests for hearing should be submitted in quintuplicate and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections and requests for hearing may be seen in the office of the Hearing Clerk, Rockville, MD, during the above stated hours.

*Effective date.* This order shall become effective October 30, 1975, except that the deletion of paragraph (c)(2) from § 8.4070 may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 701(e), 706 (b), (c), and (d), 52 Stat. 1055 as amended, 74 Stat. 399–403 as amended (21 U.S.C. 371(e), 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note).)

Dated: September 23, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-25847 Filed 9-26-75;8:45 am]

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[Docket No. 75N-0067]

## PART 310—NEW DRUGS

## PART 361—PRESCRIPTION DRUGS FOR HUMAN USE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED: DRUGS USED IN RESEARCH

### Radioactive New Drugs and Radioactive Biologics; Termination of Exemptions; Correction

In FR Doc. 75–19316 appearing at page 31298 in the FEDERAL REGISTER of July 25, 1975, the following corrections should be made:

1. On page 31307, in the center column, lines 28–30 of paragraph No. 51 of the preamble should read "the January 1, 1975 submission date referred to in § 310.503(f)(5) is extended to on or before August 25, 1975 and the January 1, 1975 termination date referred to in § 310.503(f)(4) and (h) is extended to August 26, 1975;".

2. On page 31308, in § 310.503, paragraphs (f)(4) and (h) are corrected to read as follows:

§ 310.503 Requirements regarding certain radioactive drugs.

* * * * *

(f) * * *

(4) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (f)(1) of this section, in the "chemical form" and intended for the uses stated is terminated on August 26, 1975, except as provided in paragraph (f)(5) of this section.

* * * * *

(h) The exemption referred to in paragraph (a) of this section, as applied to any drug not referred to in paragraphs (d), (f), and (g) of this section, is terminated on August 26, 1975.

3. On page 31309, in the third column, in § 361.1(c)(3), the last signature of the "Report on Research Use of Radioactive Drug" now reading "Chairman, Radiation Safety Commitee" should read "Chairman, Radioactive Drug Research Committee"; and on page 31310, in the first column, the introductory text of paragraph (d) is corrected to read as follows:

§ 361.1 Radioactive drugs for certain research uses.

* * * * *

(d) In making the determinations required in paragraph (b)(1) of this section, a Radioactive Drug Research Committee shall consider the following requirements and assure that each is met:

* * * * *

Dated: September 18, 1975.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.75-25868 Filed 9-26-75;8:45 am]

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## Title 25—Indians

## CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

## PART 261—HOUSING IMPROVEMENT PROGRAM

### Designation

SEPTEMBER 22, 1975.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Part 300 of Subchapter X, Chapter I, Title 25 of the Code of Federal Regulations was published as final regulations beginning on page 19194 of the May 2, 1975, FEDERAL REGISTER (40 FR 19194) and became effective on June 2, 1975. At the time the part was published, it was incorrectly numbered as Part 300. The Office of the Federal Register has assigned Parts 1 through 299 only to Chapter I of Title 25 of the Code of Federal Regulations which can be issued by the Bureau of Indian Affairs. The Parts beginning with 300 on up are assigned to other chapters and other offices. Therefore, Part 300 is hereby redesignated as Part 261. Sections 300.1 through 300.10 are hereby redesignated as §§ 261.1 through 261.10. This redesignation includes the following changes to the Part:

1. In § 261.1 (formerly § 300.1), the phrase "of this Part 300" is hereby revised to read "of this Part 261."

2. In the first sentence of § 261.2 (formerly § 300.2), the phrase "in this Part 300" is hereby revised to read "in this Part 261."

3. In § 261.4(b)(2) (formerly § 300.4 (b)(2)), the phrase "as defined in § 300.2 (i)" is hereby revised to read "as defined in § 261.2(i)."

4. In the first sentence of § 261.4(d) (2) (formerly § 300.4(d)(2)), the phrase "of this Part 300" is hereby revised to read "of this Part 261."

5. In the first sentence of § 261.4(d) (4) (formerly § 300.4(d)(4)), the phrase "as defined in § 300.2(h)" is hereby revised to read "as defined in § 261.2(h)."

6. In § 261.5(a)(4) (formerly § 300.5 (a)(4)), the phrase "the categories in § 300.4" is hereby revised to read "the categories in § 261.4."

7. In § 261.5(b) (formerly § 300.5(b)), the phrase "of § 300.4" is hereby revised to read "of § 261.4."

8. In the first sentence of § 261.7(a) (formerly § 300.7(a)), the phrase "under § 300.5(a)" is hereby revised to read "under § 261.5(a)."

9. In § 261.9 (formerly § 300.9), the phrase "categories (b), (c), and (d) of § 300.4" is hereby revised to read "categories (b), (c), and (d) of § 261.4."

10. In § 261.10 (formerly § 300.10), the phrase "of this Part 300" is hereby revised to read "of this Part 261."

This redesignation is made pursuant to the authority in 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). No other changes are being made to the text of Part 261 (formerly Part 300).

Since the regulations were incorrectly numbered as Part 300 and are merely being redesignated as Part 261 and no other changes are being made, advance notice and public procedure thereon have been deemed unnecessary. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since the regulations were incorrectly numbered as Part 300 and are merely being redesignated as Part 261 without making any other changes, the 30-day deferred effective date would unnecessarily delay the redesignation. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, the redesignation will become effective September 29, 1975.

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

[FR Doc.75-25797 Filed 9-26-75;8:45 am]

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## Title 26—Internal Revenue

## CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7377]

## PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

### Certain Retroactive Amendments of Employee Plans

This document contains temporary income tax regulations (26 CFR Part 11) under section 401(b) of the Internal Revenue Code of 1954 as added by section 1023 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406; 88 Stat. 943), hereinafter referred to as the "Act", in order to provide rules for certain retroactive changes in plans pursuant to section 401(b) of the Code. These temporary regulations are to remain in force and effect until superseded by permanent regulations.

A pension, profit-sharing, stock bonus, or annuity plan is a qualified plan under the Code only if it satisfies certain requirements. Under section 401(b) of the Code, prior to amendment by the Act, a new plan which did not satisfy certain of these requirements for the employer's taxable year in which it was put into effect could nevertheless be treated as if it satisfied those requirements for that year if a remedial plan amendment was made no later than the 15th day of the third month after the close of that taxable year. The amendment was required to be retroactive so that the plan, as amended, satisfied these requirements for the entire taxable year. Under section 401(a), prior to amendment by the Act, these remedial amendments were given retroactive effect only in cases involving the requirements of section 401(a)(3), (4), (5) or (6) of the Code.

As amended by section 1023 of the Act, section 401(b) of the Code applies to amendments involving any of the requirements of section 401(a) of the Code. Further, the relief provided by section 401(b) as amended is available to existing plans as well as new plans. Thus, a remedial amendment may be made under section 401(b) as amended to cure a defect in an earlier plan amendment.

In addition, the period of time in which a remedial retroactive amendment can be adopted under section 401(b) as amended has been extended to the time for filing the employer's return for the taxable year for which the plan or amendment was adopted or put into effect, including extensions of such filing time. This retroactive amendment period can be further extended by the Secretary of the Treasury or his delegate.

The temporary regulations provide for remedial amendments to be adopted with respect to disqualifying provisions. Under the temporary regulations, a "disqualifying provision" is any provision of a plan as adopted, a plan amendment, or the Act which causes a plan to fail to satisfy the requirements of section 401(a), 403(a) or 405(a). The remedial amendment period begins on the effective date of a disqualifying provision, and ends on the filing date (including extensions) for the return for the employer's taxable year in which falls the later of the date on which the provision was adopted or put into effect, or, in the case of an Act provision which causes a plan to be disqualified, the effective date of such provision. For purposes of the temporary regulation, the effective date of a disqualifying provision is (1) the date a plan is put into effect, (2) the earlier of the date a plan amendment is adopted or put into effect, or (3) the effective date of an Act provision which causes the plan to be disqualified.

The temporary regulations provide for further extension of the remedial amendment period under certain circumstances. Generally, the period is extended for up to 150 days beginning with the day after the close of the taxable year preceding the end of the remedial amendment period (without regard to any extensions) if, before the expiration of the remedial amendment period (without regard to any extensions) the employer who maintains the plan or the plan administrator files a request for a determination letter with respect to the initial qualification of the plan or the effect of the disqualifying provision upon the qualified status of the plan. The time during which such an application is pending before the Internal Revenue Service is not charged against the 150-day extension, and the 150-day extension does not expire less than 30 days after the notice of final determination with respect to the plan is issued by the Internal Revenue Service or 30 days after a declaratory judgment by the United States Tax Court under section 7476 of the Code, in a case or controversy involving such determination, becomes final. Further, the 150-day period is not to expire before December 31, 1975. In no case, however, may the 150-day period end after the expiration of the period for assessment of tax with respect to the taxable year immediately preceding the first day of the 150-day period.

Under the regulations, section 401(b) as amended does not apply where the remedial amendment period (determined with regard to extensions) ends prior to September 2, 1974.

*Amendments to the regulations.* In order to prescribe Income Tax Regulations (26 CFR Part 1) relating to certain retroactive changes in plans pursuant to section 401(b) of the Internal Revenue Code of 1954, as amended by section 1023 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 943), the following temporary regulations are hereby adopted:

### § 11.401(b)-1 Certain retroactive changes in plan.

(a) *General rule.* (1) Under section 401(b), a stock bonus, pension, profit-sharing or annuity plan or bond purchase plan which does not satisfy the requirements of section 401(a) on any day solely as a result of a disqualifying provision (as defined in paragraph (b) of this section) shall be considered to have satisfied such requirements on such day if there is adopted during the remedial amendment period (as determined under paragraphs (c) and (d) of this section) with respect to such disqualifying provision an amendment which causes the plan to satisfy all such requirements of sections 401(a), 403(a) or 405(a) for the whole of the remedial amendment period (including extension thereof).

(2) This section shall not apply to any disqualifying provision if the remedial amendment period (as determined under paragraphs (c) and (d)(1) of this section determined without regard to paragraph (d)(2) of this section) with re-

spect to such disqualifying provision ends prior to September 2, 1974.

(b) *Disqualifying provisions.* For purposes of this section, with respect to a plan described in paragraph (a) of this section the term "disqualifying provision" means any provision of—

(1) A plan as adopted,

(2) A plan amendment, or

(3) The Employee Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 829), which causes such plan to fail to satisfy the requirements of section 401(a), 403(a), or 405(a).

(c) *Remedial amendment period.* (1) The remedial amendment period with respect to a disqualifying provision begins on the effective date of the disqualifying provision. For purposes of this section, the effective date of a disqualifying provision is—

(i) In the case of a disqualifying provision in a plan as adopted, the date the plan is put into effect,

(ii) In the case of a plan amendment, the date the plan amendment is adopted or put into effect (whichever is earlier), or

(iii) In the case of a statutory provision described in paragraph (b)(3) of this section, the effective date of such provision.

(2) Unless extended as provided by paragraph (d) of this section, the remedial amendment period ends with the time prescribed by law (including extensions) for filing the return of the employer for the employer's taxable year in which falls—

(i) With respect to a disqualifying provision in a plan as adopted, or a plan amendment, the later of the date on which such provision was adopted or put into effect.

(ii) With respect to a statutory provision described in paragraph (b)(3) of this section, the effective date of such provision.

(d) *Extension for determination letters*—(1) *In general.* If, before the end of the remedial amendment period (determined without regard to this paragraph) with respect to a disqualifying provision, the employer or plan administrator files a request pursuant to § 601.210(o) of this chapter (Statement of Procedural Rules) for a determination letter with respect to the initial qualification of the plan or the effect of such disqualifying provision on the qualified status of the plan (or a trust which is part of a plan) under section 401(a), 403(a), or 405(a), then except as provided in subparagraph (3) of this paragraph, such remedial amendment period may be extended for a period not to exceed 150 days, beginning on the day after the last day of the employers taxable year in which falls the dates described in subdivisions (i) and (ii) of paragraph (c)(2) of this section. The 150-day period does not include any day on which there is pending before the Internal Revenue Service a request for a determination letter described in this subparagraph. For this purpose, such a request is considered to be pending before the Internal Revenue Service from the date it is filed with the Internal Revenue Service to the date on which notice of the final determination with respect to the request is issued by the Internal Revenue Service, the request is withdrawn, or the request is otherwise finally disposed of by the Internal Revenue Service.

(2) *Special Rules.* Except as provided in subparagraph (3) of this paragraph, the period provided by subparagraph (1) of this paragraph shall not end prior to the later of December 31, 1975, or the expiration of 30 days after—

(i) The date on which a notice of final determination with respect to a request described in that subparagraph is issued by the Internal Revenue Service, or, where applicable,

(ii) The date on which a judgement pursuant to section 7476 (relating to declaratory judgments) by the United States Tax Court in a case or controversy involving such determination becomes final.

(3) *Overall limitation.* The period provided by subparagraph (1) of this paragraph shall not expire later than the last day (determined under section 6501) for assessment of any tax imposed by the Internal Revenue Code with respect to the taxable year of the employer immediately preceding the first day of such period.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 401(b), 7805, Internal Revenue Code of 1954 (88 Stat. 943, 68A Stat. 917; (26 U.S.C. 401(b), 7805))

DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

Approved: September 24, 1975.

CHARLES M. WALKER,
*Assistant Secretary of the Treasury.*

[FR Doc.75-25919 Filed 9-26-75;8:45 am]

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## Title 42—Public Health

## CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 52d—NATIONAL CANCER INSTITUTE CLINICAL CANCER EDUCATION PROGRAM

On March 24, 1975 a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 12999) proposing addition of a new Part 52d to Title 42 of the Code of Federal Regulations governing the award of grants under the Clinical Cancer Education Program. The purpose of the Program is to encourage planning and development of multidisciplinary educational programs aimed at achieving optimal care of cancer patients and to enable students in the health professions to acquire basic knowledge of neoplastic disease and the preventive measures and diagnostic and therapeutic skills necessary to the provision of such care. The Program is authorized by section 407(b)(7) of the Public Health Service Act, as amended (42 U.S.C. 286a(b)(7)).

Interested persons were invited to submit, on or before April 23, 1975, written comments regarding the proposed regulations.

No comments were received. The regulations are therefore being adopted in essentially the same form as proposed. However, § 52d.5 has been changed somewhat to require: (1) Actual satisfaction of program requirements rather than just assurances of compliance therewith, and (2) that the program be carried out in substantial conformity with the approved plan.

This part shall become effective on September 29, 1975.

Dated: August 21, 1975.

R. MOURE,
*Acting Assistant Secretary for Health.*

Approved: September 23, 1975.

DAVID MATHEWS,
*Secretary.*

Accordingly, Title 42 of the Code of Federal Regulations is amended by adding a new Part 52d, as follows:

Sec.

52d.1 Applicability.
52d.2 Definitions.
52d.3 Eligibility.
52d.4 Application.
52d.5 Program requirements.
52d.6 Grant awards.
52d.7 Payment.
52d.8 Expenditure of grant funds.
52d.9 Nondiscrimination.
52d.10 Applicability of 45 CFR Part 74.
52d.11 Progress and fiscal records and reports.
52d.12 Grantee accountability.
52d.13 Publications and copyright.
52d.14 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 407(b)(7), 85 Stat. 780 (42 U.S.C. 286a(b)(7)).

### § 52d.1 Applicability.

The regulations in this part apply to grants under the Clinical Cancer Education Program authorized by section 407(b)(7) of the Public Health Service Act, as amended (42 U.S.C. 286a(b)(7)), to encourage planning and development of multidisciplinary educational programs aimed at achieving optimal care of cancer patients and to enable students in the health professions to acquire basic knowledge of neoplastic disease and the preventive measures and diagnostic and therapeutic skills necessary to the provision of such care.

### § 52d.2 Definitions.

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NCI," means the Director of the National Cancer Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any institution means an institution which is a corporation or an association no part

of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Board" means the National Cancer Advisory Board established by section 410B of the Act (42 U.S.C. 286f).

(e) "Affiliated teaching hospital" means a hospital which, although not owned by such school, has a written agreement with a school of medicine, osteopathy, dentistry, or public health eligible for assistance under this part, providing for effective control by the school of the teaching in the hospital.

(f) "Specialized cancer institute" means an institution which has as its primary mission the diagnosis, prevention, or treatment of cancer.

**§ 52d.3 Eligibility.**

To be eligible for a grant under this part an applicant must be:

(a) A public or private, nonprofit school of medicine, osteopathy, dentistry, or public health, affiliated teaching hospital, or specialized cancer institute; and

(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

**§ 52d.4 Application.**

(a) Each institution desiring a grant under this part shall submit an application in such form and manner and on or before such dates as the Director, NCI, may from time to time require.[1] Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the award, including the regulations of this part.

(b) In accordance with section 1-00-30 of the Department of Health, Education, and Welfare Grants Administration Manual,[2] each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NCI, may require, each application shall set forth in detail:

(1) A program plan defining the objectives of the proposed program and the means by which these objectives would be achieved, including descriptions of:

(i) The general educational level (e.g., pre-doctoral, post-doctoral) of the students to be involved in the program;

(ii) The proposed course of study and its relation to the diagnosis, prevention, control, and treatment of cancer;

(iii) The clinical experiences to be provided to the students;

(iv) Multidisciplinary aspects of the program;

(v) The particular schools or branches within the institution which would have responsibility for individual aspects of the program; and

(vi) The teaching mechanisms to be employed, including specific discussion of those techniques which would be innovative.

(2) The availability of personnel, facilities, and resources needed to carry out the program;

(3) The names, qualifications, and proposed duties of the program director and any staff members who would be responsible for the program, including a description of those duties which would actually to be carried out by the program director and those which would be shared with or assigned to others;

(4) The names and qualifications of proposed members of a cancer education committee which would be established by the applicant to advise it on the planning, organization, operation and evaluation of the program and the specific duties which would be assigned to said committee;

(5) Insofar as necessary, cooperative arrangements with other schools, hospitals, and institutions which would participate in the program;

(6) The proposed program period, a detailed budget including a list of other anticipated sources of support, and a justification for the amount of grant funds requested;

(7) Proposed methods for monitoring and evaluating the program; and

(8) A description of how the education and training effort will be sustained upon expiration of the award.

**§ 52d.5 Program requirements.**

In order to receive support under this part, an institution must satisfy the following requirements:

(a) The program must be carried out in substantial conformity with the plan set forth in the approved application;

(b) If the program is to be offered at the graduate level, it must be multidisciplinary in scope involving at least two or more clinical or preclinical sciences relating to cancer;

(c) The cancer education committee provided for in the approved application must be formed in accordance with the approved application to carry out such duties as are assigned to it pursuant to said application, must meet at least four times per year, and must be chaired by the program director; and

(d) The program director designated in the approved application must continue to be responsible for the conduct of the program (except for those duties specified in the approved application as being shared with or assigned to others) for the duration of the program period unless replaced by another individual found by the Director, NCI, to be qualified to carry out such responsibilities.

**§ 52d.6 Grant awards.**

(a) Within the limits of funds available, after consultation with the Board, the Director, NCI, may award grants to applicants with proposed programs which in his judgment best promote the purposes of this part, taking into consideration among other pertinent factors:

(1) The relevance of the proposed program to the objectives of this part;

(2) The extent to which the program would involve innovative teaching techniques;

(3) The availability of adequate staff, facilities, and resources (including where necessary cooperative arrangements with other institutions or hospitals) to carry out the program;

(4) The qualifications and experience of the program director;

(5) The authority of the program director to ensure that the program is planned with multidisciplinary input and that multidisciplinary aspects of the program are carried out;

(6) The extent to which the cancer education committee is broadly representative of the disciplines concerned with cancer care and teaching and is allowed to participate in the planning, organization, operation, and evaluation of the program;

(7) If the program is to be offered at the pre-doctoral level, the extent to which its objectives are designed to aid students:

(i) To acquire a basic understanding of fundamental principles of cancer biology, epidemiology, detection, diagnosis, prevention, treatment and control;

(ii) To interest students in learning more about cancer; and

(iii) To develop an appreciation of the need for a comprehensive multidisciplinary approach to the care of cancer patients;

(8) The administrative and managerial capability of the applicant;

(9) The reasonableness of the proposed budget in relation to the proposed program;

(10) The adequacy of the methods for monitoring and evaluating the program on a continuing basis; and

(11) The degree to which the application adequately provides for the requirements set forth in § 52d.5.

(b) All grant awards shall be in writing and shall specify the program period, the total recommended amount of funds for the entire program period, the approved budget for the initial budget period, and the amount awarded for the initial budget period.

(c) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion thereof.

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[1] Applications and instructions are available from the Division of Cancer Research Resources and Centers, Education Branch, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20014.

[2] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

(d) The amount of any grant award shall be determined by the Director, NCI, on the basis of his estimate of the sum necessary to pay all or part of the allowable costs for the budget period covered by the award.

§ 52d.7 Payment.

The Director, NCI, shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement, for expenses incurred or to be incurred in accordance with its approved application.

§ 52d.8 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the awards, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74, except that grant funds may not be used for costs incurred in connection with activities which, prior to the grant, were part of the grantee's standard curriculum.

(b) Any unobligated grant funds in the grant account at the close of a budget period may with prior approval by the Director, NCI be carried forward and remain available for obligation during the remainder of the program period, subject to such limitations as the Director, NCI may prescribe. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the program period any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 52d.9 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d *et seq.*) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972, and in particular to section 901 of such Act (20 U.S.C. 1681) which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (September 24, 1965) as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 52d.10 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

| Subpt. | *45 CFR Pt. 74* |
|---|---|
| A | General. |
| B | Cash Depositories. |
| C | Bonding and Insurance. |
| D | Retention and Custodial Requirements for Records. |
| F | Grant-Related Income. |
| G | Grant Payment Requirements. |
| K | Grant Closeout, Suspension, and Termination. |
| L | Matching and Cost Sharing. |
| M | Cost Principles. |
| O | Property. |
| Q | Budget Revisions Procedures. |

§ 52d.11 Progress and fiscal records and reports.

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Director, NCI, such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Director, NCI, may find necessary to carry out the purposes of this part.

§ 52d.12 Grantee accountability.

(a) All payments made by the Director, NCI shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved program the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available to the Director, NCI, satisfactory evidence of expenditures for direct and indirect costs meeting the requirements of this part.

(b) Accounting for royalties. Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) State and local governments. Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) Grantees other than State and local governments. Where the grantee is not a State or local government as those terms are defined in subpart A of 45 CFR Part 74, royalties shall be accounted for as follows:

(A) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(B) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual.

§ 52d.13 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government as those terms are defined in subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from an activity supported by a grant under this part.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in subpart A of 45 CFR Part 74, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from an activity supported by a grant under this part, subject to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 52d.14 Additional conditions.

The Director, NCI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

[FR Doc.75-25898 Filed 9-26-75;8:45 am]

## Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20482; FCC 75-1065]

## PART 76—CABLE TELEVISION SERVICE

### Exemption From Providing Syndicated Program Exclusivity Protection

*Report and order—Proceeding terminated.* In the matter of amendment of

Part 76, Subpart F of the Commission's rules and regulations to exempt smaller cable television systems and smaller system conglomerates from the obligation of providing syndicated program exclusivity protection: §§ 76.99 and 76.151 et seq.

INTRODUCTION

1. On May 20, 1975, the Commission released its notice of proposed rulemaking in Docket 20482, FCC 75-541, 53 FCC 2d 391 (1975), initiating a rule making proceeding designed to examine the public interest merit of exempting certain smaller cable television systems from the obligations of the syndicated program exclusivity rules (40 FR 23816).[1] As stated in the notice, this proceeding is not to be construed as a vehicle for the adoption of substantive changes in these exclusivity rules or intended to significantly alter the present exclusivity rights and obligations of broadcasters, copyright holders, and cable television operators taken as a whole. Rather, our purpose here is to consider a specific small system exemption of the type suggested in the notice and set forth in proposed § 76.161 of the rules.

2. Prior to the adoption of the 1972 Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143, the Commission's program exclusivity rules, based on same-day duplication of programming, applied equally to network and syndicated program fare. While no formal "small system" exemption then existed under these regulations, pursuant to the Commission's announced processing procedures,[2] action was deferred on waiver cases involving cable systems serving fewer than 500 subscribers such that these systems, for all practical purposes, enjoyed a de facto exemption from the obligation to provide program exclusivity protection. This is because the rule's effect was stayed until resolution of the waiver petition by the Commission. Two years after our issuance of the Cable Television Report and Order, supra, which, inter alia, established a separate regulatory regimen for the protection of syndicated non-network programming, the Commission released its Report and Order in Docket 18785, FCC 74-299, 46 FCC 2d 94 (1974). This rulemaking proceeding had been initiated in January of 1970,[3] and looked toward formal codification of a program exclusivity exemption for systems serving fewer than 500 subscribers. However, due to the intervening promulgation of syndicated program exclusivity rules markedly different from our traditional program protection regulations, the small system exemption adopted in Docket 18785 was made applicable to only those provisions of the network program nonduplication rules, largely unchanged from their first adoption in 1966.

3. With the First Report and Order in Docket 19995, FCC 75-413, 52 FCC 2d 519 (1975), the Commission modified the small system network nonduplication exemption making it applicable to systems and system conglomerates serving fewer than 1,000 subscribers.[4] The Commission based its rule making decision on the grounds that (1) the burden of providing nonduplication protection fell heaviest on these systems in view of their small size and (2) television broadcast service to the public would not likely experience any significant adverse impact by such an exemption from our nonduplication rules. Our notice in the instant rule making proceeding acknowledged the Commission's exemption action in Docket 19995, and proposed a similar exemption from the syndicated program exclusivity rules. While understanding the inherent differences between the syndicated exclusivity and network nonduplication rules, in terms of their scope of applicability, rationale, and operational features, the Commission indicated that the analysis upon which the network nonduplication exemption was based may also be relevant to the matter of syndicated program protection, at least insofar as the costs of purchasing, operating, and maintaining a program exclusivity switcher are concerned. And though we recognized the need to consider the cumulative impact of exclusivity exemptions, the Commission questioned whether, either individually or in combination with the network nonduplication exemption, the proposed syndicated exclusivity 1,000 subscriber exemption would cause any substantial adverse impact on broadcasters, local broadcast service, or the value of syndicated program material.

SUMMARY OF COMMENTS

4. Over twenty comments and replies were elicited by our notice of proposed rulemaking in Docket 20482, supra. Many parties reference the 1971 "Consensus Agreement"[5] in their comments; cable interests arguing that continued adherence to this document's provisions is not the sine qua non of cable television regulation, thereby opening the way to major revisions of the syndicated exclusivity rules; and broadcasters arguing that the adoption of even a 1,000 subscriber exemption from the syndicated exclusivity rules would constitute a direct repudiation of a still binding agreement. While the submissions by interested parties generally were responsive to the notice, some parties chose to raise issues and present arguments clearly beyond the scope of this proceeding and largely unrelated to the matters set forth for comment. Representative comments of cable television and broadcast interests filing in this proceeding will be described below. The Commission's attention, however, shall be directed to those comments most relevant to the subject rule making.

COMMENTS OF CABLE TELEVISION INTERESTS

5. A number of cable television interests, including Cablecom-General, Inc., Mohave Cable TV, and the Arizona Cable Television Association, express wholehearted support for the Commission's proposed exemption from the syndicated program exclusivity rules. Several of these parties indicate their agreement with the Commission's stated rationale for such a rule amendment and recognize the similarity of determinative factors between the network nonduplication exemption and the subject rule making proposal. They cite the economic burdens placed on a small system required to provide program protection and maintain that no significant adverse effects for priority broadcast stations would emanate from our adoption of the subject syndicated exclusivity exemption.

6. The National Cable Television Association declares that the Commission's 1,000 subscribers system/conglomerate exemption from the network nonduplication rules is irrelevant to the matter of adopting an exemption from the syndicated program exclusivity rules. Additionally, it contends that a syndicated exemption should not be "piggybacked" on the network nonduplication exemption which, according to NCTA, "has no basis."[6] NCTA further maintains that, in comparison to network nonduplication regulations, the syndicate exclusivity rules act to protect different interests in entirely different markets with entirely different effects on cable systems and the subscribing public. It argues that fractionalization of local television station audiences "is not at issue" in this proceeding. Rather, NCTA asserts that syndicated exclusivity was established to protect the copyright holder from dilution of the value of his product and that since the copyright holder is "further removed" from the cable subscriber than the broadcaster, a higher exemption is less likely to adversely hurt him. As such, an exemption for systems serving fewer than 10,000 subscribers is proposed. NCTA alleges that there is no hard data to demonstrate that the expense and inconvenience of providing syndicated program exclusivity is limited to systems with fewer than 1,000 subscribers. And, while failing to give any specific factual basis for its choice of a 10,000 subscriber level, NCTA asserts simply that this is

[1] See §§ 76.99 and 76.151 et al. of the Commission's rules.

[2] See "Temporary Modification of Processing Priorities in § 74.1103 Waiver Cases," FCC 68-259 (Public Notice).

[3] Notice of proposed rulemaking in Docket No. 18785, FCC 70-65.

[4] Relevant § 76.95(b) of the Commission's rules now provides as follows: "The provisions of §§ 76.92 and 76.94 shall not apply to a cable television system serving fewer than 1,000 subscribers or to a conglomerate of commonly owned and technically integrated systems serving fewer than 1,000 subscribers. Within 60 days following the provision of service to 1,000 subscribers, each such cable system and conglomerate shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast and translator stations carried by the cable system."

[5] See Cable Television Report and Order, supra, paragraphs 61-67 and Appendix D.

[6] This proposition NCTA supports by reference to material concerning the network nonduplication exemption obtained from the Commission in response to a request under the Freedom of Information Act.

an "appropriate breaking point" and that "all research clearly suggests" that neither broadcasters nor copyright holders will suffer substantial economic harm if such an exemption is adopted.

7. NCTA then engages in a collateral attack on the syndicated program exclusivity rules, asserting first that these regulations constitute an inappropriate Commission attempt to impose copyright restrictions on cable television and that the enactment of copyright law should be left to the Congress. Additionally, NCTA takes the position that, as compared to network nonduplication, syndicated exclusivity poses a "much greater burden" on the cable system and results in a greater programming loss to the public. NCTA would characterize our adoption of the proposed 1,000 subscriber syndicated program exclusivity exemption as a "meaningless" action which would confer no real benefit on the cable industry. Instead, NCTA claims that a much larger exemption is needed if it is to have any real effect on the "inequitable" syndicated exclusivity rules and that, in the formulation of any such exemption, the Commission must seek to eliminate the burdens of these rules on the cable subscriber in every instance possible. It is maintained that, absent a factual showing of substantial economic harm, the Commission must implement the NCTA proposal. Only in this fashion, NCTA argues, will the Commission be able to determine any real need for requiring that even the larger systems provide such syndicated program protection.

8. In its comments, the Community Antenna Television Association observes that the scope of this rule making proceeding leaves little room for a discussion of the merits of the syndicated exclusivity rules. As such, CATA gives its basic support to the proposed 1,000 subscriber exemption, yet requests more substantial relief now and asks that the Commission issue a new or further notice of proposed rulemaking to deregulate entirely the area of syndicated exclusivity for cable television. To constitute its requested immediate relief, CATA suggests an exemption for all independently owned systems serving fewer than 10,000 subscribers and for multiple system operations serving in excess of 50,000 subscribers. Arguing that the syndicated program exclusivity rules unfairly restrict the public's viewing opportunities, CATA asserts that its own proposed rule exemption would ensure that such "unfairness" would affect only a small number of systems and subscribers during the pendency of the Commission's consideration of the entire syndicated exclusivity matter. CATA further assails the syndicated exclusivity rules on the grounds that the protection of program syndicators and suppliers is beyond the jurisdiction of the Commission and that Congress is the appropriate forum for prescribing any such policy. Additionally, CATA observes that no copyright holders have filed in this proceeding, asserts that the syndicated exclusivity provisions of our Rules are rarely invoked by broadcast stations, and maintains that this non-concern appears to support the broad exemption proposals suggested in CATA's comments. As far as independent stations (which carry more syndicated programming than network affiliates) are concerned, CATA argues that cable television serves primarily to benefit these broadcast entities due to the extended range and audience that accrues from cable carriage of their signals.

COMMENTS OF BROADCAST INTERESTS

9. Comments and replies submitted on behalf of broadcast interests generally oppose the adoption of any exemption, based on system size, from our syndicated program exclusivity rules. While certain of these commenting parties concede that such an exemption would likely have little or no impact on broadcast stations in the particular market, they uniformly question the propriety of this rule making action. Noting that the Commission's suggested exemption parallels its recent nonduplication action, American Broadcasting Companies, Inc. and a group of twenty broadcast licensees state that while they possess no information to dissuade the Commission from its proposed course, the Commission should consider the regulatory direction it is pursuing. These parties, as well as several other broadcast parties protest this rule making proceeding as yet a further erosion of the balanced scheme of cable television regulation established under the Cable Television Report and Order, supra, and based on the 1971 Consensus Agreement, supra. It is maintained that the Commission should soon initiate a broad cable television rule making proceeding in response to the National Association of Broadcasters' petition for rulemaking (RM-2357) which asks for overall review rather than continued consideration of individual provisions of our cable television rules. NAB asserts in its comments that the syndicated exclusivity rules, along with the signal carriage, nonduplication, and leapfrogging rules, were designed to operate in conjunction with the Consensus Agreement's copyright provisions. Because copyright legislation has yet to be enacted, states the NAB, the provisions of the Consensus Agreement and the Commission's rules provide only partial fulfillment of the Commission's regulatory goals. It is claimed that action in the instant rule making proceeding would be inappropriate at this time while the ultimate fate of copyright legislation and the Consensus Agreement remain unclear.

10. Several broadcast parties insist that the Commission's analogy between the network program nonduplication and syndicated program exclusivity rules, as well as between small system exemptions from these rules, is not valid. Columbia Empire Broadcast Corporation and Wabash Valley Broadcasting Corporation, among others, point out the differences in the way network and syndicated programs are distributed to broadcasters and the contrasting procedures by which broadcast stations sell advertising time and receive revenues for commercials placed inside and around these programs. But, unlike those cable interests which attacked our analogy and then asked for a much larger exemption, the broadcast commentators argue that the alleged invalidity of this analogy supports their position that there should be no exemption at all. They insist that the very essence of the Commission's distant signal carriage rules creates a particularly compelling need for protection of syndicated program rights. Metromedia, Inc., WGN Continental Broadcasting Company, and the Association of Independent Television Stations, Inc. (INTV) point out that independent broadcast stations rely heavily on syndicated programming and that the Commission's signal carriage rules generally allow the importation of distant independent stations, thereby "assuring" the duplication of syndicated programming. It is stressed that the current signal carriage rules generally result in the importation of more syndicated than network programs and that any reduction of syndicated exclusivity protection would fall disproportionately on independent, largely UHF, television broadcast stations. Any duplication of syndicated programming, it is maintained, reduces the ability of independent stations to compete against network affiliated stations, making an already difficult competitive burden unbearable. Thus, certain parties ask for "full" syndicated programming protection, apparently not only opposing the subject small system exemption, but seeking a complement of protection in excess of that called for under the current syndicated exclusivity rules. Several feel that the protection of the property right of local broadcast stations is a more urgent demand than any consideration of convenience to small cable systems.

11. Certain broadcast parties respond directly to many of the specific statements and arguments submitted by the cable television industry. The Association of Maximum Service Telecasters takes issue with the argument that the syndicated exclusivity rules constitute an unlawful Commission attempt to impose copyright restrictions on cable television and questions how the NCTA can take such a stand now in view of its failure to seek reconsideration or judicial review of the 1972 syndicated exclusivity rules. Rather, MST and Metromedia assert that the syndicated exclusivity rules give rights to both copyright holders and broadcasters and serve (1) to encourage the production and development of syndicated programming, the distribution of which is largely dependent upon sale to a local market area, and (2) to reduce the audience fragmentation which local stations would suffer as a result of distant signal importation. Along with WGN and INTV, these parties emphasize that, contrary to NCTA's position, the issue of audience fragmentation, especially for independent stations, is clearly at issue

where the syndicated exclusivity rules and exemptions from these rules are concerned. The fact that systems can carry non-protected programs during times when protected programs are deleted does not affect this conclusion, it is maintained, because an independent station typically sells its advertising time based upon the viewing audiences for specific programs. Indeed, it is asserted by some broadcast parties that when the rules' provisions and the text of the Cable Television Report and Order, supra, are read as a whole, it becomes clear that syndicated exclusivity is not intended solely, or even primarily, for the benefit of program suppliers but, rather, emphasizes the need to protect local stations. Broadcasters assail as totally unsupportable the cable industry's position that, in comparison to the network nonduplication rules, the syndicated program exclusivity provisions are less essential to the broadcaster or place greater costs and other burdens on system operators. Any failure of broadcasters to assert their syndicated exclusivity rights, it is contended, is due to the heavy notification and procedural burdens of the rules. These parties argue that as cable continues to grow, more stations will ask for syndicated program protection. While recognizing the differences between network nonduplication and syndicated exclusivity, broadcasters argue that these differences cannot justify the virtual abolition of syndicated exclusivity which would result from the adoption of an exemption of the magnitude proposed by certain spokesmen for the cable industry. In point of fact, some broadcasters consider the Commission's proposed 1,000 subscriber exemption to be in itself too high a figure.

12. Should the Commission adopt a syndicated exclusivity small system exemption, Wabash Valley and Columbia Empire request that the number of cable subscribers served not be used as the basis for determining which systems are or are not to be exempt from providing protection. Rather, they propose that any such exemption be based on the intended size of the system so that larger systems shall not be given a period of noncompliance while they are growing. It is suggested that systems designed to pass over 4,000 homes, and otherwise subject to the syndicated exclusivity rules, should not be exempt from these program protection obligations. Additionally, it is argued that the provisions of proposed § 76.161 of the Commission's rules, specifically the requirement that the operator notify the Commission and broadcast stations sixty days following the system's acquisition of 1,000 or more subscribers, does not insure prompt and uniform compliance. They contend that compliance, in these situations, is based wholly on the cable operator's good will and knowledge of the rules and that only he will know when the minimum level of subscribers is achieved. Use of the "intended size" approach to a syndicated exclusivity exemption, they argue, would eliminate all such uncertainty.

## Discussion

13. As its basic inquiry in this proceeding, the Commission sought to determine whether a rule exemption for cable systems and system conglomerates with fewer than 1,000 subscribers would serve a public interest purpose by (1) relieving such smaller cable operations of the economic burdens of providing syndicated program protection while (2) creating a negligible or minimal adverse effect on television broadcast stations and copyright holders otherwise entitled to protection. The scope of this proceeding was intentionally limited to elicit comments from interested parties which specifically focused on the proposed rule amendment appended to our notice. This rule making proceeding was designed to consider a minor rule amendment based on the simple logic of not requiring small business operations to make a captial expenditure and encounter personnel and maintenance costs to achieve compliance with one Commission regulation while such operations to make a capital expenditure obligations of a similar rule. While fully cognizant of the operational differences between the syndicated program and network program protection rules, and the interests which each regulatory scheme was designed to protect and foster, it was the Commission's desire to adopt an amendment which would provide an appropriate level of relief without appreciably affecting the viability and purpose of syndicated exclusivity.

14. What is basically involved here is a question of establishing an appropriate balance. It seems clear that the burden of complying with the syndicated program exclusivity rules must fall disproportionally heavily on smaller cable systems. Smaller systems have less manpower available to comply with exclusivity requests and they have a smaller financial base over which to spread the capital costs of obtaining the switching equipment that must be obtained and to pay for the continuing operation and maintenance of this equipment. In terms of the costs and the burdens involved, there would appear to be a great deal of similarity between the network nonduplication obligations and those under the syndicated exclusivity rules. In the First Report and Order in Docket 19995, we determined that a 1,000 subscriber exemption would relieve these burdens from those systems upon which they fall most heavily. We believe the same conclusion is appropriate here if it can be concluded that this will not have an undue impact on local television broadcast stations and hence broadcast service to the public. It seems clear to us that the magnitude of the impact here would, if anything, be less than that associated with the network nonduplication exemption. Indeed, even the broadcast interests commenting in this proceeding appear generally to concede that the exemption proposed would not result in significant impact.

15. Due to the grandfather and market location features of the syndicated exclusivity rules, far fewer systems are or will be subject to their provisions than that complement of systems subject to the network nonduplication rules. Thus, the figures and impact estimates used in our analysis of a 1,000 subscriber network nonduplication exemption (see paragraphs 67–72 of the First Report and Order in Docket 19995, supra) can be even further reduced when applied to a syndicated exclusivity exemption. While recognizing that independent stations rely almost exclusively on syndicated programming to attract an audience, and that a majority of independent stations broadcast on UHF channels, we continue to believe that the exemption, applicable to cable systems on a conglomerate basis, will have a minimal adverse effect, if indeed any appreciable effect at all, on independent licensees or any other broadcasters. However, as we observed in our recent nonduplication rule making proceeding, there may be situations where, due to a proliferation of small systems in a particular market, there will be a likelihood of substantially adverse economic impact on local television stations and copyright holders. Where such cases exist, broadcasters and copyright holders may file petitions for special relief. The Commission will examine these petitions on a case-by-case basis and shall grant appropriate relief where it can be shown that the subject exemption will have a material adverse effect on the value of syndicated program material or on the ability of local broadcast stations to serve the public interest.

16. Having determined that a 1,000 subscriber exemption would relieve those systems most severly burdened by the rules without significant impact on broadcast service to the public, a number of additional points raised in the comments remain to be considered. Some cable interests have suggested that the rules themselves are unnecessary or otherwise without public interest foundation and that what is needed is not an exemption for smaller systems but an elimination of the rules. Such suggestions are beyond the narrow scope of this proceeding and are not therefore properly before us for consideration at this time. As noted in the first paragraph of the notice commencing this proceeding, we did not intend here to initiate a broad review of the syndicated program exclusivity rules, but rather to only consider an exemption for smaller systems.

17. Cable interests have also suggested that a 10,000 subscriber exemption should be adopted; however, little, if any, foundation for this proposal is contained in the comments either as to why systems under this size are unduly burdened by the rules and larger systems are not, or as to the impact adoption of such a proposal would have on broadcast service to the public. In fact, it would appear that the adoption of such a proposal would be virtually the equivalent of a repeal of the rules leaving it applicable to only a handful of cable systems. These proposals for a 10,000 subscriber exemption while, in themselves inconsistent with the objective in this proceeding of considering

an exemption for smaller systems, do raise the question of whether an exemption level somewhat above 1,000 subscribers could be adopted without adverse impact on television broadcast service to the public. Because of the number of different variables involved, it is difficult to say with complete assurance precisely what impact a larger exemption would have. However, it is clear that the policies that are reflected in these rules are progressively eroded, the higher the exemption provided. Considering all of the circumstances, we believe a 1,000 subscriber exemption establishes an appropriate balance.

18. Broadcast interests, including those not seriously disputing that the proposed exemption will have little impact on them, have suggested that the exemption ought not be adopted because the substantive rules in question were part of the consensus agreement preceding the 1972 Cable Television Report and Order. We cannot agree that the Commission is or could be so restricted in the adoption of rules otherwise found to be in the public interest. In fact, coincident with the adoption of the very rules in question, the Commission noted in paragraph 66 of the Cable Television Report and Order, that it retained full freedom and, indeed, the responsibility to make changes in the rules as developments warranted. The possibility of future changes in the syndicated exclusivity rules was specifically noted. Such flexibility is essential to our cable television regulatory program and we believe that our action today constitutes a reasoned and appropriate refinement in an established regulatory plan. We recognize that these rules are but part of a complex of rules ordering the relationship between cable television systems and television broadcast stations, but we do not see how the limited exemption proposed in this proceeding so disturbs the regulatory balance that its consideration ought await some more fundamental overall review of the rules.

19. Finally, we note the arguments of Wabash Valley and Columbia Empire concerning the notification and applicability features of the proposed rules. We are not persuaded that the small system definition should relate to homes passed rather than subscriber numbers nor that the provision made for cable systems notifying local broadcasters when they pass the 1,000 subscriber mark will not assure that larger systems do not avoid compliance with the rules. Actual subscriber numbers relate more closely than potential system size to the financial ability of a system to comply with the exclusivity rules and we see no reason why the notification process incorporated in the rules will not provide an appropriate mechanism for local broadcasters to be made aware that they may seek exclusivity as provided for in the rules.

20. Accordingly, for the reasons stated above and set forth in the notice initiating this proceeding, we are adopting the exemption from our syndicated program exclusivity rules as proposed. We believe this action will afford appropriate relief to small systems while preserving the integrity of our syndicated program protection policies.

Authority for the rules adopted in the Appendix attached hereto is contained in Sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, 315, and 317 of the Communications Act of 1934, as amended.

*Accordingly, it is ordered*, That Part 76 of the Commission's rules and regulations, is amended, effective October 30, 1975, as set forth below. *It is further ordered*, That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1088, 1089 (47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 315, 317))

Adopted: September 17, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

A new § 76.161 is added, as follows:

**§ 76.161 Exception.**

The provisions of §§ 76.99 and 76.151 shall not apply to a cable television system (as described in § 76.5(a)) serving fewer than 1,000 subscribers or to a conglomerate of commonly-owned and technically-integrated cable systems serving fewer than 1,000 subscribers. Within sixty (60) days following the provision of service to 1,000 subscribers each such cable system or system conglomerate shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast stations carried by the cable system.

NOTE: Technical integration, for the purpose of this section, is limited to that accomplished by a local cable or microwave (e.g., a CARS LDS facility) interconnection. Satellite or microwave networking to geographically separated systems of a multiple system owner does not constitute technical integration for the purposes of this section.

[FR Doc.75-25874 Filed 9-26-75;8:45 am]

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[Docket No. 20423; FCC 75-1066]

## PART 76—CABLE TELEVISION SERVICE

### Postponement of Divestiture Requirements

*Second report and order—Proceeding terminated.* In the matter of amendment of Part 76, Subpart J, of the Commission's rules and regulations relative to cable television systems; and postponement of divestiture requirement of § 76.501 relative to prohibited cross-ownership in existence on or before July 1, 1970.

1. On April 2, 1975, the Commission adopted its notice of proposed rulemaking in this proceeding, FCC 75-405, 52 FCC 2d 161 (1975), which proposed to review two separate aspects of § 76.501 (a)(2) of the Commission's rules which prohibits cross-ownership interests between television broadcast stations and cable television systems within the predicted Grade B contour of the station and requires divestiture of all existing such cross-interests by August 10, 1975.[2] First we proposed to substitute the Grade A contour for the Grade B contour as the standard for application of the rules. Secondly, we proposed to require divestiture (40 FR 27462) of co-owned systems and stations only where the sole broadcast television station placing a city grade contour over the cable community is that of the cross-owned station. Both such changes were proposed in order to reflect, in the cable television rules, policy decisions reached in the Second Report and Order in Docket 18110, FCC 75-104, 50 FCC 2d 1046 (1975).

2. The Second Report and Order in Docket 18110, supra, concluded an extensive six year consideration of various cross-ownership matters involving the radio and television broadcast services. In particular, rules were adopted prohibiting the creation of cross-interests between television broadcast stations and daily newspapers published in communities within their Grade A contours. With respect to existing cross-interests, it was determined that divestiture should be required in only the most egregious situations. Such situations were defined as those in which the only daily newspaper published in a community was owned or controlled, directly or indirectly, by the only commercial television station which placed a signal of city grade strength over the community. Even in these situations an opportunity was provided for affected parties to request waivers of the rule based on the facts of their particular situation.

3. In order to parallel this decision in the cable television rules and after a preliminary consideration of approximately 70 requsets for waiver of the divestiture requirement of § 76.501,[3] we issued the notice in this proceeding to resolve two basic issues: (1) Should the rule apply only to cross-ownerships within a televi-

[1] Commissioner Robinson's statement filed as a part of the original document.

[2] Compliance with the divestiture requirement of the rules has been suspended pending completion of this proceeding. First Report and Order in Docket 20423, FCC 75-715, 53 FCC 2d 1102 (1975). Earlier Commission decisions concerning cable television-broadcast television cross-ownership leading up to the present proceeding may be found in CATV and TV Repeater Services, 26 FCC 403 (1959), Acquisition of Community Antenna Television Systems (Docket 15415), 1 FCC 2d 387 (1965), Notice of Inquiry in Docket 17371, 7 FCC 2d 853 (1967), Notice of Proposed Rule Making in Docket 18397, 15 FCC 2d 417 (1968), Second Report and Order in Docket 18397, 23 FCC 2d 816, modified on reconsideration, 39 FCC 2d 377 (1973).

[3] These petitions were received in response to an invitation to the filing of such requests in our Memorandum Opinion and Order in Docket 18397, FCC 73-80, 39 FCC 2d 377 (1973).

sion station's Grade A contour rather than, as in the existing rule, its Grade B contour, (2) should the divestiture requirement of the rule be amended to require divestiture only in those situations where the only commercial television station placing a city grade contour over the cable television system is co-owned with the system. Our first task is to examine the impact and policy implications of shrinking the zone of the rule's application from Grade B to Grade A. In this phase, the comments submitted in response to the notice were of little assistance. Cable operators and broadcasters argued that the zone should be reduced for reasons which basically called into question whether there should be any rules at all. Thus, they argued that at the present time cable systems and television broadcast stations are not competitive forms of media. They point out that few cable systems originate their own programming in contrast to expectations at an earlier time, that little advertising is done on cable and that, as a competitor to broadcast television, there is little to be feared from cable's capturing this market. On the plus side Broadcasters point out that if allowed to invest in their own markets they might construct new cable systems where outsiders have not. They also point out that if the Commission fears abuse by system operators in the way in which signals are selected for carriage or in the quality of competing signals, that any possible abuses can be corrected through the adoption of operational rules.

4. Arguments against shrinking the zone were made by the Department of Justice, the National Citizen's Committee for Broadcasting, and various local groups. They argue that in earlier proceedings by the Commission on this very issue, it was determined that the Grade B contour served the public interest best because it furthered the established policy of favoring diversity of control over mass communications media. They point out that in 1970 the Grade B contour was selected because that is the zone which reflects the normal service area of a television broadcast station[3] and that in 1973 the Commission in a Memorandum Opinion and Order supporting its earlier determination of the Grade B contour as the proper zone stated that it did so because this is the zone that most accurately fosters increased competition in the marketplace of ideas.[4] NCCB, more strongly opposed to changing the zone than the others, concludes that nothing subsequent to the adoption of § 76.501 has changed which would undermine the reasons given for selection of the Grade B contour.

5. In addressing the issue of similarity between this docket and the issues raised in Docket 18110, some parties point out that the media being examined are dissimilar enough not to adopt the same rationale. A primary difference, they point out, is that the cross-owned combination newspaper and broadcast television stations in most communities are established business enterprises, while in most areas cable is a new entry in the communications field. They argue that if we relax the standard for ownership, cable will not truly have an opportunity to develop as a diverse medium and an alternate source of local opinion. The time to act on concentration is at the incipient stages, and by selecting the Grade A contour standard the Commission is opting for a greater degree of concentration of control in the cable industry at precisely the time the Commission is most capable of preventing it with the least industry disruption.

6. While we had proposed in this proceeding to reduce the scope of the cable television-broadcast television cross-ownership rules from Grade B to Grade A contours in order to be consistent with our recent actions in Docket 18110, we are now persuaded that there are additional factors present in the cable television-broadcast television area not found in the newspaper-television and radio-television cross-ownership areas which weigh against the apparent logic of making the two rules precisely parallel. The cable television cross-ownership rules, as has been stated on a number of occasions in the past,[5] are intended to foster two objectives:

Increased competition in the economic marketplace;

Increased competition in the marketplace of ideas.

These were also our objectives in Docket 18110 in which we indicated that our primary concern was with diversity in programming service with a secondary objective—the preservation of competition in advertising.

7. There is, however, an element present in the cable-broadcast cross-ownership area which was not a concern in Docket 18110 which suggests to us the desirability of maintaining the Grade B standard rather than attempting to parallel the Grade A standard of Docket 18110—namely, the factor of economic competition, beyond competition for advertising revenues, between cable systems and over-the-air television broadcasters. The more successful a cable system is in introducing new types of programming and services the more the audience of local broadcasters is likely to be reduced and, conversely, the poorer the quality of over-the-air broadcast service, the greater the demand for the signal enhancement and increased choice made possible by a cable system. There is thus a potential conflict of interest in having both media commonly owned. This conflict does not cease at a station's Grade A contour. Adding this concern about creating potential new conflicts of this type, to our concern with fostering media diversity and preserving the potential for competition in the sale of advertising as expressed in Docket 18110, convinces us that it is appropriate to retain the existing Grade B standard in the rules.[6]

8. We remain unpersuaded by arguments suggesting cross-ownership rules are no longer needed because the systems are not now engaging in the amount of program origination once predicted, significant advertising revenues have not developed, the origination of programming can no longer be expected as a significant factor in cable operations in view of our elimination of the mandatory program origination rules, or because the creation of quasi-common carrier public and leased access channels over which operators have no content control eliminates the need for concern over domination of channels of communication by cross-owned cable systems and television broadcast stations. So long as cable systems have the potential and the ability to produce originations of their own, thereby increasing the amount and diversity of programming available to their subscribers, we believe § 76.501 performs an important function by assuring that new voices are added to those already present and that competition is unfettered by possible conflicts of interest. We would note, moreover, that these arguments suggest little as to whether, assuming the existence of some cross-ownership rules, they should apply within a station's Grade A or Grade B contour.

9. We turn now to the second question before us: To what extent should divestiture be required? As discussed earlier, the present rule requires divestiture of all existing combinations within the predicted Grade B contour of the co-owned television station. In relation to this, we know of the approximately 70 petitioners that have already filed for waivers and there may be others still not identified. The present proceeding proposes to amend the rules in a fashion that would require divestiture only where the sole broadcast television station placing a city grade contour over the cable community is that of the cross-owned station.

10. The majority of the comments filed by cable/television broadcast station interests, of course, suggest that the revised standard would be advantageous to them. Some further argue that there should be no divestiture at all since cable is not truly a competitor of broadcast

[3] See paragraphs 12 and 13 of the Second Report and Order in Docket 18397, FCC 70-673, 23 FCC 2d 816, 820.

[4] See paragraphs 39 and 40 of the Memorandum Opinion and Order in Docket 18397, FCC 73-80, 39 FCC 2d 377, 391.

[5] Memorandum Opinion and Order in Docket 18397, FCC 73-80, 39 FCC 2d 377 (1973).

[6] It may be noted that just as factual and policy differences have caused us here not to follow the Grade A standard adopted in Docket 18110 so too in the past have we used the Grade B standard in broadcast concentration of control and duopoly proceeding where that appeared appropriate. Thus, § 76.636 generally prohibits cross-ownership interests between two television broadcast stations whose Grade B contours overlap. For a discussion of the reason for our adoption of the Grade B contour as a standard for use in connection with these rules see our Report and Order in Docket 14711, FCC 64-445, 45 FCC 1476, paragraph 19 (1964).

television today. On the other hand, the Department of Justice, NCCB, and others argue that this proceeding is merely a vehicle to eliminate the responsibility of the Commission to review the outstanding waiver petitions on an ad hoc basis. As a result of the proposed changes, the 70 petitions for waiver pending would be reduced to a handful. Those opposing the proposed new divestiture standards also restate in detail those reasons set forth for adoption of the present rule and argue that there has been no intervening event since the rule was first adopted that now provides good cause for any change.

11. Having reviewed the comments filed herein as well as reviewed the reasons for the initial adoption of the divestiture requirement and the parallel concerns and resolution of Docket 18110, we are now persuaded that a new divestiture requirement applicable only to the most egregious cases, as was proposed in the notice in this proceeding, should be adopted. Cross-ownership rules are grounded on diversity of viewpoints and economic competition. In Docket 18110, we established a policy in which for future ownership acquisitions, we used one standard, and for divestiture purposes, we used a less restrictive standard. This was done in order to recognize that the goal of diversity itself is not sufficient to cause divestiture in each case where the general future rule would apply. In setting the standard for divestiture of only the most egregious cases, we weighed other public interest consequences such as continuity of operations, local ownership, demand for capital equity and local dislocations. In re-evaluating the divestiture requirement attendant to Section 76.501, we feel it to be in the public interest to accord to those interests, the same inherent fairness by adopting a new standard in this proceeding which reflects the factors considered in Docket 18110.

12. In adopting a different standard for divestiture than for the prospective rule, the Commission is recognizing that the rule does not apply with the same urgency at locations removed from a station's core service area as it does in more distant locations, nor does it apply with the same urgency when there are other competitive video outlets present. As a standard for isolating those most egregious cases in which we would require divestiture, we believe it appropriate to follow the rules adopted in Docket 18110. Here, as in that proceeding, we believe there are certain situations, characterized by cross-ownership between a station and cable television systems within its principal community contour which receive service from no other principal community contour, in which the importance of providing a second video voice attuned to and covering local issues outweighs the private equities and public dislocations brought about by a divestiture requirement. While our concerns with economic competition and media diversity extend throughout a local television station's service area, the harshness of the divestiture remedy appears to us only warranted in those situations where there would otherwise be a virtual monopoly over local video expression.

13. Because some have argued that changed economic conditions and expectations concerning the cable industry mandate a complete elimination of the divestiture requirement or conversely that there have been no significant changes so that no change in the existing requirement should be made, it is important to understand that we have not based our revised divestiture requirement to any significant extent on changes in the industry. While the cable industry has not developed with the speed many had predicted it would or as fast as we might have hoped, we nevertheless continue to believe that it has a significant potential as a source of diverse television programming and that belief is reflected in our retention of the basic cross-ownership rules. Rather our change in the application of the divestiture requirement is based on a general re-evaluation of the equities involved prompted by our decision in Docket 18110.

14. NCCB, the Department of Justice, and others have suggested that it would not be appropriate to follow the Docket 18110 pattern in this proceeding and indeed that the rules adopted in Docket 18110 were not in the public interest in that not enough separation of existing interests was required. As stated in the NCCB comments:

> Comparison of cable-television cross-ownership and divestiture to newspaper-television cross-ownership and divestiture, is, to use an old phrase, like comparing apples and oranges. The forms of anticompetitive practices inherent in each kind of cross-ownership are different. The means of pursuing an unfair advantage from the two kinds of cross-ownership vary. The effect of cross-ownership is different in one form of cross-ownership from that arising in the other. The mitigating factors which come into play in one situation are not the same as those affecting the other. Competition for revenues between newspapers and television stations is completely different from the kind of competition that lies between a cable system and local television stations. Consideration of what "diversity in the marketplace of ideas" means in the context of newspaper-television competition is simply incomparable to what it means when cable is competing with television. Thus, the information gathered and considered in Docket 18110 can be of very little use to the Commission in its consideration of the cable-television cross-ownership rules.

15. There are, of course, significant differences in the relationship of newspapers or radio stations to local television broadcast stations and the relations of cable television systems to such television stations. A principal difference is in the nature of the competition between the different media. In retaining the Grade B contour in the television-cable television rules as the standard for prospective application of the rules, we have specifically recognized some of these differences. It is our belief, however, that, as to the question of divestiture, there are more similarities than differences between the two proceedings. Both involve the question of to what extent existing interests should be disturbed with all the public and private dislocations attendant thereto in order to further policies of fostering media diversity and economic competition. In each instance, we have concluded that divestiture should be required only in the most serious instances of media concentration. The differences NCCB points out do not, in themselves, indicate that the standard proposed is not sufficiently inclusive.

16. Indeed, Lawton Cablevision Inc. has argued, to the contrary, that because of these differences, we should not force divestiture in situations where there is a newspaper providing local competition and an additional community voice and that generally we should follow Docket 18110's resolution of the television-radio cross-ownership divestiture issue rather than the television-newspaper resolution. That is, we should not require any divestiture. We cannot agree with this argument either. This proceeding is concerned with cross-ownership between competing video media and we are not convinced that the presence of non-video media in the community should be determinative of the divestiture requirement or that we should follow the television-radio precedent from Docket 18110. While we are concerned with media diversity generally, including radio, television, cable television, and newspapers, we are specifically concerned here with the elimination, insofar as possible, of undue concentrations of control over television programming. In this context, we cannot conclude that the presence of other non-video media sufficiently offsets the presence of a local video monopoly as to make the divestiture rule unnecessary. Moreover, the economic competition rationale for our cross-ownership rules is particularly applicable to the cable television-broadcast television field, while, at this point in time, it has a much lesser application in the radio-television area.

17. A number of commenting parties have suggested that our objective in proposing this rule change was to avoid the necessity of ruling on the pending waiver requests on an ad hoc basis and that there is something improper in our avoidance of these individual rulings. We do not believe that there is anything inherent in the subject of cross-ownership that compels either the ad hoc approach concerning the 70 petitions or a general rule which is proposed in this proceeding to deal with the specific factual situations. It is a fundamental principle of administrative law that the choice between proceeding with a general rule or by an ad hoc review falls within the wide area of administrative discretion. In S.E.C. v. Chenery Corporation, 322 U.S. 194 (1947), the Supreme Court stated:

> In performing its important functions * * * an administrative agency must be equipped to act either by general rule or by individual order. To insist upon one form of action to the exclusion of the other is to exalt form over necessity * * * And the choice between proceeding by general rule or by individual ad hoc litigation is one that lies primarily in the informed discretion of the administrative agency. *Id.* at 202-203.

In that case, the Court noted that some questions are best put to rest by a fixed regulation and others are so "specialized and varying in nature as to be impossible of capture within the boundaries of a general rule," but that the decision as to which method is appropriate in any particular case must be made by the agency involved. Id.

18. A number of subsidiary points raised in the comments also require mention. Southwestern Improvement and Investment Company has submitted comments urging the Commission to clarify and/or modify the definition of "ownership interest" for purposes of the July 1, 1970, grandfather date. It would have established that the announced intention of a franchising authority to grant a franchise to a particular party is sufficient to create the required ownership interest as of that date, even if the actual franchise was not effective until some time later. In Sequoia Cablevision, FCC 75-346, 52 FCC 2d 356 (1975), reconsideration denied, FCC 75-916,—— FCC 2d——(1975), we ruled on this point, holding that, for purposes of determining whether an ownership interest was in effect on July 1, 1970, we would look to the effective date of the local authorization. We see no public interest reason to reverse that decision or to amend the rules as Southwestern has suggested.

19. Central California Communications Corporation and others seek clarification as to the Commission's position on allowing grandfathered combinations to expand their cable operations to new and nearby communities. Because the rules prohibit the formation of new cross-ownership interests with a station's Grade B contour, it is clear that the expansion of a system into a new community within a cross-owned station's Grade B contour could not take place without a waiver of the rules. In other areas of cable regulation, such as signal carriage and access requirements, we have granted such waivers where we have found them to be in the public interest. We believe it appropriate to follow that policy here as well as allowing such expansion where technical or economic factors mandate that the new areas be served by the existing cross-owned system rather than by the creation of a new independent system or the extension of a non-cross-owned system.

20. KID Broadcasting and The Post Company have questioned whether divestiture would be required under the new proposed divestiture standard if the cable system in question is within the principal city contours of only two commercial television broadcast stations, both of which have an interest in the cable system. Because there remains in such a situation at least two independent video voices (the two broadcast stations), we would not interpret this ownership situation to be subject to the divestiture requirement.

21. South Dakota Cable Inc. has raised the question of whether a satellite station which places the only principal community contour over a commonly owned cable television system would be subject to divestiture and, if so, whether the existence of another principal community signal from a non-cross-owned satellite station would remove such a situation from the divestiture category. We believe that some separate treatment of satellite stations is necessary here, as it was in Docket 18110. Satellite stations are typically passive, broadcasting programing from a parent station, and thus do not program specifically for the needs of their community of license or for their service area. They are, in effect, an extension of the service area of the parent station and should, we believe, be treated as such for purpose of the divestiture requirement of the rules. That is, we will not require a separation of ownership between satellite stations and cable television systems within their principal community contours even if no other principal community contour is placed over the community. Similarly, in those situations where a station is cross-owned with a cable system within its principal community contour, we will not regard the presence of a second principal community contour, from a satellite station, as providing sufficient local service to take the cable community out of the egregious case category where divestiture is required.[1]

22. Finally, with respect to those cross-interests where divestiture is to be required, some time must be provided for the required separation of interests to be accomplished and for the consideration of waiver petitions. In Docket 18110, we provided for divestiture within five years and indicated that, with respect to those situations where divestiture was required, we would consider either temporary or permanent waiver requests. Here, in view of the prior history of this proceeding which placed the affected interests on notice some five years ago that divestiture might be required, we believe an additional two year period should provide adequate time for the required separation of interests to be accomplished and for any possible waiver requests to be considered. In connection with any such waiver proceedings, we indicated in Docket 18110 a number of factors which might lead to the granting of waivers including the absence of buyers for the facilities in question, the economic integration of the two operations in question such that they could not operate separately, and any other reason tending to indicate that the purposes of the rules would not be served by divestiture. We intend to follow the same guidelines set forth in Docket 18110 in considering any waiver petitions received as a result of the decision here adopted. Parties with waiver petitions pending may, on or before September 29, 1975, supplement their petitions. All petitions which are not supplemented to indicate their continued relevance will be dismissed as moot.

Authority for the rule amendment adopted herein is contained in Section 2, 3, 4(c) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *It is ordered*, That effective October 30, 1975, Part 76 of the Commission's rules and regulations is amended as set forth below.

*It is further ordered*, That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; (47 U.S.C. 152, 153, 301, 303, 307, 308))

Adopted: September 17, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] VINCENT J. MULLINS, *Secretary.*

Section 76.501 of Part 76, Chapter I, Title 47, of the Code of Federal Regulations is amended as follows:

**§ 76.501 Cross-ownership.**

* * * * *

(b) *Effective date.* (1) The provisions of subparagraphs (1) and (3) of paragraph (a) of this section are not effective until August 10, 1975, as to ownership interests proscribed herein if such interests were in existence on or before July 1, 1970 (*e.g.*, if a franchise were in existence on or before July 1, 1970): *Provided, however*, That the provisions of paragraph (a) of this section are effective on August 10, 1970, as to such interests acquired after July 1, 1970.

(2) The provisions of subparagraph (2) of paragraph (a) of this section are not effective until August 10, 1977, as to ownership interests proscribed herein if such interests were in existence on or before July 1, 1970 (e.g., if a franchise were in existence on or before July 1, 1970), and will be applied to cause divestiture as to ownership interests proscribed herein only where the cable system is, directly or indirectly, owned, operated, controlled by, or has an interest in a non-satellite television broadcast station which places a principal community contour encompassing the entire community and there is no other commercial non-satellite television broadcast station placing a principal community contour encompassing the entire community.

[FR Doc.75-25875 Filed 9-26-75;8:45 am]

[1] If the satellite station has a local studio from which public affairs and news programs originate, however, we are prepared to consider that this demonstrates sufficient diversity to remove the situation from the divestiture category. Compare Second Report and Order in Docket 18110, FCC 74-104, 50 FCC 2d 1046, footnote 35 (1975), and Memorandum Opinion and Order in Docket 18110, FCC 75-627, 53 FCC 2d 589, paragraphs 3 and 4 (1975).

* Dissenting statement by Commissioner Robinson filed as a part of the original document.

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Notice No. 75-20]

## FEDERAL MOTOR CARRIER SAFETY REGULATIONS

**• Purpose. The purpose of this notice is to include a new placard "Combustible (cargo tanks only)" to the regulation requiring certain vehicles to stop at railroad grade crossings; to eliminate references to an obsolete Form MCS-89, "Notice of Driver Declared 'Out of Service'," and reference the new Form MCS-63A which includes "Notice of Driver 'Declared Out of Service'," and to change the addresses for Regions 1, 7, and 9, due to relocation of those offices. •**

Technical, non-substantive amendments are being made to the Federal Motor Carrier Safety Regulations. The amendments consist of (1) changing the addresses for the Regional Motor Carrier Safety Offices in Regions 1, 7, and 9, as listed in § 390.40; (2) adding "combustible (cargo tanks only)" to subparagraph (3) of § 392.10(a) which identifies vehicles transporting hazardous materials that are required to stop at railroad grade crossings and revising subparagraphs (4), and (5), thereof, and (3) changing all references to "Form MCS-89" in § 395.13 to read "Form MCS-63A."

The table in § 390.40, Locations for filing accident reports and notifications, is being amended to reflect new locations of Regional Motor Carrier Safety Offices in Regions 1, 7, and 9.

The amendment adding "Combustible (cargo tanks only)" to the list of placarded vehicles in § 392.10(a)(3) which are required to stop at railroad grade crossings, changes this section to conform with Hazardous Materials Docket No. HM-102, (40 FR 22263). This docket established a new combustible liquid classification defined as those liquids having a flash point at or above 100°F (37.8°c.), and below 200°F (93.3°c.) (closed cup test). Section 392.10 presently requires those vehicles transporting liquids with a flash point below 200° stop at railroad grade crossings. Therefore, this is not a new requirement for those commodities falling within the new definition of combustible liquids.

Section 392.10(a) (4) and (5) are being revised to reference current test methods for determining flash points as reflected in the Hazardous Materials Regulations rather than repeating those test methods.

References to "Form MCS-89" are being changed to read "Form MCS-63A," a new form which includes "Notice of Drivers Declared 'Out of Service'."

In consideration of the foregoing, Parts 390, 392, and 395, in Subchapter B of Chapter III in Title 49, CFR, are amended as follows:

## PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

1. The addresses for Regions 1, 7, and 9, as shown in the table in § 390.40 in Part 390 are amended as follows:

**§ 390.40 Locations for filing accident reports and notifications.**

• • • • •

| Region No. | Territory included | Location of regional office |
|---|---|---|
| 1 | * * * | Leo W. O'Brien, Federal Office Bldg., Room 729, Albany, N.Y. 12207. |
| • | • | • • • |
| 7 | * * * | 6301 Rockhill Rd., P.O. Box 19715, Kansas City, Mo. 64141. |
| • | • | • • • |
| 9 | * * * | Suite 530, 2 Embarcadero Center, San Francisco, Calif. 94111. |

• • • • •

## PART 392—DRIVING OF MOTOR VEHICLES

2. Section 392.10(a) is amended by revising paragraphs (3), (4), and (5) as follows:

**§ 392.10 Railroad grade crossings; stopping required.**

(a) * * *

(3) * * *

(xi) Combustible (cargo tanks only).

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in the Hazardous Materials Regulations of the Department of Transportation, Parts 170-189 of this title.

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flash point as determined by § 173.115 of this title.

• • • • •

## PART 395—HOURS OF SERVICE OF DRIVERS

**§ 395.13 [Amended]**

3. Section 395.13 of Part 395 is amended by substituting "Form MCS-63A" for "Form MCS-89," wherever it appears.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

*Effective date.* Since these amendments are non-substantive in character and do not impose an additional burden on any person, notice and public procedure thereon are unnecessary, and they are effective on the date of issuance set forth below.

Issued on September 24, 1975.

KENNETH L. PIERSON,
*Acting Director,*
*Bureau of Motor Carrier Safety.*

[FR Doc.75-25882 Filed 9-26-75;8:45 am]

[Docket No. MC-56, Notice No. 75-19]

## PART 393—PROHIBITION AGAINST OPERATING WITH OVERLOADED OR UNDERINFLATED TIRES

### Deferral of Effective Date of Certain Provisions

**• Purpose. The purpose of this order is to defer certain of the requirements of the amendments contained in the order amending the § 393.75 of the Federal Motor Carrier Safety Regulations pertaining to tires published in the Federal Register on July 11, 1975 (40 FR 29292). •**

The Federal Highway Administration (FHWA) is making certain changes to the amendments to § 393.75 of the Federal Motor Carrier Safety Regulations as a result of petitions received for reconsideration.

Petitions for reconsideration have been filed with FHWA by American Trucking Associations, Inc., (ATA), Consolidated Freight Ways (CF), the Firestone Tire and Rubber Company (Firestone), the Goodyear Tire and Rubber Company (Goodyear), Heavy Specialized Carrier Conference (HSCC), Kelly-Springfield Tire Company (Kelly), Michelin Tire Corporation (Michelin), National Automobile Transporters Association (NATA), Rubber Manufacturers Association (RMA), Transport Trailers, and Truck Trailer Manufacturers Association (TTMA). The petitioners state that the regulation does not promote safety and will disrupt normal operations and be costly to implement.

The petitioners feel that the following areas should be reconsidered: (1) Increased loadings for reduced speed operations. (2) Tire pressures higher than those labeled on the tire's sidewalls should be permitted. (3) The tire pressure gauge correction factor for hot tires should be changed. (4) Inadequate time was given for compliance with the regulation and will result in inordinate costs. (5) The rule will cause confusion with users of European tires which are labeled differently from their American counterpart. (6) Consideration should be given to changing the metric tire pressure unit to kilopascals. (7) A 4-year delay in implementation of the rule to allow specialized equipment to be brought into compliance with the regulations. (8) Several of the petitioners want the rule to apply only to the steering axle.

All of the petitions have been studied in detail. We must agree there is some merit to the problem raised by the petitioners. We do not agree that in the interest of safety of operation of commercial motor vehicles over the highway that the rule should be abrogated in its entirety and the petitions granted as requested.

Considering the problems of front axle tires, the entire subject of axle loadings and accident statistics have been reviewed. In the recent Department of Transportation (DOT) report entitled, "1973 Accidents of Motor Carriers of Property," published in July 1975, front-

tire failures was discussed in detail. Pages 62 and 63 of the subject report indicates that front-tire failures accounted for 1.3 percent of the total number of accidents reported to the FHWA's Bureau of Motor Carrier Safety (BMCS) for 1973. In this case, a total of 395 front-tire failures occurred. Review of the 1974 accident reports submitted to BMCS indicated a total of 364 front-tire failures.

In view of the above, it is apparent that front-tire failures do occur with considerable frequency and there is a need for requirements to ensure that such tires are not overloaded or underinflated.

During Congressional hearings on truck size and weights held in 1974, there was considerable emphasis given to the fact that a front axle should be limited to a gross weight of 10,000 pounds. The FHWA does not believe that such design requirements should be specified in legislation and was basically opposed to such a requirement. The FHWA does believe that front axle loadings should be such that the tires can safely carry the load. In this regard, the FHWA determined that the load on front tires should not exceed that specified by the manufacturers for the appropriate load range of tire.

The amendment issued on July 3 specified that on and after October 1, 1975, all tires on all motor vehicles would have to comply with the requirements of FMVSS No. 119. In order to comply with the requirements of FMVSS No. 119, the tire would have to have marked on its sidewall the maximum load at a corresponding inflation pressure. The petitioners have stated there will not be enough FMVSS No. 119 tires available to completely equip all of the vehicles being operated under the Bureau's safety jurisdiction. Also, the petitioners stated that time would be needed to retrofit all of the vehicles.

The FHWA agrees there does appear to be a problem with the retrofit requirement and the availability of FMVSS No. 119 tires.

Some of the petitioners also stated that many of the Eastern States permitted axle loadings greater than that specified in section 127 of Title 23, United States Code. This is true, and the heavier axle weights have been permitted for many years. However, it does not, in itself, mean that the vehicles are safe to operate, especially with axle loadings on front axles greater than the tires are rated for.

In view of the above, the FHWA believes the load requirements for front axles should not be increased over that for which the tires are rated. The FHWA does believe there should be some relaxation since the data available on 1975 truck tire production seems to indicate there are not enough FMVSS No. 119 tires available to entirely equip the present commercial vehicles operating under its safety jurisdiction. The FHWA has determined that the problem can be solved by allowing the continued use of tires which are not marked to indicate that they meet FMVSS No. 119, provided they do not exceed the load limit for the specific load range tire and its corresponding inflation pressure. We believe this is necessary to ensure that safety of operation is continued and to avoid additional petitions for change of the regulations to limit the front axle weights to a total of 10,000 pounds.

The subject of maximum inflation pressure has been given considerable study. Review of all the data seems to indicate that in all cases the tire manufacturers and the users do inflate tires above the corresponding pressure for a specific load. The increase in tire pressure is intended to reduce heat buildup and to increase tire life. Review of the data does tend to support the petitioners point of view that there have been no problems or failures resulting from overinflation of tires if the load rating is kept constant. Therefore, the rule will be amended to indicate that tire pressures may be increased above that specified on the tire's sidewall.

It must be pointed out that while the rule is being amended to allow pressures greater than specified on the tire's sidewall, the load and cold inflation pressure imposed on the rim and wheel must not exceed the rim and wheel manufacturer's recommendations even though the tire may be approved for a higher load or inflation. Rims and wheels may be identified (stamped) with a maximum load and maximum cold inflation rating.

The FHWA has considered the request for increased tire loading with reduced speed. The data available does indicate that the tire manufacturer's recommend, or permit, increased tire loadings if vehicles are operated at reduced speeds. The problem here is the enforceability of such a requirement, since the FHWA is not a policing agency and does not have stopping or arresting powers. The FHWA does agree that there is a need for increasing the load rating of tires which are operated at reduced speeds. The rule will be amended to allow increased loadings at reduced speeds but it will specify that the increased loadings will only be applicable in those cases where the vehicle is being operated in compliance with a special permit which specifies the speed limitation. We believe this is the only way the FHWA will be able to enforce such a requirement.

One of the petitioners stated that the rule will cause confusion with users of European tires which are labeled differently from their American counterpart. The Bureau agrees that there are different methods of marking tire load ratings and pressures on tires. A comparison was made of the loading rating specified in the Tire and Rim Association's manual and those of the European Tyre and Rim Technical Organization, the Japanese Industrial Standards and the Scandinavian Tire and Rim Organization. This comparison indicates that there is negligible difference in the load ratings and pressures specified. In view of this fact, the FHWA does not believe there will be any significant confusion with users of European tires and American-made tires. As stated in § 393.75(f)(1) the chart showing the tire loads and pressures for the most common size of tires used by interstate motor carriers was reproduced for convenience. Also, the regulation states that if there is a conflict among the manufacturer, standards-organization, or the Table I, the FMVSS No. 119 is to govern. We believe this still should be the case and, therefore, are making no changes in the load limitations in the Table. If problems arise, then the FHWA will take administrative steps to solve them.

One of the petitioner's for reconsideration stated that the metric tire pressure unit of "bars" should be changed to "kilopascals" as used by the International Standards Organization (ISO). Review of the subject does indicate that in some places kilopascals are used as pressure in the metric system. However, it has not been adopted as the official metric units for pressure. Also, the metric units were included in § 393.75, in view of the probability of the United States adopting the metric system in the future. The FHWA used the dual dimensioning concept to bring into focus the problem of metric conversions and to follow the practice of various standards setting organizations in the United States.

The HSCC petitioned for a 4-year delay in implementation of the requirements of § 393.75 to allow carriers time to modify vehicles and manufacturers to redesign vehicles. This request was based on the fact that the amendments prohibited tires from being loaded to a capacity greater than that marked on the sidewall without regard to speed limitations. The FHWA agrees that the rule would create hardships on carriers who transport extra heavy equipment and loads on specialized vehicles when being operated at reduced speeds. We do not believe there is a need for a 4-year delay in implementation of the rules if tires are allowed to be loaded to a greater capacity when being operated under a special permit to specify speeds below the national speed limit of 55-mph. The rule will be amended to show this change.

Several of the petitioners want the requirements of § 393.75 to apply only to the steering axle. The petitioners state that the FHWA does not have justification for making the tire load limitation applicable to any other axle except the steering axle. Review of the data in the accident reports submitted to FHWA does indicate that there are tire failures on axles other than the steering axle. It is true that front-tire failures have occurred more frequently in the 1973 and 1974 truck accident data. The FHWA believes that load limitations should be specified for all axles on all vehicles. Therefore, the petition to have the load requirements apply only to the steering axle is denied.

In arriving at the decision to deny the petition to have the tire load requirements apply only to the front axle, the

FHWA considered the time needed for compliance.

The FHWA does agree that it would not be in the best interest of the Nation's economy to require all tires on all axles, other than front axles, to meet the proposed load limitation requirements by October 1, 1975. We have taken into consideration new truck tire production figures and the first hand knowledge of the tire operating practices of the motor carrier industry. We believe that one year should be sufficient time for motor carriers to use up their present supply of tires and for the tire industry to have enough FMVSS No. 119 tires available to meet the needs of those carriers under the safety jurisdiction of FHWA. Therefore, the effective date for compliance for axles other than front axles has been extended to October 1, 1976.

Several of the petitioners made the statement that the hot tire inflation pressure correction factor specified in Table No. III was misleading and could lead to improper bleeding of tires. The entire subject has been reviewed and it is felt that since the FHWA proposes to allow higher pressures than printed on the tire's sidewalls to be used, that the correction factor specified should be adequate. Many of the petitioners also stated that pressure buildup varies with tire size and load, vehicle speed, ambient temperature and environmental conditions such as rain. Also they stated it would be extremely difficult, if not impossible, to accurately predict the pressure buildup in a tire when it can be influenced by so many variables and that a single figure for estimating cold inflation pressure could not be used for regulating both overinflation and underinflation.

The RMA recommended that FHWA regulate only minimum tire inflation pressure. This organization further stated that tires which are operated underinflated or overloaded for the actual cold service inflation pressure can fail resulting in an unsafe vehicle condition. They also stated that a tire which has been operated long enough to reach equilibrium temperature will have a pressure buildup of at least 15 psi over its cold inflation pressure and that a tire which has been in sustained operation for at least 1 hour should be considered underinflated if its hot inflation pressure is not at least 15 psi higher than the specified cold pressure for the load carried. The RMA also said that for less than 1 hour operation if the tire pressure seems to be marginal, the operator should be encouraged to recheck tire pressure at the next opportunity.

The FHWA believes the correction factors set forth in Table No. II are reasonable and they are retained in the rule.

In consideration of the foregoing, § 393.75 is amended by changing paragraph (f) as set forth below.

1. Paragraph (f) of § 393.75 is revised to read as follows:

§ 393.75 Tires.

* * * * *

(f) *Tire load rating.*[1] (1) Front wheels: No motor vehicle shall be operated with tires on the front wheels which carry a greater weight than that specified for the tire in any of the publications of the standardizing bodies listed in FMVSS No. 119 (49 CFR 571.119) and marked on the tire's sidewall, except that tires which do not have the load rating marked on them in accordance with FMVSS No. 119 may be continued in use until April 1, 1976: *Provided*, The load on the tire does not exceed that allowed by Standard No. 119 for the same size tire.

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

(3) A chart showing tire loads and pressures for the most common sizes of tires used by interstate motor carriers is reproduced as Table No. I for convenience. In the case of conflict among the manufacturer, a standards organization, or Table No. I in this section, FMVSS No. 119 shall govern.

(4) Tire pressure: No motor vehicle shall be operated on a tire which has a cold inflation pressure less than that specified for the load being carried.

(5) If the inflation pressure of the tire has been increased by heat because of the recent operation of the vehicle, the cold inflation pressure shall be estimated by subtracting the inflation buildup factor shown in Table No. II from the measured inflation pressure.

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

*Effective date.* This amendment is effective on October 1, 1975, except as provided in the rule.

Issued on September 23, 1975.

KENNETH L. PIERSON,
*Acting Director,*
*Bureau of Motor Carrier Safety.*

[FR Doc.75-25808 Filed 9-26-75;8:45 am]

[1] The load and cold inflation pressure imposed on the rim and wheel must not exceed the rim and wheel manufacturer's recommendations even though the tire may be approved for a higher load or inflation. Rims and wheels may be identified (stamped) with a maximum load and maximum cold inflation rating.

[Notice No. 75-18]

## PART 398—TRANSPORTATION OF MIGRANT WORKERS

### Miscellaneous Amendments

**● Purpose. These amendments make technical changes in the regulations governing migrant worker transportation, to reflect the change in safety jurisdiction from the Interstate Commerce Commission to the Department of Transportation. ●**

A number of technical, nonsubstantive amendments are being made to the Federal Motor Carrier Safety Regulation's Part 398—Transportation of Migrant Workers. The amendments consist of (1) changing the term "Motor Carrier Safety Regulations" to read "Federal Motor Carrier Safety Regulations" wherever it appears; (2) changing the terms "Interstate Commerce Commission" and "Administration" wherever they appear; (3) changing § 398.8, Commission inspection of motor vehicles in operation, to reflect current authority vested in persons appointed as special agents of the Federal Highway Administration as detailed in Appendix B—Special Agents, and (4) deleting reference to the District Director of the Bureau of Motor Carriers in § 398.8(d)(2).

The objective of these amendments is to make technical changes in the Regulations governing migrant worker transportation, to reflect the change in safety jurisdiction from the Interstate Commerce Commission to the Department of Transportation. The purpose of adding the word "Federal" before the term "Motor Carrier Safety Regulations" is to avoid confusion between rules issued by Federal agencies and rules issued by the States.

In consideration of the foregoing, Part 398 in Subchapter B of Chapter III in title 49, CFR is amended as follows:

§§ 398.1–398.8 [Amended]

1. By changing "Motor Carrier Safety Regulations" to read "Federal Motor Carrier Safety Regulations" wherever it appears.

2. By changing "Interstate Commerce Commission" and "Commission" to read "Federal Highway Administration" and "Administration" respectively.

3. Section 398.8, paragraphs (a) and (d)(2) are revised to read as follows:

**§ 398.8 Administration inspection of motor vehicles in operation.**

(a) Administration personnel authorized to perform inspections. All persons designated as Special Agents of the Federal Highway Administration, as detailed in Appendix B of Chapter III of this title, are authorized to enter upon and perform inspections of motor carrier's vehicles in operation.

* * * * *

(d) * * *

(2) Motor carriers shall complete the "Motor Carrier Certification of Action Taken" on Form MCS 63 in accordance

with the terms prescribed thereon. Motor carriers shall return Forms MCS 63 to the address indicated upon Form MCS 63 within fifteen (15) days following the date of the vehicle inspection.

* * * * *

Since these amendments are nonsubstantive in character, and do not impose any new burden upon any person, notice and public comment thereon are unnecessary, and they are effective on the date of issuance set forth below.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655), delegations of authority at 49 CFR 1.48, 389.4).

Issued on September 19, 1975.

ROBERT A. KAYE,
*Director,*
*Bureau of Motor Carrier Safety.*

[FR Doc.75-25809 Filed 9-26-75;8:45 am]

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

[No. 36057]

## ACCOUNTING FOR TREASURY STOCK AT COST, INSTRUCTIONS FOR TRANSACTIONS WITH AFFILIATES AND CHARGES TO BE JUST AND REASONABLE

Upon investigation and consideration of views, arguments, and representations of the parties, certain revised accounting regulations governing all carriers subject to our accounting rules (1201–1210), are adopted to be effective January 1, 1975.

REPORT AND ORDERS OF THE COMMISSION

By notice of proposed rulemaking dated November 5, 1974, and published in the FEDERAL REGISTER on December 30, 1974 (39 FR 45048), this Commission announced that it had under consideration revisions to the systems of accounts (49 CFR Parts 1201–1210) prescribed for all modes of transportation under its jurisdiction. These revisions relate to accounting for treasury stock at cost, transactions with affiliates, and charges to be just and reasonable. All interested parties were given the opportunity to submit their views and comments in writing by January 27, 1975.

BACKGROUND

*Treasury stock accounting.* Under our present accounting regulations, all modes except freight forwarders follow the par value method rather than the cost method of accounting for purchase by a corporation of its own stock. Both methods recognize a contraction in stockholders' equity; however, the actual accounting entries and balance sheet presentation differ.

Briefly, under the cost method, the reacquired stock is recorded at cost and is shown on the balance sheet as a deduction from stockholders' equity. Under the par value method, the treasury stock is recorded at par or stated value and shown as a deduction from capital stock to arrive at net capital stock outstanding. The difference between reacquisition cost and par or stated value is apportioned to the appropriate capital surplus accounts or retained earnings. Under either method the ending balance for stockholders' equity is the same.

While both accounting treatments are in accordance with generally accepted accounting principles, the cost method is more widely used by companies that prepare reports to stockholders and is the method preferred by the accounting profession and other regulatory agencies.

*Transactions with affiliated companies.* An instruction concerning transactions with affiliated companies would require records of such transactions to be retained in a separate file to include documentation and justification for the basis of the charges. This file would aid this Commission in determining whether the transactions unnecessarily raise operating costs of carriers. Presently, the system of accounts for railroads (Part 1201) and class I and II motor carriers of property (Part 1207) contain this instruction. However, we have modified the language so that it will be uniform throughout all systems, even though the intent of the instruction remains the same.

*Charges to be just and reasonable.* Charges to the operating expense accounts must be "just and reasonable" in order that the rate structure is not affected by expenses not related to providing transportation service. Consequently, any charges to operating expenses should not exceed the fair market value of goods or services acquired in arms-length transactions. The system of accounts for motor carriers of property is the only system currently prescribing this instruction. Here again, some minor wording modifications have been made in order to maintain uniformity throughout all systems.

REPRESENTATIONS

The public notification of proposed rulemaking in the FEDERAL REGISTER provided that any person desiring to participate could do so by filing, within a prescribed time, written statements of facts, views, or arguments. Comments were received from three respondents, and they are summarized below:

*Railroads.* The Association of American Railroads (AAR) representing its member roads, asserts that the proposed rule does not accomplish its announced objective of bringing the accounting rules of this Commission for treasury stock into line with generally accepted accounting principles as prounced in Accounting Principles Board Opinion No. 6 and recommends that Opinion 6 be adopted completely by reference in the text of the account.

AAR also suggests that the proposed instruction for transactions with affiliated companies be revised to allow information relating to the basis of charges to be retained in supporting documentation rather than appear on each individual bill.

The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) urges the Commission to modify the proposed regulations in order to specify that all transactions with affiliated companies should be at arms-length and the cost of assets or services purchased from affiliates should not exceed the cost which could be obtained from unrelated parties for comparable assets or services.

*Freight Forwarders.* The Freight Forwarders Institute suggests an addition of joint loading arrangements in the parenthetical example of the proposed regulation for transactions with affiliated companies, in order to clarify the scope of its application. The Institute believes operations of this nature are "ordinary carrier operations" and should be specifically excluded from the proposed regulation.

DISCUSSION AND CONCLUSIONS

The following discussion is arranged according to subject matters raised by the respondents:

*Treasury stock accounting.* AAR argues for aligning this Commission's accounting rules for treasury stock with generally accepted accounting principles. We have based our proposed rule on APB Opinion No. 6, which provides two prevailing views of accounting for acquisition of treasury stock: par value method and the cost method.

Therefore, our proposed regulation changes the presently prescribed accounting from one generally accepted method to another. However, the cost method represents the modern approach, being more widely used in today's financial statements. In addition, we believe optional accounting is not justifiable for regulatory purposes. Therefore, while we agree that our proposed rule is not identical to generally accepted accounting principles, (since it does not permit optional accounting) we believe the adoption of the cost method will move our rules closer to them because of the wider acceptance of that method. Also, we believe the benefits of uniformity far outweigh the potential unreliability of optional accounting treatments.[1]

To implement the cost method, all treasury stock presently held shall be reaccounted for under the cost method, provided it has not been constructively retired.

*Transactions with affiliated companies.* Santa Fe recommends a change regarding the price of assets and services purchased from affiliated companies. Santa Fe suggests that in circumstances where public price lists do not exist the purchase price should be based on cost determined by arms-length bargaining instead of a lower of book value or fair market value. We believe that prices determined under the lower of book value or fair market value are more relevant for ratemaking purposes. To allow carriers to charge operating expenses with the fair market value of assets transferred or services performed without consideration to the cost incurred by affiliated companies could cause an unwarranted increase in carriers' operating

[1] In "optional accounting", the carrier may utilize the par value method or the cost method at its option.

expenses which on an aggregate basis could result in unjustified rate increases. The objective of this Commission in requiring a file of transactions with affiliated companies is to determine whether transactions with affiliated companies unnecessarily raise operating costs. Therefore, we do not accept Santa Fe's recommendation.

AAR suggests that the proposed instruction for "Transactions with affiliated companies" be revised to allow information relating to the basis of charges to be retained in supporting documentation as opposed to stating such information on each individual bill. This Commission has no objection with the AAR's alternative. However, in instances where sufficient supporting documentation is not maintained, the basis for such charges must be specifically identified on each bill.

Freight Forwarders Institute requests a change to clarify the scope of its application relating to joint loading arrangements. It is evident that instructions must necessarily be limited in detail; however, we have revised the instruction to call attention to this aspect of freight forwarders' operations.

Some revisions of an editorial or clarifying nature have also been made. Other minor recommended revisions were considered and found unnecessary.

SUMMARY

While the three subject areas differ, we proposed that they be considered in the same proceeding. This facilitates making accounting changes in a more timely manner which we believe is beneficial to all interested parties. We believe the changes discussed in this Report add more definitive guidelines to the uniform system of accounts, and improve financial reporting of carriers by bringing us closer in aligning our accounting rules with generally accepted accounting principles.

We find that Parts 1201 through 1210 of Chapter X of Title 49 of the Code of Federal Regulations should be amended as detailed in the appended statement of changes; and that such rules are reasonable and necessary to the effective enforcement of the provisions of Part I, II, III and IV of the Interstate Commerce Act, as amended; that such rules are otherwise lawful and, to the extent so found in this report, consistent with the public interest and the national transportation policy; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environment Policy Act of 1969.

An appropriate order will be entered.

Commissioner Hardin did not participate.

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 24th day of June 1975.

Consideration having been given to the matters and things involved in this proceeding, and the said Commission, on the date hereof, having made and filed a report containing its finding and conclusions, which report is hereby made a part hereof:

*It is ordered*, That Parts 1201 through 1210 of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as shown below.

*It is further ordered*, That the prescribed amendments shall be effective January 1, 1975, and reflected in the annual reports to this Commission for the accounting year ending December 1975.

*And it is further ordered*, That service of this order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

(49 U.S.C. 12, 20, 304, 913, 1012)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

## PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Amend Part 1201 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" add the following immediately after line item "1–21 Submission of Questions":

1–22 Charges to be just and reasonable.

Under "General Balance Sheet Accounts" add the following immediately after line item "798 Retained income; unappropriated":

798.5 Treasury stock.

GENERAL INSTRUCTIONS

The text of instruction 1–10, "Transactions with affiliated companies" is amended to read:

1–10 *Transactions with affiliated companies.* (a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains the information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transaction.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 1–22).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1–3(d)) for the purpose of recording separately transactions with affiliated companies.

After general instruction 1–21 "Submission of Questions", add new instruction 1–22 "Charges to be just and reasonable" to read as follows:

1–22 *Charges to be just and reasonable.* All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's length transaction. Any payments in excess of such just and reasonable charges shall be included in account 551, "Miscellaneous income charges".

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

The instruction 6–4, "Discount premium, and assessment on capital stock" is amended by revising paragraphs (e) through (g). As amended the text reads as follows:

6–4 *Discount, premium, assessment on capital stock.* * * *

(e) When capital stock is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 791, "Capital stock issued". Any excess of reacquisition cost over par value shall be allocated between account 795, "Paid in surplus" and ac-

count 616 "Other debits to retained income". Any excess of par value over reacquisition cost shall be credited to account 795, "Paid in surplus."

(f) When capital stock is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 798.5, "Treasury stock".

(g) When treasury stock is resold, account 798.5, "Treasury stock", shall be credited with the cost paid for it. Gains shall be credited to account 795 "Paid in surplus". Losses shall be charged to account 795 "Paid in surplus" to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 616 "Other debits to retained income".

GENERAL BALANCE SHEET ACCOUNTS

The text of account 791 "Capital Stock Issued" paragraph (a) is revised and Note E deleted. As amended the text reads:

**§ 791 Capital Stock Issued.**

(a) This account shall include the total par value of par value stock, and the total amount paid in or the amount approved by the Commission for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and canceled, also shares of stock nominally issued.

* * * * *

After the text of account 798, "Retained Income; Unappropriated", the following new account number, title and text are added:

**§ 798.5 Treasury Stock.**

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor canceled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 6-4, paragraphs (e) through (g).

Account 799, "Form of General Balance Sheet Statement", is revised by adding the following new account number and title:

**§ 799 Form of General Balance Sheet Statement.**

798 * * *
Total retained income.
798.5 Treasury stock.

* * * * *

## PART 1202—UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

Amend Part 1202 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Operating Expenses" add the following after line item "01-16 Accounting for income taxes":

01-17 Transactions with affiliated companies.
01-18 Charges to be just and reasonable.

Under "General Balance Sheet Accounts" add the following immediately after line item "425 Premium on capital stock".

426 Treasury stock.

OPERATING EXPENSES, GENERAL INSTRUCTIONS

After the text of instruction 01-16 "Accounting for income taxes", new instructions 01-17 and 01-18 are added to read as follows:

**01-17 Transactions with affiliated companies.**

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend to file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transactions price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 01-18).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts for the purpose of recording separately transactions with affiliated companies.

**§ 01-18 Charges to be just and reasonable.**

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of the carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 225, "Miscellaneous debits".

GENERAL BALANCE SHEET

The instruction 05-2 "Discount and premium on capital stock" is amended by revising the last two paragraphs and designating the first three paragraphs as (a), (b) and (c), respectively. As amended the text reads:

**§ 05-2 Discount and premium on capital stock.**

(a) Ledger accounts * * *
(b) Entries in * * *
(c) In no case * * *

(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 423, "Capital stock." Any excess of reacquisition cost over par value shall be allocated between account 448-1 "Paid in surplus" and account 450 "Earned surplus; unappropriated". Any excess of par value over reacquisition cost shall be credited to account 448-1 "Paid in surplus".

(e) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 426, "Treasury stock".

(f) When treasury stock is resold, account 426, "Treasury stock", shall be credited with the cost paid for it. Gains be credited to account 448-1 "Paid in surplus." Losses shall be charged to account 448-1 "Paid in surplus" to the extent that previous net gain from sales or retirements of the same class of stock are included therein; otherwise to account 450 "Earned surplus; unappropriated".

Instruction "05-8 Form of general balance sheet statements" is revised by adding the following line items:

* * * * *

425 * * *
426 Treasury stock Total

* * * * *

GENERAL BALANCE SHEET ACCOUNTS

Account 425 "Premium on capital stock" is revised to read:

**§ 425 Premium on capital stock.**

(a) This account shall include the excess of the actual cash value (at the time of sale of the stock) of the consideration received over the amount recorded in account 423, "Capital stock," for par value stock plus accrued dividends, if any; also subsequent assessments against stockholders for payments required in excess of the par value or other amount recorded in account 423, "Capital stock."

(b) When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

After the text of account 425 "Premium on capital stock" the following new account number, title and text are added:

**§ 426 Treasury stock.**

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at total stock.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 05-2, paragraph (d) through (f).

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## PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

Amend Part 1203 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" add the following immediately after line item 1-18 "Accounting for income taxes".

1-19 Transactions with affiliated companies.
1-20 Charges to be just and reasonable.

Under "Balance Sheet Account Classifications" add the following immediately after line item "255 Retained income":

256 Treasury stock.

GENERAL INSTRUCTIONS

Instruction "1-2 Accounting scope", paragraph (d), is amended by adding line item "256 Treasury stock" in proper sequence. As amended paragraph (d) reads:

(d) * * *

256 Treasury stock.

* * * * *

After general instruction 1-18 "Accounting for income taxes" add the new instructions 1-19 "Transactions with affiliated companies" and 1-20 "Charges to be just and reasonable" to read as follows:

**§ 1-19 Transactions with affiliated companies.**

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 1-20).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1-3(a)) for the purpose of recording separately transactions with affiliated companies.

**§ 1-20 Charges to be just and reasonable.**

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 731-Miscellaneous expenses.

BALANCE SHEET ACCOUNT CLASSIFICATIONS

The text of account 251 "Preferred stock," paragraphs (a) and (b), is revised to read:

**§ 251 Preferred stock.**

(a) This account shall include the par value of par value stock, stated value of no-par value stock, and the amount received for no-par value stock without stated value, which have been issued to bona fide purchasers and have not been reacquired and cancelled. When other than cash is received for no-par value stock without stated value, the fair market value of the consideration shall be entered in this account.

(b) This account shall be divided so as to show separately each class of stock issued, subdivided between issued and actually outstanding, nominally issued and nominally outstanding.

* * * * *

The text of account 252 "Common stock", paragraphs (a) and (b) is revised to read:

**§ 252 Common stock.**

(a) This account, as subdivided below, shall include the par value of par value stock, stated value of no-par value stock, and the amount received for no-par value stock without stated value, which have been issued to bona fide purchasers and have not been reacquired and cancelled. When other than cash is received for no-par value stock without stated value, the fair market value of the consideration shall be entered in this account.

(b) This account shall be divided so as to show separately each class of stock issued, subdivided between issued and actually outstanding, nominally issued and nominally outstanding.

* * * * *

The text of account 254 "Capital surplus", paragraph (c), is revised. As amended the paragraph reads:

**§ 254 Capital surplus.**

* * * * *

(c) 02—Other capital surplus. (1) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 251—Preferred stock or 252—Common stock. Any excess of reacquisition cost over par value shall be allocated between account 254—Capital surplus, and account 256-08—Other debits to retained income. Any excess of par value over reacquisition cost shall be credited to account 254—Capital surplus.

(2) When an issue of capital stock or any part, thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the re-

acquisition cost shall be charged to account 256—Treasury stock.

(3) When treasury stock is resold, account 256—Treasury Stock, shall be credited with the cost paid for it. Gains shall be credited to account 254—Capital surplus. Losses shall be charged to account 254—Capital surplus to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 256-08—Other debits to retained income.

* * * * *

After the text of account 255 "Retained income", the following new account number, title and text are added:

256 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with balance sheet account classification 254-02, paragraphs (1) through (3).

Account 299 "Form of balance sheet" is amended by adding the following:

299 Form of balance sheet.

255 * * *
256 Treasury stock —— (——)
Total Shareholders' Equity ——
* * * * *

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## PART 1204—UNIFORM SYSTEM OF ACCOUNTS FOR PIPELINE COMPANIES

Amend Part 1204 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions", add the following after line item 1-12 "Accounting for income taxes".

1-13 Transactions with affiliated companies.
1-14 Charges to be just and reasonable.

Under "Balance Sheet Accounts" add the following immediately after line item 75 "Unappropriated retained income".

76 Treasury stock.

GENERAL INSTRUCTIONS

After general instruction 1-12 "Accounting for income taxes", add the new instruction 1-13 "Transactions with affiliated companies" and 1-14 "Charges to be just and reasonable" to read as follows:

1-13 Transactions with affiliated companies. (a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 1-14).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1-2(a)) for the purpose of recording separately transactions with affiliated companies.

*1-14 Charges to be just and reasonable.* All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 660, Miscellaneous Income Charges.

BALANCE SHEET ACCOUNTS

The text of account 70 "Capital stock" is revised to read:

§ 70 Capital stock.

(a) This account shall include the par value of par value stock, stated value of no-par stock, and the amount received for no-par stock without stated value, which have been issued to bona fide purchasers and have not been reacquired and cancelled, also shares of stock nominally issued. When other than cash is received for no-par value stock, the fair market value of the consideration shall be entered in this account.

(b) This account shall be divided so as to show separately each class of stock issued, subdivided between (1) issued and outstanding, and (2) nominally issued and nominally outstanding.

(c) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to this account. Any excess of reacquisition cost over par value shall be allocated between account 73, Additional Paid-in-Capital and 720, Other Debits to Retained Income. Any excess of par value over reacquisition cost shall be credited to account 73, Additional Paid-in-Capital.

(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 76, Treasury Stock.

(e) When treasury stock is resold, account 76, Treasury Stock, shall be credited with the cost paid for it. Gains shall be credited to account 73, Additional Paid-in-Capital. Losses shall be charged to account 73, Additional Paid-in-Capital to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 720, Other Debits to Retained Income.

After the text of account 75 "Unappropriated retained income" the following new account number, title and text are added:

§ 76 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged or unpledged.

(c) This account shall be shown on the Balance Sheet as a deduction in arriving at Stockholders' Equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with balance sheet account 70, paragraphs (c) through (e).

Account 797 "Form of general balance sheet" is revised by adding the following:

§ 797 Form of general balance sheet.

* * * * *
75 * * *
76 Treasury stock.
Total Stockholders' Equity.
* * * * *

## PART 1205—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR LINES

Amend Part 1205 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Income and Balance Sheet Accounts Instructions" add the following immediately after line item 42 "Accounting for income taxes".

43 Transactions with affiliated companies.
44 Charges to be just and reasonable.

Under "General Balance Sheet Accounts Text" add the following immediately after line item 798 "Retained income—Unappropriated".

798.5 Treasury stock.

INCOME AND BALANCE SHEET ACCOUNT INSTRUCTIONS

Instruction 39 "Discount, premium, and assessment on capital stock" is amended by alphabetizing each paragraph and by revising the last three paragraphs. As amended the text reads:

**§ 39 Discount, premium, and assessment on capital stock.**

(a) Separate ledger * * *
(b) The total of * * *
(c) Discount on * * *
(d) In case the * * *

(e) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 791, "Capital stock issued". Any excess of reacquisition cost over par value shall be allocated between account 795, "Paid-in surplus" and account 616, "Other debits to retained income". Any excess of par value shall be credited to account 795, "Paid-in surplus."

(f) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 798.5, "Treasury stock".

(g) When treasury stock is resold, account 798.5 "Treasury stock", shall be credited with the amount paid for it. Gains shall be credited to account 795, "Paid-in surplus". Losses shall be charged to account 795, "Paid-in surplus" to the extent that previous net gains from sales or retirement of the same class of stock are included therein; otherwise, to account 616, "Other debits to retained income".

After instruction 42 "Accounting for income taxes" add new instruction 43 "Transactions with affiliated companies" and instruction 44 "Charges to be just and reasonable" to read as follows:

**§ 43 Transactions with affiliated companies.**

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly as nonoperating charges or credits. (See Instruction 44).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 4(b)) for the purpose of recording separately transactions with affiliated companies.

**§ 44 Charges to be just and reasonable.**

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payment shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 551, "Miscellaneous income charges".

GENERAL BALANCE SHEET ACCOUNTS

The text of account 791 "Capital stock issued" is amended by revising the first paragraph and deleting note E. As amended the text reads:

**§ 791 Capital stock issued.**

This account shall include the total par value of par value stock, and the total amount paid in for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and cancelled, also shares of stock nominally issued.

* * * * *

After the text of account 798 "Retained income—Unappropriated", the following new account number, title and text are added:

**798.5 Treasury stock.**

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 39, paragraphs (5) through (7).

Account 799 "Form of general balance sheet statement", is revised by adding the following:

**799 Form of general balance sheet statement.**

798 * * *
Total retained income——
798.5 Treasury stock (——).
Total shareholders' equity——.

* * * * *

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## PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

Amend Part 1206 as follows:

LIST OF DEFINITIONS, INSTRUCTIONS, AND ACCOUNTS

Under "Instructions" add the following immediately after line item 2-32 "Accounting for income taxes":

2-33 Transactions with affiliated companies.
2-34 Charges to be just and reasonable.

Under "Balance Sheet Accounts" add the following immediately after line 2946 "Other debits to surplus":

2947 Treasury stock.

INSTRUCTIONS

The text of instruction 2-14 "Company securities owned" is amended by revising paragraph (a) to read:

**2-14 Company securities owned.**

(a) *Capital stock.* (1) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value

shall be charged to account 2700, Preferred Capital Stock, or account 2710, Common Capital Stock. Any excess of reacquisition cost over par value shall be allocated between account 2900, Unearned Surplus and account 2946, Other Debits to Surplus. Any excess of par value over reacquisition cost shall be credited to account 2900, Unearned Surplus.

(2) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 2947, Treasury Stock.

(3) When treasury stock is resold, account 2947, Treasury Stock, shall be credited with the cost paid for it. Gains shall be credited to account 2900, Unearned Surplus. Losses shall be charged to account 2900, Unearned Surplus to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 2946, Other Debits to Surplus.

* * * * *

After instruction 2-32 "Accounting for income taxes", add the new instructions 2-33 "Transactions with affiliated companies" and 2-34 "Charges to be just and reasonable" to read as follows:

**§ 2-33 Transactions with affiliated companies.**

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for managemnt services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 2-34).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 2-2(d)) for the purpose of recording separately transactions with affiliated companies.

**2-34 Charges to be just and reasonable.**

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 7500, Other Deductions.

BALANCE SHEET ACCOUNTS

The text of account 1920, "Reacquired securities" is revised to read:

**1920 Reacquired securities.**

This account shall include in subdivisions for each class, the face, par, or stated value of bonds, and other forms of securities which have been actually issued or assumed by the carrier, and reacquired and are neither retired nor properly included in sinking or other funds.

* * * * *

After the text of account 2946, "Other debits to surplus", the following new account number, title, and text are added:

**2947 Treasury stock.**

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the Balance Sheet as a deduction in arriving at Stockholders' Equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 2-14, paragraph (a).

Account 2999, "Form for balance sheet statement" is amended to read:

**2999 Form for balance sheet statement.**

* * * * *

| | | | |
|---|---|---|---|
| Capital Stock: | | | |
| 2700 | Preferred capital stock | $ | |
| | Less: Nominally issued | | |
| 2710 | Common capital stock | $ | |
| | Less: Nominally issued | | |
| 2720 | * * * | | |
| * | * * * * | | |
| | Total unappropriated surplus | | |
| 2947 | Treasury stock | | ( ) |
| | Total liabilities | | |

* * * * *

## PART 1207—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Amend part 1207 as follows:

LIST OF INSTRUCTIONS

Under "Instructions" amend line item 34 "Transaction with affiliates" to read:

34 Transactions with affiliated companies.

CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTIONS

The text of instruction 4 "Charges to be just and reasonable" is amended to read as follows:

**4 Charges to be just and reasonable.**

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in Account Series 8400—Other Nonoperating Income (net) (class II), and Account 8420—Other Nonoperating Deductions (class I).

The instruction 16 "Capital Stock" is amended by revising paragraphs (d) and (e). As amended the text reads as follows:

**16 Capital Stock.**

* * * * *

(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 2610—Capital Stock (class II), and account 2611—Capital Stock-Preferred; or 2612—Capital Stock-Common (class I); if cancelled. Any excess of reacquisition cost over par value shall be allocated between account 2641—Other Capital in Excess of Par or Stated Value (classes I and II) and account 2961—Other Debits to Retained Earnings (classes I and II). Any excess

of par value over reacquisition cost shall be credited to account 2941—Other Capital in Excess of Par or Stated Value (classes I and II).

(e) (1) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 2661—Treasury Stock (classes I and II).

(2) When treasury stock is resold, account 2661—Treasury Stock (classes I and II), shall be credited with the cost paid for it. Gains shall be credited to account 2641—Other Capital in Excess of Par or Stated Value (classes I and II). Losses shall be charged to account 2641—Other Capital in Excess of Par or Stated Value (classes I and II) to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise to account 2961—Other Debits to Retained Earnings (classes I and II).

The title and text of instruction 34 "Transactions with affiliates" are amended to read as follows:

**34 Transactions with affiliated companies.**

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 4).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 2 (e)) for the purpose of recording separately transactions with affiliated companies.

CLASS I AND CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNTS EXPLANATIONS

Account 2612—Capital Stock—Common (class I) is amended by revising paragraph (a). As amended the text reads:

**2612 Capital Stock—Common (class I).**

(a) These accounts, 2611 and 2612, shall include the par value of stock with par value; the stated value of nonpar stock having a stated value; and the cash value of the consideration received, including assessments, or the amount approved by the Commission, for nonpar stocks without stated value, which have been issued to bona fide purchasers and have not been reacquired and canceled; also shares of stock nominally issued (see definition 29). The cash consideration received from the sale of par value stock and of nonpar stock having a stated value in excess of the amount credited to this account, shall be credited to account 2631—Premiums and Assessments on Capital Stock. (See Instruction 16.)

* * * * *

Account 2631—Premiums and Assessments on Capital Stock (classes I and II), is amended by revising paragraph (d). As amended the text reads:

**§ 2631 Premiums and Assessments on Capital Stock (classes I and II).**

* * * * *

(d) When capital stock is retired and cancelled, the amount in this account with respect to the shares of such stock retired and cancelled shall be charged hereto.

* * * * *

Account 2661—Treasury Stock (classes I and II), is revised to read as follows:

**§ 2661 Treasury Stock (classes I and II).**

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 16, paragraph (d) through (e) (2).

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## PART 1208—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

Amend Part 1208 as follows:

GENERAL INSTRUCTIONS

The text of instruction (N) "Transaction with affiliated companies" is completely revised to read:

**(N) Transactions with affiliated companies.**

(1) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges).

(2) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(3) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(4) The carrier shall record as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such prict list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction (O)).

(5) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction b(5)) for the purpose of recording separately transactions with affiliated companies.

BALANCE SHEET ACCOUNTS

The text of account 581, "Capital stock issued and outstanding" is revised to read:

§ 531 Capital stock issued and outstanding.

(a) This account shall include the par value, or for stock without par value the money value of the consideration received, in respect of capital stock or other form of proprietary interest in the carrier which has been issued to purchasers and has not been reacquired and canceled. It shall also include stock issued representing appropriations of surplus for stock dividends.

(b) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or canceled, the par value shall be charged to this account. Any excess of reacquisition cost over par value shall be allocated between account 590, "Additional paid-in capital" and account 599, "Retained earnings—unrestricted". Any excess of par value over reacquisition cost shall be credited to account 590, "Additional paid-in capital."

(c) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or canceled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 591, "Treasury stock".

(d) When treasury stock is resold, account 591, "Treasury stock," shall be credited with the cost paid for it. Gains shall be credited to account 590, "Additional paid-in capital". Losses shall be charged to account 590, "Additional paid-in capital" to the extent that previous net gains from sales or retirements of the same class of stock are included therein, otherwise, to account 599, "Retained earnings-unrestricted."

(e) The credits hereto shall be divided as follows:

(1) Preferred stock. (Stock having a preference or priority in respect to dividend participation.)

(2) Common stock. (Stock entitled to a dividend, if any, after preferred stock.)

(f) A separate record shall be kept for each subclass showing the number of shares authorized by the articles of incorporation and amendments, the number of shares issued, the number of shares canceled, the number of shares outstanding, and their book value.

Account 591 "Treasury stock" is revised by adding the following Note A:

591 Treasury stock.

* * * * *

(c) * * *

NOTE A: The accounting for reacquisition of capital stock and resale thereof shall be in accordance with the text of account 581, "Capital stock issued and outstanding", paragraphs (b) through (d).

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## PART 1209—UNIFORM SYSTEM OF ACCOUNTS FOR INLAND AND COASTAL WATERWAYS CARRIERS

Amend Part 1209 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" the following new line items are added:

14 Transactions with affiliated companies.
15 Charges to be just and reasonable.

Under "Balance Sheet Accounts" the following new line item is added:

280-1 Treasury stock.

GENERAL INSTRUCTION

After the text of instruction 13, "Accounting for income taxes", the following new account numbers, titles and texts are added:

14 Transactions with affiliated companies.

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 15).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1(e)1) for the purpose of recording separately transactions with affiliated companies.

15 Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 527, "Miscellaneous income charges".

BALANCE SHEET INSTRUCTIONS

Balance sheet instruction 24 "Company securities owned", is revised to read as follows:

24 Company securities owned.

Securities actually issued or assumed by the carrier which have been reacquired shall be either retired or if not retired, carried in accounts 280-1, "Treasury stock" or 190, "Reacquired and nominally issued long-term debt", unless it is required by provisions of a mortgage or by decision of a trustee, not subject to control by the carrier, that funded debt securities be retained alive in sinking or other special funds. Reacquired securities not retired shall be shown at the amount paid for such stock.

Balance sheet instruction 26 "Discount, expense, and premium on capital stock" is amended by revising paragraphs (d) and (e) and adding (f). As amended the text reads:

26 Discount, expense, and premium on capital stock.

* * * * *

(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 240, "Capital stock". Any excess of reacquisition cost over par value shall be allocated between account 250-2 "Paid-in surplus" and account 280 "Retained income — unappropriated". Any excess of par value over reacquisition cost shall be credited to account 250-2 "Paid-in surplus".

(e) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 280-1, "Treasury stock".

(f) When treasury stock is resold, account 280-1, "Treasury stock", shall be credited with the cost paid for it. Gains shall be credited to account 250-2 "Paid-in surplus". Losses shall be charged to account 250-2 "Paid-in surplus" to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 280 "Retained income—unappropriated".

The title, text, and note of account 191, "Reacquired and nominally issued capital stock", is revised to read as follows:

191 **Nominally issued capital stock.**

This account shall include the par value of capital stock of the carrier nominally issued. If no par stock, it shall be charged at the pro-rata proportion at which it is credited to account 240, "Capital stock". Stock having no par value classifiable as nominally issued shall be recorded by the number of shares.

NOTE: The accounting for the reacquisition and resale of capital stock actually issued or assumed by the company shall be in accordance with instruction 26 (d) through (f).

Account 240, "Capital stock" will be amended by revising paragraph (e). As amended the text reads:

240 **Capital stock.**

* * * * *

(e) In case capital stock is reacquired and held in the treasury such stock shall be included in the appropriate accounts in accordance with paragraphs (d) through (f) of instruction 26.

Account 243, "Discounts and expense on capital stock", is amended by revising paragraph (b). As amended the text reads:

243 **Discount and expense on capital stock.**

* * * * *

(b) When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be credited hereto.

Account 250–1, "Premiums and assessments on capital stock", is amended by revising paragraph (b). As amended the text reads:

250–1 **Premiums and assessments on capital stock.**

* * * * *

(b) When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

After the text of account 280, "Retained income—Unappropriated", the following new account number, title, and text are added:

280–1 **Treasury stock.**

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with instruction 26, paragraph (d) through (f).

Account 299 "Form of balance sheet statement", is revised as follows:

299 **Form of balance sheet statement.**

* * * * *

190 * * *
191 Nominally issued capital stock.

* * * * *

280 * * *
Total retained income----------
280–1 Treasury stock----------(---------)
Total capital and surplus----------

* * * * *

---

## PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

Amend Part 1210 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" the following new line items are added:

9 Transactions with affiliated companies.
10 Charges to be just and reasonable.

Under "General Balance Sheet Accounts", the line item 280 "Reacquired capital stock" is revised to read:

280 Treasury stock.

GENERAL INSTRUCTIONS

After the text of instruction 8, "Accounting for income taxes", the following new account numbers, titles and texts are added:

9 **Transactions with affiliated companies.**

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or joint loading arrangements).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record as the cost of assets or services rendered from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 10).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1(e) 1) for the purpose of recording separately transactions with affiliated companies.

§ 10 **Charges to be just and reasonable.**

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 414, "Miscellaneous income charges".

GENERAL BALANCE SHEET INSTRUCTIONS

The text of instruction 23 "Company securities owned", is revised to read as follows:

§ 23 **Company securities owned.**

Securities actually issued or assumed by the company which have been reacquired and not retired, shall be carried in account 280, "Treasury stock" or 190, "Reacquired and nominally issued long-term debt", unless it is reacquired by provisions of a mortgage or by decision of a trustee not subject to control by the company, that such securities be retained alive in sinking or other special funds. Reacquired long-term debt not retired shall be shown at par or face value, and reacquired capital stock not retired shall be shown at the amount paid for such stock.

Instruction 24 "Discount, premium, and expense on capital stock" is amended by revising paragraphs (d), (e) and adding (f). As amended the text reads:

24 **Discount, premium, and expense on capital stock.**

* * * * *

(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 240, "Capital stock". Any excess of reacquisition cost over par value shall be allocated between account 250–1 "Paid-in surplus" and account 270 "Earned surplus—unappropriated". Any excess of par value over reacquisition cost shall be credited to account 250–1 "Paid-in surplus".

(e) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 280, "Treasury stock".

(f) When treasury stock is resold, account 280, "Treasury stock", shall be credited with the cost paid for it. Gains shall be credited to account 250–1, "Paid-in surplus". Losses shall be charged to account 250–1, "Paid-in-surplus" to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 270 "Earned surplus—unappropriated".

Instruction 29, "Form of general balance sheet statement", is amended as follows:

**29 Form of general balance sheet statement.**

* * * * *

270 * * *
Surplus prior to January 1, 1943:
------ balance
280 Treasury stock
Pledged
Unpledged

* * * * *

The text of account 191 "Nominally issued capital stock", is amended to read:

**§ 191 Nominally issued capital stock.**

This account shall include the par value, or with respect to no par stock, the amounts recorded in account 240, "Capital stock", relating thereto, of nominally issued capital stock.

NOTE: The amount paid for capital stock actually issued or assumed by the company and reacquired by it and held uncancelled shall be included in account 280, "Treasury stock".

The title, and text of "General Balance Sheet Account 280" is revised as follows:

**§ 280 Treasury stock.**

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 24, paragraphs (d) through (f).

[FR Doc.75-25939 Filed 9-26-75;8:45 am]

## Title 50—Wildlife and Fisheries

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

### PART 28—PUBLIC ACCESS

### Agassiz National Wildlife Refuge, Minnesota; Correction

In FR Doc. 75-23978, appearing on page 42017 of the issue for Wednesday, September 10, 1975, the first paragraph should read as follows:

Public access to a 75 yard wide retrieval zone on Agassiz National Wildlife Refuge, Minnesota, for the purpose of picking up legally shot waterfowl, snipes, and rails from 12 noon to 4 p.m. October 1, 1975, and from one half hour before sunrise to 4 p.m. October 2, 1975, to November 19, 1975, all dates inclusive. This open area comprises 55 acres and is delineated on a map available at the refuge headquarters at Middle River, Minnesota, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Also, the last paragraph should read as follows:

The provisions of this special regulation supplement the regulations which govern access on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through November 19, 1975.

CHARLES A. HUGHLETT,
*Acting Regional Director.*

[FR Doc.75-25903 Filed 9-26-75;8:45 am]

### PART 32—HUNTING

### Des Lacs National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective September 29, 1975.

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

NORTH DAKOTA

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Des Lacs National Wildlife Refuge, North Dakota, is permitted except within a 1,000 acre area surrounding the town of Kenmare which is posted as "Closed". The area open to hunting, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State Regulations covering the hunting of deer, subject to the following conditions.

(1) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

(2) Hunting is permitted from 12 noon to sunset November 14 and from sunrise to sunset November 15 through November 23, 1975

The provisions of this special regulation supplement the regulations which govern hunting on Wildlife Refuge Areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 23, 1975

CHARLES S. PECK,
*Refuge Manager,*
*Des Lacs National Wildlife Refuge.*

SEPTEMBER 22, 1975.

[FR Doc.75-25906 Filed 9-26-75;8:45 am]

### PART 32—HUNTING

### Grays Lake National Wildlife Refuge, Idaho

On July 17, 1975, there were published in the FEDERAL REGISTER (40 FR 30115) special regulations for hunting on certain National Wildlife Refuges in Idaho. Since promulgation of these regulations, an emergency situation has developed on Grays Lake National Wildlife Refuge requiring an amendment to the regulations.

Due to weather conditions agricultural crop harvests on private lands near the refuge are behind schedule. To reduce crop damage by sandhill cranes it is necessary to continue the operation of depredation prevention bait stations on the refuge beyond their normal duration. The bait stations are also currently being used by young whooping cranes, an endangered species.

Continued operation of the bait stations will require a delay in the normal opening date of waterfowl hunting on the refuge. Hunting near these stations would interfere with depredations prevention. Federal regulations in 50 CFR § 20.21(i) prohibit hunting over a baited area for 10 days following complete removal of the bait.

It is the policy of the Department of the Interior, whenever practical, to afford the public a 30-day comment period. Due to the short time remaining before the normal opening of the hunting season, a full 30-day period is not possible.

Therefore, FR Doc. 75–18543 (40 FR 30115) is amended by the addition of the following regulation as a second special condition under § 32.12 Grays Lake National Wildlife Refuge. The regulation will be effective September 29, 1975.

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

IDAHO

GRAYS LAKE NATIONAL WILDLIFE REFUGE

Special condition: The entire public hunting area will be closed to all hunting from October 4, 1975 until October 15, 1975 or until 10 days following the removal of crane depredation bait stations within the area, whichever is sooner.

This closure compliments existing authority to curtail public recreational uses by special regulation as set forth in 50 CFR 28.17(b) and (c).

R. KAHLER MARTINSON,
*Regional Director,*
*Fish and Wildlife Service.*

[FR Doc.75-25904 Filed 9-26-75;8:45 am]

### PART 32—HUNTING

### Lostwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective September 29, 1975.

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

NORTH DAKOTA

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lostwood National Wildlife Refuge, North

Dakota is permitted only on the area designated as open to hunting during the period November 14 through 23, 1975. This open area, comprising 25,300 acres, is delineated on a map available at the refuge headquarters, Kenmare, North Dakota, and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State Regulations and the following special conditions:

1. Vehicle travel is restricted to public highways and the refuge entrance road from State Highway No. 8 to refuge headquarters. All other roads and trails are closed to vehicles.

2. A one square mile area around the refuge headquarters complex will be closed to hunting and marked by "Closed Area" signs.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1976.

CHARLES S. PECK,
*Refuge Manager,*
*Lostwood National Wildlife Refuge.*

SEPTEMBER 22, 1975.

[FR Doc.75-25907 Filed 9-26-75;8:45 am]

## PART 32—HUNTING

### Muscatatuck National Wildlife Refuge, Indiana

The following special regulation is issued and is effective September 29, 1975.

**§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.**

INDIANA

MUSCATATUCK NATIONAL WILDLIFE REFUGE

Public hunting of upland game (rabbit and quail only) on the Muscatatuck National Wildlife Refuge, Indiana, is permitted only on all refuge land lying south of the Myers road, designated by signs as open to hunting. This area, comprising 1,320 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of rabbit and quail.

The provisions of this special regulation supplement the regulations which govern 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.

CHARLES E. SCHEFFE,
*Refuge Manager, Muscatatuck National Wildlife Refuge, Seymour, Indiana.*

SEPTEMBER 22, 1975.

[FR Doc.75-25905 Filed 9-26-75;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 AGRICULTURE

### Rural Electrification Administration

### [ 7 CFR Part 1701 ]

### RURAL TELEPHONE PROGRAM

### REA Specification for Flexible and Semirigid Polyvinyl Chloride Raw Material

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 345–58 to announce a change in REA Specification PE–220 for flexible and semirigid polyvinyl chloride raw material. On issuance of REA Bulletin 345–58, 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, on or before October 29, 1975. 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 page of REA Specification PE–220 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 345–58 announcing the revision of the specification is as follows:

REA BULLETIN 345–58

REA SPECIFICATION PE–220

I. *Purpose.* To announce issuance of revised page 7 of REA Specification PE–220 for Flexible and Semirigid Polyvinyl Chloride Raw Material.

II. *General.* The present specific gravity requirement for Flexible Polyvinyl Chloride Raw Material in Appendix I of PE–220 has a range of 1.35–1.40. With the low brittleness temperature required this narrow range allowed for specific gravity eliminates many compounds that would otherwise satisfy the specification.

The change involves a widening of the specific gravity range from 1.25 to 1.40 with the note: "Each compound shall have a nominal value within these limits. A test sample may vary from the nominal specific gravity by ±0.020."

The revised requirements are reflected in the enclosed sheet consisting of pages 7 and 8. Pages 7 and 8 of REA Specification PE–220 dated February 1973 should be removed and replaced by the enclosed pages dated September 1975. This change becomes effective immediately upon issuance of this bulletin.

III. *Availability of Specification.* Copies of the revised page to PE–220 will be furnished by REA upon request. Questions concerning the revised page 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 23, 1975.

C. R. BALLARD,
*Assistant Administrator—Telephone.*

[FR Doc.75–25924 Filed 9–26–75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Parts 1, 2, 5, 6, 8, 10, 11, 80, 90, 100, 102, 121, 202, 310, 312, 314, 328, 330, 429, 430, 431, 433, 511, 514, 601, 701, 1003, 1004, 1210 ]

[Docket No. 75N–0001]

### ADMINISTRATIVE PRACTICES AND PROCEDURES

### Notice of Proposed Rulemaking

*Correction*

In FR Doc. 75–23409 appearing at page 40681 as the Part III of the issue of Wednesday, September 3, 1975, the following changes should be made:

1. In the third column on page 40683, immediately before the last incomplete paragraph, the figure in the parentheses in the last line now reading "(§ 2.54)" should read "(§ 2.5)".

2. In the third column on page 40778, in the second and third lines of the last paragraph, delete, "(insert date 30 days after date of publication in the FEDERAL REGISTER)", and insert in lieu thereof the following: "October 3, 1975,".

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### [ 14 CFR Part 39 ]

[Docket No. 75–CE–12–AD]

### BEECH 18 SERIES AIRPLANES

### Supplemental Proposed Airworthiness Directives

On April 29, 1975, the Federal Aviation Administration published a notice of proposed rulemaking (Docket No. 75–CE–12–AD; 40 FR 18562) relating to Beech 18 series airplane wing structure. Specifically, the notice proposed to amend Part 39 of the Federal Aviation Regulations by issuance of an Airworthiness Directive to establish fatigue or safe life limitations for the basic wing structure configuration of the Beech Model 18 series airplanes.

Numerous comments were received. As a result of these comments and after further analysis a Supplemental Notice is being proposed for reasons hereafter stated.

Of the over 135 separate commentators, 93 percent were opposed to the establishment of the proposed life limits for modified aircraft and many expounded on the virtues of the wing strap modifications.

Many commentators questioned the method of establishing the life limits, pointing to the effects of the landing gear, engine and propeller installations, and of the airplane as primary factors affecting serviceable life. The data available does not provide evidence to single out any one cause as uniquely creating a fatigue problem nor provide any basis for the establishment of criteria based on these factors. It is recognized that the abuse or misuse of the airplane can aggravate the fatigue problem and could be responsible for some of the very low time cracks. There already is a wide variation in the construction, use, and resultant life in the airplane fleet and this is considered in the fatigue formulas. The service history has shown that fatigue cracks (over 100 reported) have started anywhere from 1,000 to 8,000 hours' time in service. However, the probability of fatigue increases rapidly with an increase in flight hours beyond the fatigue life. Those aircraft which are strapped could have a similar situation develop at some higher time in service. A review of the analytical and test data available on the Beech Model 18 airplanes confirms that the calculated, unfactored safe life of the welded tube wing spar on the high gross weight airplanes is from 13,000 to 20,000 hours. This is a function of the gross weight, cruise speed, and average time per flight. This has been confirmed by FAA, NASA, industry and private engineers. Standard practice calls for the assignment of a prescribed scatter factor of eight on analytical data. Therefore, the proposed life limits on unmodified aircraft remain approximately as contained in the original proposal. The original proposal only contained three representative aircraft weights, all other gross weight airplanes having similar life limits.

Ninety-nine per cent of the commentators recommended that all aircraft be modified with wing straps. The FAA agrees that the installation of appropriate wing straps could enhance safety by appreciably reducing the probability of complete wing failure due to fatigue. It is estimated that over 900 of the approximately 1,500 U.S. registered aircraft have wing straps installed. From many of the comments received, it is apparent that the alternative provided by Paragraph C

of the Notice was not fully understood. In Paragraph C, the Agency stated that no credit could be given for wing modifications until a full fatigue evaluation of each modification could be accomplished. Responsibility was placed on the STC holders to submit adequate data relating to fatigue before extension of the proposed life limits could be established. The FAA was not prepared at the time the Notice was issued to fix specific life limits or other means of insuring continued airworthiness on airplanes so modified. In response to the commentators' strong recommendations to permit continued operation by requiring installation of straps, the FAA has considered this possibility. Based on the information submitted in response to the Notice and after further analyses, the FAA finds this alternative feasible, provided that straps are installed across the full span of the primary wing lower spar cap with provision for further inspection as hereinafter provided. These straps are to include at least the welded tube structure from left wing station to right wing station, without relying on the outer wing panel attach bolts-welding of the primary structure and/or drilling of the lower spar cap are to be avoided.

In addition to requiring straps, most commentators concurred that continued maintenance inspections should be required. The FAA concurs that adequate and appropriate inspections would contribute to the continued airworthiness of airplanes modified by the installation of appropriate straps. However, no rational engineering analysis or data was provided by these commentators that would aid in the establishment of new life limits or inspection intervals. Analysis of the STC data is necessary to provide a basis for establishment of inspection cycles. Some of the STC holders are working with the FAA and interim inspection criteria has been proposed. Not all modifiers have responded to the need to provide additional fatigue analytical analysis and maintenance instructions to permit continued operation of these aircraft with the STC'd straps installed. From the information received to date, interim inspection cycles, maintenance instructions, and possible life limits for these modifications can be established. Accordingly, this supplemental notice states that periodic inspections are to continue with a proposed major disassembly and inspection of the wings and straps at some prescribed interval. As additional test data is received from STC holders, it is hoped that the inspection times can be expanded. One commentator has proposed and has initiated STC action to install a crack detector system which could simplify the inspection process and supplement the X-ray inspections. The FAA finds this a promising proposal and it is incorporated in this Supplemental Notice. As service experience is gained with this device, additional credit can be given for its use.

With respect to X-ray inspections of the Beech 18 airplane, review of the films heretofore taken in compliance with ADs 72-20-5 and 75-09-18, indicate that discoverable fatigue cracks have gone undetected. This could result in a wing failure. Therefore, this supplemental notice of proposed rulemaking will require that said inspections be performed by persons and at facilities having a letter of authorization for these inspections issued by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. Personnel and facilities to be approved will be required to demonstrate their competency to perform these X-ray inspections on all Beech 18 airplanes to the satisfaction of the designated official before being granted such letter of authorization.

Beech Aircraft Corporation has volunteered to continue post review and evaluation of X-ray films until such time as the necessary personnel can be so approved.

In this connection, Beech Aircraft Corporation has indicated to the FAA that it intends to assist the user by offering a training course in X-ray inspection and evaluation of the Beech Model 18 series airplanes. Those persons intending to obtain a letter of authorization to perform these inspections on Beech 18 series airplanes are encouraged to seek and obtain this specialized training.

Several commentators recommended that existing Airworthiness Directives on these airplanes be combined into a single AD to simplify the inspections and compliance times. The FAA concurs in this recommendation and this proposal is contained in this supplemental notice. Existing ADs 75-09-18, 72-20-05, and 73-18-4 are incorporated in this proposal.

The FAA requests that those persons who submitted comments in response to Notice 75-CE-12-AD review those comments in light of the proposals contained in this Supplemental Notice. Those persons as well as all other interested persons are invited to participate in this rule-making action by submitting such written data, views, or arguments as they may desire.

In order to assure that sufficient information is provided to the airplane owners and that appropriate actions can be initiated as quickly as possible to provide a measure of relief for airplanes modified by straps, the comment period for this notice is limited to 30 days. The FAA believes that in this instance a 30-day comment period is adequate in view of the comments received in response to Notice 75-CE-12-AD.

All comments with respect to this Supplemental Notice received on or before October 31, 1975 and the comments received in response to Notice 75-CE-12-AD, except as dealt with herein, will be considered by the Administrator before taking action on the proposed rule. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, 601 East 12th Street, Kansas City, Missouri 64106. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The proposals contained in this Supplemental Notice supercede the proposals contained in Notice 75-CE-12-AD for a new amendment to FAR 39.

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. 1354a, 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 39 of the Federal Aviation Regulations as follows:

BEECH. Applies to all Beech 18 series airplanes including all military counterparts thereof and those Beech Model 18 airplanes modified in accordance with Supplemental Type Certificates.

Compliance: Required as indicated.

To prevent possible fatigue failure of the aircraft primary wing structure, accomplish the following:

(A) Except as provided in Paragraphs (B) and (C), on or before the accumulation of the total hours' time in service specified in Column (3) for wing components of the various aircraft weights specified in Column (1), or within 200 hours' time in service after the effective date of this AD, whichever occurs later, comply with Paragraph (B); or, alternately, regardless of time in service, within four months after the effective date of this AD, comply with Paragraph (C).

| Certified maximum gross weight pounds (1) | Calculated mean life (hours) (2) | Safe life limit, hours' time in service (3) [1] |
|---|---|---|
| 6,700 | [2] 64,000 | 8,000 |
| 7,850 | 24,000 | 3,000 |
| 8,750 | 20,000 | 2,500 |
| 9,700 | 13,000 | 1,600 |
| 10,200 and up (with wing extension) | 14,100 | 1,700 |

[1] (3) = (2)/8.
[2] Estimated.

(B) Replace the wing center section and outboard wing panel with a part approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, that has accumulated less time in service than the service life specified in Column (3) in (A) above. Thereafter, continue to replace wing components in accordance with the life limit hours' time in service specified in Column (3) in (A) above.

(C) Install on one of the following approved wing strap modifications which cover the lower main wing spar tube between at least left and right Wing Stations 181: SA832SW with SA895SW, SA2000WE, SA962EA, SA814SO, SA1192WE with SA2737WE, SA1581SW with SA1582SW, SA3009WE, SA3010WE, SA3021WE. Other approved strap installations must meet the approval of the Chief, Engineering and Manufacturing Branch, FAA, Central Region, and comply with the following criteria:

1. Meet fail safe structural strength equivalent to FAR 23.572.

2. Shows by instrumentation as relieving nominal 1G stress at all critical areas by a factor of 50% or more.

3. Provide fatigue analysis of strap modification itself. Establish a mean life on strap.

4. Provide adequate maintenance instructions on removal, inspection, and reinstallation of straps to permit X-ray and visual inspections of the wing.

5. Provide inspection access to the outer wing panel Stations 102 and 111 and center section Stations 32, 43–46, 57, 61, 64, 73, 81, 90. (Ref. Figures 1 and 2)

(D) Unless previously accomplished per previous ADs, at the time of first inspection, modify the lower wing skin in accordance with Figure (1) or Figure (2) or in accordance with STC-approved wing strap installation instruction or other FAA-approved equivalent to facilitate the inspections specified in this AD.

(E) Within 1,200 hours' time in service since installation of straps or upon accumulation of 1,200 hours' time in service since the last X-ray inspection of the wings and for which X-rays have been submitted for evaluation, and thereafter at each 1,200-hour interval, accomplish the following:

1. Remove and inspect wing strap assemblies for corrosion, fretting, cracks, and other defects in accordance with the modifier's or other FAA-approved inspection procedures. If defects are found in these components as a result of any such inspection, prior to reinstallation and further flight, replace the defective components with new airworthy parts.

2. Inspect the front spar lower cap of the wing center section and outer wing panel on each side of the airplane by methods specified below, including inspection sites reinforced by Beech Aircraft Corporation Kits 18–4024, 791 or 792:

| Wing station | Site (see fig. 3) | Method (see par. F) |
|---|---|---|
| 90 | Tips of welds at clevis tangs, upper and lower surfaces of cap. | Visual, X-ray and either magnetic particle or penetrant. |
| 81, 73, 64 and 57 | Tips of welds at gussets, upper surface of cap | Do. |
| 46 | Outboard ends of splice in cap, upper and lower surface of cap. | Do. |
| 32 | Tips of welds at wing splice plate, fore and aft surfaces of cap. | Do. |
| 45 to 43 | Tip of weld around cluster upper surface of cap | Do. |
| 61 | Lower surface of spar cap below tub cluster, as seen from wheel well. | Visual and either magnetic particle or penetrant. |
| 102 and 111 | Tips of the weld as shown in figs. 5 and 6 | X-ray only. |

Additionally, inspect the front spar upper cap at Wing Station 90 by X-ray method only. This inspection is primarily for detection of corrosion inside the tube.

3. Temporarily move clamps and other equipment as necessary to eliminate interference with the above inspections. Removal of spar cap finish is not necessary.

4. Prior to X-raying, temporarily or permanently install steel "hose" clamps squarely around the spar cap so that two clamps will appear in each radiograph. No clamp may be closer than one inch to an inspection site or closer than two inches to another clamp. Clamp screws must be on the underside of the spar cap.

5. Flex the wing during visual and dye penetrant inspections as specified by Paragraph (F) by applying and relieving a 75 to 100 pound upward force at or near the wing tip on the (left or right) side being inspected. This may be done by hand. If outboard wing fuel remains in the tank, additional flexing force equal to the weight of the fuel will be required to compensate for the extra weight.

6. Load the wing on the side being inspected when specified by Paragraph (F) by applying 75 to 100 pound upward force at the junction of wing rib number 10 and the front spar. Place material such as lumber under and along the number 10 rib so as to distribute the force. (If outboard wing fuel remains in the tank, additional upload equal to the weight of the fuel will be required to compensate for the extra weight.)

(F) 1. Accomplish visual inspection before and after cleaning, and while the wing is being flexed. Use a flashlight or other illumination and a low power magnifying device.

2. When the magnetic particle method is chosen, conduct the inspection while the wing is either flexed or loaded. Conduct the inspection before magnetism is induced and again while magnetism across the inspection site is induced by a Magnaflux Corp. Model Y–5 or YM–5 yoke or when any equivalent is used in accordance with the manufacturer's instructions.

3. When the penetrant method is chosen, perform the inspection while the wing is being flexed. Use either dye or flourescent materials in accordance with the penetrant manufacturer's instructions.

4. For each site where X-ray inspection is specified by Paragraph B, accomplish X-ray inspection while the wing is loaded. Figures 4, 5 and 6 are aids to the following instruction. Place fine grain film (such as GAF 800, Dupont NDT–65 or Kodak AA) sandwiched between lead screens of 0.005 inch thickness on the upper surface of the lower spar cap (over inspection sites 32, 43–45, 46, 57, 64, 73, 81, and 90), with identification symbols for at least the site (e.g. LWS 81, RWS 81, etc.), date, and airplane registration number. Proper identification of the inspection site is critical to the evaluation of the X-rays. Also, secure a steel penetrameter of 0.005 inch thickness to the lower surface of the spar cap at a location clear of the inspection site. Position the X-ray source approximately 36 inches from and generally below the film so that the center of the X-ray beam will be perpendicular to the major axis of the elliptical spar cap and perpendicular to the spanwise centerline of the spar cap at each inspection site. Use a flashlight and a protractor level as necessary to see that aiming of the X-ray beam compensates for wing dihedral and nose up attitude. At those areas covered by aluminum skin, a locally fabricated jig may be used to position the X-ray source. Expose film so that density of the radiograph of the spar cap material near the inspection site is 1.5 to 2.8 on the densitometer or National Bureau of Standards density scale. View film to see that the inspection site, the 0.010 inch diameter hole in the penetrameter, and its entire outline are plainly shown. Using a low power magnifying device, examine the inspection site portion of each radiograph for faint indications of cracks in spar cap material transverse to the spanwise centerline.

Use same procedures at Wing Stations upper 90, 102, and 111 except that the lead screen is placed below the desired spar cap and the X-ray source is to be located above the wing. At upper Wing Station 90 the penetrameter should be 0.010 inches thick and at Station 111 it should be 0.007 inches thick. It is also permissible to take an X-ray of Wing Station 43 to 45 from above the wing using the same techniques as at Wing Station 111. Note that two X-ray exposures are required on Stations 43 to 45, 102, and 111 when the X-ray source is above the wing.

(G) On those aircraft which have a STC-approved crack detector system installed, perform the repetitive X-ray and dye penetrant inspection required by Paragraph (E) at each 3,600-hour interval. Perform the visual and other routine wing inspection at each annual progressive or other approved inspection period where wing inspection is required. Perform inspection of the crack detector system as specified in the STC holder's maintenance instructions.

(H) 1. On all aircraft with less than 4,800 hours total time in service upon the accumulation of 6,000 hours' time in service, and,

2. On all aircraft with more than 4,800 hours' time in service upon the accumulation of 1,200 hours' time in service after the installation of straps or 1,200 hours after compliance with AD 75–09–18 (Amendment 39–2190, 39–2241), or upon installation of straps after the effective date of this AD, and thereafter at each 6,000 hours' time in service accomplish the following:

Remove all straps and outer wing panels and perform a thorough wing inspection in accordance with aircraft manufacturer's maintenance instructions.

NOTE.—As data is developed the wing straps may also need to be replaced with new straps at some inspection interval.

(I) During the interim period September 1, 1975, until July 1, 1976, transmit copies of all X-rays taken as result of this AD to Beech Aircraft Corporation, Wichita, Kansas 67201. Post inspection of facility findings will be transmitted to the sender by Beech Aircraft Corporation. After July 1, 1976, all X-ray inspections required by this AD must be performed at facilities and by personnel holding a letter issued by the Chief, Engineering and Manufacturing Branch, Central Region, specifically authorizing the performance of X-ray inspections under this AD.

(J) If a crack is found as a result of inspections required by Paragraph (E) and (F) of this AD, do not repair or return the aircraft to service until authorized in writing by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. In addition, send written notification to the Chief, Engineering and Manufacturing Branch, FAA, Central Region, stating the location and length of any cracks discovered during inspections required by this AD, and the total operating time of the airplane at the time of the discovery. In addition, only those repair procedures authorized by Beech Aircraft Corporation at wing stations specifically approved by them will be permitted. (Reporting approved by the Office of the Management and Budget under OMB No. 04–R0174.)

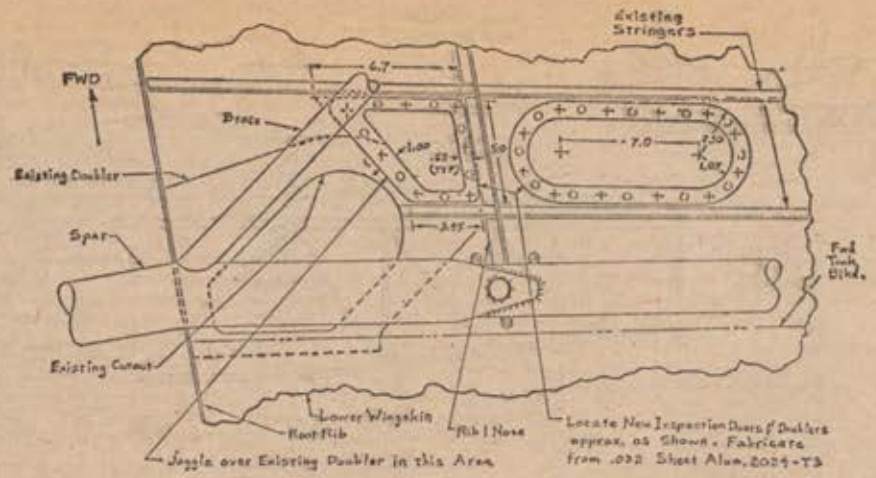
(K) Upon request of the operator, an FAA maintenance inspector may adjust the repetitive inspection intervals specified in this AD to plus or minus 50 hours' time in service to permit compliance at an established inspection period of the operator.

Currently effective Beech Aircraft Corporation's Service Bulletins 64–15, 64–16, 64–17, and 66–10 and MIL–STD–00453A consider this subject but this AD takes precedence in any conflicting detail.

This AD supersedes AD 64–21–01 (Amdt. 810 of Part 507), AD 64–21–03 (Amdt. 812 of Part 507), AD 72–20–05 (Amdt. 39–2222), AD 73–18–04 (Amdt. 39–1708), and after March 31, 1976, AD 75–09–18 (Amdt. 39–2241).

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

C. R. MELUGIN, Jr.,
*Director.*

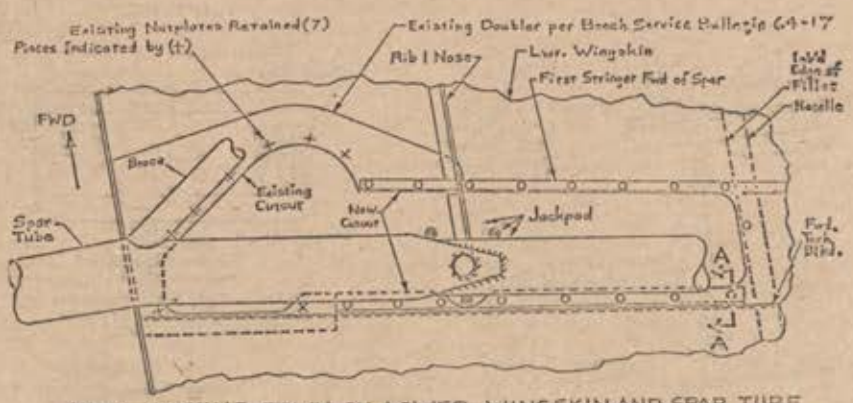



OPERATIONS:
Drill #10 (.193) hole thru new doors, wingskin & doublers as shown by (O) 19 places (approx. 24" spaces).
Attach (19) nutplates to doublers with countersunk AD3 rivets. (MK1000-3 Nutplates Recommended).
Attach doublers to skin with AD4 rivets shown by (+) 19 places (approx. 2.4" spaces).
Install doors on lower side with #10 screws 19 places.

RT. WING SHOWN - LT. OPPOSITE

VIEW LOOKING DOWN ON LOWER WINGSKIN & SPAR
(Upper Wingskin Omitted for Clarity)

FIGURE 1



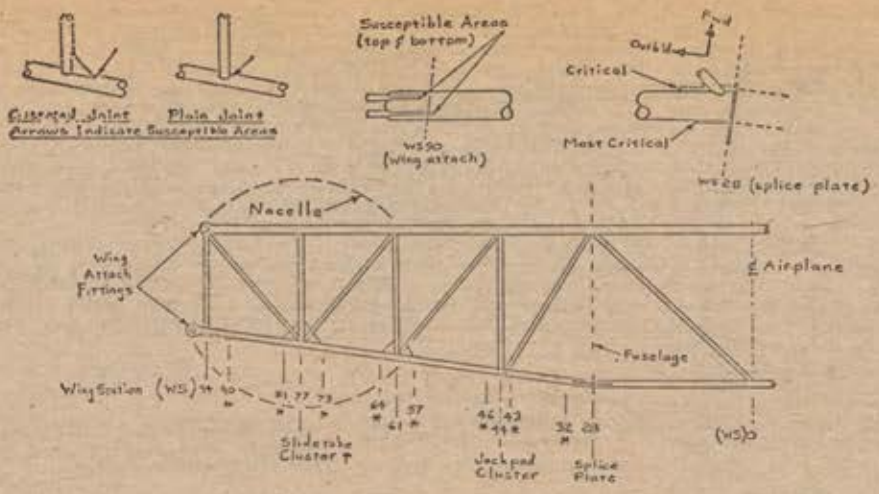

VIEW LOOKING DOWN ON LOWER WINGSKIN AND SPAR TUBE
by Bob Grober

Attach MK1003-3 Nutplates (or equiv) (17 places) as shown by (O). Cut inspection door from .032 2024-T3 Alum. Allow 1/2" edge margin around all screws (min). Install door on lower side with #10 screws (25 places). Cut three holes for jackpad access. Inspection door not shown.




FIGURE 2

VIEW A-A
VIEW A-A
OPTIONAL MEANS OF ATTACHING INSPECTION PLATE AFT EDGE




Half of Main Spar Center Section Truss

* INDICATES AREAS TO BE INSPECTED PER THIS A.D.
† SEE AD 69-21-1, part (b) and AD 69-21-3, part (b).

FIGURE 3

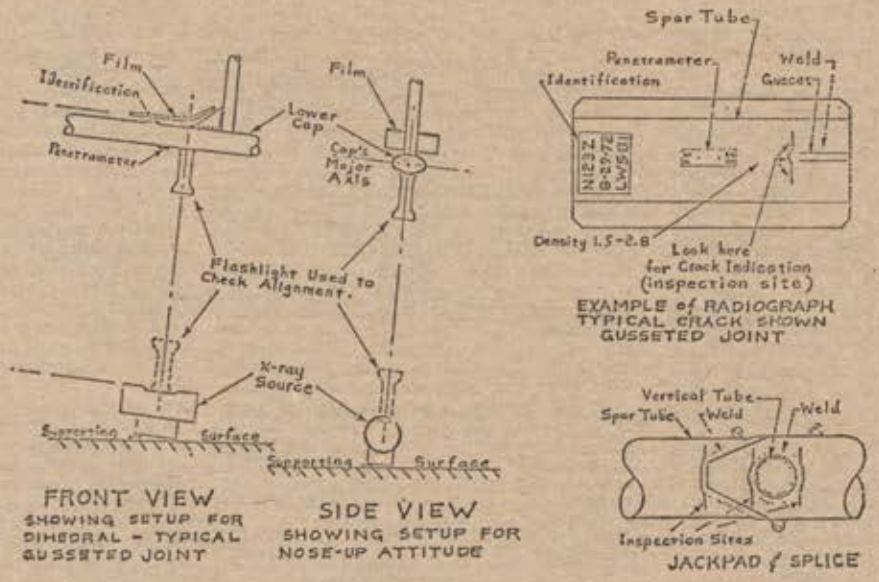
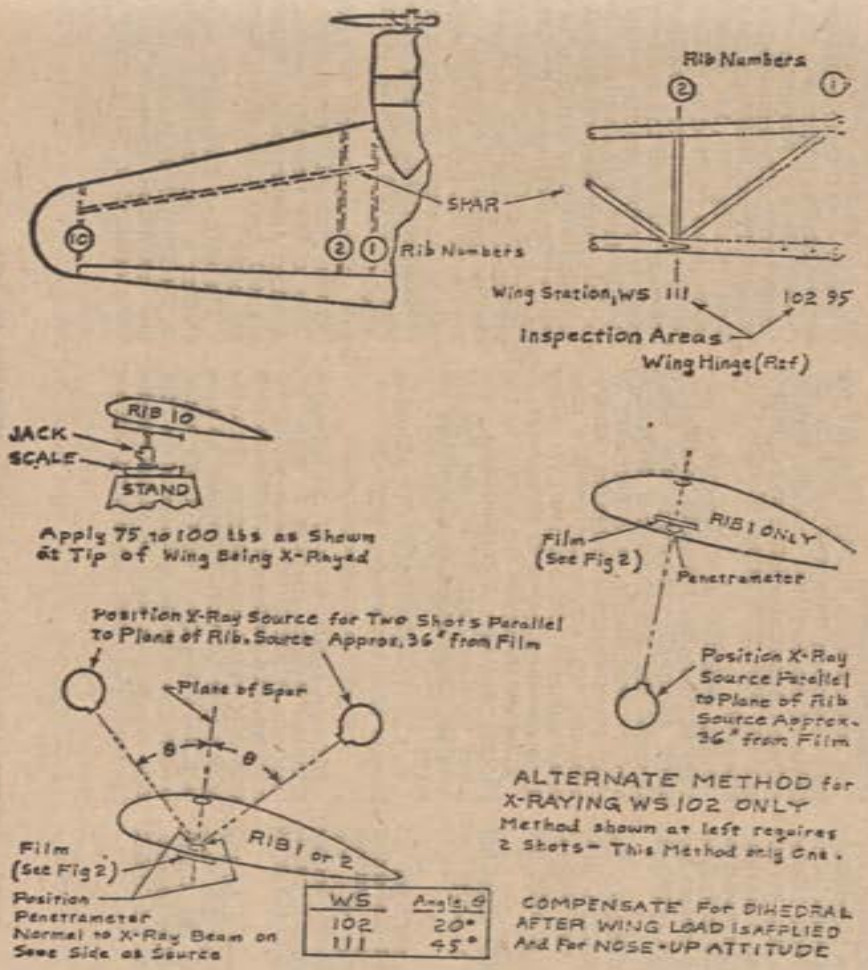


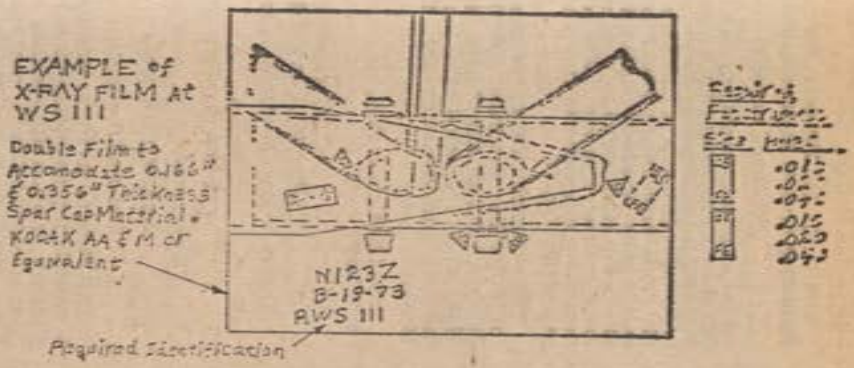

FIGURE 4

## FIGURE 5



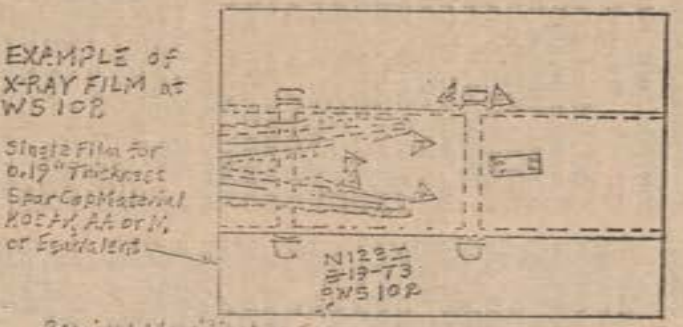

| WS | Angle θ |
|---|---|
| 102 | 20° |
| 111 | 45° |

## FIGURE 6




### LEGEND of INSPECTION SITES

| SYMBOL | DESCRIPTION | NO. of SITES/WING |
|---|---|---|
| ◁ | Tips of Tang Welds, Top & Bottom of Spar Tube | 4 |
| ◁ | Edges of Thru-Bolt Tube Welds | 16 |
| ◁ | Edges of Diagonal Brace Welds | 2 |
| ◁ | Tips of Fishmouth Splice Welds, Top & Bottom of Spar Tube | 2 |




[FR Doc.75-25731 Filed 9-26-75;8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 75-CE-13]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Algona, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before October 29, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Algona, Iowa, a new instrument approach procedure is being established utilizing a non-directional radio beacon the City of Algona is installing on the Algona Municipal Airport as a navigational aid. Accordingly, it is necessary to alter the Algona, Iowa, 700-foot floor transition area to adequately protect aircraft executing this amended approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to alter Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is amended to read:

ALGONA, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Algona Municipal Airport (latitude 43°04'30" N., longitude 94°16'15" W.); and within 3.5 miles each side of the 297° bearing from the Algona Municipal Airport, extending from the 7-mile radius area to 11.5 miles northwest of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on September 9, 1975.

C. R. MELUGIN, Jr.,
*Director, Central Region.*

[FR Doc.75-25803 Filed 9-26-75;8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 75-CE-10]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Columbus, Nebraska.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before October 29, 1975 will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Columbus, Nebraska, two instrument approach procedures are being amended for the Columbus Municipal Airport. Accordingly, it is necessary to alter the Columbus, Nebraska, control zone and 700-foot floor transition area to adequately protect aircraft executing these amended approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to alter Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (40 FR 353), the following control zone is amended to read:

COLUMBUS, NEBRASKA

Within a 5-mile radius of the Columbus Municipal Airport (latitude 41°26'49" N., longitude 97°20'31" W.); and within 3½ miles west and 4 miles east of the Columbus VOR 324° radial, extending to 10.5 miles northwest of the VOR, and within 3.5 miles each side of the Columbus VOR 152° radial, extending to 10.5 miles southeast of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

In § 71.181 (40 FR 441), the following transition area is amended to read:

COLUMBUS, NEBRASKA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbus, Nebraska Airport, and within 3.5 miles each side of the Columbus VOR 152° radial, extending from the 6-mile radius to 11.5 miles southeast of the VOR, and within 3½ miles west and 4 miles east of the Columbus VOR 324° radial, extending from the 6-mile radius to 11½ miles northwest of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on September 9, 1975.

C. R. MELUGIN, Jr.,
*Director, Central Region.*

[FR Doc.75-25801 Filed 9-26-75;8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 75-CE-11]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Maquoketa, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before October 29, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The City of Maquoketa, Iowa, is installing a non-directional radio beacon on the Maquoketa Airport and a public use instrument approach procedure is being established based thereon. Conse-

quently, it is necessary to provide controlled airspace protection for aircraft executing this new procedure by designating a 700-foot floor transition area at Maquoketa, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

MAQUOKETA, IOWA

That airspace extending upward from 700' above the surface within a 7-mile radius of the Maquoketa Airport (latitude 42°03'00" N., 90°45'00" W.); and that airspace three miles each side of the 343° bearing from the Maquoketa NDB (latitude 42°03'05" N., longitude 90°44'27" W.); extending from the 7-mile radius area to 8.5 miles northwest of the NDB.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.C.C. 1655(c)).

Issued in Kansas City, Mo., on September 9, 1975.

C. R. MELUGIN, Jr.,
*Director, Central Region.*

[FR Doc.75-25802 Filed 9-26-75;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### [ 16 CFR Part 1207 ]

### SWIMMING POOL SLIDES

#### Oral Presentation of Data, Views or Arguments

In the FEDERAL REGISTER of September 15, 1975 (40 FR 42560) the Consumer Product Safety Commission proposed a consumer product safety standard for swimming pool slides and announced the opportunity for any person interested in making an oral presentation of data, views, or arguments on the proposed standard to do so by notifying the Office of the Secretary. Requests for an opportunity to make an oral presentation have been received from Harold A. Jewett, Esquire, the National Swimming Pool Institute and Coleco Industries. The presentation is scheduled for October 10, 1975 at 10 a.m. in the Sixth Floor Hearing Room, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C.

This presentation is open to all interested members of the public. Depending on available space, attendance may be limited to those persons who have notified the Office of the Secretary by phone (202-634-7700) or in writing (Consumer Product Safety Commission, Washington, D.C. 20207) at least two days before the proceeding. Any other persons interested in making an oral presentation should contact the Office of the Secretary at least two days before the proceeding so that scheduling arrangements can be made.

The oral presentation shall be governed by the procedures set forth below.

1. The proceeding shall be an informal, nonadversary legislative type proceeding at which there will be no formal pleadings or adverse parties.

2. The proceedings shall be conducted impartially, thoroughly, and expeditiously.

3. The oral presentation shall be transcribed. The transcript shall be a part of the rulemaking record in accordance with section 11(a) of the Consumer Product Safety Act (15 U.S.C. 2060).

4. Persons making an oral presentation may submit a written presentation of their views for the record. Interested persons may submit written comment on the views expressed at the oral proceedings until October 15, 1975, the end of the 30 day comment period on the proposed standard.

5. A presiding officer, appointed by the Chairman with the concurrence of the Commission, shall chair the proceedings; shall make appropriate provision for testimony, comments and questions; and shall be responsible for the orderly conduct of the proceedings.

6. The presiding officer shall have all the powers necessary or appropriate to contribute to the equitable and efficient conduct of the oral proceedings including the following:

(1) The right to apportion the time of persons making presentations in an equitable manner in order to complete the presentation within the time period alloted for the proceedings.

(2) The right to terminate or shorten the presentation of any party when, in the view of the presiding officer, such presentation is repetitive or is not relevant to the purpose of the proceedings.

(3) The right to confine the presentations to the issues specified in the notice of oral proceedings or, where no issues are specified, to matters pertinent to the proposed rule.

(4) The right to require a single representative to present the views of two or more persons or groups who have the same or similar interests. The presiding officer shall have the authority to identify groups or persons with the same or similar interests in the proceedings.

Dated: September 26, 1975.

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

[FR Doc.75-26158 Filed 9-26-75;11:09 am]

## FEDERAL COMMUNICATIONS COMMISSION

### [47 CFR Part 73]

[Docket No. 20600; FCC 75-1064]

### PROGRAM LOGS FOR AM, FM, AND TV STATIONS

#### Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Commission's rules and regulations relating to program logs for AM, FM, and TV stations.

1. As a result of its continuing Task Force study concerning re-regulation of broadcasting, the Commission proposes on its own motion to amend certain provisions in Part 73 of its rules and regulations in regard to program logs for AM, FM and TV stations.[1]

2. The study indicates a need to propose amendments of the program logging requirements as they pertain to such subjects as automated programming systems, use and certification of automatic logging and automatically maintained logging data, changes and corrections on program logs, entries concerning sponsor identification and what constitutes a log.

3. The rules now provide, in substance, that each broadcast station shall maintain an "orderly and legible" program log, kept by a station employee (or contract operator) "having actual knowledge of the facts required" concerning the entries made, signed by that person when going on and off duty, with any corrections to be made only as prescribed.

4. The required entries include: beginning and ending time of each program (and separate program unit of a different type or source within such program); type of program; source of program; program presenting a political candidate; commercial matter (showings of duration and that sponsor identification was made as required); public service announcements; and other announcements (station identification, political candidates, local notices of filing broadcast applications, required announcements concerning licensee obligations, and taped, filmed or recorded material).[2]

5. Three facets of program logging set forth in the rules, (a) manually kept logs, (b) automatic maintenance of data from which a station can extract information required in a program log, and (c) automatically kept logs, are discussed below.

MANUALLY KEPT LOGS

6. In a manually kept program log, a competent employee either makes the required entries as the program matter is broadcast or certifies that the entries in a pre-printed schedule are an accurate representation of what was actually broadcast. Despite Commission statements on the subject, the Task Force study indicates that there is a substantial lack of understanding in regard to a prescription on making corrections in manually kept logs. The provision in question is:

> Where, in any program log, or pre-printed program log, program schedule which upon completion is used as a program log, a correction is made before the person keeping the log has signed the log upon going off duty, such correction, no matter by whom made, shall be initialed by the person keeping the log prior to his signing of the log when going off duty, as attesting to the fact that the log as corrected is an accurate representation of what was broadcast.

[1] "General requirements relating to logs:" AM, 73.111; FM, 73.281, NCE*-FM, 73.581; TV, 73.669. "Program log:" AM, 73.112, FM, 73.282; NCE*-FM, 73.582; TV, 73.670. (*Noncommercial Educational.)

[2] Entries are for commercial broadcast stations. Paragraphs 26-28, infra, discuss applicable entries for noncommercial educational operations.

With respect to a "program schedule which upon completion is used as a log," the National Association of Broadcasters questions at what point corrections on program schedules (not logs) must be initialed. Pointing out that many changes are made in early schedules (working copies), NAB asserts that initialing should not be required on corrections made before such schedules are finalized and then used as a basis for the program log.

7. A basic purpose of the requirement for initialing corrections is to provide assurance that what is shown on the log is an accurate statement of what was actually broadcast. We believe, however, that the initialing requirement could be deleted and that adequate assurance would be obtained when the person keeping the log and signing the log when going off duty attests to the fact that the log, with any corrections or additions thereto before he so signed the log, is an accurate representation of what was actually broadcast. Such signing of the log would have essentially the same effect as his initialing each correction. This procedure should eliminate confusion as to what constitutes a "correction" and when it must be initialed. We hasten to add that we would consider any falsification under the proposed certification provision a ground for revocation of license.

8. We would retain the present provisions that, "If correction or additions are made on the log after it has been so signed, explanation must be made on the log or an attachment to it, dated and signed by either the person who kept the log, the station program director or manager, or an officer of the licensee."

9. We believe that the present provisions of §§ 73.111, 73.281, 73.581 and § 73.669 should be amended also. They provide that "No log or preprinted log or schedule which becomes a log, or portion thereof, shall be erased, obliterated, or willfully destroyed within the period of retention provided by the provisions of this part," and that any necessary correction shall be made only pursuant to the rules. References to the "pre-printed log or schedule which becomes a log" are unnecessary and, perhaps misleading. It is the log itself as signed by the person keeping the log that must not be derogated during the required retention period. Accordingly, we would delete the phrase "preprinted log or schedule which becomes a log."

### Automatic Processes

10. The program log rules also state that no provision shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs; and that where such automatic logging is used, the following requirements must be met: Be able to furnish the Commission with all information required to be logged (manually kept or automatically maintained); each tape or other means employed must be accompanied by a certificate that "it accurately reflects what was actually broadcast;" any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated; and the licensee shall extract any required information from the tape for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying tape or other means employed.

11. A decade has passed since implementation of the present program logging rules. In that time, the advancement of technological innovations has given rise to increased use by radio stations of automated programming systems, automatic maintenance of logging data and automatic logging.[2] With automation techniques, a station can be programmed for the entire day from tapes of music, features and announcements called for by a central computer-type device, which "orders" them out at specified times. The advantages claimed for such automation include a sharper sound, better production, greater use of the station's best talent and economies of operation.

### Automatic Maintenance of Logging Data

12. Automatic maintenance of logging data is accomplished most commonly by either of two methods: (a) A tape recording of the entire day's programming; and (b) an encoded and sequential printout of serial numbers of cartridges from which the programming matter was presented. For example, an encoded printout might read in part "B, 11272OA, 7, 234, 6", indicating that B was a commercial; 11272OA, the time it was run; 7, identification of the salesman; 234, the account number; and 6, the length of the commercial (60 seconds). Thus, while either method contains certain data from which a licensee could construct a program log of what transpired, it is not, in itself, a program log.

### Automatic Logging

13. Automatic logging of the entire day's programming is done by a sequential printout in English of each entry required by our rules (as would be done in a manually-kept log). With the proper entries, this, in itself, would be a log.

14. Economies of operation are also claimed for both automatic maintenance of logging data and for automatic logging.

15. It is contended that a deterrent to licensee's capitalizing on these economies is the provision in our rules requiring that "each tape or other means must be accompanied by a certificate that it accurately reflects what was actually broadcast." Thus, it is contended that if the studio operation is unattended or a person in attendance is preoccupied with other responsibilities, it is impossible to certify of one's own personal knowledge that the tape or other means accurately reflects what was actually broadcast; and that, if someone must be on hand to be able to make such a certification, the economies from automation are derogated.

16. In facing the question of whether our programming log rules should be amended to abolish the certification provision and pave the way for unattended studio operation, we must weigh many public interest considerations. The importance of economies in station operation is not to be discounted. Neither can we discount the importance of a station's meeting the needs, desires and interests of those it is licensed to serve. In the case of unattended studio operation, the licensee would be in an untenable position to warn the public of, and advise it on, emergency matters such as tornadoes, cyclones, flooding, fires, riots, school closings, and other information having an immediate effect on their safety and welfare. The licensee may also have difficulty or be unable to carry out its requirements under Subpart G, Part 73 of the Commission's rules in regard to the Emergency Broadcast System. A station's operation during the hours it is licensed to broadcast must be dedicated to the public interest, convenience and necessity.

17. Another basic question to be faced is whether automated programming systems with their automatic logging or automatic maintenance of data devices are sufficiently reliable to obviate the necessity of being monitored for malfunctions such as carriage breakdowns, carousel failures, sticky relays, reel-to-reel music tapes breaking, sequence repeats (music and other), log paper jamming (for encoded and English printouts) and running out of paper or ink for automatic logs, etc. Equipment failures or malfunctions could leave the station with no accurate log or data for logs if the studio operation were unattended. Comments are specifically invited on all facets of equipment for automatic logging and automatic maintenance of program logging data and their use in both attended and unattended studio operation.

18. Questions obtain also as to whether automatic maintenance of logging data is adequate or whether all stations should have a legible log daily, as is the case with stations at which program logs are kept manually or by English printouts. Comments are invited on the question of revising our program logging rules to delete the provisions of § 73.112(c), (1), (2), (3) that have the effect of exempting stations which use automatic maintenance of logging data from the requirements of §§ 73.111(b) and 73.112 (b) for maintaining a legible, daily program log; and whether, if such revision were made, stations using automatic maintenance of program logging data should be required to transcribe the data into a legible log within 24 hours of the last entry for that broadcast day. (Note Appendix, § 73.112 (f), (3), (4).)

19. We further propose that the certification requirement inregard to automatic logging and automatic maintenance of logging data be retained but

[2] Some TV stations have adopted a method for automatic maintenance of logging data in which a complete audio and "slow scan," "still frame" video recording is made.

liberalized. It would be liberalized to the extent that the person on duty at the studio and responsible for the log would certify that he checked the said equipment periodically, that at no time was it malfunctioning and that to the best of his knowledge and belief the automated material was an accurate reflection of what was actually broadcast. In the event that the automatic equipment had not operated properly at any time, the person on duty would be required to make the necessary log entries manually for that time.

20. When the required entries are transcribed from automatically maintained logging data to the program log by a person other than the one who signed on and off duty as responsible for the keeping of the log, the person doing the transcribing must certify on the log that it is an accurate representation of the automatically maintained data.

SPONSOR IDENTIFICATION ENTRY

21. The Communications Act and the Commission rules require that a station shall broadcast an appropriate announcement that certain "(i) * * * matter is sponsored, paid for, or furnished, either in whole or in part, and (ii) by whom or on whose behalf such consideration was supplied." (FCC rules, § 73.1212)[4]

22. Specific entries required in the program log include:

SECTION 73.112(a) (2) (i)

An entry identifying (a) the sponsor(s) of the program, (b) the person(s) who paid for the announcement, or (c) the person(s) who furnished materials or services referred to in Section 73.119(d) [73.1212]. * * *

SECTION 73.112(a) (2) (iii)

An entry showing that the appropriate announcement(s) (sponsorship, furnishing material or services, etc.) have been made as required by section 317 of the Communications Act and § 73.119 [73.1212]. A checkmark (√) will suffice but shall be made in such a way as to indicate the matter to which it relates.

(The above-quoted rule for AM is the same for commercial and noncommercial educational TV and commercial FM. The rule for noncommercial educational FM is different in some respects, para. 26, infra.)

23. Station logging practices at commercial stations indicate considerable confusion or misunderstanding concerning the check-mark option of (iii). A not uncommon practice is to put a check-mark after every entry in the program log, indicating that all entries were broadcast as scheduled.

24. Clarification could be made by eliminating the check-mark option and simplifying the entry requirement of § 73.112(a) (2) (iii) by combining it with § 73.112(a) (2) (i). Accordingly, it would be amended (and re-numbered) to read as follows:

[4] Formerly: §§ 73.119 AM; 73.289 FM; 73.659 TV. Amended April 17, 1975, Report and Order, Docket No. 19513, effective May 30, 1975.

SECTION 73.112(a) (3)

An entry setting forth the identification of (a) the sponsor(s) of the program, (b) the person(s) who paid for the announcement, or (c) the person(s) who furnished materials or services, with the identification to be entered as it was given in the sponsor identification announcement made pursuant to Section 317 of the Communications Act and 73.1212 of this Chapter. * * *

Thus, the required entry in the log identifying the sponsor would include the making of the required over-the-air announcement of sponsorship identification.

25. To facilitate administration of Section 315 of the Act with respect to such matters as lowest unit charge and equal opportunities for candidates, we propose an additional entry in the program log to show, in the case of a paid political program or announcement by or on behalf of a candidate, whether the candidate appeared or was heard thereon to constitute a "use" under Section 315 (§ 73.112(b) (3) (iii)).

NONCOMMERCIAL EDUCATIONAL STATIONS

26. As indicated above (para. 22), the program log rule for each of the broadcast services is the same except for noncommercial educational FM (§ 73.582). That section requires entries "briefly describing each program broadcast, such as 'music,' 'drama,' 'speech,' etc., together with the name or title thereof and the name of any donor announced pursuant to § 73.289 (73.1212), with the time of the beginning and ending of the complete program." Other required entries include the time of each station identification announcement, the use of any taped, filmed or recorded material in accordance with § 73.1208 and, if a speech is made by a political candidate, the name and political affiliation of such speaker.

27. Thus, the present program log rule for noncommercial educational FM rule varies substantially from that for noncommercial educational TV. We see no persuasive reasons for the differences and propose that the program log rules for noncommercial educational FM be brought into conformance with those for noncommercial educational TV and the other broadcast services.

28. In the existing log rules, the entry requirement "For commercial matter" applies to noncommercial educational operations to the extent that materials, services and contributions referred to in Notes 1 through 5 of § 73.503 (NCE–FM) and § 73.621 (NCE–TV) are provided by a donor and announced pursuant to § 73.1212.[5] However, we propose to clarify this entry by adding to the program log rule a new paragraph (2) relating specifically to "Donors to stations licensed or operating as noncommercial educational."[6] The proposed paragraph would read as follows:

[5] The "Notes" are specific as to when and to what extent donors are to be identified in over-the-air announcements.

[6] A few stations operate as noncommercial educational facilities though licensed on channels not reserved for education (30 AM's, 16 FM's and 10 TV's).

(2) For donors to stations licensed or operating as noncommercial educational. (i) An entry identifying any donor announced pursuant to § 73.1212, with the name of the donor to be entered as it was given in the announcement. See Notes 1 through 5 to § 73.503, and 73.621 of this Chapter.

29. The attachment below sets forth the proposed amendments to the rule on "General requirements relating to logs" and the rule on "Program log." Each of the two rules is the same for all services and would be substituted for the present rule in the particular service. The "Program log" rule specifies entries "where applicable." Consideration was given to putting the "Program log" rule in Subpart H of Part 73 (rules which are applicable to all broadcast services). That was rejected because the "Program log" rule should follow the rule on "General requirements relating to logs." However, since the "general requirements" rule includes provisions regarding not only program logs but also operating and maintenance logs (which vary according to AM, FM and TV services) we believe that neither it nor the program log rule should be in Subpart H.

30. Authority for the institution of this proceeding, and adoption of the rules proposed herein, is contained in Sections 4(i), 303(g) and (r) of the Communications Act of 1934, as amended.

31. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before October 30, 1975, and reply comments on or before November 12, 1975. All relevant and timely comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

32. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. However, in an effort to obtain the widest possible response in this proceeding, especially from small-market radio stations, informal comments (without extra copies) will be accepted. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: September 17, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] VINCENT J. MULLINS, *Secretary.*

1. It is proposed to amend the rules on "General requirements relating to logs," §§ 73.111 AM, 73.281 FM, 73.581 NCE–FM and 73.669 TV; and on "Program

[7] Commissioners Lee and Hooks absent; Commissioner Wiley, Chairman; and Reid concurring in the result.

log." 73.112 AM, 73.282 FM, 73.582 NCE–FM and 73.670 TV, as follows:

NOTE: Except for § 73.582, the above rules are presently the same for each of the services, AM, FM and TV. As amended, the rules would be the same for each service and consistent with that which is set forth below for AM.

**§ 73.111 General requirements relating to logs.**

(a) The licensee or permittee of each AM station shall maintain program, operating and maintenance logs as set forth in §§ 73.112, 73.113 and 73.114. Each log shall be kept by the station employee or employees (or contract operator) competent to do so, having actual knowledge of the facts required, who in the case of program and operating logs shall sign the appropriate log when starting duty and again when going off duty and setting forth the time of each.

(b) The logs shall be kept in an orderly and legible manner, in suitable form, and in such detail that the data required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log. Each sheet shall be numbered and dated. Time entries shall be made in local time and shall be indicated as advanced or non-advanced time.

(c) No log, or preprinted log or schedule which becomes a log, or portion thereof, shall be erased, obliterated, or willfully destroyed within the period of retention provided by the provisions of this part. Any necessary correction shall be made only pursuant to §§ 73.112, 73.113, and 73.114, and only by striking out the erroneous portion, or by making a corrective explanation on the log or attachment to it as provided in those sections.

(d) Entries shall be made in the logs as required by §§ 73.112, 73.113, and 73.114. Additional information such as that needed for administrative or operational purposes may be entered on the logs. Such additional information, so entered, shall not be subject to the restrictions and limitations in the Commission's rules on the making of corrections and changes in logs.

(e) The operating log and the maintenance log may be kept individually on the same sheet in one common log, at the option of the permittee or licensee.

**§ 73.112 Program log.**

(a) A program log shall be kept in accordance with the provisions of § 73.111, for each broadcast day, which, in this context, means from the station's sign-on to its sign-off, or from midnight to midnight for stations operating 24 hours a day.

(b) The following entries, where applicable, shall be made in the program log:

(1) For each program. (i) An entry identifying the program by name or title.

(ii) An entry of the time each program begins and ends. If programs are broadcast during which separately identifiable program units of a different type or source are presented, and if the licensee wishes to count such units separately, the beginning and ending time for the longer program need be entered only once for the entire program. The program units which the licensee wishes to count separately shall then be entered underneath the entry for a longer program, with the beginning and ending time of each such unit, and with the entry indented or otherwise distinguished so as to make it clear that the program unit refererd to was broadcast within the longer program.

(iii) An entry classifying each program as to type, using the definitions set forth in Note 1 at the end of this section.

(iv) An entry classifying each program as to source, using the definitions set forth in Note 2 at the end of this section. (For network programs, also give name or initials of network, e.g., ABC, CBS, NBC, Mutual.)

(v) An entry for each program presenting a political candidate, showing the name and political affiliation of such candidate. *See (j) of Note 1.*

(2) *For donors to stations licensed or operating as noncommercial educational.* (i) An entry identifying any donor announced pursuant to § 73.1212, with the name of the donor to be entered as it was given in the announcement. See Notes 1 through 5 to §§ 73.503 and 73.621 of this Chapter.

(3) *For commercial matter.* (i) An entry identifying (a) the sponsor(s) of the program, (b) the person(s) who paid for the announcement, or (c) the person(s) who furnished materials or services, with the identification to be entered as it was given in the sponsor identification announcement made pursuant to Sections 317 of the Communications Act and § 73.1212 of this chapter. If the title of a sponsored program includes the name of the sponsor, e.g., XYZ News, a separate entry for the sponsor is not required. See Note 3 at the end of this section for definition of commercial matter.

(ii) An entry or entries showing the total duration of commercial matter in each hourly time segment (beginning on the hour) or the duration of each commercial message (commercial continuity in sponsored programs, or commercial announcements) in each hour. See Note 5 at the end of this section for statement as to computation of commercial time.

(iii) An entry in the case of a paid political program or announcement by or on behalf of a candidate, showing whether the candidate appeared or was heard thereon to constitute a use under Section 315 of the Communications Act.

(4) *For public service announcements.* (i) A entry showing that a public service announcement (PSA) has been broadcast together with the name of the organization or interest on whose behalf it is made. See Note 4 following this section for definition of a public service announcement.

(5) *For other announcements.* (i) An entry of the time that each required station identification announcement is made (call letters and licensed location; § 73.1201).

(ii) An entry for each announcement presenting a political candidate showing the name and political affiliation of such candidate.

(iii) An entry for each announcement made pursuant to the local notice requirements of §§ 1.580 (pre-grant), and 1.594 (designation for hearing) and § 73.1202 (licensee obligations), showing the time it was broadcast.

(iv) An entry showing that broadcast of taped, filmed or recorded material has been made in accordance with the provisions of § 73.1208.

(c) A station broadcasting the programs of a national network which will supply it with all information as to such programs, commercial matter and other announcements for the composite week need not log such data but shall record in its log the time when it joined the network, the name of each network program broadcast, the time it leaves the network, and any non-network matter broadcast required to be logged. The information supplied by the network, for the composite week which the station will use in its renewal application, shall be retained with the program logs and associated with the log pages to which it relates.

(d) *Manually kept log.* (1) Entries on a manually kept log may be made either at the time of or prior to broadcast. The employee responsible for keeping the log shall sign the log when starting duty and when going off duty and enter the time of each. If entries are pre-printed prior to broadcast and any deviation therefrom occurs in what was actually broadcast, an appropriate correction must be made on the log. When the employee keeping the log signs the log upon going off duty, he attests to the fact that the log, with any corrections or additions made before he signed off, is an accurate representation of what was actually broadcast.

(e) *Automatically kept logs.* (1) Entries on an automatically kept program log may be made by automatic logging instruments with sequential English printouts corresponding to manually kept log entries.

(2) An employee on duty at the station's studio operation shall be responsible for the automatic logging process and the keeping of the log. In the event of failure or malfunctioning of the automatic logging process, the person responsible for the log shall make the required entries in the log manually.

(3) The employee responsible shall sign the log, or a separate page to be affixed to the log, when starting duty and when going off duty and enter the time of each. The signature when going off duty constitutes a certification that, as to the automatic printout part of the log, he checked the automatic logging equipment periodically throughout his tour, that at no time did it fail or malfunction, and that to the best of his knowledge and belief the printout was an accurate representation of what was actually broadcast; and that, as to any

part of the log which he kept manually, with any corrections or additions made thereon before he signed off, it was an accurate representation of what was actually broadcast.

(f) *Automatic maintenance of logging data.* (1) An employee on duty at the station's studio operation shall be responsible for any automatic maintenance of data and the keeping of the log. In the event of failure or malfunctioning of the said automatic process, the employee responsible for the log shall make the required entries in the log manually at that time.

(2) The employee responsible shall sign, on a separate page to be affixed to the log, when starting duty and when going off duty and enter the time of each. The signature when going off duty constitutes a certification that, as to the automatic maintenance of data equipment, he checked it periodically throughout his tour, that at no time did it fail or malfunction, and that to the best of his knowledge and belief, the data as maintained were an accurate representation of what was actually broadcast; and that, as to any part of the log which he kept manually, with any corrections or additions made thereon before he signed off, it was an accurate representation of what was actually broadcast.

(3) Entries when data for a program log are automatically maintained (e.g. audio taped, audio/video taped, encoded printout, etc.) must be transcribed into a legible log within 24 hours of the last entry for that broadcast day.

(4) When the required entries are transcribed from automatically maintained data to the program log by a person other than the employee described in paragraph (f)(2) of this section, the person who did the transcribing shall certify on the log that it is an accurate representation of the automatically maintained data.

(g) *Corrections.* (1) Program logs shall be changed or corrected only in the manner prescribed in § 73.111(c).

(2) If corrections or additions are made on the log after it has been so signed, explanation must be made on the log or an attachment to it, dated and signed by either the person who kept the log, the station program director or manager, or an officer of the licensee.

The following Notes 1–5 would not be amended here except for minor conforming revisions as indicated; however, the definition of "Public affairs programs (PA," Note 1(d), is the subject of rulemaking in Docket No. 20419, adopted April 1, 1975 (new radio renewal form).

NOTE 1.—*Program type definitions.* The definitions of the first eight types of programs (a) through (h) are intended not to overlap each other and will normally include all the various programs broadcast. Definitions (i) through (k) are subcategories and the programs classified thereunder will also be classified under one of the appropriate first eight types. There may also be further duplication within types (i) through (k); (e.g., a program presenting a candidate for public office, prepared by an educational institution, would be classified as Public Affairs (PA), Political (POL), and Educational Institution (ED)).

(a) Agricultural programs (A) include market reports, farming, or other information specifically addressed, or primarily of interest, to the agricultural population.

(b) Entertainment programs (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) News programs (N) include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis, and sports news.

(d) Public affairs programs (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) Religious programs (R) include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) Instructional programs (I) include programs (other than those classified under Agricultural, News, Public Affairs, Religious or Sports) involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) Sports programs (S) include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news or information (e.g., fishing opportunities, golfing instructions, etc.)

(h) Other programs (O) include all programs not falling within definitions (a) through (g).

(i) Editorials (EDIT) include programs presented for the purpose of stating opinions of the licensee.

(j) Political programs (POL) include those which present candidates for public office or which give expressions (other than in station editorials) to views on such candidates or on issues subject to public ballot.

(k) Educational Institution programs (ED) include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

NOTE 2.—*Program source definitions.* (a) A local program (L) is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50 percent of the time. Such a program, taped, recorded, or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All nonnetwork news programs may be classified as local. Programs primarily featuring syndicated or feature films or other nonlocally recorded programs shall be classified as "Recorded" (REC) even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program, a nonnetwork 2-minute news report is given and logged as a news program, the report may be classified as local).

(b) A network program (NET) is any program furnished to the station by a network (national, regional, or special). Delayed broadcasts of programs originated by networks are classified as network.

(c) A recorded program (REC) is any program not defined in (a), (b), (c) above, including without limitation, syndicated programs, taped or transcribed programs, and feature films.

NOTE 3.—*Definition of commercial matter.* (CM) includes commercial continuity (network and nonnetwork) and commercial announcements (network and nonnetwork) as follows: (Distinction between continuity and announcements is made only for definition purposes. There is no need to distinguish between the two types of commercial matters when logging.)

(a) Commercial continuity (CC) is the advertising message of a program sponsor.

(b) A commercial announcement (CA) is any other advertising message for which a charge is made or other consideration is received.

(1) Included are (i) "bonus spots"; (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of a future program beyond mention of the sponsor's name as an integral part of the title of the program. (E.G., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "Listen tomorrow for the—[name of program]—brought to you by—[sponsor's name]—.")

(2) Other announcements including but not limited to the following are not commercial announcements:

(i) Promotional announcements except as heretofore defined in paragraph (b) of this Note.

(ii) Station identification announcements for which no charge is made.

(iii) Mechanical reproduction announcements. *Taped, filmed or recorded material.*

(iv) Public service announcements.

(v) Announcements made pursuant to § 73.654(d) *73.1212* that materials or services have been furnished as an inducement to broadcast a political program or a program involving the discussion of controversial public issues.

(vi) Announcements made pursuant to the local notice requirements of §§ 1.580 (pregrant), and 1.594 (designation for hearing) *and § 73.1202 (licensee obligations)* of this chapter.

NOTE 4.—*Definition of a public service announcement.* A public service announcement is an announcement for which no charge is made and which promotes programs, activities, or services of Federal, State or local Governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of nonprofit organizations (e.g., UGF, Red Cross Blood Donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

NOTE 5.—*Computation of commercial time.* Duration of commercial matter shall be as close an approximation to the time consumed as possible. The amount of commercial time scheduled will usually be sufficient. It is not necessary, for example, to correct an entry of a 1-minute commercial to accommodate varying reading speeds even though the actual time consumed might be a few seconds more or less than the scheduled time. However, it is incumbent upon the licensee to ensure that the entry represents as close an approximation of the time actually consumed as possible.

The above Notes are not presently in § 73.582 (NCE–FM) but would be in the rule as amended. Also, the existing § 73.582 differs in part from the rules for other services as shown above with deleted material stricken and added material underscored. Thus, for comparative purposes, the text of existing § 73.582 follows:

§ 73.582 Program log.

(a) The following entries shall be made in the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc. together with the name or title thereof and the name of any donor announced pursuant to § 73.280, with the time of the beginning and ending of the complete program. In addition, an entry reflecting the use of any taped, filmed, or recorded material, in accordance with the provisions of § 73.1208. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(b) No provision of this section shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated.

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape or other means employed.

(c) Program logs shall be changed or corrected only in the manner prescribed in § 73.581(c) and only in accordance with the following:

(1) *Manually kept log.* Where, in any program log, or preprinted program log, or program schedule which upon completion is used as a program log, a correction is made before the person keeping the log has signed the log upon going off duty, such correction, no matter by whom made, shall be initiated by the person keeping the log prior to his signing of the log when going off duty, as attesting to the fact that the log as corrected is an accurate representation of what was broadcast. If corrections or additions are made on the log after it has been so signed, explanation must be made on the log or on an attachment to it, dated and signed by either the person who kept the log, the station program director, or manager, or an officer of the licensee.

[FR Doc.75-25789 Filed 9-26-75;8:45 am]

## FEDERAL POWER COMMISSION

### [ 18 CFR Parts 154, 201, 260 ]

[Docket Nos. RM74-4, R-411]

### ACCOUNTING AND RATE TREATMENT; ADVANCE FOR GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

### Notice Denying Request for Extension of Time

SEPTEMBER 19, 1975.

On September 16, 1975, Kerr-McGee Corporation requested by telegram an extension of time within which to file comments in response to the order issued July 29, 1975, in the above-designated matter, as amended by notice issued August 14, 1975.

Notice is hereby given that the request for an extension of time in the above matter is denied.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25842 Filed 9-26-75;8:45 am]

## FEDERAL TRADE COMMISSION

### [ 16 CFR Part 438 ]

### ADVERTISING, DISCLOSURE, COOLING OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

### Proposed Trade Regulation Rule

On May 15, 1975, the Commission published in the FEDERAL REGISTER (40 FR 21048) an initial notice of a proposed trade regulation rule concerning advertising, disclosure, cooling off and refund requirements for proprietary vocational and home study schools, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7 et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure).

Now, pursuant to the same authority and more specifically to the authority of § 1.12 of the Commission's procedures and rules of practice, the undersigned duly appointed Presiding Officer for this proceeding hereby gives final notice of proposed rulemaking, incorporating by reference the contents of the initial notice described above, including the proposed rule contained therein.

WRITTEN COMMENTS

All interested persons are hereby notified that they may submit written data, views or arguments on any issue of fact, law, policy or discretion which may have some bearing upon the proposed rule. Such comments should be submitted to William D. Dixon, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580 no later than November 21, 1975. To assure prompt consideration, comments should be identified as "Proprietary Vocational and Home Study School Comment" and submitted, when feasible and not burdensome, in five copies.

PUBLIC HEARING DATES AND PLACES

Notice is also given that public hearings on the proposed rule will be held at the locations set forth below commencing on the dates and times specified at each location:

1. Public hearings will be held commencing on December 1, 1975, at 9 a.m. in San Francisco, California:

Room 15018, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

2. Public hearings will be held commencing on December 15, 1975, at 9 a.m. in Los Angeles, California:

Room 13209, Federal Building, 1100 Wilshire Boulevard, Los Angeles, California.

3. Public hearings will be held commencing on January 12, 1976, at 9 a.m. in Chicago, Illinois:

Room 347 A-B, John C. Kluczynski, Federal Building, 230 South Dearborn Street, Chicago, Illinois.

Persons desiring orally to present their views in either San Francisco or Los Angeles should so inform the appropriate Commission representative listed below not later than November 21, 1975.

1. San Francisco, California:

Ms. Seela Lewis, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102.

2. Los Angeles, California.

Mr. Howard Manning, Federal Trade Commission, 13209 Federal Building, 1100 Wilshire Boulevard, Los Angeles, California 90024.

Persons desiring orally to present their views in Chicago should so inform the Commission representative listed below not later than December 30, 1975:

3. Chicago, Illinois:

Mr. Richard J. Toman, Federal Trade Commission, Suite 1437, 55 East Monroe Street, Chicago, Illinois 60603.

INSTRUCTIONS CONCERNING WITNESSES

All prospective witnesses are advised that reasonable limitations upon the length of time allotted to any person may be imposed and that these time periods may vary from witness to witness depending upon all the circumstances, including the needs of each witness, the complexity of the expected testimony, the number of parties represented by each witness and the cumulative nature of expected testimony. Witnesses will be expected to stay within the time allotted for their prepared remarks and the Presiding Officer may allocate additional time for questioning. To the extent that individual views are not thereby suppressed, individual members of interested groups are encouraged to make their views known through group representatives. As a general rule, witnesses are expected to confine their prepared remarks to twenty minutes or less, unless an exception has been made, and to develop their testimony at greater length through their written submissions.

Persons wishing to deliver prepared statements are required to file such

statements with the appropriate Commission representative listed above no later than November 21, 1975, for those witnesses appearing in San Francisco and Los Angeles, California and no later than December 30, 1975, for those witnesses appearing in Chicago, Illinois and, when possible, to furnish five copies of any statement in excess of two pages. Persons intending to make statements not prepared in advance should advise the appropriate Commission representative of the general nature of their expected testimony by the same dates depending upon the locations where they intend to appear. The Presiding Officer retains the discretion to require that any oral presentation be submitted in writing in advance of presentation and to deny the right to present oral testimony to any person who fails to file statements or comply with the advance notification requirements of this Notice.

Prospective witnesses who plan to introduce documents or other written evidence as exhibits to their statements must furnish such documents or written evidence, properly identified with the witness's name and sequential number (i.e. Jackson Exhibit 1), by November 21, 1975, for those witnesses appearing in San Francisco and Los Angeles, California and December 30, 1975, for those witnesses appearing in Chicago, Illinois, unless for good cause shown they can demonstrate why this could not have been done at that time.

All prospective witnesses may and, indeed, are encouraged to direct their statements towards any question of fact, law, policy or discretion relevant to the proposed rule, and, in this regard, the usual rules of evidence applicable to litigated proceedings will not apply. However, all prospective witnesses are advised that to the extent their statements may bear upon any of the disputed issues of fact set forth below, or to be later designated, they may be subject to limited cross-examination as to those issues by representatives of other interested parties, as designated by the Presiding Officer, or to cross-examination by the Presiding Officer on behalf of such representatives, or to direct rebuttal submissions. All witnesses will be subject to direct examination by the Presiding Officer and by such interested parties as he may within his discretion permit and subject to his control. Oral presentations will not be under oath unless the Presiding Officer expressly so provides.

### Designated, Issues of Fact

Set forth below are the designated issues of disputed fact which the Presiding Officer has determined are material and necessary to resolve. Pursuant to statute and the Commission's Rules of Practice, testimony with respect to these issues may entitle designated representatives of other interested parties to conduct or have conducted such cross-examination as the Presiding Officer may determine to be appropriate and to be required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any issue may be achieved through rebuttal submissions or the presentation of additional oral or written statements.

The Presiding Officer may at any time on his own motion or pursuant to a written petition by interested persons, add to or modify any issues listed. No such petition shall be considered unless good cause is shown why such issue was not proposed during the time specified in the Initial Notice. The only issues which will be considered in response to such petitions are disputed issues of fact which are material and necessary to resolve.

Interested persons who desire to avail themselves of the procedures described above with respect to designated issues must, by October 20, 1975, notify the Presiding Officer in writing of their particular interest with respect to each issue designated, including a general statement of their position with respect to such issues. In the event new issues are added interested persons must promptly notify the Presiding Officer of their particular interest with respect to each such issue in the same manner. Requests to examine, including cross-examine, or to present rebuttal submissions, shall be accompanied by a specific justification therefor.

Before the hearings commence, the Presiding Officer will identify groups of persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination or rebuttal submissions and, if unable to agree, the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after a good faith effort so to do and who seeks to present substantial and relevant issues which will not be adequately presented by the group representative may be allowed to conduct or have conducted any examination, including cross-examination or rebuttal submissions, to which he is entitled on issues designated for consideration in accordance with this Notice.

### General Issues

1. What is the nature and extent of competition between schools subject to the proposed rule and those schools exempt from its coverage and what would be the impact of the rule upon such competition?

2. For what purposes do students enroll in vocational and home study schools?

3. What are the sales and enrollment techniques employed by particular schools?

4. How are salesmen trained, motivated and controlled by particular schools and what sales techniques are used by door-to-door salesmen?

### General Employment

5. What conclusions do prospective students draw from observing general employment and earnings information in the promotional materials of an individual school?

6. Would a total prohibition of general employment or earnings information deprive prospective students of valuable information concerning career and educational opportunities?

### Drop-Out Rates

7. Assuming students fail to complete various courses at various schools for a variety of reasons, what will the drop-out rate for a particular school or course actually mean to prospective students?

8. Are students who enroll but never actually attend a class normally counted among the drop-outs from any particular school? If not, what would be the effect of counting such "non-starts" on the drop-out rate of any particular school?

9. Would the disclosures required by the proposed rule induce schools to avoid accepting students who might be considered high withdrawal or placement risks?

10. What is the drop-out rate for private vocational and home study schools and what records do schools keep with respect to drop-out rates?

11. What is the drop-out rate for any particular course?

### Placement and Salary Data

12. Can schools, as a practical matter, obtain all of the required data with respect to employment and earnings pertaining to each and every student who has enrolled, withdrawn and/or graduated from each and every course?

13. Would a prospective student considering enrollment at a particular school generally be interested solely in placement and earnings information with respect to the metropolitan area or state in which the advertising which came to his attention was disseminated?

14. Would a prospective student considering enrollment at a particular school be concerned with the placement record of non-graduates as well as graduates or only with the latter?

15. Would a prospective student considering enrollment at a particular school be concerned only with the placement record of graduates available for employment and, if so, how can that factor be determined and disclosed?

16. Are the specific job promises required by the Rule for new schools and courses normally obtained by such schools or can they be obtained and, if so, under what circumstances and with what degree of reliability?

17. What is the placement and salary record for graduates of a particular course and what records do schools keep with respect to placement and salary levels?

### Ten Day Affirmation and Cooling-Off Period

18. In what respects have existing consumer protection requirements applicable to educational institutions with regard to cooling-off periods proved to

be inadequate to provide prospective students with the protection needed?

19. Would the affirmation procedure result in substantial numbers of students unintentionally losing the opportunity to take desired courses?

20. How will the mechanics of affirmation affect the enrollment procedures of both correspondence and residence schools?

21. What effects have existing affirmation requirements applicable to veterans taking correspondence courses had on enrollment in such courses?

REFUND PROVISION

22. Is the registration fee provided for in the proposed rule adequate to cover a school's actual acquisition costs?

23. How are actual costs to be determined?

24. What costs of a school are fixed and what costs vary with the number of students actually enrolled?

25. Are drop-out rates predictable so that schools can compute and project actual costs?

26. Under the refund formula of the proposed rule, will the costs of educating students who enroll but withdraw be passed on to students who enroll and complete the course of study? Except as to amounts, how will the resulting situation differ from that which prevails under existing refund policies?

27. Do vocational and home study schools today operate at or near full capacity?

28. Do reasons exist for treating residence schools differently from correspondence schools in regards to refund policies?

29. In what ways, if at all, do refund policies influence the advertising, screening and recruiting practices of vocational and home study schools?

SUMMARY OF CLOSING DATES

| | |
|---|---|
| Notification of interest | Oct. 20, 1975. |
| Written comments | Nov. 21, 1975. |
| San Francisco witnesses | Do. |
| Los Angeles witnesses | Do. |
| Chicago witnesses | Dec. 30, 1975. |
| Public hearings commence | Dec. 1, 1975. |

Issued: September 29, 1975.

WILLIAM D. DIXON,
*Presiding Officer.*

[FR Doc.75-25897 Filed 9-26-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Parts 230, 239, 249 ]

[Release Nos. 33-5613, 34-11645; File No. S7-584]

### RESALE OF SECURITIES AND SALE OF SECURITIES

#### Proposed Forms for Periodic Report Disclosure [1]

The Securities and Exchange Commission announced today it had published for comment proposed amendments to paragraph (e)(1) of Rule 144 (17 CFR 230.144) under the Securities Act of 1933 ("1933 Act"), to the Rule as to Use of Forms S-7 (17 CFR 239.26) (and therefore S-16 (17 CFR 239.27)) and to facing sheets of Forms 10-K (17 CFR 249.310), 12-K (17 CFR 249.312), and 10-Q (17 CFR 249.308a) under the Securities Exchange Act of 1934 ("1934 Act").

Rule 144 relates to the resale of securities acquired directly or indirectly from an issuer in transactions not involving any public offering and to the sale of securities held by persons in a control relationship with an issuer. The proposed amendments to paragraphs (e)(1)(i) and (e)(1)(B) deal with the use of figures for trading volume on the National Association of Securities Dealers Automated Quotations System ("NASDAQ") in determining the volume limitations on sales made under the Rule.

Form S-7 and Form S-16 are registration forms under the 1933 Act which may be used for the distribution of securities of issuers which have filed periodic reports under the 1934 Act for three or more years and which meet certain other qualifications. The proposed amendments to the Rule as to the Use of Form S-7 would relax the qualifications relating to net income, lack of default and dividends.

Forms 10-K, 12-K, and 10-Q are periodic reporting forms under the 1934 Act. The proposed amendments are designed to aid persons seeking to make sales under Rule 144 in determining (a) whether an issuer is in compliance with the periodic reporting requirements under the 1934 Act, and (b) the number of issuer's outstanding securities in each class.

RULE 144(e)

The Commission stated in 1972, in its release announcing the adoption of Rule 144 that:

> Should reliable volume figures become publicly available through the automated quotation service of NASD, Inc. (NASDAQ), the Commission will consider amending the rule relating to over-the-counter companies to base the amount of securities which may be sold on such volume, as in the case of securities listed on exchanges.[2]

The Commission believes that experience with NASDAQ has shown NASDAQ volume figures to be reliable enough to justify amendments to the Rule to incorporate the NASDAQ volume figures into the volume limitations provisions of the Rule.

The amendments to paragraph (e)(1)(i) of Rule 144 adopted today (40 F.R. 44541) would allow aggregation of volume on both exchanges and NASDAQ for those securities listed on an exchange and quoted on NASDAQ. Thus, a limited number of NASDAQ issuers whose securities are listed on a national securities exchange would be permitted to aggregate NASDAQ volume figures with national securities exchange volume figures in determining the average weekly trading volume figure. This would in all cases represent a relaxation of the volume limitations for those NASDAQ issuers whose securities are listed on a national securities exchange.

The Commission is also proposing for comment an amendment to the volume limitation provisions of the Rule which would affect a second type of NASDAQ issuer, an issuer whose securities are not listed on a national securities exchange. Currently, the volume limitation for such issuers is determined with reference to paragraph (e)(1)(ii) of the Rule which limits the sales to "one percent of the shares or other units of the class outstanding * * *" The Commission believes that NASDAQ volume figures should be used as an alternative to the one percent of outstanding provision.

Under the amendment proposed today the volume limitation figure for nonexchange-listed NASDAQ securities would be the lesser of the average weekly trading volume for the previous four calendar weeks on NASDAQ or one percent of the outstanding. For a number of NASDAQ issuers this may represent a reduction in the number of securities which may be sold under the Rule. The Commission is proposing the amendment in the belief that the NASDAQ volume figures will more adequately relate the volume limitation provision of the Rule to the realities of the trading market in securities. This correlation between the volume limitation provision and the actual trading market impact of sales is in line with the Commission's statement in the preliminary note to the Rule that "the impact of the particular transaction or transactions on the trading markets" is a factor "which must be considered in determining what is deemed not to constitute a 'distribution' * * *"

FORMS S-7 AND S-16

The Commission in its release adopting Form S-7 in 1967 stated that it viewed the Form as being "in the nature of an experiment" and stated a willingness to "change the conditions for use (of the Form) should (the Commission's) experience indicate that such action is necessary or desirable in the public interest or for the protection of investors." [3] The Commission made a similar statement in its 1970 release announcing adoption of Form S-16 which incorporates the Rules as to Use of Form S-7 in its own Rules as to Use.[4]

The Wheat Report noted in 1969 that in adopting Form S-7, "The Commission acted on the theory that for the class of companies eligible to use the new form adequate disclosures (of background information) could be assumed to have been made in reports and proxy statements filed over the years pursuant to the "34 Act." [5] The number of years an

[1] Forms filed as part of original document.

[2] Securities Act Release No. 5223 (April 12, 1972).

[3] Securities Act Release No. 4886 (November 29, 1967).

[4] Securities Act Release No. 5117 (December 20, 1970).

[5] Disclosure to Investors: A Reappraisal of Federal Administrative Policies Under '33 and '34 Acts ("The Wheat Report") 74-75 (1969).

issuer seeking to use Form S–7 was required to have been a 1934 Act reporting company was originally five years. This requirement was reduced to three years in 1970.* The Commission continues to believe that this three year requirement is the minimum number of years necessary before the assumption that adequate disclosures have been made through the 1934 Act reports can reasonably be used to justify a modified 1933 Act registration statement like S–7 and S–16.

The Commission is proposing, however, to amend certain of the standards with respect to net income, default and dividends to permit a larger number of 1934 Act issuers to use the two short forms. Under the proposed amendment of the Rule as to Use of Form S–7, the number of years an issuer would be required to have had net income, after taxes, but before extraordinary items net of taxes, would be reduced from five years to three years. The minimum level of this net income under the proposed amendments would be reduced from $500,000 each year to $250,000. The proposed amendments would also reduce from ten years to three years the number of years that the issuer and its subsidiaries would be required not to have defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long term leases. Finally, the proposed amendments would delete the existing requirement that if the securities to be registered are common stock or securities convertible into common stock, the registrant must have earned any dividends in each of the last five fiscal years.

Since the Rule as to Use of Form S–7 is incorporated into the Rule as to Use of Form S–16 it is not necessary to amend Form S–16. It should be noted that Form S–16 also requires that for a secondary offering the class of securities be either listed on a national stock exchange or quoted on the automated quotation system of a national securities association. Comment is specifically invited on whether this requirement should also be modified.

The Commission believes that the S–7 and S–16 qualification standards relating to net income, default and dividends can be reduced without compromising the protection of investors. Further, the Commission believes that the public interest would be served by increasing the number of issuers whose securities may be distributed by means of the shorter, less expensive, Forms. Finally, the Commission views these proposals as another step in its effort to integrate the systems of disclosure mandated under the 1933 and 1934 Acts.

### Forms 10–K, 12–K and 10–Q

Persons seeking to make sales under Rule 144 must determine whether an issuer is in compliance with the reporting requirements of the 1934 Act. Such persons must also determine the percentage of the issuer's outstanding securities they are proposing to sell in order to compute the proper volume limitation under the Rule.

In 1974 the Commission amended the facing sheets to Forms 10–K and 10–Q to require that the issuer indicate by a checkmark whether it was in compliance with the reporting requirements of the 1934 Act. The Commission's proposed amendments would add a similar requirement to Form 12–K, the annual report form for issuers which file annual reports with certain other federal government agencies. In addition, the proposed amendments would require that the facing sheets of Forms 10–K, 12–K and 10–Q contain a statement by the issuer indicating the number of outstanding shares of each class of its securities.

### Implementation of Proposed Amendments

The proposed amendments to the Rule for Use of Form S–7 represent a relaxation of the requirements for use of that Form and Form S–16. The Commission and the staff will not object if Form S–7 or S–16 is used to register securities of an issuer that meets the proposed requirements as to use of those forms.*

The Commission hereby proposes amendments to Rule 144 for comment pursuant to the 1933 Act, particularly sections 2(11), 4(1), 4(2), 4(4) and 19(a) thereof, proposes amendments to Forms S–7 and S–16 for comment pursuant to the 1933 Act, particularly sections 6, 7, 10 and 19(a) thereof, and proposes amendments to Forms 10–K, 12–K and 10–Q for comment pursuant to the 1934 Act, particularly sections 13, 15(d) and 23(a) thereof. All interested persons are invited to submit their views and comments on these proposals to amend Rule 144 and Forms S–7, S–16, 10–K, 12–K and 10–Q in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before November 20, 1975. Such communications should refer to File No. S7–584. All such communications will be made available for public inspection.

The text of the proposals follows.

By the Commission.

[SEAL] George A. Fitzsimmons,
*Secretary.*

September 11, 1975.

1. Section 230.144(e) is proposed to be amended to read as follows:

**§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.**

* * * * *

(e) *Limitation on amount of securities sold.* Except as hereinafter provided, the amount of securities which may be sold in reliance upon this rule shall be determined as follows:

(1) *Sales by affiliates.* If restricted or other securities are sold for the account of an affiliate of the issuer, the amount of securities sold, together with all sales of restricted and other securities of the same class for the account of such person within the preceding six months, shall not exceed the following:

(i) If the securities are admitted to trading on a national securities exchange or are quoted on the automated quotation system of a registered securities association, or both, the lesser of (A) one percent of the shares or other units of the class outstanding as shown by the most recent report or statement published by the issuer, or (B) the average weekly reported volume of trading in such securities on all securities exchanges and reported through such automated quotation system during the four calendar weeks preceding the filing of notice required by paragraph (h), or if no such notice is required the receipt of the order to execute the transaction by the broker; or

(ii) If the securities are not traded on a national securities exchange and are not quoted on the automated quotation system of a registered securities association, one percent of the shares or other units of the class outstanding as shown by the most recent report or statement published by the issuer.

* * * * *

2. Section 239.26 is proposed to be amended to read as follows:

**§ 239.26 Form S–7, for registration under the Securities Act of 1933 of securities of certain issuers to be offered for cash.**

Any registrant which meets the following conditions may use this form for registration under the Securities Act of 1933 of any securities which are offered for cash by or on behalf of the registrant or any other person, in a rights offering or otherwise:

* * * * *

(d) The registrant and its subsidiaries have not during the past three years defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness or borrowed money, or in the payment of rentals under long term leases.

(e) The registrant and its consolidated subsidiaries had a net income, after taxes but before extraordinary items net of tax effect, of at least $250,000 for each of the last three fiscal years.

(f) [Deleted]

3. Section 249.312 is proposed to be amended as follows:

**§ 249.312 Form 12–K, annual report for issuers which file reports with certain other federal agencies.**

Form 12–K would be amended to require the inclusion of the following on the facing sheet of the Form:

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by sections 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file

*Securities Act Release No. 5100 (November 12, 1970).

such reports), and (2) has been subject to such filing requirements for the past 90 days.

4. Forms 10–K, 12–K and 10–Q are proposed to be amended as follows:

Forms 10–K, 12–K, and 10–Q would be amended to require the inclusion of the following on the facing sheets of the Forms:

Indicate the number of shares or other units outstanding of each of the issuer's classes of securities.

§ 249.310 [Amended]

5. Section 249.310 Form 10–K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

§ 249.312 [Amended]

6. Section 249.312 Form 12–K, annual report for issuers which file reports with certain other federal agencies.

§ 249.308a [Amended]

7. Section 249.308a Form 10–Q, for quarterly reports under section 13 or 15(d) of the Securities Exchange Act of 1934.

Copies of the Forms S7, 10–K, 12–K and 10–Q are filed as part of the original document and a description of such forms is contained in Release No. 33–5613 and may be obtained from the Securities Exchange Commission's Public Reference Service, 1100 L Street NW., Washington, D.C. 20005.

(Secs. 2(11), 4(1), 4(2), 4(4), 6, 7, 10, 19(a), 48 stat. 74, 77, 78, 81, 85; secs. 13, 15(d), 23(a), 48 stat. 894, 895, 901; secs. 205, 209, 48 stat. 906, 908; sec. 8, 49 stat. 1379; secs. 1–4, 8, 68 stat. 683, 685; secs. 4, 6, 12, 78 stat. 569, 570–574, 580; sec. 1, 79 stat. 1051; sec. 2, 83 stat. 454; secs. 1, 2, 84 stat. 1497; (15 U.S.C. 77b(11), 77d(1), 77d(2), 77d(4), 77f, 77g, 77j, 77s(a), 78m, 78o(d), 78w(a)))

[FR Doc.75–25857 Filed 9–26–75;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

[Public Notice CM-5/102]

### FINE ARTS COMMITTEE

#### Meeting

The Fine Arts Committee will hold its Fall meeting on Tuesday, November 18, 1975 at 10 a.m. in the John Quincy Adams State Drawing Room in the Diplomatic Reception Rooms, Department of State.

The agenda will include a summary of the work of the Fine Arts Committee since its last meeting, the announcement of all gifts and loans during the calendar year 1975, as well as the Committee's plans for the coming year.

The meeting is open to the public. The public may take part in the discussion as long as time permits and at the discretion of the Chairman. Because of State Department security requirements, anyone wishing to attend the meeting should telephone the Fine Arts Office before Friday, November 14, 1975, Area Code (202) 632-0298 to make arrangements to enter the building.

CLEMENT E. CONGER,
*Chairman, Fine Arts Committee.*

SEPTEMBER 18, 1975.

[FR Doc.75-25913 Filed 9-26-75;8:45 am]

## DEPARTMENT OF THE TREASURY

### BUTADIENE ACRYLONITRILE RUBBER FROM JAPAN

#### Withholding of Antidumping Appraisement Notice

On February 26, 1975, information was received by the U.S. Customs Service from counsel acting on behalf of Uniroyal, Inc. (Petitioner), alleging that butadiene acrylonitrile rubber from Japan was being sold in the United States at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the Federal Register on March 27, 1975 (40 FR 13532).

Butadiene acrylonitrile rubber is a type of synthetic rubber that is sold in both dry (solid) and latex (liquid) forms in the home market, but, to date, only in solid form for export to the United States. It is usually put in a rubber processing machine with the end product formed by extrusion and heated to its final shape. Some of the articles made from the product are seals, gaskets, belts and other automotive products.

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States. However, the evidence on record, as set forth in the proceeding notice, was such that substantial doubt existed as to whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Accordingly, the United States International Trade Commission was advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

On April 23, 1975, the U.S. International Trade Commission notified the Secretary of the Treasury that, on the basis of its inquiry, it did not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of butadiene acrylonitrile rubber from Japan. Accordingly, the Customs investigation in this proceeding was carried forward.

*Tentative determination of sales at less than fair value.* 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 determine that there are reasonable grounds to believe or suspect that the purchase price of butadiene acrylonitrile rubber from Japan is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such merchandise.

*Statement of reasons.* The reasons and bases for the above tentative determination are as follows:

a. *Scope of the investigation.* It appears that all imports of the subject merchandise from Japan were manufactured by Nippon Zeon Company, Ltd., Chiyodaku, Tokyo, Japan. Therefore, the investigation was limited to this one manufacturer.

b. *Basis of comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to nonrelated Japanese trading companies. Home market price, as defined in § 153.3, Customs Regulations, (19 CFR 153.3), was used since such merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase price.* In accordance with § 153.31(b), Customs Regulations, (19 CFR 153.31(b)) pricing information was obtained concerning imports of butadiene acrylonitrile rubber from Japan during the 6-month period November 1, 1974 through April 30, 1975.

In the import transactions, all of the merchandise was purchased, or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was purchased, within the meaning of section 203 of the Act. The purchase price probably will be calculated on the basis of the f.o.b. vessel, Japanese port, packed price to the United States.

d. *Home market price.* The home market price likely will be calculated on the basis of the delivered, net, packed price to the distributor. Adjustments will probably be made for credit, transportation, and packing costs, as appropriate, in accordance with § 153.8, Customs regulations (19 CFR 153.8). Likely adjustments for credit would relate to discounted promissory notes used for payment in the home market. Likely adjustments for transportation and packing expenses would relate to differences in packing costs between home market sales and export sales, and to transportation costs involved in home market sales.

Adjustments for differences in circumstances of sale in accordance with § 153.8, Customs regulations (19 CFR 153.8), for warehousing costs, salesmen's salaries, and technical assistance in the home market were claimed by counsel for Nippon Zeon. These adjustments likely will not be allowed.

Adjustments to the home market price, in purchase price situations, are allowed only for circumstances of sale which bear a direct relationship to the sales under consideration. Expenses for overhead have been determined not to be directly related to sales. Accordingly, warehousing costs for inventory purposes are included in overhead since these expenses must be borne regardless of whether particular sales are made. No adjustment likely will be allowed for this type of warehousing cost.

Salesmen's salaries, unlike commissions, also are considered overhead expenses, since they too must be paid by the company irrespective of whether sales are made. No adjustment to the home market price, therefore, likely will be granted for salesmen's salaries, in purchase price situations.

Adjustments for technical services rendered by a foreign company in its home market for purchasers of its product may or may not be allowable. Again, the standard for consideration is whether the technical services are an overhead expense. Technical services which relate to to research and development from which a company benefits would be considered overhead expenses, and no adjustments would be allowable.

On the other hand, technical services rendered to customers in the foreign market for advice on items, such as usage or application of the product sold, may be an allowable adjustment. Such adjustments would be granted only to the extent to which the specific direct cost of the services rendered are documented. The documentation submitted in the instant case appears to relate to the salaries, fringe benefits, and bonuses of the technicians employed for rendering technical services. Such costs likely would be overhead costs and not allowable adjustments.

*e. Result of fair value comparison.* Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the weighted average home market price of such merchandise. Comparisons were made on a month-by-month basis on all butadiene acrylonitrile rubber from Japan sold to the United States during the period of investigation. Margins were tentatively found, ranging from 3 to 28 percent, on 100 percent of the sales compared. The weighted average margin tentatively appears to be between 10–19 percent.

*Withholding of appraisement.* Customs officers are being directed to withhold appraisement of butadiene acrylonitrile rubber from Japan in accordance with §153.48, Customs Regulations (19 CFR 153.48).

*Presentation of views and arguments.* In accordance with §§ 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 9, 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 29, 1975.

This notice which is published pursuant to § 143.34, Customs Regulations (19 CFR 153.34), shall become effective on September 29, 1975. The withholding of appraisement ordered in this notice shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

DAVID R. MACDONALD,
*Assistant Secretary of the Treasury.*

SEPTEMBER 23, 1975.

[FR Doc.75-25727 Filed 9-25-75;8:45 am]

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### Office of the Secretary

[Treasury Dept. Order No. 239]

### DEPUTY SECRETARY

#### Designation To Serve on National Commission on Electronic Fund Transfers

Pursuant to the authority vested in me as Secretary of the Treasury, I hereby designate the Deputy Secretary of the Treasury to serve as my delegate on the National Commission on Electronic Fund Transfers, established pursuant to Pub. L. 93-495 dated October 28, 1974.

Dated: September 22, 1975.

WILLIAM E. SIMON,
*Secretary of the Treasury.*

[FR Doc.75-25819 Filed 9-26-75;8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

### DEFENSE SCIENCE BOARD

#### Advisory Committee Meeting

The Defense Science Board will meet in closed session on October 23-24, 1975 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for October 23 and 24, 1975 to discuss interim findings and tentative recommendations resulting from on-going Task Force activities associated with Strategic, Tactical, Intelligence-Command, Control and Communication, and Management issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, OASD (Comptroller).*

SEPTEMBER 24, 1975.

[FR Doc.75-25880 Filed 9-26-75;8:45 am]

### DEFENSE SCIENCE BOARD TASK FORCE ON DEPARTMENT OF DEFENSE SPACE SHUTTLE UTILIZATION

#### Advisory Committee Meeting

The Defense Science Board Task Force on Department of Defense Space Shuttle Utilization will meet in closed session on 6 and November 7, 1975 at the Space and Missile System Organization, Los Angeles Air Force Station, CA 90009.

The mission f the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will examine the impact of the Space Shuttle on certain classified space programs.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
*Director, Correspondence and Directives OASD (Comptroller).*

SEPTEMBER 24, 1975.

[FR Doc.75-25881 Filed 9-26-75;8:45 am]

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## DEPARTMENT OF JUSTICE

### FHER CORP., LTD.

#### Drug Enforcement Administration

#### Importation of Controlled Substance Objection and Request for Hearing

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on August 18, 1975, Fher Corporation Ltd., Carretera 132, KM 25.3, P.O. Box 4108, Ponce, Puerto Rico 00731, made application to the Drug

Enforcement Administration to be registered as a bulk manufacturer of phenmetrazine, a basic class of controlled substance in schedule II.

Pursuant to section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the above person has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of phenmetrazine, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than October 31, 1975.

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: September 22, 1975.

HENRY S. DOGIN,
*Acting Administrator,*
*Drug Enforcement Administration.*

[FR Doc.75-25929 Filed 9-26-75;8:45 am]

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[Docket No. 75-2]

## NORTHRIDGE DRUG STORE AND DIXIE DRUG STORE

### Revocation and Denial of Registration

On February 10, 1975, the Administrator, Drug Enforcement Administration (DEA) issued to Dale W. Baker an Order to Show Cause as to why the DEA Registration #AB2791007, previously issued to him, t/a Northridge Drug Store, pursuant to section 303 of the Controlled Substances Act (hereinafter called "Act") 21 U.S.C. 823, should not be revoked, pursuant to section 304 of the Act, 21 U.S.C. 824, for the reason that he was convicted on September 30, 1974, in the Common Pleas Court of Montgomery County, Ohio, of two violations of specified sections of the Ohio Revised Code, both felonies relating to the distribution of controlled substances. Also on February 10, 1975, the Administrator issued to Mr. Baker an Order to Show Cause as to why his application, t/a Dixie Drug Store, executed June 14, 1974, for registration under section 303 of the Act, 21 U.S.C. 823, should not be denied for the reason that such registration would be inconsistent with the public interest, pursuant to section 303 of the Act, 21 U.S.C. 823, by virtue of aforementioned convictions in the Ohio Court and, in addition, because of several specified violations of the Act allegedly committed in the course of Mr. Baker's operation of the Northridge Drug Store.

On March 7, 1975, through counsel, Mr. Baker (hereinafter called "Respondent") requested a hearing on both Orders to Show Cause and on June 3, 1975, a hearing was held in Washington, D.C. before Administrative Law Judge Francis L. Young.

On July 31, 1975, Judge Young certified to the Acting Administrator, pursuant to 21 CFR 1316.65, his recommended findings of fact and conclusions of law, a recommended decision, and the record of the proceedings in these matters. The Acting Administrator, pursuant to 21 CFR 1316.66, hereby publishes his final orders in these proceedings based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found that on September 30, 1974, in the Common Pleas Court of Montgomery County, Ohio, Respondent, Dale W. Baker, was convicted on pleas of "no contest" of two violations of § 3719.07(c) and (g) of the Ohio Revised Code, both felonies relating to controlled substances. Furthermore, that Respondent, Dale W. Baker, stated to a Drug Enforcement Administration Compliance Investigator that he, Respondent, was giving controlled substances to two men because they were blackmailing him. The Administrator adopts these findings of fact.

The Administrative Law Judge concluded, as a matter of law, that Respondent has been convicted of two felonies within the purview of section 304(a)(2) of the Act, 21 U.S.C. 824(a)(2), thus providing grounds for revocation or suspension of Respondent's Northridge Drug Store application. Also, that grounds exist for a determination, pursuant to section 303(b) and (e) of the Act, 21 U.S.C. 823(b) and (e), that issuance of the registration to Respondent, t/a Dixie Drug Store, would be inconsistent with the public interest in view of Respondent's failure to comply with applicable State law, as evidenced by the convictions referred to above, and in view of his susceptibility to blackmail and threats.

The Administrator concludes that Respondent has been convicted of two felonies within the purview of Section 304(a)(2) of the Act, 21 U.S.C. 824(a)(2), which convictions provide a rational basis to revoke Controlled Substances Act registration AB2791007 issued to Dale W. Baker, t/a Northridge Drug Store. Furthermore, the Administrator concludes that where grounds exist for the revocation of a registration, pursuant to 21 U.S.C. 824, he may deny an application for renewal of registration. Therefore, the above-described felony convictions of Dale W. Baker provide a rational basis to deny the application for renewal of Dale W. Baker's t/a Dixie Drug Store, Controlled Substances Act registration AB2795106, pursuant to section 303(f) of the Act, 21 U.S.C. 823(f).

The Administrative Law Judge recommended that the Administrator revoke Respondent's, t/a Northridge Drug Store, DEA registration AB2791007 and deny Respondent's, t/a Dixie Drug Store, application for registration, for reasons of Respondent's two felony convictions and his admitted vulnerability to blackmail. The Administrator accepts these recommendations.

Therefore, under the authority vested in the Attorney General by section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 823, and redelegated to the Administrator of the Drug Enforcement Administration by Section 0.100, as amended Title 28, Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator hereby orders that the certificate of registration of Dale W. Baker (DEA Registration #AB2791007), t/a Northridge Drug Store, be, and hereby is, revoked and that the application of Dale W. Baker, t/a Dixie Drug Store, for registration as a pharmacy, be and hereby is, denied. These orders shall be effective.

Dated: September 24, 1975.

HENRY S. DOGIN,
*Acting Administrator,*
*Drug Enforcement Administration.*

[FR Doc.75-25930 Filed 9-26-75;8:45 am]

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## Law Enforcement Assistance Administration

## PRIVATE SECURITY ADVISORY COUNCIL Meeting

Notice is hereby given that the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet October 14-16, 1975, in Chicago, Illinois. The meeting is scheduled to convene at 2:00 p.m., Tuesday, October 14, in the conference room of the Marriott Motor Hotel at O'Hare International Airport. The meeting will run all day Wednesday the 15th, and will adjourn by 1:00 p.m., Thursday the 16th.

A major portion of the meeting will be devoted to a review of a revised draft of the Council's report on private security guard services, which contains its recommended Model Private Security Licensing and Regulatory Statute. Also under discussion will be a review of the past year's activities and plans for the coming year. The meeting will be open to the public.

For further information, please contact: Mr. John Marshall, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531. 202/376-3687.

GERALD H. YAMADA,
*Attorney-Advisor,*
*Office of General Counsel.*

[FR Doc.75-25911 Filed 9-26-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bonneville Power Administration

### BONNEVILLE REGIONAL ADVISORY COUNCIL

#### Public Meetings

The Bonneville Regional Advisory Council will hold a series of regional meetings to discuss the energy situation in the Pacific Northwest. The dates and places of the meetings are as follows:

| | |
|---|---|
| Thursday, October 16---- | Portland, OR. (Sheraton Airport) |
| Friday, October 17------ | Walla Walla, WA. (Black Angus) |
| Monday, October 20----- | Burley, ID. (Ramada Inn) |
| Tuesday, October 21----- | Spokane, WA. (Sheraton Hotel) |
| Wednesday, October 22-- | Seattle, WA. (SEA/TAC Motor Inn) |

Each meeting will begin at 9:45 a.m. and will be open to the public. There is no registration fee, but there will be a charge for the no-host luncheon.

The main purpose of the meeting is to discuss the long-range power outlook, Phase 2 of the regional Hydro-Thermal Power Program, cooperative fishery programs, and environmental litigation.

Dated: September 24, 1975.

WILLIAM H. CLAGETT,
*Assistant Administrator.*

[FR Doc.75-26083 Filed 9-26-75;8:45 am]

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### PROCUREMENT CONTRACTING

#### Redelegations of Authority

Redelegations of authority published in the FEDERAL REGISTER on July 6, 1968 (33 FR 9784), and last amended on June 24, 1975 (40 FR. 26574), are further amended by revising section 10.12 to read as follows:

**§ 10.12 Materials, equipment, and other contracts.**

* * * * *

c. The Staff Assistant—Negotiated Contracts may exercise the authority delegated to the Head, Procurement Section, when the amount involved does not exceed $500,000.

d. The Staff Assistant—Contracting may exercise the authority delegated to the Head, Procurement Section, when the amount involved does not exceed $50,000.

(e) The Purchasing Agents each may exercise the authority described in subsections 10.12a (1) and (3) when the amount involved does not exceed the small purchase limitation found in 41 U.S.C. 252(c)(3), and the authority described in subsection 10.12a(2) on construction and clearing contracts.

f. The Head of the Quality Control Unit and his designees may exercise the authority of the Contracting Officers for materials and equipment contracts in administering the technical provisions of the contracts during manufacturing and production. This authority includes the functions of (1) acceptance or rejection of materials or equipment; (2) interpretation of technical specifications; (3) approval of tests; and (4) quality surveillance and review of factory operations.

g. The Head of the Receiving Inspection Group and his designees may exercise the authority of the Contracting Officers for materials and equipment contracts in administering the technical provisions of the contracts at destination. This authority includes the (1) acceptance or rejection of materials or rejection of materials or equipment; (2) approval of test results; and (3) determining corrections necessary to meet contract specifications or requirements.

h. The Head of the Contract Administration Unit and his designees may exercise the authority of the Contracting Officers for materials and equipment contracts in administering all functions of the contracts not redelegated under subsections 10.12d and 10.12e, but may not (1) award, agree to, or execute any contract or modification thereto; (2) in any way obligate the payment of money by the Government; (3) make a final decision on any matter which would be subject to appeal under the disputes clause of the contract; or (4) terminate for any cause the contractor's right to proceed.

(205 DM 5.1; 205 DM 9.3; 205 DM 9.4; 205 DM 10; 28 FR 9884; 205 DM 11.1; 39 43630; 365 DM 1)

RAY FOLEEN,
*Deputy Administrator.*

SEPTEMBER 17, 1975.

[FR Doc.75-25899 Filed 9-26-75;8:45 am]

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### Bureau of Land Management

[Serial No. I-9793]

#### IDAHO

#### Proposed Withdrawal and Reservation of Lands

SEPTEMBER 22, 1975.

The Bureau of Reclamation has filed an application, Serial Number I-9793 for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for a reservoir site in which water could be stored for summer release to irrigate lands susceptible to irrigation under the potential Bruneau Division of the Southwest Idaho Water Development Project.

On or before October 29, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 W. Fort Street, PO Box 042, Boise, Idaho 83724.

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 applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He 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 Bureau of Reclamation. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

T. 8 S., R. 10 E.,
Sec. 7, All;
Sec. 8, All;
Sec. 9, NW¼SW¼, S½SW¼;
Sec. 11, SE¼SW¼, S½SE¼;
Sec. 12, S½SW¼, SW¼SE¼;
Sec. 13, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 14, All;
Sec. 15, S½;
Sec. 17, All;
Sec. 18, E½E½, NW¼NE¼;
Sec. 19, E½NE¼, NE¼SE¼;
Secs. 20–25 inclusive;
Sec. 26, NE¼, NE¼NW¼, E½SE¼;
Sec. 27, All;
Sec. 28, All;
Sec. 29, NE¼, NE¼NW¼;
Sec. 34, N½N½;
Sec. 35, NE¼NE¼.
T. 8 S., R. 11 E.,
Sec. 18, lots 2, 3, 4, E½SW¼, W½SE¼;
Sec. 19, lots 1, 2, 3, 4, W½NE¼, E½W½, SE¼;
Sec. 20, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, E½, NE¼NW¼, W½W½;
Sec. 33, SW¼NE¼, W½, W½SE¼.
T. 9 S., R. 11 E.,
Sec. 4, lots 2, 3, 4, S½NW¼;
Sec. 5, lots 1, 2, SE¼NE¼.

The area described aggregates 14,262.20 acres, more or less, in Owyhee County, Idaho.

VINCENT S. STROBEL,
*Chief, Branch of L&M Operations.*

[FR Doc.75-25902 Filed 9-26-75;8:45 am]

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[Serial No. I-9903]

#### IDAHO

#### Proposed Withdrawal and Reservation of Lands

SEPTEMBER 22, 1975.

The Department of Agriculture has filed an application, Serial Number I-9903, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for development of a ponderosa pine seed orchard in cooperation with Federal, State and local agencies. The ultimate objective of the project will be to improve forest trees through development of superior seedling stock for reforestation.

On or before October 29, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 W. Fort Street, PO Box 042, Boise, Idaho 83724.

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 applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He 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 Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

PAYETTE NATIONAL FOREST

*Calf Pen Ponderosa Pine Seed Orchard*

T. 19 N., R. 3 W.,
Sec. 9, S½N½NE¼NE¼, S½NE¼NE¼, E½SE¼NW¼NE¼, E½NE¼, SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼.

The area described aggregates 70 acres in Adams County.

VINCENT S. STROBEL,
*Chief, Branch of L&M Operations.*

[FR Doc.75-25900 Filed 9-26-75;8:45 am]

[Serial No. I-9904]

## IDAHO

### Proposed Withdrawal and Reservation of Lands

SEPTEMBER 22, 1975.

The Department of Agriculture has filed an application, Serial Number I-9904, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land be set aside for a research natural area. Under this designation, the area will remain in a virgin or unmodified condition which will typify for research or educational purposes, the Douglas Fir—Aspen and Sagebrush—grass plant communities of the region.

On or before October 29, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724.

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 applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He 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 Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

BOISE MERIDIAN

CARIBOU NATIONAL FOREST

*West Fork Mink Creek Research Natural Area*

T. 8 S., R. 34 E.,
Sec. 1, S½SW¼SW¼, SW¼SE¼SW¼;
Sec. 2, S½S½S½;
Sec. 10, E½NE¼, N½NE¼SE¼;
Sec. 11, N½, N½NE¼SW¼, SE¼NE¼SW¼, N½NW¼SW¼, E½SE¼SW¼, SE¼;
Sec. 12, SW¼NW¼NE¼, W½SW¼NE¼, NW¼, N½NE¼SW¼, SW¼NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼.

The area described aggregates 1,050.00 acres in Bannock County.

VINCENT S. STROBEL,
*Chief, Branch of L&M Operations.*

[FR Doc.75-25901 Filed 9-26-75;8:45 am]

## KAIPAROWITS POWER PROJECT DEVELOPMENT; UTAH

### Extension of Public Review Period of Draft Environmental Statement

The Deputy Assistant Secretary of the Interior announced in the FEDERAL REGISTER of July 30, 1975 (40 FR 31965), the availability of the draft environmental statement for the proposed Kaiparowits Power Project. A 60-day period ending September 30, 1975, was made available for public comment on this draft statement. Written responses and comments received during public hearings held during the period of September 15 through 19, 1975, indicate that additional time will be required in order to obtain adequate public input into the environmental statement process. Therefore, an additional review period of 45 days, commencing October 1, 1975, and ending November 14, 1975, is hereby granted.

Dated: September 23, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-25810 Filed 9-26-75;8:45 am]

## Office of Hearings and Appeals

[Docket No. M 76-20]

## RUSHTON MINING CO.

### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Rushton Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Rushton Mine, Philipsburg, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

In support of its petition, Petitioner states:

(1) Petitioner contacted the manufacturer of its coal haulage equipment and purchased from said manufacturer canopies approved by the Mining Enforcement and Safety Administration, which canopies were duly installed and utilized by the working force.

(2) The miners requested by Petitioner to use the equipment provided with said approved canopies refused to continue operating said equipment and alleged that there was a diminution of safety which resulted because of impaired vision and cramped body position.

(3) The miners observed that additional hazards resulted such as severed cables, obstructed vision, and the possibility of injury to fellow workers. These dangers were observed by the Safety Committee of said mine and it was their recommendation that the canopies be removed.

(4) The inherent danger which arose as a result of this modification necessitated the removal of said canopies.

(5) Petitioner then requested the technical expertise of the Mining Enforcement and Safety Administration in order to seek a modification of the standard which would be workable in the Rushton Mine.

(6) A modification was attempted based on the recommendation of the Mining Enforcement and Safety Administration's personnel and when said modification was installed and operated, it again resulted in a

diminution of safety which led to the eventual discontinuance of use by the operator.

(7) No history of injury resulting from the use of the coal haulage equipment without protective canopies exists in said mine.

(8) The operation of the coal haulage equipment without the canopies will afford the same measure of protection to the miners as would be afforded by compliance with the applicable standard and would, in fact, increase the measure of protection and diminish the possibility of injury by utilization of the protective canopies.

(9) The use of the canopies pursuant to the standard would result in a diminution of safety to the miners and, therefore, modification of said standard is requested.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 29, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
*Director,*
*Office of Hearings and Appeals.*

SEPTEMBER 22, 1975.

[FR Doc.75-25908 Filed 9-26-75;8:45 am]

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## National Park Service

### GREAT SAND DUNES NATIONAL MONUMENT

### Public Meeting

Notice is hereby given that a public meeting will be held beginning at 7:30 p.m. on November 6, 1975, in the Carson Auditorium, College Center, Adams State College, Alamosa, Colorado, for the purpose of receiving comments and suggestions on a Master Plan for Great Sand Dunes National Monument. The proposals of the Master Plan relate to expanded resources management, coordinated visitor use, expanded interpretation and visitation, immediate development needs and boundary adjustments.

Pursuant to provisions of the National Environmental Policy Act, the Department of the Interior has prepared an environmental assessment for the Master Plan. This assessment considers the social, economic and ecological effect of the Master Plan recommendations for future management activity, visitor use and land acquisition for the park.

A copy of the Master Plan and accompanying Environmental Assessment may be obtained from the Superintendent, Great Sand Dunes National Monument, Post Office Box 60, Alamosa, Colorado 81101; or from the Regional Director, Rocky Mountain Region, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the above public meeting. They should notify the Superintendent, Great Sand Dunes National Monument, Post Office Box 60, Alamosa, Colorado 81101, of their desire to appear. Those not wishing to appear in person may submit written statements on the plan to the Superintendent for inclusion in the official record, which will be open until December 6, 1975.

Oral or written comments received will be considered in an environmental review prior to preparation by the National Park Service of the area General Management Plan.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Superintendent at the time of presentation of the oral statement. Written statements presented in person at the meeting will be considered for inclusion in the meeting record. However, all materials presented at the meeting shall be subject to determinations that they are appropriate for inclusion in the record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Superintendent will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Superintendent, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Member of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the area is located.
(5) Officials of other Federal Agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: August 15, 1975.

GLEN T. BEAN,
*Acting Regional Directors,*
*Rocky Mountain Region.*

[FR Doc.75-25798 Filed 9-26-75;8:45 am]

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## Office of the Secretary

### KENNETH M. HALE

### Statement of Financial Interests

JULY 1, 1975.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

*Name of appointee.*

Kenneth M. Hale

*Name of employing Agency.*

Department of the Interior
Defense Electric Power Administration

*The title of the appointee's position.*

Deputy Director, DEPA Area 12

*The name of the appointee's private employer or employers.*

Colorado UTE Electric Assoc. Inc.

The statement of "financial interests" for the above appointee is enclosed.

STANLEY K. HATHAWAY,
*Secretary of the Interior.*

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1975, as Deputy Director, Area 12, Defense Electric Power Adm., an officer or director: (none).

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Own stock in:

United Bank of Colorado;
First National Bank of Golden;
Rockwell International.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: (none).

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: Legal Research Consultants, Boulder, Colorado.

Dated: 9-17-75.

KENNETH HALE.

[FR Doc.75-25909 Filed 9-26-75;8:45 am]

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### PAUL R. HEIM

### Statement of Financial Interest

AUGUST 14, 1975.

Gentlemen:

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

*Name of appointee.*

Paul R. Heim

*Name of employing agency.*

U.S. Department of the Interior, Defense Electric Power Administration

*The title of the appointee's position.*

Deputy Director, DEPA Area 9

*The name of the appointee's private employer or employers:*

Mid-Continent Area Power Pool

The statement of "financial interests" for the above appointee is enclosed.

KENT FRIZZELL,
*Acting Secretary of the Interior.*

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on September 10, 1975, as _____ (title), _____ (organization), an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Northern States Power Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

PAUL R. HEIM.

SEPTEMBER 10, 1975.

[FR Doc.75-25910 Filed 9-26-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Forest Service

### CADDO NATIONAL GRASSLAND UNIT PLAN

#### Availability of Final Environmental Statement

Pursuant to section 102(2)C of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Caddo National Grassland Unit Plan, National Forests in Texas, Lufkin, TX, USDA-FS-R8-FES (Adm.) 75-8.

The management direction and action proposed and described in this Environmental Statement and Unit Plan is for a 10-year period beginning November 1, 1975. Included in this unit plan are proposed projects for recreation management, vegetative manipulation to benefit wildlife, needed erosion control measures, improved transportation systems, range improvement projects and other action plans.

This unit is part of the Caddo-Lyndon B. Johnson Ranger District which is administered as part of the National Forests in Texas. The unit contains 17,729 acres of federally-owned lands located entirely within Fannin County.

This final environmental statement was transmitted to CEQ September 22, 1975. Copies are available for inspection during regular working hours at the following locations:

U.S. Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, 1720 Peachtree Rd. NW., Rm. 804, Atlanta, Ga. 30309.

A limited number of single copies are available upon request to Forest Supervisor John Courtenay, NFs in Texas, Box 969, Lufkin, TX 75901.

Dated: September 22, 1975.

EDWARD G. ELLENBERG,
*Acting Regional Environmental Coordinator.*

[FR Doc.75-25893 Filed 9-26-75;8:45 am]

### SWIFT TRAIL FOREST HIGHWAY

#### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Swift Trail Forest Highway 34 in Arizona, USDA-FS-DES(Adm) R3-75-04.

The environmental statement considers probable environmental effects of the proposed project.

The draft environmental statement was transmitted to CEQ on September 17, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, N. Mex. 87102.

Coronado National Forest, 301 West Congress, Tucson, Ariz. 87501.

Single copies are available upon request to Forest Supervisor, Coronado National Forest, 301 West Congress, Tucson, Arizona 87501; and the Regional Forester, Southwestern Region, 517 Gold Ave., SW, Albuquerque, New Mexico 87102. Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, State, and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102. Comments must be received within 60 days from the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

M. J. HASSELL,
*Deputy Regional Forester, Region 3.*

SEPTEMBER 17, 1975.

[FR Doc.75-25894 Filed 9-26-75;8:45 am]

### Soil Conservation Service

### OKMULGEE CREEK WATERSHED, OKLAHOMA

#### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Okmulgee Creek Watershed Project, Okmulgee County, Oklahoma.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 0.69 miles of channel enlargement work on a natural stream with intermittent flow.

Single copies of the negative declaration are available upon request and the environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

No administrative action on implementation of the proposal will be taken on or before October 14, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: September 19, 1975.

JOSEPH W. HAAS,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-25895 Filed 9-26-75;8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

### CALIFORNIA STATE UNIV., L.A.

#### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review

during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket number: 74-00085-01-77040. Applicant: California State University, Los Angeles, 5151 State University Drive, Los Angeles, California 90032. Article: Mass Spectrometer, Model CH-5 and accessories. Manufacturer: Varian MAT-GMBH, West Germany. Intended use of article: The article is intended to be used for the application of negative ion mass spectrometry in the following research projects:

I. Negative Ion Mass Spectrometric Sequencing of Amino Acids in Peptides.

II. Negative Ion Mass Spectral Studies of Carboranes and Boron Hydrides.

III. Gas Phase Non-Benzenoid Aromatic Systems studies.

The article will also be used in various chemistry courses for the teaching of instrumental techniques.

Comments: Comments dated October 2, 1973 have been received from DuPont Instrument Products Division (DuPont). DuPont states *inter alia* that its Type 21-492 mass spectrometer is of equivalent scientific value to the foreign article for the applicant's intended purposes.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 2, 1972).

Reasons: The foreign article is guaranteed to provide negative ion sensitivity such that spectra of 1,5-$C_2B_3H_5$ and 1,2-$C_2B_4H_6$ can be obtained at $\sqrt{7.0}$ and $\sqrt{9.5}$ electron volts (eV) at a source pressure ($\sqrt{1-2}\times10^{-4}$ torr) below that necessary for ion molecule reactions to occur using $B_{10}H_{14}$ as a reference. In addition the article is guaranteed to provide a variable range of electron energy settings between 0 and 30 eV for appearance potential measurements and to reproduce the 0-(m/e 16) resonance capture maxima in $N_2O$ (2.2eV) and $CO_2$ (4.4 and 8.2 eV) within 0.2 eV at some regulated emission. Although spectra of certain negative ions could be produced with available domestic mass spectrometers (MS), corresponding guarantees were not provided by domestic manufacturers at the time the article was ordered. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 10, 1974 that the specification for the most sensitive negative ion mass spectra at very low voltages is pertinent to the applicant's intended purposes. HEW also advises that, at the time the foreign article was ordered, neither the Model 12-90G MS manufactured by Nuclide Incorporated nor the Model 21-492S MS manufactured by DuPont Instrument Products Division matched the low voltage negative ion sensitivity of the article. HEW has advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used which was being manufactured in the United States at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
*Acting Director,*
*Special Import Programs Division.*

[FR Doc.75-25816 Filed 9-26-75;8:45 am]

## DAVID LIPSCOMB COLLEGE

### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00452-01-77030. Applicant: David Lipscomb College, Granny White Pike, Nashville, Tenn. 37203. Article: NMR spectrometer, model JNM-C60HL. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study transition metal chelates and the effects of lanthanide salts on the structure of methanol and ethanol. The article will also be used as a teaching tool in various courses in chemistry.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (May 25, 1970).

Reasons: This application is a resubmission of Docket Numbers 71-00022-01-77030 and 72-00112-01-72030 which were denied without prejudice to resubmission (DWOP) on April 26, 1971 and September 12, 1972, respectively, for informational deficiencies.

The applicant in response to Questions 7 and 8 alleges that the foreign article provides the following pertinent features:

(1) Internal and external lock modes in the same instrument.

(2) A suppression method to eliminate unwanted sidebands when carrying out experiments over a wide sweep range (19 Fluorine-300-ppm) and measuring contact shifts.

(3) A fit and convenient variable temperature probe capable of ±0.5° C over the range of −150 to 200° C with a field stability over this range of ±0.2 Hertz (Hz).

(4) A fast warm-up time of one hour (stability within 0.5 Hz during a five minute sweep).

(5) Versatility provided by variable temperature, variable element probes, and signal enhancing capabilities.

(6) A high signal to noise ratio.

(7) Not overly sophisticated, for use in both in undergraduate and teaching laboratories.

The National Bureau of Standards (NBS) advises in its memorandum dated March 7, 1974, which incorporates by reference its memoranda of September 9, 1970, and August 15, 1972 relative to the two prior submissions of this application, that the Varian XL60-15 nuclear magnetic spectrometer was the most closely comparable domestic instrument available at the time the article was ordered. The applicant provides information to show that Varian did not mention the XL60-15 during the negotiations with the applicant prior to the date the foreign article was ordered and states that he was not aware of the XL60-15's existence. However, neither the statute nor the regulations provides that an applicant's lack of knowledge of a comparable domestic instrument is pertinent to the question of availability of a scientifically equivalent instrument. A possible explanation for Varian's alleged failure to make a timely offer of the XL60-15 may have been the price limitations expressed by the applicant at the outset of negotiations. Applicant's specifications limited its consideration to instruments which could be provided for a specified maximum price, a limitation which excluded the XL60-15. However, cost limitations cannot be considered by this Department in its consideration of scientific equivalency, as stated in subsection 701.2(n) of the regulations. As to the specific allegations of the applicant in reply to Questions 7 and 8, in the order listed above, the following is noted:

(1) The Varian XL60-15 provides both internal and external lock modes. It is possible to switch between internal and external lock on the same instrument.

(2) NBS advises that the XL60-15 with its wide sweep capability [500 ppm] in the locked mode and with its single side band detection capability satisfies feature (2).

(3) The Varian XL60-15 with variable temperature has the capability to perform variable temperature experiments over a range of −150° C to +200° C with a temperature regulation of ±0.5° C. The field ability or drift is ±0.1 Hz/hour over the variable temperature range.

(4) NBS advises the XL60-15 will meet a drift specification of 0.5 Hz in five minutes one hour after turn on.

(5) The XL60-15 has versatility by offering variable temperature, variable element probes, and signal enhancing

devices, such as, a time averaging device, general purpose computer and other features.

(6) The XL60–15 provides a signal to noise ratio of 30:1 (5mm sample). The article provides a signal to noise ratio of 25:1.

(7) In its second submission applicant claimed, without supplying specific explanations, that the XL60–15 was far too sophisticated to be used in both undergraduate research and teaching laboratories. In the DWOP of that application the applicant was asked to provide such specifics to show that the use of this domestic instrument would not enable it to accomplish its educational objectives. On resubmission, the applicant did not further define its educational objectives or otherwise provide the specifics requested. NBS reaffirms its past advice that the XL60–15 is capable of accomplishing the educational objectives intended for the article as described by the applicant.

For these reasons, NBS recommends that the XL60–15 is scientifically equivalent to the foreign article for the applicant's intended uses.

We, therefore, find that the Varian XL60–15 Nuclear Magnetic Resonance spectrometer is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
*Acting Director,*
*Special Import Programs Division.*

[FR Doc.75-25817 Filed 9-27-75;8:45 am]

## FREDERICK CANCER RESEARCH CENTER, ET AL.

### Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 20, 1975.

Amended regulations issued under cited Act (40 FR 12253 et seq., 15 CFR Part 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00127–33–46500. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Maryland 21701. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of normal and pathologic cells and tissues which include peripheral blood cells in ascite form, solid tumors and cells grown *in vitro*. Cell surface antigens will be studied to determine the presence of tumor specific as well as cross-reactive antigens and the distribution of these antigens on the tumor cell surface. These studies will then be correlated to the host-tumor interactions observed *in vivo* and *in vitro* using various animal models. Application received by Commissioner of Customs: September 9, 1975.

Docket number: 76–00128–33–90000. Applicant: Baroness Erlanger Hospital, 241 Wiehl Street, Chattanooga, Tenn. 37403. Article: EMI Scanner System with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for computer tomographic studies of brain tissues and associated pathologic changes to establish how reliable this method of investigation is in relationship to other methods of investigation of brain pathology available at the present time. The article will also be used for the following educational purposes:

(1) Residency training program.

(2) Training of students at the University of Tenn. Clinical Educational Center.

(3) Training of house staff of Hospital.

(4) Training of Radiologic Technology students.

Application received by Commissioner of Customs: September 9, 1975.

Docket number: 76–00129–33–46500. Applicant: University of Pennsylvania—School of Medicine, Dept. of Neurology, 3400 Spruce Street, Philadelphia, Pa. 19104. ARTICLE: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the following research which requires ultramicrotomy:

(a) The analysis of nerve fiber damage and regeneration in human neuropathies, especially diabetic neuropathy.

(b) The elucidation of the newly discovered defect in nerve in mice with muscular dystrophy.

(c) The elucidation of the pathogenesis of acrylamide neuropathy in mice.

These investigations are to further elucidate the structure and function of normal and diseased nerve with hopes of devising more successful modes of treatment.

Application received by Commissioner of Customs: September 10, 1975.

Docket number: 76–00130–33–43780. Applicant: Wayne State University—School of Medicine, Dept. of Surgery, 540 Canfield, Detroit, Michigan 48201. Article: Spectrascribe–Real time analyser. Manufacturer: Dept. of Physics Guy's Hospital Medical School, United Kingdom. Intended use of article: The article is intended to be used for studies of the interrelationships between limb viability, operative procedure, and blood flow mechanics in subjects with arterial occlusion disease. In the experiments to be conducted, Pulsatility Index and Pulse Wave Transit Time will be measured in humans before and after exercise and the findings related to operative findings and post operative progress of patients. The article will also be used to demonstrate to students and residents the dynamic response of a subject's systemic circulation to exercise. Application received by Commissioner of Customs: September 10, 1975.

RICHARD M. SEPPA,
*Acting Director,*
*Special Import Programs Division.*

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.75-25818 Filed 9-26-75;8:45 am]

## Maritime Administration

[Report 128]

## FREE WORLD AND POLISH FLAG VESSELS

### List of vessels arriving in Cuba since January 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through July 1, 1975, exclusive of those vessels that called at Cuba on United States Government approved noncommercial voyages and those listed in Section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

| FLAG OF REGISTRY, NAME OF SHIP | *Gross tonnage* |
|---|---|
| Total, all flags (203 ships) | 1,593,916 |
| Cypriot (81 ships) | 706,607 |
| Aegis Banner | 9,025 |
| Aegis Eternity | 8,814 |
| Aegis Fame | 9,241 |
| Aegis Force | 8,957 |
| Aegis Hope (Previous trips to Cuba as the Huntsmore—British) | 5,678 |
| Aegis Might | 8,160 |
| Aegis Storm | 21,700 |
| Aegis Thunder | 21,704 |
| Aftadelfos | 8,136 |
| Aghia Thalassini | 8,120 |
| Aghios Georgios | 8,377 |
| Akrotiri (previous trips to Cuba as the Anemone) | 7,168 |
| Aktis | 8,746 |
| Alamar | 12,299 |
| Alevandros Skoutaris | 8,280 |
| Aliartos | 6,020 |
| Alma | 9,097 |
| Alpa | 9,159 |
| **Andriana I (previous trips to Cuba as the Rowanmore—British) | 8,274 |
| Antigoni | 3,174 |
| Antonios | 8,202 |
| Areti | 8,560 |
| Aris (previous trips to Cuba as the Aris II) | 9,561 |
| Armar | 9,559 |

| Flag of Registry, Name of Ship | Gross tonnage |
|---|---|
| **Cypriot** | |
| *Arosa | 10,250 |
| Athenian Democracy (tanker) | 8,675 |
| *Aurelia | 6,021 |
| Baracoa | 9,242 |
| Begonia | 6,576 |
| Camelia | 8,111 |
| Castalia | 7,641 |
| Degedo | 9,079 |
| *Dora Popalios | 9,072 |
| E. D. Papalios | 9,431 |
| Eftyhia (previous trips to Cuba—Greek) | 10,347 |
| Elpida | 8,382 |
| Enarxis | 9,212 |
| *Felicie | 9,030 |
| Fulvia | 10,360 |
| George N. Papalios | 9,071 |
| **Cypriot (79 ships)—Continued** | |
| Georgios C (previous trips to Cuba as the Huntsfield—British and Cypriot) | 9,483 |
| *Good Navigator | 8,805 |
| Hymettus (tanker) | 12,037 |
| Iokasti | 5,496 |
| **Irene's Pride (ex-Kika, Panama—Previous trips to Cuba as the Santa Lucia—Italian) | 9,278 |
| Iris | 8,479 |
| Ismini | 7,141 |
| *Kefalonia Spirit | 8,247 |
| Kiki (previous trips to Cuba as the Gardenia) | 9,723 |
| Lefteris | 8,640 |
| Magnolia | 7,249 |
| Margaret H | 8,482 |
| **Miesto (Ex-Urdazuri II—previous trips to Cuba as the Meike—Netherlands) | 500 |
| Mimis N. Papalios | 9,069 |
| Mimosa | 8,782 |
| Miss Papalios | 9,241 |
| Mitera Assimina | 7,731 |
| Nea Hellas | 9,241 |
| Nike | 9,689 |
| Northern Ice | 4,100 |
| Panachrantos | 6,307 |
| Pantazis Caias | 9,618 |
| Petunia | 7,843 |
| Protoapostolos | 8,130 |
| Protomachos | 9,218 |
| Ravens | 8,039 |
| Reifens | 8,070 |
| Rothens | 8,106 |
| Salvia | 8,671 |
| Seafarer | 8,116 |
| Skipper | 8,786 |
| *Skyton | 9,997 |
| Takis Alexakos | 9,249 |
| *Thecuno | 8,677 |
| Theoskepasti | 6,618 |
| Torinia | 8,077 |
| Turbinia | 10,494 |
| *Valle De Picadura | 9,973 |
| Venturer | 9,070 |
| Violetta | 8,510 |
| Zinnia | 7,114 |
| Somali (34 ships) | 288,258 |
| **Arctic Ocean | 8,701 |
| Agate Islands | 8,737 |
| Amber | 7,337 |
| Amber Islands | 8,947 |
| Coral Islands (previous trips to Cuba—British) | 8,932 |
| Dawn Grandeur | 8,677 |
| Delima | 7,870 |
| Eastglory (previous trips to Cuba—British) | 8,898 |
| Feihang | 8,684 |
| Feita | 8,661 |
| **Fortune Enterprize (previous trips to Cuba—British) | 7,696 |
| **Golden Bridge (previous trips to Cuba—British) | 7,897 |

| Flag of Registry, Name of Ship | Gross tonnage |
|---|---|
| **Somali—Con.** | |
| Hemisphere (previous trips to Cuba—British) | 8,748 |
| Ivory Islands | 9,718 |
| Jade Islands | 10,250 |
| **Jollity (previous trips to Cuba—British) | 8,626 |
| Mindanao Sea | 8,871 |
| Minfung | 5,980 |

NOTE: The MARBLE ISLANDS has been removed from Somali flag registry since it has been transferred to Cuba.

| | Gross tonnage |
|---|---|
| Somali (34 ships)—Continued | |
| Mingwei | 8,280 |
| Molucca Sea | 8,871 |
| Nebula (previous trips to Cuba—British) | 8,773 |
| **New East Sea (previous trips to Cuba—British) | 9,384 |
| Onyx Islands | 8,486 |
| Opal Islands | 9,063 |
| Palm Islands | 9,650 |
| Patricia | 8,871 |
| **Seasage (previous trips to Cuba—British) | 3,794 |
| *Soochow | 5,156 |
| Star | 9,135 |
| Steed | 8,989 |
| *Tai Shan | 9,609 |
| Topaz Islands | 8,998 |
| Uliang | 9,265 |
| **Venice (previous trips to Cuba—British) | 8,504 |

NOTE: Five vessels have been removed from Somali flag registry since they have been transferred to the People's Republic of China. Ex. Atlantic Ocean now, Luchon Ber Sea Ex. Flores Sea now, Nanping Kinross Yunglutaton

| | |
|---|---|
| Greek: (13 ships) | 120,601 |
| Andromachi (Previous trips to Cuba as the Penelope—Greek) | 6,712 |
| *Argolicos Guif | 9,938 |
| *Aristidis | 10,348 |
| Demis (Previous trips to Cuba as the Annunciation Day—Cypriot) | 7,831 |
| **Despina A II (Ex. Goodluck—Previous trips to Cuba—Cypriot) | 6,906 |
| *Eftychia | 11,891 |
| *Eptanisos | 8,931 |
| *Good Friend | 9,954 |
| *Good Helmsman | 11,307 |
| *Ioannis A | 8,665 |
| **Kavo Grossos (Ex. Triaena—Previous trips to Cuba as the Lambros M. Fatsis and the La Hortensia—British) | 9,486 |
| Mareantes | 8,497 |
| *Maria Christina | 10,135 |
| Polish (12 ships) | 85,579 |
| Bytom | 5,967 |
| Chopin | 9,231 |
| Chorzow | 7,239 |
| Energetyk | 10,654 |
| Grodziec | 3,487 |
| Huta Zgoda | 6,860 |
| Hutnik | 10,632 |
| Kopalnia Siemianowice | 7,262 |
| Kopalnia Wujek | 7,033 |
| Piast | 3,184 |
| Rejowiec | 3,401 |
| Transportowiec | 10,629 |
| Yugoslav (9 ships) | 66,905 |
| Agrum | 2,449 |
| Bar | 8,699 |
| Centinje | 8,120 |
| *Kolasin | 9,917 |
| Niksic | 9,916 |
| Piva | 7,441 |

| Flag of Registry, Name of Ship | Gross tonnage |
|---|---|
| **Yugoslav—Con.** | |
| Tara | 7,441 |
| Plod | 4,707 |
| Ulcinj | 8,215 |
| Netherlands (8 ships) | 9,590 |
| Antarctic | 1,384 |
| Coolhaven | 1,500 |
| *Frio Express | 1,296 |
| Leo Polaris | 1,528 |
| Markab II | 790 |
| Megrez (previous trips to Cuba as the Gerda) | 1,190 |
| Rochab | 787 |
| Tempo | 1,114 |
| Panamanian: (8 ships) | 67,575 |
| **Associated Grain | 8,959 |
| *Elmona | 12,230 |
| **Golden Falcon (Previous trips to Cuba as the Kitsa—Cypriot) | 9,519 |
| Holstenkamp | 4,199 |
| Holstenland | 4,118 |
| *Leage | 8,760 |
| *Maritsa III | 10,596 |
| *Mersinidi | 9,194 |
| French (6 ships) | 48,053 |
| Bertrand Delmas | 10,080 |
| Circe | 2,874 |
| Correze | 11,740 |
| Dina | 10,407 |
| Emmanuel Delmas | 10,078 |
| Nelee | 2,874 |
| British (3 ships) | 24,307 |
| Cheung Chau | 8,566 |
| Mystic | 6,656 |
| Sea Moon | 9,085 |

| *Flag of registry:* | *Gross tonnage* |
|---|---|
| Italian (3 ships) | 36,079 |
| Aldermine (tanker) | 12,597 |
| Elia (tanker) | 11,021 |
| San Nicola (tanker) | 12,461 |
| Singapore (3 ships) | 18,015 |
| Cilaos | 2,404 |
| **Hwa Chu (previous trips to Cuba—British) | 9,021 |
| Tong Hoe | 6,590 |
| Spanish: (3 ships) | 16,786 |
| *Acuario | 5,779 |
| *Coromoto | 5,228 |
| *Geminis | 5,779 |
| Finnish: (2 ships) | 4,570 |
| *Degero | 2,285 |
| *Eckero | 2,285 |
| Lebanese (2 ships) | 7,111 |
| Antonis | 6,259 |
| **Cedar Freeze (Ex-Drame Oumar—previous trips to Cuba as the Neve—French) | 852 |
| Moroccan (2 ships) | 4,739 |
| El Mansour Bi Llah | 1,525 |
| Marrakech | 3,214 |
| Danish (1 ship) | 500 |
| Anne Mac (tanker) | 500 |

| Flag of Registry, Name of Ship | Gross tonnage |
|---|---|
| Guatemalan (1 ship) | 2,239 |
| **Peten (previous trips to Cuba as the Magister—British) | 2,239 |
| Ivory Coast (1 ship) | 7,422 |
| *Tabou | 7,422 |
| Japanese (1 ship) | 9,910 |
| *Kaneoka Maru | 9,910 |
| Malaysian (1 ship) | 6,791 |
| *Bunga Kenanga | 6,791 |
| Pakistani (1 ship) | 8,708 |
| **Maulabaksh (previous trips to Cuba as the Pheonician Dawn and the East Breeze—British) | 8,708 |
| Philippine (1 ship) | 1,232 |
| **Dona Vincenta (Ex. Captain Kermadec, Ex. Captaine Nemo, Ex. Atlanta. Previous trips to Cuba as the Enee—French) | 1,232 |
| Saudi Arabian (1 ship) | 2,967 |
| **Blue Ocean (previous trips to Cuba as the Danae—French) | 2,967 |

*Added to Report No. 127 appearing in the FEDERAL REGISTER issue of April 7, 1975.

**Ships appearing on the list which have made no trips to Cuba under their present registry.

SEC. 2. In accordance with approved procedures, the following vessels listed in this section which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance;

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c) and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

| Flag of Registry | Gross Tonnage |
|---|---|
| a. Since last report: | |
| See Pioneer (Somali) | 9,532 |
| b. Previous reports: | Number of ships |
| *Flag of registry:* | |
| British | 49 |
| Cypriot | 13 |
| Danish | 1 |
| Finnish | 4 |
| French | 4 |
| German (West) | 1 |
| Greek | 31 |
| *Flag of registry*—Continued | |
| Israeli | 1 |
| Italian | 15 |
| Japanese | 1 |
| Kuwaiti | 1 |
| Lebanese | 9 |
| Liberian | 1 |
| Moroccan | 2 |
| Norwegian | 5 |
| Singapore | 1 |
| Somali | 2 |
| Spanish | 6 |
| Swedish | 1 |
| Yugoslav | 2 |
| Total | 150 |

SEC. 3. The following vessels have been removed from this list since they have been broken up, sunk or wrecked.

| | Gross Tonnage |
|---|---|
| a. Since last report: | |
| *Flag of registry:* | |
| Aegis Legend (Greek) | 8,814 |
| Aegis Loyal (Cypriot) | 11,035 |
| Byron (Cypriot) | 8,720 |
| Charalambos (Cypriot) | 10,315 |
| Chung Thai (Panama) | 7,915 |
| Georgios T. (Cypriot) | 9,646 |

| | Broken up, Sunk or Wrecked |
|---|---|
| *Flag of registry:* | |
| b. Previous Reports: | |
| British | 38 |
| Cypriot | 104 |
| Finnish | 6 |
| French | 1 |
| Greek | 22 |
| Italian | 5 |
| Japanese | 1 |
| Lebanese | 37 |
| Maltese | 3 |
| Polish | 9 |
| Monaco | 1 |
| Moroccan | 1 |
| Norwegian | 1 |
| Pakistani | 1 |
| Panamanian | 9 |
| Singapore | 1 |
| Somali | 4 |
| South African | 2 |
| Swedish | 1 |
| Yugoslav | 7 |
| Total | 254 |

SEC. 4. The ships listed in Section 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through July 31, 1975. (See table below:)

| Flag of registry | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 Jan.-May | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cypriot | | 1 | 17 | 27 | 42 | 68 | 115 | 199 | 173 | 86 | 96 | 147 | 52 | 1,023 |
| British | 133 | 180 | 126 | 101 | 78 | 62 | 45 | 53 | 18 | 10 | 6 | 6 | | 818 |
| Lebanese | 64 | 91 | 58 | 25 | 16 | 16 | 4 | 1 | | | | | | 275 |
| Greek | 99 | 27 | 23 | 27 | 29 | 7 | | | 1 | 1 | | 3 | 8 | 225 |
| Italian | 16 | 20 | 24 | 11 | 11 | 10 | 15 | 13 | 9 | | | | | 129 |
| Yugoslav | 13 | 11 | 15 | 10 | 14 | 9 | 6 | 7 | 9 | 5 | 9 | 9 | 7 | 123 |
| Somali | | | | | 2 | 11 | 7 | 4 | 6 | 6 | 23 | 25 | 11 | 95 |
| French | 8 | 9 | 9 | 10 | 10 | 4 | 2 | 5 | 2 | 2 | 1 | 7 | | 69 |
| Netherlands | | 4 | 2 | | | | | | | 8 | 17 | 26 | 7 | 64 |
| Finnish | 1 | 4 | 5 | 11 | 12 | 8 | 2 | 1 | | | | | 4 | 48 |
| Spanish | 9 | 17 | | | | | | | | | | | 4 | 30 |
| Moroccan | 9 | 13 | 1 | | | | | | | 1 | | 1 | | 25 |
| Maltese | | 2 | 6 | 1 | 4 | 8 | 1 | 2 | | | | | | 24 |
| Norwegian | 14 | 10 | | | | | | | | | | | | 24 |
| Panamanian | | | | | | | | | | | | 5 | 7 | 12 |
| Argentine | | | | | | | | | | | | 7 | 2 | 9 |
| Singapore | | | | | | | | | 1 | | | 4 | 3 | 8 |
| Swedish | 3 | 3 | | | | | | | | | | | | 6 |
| Danish | 1 | | | | | | | | | | | 1 | 1 | 3 |
| Japanese | 1 | | | | | 1 | | | | | | 1 | | 3 |
| Kuwaiti | | 2 | 1 | | | | | | | | | | | 3 |
| Israeli | | | 2 | | | | | | | | | | | 2 |
| German (West) | 1 | | | | | | | | | | | | | 1 |
| Haitian | | | 1 | | | | | | | | | | | 1 |
| Ivory Coast | | | | | | | | | | | | 1 | | 1 |
| Malaysian | | | | | | | | | | | | | 1 | 1 |
| Monaco | | | | 1 | | | | | | | | | | 1 |
| Sub-total | 371 | 394 | 290 | 224 | 218 | 204 | 197 | 285 | 219 | 119 | 152 | 242 | 108 | 3,023 |
| Polish | 18 | 16 | 12 | 10 | 11 | 7 | 2 | 3 | 4 | | | | | 83 |
| Grand total | 389 | 410 | 302 | 234 | 229 | 211 | 199 | 288 | 223 | 119 | 152 | 242 | 108 | 3,106 |

NOTE: Trip totals in section 4 exceed ship totals in section 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: September 23, 1975.

JAMES S. DAWSON, Jr.,
*Secretary.*

[FR Doc.75-25928 Filed 9-26-75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### ADVISORY COMMITTEES

### Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I). The following advisory committee meetings are announced:

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 1. Panel on review of dentifrices and dental care agents. | October 9 and 10, 9 a.m., conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open public hearing October 9, 9 a.m. to 10 a.m. closed committee deliberations 10 a.m. to 4:30 p.m. closed committee deliberations October 10, 9 a.m. to 4:30 p.m.; Michael Kennedy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

*Agenda—Open public hearing.* During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

*Closed committee deliberations.* Continuing review and investigation of the ingredients included in over-the-counter (OTC) dentifrices and dental care agents drug products. This meeting is closed to protect the free exchange of internal views.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 2. Panel on review of oral cavity drug products. | October 16 and 17, 9 a.m., Conference room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open public hearing October 16, 9 a.m. to 10 a.m., closed committee deliberations 10 a.m. to 4:30 p.m.; open public hearing October 17, 9 a.m. to 10 a.m., closed committee deliberations October 17, 10 a.m. to 4:30 p.m.; John T. McElroy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

*Agenda—Open public hearing.* During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

*Closed committee deliberations.* Continuing review and investigation of the ingredients included in over-the-counter (OTC) oral cavity drug products. This meeting is closed to protect the free exchange of internal views.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 3. Subcommittee of the ophthalmic drugs advisory committee. | October 22, 9 a.m., Conference room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to adjournment; Mary K. Brueh, (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4310. |

*General function of the committee.* Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in diseases of the eye.

*Agenda—Open public hearing.* During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

*Open committee discussion.* Development of a postmarketing surveillance system for contact lenses.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 4. Psychopharmacological Agents Advisory Committee. | October 30-31, 9:30 a.m., Conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open public hearing October 30, 9:30 a.m. to 10:30 a.m., open committee discussion 10:30 a.m. to 2:30 p.m., closed committee deliberations 2:30 p.m. to 5:30 p.m.; open committee discussion October 31, 9 a.m. to 11:30 a.m., closed committee deliberations 1:30 p.m. to adjournment; Stephen C. Groft, (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3800. |

*General function of the committee.* Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

*Agenda—Open public hearing.* During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

*Open committee discussion.* Discussion of hypnotic drug guidelines; antipsychotic drug guidelines; report on toxicity of tricyclic antidepressants; relationship of labeling to advertising of the benzodiazepines; and discussion of NDA 17-736 (Halazepam), NDA 17-415 (Prazepam), and IND 2567 (Limbitrol).

*Closed committee deliberations.* Discussion of NDA 17-736 (Halazepam), NDA 17-415 (Prazepam) and IND 2567 (Limbitrol). This portion of the meeting is closed to protect the free exchange of internal views and formulation of recommendations.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting);

review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: September 19, 1975.

SHERWIN GARDNER,
*Acting Commissioner of Food and Drugs.*

[FR Doc.75-25873 Filed 9-26-75;8:45 am]

[Docket No. 75N-0200; DESI 12939]

## PENICILLINASE INJECTION

### Withdrawal of Approval of New Drug Applications

In a notice of opportunity for hearing (DESI 12939; Docket No. FDC-D-596 (now Docket No. 75N-0200); NDA Nos. 11-224 and 12-939) which was published in the FEDERAL REGISTER of December 13, 1973 (38 FR 34354), the Commissioner of Food and Drugs offered an opportunity for hearing on his proposal to issue an order withdrawing approval of penicillinase injection. The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications. The drug has been used for the treatment of allergic reactions to penicillin G. On January 10, 1974, Riker Laboratories requested a hearing but withdrew the request on July 16, 1975. Therefore, approval of the following new drug applications is now being withdrawn.

NDAs 12-939 and 11-224, Neutrapen containing 800,000 units penicillinase per vial; Riker Laboratories, Inc., Subsidiary 3M Co., 19901 Nordhoff St., Northridge, CA 91324.

No other person filed a written appearance of election as provided by the notice of December 13, 1973. The failure to file such an appearance constitutes an election by such persons not to avail themselves of an opportunity for hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the applications reviewed and are subject to this notice, pursuant to § 310.6 (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of 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 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the new drug applications (NDA's 12-939 and 11-224) and all amendments and supplements applying thereto is withdrawn effective October 9, 1975.

Shipment in interstate commerce of the above listed products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: September 19, 1975.

J. RICHARD CROUT,
*Director, Bureau of Drugs.*

[FR Doc.75-25870 Filed 9-26-75;8:45 am]

## PRODUCTION AND DISTRIBUTION OF SHORT-LIVED RADIONUCLIDES FOR MEDICAL USE

### Meeting

The Food and Drug Administration, under the authority of the Public Health Service Act, held a public meeting May 19-20, 1975, to discuss the production of Iodine-123 for application in nuclear medicine. To further define the issues raised at this meeting, a workshop will be held in October. Selected government and public representatives concerned with the production and medical use of short-lived radionuclides have been invited to participate.

The workshop will take place from 9 a.m. to 5 p.m. on October 8, 1975, at the Bureau of Radiological Health, Rm. 416, 12720 Twinbrook Parkway, Rockville, MD. Observers from the public will be limited to the space available. A summary of the meeting will be prepared following the meeting and will be made available upon request.

For additional information, contact Dr. Peter Paras, Division of Radioactive Materials and Nuclear Medicine, Bureau of Radiological Health (HFX-300), Rockville, MD 20852, (301) 443-2814.

Dated: September 19, 1975.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.25871 Filed 9-26-75;8:45 am]

## PUBLIC ADVISORY COMMITTEES

### Request for Nomination of Members

The Commissioner of Food and Drugs requests nominations for voting members to serve on public advisory committees of the Bureau of Drugs, Food and Drug Administration. Vacancies will occur during the next 12 months. The names, functions, types of expertise required, and dates on which vacancies occur each year for those committees soliciting nominations at this time are as follows:

1. Anti-Infective Agents Advisory Committee: Vacancy, June 30.
2. Arthritis Advisory Committee: Vacancy, September 30.
3. Cardiovascular and Renal Advisory Committee: Vacancy, June 30.
4. Dental Drug Products Advisory Committee: Vacancy, June 30.
5. Endocrinology and Metabolism Advisory Committee: Vacancy, June 30.
6. Gastrointestinal Drugs Advisory Committee: Vacancy, January 31.
7. Neurologic Drugs Advisory Committee: Vacancy, January 31.
8. Obstetrics and Gynecology Advisory Committee: Vacancy, June 30.
9. Oncologic Drugs Advisory Committee: Vacancy, June 30.
10. Ophthalmic Drugs Advisory Committee: Vacancy, December 31.
11. Psychopharmacological Agents Advisory Committee: Vacancy, June 30.
12. Pulmonary-Allergy and Clinical Immunology Advisory Committee: Vacancy, June 30.
13. Radiopharmaceuticals Advisory Committee: Vacancy, June 30.
14. Respiratory and Anesthetic Drugs Advisory Committee: Vacancy, June 30.
15. Surgical Drugs Advisory Committee: Vacancy, June 30.

The function of the committees above is to review and evaluate available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the medical specialty indicated by the title of the committee and to make appropriate recommendations to the Commissioner.

16. Biometric and Epidemiological Methodology Advisory Committee: Vacancy, June 30. The function of this committee is to advise the Commissioner concerning the extramural and intramural research in the area of epidemiological and biometric methodology.

17. Controlled Substances Advisory Committee: Vacancy, January 31. The function of this committee is to advise the Commissioner regarding scientific and medical evaluation of information gathered by the Department of Health, Education, and Welfare and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances classified as stimulants, sedatives, hypnotics, or analgesics, and recommend action to be taken by the Department of Health, Education, and Welfare regarding control of such drugs.

18. FDA/NIDA Drug Abuse Research Advisory Committee: Vacancy, June 30. The function of this committee is to advise the Food and Drug Administration on action to be taken on Notices of Claimed Investigational New Drugs for substances with abuse potential, and to advise the National Institute on Drug Abuse on supplies of substances for clinical studies.

Members shall have adequately diversified experience appropriate to the work of the committee: Such fields as infectious disease, internal medicine, microbiology, pediatrics, rheumatology, statistics, epidemiology, pharmacology, psychiatry, dentistry, neurology, obstetrics and gynecology, surgery, ophthalmology, anesthesiology, nuclear medicine, or other appropriate areas of expertise. The nature of specialized training

and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review but may include experience in medical practice, in teaching, and/or research relevant to the field of activity of the committee.

Terms of office are 4 years. Since scheduled vacancies occur at various dates throughout the year as given in the list above, no cutoff date is established for receipt of nominations.

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall specify the committee for which the nominee is recommended. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership.

Nominations should be submitted to the Committee Management Branch (HFD-22), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Dated: September 19, 1975.

SAM D. FINE,
*Associate Commisioner for Compliance.*

[FR Doc.75-25872 Filed9-26-75;8:45 am]

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[NADA No. 38-682V]

### ULTRA-LIFE LABORATORIES, INC.

#### Ultra-Life Super Beef Y-Z "A"; Withdrawal of Approval of New Animal Drug Application

The Commissioner of Food and Drugs is withdrawing approval of a new animal drug application for a diethylstilbestrol with chlortetracycline premix, effective September 29, 1975.

Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

Ultra-Life Laboratories, Inc., No. 1 Ultra Way Drive at Highland Industrial Court, Highland, IL 62249, is the holder of the approved new animal drug application (NADA) No. 38-682V for a diethylstilbestrol with chlortetracycline premix.

Based on reevaluation of the NADA by the Food and Drug Administration, the firm was requested to submit information concerning experience with the use of the drug. In lieu of submitting the requested information and because the firm has not sold the product for many years, the firm has requested by letter dated May 16, 1975, that approval of the NADA be withdrawn and has waived its opportunity for a hearing. The NADA, which was originally approved October 14, 1968, provides for use of the drug in beef cattle feed.

Therefore, under provisions of § 514.115 Withdrawal of approval of applications (21 CFR 514.115), notice is given that approval of NADA 38-682V and all supplements and amendments thereto for Ultra-Life Super Beef Y-Z "A" is hereby withdrawn, effective September 29, 1975.

Dated: September 18, 1975.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.75-25869 Filed 9-26-75;8:45 am]

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### Food and Drug Administration

#### PANEL ON REVIEW OF VITAMIN, MINERAL, AND HEMATINIC DRUG PRODUCTS

#### Rescheduled Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 22, 1975 (40 FR 43533) public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Vitamin, Mineral, and Hematinic Drug Products scheduled for October 21-22, 1975, has been rescheduled for October 24-25, 1975, in Conference Rm. A, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD, at 10 a.m.

Dated: September 22, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-25846 Filed 9-26-75;8:45 am]

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### PRIVACY ACT OF 1974

#### Systems of Records and Notice of Proposed Routine Uses Therefor

*Correction*

In FR Doc. 75-24982 appearing at page 43700 in the issue of Monday, September 22, 1975, the appendix which appears on page 43711 should be transferred to appear immediately following the preamble on page 43700, preceding the system of records identified as "ADAMHA NIMH 0032.00."

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Disaster Assistance Administration

[FDAA-483-DR; NFD-299]

### PUERTO RICO

#### Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 19, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Commonwealth of Puerto Rico resulting from high winds, heavy rains, and flooding associated with Tropical Storm Eloise beginning about September 13, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the Commonwealth of Puerto Rico.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, HUD Region II, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine that all municipalities within the Commonwealth of Puerto Rico have been adversely affected by this declared major disaster.

Dated: September 19, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,
*Acting Administrator, Federal Disaster Assistance Administration.*

[FR Doc.75-25848 Filed 9-26-75;8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. Ex. 75-26; Notice 1]

### LOTUS CARS, LTD.

#### Petition for Temporary Exemption From Motor Vehicle Safety Standard

Lotus Cars, Ltd., Norwich Nor 92W, England, has applied for a temporary exemption from compliance with Federal Motor Vehicle Safety Standard No. 215, *Exterior Protection*, on the basis of substantial economic hardship.

Lotus manufactured 800 motor vehicles in the 12-month period ending July 31, 1975, 54 per cent of which were exported to the United States. Although it designed its passenger cars to comply with Standard No. 215 it recently determined that the presently produced front bumper system fails by a small margin to meet the requirement, effective September 1, 1975, for pendulum corner impact at levels below 20 inches. The company, at a cost of $129,000, is retooling for a complying bumper system which it intends to incorporate into production not later than September 1, 1976. Its net profit for fiscal 1974 was approximately $40,000. Denial of the exemption would cost it the American market for a year (an estimated loss of $3,094,000).

The company argues that an exemption is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act of 1966 because of "the wide margin" by which it exceeds many Federal re-

quirements. Appendix F to its petition cites specific examples (Standards Nos. 204, 214, 216).

Interested persons are invited to submit comments on the petition of Lotus Cars Ltd., described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed, and will be considered to the extent possible. Action upon the petition will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

*Comment closing date:* October 29, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 501.8).

Issued on: September 23, 1975.

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

[FR Doc.75-25849 Filed 9-26-75;8:45 am]

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### COMMITTEE ON INFORMAL ACTION

#### Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10:00 a.m., October 20 in the offices of the Administrative Conference, 2120 L Street, NW.

The Committee will meet to consider (1) Prof. Maroney's study of discretion in prosecuting civil antitrust cases, and (2) ideas for an overall research strategy.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact June Katz, 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
*Executive Secretary.*

SEPTEMBER 22, 1975.

[FR Doc.75-25892 Filed 9-26-75;8:45 am]

## CIVIL AERONAUTICS BOARD

### IATA LIVE ANIMALS REGULATIONS

[Docket No. 25280; Agreement C.A.B. 23757 (CR-7) and 24475 (R-2 and R-3); Order 75-9-27]

#### Order To Show Cause

*Correction*

In FR Doc. 75-24602, appearing at page 42771, in the issue for Tuesday, September 16, 1975, the following changes should be made:

1. In the third column of page 42771, in footnote, 4, the last word in the 9th line which now reads "consent", should read "content".

2. On page 42773, in the middle of column 1, the paragraph beginning with "Accordingly", the first word in the 4th line which now reads "or", should read "for".

## COMMISSION ON CIVIL RIGHTS

### DISTRICT OF COLUMBIA ADVISORY COMMITTEE

#### Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee will convene at 12 noon on October 21, 1975, in the Fifth Floor Conference Room, U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW., Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to plan for Housing Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 24, 1975.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee*
*Management Officer.*

[FR Doc.75-25859 Filed 9-26-75;8:45 am]

### ILLINOIS STATE ADVISORY COMMITTEE

#### Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 7 p.m. and end at 4 p.m. on October 22-23, 1975, at the Security Federal Savings and Loan, 510 E. Monroe, Springfield, Illinois 62701.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 S. Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is for the Housing and Community Development Subcommittee to meet with local officials and representatives of community groups to discuss the application submitted by Springfield under the Housing and Community Development Act.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 24, 1975.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee*
*Management Officer.*

[FR Doc.75-25860 Filed 9-26-75;8:45 am]

### ILLINOIS STATE ADVISORY COMMITTEE

#### Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 4 p.m. on October 29, 1975, at 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to receive and discuss the report of the Subcommittee on Housing and Community Development. Subcommittee will report on interviews in Springfield October 22-23, 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 24, 1975.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee*
*Management Officer.*

[FR Doc.75-25861 Filed 9-26-75;8:45 am]

### MISSOURI STATE ADVISORY COMMITTEE

#### Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Missouri State Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 5 p.m. on October 20, 1975, at the Holiday Inn, 2211 Market Street, River Queen Room, St. Louis, Missouri 63103.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to discuss new program planning and revenue sharing project review.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 24, 1975.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.75-25862; Filed 9-26-75;8:45 am]

## VERMONT STATE ADVISORY COMMITTEE

### Agenda and Open Meeting

Notice is hereby given, pursuant to the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on October 16, 1975, at the Tavern Motor Inn.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York 10007.

The purpose of this meeting is to discuss and make plans to execute projects for coming year.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 24, 1975.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.75-25863 Filed 9-26-75;8:45 am]

## CIVIL SERVICE COMMISSION

### FEDERAL EMPLOYEES PAY COUNCIL

### Meeting

SEPTEMBER 24, 1975.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10 a.m. on Wednesday, October 15, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
*Advisory Committee Management Officer for the President's Agent.*

[FR Doc.75-25814 Filed 9-26-75;8:45 am]

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### STUDY GROUP ON FIELD AND LABORATORY UTILIZATION

### Meeting

SEPTEMBER 23, 1975.

In accordance with the purposes of Pub. L. 92-463, the Study Group on Field and Laboratory Utilization will hold a meeting from 9:00 a.m. to 12 noon on Wednesday, October 15, 1975, in Room A-410, U.S. Energy Research and Development Administration, Germantown, Maryland. This meeting will be open to the public. The purpose of this meeting will be to have the Study Group present a status report to Dr. Michael I. Yarymovych, Assistant Administrator for Laboratory and Field Coordination, on its tentative observations and conclusions concerning the management and organizational steps that could contribute to the optimum use of ERDA's field and laboratory resources in accomplishing the energy missions. Guests will be invited who have an interest in this subject and can be expected to provide constructive ideas and to interact with the Study Group.

At the end of the public session, the Study Group may hold a closed session, not open to the public, from 2:00 p.m. to approximately 4:00 p.m., to consider matters relating to the Study of Field and Laboratory Utilization. This session would involve an exchange of opinions and discussion of preliminary views and recommendations of Study Group members and internal deliberations for the purpose of formulating recommendations to the Administrator of ERDA.

The Chairman of the Study Group is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session until later in the day, Wednesday, October 15, 1975.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than October 30, 1975, to Ms. Antionette Joseph, Office of the Assistant Administrator for Laboratory and Field Coordination, Energy Research and Development Administration, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a), above, may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Study Group. To the extent that the time available for the meeting permits, the Study Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Study Group, between the hour of 1:00 p.m. and 2:00 p.m. on October 15, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Study Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 13, 1975, to the Office of the Assistant Administrator for Laboratory and Field Coordination, (telephone 202-376-4048) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Study Group and its consultants.

(f) Seating for the public will be available on a first-come first-served basis.

(g) A copy of the minutes of the meeting will be available for inspection following their acceptance by the Study Group in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration Public Document Room, 1717H Street, NW., Washington, D.C. 20545. Copies of the minutes may be reproduced in the Public Document Room upon payment of all charges required by law.

William L. Davis has withdrawn from membership on the Study Group and has been replaced by Milton Harris.

HARRY L. PEEBLES,
*Deputy Advisory Committee Management Officer.*

[FR Doc.75-25883 Filed 9-26-75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### FM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.573(d) of the Commission's rules, that on November 12, 1975, the FM broadcast applications listed in the attached Appendix below 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 11, 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 business on November 11, 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 below by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending FM 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 18, 1975.

Released: September 25, 1975.

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

APPENDIX

BPH-7975 New, Auburn, Maine
Andy Valley B/Cting System, Inc.
Reg: 100.1 MHz; Channel No. 261A
ERP: 3 kW; HAAT: 300 ft.

BPH-8037 New, Auburn, Maine
Lewiston-Auburn B/Cting Corp.
Req: 1000.1 MHz: Channel No. 261A
ERP: 3 kW: HAAT: 300 ft.

BPH-8233 WYLD-FM, New Orleans, La.
Advance Communications, Inc.
Has: 98.5 MHz; Channel No. 253C
ERP: 54 kW; HAAT: 290 ft. (LIC)
Req: 98.5 MHz; Channel No. 253C
ERP: 100 kW; HAAT: 899 ft.

BPH-8352 New, Hollister, Calif.
Milo Communications Corp.
Req: 93.5 MHz; Channel No. 228A
ERP: 3 kW; HAAT: -339 ft.

BPH-8745 New, Hope, Ariz.
Newport Broadcasting Co.
Req: 104.9 MHz; Channel No. 285A
ERP: 3 kW; HAAT: 300 ft.

BPH-8800 New, Brownsville, Tex.
El Rio B/Cting, a Limited Partnership
Req: 99.5 MHz; Channel No. 258C
ERP: 100 kW; HAAT: 420 ft.

BPH-8822 New, Key West, Fla.
Freeman and Freeman
Req: 107.1 MHz: Channel No. 296A
ERP: 2 kW; HAAT: 96 ft.

BPH-8823 New, Laramie, Wyo.
KBMT, Inc.
Req: 95.1 MHz; Channel No. 236C
ERP: 100 kW; HAAT: 1,133 ft.

BPH-8883 New, Brownsville, Tex.
Bagdad Broadcasting Corp.
Req: 99.5 MHz; Channel No. 258C
ERP: 96.6 kW; HAAT: 327 ft.

BPH-8917 New, Rochester, N.H.
J. Sherwood, Inc.
Req: 96.7 MHz; Channel No. 244A
ERP: 3 kW; HAAT: 161 ft.

BPH-8924 New, Gainesville, Fla.
Gainesville Media, Inc.
Reg: 100.9 MHz; Channel No. 265A
ERP: 3 kW; HAAT: 300 ft.

BPH-8988 New, Gulfport, Miss.
Gulf Broadcasting Co.
Req: 96.7 MHz; Channel No. 244A
ERP: 3 kW; HAAT: 260 ft.

BPH-9017 New, Sault Ste Marie, Mich.
The Miami County B/Ctrs Co., Inc.
Req: 101.3 MHz; Channel No. 267C
ERP: 100 kW; HAAT: 220 ft.

BPH-9035 New, Terrel Hills, Tex.
Reding Broadcasting Co.
Req: 106.3 MHz; Channel No. 292A
ERP: 2.88 kW; HAAT: 300 ft.

BPH-9045 New, Popular Bluff, Mo.
Cervantes Broadcasting Corp.
Req: 95.5 MHz; Channel No. 238C
ERP: 100 kW; HAAT: 453 ft.

BPH-9091 KLIR, Denver, Colo.
KLIR, Inc.
Has: 100.3 MHz; Channel No. 262C
ERP: 100 kW; HAAT: 330 ft. (LIC)
Req: 100.3 MHz; Channel No. 262C
ERP: 96 kW; HAAT: 890 ft.

New, Amherst, Mass.

BPH-9148 New, Arcadia, Fla.
Arcadia-Punta Gorda B/Cting Co., Inc.
Req: 98.3 MHz; Channel No. 252A
ERP: 3 kW; HAAT: 195 ft.

BPH-9176
Hampshire County B/Cting Co., Inc.
Req: 100.9 MHz; Channel No. 265A
ERP: .37 kW; HAAT: 743 ft.

BPH-9188 New, Tucson, Ariz.
Rex Broadcasting Corp.
Req: 92.1 MHz; Channel No. 221A
ERP: 3 kW; HAAT: 300 ft.

BPH-9209 New, Amarillo, Tex.
Jimmy Swaggart Evangelistic Association
Req: 98.7 MHz; Channel No. 254C
ERP: 100 kW; HAAT: 800 ft.

BPH-9259 New, Poplar Bluff, Mo.
River Valley Broadcasting Co., Inc.
Req: 95.5 MHz; Channel No. 238C
ERP: 100 kW; HAAT: 423 ft.

BPH-9300 New, Lubbock, Tex.
William Henry Britt
Req: 102.5 MHz; Channel No. 273C
ERP: 29.1 kW; HAAT: 436 ft.

BPH-9303 KFMN, Abilene, Tex.
David L. Boyll
Has: 99.3 MHz; Channel No. 257A
ERP: 3 kW: HAAT: 145 ft. (LIC)
Req: 107.9 MHz; Channel No. 300C
ERP: 100 kW; HAAT: 284 ft.

BPH-9334 New, Sulphur, La.
Christian Communication Center
Req: 100.9 MHz; Channel No. 265A
ERP: 3 kW; HAAT: 300 ft.

BPH-9359 New, Roswell, N. Mex.
Troy Raymond Moran
Req: 97.1 MHz; Channel No. 246C
ERP: 25.7 kW; HAAT: 124 ft.

BPH-9363 KWIN, Lodi, Calif.
KCVR Radio
Has: 97.7 MHz; Channel No. 249A
ERP: 3 kW; HAAT: 185 ft. (LIC)
Req: 97.7 MHz; Channel No. 249A
ERP: 3 kW; HAAT: 300 ft.

BPH-9386 New, Stockton, Calif.
Carson Communications
Req: 100.1 MHz; Channel No. 261A
ERP: 3 kW; HAAT: 214 ft.

BPH-9430 New, Orem, Utah
Morris J. Jones
Req: 107.1 MHz; Channel No. 296A
ERP: 3 kW; HAAT: -603 ft.

BPH-9444 New, Sauk Centre, Minn.
Dairyland B/Ctrs, Inc.
Req: 94.3 MHz; Channel No. 232A
ERP: 3 kW; HAAT: 300 ft.

BPH-9457 New, Richland, Wash.
Kale, Inc.
Req: 106.3 MHz; Channel No. 292A
ERP: 3 kW; HAAT: 107 ft.

BPH-9477 New, Kinston, N.C.
Smiles of Lenoir, Inc.
Req: 97.7 MHz; Channel No. 249A
ERP: 3 kW; HAAT: 300 ft.

BPH-9478 New, Palestine, Tex.
Trinity B/Cting Co. of Palestine, Tex.
Req: 98.3 MHz; Channel No. 252A
ERP: 3 kW; HAAT: 300 ft.

BPH-9487 New, Marshfield, Mass.
Marshfield Broadcasting Co., Inc.
Req: 95.9 MHz; Channel No. 240A
ERP: 3.0 kW; HAAT: 300 ft.

BPH-9488 New, Clarinda, Iowa
Red Oak/Clarinda Radio, Inc.
Req: 106.3 MHz; Channel No. 292A
ERP: 3 kW; HAAT: 300 ft.

BPH-9489 New, Goshen, Ind.
Kosciusko Broadcasting Corp.
Req. 97.7 MHz; Channel No. 249A
ERP: 3 kW; HAAT: 148 ft.

BPH-9490 New, Sullivan, Ind.
WKQV, Inc.
Req: 95.3 MHz; Channel No. 237A
ERP: 3 kW; HAAT: 300 ft.

BPH-9491 New, Mansfield, La.
Heart of Dixie Broadcasting Corp.
Req. 92.7 MHz; Channel No. 224A
ERP: 3 kW; HAAT: 300 ft.

BPH-9492 New, Hollidaysburg, Pa.
Cove B/cting Co., Inc.
Req: 104.9 MHz; Channel No. 285A
ERP: .122 kW; HAAT: 1220 ft.
(Allocated to Altoona, Pa.)

BPH-9493 WTLC, Indianapolis, Ind.
Community Media Corp.
Has: 105.7 MHz; Channel No. 289B
ERP: 50 kW; HAAT: 135 ft. (LIC)
Req: 105.7 MHz; Channel No. 289B
ERP: 50 kW; HAAT: 445 ft.

BPH-9495 New, Alexandria, La.
Cenla B/cting Co., Inc.
Req: 93.1 MHz; Channel No. 226C
ERP: 100 kW; HAAT: 790 ft.

BPH-9496 New, Providence, Ky.
Tradewater Broadcasting Co., Inc.
Req: 97.7 MHz; Channel No. 249A
ERP: 3 kW; HAAT: 300 ft.

BPH-9498 KAFF-FM, Flagstaff, Ariz.
KAFF Broadcasting Co.
Has: 92.9 MHz; Channel No. 225C
ERP: 30 kW; HAAT: −200 ft. (LIC)
Req: 92.9 MHz; Channel No. 225C
ERP: 48.6 kW; HAAT: 1,514 ft.

BPH-9499 WTUN, Selma, Ala.
Talton Broadcasting Co.
Has: 100.1 MHz; Channel No. 261A
ERP: 3 kW; HAAT: 125 ft. (LIC)
Req: 100.1 MHz; Channel No. 261A
ERP: 2.51 kW; HAAT: 324 ft.

BPH-9500 New, Honea Path, S.C.
Radio, Inc.
Req: 103.1 MHz; Channel No. 276A
ERP: 3 kW; HAAT: 300 ft.

BPH-9501 New, North Pole, Alaska
Evangelistic Missionary Fellowship
Req: 100.3 MHz; Channel No. 262C
ERP: 25 kW; HAAT: 1,570 ft.
(Allocated to Fairbanks, Alaska)

BPH-9502 New, Warren, Ark.
Weldon Sledge and Violet Sledge
Req: 105.5 MHz; Channel No. 288A
ERP: 3 kW; HAAT: 265 ft.

BPH-9503 New, Fallbrook, Calif.
Max L. Burdick, Jr.
Req: 107.1 MHz; Channel No. 296A
ERP: 3 kW; HAAT: 300 ft.

BPH-9511 WLOL-FM, Minneapolis, Minn.
BFR Broadcasting Corp.
Has: 99.5 MHz; Channel No. 258C
ERP: 72 kW; HAAT: 380 ft. (LIC)
Req: 99.5 MHz; Channel No. 258C
ERP: 100 kW; HAAT: 809 ft.

BPH-9513 New, Midland, Tex.
Midland Broadcasting Co.
Req: 103.3 MHz; Channel No. 277C
ERP: 100 kW; HAAT: 923 ft.

BPH-9514 New, Stamford, Tex.
ABKO Broadcasting Co.
Req: 92.1 MHz; Channel No. 221A
ERP: 3 kW; HAAT: 175 ft.

BPH-9515 New, Mt. Hope, W. Va.
Stuart W. Epperson
Req: 105.9 MHz; Channel No. 290B
ERP: 50 kW; HAAT: 500 ft.
(Allocated to Oak Hill, W. Va.)

BPH-9516 New, Fuquay-Varina, N.C.
Wake County B/cting Co., Inc.
Req: 103.9 MHz; Channel No. 280A
ERP: 2.1 kW; HAAT: 350 ft.

BPH-9523 New, Floresville, Tex.
Alfonso Bazan Gonzalez
Req: 94.3 MHz; Channel No. 232A
ERP: 3 kW; HAAT: 99 ft.

BPH-9529 New, Brawley, Calif.
Campesions Unidos, Inc.
Req: 96.1 MHz; Channel No. 241B
ERP: 50 kW; HAAT: 145 ft.

BPH-9530 New, Fairbanks, Alaska
Northwest Horizons, Inc.
Req: 101.1 MHz; Channel No. 266C
ERP: 25 kW; HAAT: −41 ft.

BPH-9534 New, Appomattox, Va.
WTTX Radio, Inc.
Req: 107.1 MHz; Channel No. 296A
ERP: 3 kW; HAAT: 300 ft.

BPH-9535 New, Mauston, Wis.
George S. Blum
Req: 92.1 MHz; Channel No. 221A
ERP: 1.4 kW; HAAT: 390 ft.

BPH-9537 KPLX, Fort Worth, Tex.
Radio Metroplex, Inc.
Has: 99.5 MHz; Channel No. 258C
ERP: 100 kW; HAAT: 600 ft. (LIC)
Req: 99.5 MHz; Channel No. 258C
ERP: 100 kW; HAAT: 1678 ft.

BPH-9538 KPIK-FM, Colorado Springs, Colo.
Western Broadcasting Co.
Has: 93.9 MHz; Channel No. 230C
ERP: 30 kW; HAAT: 340 ft. (LIC)
Req: 93.9 MHz; Channel No. 230C
ERP: 83 kW; HAAT: 2110 ft.

BPH-9539 KFMS, Las Vegas, Nev.
Gilday Broadcasting Co.
Has: 101.9 MHz; Channel No. 270C
ERP: 20 kW; HAAT: 41 ft. (LIC)
Req: 101.9 MHz; Channel No. 270C
ERP: 100 kW; HAAT: −62 ft.

BPH-9540 WQSM, Fayetteville, N.C.
Cape Fear Broadcasting Co.
Has: 98.1 MHz; Channel No. 251C
ERP: 50 kW; HAAT: 280 ft. (LIC)
Req: 98.1 MHz; Channel No. 251C
ERP: 99.4 kW; HAAT 483 ft.

BPH-9541 WNDS-FM, High Point, N.C.
Doss B/cting of North Carolina, Inc.
Has: 100.3 MHz; Channel No. 262C
ERP: 2.7 kW; HAAT: 195 ft. (LIC)
Req: 100.3 MHz; Channel No. 262C
ERP: 100 kW; HAAT: 371 ft.

BPH-9550 New, Rock Springs, Wyo.
Media West, Inc.
Req: 96.5 MHz; Channel No. 243C
ERP: 98.8 kW; HAAT: 1620 ft.

BMPH-14047 KSTU, Centerville, Utah.
Lewis I. Pingree, Executor of Estate of Howard W. Pingree, Deceased
Has: 105.5 MHz; Channel No. 288A
ERP: 3 kW; HAAT: −920 ft. (CP)
Req: 105.5 MHz; Channel No. 288A.
ERP: 3 kW; HAAT: 386 ft.

BMPH-14540 WWLM, Canton, Miss.
Lies Communications, Inc.
Has: 101.7 MHz; Channel No. 269A
ERP: 2.85 kW; HAAT: 30 ft. (CP)
Req: 101.7 MHz; Channel No. 269A
ERP: 3 kW; HAAT: 300 ft.

BMPH-14598 WELY, York, Ala.
Grantell Broadcasting Co.
Has: 99.3 MHz; Channel No. 257A
ERP: 3 kW; HAAT: 120 ft. (CP)
Req: 99.3 MHz; Channel No. 257A
ERP: 3 kW; HAAT: 300 ft.

BPED-973 KRRC, Portland, Oreg.
The Reed Institute
Has: 89.3 MHz; Channel No. 207D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 89.1 MHz; Channel No. 206C
ERP: 3.52 kW; HAAT: 788 ft.

BPED-1460 New, Orlando, Fla.
Florida Central East Coast Educational Television, Inc.
Req: 90.7 MHz; Channel No. 214C
ERP: 100 kW; HAAT: 1114 ft.

BPED-1558 New, Birmingham, Ala.
Birmingham Public Radio, Inc.
Req: 91.9 MHz; Channel No. 220A
ERP: .263 kW; HAAT: 850 ft.

BPED-1705 New, Madison, Tenn.
Madison Academy
Req: 88.5 MHz; Channel No. 203A
ERP: 1 kW; HAAT: 45 ft.

BPED-1731 New, Presque Isle, Maine
University of Maine
Req: 91.1 MHz; Channel No. 216C
ERP: 100 kW; HAAT: 1080 ft.

BPED-1742 WUPI, Presque Isle, Maine
University of Maine
Has: 91.1 MHz; Channel No. 216D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 90.3 MHz; Channel No. 212D
TPO: .01 kW; HAAT: ft.

BPED-1807 New, Boston, Mass.
The University of Massachusetts
Req: 91.9 MHz; Channel No. 220D
TPO: .01 kW; HAAT: ft.

BPED-1830 WMXM, Lake Forest, Ill.
Lake Forest College
Has: 88.9 MHz; Channel No. 205D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 88.9 MHz; Channel No. 205B
ERP: .3 kW; HAAT: 109.2 ft.

BPED-1864 KUWR, Laramie, Wyo.
University of Wyoming
Has: 91.5 MHz; Channel No. 218D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 91.9 MHz; Channel No. 220C
ERP: 50 kW; HAAT: 1150 ft.

BPED-1915 WDHS, Gaston, Ind.
Community School Corp.
Has: 91.1 MHz; Channel No. 216D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 90.9 MHz; Channel No. 215D
TPO: .01 kW; HAAT: ft.

BPED-1934 New, Milton, Fla.
Board of Regents of Florida, Acting for and on Behalf of the University of Florida
Req: 88.1 MHz; Channel No. 201C
ERP: 100 kW; HAAT: 283 ft.

BPED-1964 WVUR-FM, Valparaiso, Ind.
Valparaiso University Ass'n, Inc.
Has: 89.5 MHz; Channel No. 208D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 90.9 MHz; Channel No. 215D
TPO: .01 kW; HAAT: ft.

BPED-1972 New, Pittsfield, Mass.
Pittsfield, Mass. Public Schools
Req: 90.9 MHz; Channel No. 215D
TPO: .01 kW; HAAT: ft.

BPED-1988 WMHS, Morrison, Ill.
Morrison Community Unit District No. 6
Has: 91.5 MHz; Channel No. 218D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 90.7 MHz; Channel No. 214D
TPO: .01 kW; HAAT: ft.

BPED-2009 WGMC, Greece, N.Y.
Greece Central School District
Has: 90.1 MHz; Channel No. 211D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 90.1 MHz; Channel No. 211A
ERP: 1.26 kW; HAAT: 361 ft.

BPED-2010 WNAS, New Albany, Ind.
New Albany-Floyd County Consolidated School Corp.
Has: 88.1 MHz; Channel No. 201A
ERP: .8 kW; HAAT: —32 ft. (LIC)
Req: 88.1 MHz; Channel No. 201A
ERP: 2.84 kW; HAAT: 3 ft.

BPED-2011 New, Cape Girardeau, Mo.
Board of Regents, Southeast Missouri State University
Req: 90.9 MHz; Channel No. 215D
TPO: .01 kW; HAAT: ft.

BPED-2012 New, Highland Heights, Ky.
Board of Regents, Northern Kentucky State College
Req: 89.7 MHz; Channel No. 209A
ERP: 2.06 kW; HAAT: 265 ft.

BPED-2013 New, Lyndonville, Vt.
Board of Trustees, Vermont State College
Req: 91.7 MHz; Channel No. 219D
TPO: .01 kW; HAAT: ft.

BPED-2014 New, Holyoke, Mass.
Holyoke Community College
Req: 89.5 MHz; Channel No. 208D
TPO: .01 kW; HAAT: ft.

BPED-2017 WIAN, Indianapolis, Ind.
The Board of School Commissioners of the County
Has: 90.1 MHz; Channel No. 211B
ERP: 10 kW; HATT: 36 ft. (LIC)
Req: 90.1 MHz; Channel No. 211B
ERP: 10 kW; HAAT: 557.5 ft.

BPED-2019 New, Barrington, Ill.
Community Unit School District No. 220
Req: 88.5 MHz; Channel No. 203D
TPO: .01 kW; HAAT: ft.

BPED-2023 New, York, Pa.
York College of Pennsylvania
Req: 88.1 MHz; Channel No. 201D
TPO: .01 kW; HAAT: ft.

BPED-2026 WTUL, New Orleans, La.
The Administrators of the Tulane Educational Fund
Has: 91.5 MHz; Channel No. 218D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 91.5 MHz; Channel No. 218A
ERP: 1.5 kW; HAAT: 157.5 ft.

BPED-2027 New, Ketchikan, Alaska.
Rainbird Community B/Ctg Corp.
Req: 105.9 MHz; Channel No. 290D
TPO: .01 kW; HAAT: ft.

BPED-2028 New, Flandreau, S. Dak.
Flandreau Indian School Board
Req: 89.1 MHz; Channel No. 206D
TPO: .01 kW; HAAT: ft.

BPED-2035 New, Williamsport, Md.
Cedar Ridge Children's Home and School
Req: 90.5 MHz; Channel No. 213B
ERP: 6.72 kW; HAAT: 37 ft.

BPED-2036 New, Troy, Ala.
Troy State University
Req: 90.1 MHz; Channel No. 211C
ERP: 50 kW; HAAT: 284 ft.

BPED-2037 New, Boise, Idaho
Boise State University
Req: 90.1 MHz; Channel No. 211D
TPO: .01 kW; HAAT: ft.

BPED-2040 New, Glens Falls, N.Y.
Board of Trustees of Adirondack Commission
Req: 91.9 MHz; Channel No. 220D
TPO: .01 kW; HAAT: ft.

BPED-2041 New, Pleasant Grove, Utah
Alpine School District
Req: 88.1 MHz; Channel No. 201D
TPO: .01 kW; HAAT: ft.

BPED-2045 WPRK, Winter Park, Fla.
Rollins College
Has: 91.5 MHz; Channel No. 218A
ERP: .33 kW; HAAT: 90 ft. (LIC)
Req: 91.5 MHz; Channel No. 218A
ERP: 1.32 kW; HAAT: 90.25 ft.

BPED-2047 New, Salem, Mass.
Salem State College
Req: 91.7 MHz; Channel No. 219D
TPO: .01 kW; HAAT: ft.

BPED-2050 New, Rochester, Minn.
Rochester Community College
Req: 89.9 MHz; Channel No. 210D
TPO: .01 kW; HAAT: ft.

BPED-2052 New, Wet Barnstable, Mass.
Cape Cod Community College
Req: 91.1 MHz; Channel No. 216D
TPO: .01 kW; HAAT: ft.

BPED-2053 New, Turlock, Calif.
Turlock Joint Union High School District
Req: 90.9 MHz; Channel No. 215D
TPO: .01 kW; HAAT: ft.

BPED-2054 New, Salem, W. Va.
Salem College
Req: 91.1 MHz; Channel No. 216D
TPO: .01 kW; HAAT: ft.

BPED-2055 New, Billings, Mont.
Billings Career Education Center
Req: 88.9 MHz; Channel No. 205D
TPO: .01 kW; HAAT: ft.

BPED-2057 New, Loreto, Pa.
St. Francis College of Loretto, Pa.
Req: 90.1 MHz; Channel No. 211D
TPO: .01 kW; HAAT: ft.

BPED-2058 New, Williamsport, Pa.
Lycoming College
Req: 91.7 MHz; Channel No. 219D
TPO: .01 kW; HAAT: ft.

BPED-2059 New, Gettysburg, Pa.
Gettysburg College
Req: 90.3 MHz; Channel No. 212D
TPO: .01 kW; HAAT: ft.

BPED-2063 KCOU, Columbia, Mo.
Independent Residence Halls Association
Has: 88.3 MHz; Channel No. 202D
TPO: .01 kW; HAAT: ft. (Lic)
Req: 88.1 MHz; Channel No. 201A
ERP: .427 kW; HAAT: 110.9 ft.

BPED-2064 KBFL, Buffalo, Mo.
School District No. 1
Has: 90.3 MHz; Channel No. 212A
ERP: .78 kW; HAAT: 245 ft. (Lic)
Req: 90.3 MHz; Channel No. 212C
ERP: 3.9 kW; HAAT: 245 ft.

BPED-2065 New, Greensboro, N.C.
North Carolina Agricultural and Technical State
Req: 90.5 MHz; Channel No. 213D
TPO: .01 kW; HAAT: ft.

BPED-2066 New, Derby, Conn.
Stand, Inc.
Req: 90.5 MHz; Channel No. 213D
TPO: .01 kW; HAAT: ft.

BPED-2067 WYEP-FM, Pittsburgh, Pa.
Pittsburgh Community B/Cting Corp.
Has: 91.5 MHz; Channel No. 218A.
ERP: .84 kw; Haat: 520 ft. (LIC)
Req: 91.3 MHz; Channel No. 217B
ERP: 21.0 kw; Haat: 520 ft.

| | |
|---|---|
| BPED-2068 | WIUP-FM, Indiana, Pa.<br>Indiana University of Pennsylvania.<br>Has: 91.3 MHz; Channel No. 217A<br>ERP: 1.6 kw; Haat: 88 ft. (LIC)<br>Req: 90.1 MHz; Channel No. 211A<br>ERP: 1.6 kw; HAAT: 88 ft. |
| BPED-2069 | New, Kinston, N.C.<br>Lenoir Community College<br>Req: 90.5 MHz; Channel No. 213C<br>ERP: 3 kw; HAAT: 100 ft. |
| BPED-2075 | New, Newark, Del.<br>The University of Delaware<br>Req: 91.3 MHz; Channel No. 217D<br>TPO: .01 kw; HAAT: ft. |
| BPED-2080 | New, St. Thomas, V.I.<br>Virgin Islands Council Inc., of the Boy Scouts<br>Req: 88.9 MHz; Channel No. 205D<br>TPO: .01 kw; HAAT: ft. |
| BMPED-1206 | KUAC, Fairbanks, Alaska<br>University of Alaska<br>Has: 104.7 MHz; Channel No. 284C<br>ERP: 10.5 kw; HAAT: -100 ft. (LIC)<br>(College, Alaska)<br>Has: 104.7 MHz; Channel No. 284C<br>ERP: 10.5 kw; HAAT: 440 ft. (CP)<br>(College, Alaska)<br>Req: 104.7 MHz; Channel No. 284C<br>ERP: 10.5 kw; HAAT: -100 ft.<br>(Fairbanks, Alaska) |
| BMPED-1284 | WGVO, Greenville, Ohio<br>Greenville Board of Education<br>Has: 88.3 MHz; Channel No. 202A<br>ERP: .155 kW; HAAT: 105 ft. (CP)<br>Req. 91.7 MHz; Channel No. 219A<br>ERP: .078 kW; HAAT: 96 ft. |

[FR Doc.75-25738 Filed 9-26-75;8:45 am]

## RADIO TECHNICAL COMMISSION FOR AERONAUTICS

### Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 126, Airborne OMEGA Receivers. It is to be held on October 30, 1975 in Conference Room 7A and B, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C., commencing at 9:30 a.m.

AGENDA

1. Chairman's Opening Comments—I. Lublin
2. Introduction of members and guests
3. Approval of Minutes of Fourth Meeting of SC-126 held on July 31, 1975.
4. Special announcements
5. Report of Informal Groups:
   - 5.1 Low Performance
   - 5.2 High Performance
   - 5.3 FAA Certification
6. New Business
7. Date and place of next meeting.

Meetings of Special Committee 126 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

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

[FR Doc.75-25878 Filed 9-26-75;8:45 am]

## RADIO TECHNICAL COMMISSION FOR AERONAUTICS

### Meeting

As a matter of public notice, members of the Executive Committee of the Radio Technical Commission for Aeronautics will meet on administrative matters on Friday, October 17, 1975, in RTCA Conference Room 261, 1717 H Street NW., Washington, D.C., commencing at 9:30 AM.

The Agenda for the meeting is:

1. Approval of the Minutes of the August 8, 1975, meeting.
2. Special Committee Activities Report for August and September, 1975.
3. Chairman's Report on RTCA administration and activities.
4. Approval for publication of Minimum Performance Standards—Airborne Loran Receiving Equipment.
5. Approval for publication of Minimum Performance Standards—Airborne Doppler Radar Navigation Equipment.
6. Approval for publication of U.S. National Standard for VHF/UHF Air-Ground Communications—Operational Considerations for 1980 and Beyond.
7. Proposed Special Committee on HF/SSB Minimum Performance Standards.
8. Report of the Selection Committee for the William E. Jackson Memorial Award.
9. Report of MPS/MOC Informal Group activities.
10. Other Business
11. Date and place of next meeting.

The meetings of the RTCA Executive Committee are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, N.W., Washington, D. C. 20006, or telephone Area Code (202) 296-0484.

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

[FR Doc.75-25879 Filed 9-26-75;8:45 am]

[Docket No. 20271; FCC 75-990]

## GENERAL WORLD ADMINISTRATIVE RADIO CONFERENCE

### Preparation To Consider Revision of International Radio Regulations

*Second notice of inquiry.*

In the matter of an inquiry relative to preparation for a General World Administrative Radio Conference of the International Telecommunication Union to consider revision of the International Radio Regulations.

1. On January 3, 1975, the Commission adopted a Notice of Inquiry in the above entitled matter (FCC 75-6, No. 29504). It was released on January 10, 1975 and appeared in the Federal Register on January 20, 1975 (40 FR 3245). The period for comments and reply comments has passed.

2. The purpose of the Notice of Inquiry was "* * * to solicit comments or recommendations concerning changes or revisions to the international Radio Regulations. * * *" The Commission stated that "* * * Recommendations for inclusion of a particular subject or revision of certain regulations should be accompanied by adequate justification and/or supportive rationale."

3. Comments were timely filed on behalf of Aeronautical Radio, Inc., the Air Transport Association, the Aerospace and Flight Test Radio Coordinating Council, the American Broadcasting Companies, Inc., the American Petroleum Institute, the American Radio Relay League, Inc., the American Telephone and Telegraph Company, the Association of American Railroads, the Associated Public-Safety Communications Officers, Inc., the Association for Broadcast Engineering Standards, Inc., Mr. Kenneth M. Bourne, CBS, Inc., Comsat, Comsat General Corporation, Decca Survey Systems, Inc., Far East Broadcasting Company, Inc., General Electric, the Land Mobile Communications Council, the Association of Maximum Service Telecasters, Inc., Mobile Marine Radio, Inc., Motorola, the National Academy of Sciences, the National Association of Broadcasters, the Radio Amateur Satellite Corporation (AMSAT), RCA, Collins Radio/Rockwell International Corporation, and the Utilities Telecommunications Council.[1] Reply comments were received from AT&T, Offshore Navigation, Inc., the National Association of Broadcasters, the National Black Media Coalition, and the Association of Maximum Service Telecasters, Inc.

4. Those comments and reply comments were typically of a general and preliminary nature. While a summary of those responses is not given herein, each response will continue to receive attention as this preparatory work advances.

[1] Comments were filed late by: Teledyne Hastings-Raydist and the National Business Aircraft Association.

ALIGNMENT OF TABLE

5. Although the matter was not specifically addressed in the Notice, the question of the international allocation of the band 470 to 512 megahertz and of 115 megahertz between 806 and 902 and between 928 and 947 megahertz was treated in comments and reply comments. The Commission has adjusted the domestic allocation such that the lower 42 megahertz are shared between the broadcasting and land mobile services while the upper 115 megahertz are allocated exclusively to land mobile. Owing to the international protection accruing to services operating in accordance with Article 5 of the international Radio Regulations taken together with the reasons supporting the Commission's domestic reallocation referenced above, it would benefit the public interest to accord the international allocations, to the extent practicable, with domestic allocations. The Commission believes that, in the absence of a cogent countervailing showing, this philosophy should prevail in our preparatory work.

6. In that connection, and as noted in the reply comments received, the Commission has generally proposed sharing between presently internationally allocated space services involving man-made emissions above 40 GHz and kindred terrestrial services. Further, the Commission has proposed terrestrial allocations for certain bands at this order of the spectrum which are either not allocated internationally or are allocated internationally to the Inter-Satellite Service which provides links between artificial earth satellites. This subject is clearly intrinsically allied with the 1979 preparatory effort.

7. In the comments of AMSAT and the reply comments received from the Communications Satellite Corporation in connection with that proceeding was a proposal that the above 40 GHz question be considered in the course of preparation for the 1979 conference. Docket No. 19973 was initiated for the purpose of amending the domestic table of frequency allocations to include allocations to terrestrial services above 40 GHz for national planning purposes.

8. While above 40 GHz is not being used extensively now, the 1979 WARC will significantly affect the occupancy of these bands over several decades. We are adopting domestic allocations above 40 GHz in Doc. 19973, and believe that these domestic allocations should be the basis for 1979 WARC preparation. However, we will review international allocations above 40 GHz in this proceeding, and comments on this subject are invited.

9. As can be seen from the fact that the Commission did advance proposals in Docket 19973, we are of the view that the level of knowledge necessary to effect workable allocations in this regard is advancing. Recommendation No. 3 of the extraordinary Administrative Radio Conference, Geneva, 1963, called upon administrations and the International Radio Consultative Committee (CCIR) to study the sharing criteria involved. The Special Joint Meeting of the CCIR, Geneva, 1971, produced results which were taken into consideration by the World Administrative Radio Conference for Space Telecommunications held later that year in Geneva. Recommendation Spa2–15 drawn up by that conference did recommend as a priority matter that the CCIR study or, as appropriate, continue to study related matters. Those studies have progressed. That they and any other germane investigation are not concluded cannot infer that allied decisions are premature. In view of the time constraints imposed by, and magnitude of, the 1979 conference, we must proceed, recognizing that, as has been the case in earlier preparatory work, proposals initially advanced by the Commission are not always among the proposals subsequently forwarded by the Commission to the Department of State.

10. For the reasons cited in Docket 19973 and paragraph 5 supra, the Commission suggests it may be in the public interest to accord the international Table of Frequency Allocations, in this instance above 40 GHz, with the domestic table insofar as it may be altered in that Docket. Accordingly, we invite comments now regarding the alignment of the international table with the domestic table. Further, should it appear that full alignment of the above 40 GHz terrestrial allocations is not an appropriate objective, specific relevant comments would be helpful. The specifics, as proposed in Docket 19973, appear herewith as an Attachment.

SMALL EARTH TERMINALS

11. Comments concerning the use of small diameter earth station antennas in the Fixed-Satellite Service were submitted by AT&T and RCA in response to the First Notice of Inquiry in this proceeding. While small earth terminals can potentially provide communications services which can not be economically or conveniently provided at the present time by terrestrial communications facilities, uncontrolled access of small earth terminals could have significant adverse impacts on the utilization of the limited spectrum and orbit resource of the geostationary satellite orbit. The Commission is dealing with the access of small earth terminals to domestic satellite systems in the 4 and 6 GHz frequency bands in the context of its earth station application processing procedures and plans future rulemaking proceedings to amend Part 25 of the Rules and Regulations concerning satellite communications. It appears, however, that the long term communications requirements which necessitate the use of small earth terminals and the most effective means of satisfying such requirements should be a major point to be treated in our preparation for the 1979 WARC. Moreover, the use of small earth terminals by mobile services (e.g., 1535–1660 MHz) and possibly offshore platforms is likely to increase.

12. Accordingly, comments and supporting technical materials are requested on the following points with respect to the use of small earth terminals in any or all of the space radiocommunications services in the near (1975–1985) and long (1985–2000) term time frames:

(a) Identification of the communication services and operational characteristics which entail use of small diameter earth station antennas;

(b) Estimates of the volume (in terms of voice channels and/or bit rate, and required rf bandwidth) of the communications services to be provided by means of small earth terminals, and the estimated number of small earth terminals to be used in the provision of such services, including the geographic distribution of the small terminals;

(c) Identification of the typical baseline technical characteristics of the satellite networks serving small earth terminals, including:

(i) Earth station antenna size, main beam gains, co- and cross-polarized antennas patterns, and G/T ratio,

(ii) Satellite antenna gain and EIRP contours, and G/T ratio,

(iii) Transmission parameters, such as type of modulation, transponder frequency plan, noise budget, per channel and total rf bandwidth, satellite and earth station EIRP per channel,

(iv) Analyses of the tradeoffs between total satellite capacity and the choice of earth station and transmission link parameters, and

(v) Analyses of satellite, earth station and overall system costs in terms of the system design parameters;

(d) Identification of the preferred frequency bands to be utilized to serve small earth terminals, taking into account factors such as:

(i) Propagation characteristics,

(ii) Nature of service, such as voice, data (e.g., it may be desirable to restrict offshore platforms to Fixed-Satellite bands),

(iii) Forecasted state-of-the-art in satellite and earth station technology,

(iv) Adjacent satellite orbital separation requirements, and

(v) Frequency sharing with other terrestrial and space radiocommunications services in the band.

13. The small earth terminal question is also part of more general issues concerning the efficient utilization of the geostationary satellite orbit by all types of satellite systems serving both large and small earth terminals. For this reason, it will be useful to include in our preparations for the 1979 WARC consideration of possible proposals of reasonable minimum technical standards which promote efficient utilization of the orbit and spectrum resource of the geostationary satellite communications services. Possible areas which might be considered include limitations on earth station EIRP density, polarization discrimination, minimum G/T ratios, satellite antenna coverage patterns, and earth

station antenna performance standards.[2] Comments on these or other matters relating to the efficient utilization of the geostationary satellite orbit in all space radiocommunications services are requested.

SPECTRUM BETWEEN 100 AND 1215 *MHz*

14. With respect to the 100–1215 MHz band the Commission has received a letter from the Office of Telecommunications Policy advising that an analysis has been completed of Government projected needs between 100 and 1215 MHz to the 1985 time frame, and that access to a substantial amount of additional spectrum in that range will be required.[3]

15. Since 1985 follows the anticipated entry into force date of the 1979 WARC, and since the documentation and rejustification of non-Government needs are inherently a part of the Commission's preparatory mission even in those instances where we may seek to preserve the status quo, this issue must be advanced at this time. While the issue will be addressed in more detail at a later date, and while public comments are welcome in this matter, the matter is being raised at this time to indicate a need to document civil requirements for use of the spectrum.

16. Comments bearing on the 1979 Conference and matters ancillary thereto are hereby sought from each and every United States party to the matter, groups of parties, groups of individuals or whatever other combination of interested United States parties or individuals may exist. Comments will be received on or before November 14, 1975. Replies thereto may be submitted on or before November 28, 1975. Each timely, relevant comment and reply comment together with any pertinent information which the Commission may have available will be considered.

17. Although § 1.419 of the Commission's Rules requires that an original and fourteen copies of all statements, briefs or comments be filed in response to this notice, the Commission's Conference Preparatory Organization necessitates the filing of an original and nineteen copies.

18. All responses received will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

19. This notice is issued pursuant to the authority set forth in section 4(i) of the Communications Act of 1934, as amended, 47 USC 154(i).

Adopted: September 5, 1975.

Released: September 19, 1975.

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

APPENDIX

| United States | | Federal Communications Commission | | | | |
|---|---|---|---|---|---|---|
| Band (GHz) | Allocation | Band (GHz) | Service | Class of Station | Frequency (GHz) | OF Nature SERVICES of station |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| *** | *** | *** | *** | *** | *** | *** |
| 40.0-41.0 | G, NG | 40.0-41.0 | FIXED.<br>FIXED-SATELLITE.<br>MOBILE. | Space. | | |
| 41.0-43.0 | G, NG | 41.0-43.0 | FIXED.<br>BROADCASTING-SATELLITE.<br>MOBILE. | Space. | | |
| 43.0-48.0 | G, NG | 43.0-48.0 | AERONAUTICAL MOBILE.<br>AERONAUTICAL MOBILE-SATELLITE.<br>MARITIME-MOBILE.<br>MARITIME-MOBILE SATELLITE.<br>AERONAUTICAL RADIONAVIGATION.<br>AERONAUTICAL RADIONAVIGATION-SATELLITE.<br>MARITIME RADIONAVIGATION.<br>MARITIME RADIONAVIGATION-SATELLITE. | | | |
| 48.0-50.0 | G, NG | 48.0-50.0 | RADIOLOCATION.<br>Amateur. | | | |

[2] For example, a limitation might be proposed on the EIRP density radiated by an earth station in the 6 GHz band towards the geostationary arc of 36-25 $\log_{10}\theta$ dBw/4 kHz for off-axis angles $\theta$ between 2.5° and 48° from the main beam of the earth station antenna; or a minimum G/T ratio of 20 dB/°K might be proposed for earth stations receiving in the 4 GHz band. Consideration would also have to be given to how such limits should vary with frequency.

[3] On May 14, 1975, the Commission adopted a Notice of Inquiry in Docket 20485 dealing with the reevaluation and revision of the UHF TV "taboo" table (§ 73.698, Table IV). While not of immediate concern, decisions reached with respect to taboos could affect consideration of the request.

| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|
| 50.0-51.0 | G, NG | 50.0-51.0 | FIXED.<br>FIXED-SATELLITE.<br>MOBILE. | Earth. | | |
| 51.0-52.0 | G, NG | 51.0-52.0 | EARTH EXPLORATION-SATELLITE.<br>SPACE RESEARCH. | | | |
| 52.0-54.25 | G, NG 412J | 52.0-54.25 | SPACE RESEARCH (Passive). | | | |
| 54.25-58.2 | G, NG | 54.25-58.2 | FIXED.<br>MOBILE (except aeronautical mobile). | | | |
| 58.2-59.0 | G, NG 412J | 58.2-59.0 | SPACE RESEARCH (Passive). | | | |
| 59.0-64.0 | G, NG | 59.0-64.0 | FIXED.<br>MOBILE (except aeronautical mobile). | | | |
| 64.0-65.0 | G, NG 412J | 64.0-65.0 | SPACE RESEARCH (Passive). | | | |
| 65.0-66.0 | G, NG | 65.0-66.0 | EARTH EXPLORATION-SATELLITE.<br>SPACE RESEARCH. | | | |
| 66.0-71.0 | G, NG | 66.0-71.0 | AERONAUTICAL MOBILE.<br>AERONAUTICAL MOBILE-SATELLITE.<br>MARITIME MOBILE.<br>MARITIME MOBILE-SATELLITE.<br>AERONAUTICAL RADIONAVIGATION.<br>AERONAUTICAL RADIONAVIGATION-SATELLITE.<br>MARITIME RADIONAVIGATION.<br>MARITIME | | | |

| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|
| 71.0-76.0 | G, NG | 71.0-76.0 | RADIOLOCATION.<br>Amateur. | | | |
| 76.0-84.0 | G, NG | 76.0-84.0 | FIXED.<br>MOBILE. | | | |
| 84.0-86.0 | G, NG | 84.0-86.0 | FIXED.<br>BROADCASTING-SATELLITE.<br>MOBILE. | | | |
| 86.0-92.0 | G, NG 412J US74 | 86.0-92.0 | RADIO ASTRONOMY.<br>SPACE RESEARCH (Passive). | | | |
| 92.0-93.0 | G, NG | 92.0-93.0 | FIXED.<br>MOBILE. | | | |
| 93.0-95.0 | G, NG | 93.0-95.0 | FIXED.<br>FIXED-SATELLITE.<br>MOBILE. | Earth. | | |
| 95.0-101.0 | G, NG | 95.0-101.0 | AERONAUTICAL MOBILE.<br>AERONAUTICAL MOBILE-SATELLITE.<br>MARITIME MOBILE.<br>MARITIME MOBILE-SATELLITE.<br>AERONAUTICAL RADIONAVIGATION.<br>AERONAUTICAL RADIONAVIGATION-SATELLITE.<br>MARITIME RADIONAVIGATION.<br>MARITIME RADIONAVIGATION-SATELLITE. | | | |
| 101.0-102.0 | G, NG 412J | 101.0-102.0 | SPACE RESEARCH (Passive). | | | |

| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|
| 102.0-103.0 | G, NG | 102.0-103.0 | FIXED.<br>MOBILE. | | | |
| 103.0-105.0 | G, NG | 103.0-105.0 | FIXED.<br>FIXED-SATELLITE.<br>MOBILE. | Space. | | |
| 105.0-110.0 | G, NG | 105.0-110.0 | FIXED.<br>MOBILE (except Aeronautical Mobile). | | | |
| 110.0-117.5 | G, NG | 110.0-117.5 | FIXED.<br>INTER-SATELLITE.<br>MOBILE (except Aeronautical Mobile). | | | |
| 117.5-122.5 | G, NG | 117.5-122.5 | FIXED.<br>MOBILE (except Aeronautical Mobile). | | | |
| 122.5-130.0 | G, NG | 122.5-130.0 | FIXED.<br>INTER-SATELLITE.<br>MOBILE (except Aeronautical Mobile). | | | |
| 130.0-140.0 | G, NG<br>412J<br>US74 | 130.0-140.0 | RADIO ASTRONOMY.<br>SPACE RESEARCH (Passive). | | | |
| 140.0-141.0 | G, NG | 140.0-141.0 | FIXED.<br>MOBILE. | | | |
| 141.0-142.0 | G, NG | 141.0-142.0 | FIXED.<br>FIXED-SATELLITE.<br>MOBILE. | Earth. | | |
| 142.0-150.0 | G, NG | 142.0-150.0 | AERONAUTICAL MOBILE.<br>AERONAUTICAL MOBILE-SATELLITE.<br>MARITIME MOBILE.<br>MARITIME MOBILE-SATELLITE. | | | |
| | | | AERONAUTICAL RADIONAVIGATION.<br>AERONAUTICAL RADIONAVIGATION-SATELLITE.<br>MARITIME RADIONAVIGATION.<br>MARITIME RADIONAVIGATION-SATELLITE. | | | |
| 150.0-151.0 | G, NG | 150.0-151.0 | FIXED.<br>MOBILE. | | | |
| 151.0-152.0 | G, NG | 151.0-152.0 | FIXED.<br>FIXED-SATELLITE.<br>MOBILE. | Space. | | |
| 152.0-165.0 | G, NG | 152.0-165.0 | FIXED.<br>MOBILE. | | | |
| 165.0-170.0 | G, NG | 165.0-170.0 | RADIOLOCATION.<br>Amateur. | | | |
| 170.0-175.0 | G, NG | 170.0-175.0 | FIXED.<br>MOBILE (except Aeronautical Mobile). | | | |
| 175.0-182.0 | G, NG | 175.0-182.0 | FIXED.<br>INTER-SATELLITE.<br>MOBILE (except Aeronautical Mobile). | | | |
| 182.0-185.0 | G, NG<br>412J | 182.0-185.0 | SPACE RESEARCH (Passive). | | | |
| 185.0-189.0 | G, NG | 185.0-189.0 | FIXED.<br>INTER-SATELLITE.<br>MOBILE (except Aeronautical Mobile). | | | |

| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|
| 189.0-190.0 | G, NG | 189.0-190.0 | FIXED.<br>MOBILE (except Aeronautical Mobile). | | | |
| 190.-200.0 | G, NG | 190.0-200.0 | AERONAUTICAL MOBILE.<br>AERONAUTICAL MOBILE SATELLITE.<br>MARITIME MOBILE.<br>MARITIME-MOBILE-SATELLITE.<br>AERONAUTICAL RADIONAVIGATION.<br>AERONAUTICAL RADIONAVIGATION-SATELLITE.<br>MARITIME RADIONAVIGATION.<br>MARITIME RADIONAVIGATION-SATELLITE. | | | |
| 200.0-220.0 | G, NG | 200.0-220.0 | FIXED.<br>MOBILE. | | | |
| 220.0-230.0 | G, NG | 220.0-230.0 | FIXED.<br>FIXED-SATELLITE.<br>MOBILE. | | | |
| 230.0-240.0 | G, NG 412J US74 | 230.0-240.0 | RADIO ASTRONOMY.<br>SPACE RESEARCH (Passive). | | | |
| 240.0-250.0 | G,NG | 240.0-250.0 | RADIOLOCATION.<br>Amateur. | | | |
| 250.0-265.0 | G, NG | 250.0-265.0 | AERONAUTICAL MOBILE.<br>AERONAUTICAL MOBILE-SATELLITE.<br>MARITIME MOBILE.<br>MARITIME MOBILE-SATELLITE.<br>AERONAUTICAL RADIONAVIGATION. | | | |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | AERONAUTICAL RADIONAVIGATION-SATELLITE.<br>MARITIME RADIONAVIGATION.<br>MARITIME RADIONAVIGATION-SATELLITE. | | | |
| 265.0-275.0 | G, NG | 265.0-275.0 | FIXED.<br>FIXED-SATELLITE.<br>MOBILE. | | | |
| 275.0-300.0 | G, NG | 275.0-300.0 | FIXED.<br>MOBILE. | | | |
| Above 300.0 | G, NG | Above 300.0 | Amateur. | | | |

[FR Doc.75-25877 Filed 9-26-75;8:45 am]

[FCC 75-1026; Docket No. 20589; File No.] BAPCT-457]

## JACK O. GROSS AND UNIVERSITY TELEVISION, INC.

### Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re Application of Jack O. Gross t/a Gross Broadcasting Company (Assignor) and University Television, Inc. (Assignee) For Assignment of construction permit for Station KJOG-TV, San Diego, California.

1. The Commission has before it for consideration: (a) The above-captioned application for Commission consent to the assignment of the Station KJOG-TV contruction permit;[1] (b) a petition to deny the application, filed August 29, 1973, by Broadmoor Broadcasting Corporation, licensee of Station KSON, and parent company of the licensee of Station KSON-FM, both San Diego; and (c) various responsive and related pleadings.[2]

2. Petitioner submits that the instant application "should either be denied summarily or, in the alternative, designated for hearing" on issues concerning (a) the assignee's financial qualifications, and (b) its character qualifications, based on allegations "that the University totally failed to abide by the requirements of § 1.65" of the Commission's Rules.

3. Prior to an examination of Broadmoor's petition and the merits of its allegations, we believe a brief recitation of the extraordinary history of the protracted proceedings leading to today's Order is warranted. Several decisions, made at earlier stages of this matter, cited infra, contain more detailed expositions of the unique record of this case.

4. The Commission on February 5, 1965, designated for hearing the mutually exclusive applications of Jack O. Gross t/a Gross Broadcasting Company (Gross), filed May 4, 1964, and of Cali-

[1] University Television, Inc. is a newly formed corporate subsidiary of United States International University (USIU), which was the assignee herein until by amendment dated August 4, 1975, University Television, Inc. was substituted. Inasmuch as all the pleadings herein refer to USIU as the proposed assignee, such nomenclature will be retained in this Order.

[2] The following pleadings, and letters in the nature of pleadings, have been filed in this matter: (a) letter from counsel to Broadmoor questioning assignee's financial qualifications, July 13, 1973; (b) responsive letter from counsel to USIU, July 20, 1973; (c) further letter from counsel to Broadmoor, August 7, 1973; (d) responsive letter from counsel to USIU, August 9, 1973; (e) petition to deny application by Broadmoor, August 29, 1973; (f) opposition to petition by USIU, March 19, 1974; (g) reply to opposition by Broadmoor, May 2, 1974; (h) supplement to petition by Broadmoor, August 16, 1974; (i) further supplement to petition by Broadmoor, September 12, 1974; (j) further supplement to petition by Broadmoor, October 18, 1974; (k) opposition by USIU, December 19, 1974; (l) further supplement to petition by Broadmoor, February 25, 1975.

fornia Western University of San Diego, now United States International University (USIU), filed July 26, 1964, to construct a new television station to operate on Channel 51 in San Diego. FCC 65-84, Docket Nos. 15824, 15825. On June 23, 1965, the Review Board consented to the parties' joint request seeking grant of the Gross application and dismissal of the USIU application, based on an agreement allowing USIU an option, exercisable within nine months of the grant of Program Test Authority, to purchase a fifty percent interest in the permittee. FCC 65R-237, 5 RR2d 805.

5. Nearly two years later, during the pendency of an application for an extension of time within which to construct the station, Gross and USIU signed a "letter of intent" looking toward the transfer of full rights in KJOG-TV to USIU. This letter, dated April 1, 1967, was not reported to the Commission, an act of omission which later gave rise to § 1.65 questions, as is discussed below.

6. Thereafter, on November 1, 1967, Gross and Don McKinnon, operator of Station KSON, San Diego, executed an agreement to assign the KJOG-TV construction permit to a corporation which would be formed by Broadmoor Broadcasting Corporation (Broadmoor), a McKinnon family-owned corporation.

7. On November 3, 1967, Gross filed his third application for additional time within which to construct KJOG-TV, which the Commission by Order, FCC 68-1099, 15 FCC2d 76, released November 12, 1968, designated for hearing to determine facts concerning Section 1.65 and trafficking issues, and whether failure to construct had been due to causes not under the control of Gross.

8. During the course of several prehearing conferences in this matter, now designated as Docket No. 18377, Gross brought suit in California seeking declaratory judgment concerning the validity of the April 1, 1967, letter of intent. Pursuant to a judgment of specific performance in favor of USIU by the California Superior Court, County of San Diego, Civil No. 309864, handed down July 22, 1969, Gross and Broadmoor on October 6, 1969 requested dismissal of the assignment application they had filed on January 2, 1968.

9. On October 6, 1969, the instant application was filed with the Commission.[1] It was accepted for filing on October 10, 1969.

10. In an Initial Decision on March 2, 1970, the Hearing Examiner found Gross to have violated Section 1.65 of the Rules, and found that the failure to construct "was caused by matters entirely under the control of Jack O. Gross." The Examiner reached no conclusions on the trafficking issue. He granted the third extension of the construction permit "solely to enable the Commission to process" the assignment application, Docket No. 18377, FCC 70D-8, 26 FCC2d 318.

11. The Review Board on October 30, 1970, reversed the Examiner, finding there to be no basis for an extension of the construction permit concluding that the failure to construct had been Gross' fault. FCC 70R-367, 26 FCC2d 306.

12. On a Petition for Reconsideration filed by USIU, the Review Board reversed itself on March 4, 1971, and extended the construction permit solely for purposes of the assignment, following Gross' concession to forgo reimbursement for actual expenses incurred in connection with the KJOG-TV permit. FCC 71R-73, 27 FCC2d 957.

13. On August 25, 1971, the Commission remanded the case to the Review Board with instructions that it resolve the Section 1.65 and trafficking issues. FCC 71-841, 31 FCC2d 226. The Commission on January 7, 1972, denied reconsideration of its remand order. 32 FCC 2d 855.

14. On remand, the Review Board on May 3, 1972, absolved Gross of trafficking, but found that he had violated § 1.65. The Board concluded "that Gross does not possess the requisite qualifications to be a broadcast licensee * * * (W)e must conclude consistent with the Commission's mandate, that he has nothing to assign * * *" The application for an extension of time for the construction permit was denied. FCC 72R-126, 34 FCC2d 780.

15. The Commission on November 14, 1972, denied a Petition for Review of Review Board Supplemental Decision filed by Gross and USIU. FCC 72-1000, 38 FCC2d 56.

16. On December 8, 1972, USIU and Gross filed a section 402(b) appeal in the United States Court of Appeals for the D.C. Circuit from the Commission's Order affirming without opinion the Supplemental Decision of the Review Board. On May 10, 1973, the Court, on Commission motion, remanded the case for further consideration, USIU, et al. v. FCC, Docket No. 72-2179.

17. Acting on a Petition for Extraordinary Relief filed by USIU and a Brief *Amici Curiae* submitted by Representative Bob Wilson and Lionel Van Deerlin, the Commission on July 6, 1973, reversed its previous affirmation of the Supplemental Decision. The Commission stated, "We concur in the findings of the Board that Gross violated Section 1.65 of the rules. We do not believe, however, that the violations were of such a serious nature as to require Gross's absolute disqualification. While we do not condone the violations, there are no facts in the record which would indicate the existence of fraud, concealment or other serious misconduct which would warrant absolute disqualification for extension of the construction permit "for the sole purpose of allowing the Commission to consider the pending application for assignment of the permit to United States International University." FCC 73-684, 27 RR2d 1543.

18. The foregoing has been the history of Station KJOG-TV and the instant application prior to the filing on August 29, 1973, of a petition to deny the application by Broadmoor.[2]

19. The Commission's rules, at § 1.580 (i), provide: "Any party in interest may file wtih the Commission a petition to deny any such application (whether as originally filed or amended) no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto * * *" The Commission's language in its July 6, 1973 decision, *supra*, speaks of "the pending application," which indicates our determination that the instant application was not new on that date, but had been pending since its acceptance date, October 10, 1969. We must determine, based on the record, that Broadmoor's petition to deny is more than three years and nine months late, and is thus untimely.[3]

We agree with the statement made by USIU in its opposition that, "A potential petitioner never knows what proceedings the Commission may hold in the future; nonetheless, it must file within the statutory period. Otherwise, the time for filing petitions to deny would be extended indefinitely, pending the final outcome of every Commission action on any application."[4] However, as is our custom in handling defective petitions, we have examined the merits of Broadmoor's allegations as an informal complaint pursuant to § 1.587 of the Rules.

20. Broadmoor first raises a § 1.65 issue against the proposed assignee. "Perhaps the most distressing aspect of the University's application is its failure to be completely candid with the Commission concerning its financial difficulties, and, particularly, its failure to keep its application current and up to date."[5] In essence petitioner claims that USIU failed to report changes in its financial position to the Commission. In this regard, we note that the application contains amendments filed by USIU on December 13, 1971, July 2, 1973, March 19, 1974,

[1] The assignee's portion was originally filed on October 31, 1967. Concurrent with the October 6, 1969 filing, counsel requested dismissal of the application seeking assignment of the KJOG-TV permit to Broadmoor.

[2] We should note that aside from the petition, opposition, and reply, the numerous pleadings in this matter (see fn. 2) were filed without leave to do so. See § 1.45(c) of the Rules.

[3] We find that even were the instant application renewed on July 6, 1973, as Broadmoor claims, the 30-day filing deadline had passed by the submission date of the petition. Petitioner's argument that the Commission was required to relist the application on a formal public notice "so that interested parties would have an opportunity to file an appropriate Petition to Deny," is without merit, at least as to this petitioner, as the record shows it to have been fully aware of the Commission's action, and thus not a party lacking notice.

[4] Opposition, paragraph 9.

[5] Petition to deny, page 16. Broadmoor's language appears to be an admission that the instant application has been pending for several years, and was not a new application as of the date of the last Commission action in this matter.

July 11, 1974, and August 4, 1975, to update its financial showing. In view of this record, and after examination of the material contained in each amendment, we do not find "that the University totally failed to abide by the requirements of § 1.65," as petitioner alleges, so as to require the designation of an issue on this matter.

21. With regard to petitioner's second contention that the assignee is not financially qualified, we find that we are unable to determine from the material before us whether the assignee possesses the requisite funds to operate Station KJOG–TV in the public interest. The assignee estimates that it will require $908,890 to construct KJOG–TV and operate it for one year. However, the assignee has made no showing that the various figures which together comprise this total have any basis in fact. Further, we note that the applicant has revised its figures downward over the years. As an example, the application as originally filed (October 6, 1969) estimated first year operational costs at $300,000. By amendment of August 4, 1975, the first year operational costs had dropped to $144,000. The cost of program origination equipment has similarly dropped during the same period from $400,100 to $211,531. Other costs have also diminished through this period of general inflation. Further, the assignee has indicated its intention to file an application to modify the permit to allow a change in tower location. We have been given no basis for the costs to be incurred in connection with such a modification. Thus, we are unable to determine the assignee's first year expenses. We have been supplied, by petitioner, with numerous newspaper clippings indicating that USIU is in dire financial straights. The University has sold off one piece of its campus after another in an attempt to remove tax liens, pay teachers' salaries, and meet accounts payable. Reports "that USIU is on the verge of bankruptcy" have also appeared in the San Diego press. Instructors have refused to meet their classes due to the University's failure to pay salaries on time, according to other press accounts, which also state that some payroll checks have been dishonored. The Western Association of Schools and Colleges has threatened USIU with loss of accreditation. At least one major creditor has instituted foreclosure proceedings against 200 acres of the USIU campus. While none of this information can be regarded as factual, it does raise questions concerning the University's fiscal viability and its ability to operate KJOG–TV. Balance sheets submitted by the University do not show its ability to meet its obligations under our Ultravision standard, 1 FCC 2d 544 (1965).

22. By amendment dated and filed August 4, 1975, USIU informed the Commission that it had created a new corporate subsidiary, University Television, Inc., "to which the University has assigned all of its interests" in the instant application. The balance sheet of University Television, Inc. shows no current assets whatsoever. We are informed that, "University Television is currently negotiating a loan with a financially qualified private lender * * *" This statement appears to indicate, on its face, that the assignee is not financially qualified at this time. Thus, we can only conclude that the University's financial picture is too obscure for us to make a determination of its ability to meet its Ultravision obligations without a hearing into this matter.

23. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned assignment application is designated for hearing at a time and a place to be specified in a subsequent Order, upon the following issues:

(1) To determine the funds required to acquire and operate Station KJOG–TV, as such requirements are set forth in Ultravision Broadcasting Co. et al., 1 FCC 2d 544 (1965).

(2) To determine, in light of the information adduced in Issue (1), whether sufficient funds are available to the assignee to meet these expenses.

(3) To determine whether United States International University is experiencing financial instability of a sufficient magnitude to effect adversely the ability of its wholly owned subsidiary, University Television, Inc., to operate Station KJOG–TV in the public interest.

(4) To determine whether, in light of all the evidence adduced pursuant to the foregoing Issues, grant of the above-captioned application for assignment of construction permit would serve the public interest, convenience and necessity.

24. *It is further ordered*, That, the aforenoted petition to deny, filed August 29, 1973, by Broadmoor Broadcasting Corporation, when treated as a petition is dismissed, and when treated as an informal complaint is granted to the extent indicated herein.

25. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant herein, in person or by attorney, shall, within five (5) 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 the hearing and present evidence on the issues specified in the Order.

26. *It is further ordered*, That, University Television, Inc. shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, 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.75-25876 Filed 9-26-75;8:45 am]

## FEDERAL MARITIME COMMISSION

### FARRELL LINES, INC. ET AL

#### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elmer C. Maddy, Esquire, Kirlin, Campbell & Keating, One Twenty Broadway, New York, New York 10005.

Agreement No. 10181, a cooperative working arrangement among Farrell Lines Incorporated, Lykes Bros. Steamship Co., Inc., Moore-McCormack Lines, Inc., and South African Marine Corp., (N.Y.) provides for the interchange of the parties cargo containers, trailers, and related equipment in the trade between points on the United States Gulf and East Coast and South and East Africa in accordance with the terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: September 24, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-25940 Filed 9-26-75;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. ER76-64]

### ARIZONA PUBLIC SERVICE CO.

#### Filing of Certificate of Concurrence

SEPTEMBER 19, 1975.

Take notice that on September 11, 1975, Tucson Gas & Electric Company filed a certificate of concurrence to Ari-

zona Public Service Company's filing of August 8, 1975 of an August 1, 1975 Service Schedule H to the Power Coordination Agreement between Arizona Public Service Company and the Applicant. Notice of Arizona Public Service Company's filing was issued on August 20, 1975.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426 on or before October 6, 1975, 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. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25829 Filed 9-26-75;8:45 am]

[Docket No. RP76-10]

## ARKANSAS LOUISIANA GAS CO.

### Tariff Changes

SEPTEMBER 19, 1975.

Take notice that Arkansas Louisiana Gas Company (Arkla) on September 15, 1975 tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 3. The proposed changes affect one rate schedule, Arkla's FPC Gas Rate Schedule No. X-26, under which gas is sold to only one customer, namely, Cities Service Gas Company, at a point of delivery near Jane, Missouri, and would increase revenues from jurisdictional sales and service by $5.7 million based on the 12-month period ending June 30, 1975, as adjusted. According to Arkla the rate increase is needed in order to meet increased costs of operations, and is the first increase that has been proposed for this sale based on general system costs. It is also proposed to include purchased gas adjustment provisions in the rate schedule. The company states that copies of the filing were served upon Cities Service Gas Company.

The company requests that the revised tariff sheets become effective on November 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25828 Filed 9-26-75;8:45 am]

[Docket No. RI75-112]

## CERTAIN PRODUCER AND PIPELINE RESPONDENTS

### Order Requiring Report; Correction

SEPTEMBER 10, 1975.

In the order requiring report, issued September 8, 1975, and published in the FEDERAL REGISTER on September 16, 1975 40 FR Page 42780, APPENDIX B, page 42781, change item B. 5. to read: 5. The ratio of original recoverable gas reserves to Minimum Daily Quantities as provided for in each gas purchase contract, if a ratio is utilized to determine Minimum Daily Quantities. If a ratio is not utilized, state the basis upon which Minimum Daily Quantities are determined.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25839 Filed 9-26-75;8:45 am]

[Docket No. CP76-77]

## COLUMBIA GAS TRANSMISSION CORP.

### Application

SEPTEMBER 19, 1975.

Take notice that of September 8, 1975, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP76-77 an application pursuant to sections 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon in place and by sale various facilities and isolated systems and authorizing the construction and operation of replacement facilities for portions of its system that have deteriorated, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes in the instant application eighteen individual pipeline replacement projects, primarily designed to continue service to Applicant's wholesale customers at the present level. These projects are said to be for replacing pipeline constructed, for the most part, in the early 1900's, which has become difficult to maintain. The estimated cost of the proposed construction is approximately $2,575,000. Applicant proposes the construction, abandonment, and operation of the following facilities:

1. Approximately 0.9 mile of 6-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Montgomery County, Kentucky;

2. Approximately 4.5 miles of 4-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Miami County, Ohio;

3. Approximately 4.2 miles of 4-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Knox County, Ohio;

4. Approximately 1.0 mile of 3-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Lorain County, Ohio;

5. Approximately 0.3 mile of 6-inch transmission pipeline replacing, in two separate sections, a like amount of 8-inch pipeline located in Medina County, Ohio;

6. Approximately 0.6 mile of 2-inch and 2.9 miles of 3-inch transmission pipeline replacing, in three separate sections, a like amount of 4-inch and 8-inch pipeline located in Wayne County, Ohio;

7. Approximately 3.3 miles of 8-inch transmission pipeline replacing, in two separate sections, a like amount of 10-inch and 12-inch pipeline located in Holmes County, Ohio;

8. Approximately 1.1 miles of 6-inch and 0.6 mile of 10-inch transmission pipeline replacing, in four separate sections, a like amount of 20-inch pipeline located in Cabell and Putnam Counties, West Virginia;

9. Approximately 1.3 miles of 6-inch transmission pipeline, replacing in three separate sections, a like amount of 8-inch pipeline located in Guernsey County, Ohio;

10. Approximately 0.7 mile of 8-inch transmission pipeline replacing, in two separate sections, a like amount of 12-inch pipeline located in Guernsey County, Ohio;

11. Approximately 0.7 mile of 4-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Jefferson County, Ohio;

12. Approximately 0.9 mile of 3-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Columbiana County, Ohio;

13. Approximately 1.6 miles of 10-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Lawrence County, Pennsylvania;

14. Approximately 0.4 mile of 8-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Barbour County, West Virginia;

15. Approximately 0.4 mile of 4-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Mineral County, West Virginia;

16. Approximately 1.6 miles of 12-inch transmission pipeline; the abandonment of two parallel 12-inch transmission pipelines, each approximately 1.5 miles in length; and five multiple 8 and 10-inch river crossing lines, each approximately 0.1 mile in length; all located in Lincoln County, West Virginia;

17. Approximately 1.8 miles of 4-inch transmission pipeline and appurtenant regulating facilities and the abandonment of approximately 6.8 miles of 6-inch transmission pipeline and appurtenant regulating facilities, located in Franklin County, Pennsylvania; and

18. Approximately 5.0 miles of 16-inch transmission pipeline located in Brooke County, West Virginia; the abandonment of approximately 4.1 miles of 10-inch transmission pipeline located in Beaver and Washington Counties, Pennsylvania, and Hancock County, West Virginia; the abandonment of approximately 14.4 miles of 8-inch and 20-inch transmission pipeline located in Brooke County, West Virginia, and Washington County, Pennsylvania; the abandonment of approximately 4.8 miles of 8-inch and 10-inch transmission pipeline located in Brooke County, West Virginia, and Washington County, Pennsylvania; and the abandonment of approximately 1.3 miles of 10-inch transmission pipeline located in Brooke County, West Virginia.

It is stated that the abandonments in these proposed projects would not result

in the termination of service to any of Applicant's customers.

Applicant also proposes to abandon without replacement various sections of pipeline and alleges that it can maintain service to its present customers without such facilities. Further, Applicant alleges that such abandonments would not result in any termination of service. The facilities proposed to be abandoned without replacement are as follows:

1. Approximately 6.5 miles of 8-inch transmission pipeline, in three separate sections, located in McKean County, Pennsylvania and Cattaraugus County, New York; and

2. Approximately 100.8 miles of multiple 6-inch and 1.3 miles of single 12-inch continuous transmission pipeline located in Cattaraugus, Allegheny and Steuben Counties, New York.

Applicant proposes to abandon by sale to Consolidated Gas Supply Corporation (Consolidated) an isolated, off-system, production system and related points of delivery to Columbia Gas of West Virginia (CWV), and to abandon approximately 0.7 mile of 5-inch pipeline in Lewis County, West Virginia. The application states that by an agreement dated August 4, 1975, Applicant has agreed to sell to Consolidated this isolated system, which can only be utilized to supply the market requirements of 1 small rural distribution plant, which serves 27 consumers and 21 mainline consumers, all customers of CWV. It is stated that Consolidated has agreed to assume the obligation of serving the consumers presently served from this system. The production system that Applicant proposes to abandon by sale to Consolidated consists of the following:

(a) Four producing gas wells including casing, tubing and related appurtenant equipment;

(b) Three oil and gas leaseholds;

(c) Approximately 7.8 miles of field pipelines varying in size from 2 inches to 10 inches in diameter;

(d) One regulator station including, appurtenant equipment; and

(e) Nineteen mainline tap facilities.

Applicant is stated to have been informed that Consolidated and CWV will file a joint application with the Public Service Commission of West Virginia for approval for Consolidated to acquire CWV's distribution plant and to serve the aforementioned customers of CWV. Concurrently with the above proposed sale of facilities, Applicant proposes to abandon approximately 0.7 mile of 5-inch pipeline, located in Lewis County, West Virginia. The pipeline is said to be a southern extension of the production system proposed for sale to Consolidated.

Applicant proposes to abandon by sale to Weipenn Gas Company, Inc. (Weipenn), an isolated off-system production system and related points of delivery to CWV, located in Lewis County, West Virginia.

Weipenn will purchase, for the consideration of approximately $2,200, Columbia's isolated, off-system, production system located in Lewis County, West Virginia. This agreement further provides that Weipenn will purchase the distribution plant owned and operated by (CWV), an affiliate of Columbia, located in the aforementioned county. Applicant states that the volumes of natural gas that are produced and transported in this isolated system can only be utilized to supply the market requirements of 1 small rural distribution plant, which serves 9 consumers and 12 mainline consumers, all customers of CWV. The production system that Applicant proposes to abandon by sale to Weipenn consists of the following:

(a) Five producing gas wells including casing, tubing, and related appurtenant equipment;

(b) One gas purchase agreement;

(c) Three oil and gas leaseholds;

(d) Approximately 8.3 miles of field pipelines varying in size from 1 inch to 10 inches in diameter;

(e) One regulator station and one measuring station including appurtenant equipment;

(f) Eight mainline tap facilities.

Applicant states that it has been informed that Weipenn and CWV will file a joint application with the Public Service Commission of West Virginia for approval for Weipenn to acquire CWV's distribution plant and to serve the aforementioned customers of CWV.

Applicant proposes to abandon by sale to Columbia Gas of Ohio, Inc. (CGO), transmission pipelines and certain related measuring and regulating facilities, located in Lawrence and Scioto Counties, Ohio, and to abandon approximately 0.5 mile of 3-inch and 0.2 mile of 6-inch and 12-inch transmission pipeline in Scioto County, Ohio. The facilities that Applicant proposes to sell to CGO, are (a) approximately 0.9 mile of 12-inch, 0.2 mile of 10-inch and 12-inch and 0.1 mile of 3-inch transmission pipelines, and (b) two measuring facilities and one regulating facility, all located in Scioto County, Ohio. Concurrently with the proposed sale of facilities, Applicant would abandon approximately 0.5 mile of 3-inch and 0.2 mile of 6-inch and 12-inch transmission pipelines, located in Scioto County, Ohio, which would no longer be useful in Applicant's operations.

The aforestated replacement projects are said to be proposed to maintain the existing authorized levels of service for Applicant's wholesale customers. The abandonments are proposed to retire or dispose of facilities which are no longer used or useful in Applicant's system. There would be no termination of service to customers under the proposed arrangements, Applicant states.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). 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. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition 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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25830 Filed 9-26-75;8:45 am]

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[Docket No. E-8133]

## CONSUMERS POWER CO.

### Supplemental Application

SEPTEMBER 19, 1975.

Take notice that on September 4, 1975, Consumers Power Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale from time to time on or before December 31, 1976, of promissory notes to commercial banks purchasing such notes as a financial institution or as a fiduciary, promissory notes to non-banking institutions and commercial paper up to but not exceeding $300,000,000 in aggregate principal amount. On December 2, 1974, in Docket No. E-8133, the Commission authorized Applicant to issue and sell from time to time prior to December 31, 1975 promissory notes to evidence bank borrowings and commercial paper up to but not exceeding $300,000,000 in aggregate principal amount.

Applicant is incorporated under the laws of the State of Michigan, with its principal place of business in Jackson, Michigan, and is engaged in the electric and natural gas utility business in the State of Michigan.

Applicant proposes to use the proceeds from the issuance of the securities to provide a portion of the funds necessary for the construction, completion, extension and improvement of facilities, the cost of which is expected to total approximately $248,000,000 in 1975.

The bank notes and other notes will mature not later than nine months from the date of issue. The interest rate on the short-term notes payable to com-

mercial banks is expected to be not more than the prime rate but will be dependent upon the terms of the notes and the money market conditions at the time of issuance and may change during the period of the notes to conform with changes in interest rates. The interest rates on short-term notes payable to nonbanking institutions will be dependent on the terms of the notes and the money market conditions at the time of issuance. The commercial paper will mature not later than 270 days from date of issue and will carry an interest rate which will be dependent upon the terms of the notes and the money market conditions at the time of issuance.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 6, 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 the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25831 Filed 9-26-75;8:45 am]

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[Docket No. ER76-123]

## FLORIDA POWER CORP.

### Tariff Change

SEPTEMBER 18, 1975.

Take notice that Florida Power Corporation on September 12, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff, First Revised Volume No. 1, as well as revised sheets to its contracts with the City of Wauchula and the Reedy Creek Utilities Co., Inc. The proposed changes would increase revenues from the affected jurisdictional sales and service by $9.8 million, or 15.8 percent, based on the 12 month period ending December 31, 1975. The filing also provides a new fuel clause and substitutes a late payment charge for the current tariff provision permitting discontinuation of service in the event a customer does not pay its bill.

Florida Power Corporation states its existing rates are not compensatory and that it has filed the proposed increases so that its rates will compensate it for the costs incurred in rendering service. The new fuel clause is filed to conform to the requirements of the Commission's Order No. 517 of November 13, 1974. The proposed late payment charge is intended as reasonable compensation and as a more realistic remedy in the event of late payment.

The Company requested that its proposed rates become effective on October 12, 1975.

Copies of the filing were served upon the affected jurisdictional customers and the Florida Public Service Commission. Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25826 Filed 9-26-75;8:45 am]

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[Docket No. CP76-82]

## GAS SERVICE CO. AND CITIES SERVICE GAS CO.

### Application

SEPTEMBER 19, 1975.

Take notice that on September 8, 1975, The Gas Service Company (Applicant), 2460 Pershing Road, Kansas City, Missouri 64108, filed in Docket No. CP76-82 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company to establish physical connection of its interstate natural gas pipeline facilities with facilities proposed to be constructed by Applicant and to sell and deliver to Applicant for resale and distribution natural gas required to serve inhabitants of two mobile home parks and environs located in Jasper County, Missouri, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the Public Service Commission of the State of Missouri has granted Applicant a certificate of public convenience and necessity to provide natural gas service in an area which includes two mobile home parks, Sherwood Forest Mobile Home Park and Suburban Wheels Estates Mobile Home Park, in Jasper County. The present population of the parks is stated to be approximately 200 people and as of the third year of service they are anticipated to contain 131 mobile residences, two fixed residences and one office.

The number of customers that Applicant anticipates serving by the third year is 77; and the estimated peak day and annual requirements for the third year are estimated at 70.0 Mcf and 13,772 Mcf at 14.73 psia of gas, respectively. It is stated that there are no industrial establishments anticipated for the proposed service.

Applicant estimates that the cost of the facilities necessary for Applicant to commence the distribution and sale of gas in the mobile home parks would be approximately $23,595, which cost would be financed from operating income and/or short term borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8. or 1.10) and the regulations under the Natural Gas Act (18 CFR 156.9). 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. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25840 Filed 9-26-75;8:45 am]

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[Docket No. E-9469]

## LOCKHART POWER CO.

### Extension of Time

SEPTEMBER 16, 1975.

On September 8, 1975, Lockhart Power Company filed a request for an extension of time within which to comply with ordering Paragraph (A)(1) of order issued September 8, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the time within which Lockhart Power Company must comply with ordering Paragraph (A)(1) of order issued September 8, 1975, is extended to and including November 14, 1975.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25824 Filed 9-26-75;8:45 am]

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[Docket No. CP76-79]

## MOUNTAIN FUEL SUPPLY CO.

### Application

SEPTEMBER 19, 1975.

Take Notice that on September 8, 1975, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76-79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Northwest Pipeline Corporation (Northwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas purchase, transportation and exchange

agreement dated April 11, 1975, between it and Northwest, gas controlled by Northwest would be delivered to Applicant near the Clay Basin field, Dagett County, Utah. The volumes would be delivered to Applicant's existing system in the area. Applicant would redeliver gas to Northwest at an existing point of intersection of the systems of Applicant and Northwest west of Green River, Wyoming. The estimated volume of the deliveries by Northwest to Applicant is stated to be 800 Mcf of gas per day, and Applicant would have the option to purchase up to 25 percent of the volumes so delivered. If the gas is purchased, it would be on the same terms and conditions as those under which Northwest purchases the gas, plus a cost of service charge by Northwest which initially would be 8.0 cents per Mcf. To effectuate the proposed delivery Applicant would have to install a tap on its 6-inch lateral in the Clay Basin field at an estimated cost of approximately $2,700.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). 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. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition 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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25832 Filed 9-26-75;8:45 am]

[Docket No. CP74-162]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Petition To Amend

SEPTEMBER 19, 1975.

Take notice that on September 8, 1975, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-162 a petition to amend the order of the Commission of April 2, 1975, issued in said docket pursuant to section 7(c) of the Natural Gas Act to provide for additional points for the exchange of natural gas between Petitioner and El Paso Natural Gas Company (El Paso), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner alleges that on June 6, 1975, the gas exchange agreement between it and El Paso, under which service is authorized in the instant docket, was amended to provide for additional exchange points in Washita County, Oklahoma, on Petitioner's existing 26-inch pipeline for the delivery of El Paso's gas, in Eddy County, New Mexico, on El Paso's 26-inch pipeline for the delivery of Petitioner's gas and in Lea County, New Mexico, at the Belco Petroleum Corporation-Bass Federal Nos. 1 and 2 wells for the delivery of Petitioner's gas. The Washita County exchange point would require the construction by Petitioner of a 6-inch tap; the Eddy County exchange point would require the construction by Applicant of lateral and measuring facilities; and the Lea County exchange point would require no additional facilities since El Paso is receiving gas from the same wells. The estimated cost of the proposed facilities is approximately $48,600, which cost would be borne from cash on hand.

The stated purpose of the proposed arrangements is to allow Petitioner and El Paso to receive into their systems gas which the other party has available for purchase without duplicating facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). 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. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25833 Filed 9-26-75;8:45 am]

[Docket No. CP76-80]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Application

SEPTEMBER 19, 1975.

Take notice that on September 10, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-80 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1976, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for sale or exchange with Applicant.

The total costs of all facilities for which authorization is sought herein would not exceed $10,000,000, with no single onshore project to exceed a cost of $1,500,000, and with no single offshore project to exceed a cost of $2,500,000. Applicant states that the proposed facilities would be financed from funds on hand.

Any person desiring to be heard or to make any protests with reference to said application should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commissions rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). 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. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition 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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25834 Filed 9-26-75;8:45 am]

[Docket No. ER76-119]

## PUBLIC SERVICE COMPANY OF INDIANA

### New Delivery Point

SEPTEMBER 18, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana, Inc., tendered for filing its agreement dated December 1, 1974, with Miami-Cass County Rural Electric Membership Corporation which supplements the contract dated December 1, 1973, between the above two parties by the addition of reference to a new delivery point designated as the Bunker Hill-69 delivery point.

This new delivery point is presently not in service and the service commencement date is still to be determined.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25827 Filed 9-26-75;8:45 am]

[Docket No. RI76-27]

## SKELLY OIL CO.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 17, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*The Commission finds.* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

*The Commission orders.* (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

(SEAL) KENNETH F. PLUMB,
*Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until | Cents per Mcf* | | Rate in effect subject to refund in dockets Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI76-27 | Skelly Oil Co. | 70 | 15 | El Paso Natural Gas Co. (New Mexico) (Permian). | $1,141 | 8-18-75 | 10-1-75 | (6) | [1] 24.0 | [1] 25.0 | |

*Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Subject to British thermal unit adjustment from a base of 1,000.
[2] Subject to quality adjustments pursuant to opinion No. 662.
[3] The proposed rate increase is accepted as of Oct. 1, 1975, insofar as it does not exceed the opinion No. 662 ceiling and is suspended until Mar. 1, 1976, insofar as it exceeds the opinion No. 662 ceiling rate.
[4] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed rate increase of Skelly Oil Company is accepted insofar as it does not exceed the applicable area ceiling established in Opinion No. 662 and is suspended for five months insofar as it exceeds the applicable area ceiling established in Opinion No. 662.

[FR Doc.75-25843 Filed 9-26-75;8:45 am]

[Docket Nos. RP72-91; RP73-64]

## SOUTHERN NATURAL GAS CO.

### Order Granting Motion To Remove Refund Obligation and Amending Prior Order

SEPTEMBER 19, 1975.

On August 18, 1975, Southern Natural Gas Company (Southern) filed a motion in the captioned docket that the Commission modify its order of June 28, 1974 in this docket to remove a certain portion of the refund obligation established by the June 28, 1974 order. Specifically, Southern requests that the refund obligation created by our order as it relates to rates for small producer and emergency purchases be removed.

In support of its motion, Southern states that its filing of May 16, 1974, the subject of our June 28 order, includes no emergency or small producer purchases in excess of the new national rate established by Opinion No. 699-H. Accordingly, Southern requests that the refund condition imposed as it relates to small producer and emergency purchases by the June 28, 1974 order be removed. We believe this request is reasonable and shall grant Southern's motion.

*The Commission finds.* Good cause exists to grant Southern's motion to remove the refund obligation imposed by our order of June 28, 1974 as such obligation relates to small producer and emergency purchases.

*The Commission orders.* (A) Our order of June 28, 1974 in the instant docket is hereby amended by removing the refund obligation imposed by Ordering Paragraph (E) of such order and Southern's motion of August 18, 1975 is hereby granted.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25836 Filed 9-26-75;8:45 am]

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[Docket No. CP76-76]

## SOUTHERN NATURAL GAS CO.

### Application

SEPTEMBER 19, 1975.

Take notice that on September 8, 1975, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP76-76 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Florida Gas Transmission Company (Florida) from offshore to onshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant and Florida are said to have entered into a transportation agreement, dated August 26, 1975, under the terms of which Applicant is to transport approximately 37,500 Mcf of gas per day for Florida from a point of receipt in West Delta Block 133, offshore Louisiana, for redelivery to Florida at an existing interconnection between the facilities of Applicant and Florida near Franklintown Washington Parish, Louisiana. The stated purpose of the proposed transportation service is to enable Florida to receive into its system gas which it will purchase from Shell Oil Company and from Florida Exploration Company produced from Grand Isle Block 76, offshore Louisiana. The gas would be delivered at West Delta Block 133 by Shell, together with gas purchased by Applicant from Shell by Applicant.

The cost to Florida of the proposed transportation service is indicated in the application to be,

(1) A demand charge of $1.00 per Mcf of gas at 14.73 psia of daily transport quantity (37,500 Mcf),

(2) A commodity charge of 14.7 cents per Mcf of gas received by Applicant less gas used for compression and lost and unaccounted for,

(3) An overrun charge of 18.0 cents per Mcf of gas delivered by Florida in excess of the daily transport quantity.

To effectuate the proposed service and to receive its own purchased gas, Applicant states that it would have to modify its existing facilities at West Delta Block 133 at an estimated cost of approximately $64,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). 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. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition 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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if 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 Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25835 Filed 9-26-75;8:45 am]

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[Docket No. RI75-112]

## TENNESSEE GAS PIPELINE CO. AND SOUTHERN NATURAL GAS CO.

### Certain Producer and Pipeline Respondents; Extension of Time

SEPTEMBER 18, 1975.

On September 10 and 15, 1975, Tennessee Gas Pipeline Company (Tennessee) and Southern Natural Gas Company filed motions to extend the time in which to file the report required by order issued September 8, 1975, in the above-designated matter. On September 15, 1975, Columbia Gas Transmission Corporation filed a response in support of Tennessee's motion of September 10, 1975.

Notice is hereby given that the time to file the report required by order issued September 8, 1975, is extended for all parties from September 19, 1975, to and including October 3, 1975.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25825 Filed 9-26-75;8:45 am]

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[Docket Nos. RP70-29 etc.]

## TEXAS EASTERN TRANSMISSION CO.

### Report of Refunds

SEPTEMBER 19, 1975.

Take notice that on August 25, 1975 Texas Eastern Transmission Corporation (TETCO) tendered for filing a report of refunds made pursuant to Article II of the Stipulation and Agreement in the above referenced dockets. The report contains a summary of all refunds, a sample refund computation, and copies of releases from all but thirty-four of TETCO's customers. Copies of the releases of the above-mentioned thirty-four customers will be filed when TET CO receives them.

Any person desiring to be heard or to protest said report should file a protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.10 of the Commission's rules of practice and procedure (18 CFR, 1.10). All such protests should be filed on or before October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25837 Filed 9-26-75;8:45 am]

[Docket Nos. CP75-273; CI75-536]

## TRUNKLINE GAS CO. AND MOBIL OIL CORP.

### Order Granting Temporary Certificate of Public Convenience and Necessity, Consolidating Proceedings for Hearing and Decision, and Granting Interventions; Correction

AUGUST 19, 1975.

In the order granting temporary certificates of public convenience and necessity, consolidating proceedings for hearing and decision and granting interventions, issued August 15, 1975, and published in the FEDERAL REGISTER on August 26, 1975, 40 FR Page 37266, please make the following corrections:

Page 37268, Seventh Paragraph, Line 16: Strike the word "materially".

Page 37268, Paragraph (A), Second Column, Line 27: Strike the word "at".

Page 37268, Paragraph (A): Strike lines 28 and 29 and insert the following "in the manner set forth in Section 2.65(b) of our Rules. Trunkline Gas".

Page 37268, Last Paragraph, Line 1: Insert at beginning of line, "For purposes of Trunkline's submittal,".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 75-25838 Filed 9-26-75; 8:45 am]

[Docket No. ER76-126]

## APPALACHIAN POWER CO.

### Filing of Supplement to Rate Schedule

SEPTEMBER 24, 1975.

Take notice that Appalachian Power Company ("Appalachian") on September 9, 1975, filed with the Commission a letter dated September 9, 1975, addressed to the Mayor of the City of Danville, Virginia (Danville) in which Appalachian notified Danville of its intention to serve Danville on and after September 16, 1975, on a day-to-day basis. Appalachian advised Danville that the rates, terms and conditions of such day-to-day service would be as set forth in Appalachian's FPC Rate Schedule No. 26 as theretofore amended and as further amended by two (2) Supplements attached to the September 9, 1975, letter. The first of those Supplements incorporates Appalachian's "Rate Schedule WS" presently the subject of proceedings in Docket E-7775; the second would replace the fuel adjustment clause of Rate Schedule WS by a filing identical with that made in Docket No. ER76-24.

Appalachian has requested an effective date of September 16, 1975, or, alternatively, at the latest, 30 days after the date of the filing made.

Appalachian states that Danville would have paid increased charges of approximately $262,800, or 6.28 percent, had the rates and charges proposed been in effect during calendar year 1974. Appalachian also states that it has served the materials tendered both on Danville and on the State Corporation Commission of the Commonwealth of Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25988 Filed 9-26-75;8:45 am]

[Docket No. ER76-127]

## PUGET SOUND POWER AND LIGHT CO.

### Supplement to Contract

SEPTEMBER 24, 1975.

Take notice that on September 8, 1975, Puget Sound Power & Light Company (Puget) tendered for filing a supplement to its existing "Firm Wholesale Service for Purpose of Resale" rate schedule, which is the subject of Docket Nos. E-8850, E-8993, and E-8994. The supplemental documents are entitled:

1. First Revised Sheet No. -a; and
2. Wholesale for Resale Power Contract with the Port of Brownsville.

Puget states that the filing only reflects the addition of the Port of Brownsville as a new customer under this rate schedule, and that all the other terms and conditions of the rate schedule, including the rates and charges, remain the same.

Puget requests an effective date of August 17, 1975, which is when service under this agreement commenced.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-25989 Filed 9-26-75;8:45 am]

# FEDERAL PREVAILING RATE ADVISORY COMMITTEE

## ANNUAL REPORT

### Availability

Pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and Circular A-63, revised, of the Office of Management and Budget, notice is hereby given of the availability of the 1974 Annual Report of the Federal Prevailing Rate Advisory Committee.

The Report summarizes the activities and recommendations of the Committee in dealing with Federal prevailing rate pay systems for craft, trade, and labor employees paid from either appropriated or nonappropriated funds during calendar year 1974.

Single copies of the Report will be furnished, without charge or multiple copies can be furnished at a fair and equitable fee, upon written request addressed to the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

The Report may be otherwise examined and/or copied at the above office and address, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday, legal holidays excluded.

DAVID T. ROADLEY,
*Chairman, Federal Prevailing Rate Advisory Committee.*

SEPTEMBER 23, 1975.

[FR Doc.75-25815 Filed 9-26-75;8:45 am]

# FEDERAL RESERVE SYSTEM

## BARNETT BANKS OF FLORIDA AND CHASE MANHATTAN CORP. OF N.Y.

### Modified Order Granting Application To Engage in Certain Insurance Agency Activities

In an Order dated July 14, 1975, the Board of Governors of the Federal Reserve System approved the applications by Barnett Banks of Florida, Inc., Jacksonville, Florida ("Barnett") and The Chase Manhattan Corporation, New York, New York ("Chase"), to engage *de novo* in certain insurance agency activities through subsidiaries of both of the respective holding companies operating primarily in varous parts of the State of Florida.

The Board's Order discussed the proposed insurance agency activities as they related to the mortgage banking activities of the subsidiaries of the respective bank holding companies, and as viewed within the limitations of the newly enacted Florida statute which prohibits insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policy of insurance, with certain exceptions provided (Section 626.988, Florida Statutes). However, the Board's Order did not explicitly discuss the sale of credit life insurance and credit disability insurance directly related to extensions of credit by Barnett's subsidiary banks.

In a letter dated July 24, 1975, Barnett noted that the recently enacted Florida statute, cited above, defines "insurance agency activities" as "the procurement of applications, solicitation, negotiation, selling, effectuating or servicing of any policy or contract of insurance other than credit life insurance and credit disability insurance." Thus, credit life and

credit disability insurance are not within the scope of the prohibitions of the recently enacted Florida statute.

The National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"), in separate letters, submitted responses to Barnett's July 24 letter. Neither NAIA nor FAIA raised objections to the comments expressed in Barnett's July 24 letter. However, both NAIA and FAIA requested further modification of the Order with respect to the interpretation of the recently enacted Florida Statute and the insurance agency activities which may be conducted thereunder by a bank holding company.

The Board has reviewed the July 14 Order in light of the above-mentioned supplemental submissions, and has decided that it would be desirable to modify the Order to more specifically clarify the scope of the permissible insurance agency activities in terms of the Florida statute. Accordingly, the Board's Order of July 14, 1975, approving the applications of Barnett Banks of Florida, Inc., Jacksonville, Florida, and The Chase Manhattan Corporation, New York, New York, to engage *de novo* in certain insurance agency activities, is hereby modified to read as follows.[1]

Barnett Banks of Florida, Inc., Jacksonville, Florida ("Barnett"), and The Chase Manhattan Corporation, New York, New York ("Chase"), both bank holding companies within the meaning of the Bank Holding Company Act, have applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4 (b)(1) of the Board's Regulation Y, to engage *de novo* in certain insurance agency activities through subsidiaries of both of the respective holding companies operating primarily in various parts of the State of Florida.

Notices of the two subject applications were published in the communities to be served by both of the respective bank holding companies in accordance with § 225.4(b)(1) of the Board's Regulation Y. Formal objections to the applications were made by the National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"). By Order of March 6, 1973, the Board directed that public hearings be held on the subject applications before a designated Administrative Law Judge (38 FR 6441). In addition to the intervenors named above, a number of additional parties sought and were granted permission to participate in the proceedings. Testimony and other evidence in support of, and in opposition to, the applications were received in evidentiary hearings held between June 11, 1973, and June 21, 1973. The hearings and related proceedings have been conducted in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263).

In a Recommended Decision of November 8, 1973, the Administrative Law Judge concluded that the evidence supported approval of the applications and recommended that the Board permit both Applicants to engage in certain insurance agency activities in those counties in which Applicants and their affiliates do not control more than 15 per cent of the bank deposits and/or mortgage banking business. An exception to this recommendation of approval was noted for various types of surety bonding. The recommendation was subject to the requirement that appropriate statements be furnished for execution by borrowers to the effect that the customer understands that the placement of such insurance is not offered as a condition to the grant of a loan, nor as an inducement therefor, and, in addition, that similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents, or in lieu thereof, existing insurance owned by the borrower may be assigned to the bank.

The Board, having considered the entire record and the exceptions taken to the Recommended Decision by the various parties and having determined that the Administrative Law Judge's findings of fact, conclusions, and order, as modified and supplemented herein, should be adopted as the findings, conclusions, and order of the Board, now makes its findings as to the facts, its conclusions drawn therefrom, and its Order.

Barnett controls 36 banks and ranks as the third largest bank holding company in Florida with aggregate deposits approximating $1.2 billion, representing 6.3 per cent of the total deposits in commercial banks in the State.[2] Barnett proposes to sell the following types of insurance through a newly formed subsidiary known as Barnett Banks Insurance Agency, Inc.:

(a) Insurance for Applicant and its banking subsidiaries including physical damage, loss and liability insurance on property owned by Applicant or its banking subsidiaries, group insurance for the protection of employees of Applicant and its banking subsidiaries and fidelity insurance on employees of Applicant and its banking subsidiaries.

(b) Insurance on the life or health of a borrower from one of Applicant's subsidiary banks in order to ensure repayment of an extension of credit.

(c) Insurance to protect collateral in which Applicant's subsidiary banks have a security interest as a result of an extension of credit by the banks.

(d) Liability insurance on real property mortgaged to Applicant's subsidiary banks and liability insurance on motor vehicles in which Applicant's subsidiary banks have a security interest as a result of an extension of credit, when such insurance is sold in conjunction with insurance protecting the collateral.

(e) Homeowner's insurance with respect to a residence mortgaged to one of Applicant's subsidiary banks.

(f) Insurance against loss of securities or other valuables held by Applicant's subsidiary banks for safekeeping or in a safe deposit box.

(g) Life insurance equal to the difference between the maturity value of a deposit plan for periodic deposits in one of Applicant's subsidiary banks over a specified term and the balance in the account at the time of the depositor's death.

(h) Insurance that is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within this category does not constitute a significant portion of the aggregate insurance premium income of Applicant.

The Chase Manhattan Corporation controls four banks (all in New York State) with aggregate domestic deposits of approximately $16.9 billion, representing about 15.5 percent of total commercial bank deposits in the State.[3] Through a nonbanking subsidiary, Housing Investment Corporation of Florida ("HIC"), it operates three offices in Florida engaged in the origination of loans on multifamily and commercial properties. HIC commenced operations in September, 1972, and in its first nine months made loans in the aggregate volume of $170 million. Chase proposes to sell, through HIC, credit-related property and liability insurance, surety bonding, credit life, credit accident and health insurance, mortgage redemption insurance and homeowner's comprehensive policies.

The principal issues before the Board which arise from the subject applications are: (1) Whether the insurance agency activities proposed are so closely related to banking or managing or controlling banks as to be a proper incident thereto; (2) whether performance of the proposed activities can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, which outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. The Board has previously determined by Regulation (12 CFR 225.4(a)(9)) ("Insurance Regulation") that the following activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto.[4]

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[1] Applicants may engage in insurance agency activities in Florida only to the extent that such authority is specifically granted in this Order, approval granted in the July 14 Order notwithstanding.

[2] Deposit data as of December 31, 1972.

[3] Deposit data as of December 31, 1972.

[4] The Board's Insurance Regulation was adopted after notice of proposed rule-making and following receipt of comments on the substance of the proposed regulation. The insurance activities authorized by the regulation are those that are organizationally and physically integrated into the operations of the bank holding company. The Board's decisions in this area prior to the 1970 Amendments to the Act are generally to the same effect (see, for example, Otto Bremer Company, 1959 F.R. Bulletin 892; First Bank Stock Corporation, 1959 F.R. Bulletin 917; and United Virginia Bancshares, Inc., 1970 F.R. Bulletin 599).

Members of both houses of Congress referred to the Board's prior decisions during the legislative debate to the 1970 Amendments. A member of the Conference Committee, Senator Bennett, stated: "The Federal Reserve Board under the existing language of section 4(c)(8) for the past 14 years has approved insurance activities for bank holding companies and there was no intent on the part of the Conference Committee to overrule these past decisions." Congressional Record S20645, December 18, 1970.

(9) Acting as insurance agent or broker in offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance:

(i) Any insurance for the holding company and its subsidiaries;

(ii) Any insurance that (a) is directly related to an extension of credit by a bank or a bank-related firm of the kind described in this regulation, or (b) is directly related to the provision of other financial services by a bank or such a bank-related firm, or (c) is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within this subdivision (ii) (c) does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision (ii);

(iii) Any insurance sold in a community that (a) has a population not exceeding 5,000 or (b) the holding company demonstrates has inadequate insurance agency facilities.

Upon reviewing the legislative history of the 1970 Amendments to the Bank Holding Company Act, the Law Judge concluded that "Congress clearly had the insurance agency business in mind as an enterprise closely related to banking." He therefore found that "the business of selling general insurance" was an activity so closely related to banking or managing or controlling banks as to be a proper incident thereto. None of the Applicants, however, sought permission to operate a general insurance agency as such. Instead, the Applicants listed in their respective applications the specific insurance coverages that their subsidiaries contemplated selling, and for which prior Board approval was sought. Adoption of the Law Judge's recommended finding that "selling general insurance" is an activity closely related to banking would thus confer a broader authority than that requested in any of the subject applications and would not be an appropriate finding from the record of this proceeding.

Subsequent to the Law Judge's decision in this case, legislation was passed by the Florida legislature prohibiting insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policy of insurance (Section 626.988, Florida Statutes). However, the new Florida statute provides narrow exceptions which authorize certain nonbank subsidiaries or affiliates of bank holding companies to engage to a limited extent in certain insurance activities. Section 3 of the statute provides:

> Notwithstanding any other provisions of this section, an insurance agent or solicitor licensed by the department of insurance under the provisions of chapter 626, Florida Statutes, who is affiliated with, under contract with, retained by or owned or controlled directly or indirectly to any degree by a bank holding company subsidiary or affiliate, which is not a bank, licensed and operating primarily under Chapter 494, Florida Statutes, may engage in insurance agency activities, if permitted by the Board of Governors of the Federal Reserve System, but only to the extent that such activities are directly related to the extension of credit, specifically real estate mortgage loans, made or brokered by licensees under chapter 494, Florida Statutes, and only to the extent necessary to protect the real property which is subject to the mortgage loan, against loss or damage. With respect only to residential property consisting of not more than four individual dwelling units, such agent or solicitor may offer a policy affording insurance on the primary residence, appurtenant structures, personal property and personal liability, but excluding any insurance customarily written under an inland marine form. In addition, such agent may offer decreasing term life insurance on the life of the borrower not to exceed the amount and term of the mortgage.

Thus, it appears that under the recently enacted Florida statute, Applicants may engage to a limited extent in certain insurance agency activities. Accordingly, the Board believes that it may approve the proposals herein to the extent permitted by Florida law.

No serious contest was made in this proceeding concerning the sale of credit life or credit accident and health (disability) insurance, nor are these coverages encompassed within the prohibitions of the recently enacted Florida statute. The Board has previously determined by Order[5] that the sale of these forms of insurance was so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. The previous findings of the Board concerning such coverages are reaffirmed herein since such insurance assures repayment of an extension of credit by the holding company system in the event of death or disability of the borrower. Under these conditions, the Board finds that the sale of such insurance is directly related to an extension of credit. However, where life insurance on the borrower exceeds the outstanding balance of the credit extension as occurs in the sale of level term life insurance in connection with installment loans, no direct relationship exists. Accordingly, the Board finds that the sale of level term credit life insurance on other than single payment loans is not so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. Thus, Barnett may sell decreasing term credit life insurance and credit accident and health (disability) insurance which is related to extensions of credit by its subsidiary banks, and Chase may sell such insurance through HIC when the insurance is related to extensions of credit by HIC, pursuant to the provisions of § 225.4(a)(9) of the Board's Insurance Regulation and to the extent that such activity is consistent with and permitted by applicable Florida statutes.[6]

[5] See the Board's Order of January 28, 1974, granting approval to Worcester Bancorp, Inc., Worcester, Massachusetts, to engage *de novo* in the sale of credit life, credit accident and health, and mortgage redemption insurance (1974 FR *Bulletin* 393).

[6] In view of the recently enacted Florida insurance legislation (Section 626.988, Florida Statutes), the Board is without authority to approve any of Barnett's proposed insurance agency activities, other than the sale of credit life and credit disability insurance.

Likewise, no serious contest was made in this proceeding concerning the sale of mortgage redemption insurance. The Board has previously determined by Order[7] that the sale of this insurance is so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. The previous finding of the Board concerning this coverage is reaffirmed herein since such insurance is often purchased to assure repayment of an extension of credit by the holding company system in the event of the death of the borrower. As noted supra, Florida's recently enacted statute expressly permits the sale of decreasing term life insurance on the life of a borrower where such insurance is sold in connection with an extension of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, and where the insurance does not exceed the amount and term of the real estate mortgage loan. Thus, Chase may engage in this activity, through HIC, to the extent permitted by Florida law.[8]

Both of the Applicants request permission to sell various forms of insurance that protect the collateral in which a subsidiary has a security interest as a result of an extension of credit. Insofar as these requests pertain to physical damage insurance on real estate mortgaged as security for a loan originated by Chase's mortgage banking subsidiary, HIC, they would appear to meet the requirements contained in the exemption to the recently enacted Florida statute, cited above. The Board has previously found that the sale of such coverage is directly related to an extension of credit within the meaning of § 225.4(a)(9)(ii)(a) of the Insurance Regulation. The extension of credit on a secured loan is founded upon the value of the collateral securing the loan. Thus, insurance is essential from the lender's standpoint to assure that the value of the collateral will not

[7] See note 5, *supra*.

[8] The Board need make no finding that HIC is a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, or how HIC will comply with State insurance laws with respect to licensing of agents and soliciting of insurance sales. These are general questions of State law regulating insurance agency and mortgage banking activities which are not related to whether performance per se by a bank holding company directly or indirectly of a particular activity would be violative of State law. These, therefore, are not the type of State law issues which the Board must consider pursuant to the Supreme Court decision in Whitney National Bank in Jefferson Parish v. Bank of New Orleans and Trust Co., 379 U.S. 411 (1965). It is presumed that Chase will comply with all relevant State licensing and insurance laws, but it is not the role of the Board to define the diverse requirements of such laws or to enforce compliance with them. If HIC is not a properly licensed Chapter 494 subsidiary the exemption in section 3 of the recently enacted Florida insurance statute clearly does not apply, and HIC will need to be properly licensed and operating primarily under Chapter 494 in order to engage in the limited insurance agency activities approved herein.

be impaired by physical damage. The financial nature of the insurance transaction forms an integral function for the borrower as well since the presence or lack of insurance protecting loan collateral is an essential element of the credit evaluation. The evidence in this record confirms that the sale of physical damage insurance on real estate is directly related to a real estate mortgage loan. Thus, Chase may engage in this activity.

Applicants also seek prior Board approval to sell liability insurance on real property when a subsidiary has taken a security interest in such property as the result of its extension of credit. The purchase of liability insurance by individual borrowers in conjunction with or as part of an insurance package with insurance that protects real property which secures an extension of credit appears, from the evidence of record, to be the least costly and most convenient means of obtaining such coverage. Moreover, a "packaged" insurance policy combining liability insurance with insurance relating to physical damage on real property purchased from loan proceeds fulfills a legitimate need of the lender and borrower alike at the time a loan is made. The Board concludes from all the evidence of record that the sale of liability insurance on real property supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers in conjunction with, or as part of, an insurance package with insurance protecting real property, and is a permissible activity within § 225.4(a)(9)(ii)(a) of the Insurance Regulation. However, under the recently enacted Florida statute cited above, Applicants would be prohibited from selling this type of insurance except in connection with extensions of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, where the real property securing the extension of credit consists of residential property of not more than four individual dwelling units. Thus, Chase may engage in this activity through HIC, subject to these conditions.

Both of the Applicants have applied for permission to sell homeowner's insurance. This insurance is to be sold in a package form consisting primarily of physical damage and liability insurance on a residence along with several other types of coverages. The evidence of record indicates the difficulty of separately obtaining the several types of coverages contained in a homeowner's policy at a price comparable to that for the package. The Board, therefore, concludes that the sale of homeowner's insurance supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers as a means of protecting the collateral in which the bank or bank-related firm has a security interest and is a permissible activity within § 225.4(a)(9) of the Insurance Regulation. Accordingly, to the extent permitted by Florida law, Chase may engage in the sale of homeowner's insurance in connection with extensions of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, where the extensions of credit involve residential property consisting of not more than four individual dwelling units.

In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the 1970 Amendments to the Act require the Board to "consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Each of these factors has been separately considered by the Board in its determination herein.

The public benefits that may reasonably be expected to result from the sale of the coverages discussed, supra, appear to be positive in terms of greater convenience to the consumer-borrower. The ability of a borrower to complete an entire credit-related insurance transaction at one location (so-called "one-stop shopping") is likely to result in a considerable savings in time as well as to eliminate the duplication of certain information requirements. Permitting Applicants to engage in the specified insurance agency activities is also likely to result in the added convenience of combining the loan installments and insurance premiums in a single payment.

Approval of the subject applications is also likely to result in some increased competition among insurance agents in Florida. While it does not appear that Applicants can introduce more than a minimum of price competition in those insurance agency markets that they enter, each appears capable of injecting strong competition in such markets on the basis of service. The added convenience of completing a credit-insurance transaction at one location, discussed supra, is but one of the competitive means whereby Applicants may improve an insurance agent's service to the public. In addition, certain technical efficiencies in the data processing area give both Applicants the capability of competing effectively with independent agents and the assurance of efficient service to the public. Based on these and other facts of record, it is the Board's judgment that approval of the subject applications will produce public benefits through increased competition among insurance agents in local Florida markets.

Approval of the subject applications is also likely to result in some gains in efficiency. The policies sold must, by Board Regulation, be directly related to an extension of credit or the provision of other financial services offered by the Applicants; and, furthermore, under the recently enacted Florida statute, the property and liability policies also must be directly related to real estate mortgage loans extended by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes. Thus, some savings can be anticipated through the reduction or even elimination of advertising and solicitation expenses as the agent's only customers will be those who choose the "one-stop" convenience of purchasing insurance at the same time the loan is obtained. Since insurance agency activities will be conducted from existing facilities of the holding company, the expense of office overhead will be minimal. Efficiencies may also result in the case of Barnett from the increased use of the holding company's computer facilities in handling insurance sales and billing operations. It is the Board's judgment that such efficiencies will result in positive public benefits in terms of the service the Applicants may offer their borrower-insureds.

One of the possible adverse effects which the Congress directed the Board to consider in determining whether a particular activity is a proper incident to banking or managing or controlling banks is the danger of an undue concentration of resources. As noted in the Conference Report accompanying H.R. 6778, this particular danger "is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy." Since Applicants are proposing to enter this activity *de novo*, the Board concludes that the danger of an undue concentration of resources such as the Congress feared might arise from bank holding company entry into a particular nonbanking activity is not present in these applications.

Another possible adverse effect which the Congress directed the Board to consider in any 4(c)(8) application concerned the danger of decreased or unfair competition. Intervenors vigorously contested these applications on the ground that permitting Applicants to sell insurance would lead to coerced or "voluntary" tying[*] of insurance to extensions of credit by Applicants' subsidiaries. It appears that the Law Judge was concerned with such a possibility and accordingly recommended that Applicants not be permitted to sell insurance in markets where their banking subsidiaries hold more than 15 per cent of the total deposits in commercial banks. It is clear that coerced tying is forbidden by § 106 of the Bank Holding Company Act and under certain conditions by provisions of the antitrust laws. Moreover, the evidence of record in this proceeding contains no specific instances of a tying arrangement resulting from either coerced or "voluntary" tying. Finally, the record indicates that the market power required for the successful practice of tying does not appear to be present. The share of commercial bank deposits that Barnett's banking subsidiaries hold in local Florida

[*] Voluntary tying results not from any coercion placed on the borrower by the lender but, rather, from the borrower's presumed desire to enhance the probability of obtaining a loan.

markets does not establish undue market power in those markets. It appears from the record in this proceeding that there are numerous banking alternatives in Florida's banking markets. In addition to commercial banks, borrowers have access to mortgage loans from savings and loan associations and mortgage bankers. Considering these alternative nonbank sources of mortgage credit, together with the numerous commercial banking alternatives available to borrowers, it appears that the dangers of tying are not substantial and should not bar Applicants' sale of insurance in local Florida markets.

The Law Judge recommended in his decision that "appropriate statements be included in all insurance application forms furnished by affiliates of bank holding companies in bold type above the applicant's signature to the effect that the customer understands that the placement of such insurance is not offered as a condition to the grant of the loan nor as an inducement therefor * * *." The Board notes that similar statements are likely to be included in all Truth in Lending disclosures made pursuant to the Board's Regulation Z with respect to credit life, accident and health or loss of income insurance, and it finds that the evidence in this record is not sufficient to otherwise require such language.

The Law Judge also recommended as a condition of approval that language be added to insurance application forms indicating that "similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents or in lieu thereof existing insurance owned by the borrower may be assigned to the bank" (page 64). The Board has not required this specific condition before and the evidence in this record is insufficient to demonstrate that there are possible adverse effects to be prevented by such a statement.

Finally, in passing on an application under section 4(c)(8), the Board is required to consider whether conflicts of interests or unsound banking practices might arise from Applicants' entry into the insurance agency business. We find no evidence in the record to support a conclusion that lending affiliates of an applicant would risk making an undesirable loan for the purpose of selling the customer any other form of insurance. Regulatory supervision of loans made by banking affiliates of the Applicants appear to provide a reasonable safeguard against this possibility. Accordingly, the Board finds that the adverse effects that might arise from possible conflicts of interests are not present in these applications. In addition, a review of the entire record indicates that no other unsound banking practices would result from Applicants' entry into the sale of the specified insurance coverages. Therefore, it is the Board's judgment that consummation of the proposed transactions would not result in conflicts of interests or unsound banking practices.

It has been suggested by NAIA that, in light of the new legislative prohibitions of the Florida statute limiting Applicants' entry into insurance agency activities, the public benefits claimed from subject entry should be reexamined. The Board recognizes that some diminution of the public benefits dicussed supra may likely result from a more limited form of entry into insurance agency activities. However, on balance, it is the Board's view that sufficient public benefits would exist following Applicants' entry into those insurance agency activities now permitted by Florida law as to outweigh any possible adverse effects resulting from such entry.

The Board notes that NAIA has objected to the exclusion by the Law Judge of certain testimony of Mr. Harrison Houghton, witness for NAIA. The Board, after examining the record, concludes that the Law Judge correctly exercised his discretion in refusing to admit this testimony since it was cumulative to other testimony in the record and, moreover, irrelevant to many of the issues involved in these applications. NAIA filed a motion to exclude Board personnel who were involved in this hearing from "participating in the making of the Board's decision on these applications." Since such personnel of the Board did not participate in the decisional process, the issue raised by the motion is moot.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of these proposals can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the Board's July 14, 1975 Order is hereby modified as provided herein, and the applications to sell the limited coverages enumerated above and expressly permitted under the Florida statute are hereby approved only to the extent specified in this Order. This determination supersedes the Board's Order of July 14, 1975, and is conditioned upon Applicants' conduct of these activities in accordance with all applicable Florida insurance laws. This determination is further subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof. The transactions herein approved shall be executed not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Banks of Atlanta or New York pursuant to delegated authority.

By the order of the Board of Governors,[10] effective September 22, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-25889 Filed 9-26-75;8:45 am]

## BARNETT BANKS OF FLORIDA AND CHASE MANHATTAN CORP. OF N.Y.

### Modified Order Granting Application To Engage in Certain Insurance Agency Activities

In an Order dated July 14, 1975, the Board of Governors of the Federal Reserve System approved the application by Barnett Banks of Florida, Inc., Jacksonville, Florida ("Barnett"), to engage *de novo* in certain insurance agency activities through a newly formed subsidiary to be known as Barnett Winston Insurance Agency, Inc.

The Board's Order discussed the proposed insurance agency activities as they related to the mortgage banking activities of Barnett's mortgage banking subsidiary, Barnett Winston Company, and as viewed within the limitations of the newly enacted Florida statute which prohibits insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policy of insurance, with certain exceptions provided (Section 626.988, Florida Statutes).[1] However, the Board's Order did not discuss the sale of credit accident and health (disability) insurance by the offices of Barnett Winston Company which are located in Florida.

In a letter dated July 24, 1975, Barnett noted that the recently enacted Florida statute, cited above, defines "insurance agency activities" as "the procurement of applications, solicitation, negotiation, selling, effectuating or servicing of any policy or contract of insurance other than credit life insurance and credit disability insurance." Thus, credit life and credit disability insurance are not within the scope of the prohibitions of the recently enacted Florida statute.

The National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"), in separate letters, submitted responses to Barnett's July 24 letter. Neither NAIA or FAIA raised objections to the comments expressed in Barnett's July 24 letter. However, both NAIA and FAIA requested further modifications of

[10] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

[1] Barnett Winston Company operates six offices in Florida and one office in Harris County, Texas. The Board's July 14, 1975, Order distinguished the proposed insurance agency activities to be conducted in Florida from those to be conducted in Texas. The instant Order modifies the July 14 Order only insofar as it concerns the proposed activities in Florida, and reaffirms the activities approved for the office in Texas.

the Order with respect to the interpretation of the recently enacted Florida Statute and the insurance agency activities which may be conducted thereunder by a bank holding company.

The Board has reviewed the July 14 Order in light of the above-mentioned supplemental submissions, and has decided that it would be desirable to modify the Order to more specifically clarify the scope of the permissible insurance agency activities in terms of the Florida statute. Accordingly, the Board's Order of July 14, 1975, approving the application of Barnett Banks of Florida, Inc., Jacksonville, Florida, to engage *de novo* in certain insurance agency activities through Barnett Winston Insurance Agency, Inc., is hereby modified to read as follows:[2]

Barnett Banks of Florida, Inc., Jacksonville, Florida ("Barnett"), a bank holding company within the meaning of the Bank Holding Company Act, has applied through its nonbanking subsidiary, Barnett Winston Company ("Barnett Winston"), for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y, to engage *de novo* in certain insurance agency activities through a newly formed subsidiary to be known as Barnett Winston Insurance Agency, Inc.

Notice of the application was published in the communities to be served in accordance with § 225.4(b)(1) of the Board's Regulation Y. Formal objections to the application were made by the National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"). By Order of March 6, 1973, the Board directed that public hearings be held on the subject application before a designated Administrative Law Judge (38 FR 6441). In addition to the intervenors named above, a number of additional parties sought, and were granted permission, to participate in the proceeding. Testimony and other evidence in support of, and in opposition to, the application was received in evidentiary hearings held between June 11, 1973, and June 21, 1973. The hearing and related proceedings have been conducted in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263).

In a Recommended Decision of November 8, 1973, the Administrative Law Judge concluded that the evidence supported approval of the application and recommended that the Board permit Applicant to engage in certain insurance agency activities in those counties in which Applicant and its affiliates do not control more than 15 per cent of the bank deposits and/or mortgage banking business. An exception to the recommendation of approval was noted for various types of surety bonding. The recommendation was subject to the requirement that appropriate statements be furnished for execution by borrowers to the effect that the customer understands that the placement of such insurance is not offered as a condition to the grant of a loan, nor as an inducement therefor, and, in addition, that similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents, or in lieu thereof, existing insurance owned by the borrower may be assigned to the bank.

The Board, having considered the entire record and the exceptions taken to the Recommended Decision by the various parties and having determined that the Administrative Law Judge's findings of fact, conclusions, and order, as modified and supplemented herein, should be adopted as the findings, conclusions, and Order of the Board, now makes its findings as to the facts, its conclusions drawn therefrom, and its Order.

Barnett Winston Company is engaged in the activity of mortgage banking through six offices in Florida and one in Harris County, Texas. As of year-end 1972 it held a mortgage servicing portfolio of approximately $155 million. Barnett Winston Company proposes to sell the following types of insurance in connection with the real estate financing activities of its subsidiaries through a newly-formed subsidiary to be known as Barnett Winston Insurance Agency, Inc.:

(a) Property damage and liability insurance on real estate mortgaged as security for a loan originated and/or serviced by a bank-related subsidiary of Applicant.

(b) Mortgage guaranty insurance assuring repayment in the event of default of all or a portion of a mortgage loan originated and/or serviced by a bank-related subsidiary of Applicant.

(c) Insurance on the life or health of a borrower indebted on a loan originated and/or serviced by a bank-related subsidiary of Applicant.

(d) Homeowner's insurance with respect to a residence mortgaged as security for a loan originated and/or serviced by a bank-related subsidiary of Applicant.

(e) Insurance that is otherwise sold as a matter of convenience to the purchaser so long as the premium income from such sales does not constitute a significant portion of the aggregate insurance premium of Applicant.

The principal issues before the Board which arise from the subject application are: (1) Whether the insurance agency activities proposed are so closely related to banking or managing or controlling banks as to be a proper incident thereto; (2) whether performance of the proposed activities can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, which outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. The Board has previously determined by Regulation (12 CFR 225.4(a)(9)) ("Insurance Regulation") that the following activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto:[3]

(9) acting as insurance agent or broker at offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance:

(i) Any insurance for the holding company and its subsidiaries;

(ii) Any insurance that (a) is directly related to an extension of credit by a bank or a bank-related firm of the kind described in this regulation, or (b) is directly related to the provision of other financial services by a bank or such a bank-related firm, or (c) is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within this subdivision (ii)(c) does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision (ii);

(iii) Any insurance sold in a community that (a) has a population not exceeding 5,000 or (b) the holding company demonstrates has inadequate insurance agency facilities.

Upon reviewing the legislative history of the 1970 Amendments to the Bank Holding Company Act, the Law Judge concluded that "Congress clearly had the insurance agency business in mind as an enterprise closely related to banking." He therefore found that "the business of selling general insurance" was an activity so closely related to banking or managing or controlling banks as to be a proper incident thereto. However, Applicant did not seek permission to operate a general insurance agency as such but listed in its application the specific insurance coverages that it contemplated selling through its newly-formed subsidiary, Barnett Winston Insurance Agency, Inc. Adoption of the Law Judge's recommended finding that "selling general insurance" is an activity closely related to banking would

[2] Applicant may engage in insurance agency activities only to the extent that such authority is specifically granted in this Order, approval granted in the July 14 Order notwithstanding.

[3] The Board's Insurance Regulation was adopted after notice of proposed rule-making and following receipt of comments on the substance of the proposed regulation. The insurance activities authorized by the regulation are those that are organizationally and physically integrated into the operations of the bank holding company. The Board's decisions in this area prior to the 1970 Amendments to the Act are generally to the same effect (see, for example, Otto Bremer Company, 1959 F.R. *Bulletin* 892, First Bank Stock Corporation, 1959 F.R. *Bulletin* 917; and United Virginia Bancshares, Inc., 1970 F.R. *Bulletin* 599).

Members of both Houses of Congress referred to the Board's prior decisions during the legislative debate to the 1970 Amendments. A member of the Conference Committee, Senator Bennett, stated: "The Federal Reserve Board under the existing language of § 4(c)(8) for the past 14 years has approved insurance activities for bank holding companies and there was no intent on the part of the Conference Committee to overrule these past decisions." Congressional Record S-20645, December 18, 1970.

thus confer a broader authority than that requested in the subject application and would not be an appropriate finding from the record of this proceeding.

Subsequent to the Law Judge's decision in this case, a bill was passed by the Florida legislature prohibiting insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policy of insurance (Section 626.988, Florida Statutes). However, the new Florida statute provides narrow exceptions which authorize certain nonbank subsidiaries or affiliates of bank holding companies to engage to a limited extent in certain insurance agency activities.

Section 3 of the statute provides:

Nothwithstanding any other provision of this section, an insurance agent or solicitor licensed by the department of insurance under the provisions of chapter 626, Florida Statutes, who is affiliated with, under contract with, retained by or owned or controlled directly or indirectly to any degree by a bank holding company, subsidiary or affiliate, which is not a bank, licensed and operating primarily under chapter 494, Florida Statutes, may engage in insurance agency activities, if permitted by the Board of Governors of the Federal Reserve System, but only to the extent that such activities are directly related to the extension of credit, specifically real estate mortgage loans, made or brokered by licensees under Chapter 494, Florida Statutes, and only to the extent necessary to protect the real property which is subject to the mortgage loan, against loss or damage. With respect only to residential property consisting of not more than four individual dwelling units, such agent or solicitor may offer a policy affording insurance on the primary residence, appurtenant structures, personal property and personal liability, but excluding any insurance customarily written under an inland marine form. In addition, such agent may offer decreasing term life insurance on the life of the borrower not to exceed the amount and term of the mortgage.

Thus, it appears that under the recently enacted Florida statute, Applicant may engage to a limited extent in certain insurance agency activities. Accordingly, the Board believes that it may approve the proposal herein to the extent permitted by Florida law.

Applicant requests permission for Barnett Winston Insurance Agency, Inc. to sell physical damage insurance on real estate mortgaged as security for a loan originated and/or serviced by Barnett Winston, a mortgage banking subsidiary of Applicant located in Florida.[4] So long as this request pertains to physical damage insurance on real estate serving as collateral for a loan *originated* by a subsidiary of Applicant which is licensed and operating primarily under Chapter 494, Florida Statutes, it would appear to meet the requirements contained in the exemption to the recently enacted Florida statute cited above. The Board has previously found that the sale of such coverage is directly related to an extension of credit within the meaning of § 225.4(a)(9)(ii)(a) of Regulation Y. The extension of credit on a secured loan is founded upon the value of the collateral securing the loan. Thus, insurance is essential from the lender's standpoint to assure that the value of the collateral will not be impaired by physical damage. The financial nature of the insurance transaction forms an integral function for the borrower as well since the presence or lack of insurance protecting loan collateral is an essential element of the credit evaluation. The evidence in this record confirms that the sale of physical damage insurance on real estate is directly related to a real estate mortgage loan. Accordingly, Applicant may engage in this activity subject to the limitations imposed by Florida law.

Applicant further seeks to sell physical damage insurance on real estate mortgaged as security for a loan originated and/or serviced by Barnett Winston in Harris County, Texas. The servicing of loans and other extensions of credit has been found by the Board to be a permissible activity under § 225.4(a)(3) of Regulation Y, and thus, a provision of a financial service by a bank or bank-related firm of the type contemplated in the Board's Interpretation permitting the sale of insurance in connection with such services (12 CFR 225.128(d)(4)). Accordingly, the Board concludes that the sale of physical damage insurance on real estate serving as collateral for a loan originated and/or serviced by Barnett Winston in Harris County, Texas, is a permissible activity within the meaning of § 225.4(a)(9)(ii) (a) and/or (b) of the Insurance Regulation.

Applicant seeks prior Board approval to sell liability insurance on real property when a subsidiary has taken a security interest in such property as the result of its extension of credit. The purchase of liability insurance by individual borrowers in conjunction with or as part of an insurance package with insurance that protects real property which secures an extension of credit appears, from the evidence of record, to be the least costly and most convenient means of obtaining such coverage. Moreover, a "packaged" insurance policy combining liability insurance with insurance relating to physical damage on real property purchased from loan proceeds fulfills a legitimate need of the lender and borrower alike at the time a loan is made. The Board concludes from all the evidence of record that the sale of liability insurance on real property supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers in conjunction with, or as part of, an insurance package with insurance protecting real property, and is a permissible activity within § 225.4(a)(9) of the Insurance Regulation. However, under the recently enacted Florida statute cited above, Applicant would be prohibited from selling this type of insurance in Florida, except in connection with extensions of credit originated by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, and except for those instances where the real property securing an extension of credit consists of residential property of not more than four individual dwelling units. To the extent that Applicant complies with these conditions, it may engage in this activity. Insofar as Applicant's request pertains to prior Board approval to sell liability insurance on real estate serving as collateral for a loan originated and/or serviced by Barnett Winston in Harris County, Texas, the Board concludes from all the evidence of record that Applicant may engage in this activity in Harris County so long as the liability insurance is sold to borrowers in conjunction with, or as part of, an insurance package with insurance protecting the real property.

Applicant has requested the Board's prior approval to sell mortgage guaranty insurance as agent or broker. This particular insurance protects the lender against loss of a specified percentage of a loan in the event of foreclosure and sale of the collateral. To a large extent, it insures the lender against credit risk. However, none of the major mortgage insurance underwriters uses agents at the present time, and all have been qualified as insurers by the Federal Home Loan Mortgage Corporation. The Board further notes that § 150 of that Corporation's Eligibility Requirements for qualified insurers prohibits these insurers from paying a fee, commission, or other compensation to any mortgage lender or to any corporation in which the lender, its officers or directors, or its employees have a financial interest. Thus, it appears that qualified underwriters of mortgage guaranty insurance would be prohibited from paying a commission or fee to Applicant in the sale of such insurance. Moreover, were Applicant to sell mortgage guaranty insurance for an unqualified insurer, its mortgages could not be resold to the Federal Home Loan Mortgage Corporation, a significant buyer of mortgages in the secondary market. Under these circumstances, the Board does not view the sale of mortgage guaranty insurance by a bank holding company to be in the public interest. Accordingly, the application to engage in

[4] Protestants contend that the proper interpretation of the Florida Statute requires that the insurance be sold by the Chapter 494 subsidiary, itself, and not by a subsidiary or affiliate of the Chapter 494 subsidiary. This proposed interpretation is far from clear on the face of the statute. In fact, a literal reading of the statute would appear to support an interpretation opposite to that proffered by Protestants. Furthermore, the Board does not believe that there is any substantive distinction between the Chapter 494 subsidiary itself selling the insurance, or a subsidiary or affiliate of the Chapter 494 subsidiary engaging only in the sale of insurance on behalf of, and in connection with, extensions of credit by the Chapter 494 subsidiary.

the sale as agent or broker of this specific coverage should be, and hereby is, denied.[4]

Applicant has also requested the Board's prior approval to sell insurance on the life or health of a borrower who is indebted on a loan originated and/or serviced by a bank-related subsidiary of Applicant. The Board has previously determined by Order[4] that the sale of credit life, credit accident and health, and mortgage redemption insurance is so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. As noted supra, Florida's recently enacted statute expressly permits the sale of decreasing term life insurance on the life of a borrower where such insurance is sold in connection with an extension of credit originated by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, and where the insurance does not exceed the amount and term of the real estate mortgage loan. The sale of such insurance assures repayment of an extension of credit by the holding company system in the event of death or disability of the borrower. The Board finds that the sale of such insurance is directly related to an extension of credit and that Applicant may engage in this activity in Florida, provided that these conditions are complied with.

The previously noted restrictions under Florida law on the sale of mortgage redemption insurance do not Limit Applicant's ability to perform this activity in the State of Texas, nor do these restrictions apply to, or limit, Applicant's ability to sell credit life and credit accident and health insurance in Florida or Texas. The sale of decreasing term life insurance in connection with the servicing of loans by a bank or bank-related firm is a coverage previously determined by the Board as one directly related to an extension of credit or the providing of financial services (see 12 CFR 225.128 (d)). However, where life insurance on the borrower exceeds the extent of the outstanding balance of the credit extension as occurs in the sale of level term life insurance in connection with installment loans, no direct relationship exists. Accordingly, the Board finds that the sale of level term life insurance is not so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. Thus, Applicant may sell such credit accident and health insurance and decreasing term life insurance under the provisions of § 225.4(a)(9) of the Board's Insurance Regulation through all of Barnett Winston's offices, so long as such insurance is sold in accordance with applicable State laws.

Applicant has also applied for permission to sell homeowner's insurance under a package form of insurance consisting primarily of physical damage and liability insurance on a residence combined with several other types of coverages. The evidence of record indicates the difficulty of separately obtaining the several types of coverages contained in a homeowner's policy at a price comparable to that for the package. The Board, therefore, concludes that the sale of homeowner's insurance supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers as a means of protecting the collateral in which the bank or bank-related firm has a security interest and is a permissible activity within § 225.4(a)(9) of the Insurance Regulation. Accordingly, Applicant's sale of homeowner's insurance protecting collateral securing a mortgage loan originated and/or serviced by its mortgage loan office in Harris County, Texas is a permissible activity within § 225.4(a)(9) of the Insurance Regulation. In addition, to the extent such policy excludes any insurance customarily written under an inland marine form, Applicant may engage in this activity in Florida in connection with extensions of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, where the extensions of credit involve real estate mortgage loans on residential property consisting of not more than four individual dwelling units.

Applicant also requests permission to sell insurance that is otherwise sold as a matter of convenience to the purchaser so long as the premium income from sales within this category does not constitute a significant portion of the aggregate insurance premium income from insurance sold in connection with loans or other financial services. The sale of such insurance has been expressly permitted by the Board under § 225.4(a)(9)(ii)(c) of the Insurance Regulation. The Board does not regard this provision as being designed to permit entry into the general insurance agency business but only permits the limited sale of such insurance as a matter of convenience to the purchaser. The Board has previously determined that income attributable to "convenience' sales is "less than 5 per as constituting a "significant portion" if the premium income attributable to "convenience" sales is "less than 5 percent of the aggregate insurance premium income of the holding company system from insurance sold pursuant to § 225.4(a)(9)(ii)" (see 12 CFR 225.128(e) and (3)).[5] The Board hereby reaffirms its view that this limitation is a necessary and proper means of ensuring the continued existence of the close relationship originally found between banking and certain insurance agency activities deemed permissible under the Insurance Regulation. Accordingly, Applicant may sell "convenience" insurance through Barnett Winston's one office in Harris County, Texas.[6]

In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the 1970 Amendments to the Act require the Board to "consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Each of these factors has been separately considered by the Board in its determination herein.

The public benefits that may reasonably be expected to result from the sale of the coverages discussed, supra, appear to be positive in terms of greater convenience to the consumer-borrower. The ability of a borrower to complete an entire credit-related insurance transaction at one location (so-called "one-stop shopping") is likely to result in a considerable savings in time as well as eliminate the duplication of certain information requirements. Permitting Applicant to engage in the specified insurance agency activities is also likely to result in the added convenience of combining the loan installments and insurance premiums in a single payment.

Approval of the subject application is also likely to result in some increased competition among insurance agents in Florida. While it does not appear that Applicant can introduce more than a minimum of price competition in those insurance agency markets that it enters, it appears capable of injecting strong competition in such markets on the basis of service. The added convenience of completing a credit-insurance transac-

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[3] Although the Board initially approved on July 3, 1974, the application of The Alabama Financial Group, Inc., now Southern Bancorporation ("Southern"), to engage in certain insurance agency activities including acting as agent in the sale of mortgage guaranty insurance, that Order was modified on October 29, 1974, by rescinding Board approval for Southern to act as agent in the sale of mortgage guaranty insurance. In all other respects, the Board reaffirmed its July 3, 1974 Order.

[4] See the Board's Order of January 28, 1974, granting approval to Worcester Bancorp, Inc., Worcester, Massachusetts, to engage *de novo* in the sale of credit life, credit accident and health, and mortgage redemption insurance (1974 F.R. *Bulletin* 393).

[5] The Board's view in this respect would not be affected by a proposed revision to clarify the definition of insurance sold as a matter of convenience to borrowers under Regulation Y which would, in effect limit the amount of convenience insurance sold by each insurance-selling subsidiary office to less than 5 per cent of that office's total insurance premium income (see F.R. 28536 and 39 F.R. 34682). The Board's decision in the instant Order is based solely on the Insurance Regulation as presently drafted; no determination has been made by the Board on the proposed revision, nor is any implied herein.

[6] In view of the recently passed Florida insurance legislation (Section 626.988, Florida Statutes), the Board is unable to approve any insurance agency activities for which Barnett (through Barnett Winston) applied other than those already specifically discussed herein.

tion at one location is but one of the competitive means whereby Applicant may improve an insurance agent's service to the public. In addition, certain technical efficiencies in the data processing area give Applicant the capability of competing effectively with independent agents and the assurance of efficient service to the public. Based on these and other facts of record, it is the Board's judgment that approval of the subject application will produce public benefits through increased competition among insurance agents in both the local Florida and Texas markets.

Approval of the subject application is also likely to result in some gains in efficiency. The policies sold must, by Board Regulation, be directly related to an extension of credit or the provision of other financial services offered by the Applicant; and furthermore, under the recently enacted Florida statute, the property and liability policies sold in Florida also must be directly related to real estate mortgage loans made by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes. Thus, some savings can be anticipated through the reduction or even elimination of advertising and solicitation expenses as the agents' only customers will be those who choose the "one-stop" convenience of purchasing insurance at the same time the loan is obtained. Since the insurance agency activities will be conducted from existing facilities of the holding company, the expense of office overhead will be minimal. Efficiencies may also result from increased use of the holding company's computer facilities in handling insurance sales and billing operations. It is the Board's judgment that such efficiencies will result in positive public benefits in terms of the service Applicant may offer its borrower-insureds.

One of the possible adverse effects which the Congress directed the Board to consider in determining whether a particular activity is a proper incident to banking or managing or controlling banks is the danger of an undue concentration of resources. As noted in the Conference Report accompanying H.R. 6778, this particular danger "is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy." Since Applicant is proposing to enter this activity *de novo*, the Board concludes that the danger of an undue concentration of resources such as the Congress feared might arise from bank holding company entry into a particular nonbanking activity is not present in this application.

Another possible adverse effect which the Congress directed the Board to consider in any § 4(c)(8) application concerned the danger of decreased or unfair competition. Intervenors vigorously contested this application on the ground that permitting Applicant to sell insurance would lead to coerced or "voluntary" tying[*] of insurance to extensions of credit by Applicant's subsidiaries. It appears that the Law Judge was concerned with such a possibility and accordingly recommended that Applicant not be permitted to sell insurance in markets where its banking subsidiaries hold more than 15 per cent of the total deposits in commercial banks. It is clear that coerced tying is forbidden by § 106 of the Bank Holding Company Act and under certain conditions by provisions of the antitrust laws. Moreover, the evidence of record in this proceeding contains no specific instances of a tying arrangement resulting from either coerced or "voluntary" tying. Finally, the record indicates that the market power required for the successful practice of tying does not appear to be present. The share of commercial bank deposits that Applicant's banking subsidiaries hold in local Florida markets does not establish undue market power in those markets. It appears from the record in this proceeding that there are numerous banking alternatives in Florida's banking markets. In addition to commercial banks, borrowers have access to mortgage loans from savings and loan associations and mortgage bankers. Considering these alternative nonbank sources of mortgage credit, together with the numerous commercial banking alternatives available to borrowers, it appears that the dangers of tying are not substantial and should not bar Applicant's sale of insurance in local Florida markets.

The Law Judge recommended in his decision that "appropriate statements be included in all insurance application forms furnished by affiliates of bank holding companies in bold type above the applicant's signature to the effect that the customer understands that the placement of such insurance is not offered as a condition to the grant of the loan nor as an inducement therefor * * *." The Board notes that similar statements are likely to be included in all Truth in Lending disclosures made pursuant to the Board's Regulation Z with respect to credit life, accident and health or loss of income insurance, and it finds that the evidence in this record is not sufficient to otherwise require such language.

The Law Judge also recommended as a condition of approval that language be added to insurance application forms indicating that "similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents or in lieu thereof existing insurance owned by the borrower may be assigned to the bank" (page 64). The Board has not required this specific condition before and the evidence in this record is insufficient to demonstrate that there are possible adverse effects to be prevented by such a statement.

Finally, in passing on an application under section 4(c)(8), the Board is required to consider whether conflicts of interest or unsound banking practices might arise from Applicant's entry into the insurance agency business. We find no evidence in the record to support a conclusion that lending affiliates of an applicant would risk making an undesirable loan for the purpose of selling the customer any other form of insurance. Regulatory supervision of loans made by banking affiliates of Applicant appears to provide a reasonable safeguard against this possibility. Accordingly, the Board finds that the adverse effects that might arise from possible conflicts of interests are not present in this application. In addition, a review of the entire record indicates that no other unsound banking practices would result from Applicant's entry into the sale of the specified insurance coverages. Therefore, it is the Board's judgment that consummation of the proposed transaction would not result in conflicts of interests or unsound banking practices.

It has been suggested by NAIA that, in light of the new legislative prohibitions of the Florida statute limiting Applicant's entry into insurance agency activities, the public benefits claimed from subject entry should be reexamined. The Board recognizes that some dimunition of the public benefits discussed supra may likely result from a more limited form of entry into insurance agency activities. However, on balance, it is the Board's view that sufficient public benefits would exist following Applicant's entry into those insurance agency activities now permitted by Florida law as to outweigh any possible adverse effects resulting from such entry.

The Board notes that NAIA has objected to the exclusion by the Law Judge of certain testimony of Mr. Harrison Houghton, witness for NAIA. The Board, after examining the record, concludes that the Law Judge correctly exercised his discretion in refusing to admit this testimony since it was cumulative to other testimony in the record and, moreover, irrelevant to many of the issues involved in this application. NAIA filed a motion to exclude Board personnel who were involved in this hearing from "participating in the making of the Board's decision on these applications." Since such personnel of the Board did not participate in the decisional process, the issue raised by the motion is moot.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the Board's July 14, 1975 Order is hereby modified as provided herein, and the application to sell the limited coverages enumerated above and expressly permitted under the Florida statute is hereby approved only to the extent specified in this Order. In

[*] Voluntary tying results not from any coercion placed on the borrower by the lender but, rather, from the borrower's presumed desire to enhance the probability of obtaining a loan.

addition, the coverages specified above that are proposed to be sold in Texas, are hereby approved. This determination supersedes the Board's Order of July 14, 1975, and is conditioned upon Applicant's conduct of these activities in accordance with all applicable Florida and Texas insurance laws. This determination is further subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof. The transaction herein approved shall be consummated not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to authority hereby delegated.

By order of the Board of Governors,[1] effective September 22, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-25890 Filed 9-26-75;8:45 am]

## CHASE COUNTY CORP.

### Order Approving Formation of Bank Holding Company

Chase County Corporation, Imperial, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 99 per cent of the voting shares of the Chase County Bank & Trust Company, Imperial, Nebraska ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through acquisition of Bank (deposits of $7.2 million).[2] Bank is the second largest of four banks operating in the relevant banking market (approximated by Chase County, Nebraska) and controls approximately 30 per cent of the total deposits in commercial banks in the market. Upon acquisition of Bank, Applicant would control the 196th largest banking organization in Nebraska, holding less than two-tenths of one per cent of the total commercial bank deposits in the State. Since the subject proposal represents merely a restructuring of existing ownership interests of Bank, and Applicant has no present subsidiaries, consummation of the proposal herein would not eliminate existing or potential competition nor have an adverse effect on other area banks.

Principals of Applicant are also principals in a one-bank holding company[3] which has a banking subsidiary in Sutherland, Nebraska, approximately 77 miles northeast of Imperial. In addition, principals of Applicant are affiliated with three other banks in Nebraska. Since these banks are located in banking markets separate from Bank, it appears that no existing competition would be eliminated, nor potential competition foreclosed, as a result of the consummation of this proposal. Accordingly, the Board regards competitive considerations as being consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those same factors in Bank, are considered generally satisfactory and consistent with approval of the application, particularly in view of Applicant's commitment to inject $100,000 in additional equity capital into Bank. Bank's projected income should provide sufficient revenue to service the debt incurred by Applicant incident to this transaction without impairing the financial condition of either Applicant or Bank. Therefore, considerations relating to banking factors are consistent with approval of the application. Although consummation of the proposal would have no immediate effect on the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application to acquire Bank should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By Order of the Board of Governors,[4] Effective, September 19, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-25884 Filed 9-26-75;8:45 am]

## FIRST STATE BANKING CORP.

### Acquisition of Bank

First State Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of North Miami First State Bank, North Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1975.

Board of Governors of the Federal Reserve System, September 22, 1975.

[SEAL] GRIFFITH L. GARWOOD,
*Assistant Secretary of the Board.*

[FR Doc.75-25885 Filed 9-26-75;8:45 am]

## NATIONAL CITY CORP.

### Order Approving Acquisition of Bank

National City Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of The First National Bank of Ashland, Ashland, Ohio.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Ohio, controls two banks with aggregate deposits of approximately $1.8 billion, representing approximately 6.0 per cent of the total commercial bank deposits in Ohio.[1] Acquisition of Bank would increase Applicant's share of State deposits only slightly and would not alter Applicant's ranking among the other banking organizations in Ohio.

Bank holds deposits of approximately $36.9 million, representing approximately 45 per cent of total deposits in the Ashland banking market, and thereby ranks as the largest bank operating in that market.[2] Bank operates a total of four offices. The closest office of either of Applicant's subsidiary banks to an office of Bank is located 46 miles away. On the

[1] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

[2] All banking data are as of December 31, 1974.

[3] By Order of August 6, 1975, the Board approved the application of First Security Corporation, Sutherland, Nebraska, to become a bank holding company through the acquisition of First Security Bank, Sutherland, Nebraska.

[4] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell, and Jackson. Absent and not voting: Chairman Burns.

[1] All deposit data are as of December 31, 1974, and reflect holding company formations and acquisitions approved by the Board through July 31, 1975.

[2] The Ashland banking market is approximated by Ashland County, Ohio, excepting therefrom the Townships of Green and Hanover.

basis of the record, it appears that no meaningful competition presently exists between any of Applicant's banking subsidiaries and Bank, nor does it appear likely that any significant competition would develop between them in the future in view of the distances involved and Ohio's restrictive branching laws. Furthermore, it appears unlikely that Applicant would enter the market *de novo* in view of the fact that the market's population per banking office ratio is below that of the State. Therefore, the Board concludes that consummation of the proposal would not have a significantly adverse effect on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are satisfactory. Accordingly, the banking factors are consistent with approval of the application. Although Applicant does not propose to make significant changes in the services offered by Bank, considerations relating to the convenience and needs of the community to be served are also regarded as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 19, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-25886 Filed 9-26-75;8:45 am]

## NORTHERN MICHIGAN CORP.

### Acquisition of Bank

Northern Michigan Corporation, Escanaba, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Northern Michigan Bank of Kingsford, Kingsford, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 16, 1975.

Board of Governors of the Federal Reserve System, September 23, 1975.

[SEAL] GRIFFITH L. GARWOOD,
*Assistant Secretary of the Board.*

[FR Doc.75-25887 Filed 9-26-75;8:45 am]

## PAN AMERICAN BANCSHARES, INC., MIAMI, FLA.

### Modified Order Granting Application to Engage in Certain Insurance Agency Activities

In an Order dated July 14, 1975, the Board of Governors of the Federal Reserve System approved the application by Pan American Bancshares, Inc., Miami, Florida ("Pan American"), to acquire Atico Insurance Agency, Miami, Florida ("Atico Agency"), through a wholly-owned subsidiary, Atico Financial Corporation, Miami, Florida, and thereby to engage in certain insurance agency activities at various locations in Florida where Pan American or its banking and nonbanking subsidiaries are otherwise engaged in business.

The Board's Order discussed the proposed insurance agency activities as they related to the mortgage banking activities of Atico Mortgage Corporation, a subsidiary of Pan American, and as viewed within the limitations of the newly enacted Florida statute which prohibits insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policy of insurance, with certain exceptions provided (Section 626.988, Florida Statutes). However, the Board's Order did not discuss the sale of credit life insurance and credit disability insurance directly related to extensions of credit by Pan American's subsidiary banks.

In a letter dated July 24, 1975 from Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company which was the subject of two Board Orders dated July 14, 1975, which similarly dealt with insurance agency activities in Florida, it was noted that the recently enacted Florida statute, cited above, defines "insurance agency activities" as "the procurement of applications, solicitation, negotiation, selling, effectuating or servicing of any policy or contract of insurance other than credit life insurance and credit disability insurance." Thus, credit life and credit disability insurance are not within the scope of the prohibitions of the recently enacted Florida statute.

The National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"), in separate letters, submitted responses to Barnett's July 24 letter. Neither NAIA nor FAIA raised objections to Barnett's July 24 letter. However, both NAIA and FAIA requested further modification of the Orders with respect to the insurance agency activities which may be conducted pursuant to the recently enacted Florida statute.

The Board has reviewed the July 14 Order in light of the above-mentioned supplemental submissions, and has decided that it would be desirable to modify the Order to more specifically clarify the scope of the permissible insurance agency activities. Accordingly, the Board's Order of July 14, 1975, approving the application of Pan American Bancshares, Inc., Miami, Florida, to acquire Atico Insurance Agency, Miami, Florida, and thereby to engage in certain insurance agency activities, is hereby modified to read as follows.[1]

Pan American Bancshares, Inc., Miami, Florida ("Pan American"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire Atico Insurance Agency, Maimi, Florida ("Atico Agency"), through a wholly-owned subsidiary, Atico Financial Corporation, Miami, Florida ("Atico"), and thereby to engage in certain insurance agency activities at various locations in Florida where Pan American or its banking and nonbanking subsidiaries are otherwise engaged in business.

Notice of the application was published in the communities to be served in accordance with § 225.4(b)(2) of the Board's Regulation Y. Formal objections to the application were made by the National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"). By order of March 6, 1973, the Board directed that public hearings be held on the subject application before a designated Administrative Law Judge (38 FR 6441). In addition to the intervenors named above, a number of additional parties sought and were granted permission to participate in the proceeding. Testimony and other evidence in support of, and in opposition to, the application was received in evidentiary hearings held between June 11, 1973, and June 21, 1973. The hearings and related proceedings have been conducted in accordance with the Board's rules of practice for Formal Hearings (12 CFR Part 263).

In a Recommended Decision of November 8, 1973, the Administrative Law Judge concluded that the evidence supported approval of the application and recommended that the Board permit Applicant to engage in certain insurance agency activities in those counties in which Applicant and its affiliates do not control more than 15 per cent of the bank deposits and/or mortgage banking business. An exception to the recommendation of approval was noted for various types of surety bonding. The recommendation was subject to the requirement that appropriate statements be furnished for execution by borrowers to the effect that the customer understands that the placement of such insurance is not offered as

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell, and Jackson. Absent and not voting: Chairman Burns.

[1] Applicant may engage in insurance agency activities only to the extent that such authority is specifically granted in this Order, approval granted in the July 14 Order notwithstanding.

a condition to the grant of a loan, nor as an inducement therefor, and, in addition, that similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents, or in lieu thereof, existing insurance owned by the borrower may be assigned to the bank.

The Board having considered the entire record, including the transcript, exhibits, rulings, all briefs and memoranda filed in connection with the hearing and the Recommended Decision, findings of fact, and conclusions of law filed by the Administrative Law Judge, together with the exceptions taken thereto, and having determined that the subject application should be approved to the extent permitted by State law, all findings of the Administrative Law Judge inconsistent with the findings and determination herein are hereby vacated. The Board now makes the following findings of fact and conclusions of law.

Pan American Bancshares, Inc., ranks as the twelfth largest bank holding company in Florida where it has nine subsidiary banks with aggregate deposits of approximately $436.9 million, representing about 2.2 per cent of total commercial bank deposits in the State.[2] Through a nonbanking subsidiary, Atico Mortgage Corporation, it engages in the activity of mortgage banking. In 1972, Atico serviced a mortgage loan portfolio of approximately $425 million. Pan American seeks approval for Atico Agency to sell the following types of insurance related to the banking and nonbanking activities of Pan American: (a) Homeowner's; (b) dwelling policies; (c) multiperil policies; (d) physical hazard; (e) builder's risk; (f) automobile, watercraft, and aircraft liability and physical damage; (g) credit life, accident, and health coverage; (h) mortgage life insurance; (i) accidental death and dismemberment; (j) reducing or level term life insurance; (k) various types of general insurance with respect to properties owned or leased by Pan American and subsidiaries and fidelity insurance for its employees; (l) miscellaneous insurance including lost instrument bonds and surety bonds; (m) convenience insurance within the confines of Regulation Y. Such insurance will be sold in Miami, Miami Beach, Hialeah, Coral Gables, Fort Lauderdale, Oakland Park, Lauderhill, Orlando, Tampa, Sarasota, DeBary, Ormon Beach, Melbourne, Largo, and West Palm Beach areas in which Pan American subsidiaries have offices.[3]

[2] Deposit data as of December 31, 1972.

[3] By Order dated May 14, 1975, the Board approved the application of Pan American Bancshares, Inc., to merge with General Financial Systems, Inc., Riviera Beach, Florida, under the title and charter of Pan American, pursuant to section 3(a)(5) of the Bank Holding Company Act. The instant proposal to engage in certain insurance agency activities is limited to those locations which were in the record at the time of the evidentiary hearings and were considered by the Administrative Law Judge, and does not include any of the locations acquired through the merger with General Financial Systems, Inc.

The principal issues before the Board which arise from the subject application are: (1) Whether the insurance agency activities proposed are so closely related to banking or managing or controlling banks as to be a proper incident thereto; (2) whether performance of the proposed activities can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, which outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. The Board has previously determined by Regulation (12 CFR 225.4(a)(9)) ("Insurance Regulation") that the following activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto.[4]

(9) Acting as insurance agent or broker at offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance:

(i) Any insurance for the holding company and its subsidiaries;

(ii) Any insurance that (a) is directly related to an extension of credit by a bank or a bank-related firm of the kind described in this regulation, or (b) is directly related to the provision of other financial services by a bank or such a bank-related firm, or (c) is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within this subdivision (ii)(c) does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision (ii);

(iii) Any insurance sold in a community that (a) has a population not exceeding 5,000 or (b) the holding company demonstrates has inadequate insurance agency facilities.

Upon reviewing the legislative history of the 1970 Amendments to the Bank Holding Company Act, the Law Judge concluded that "Congress clearly had the insurance agency business in mind as an enterprise closely related to banking." He, therefore, found that "the business of selling general insurance" was an activity so closely related to banking or managing or controlling banks as to be a proper incident thereto. However, subsequent to the Law Judge's decision in this case, a bill was passed by the Florida legislature prohibiting insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policies of insurance (Section 626.983, Florida Statutes). An exception to this prohibition is authorized under Florida law for those agencies which were under the same ownership and control of a financial institution and which were in existence and engaged in insurance agency activities as of April 2, 1974. Although Agency itself was engaged in a broad range of insurance activities on April 2, 1974, Applicant divested itself of all ownership of Agency in August, 1973, in order to facilitate the processing of an application then pending before the Board to acquire Atico Financial Corporation. It appears that the subsequent passage of the Florida statute cited above during a period when ownership of Agency was vested in a third party under agreement to repurchase caused Applicant to lose any grandfather privileges it might have under the Florida statute. The new Florida statute also provides narrow exceptions which authorize certain nonbank subsidiaries or affiliates of bank holding companies to engage to a limited extent in certain insurance agency activities.

Section 3 of the statute provides:

Notwithstanding any other provision of this section, an insurance agent or solicitor licensed by the department of insurance under the provisions of Chapter 626, Florida Statutes, who is affiliated with, under contract with, retained by or owned or controlled directly or indirectly to any degree by a bank holding company subsidiary or affiliate, which is not a bank, licensed and operating primarily under Chapter 494, Florida Statutes, may engage in insurance agency activities, if permitted by the Board of Governors of the Federal Reserve System, but only to the extent that such activities are directly related to the extension of credit, specifically real estate mortgage loans, made or brokered by licensees under Chapter 494, Florida Statutes, and only to the extent necessary to protect the real property which is subject to the mortgage loan, against loss or damage. With respect only to residential property consisting of not more than four individual dwelling units, such agent or solicitor may offer a policy affording insurance on the primary residence, appurtenant structures, personal property and personal liability, but excluding any insurance customarily written under an inland marine form. In addition, such agent may offer decreasing term life insurance on the life of the borrower not to exceed the amount and term of the mortgage.

Accordingly, it is the Board's view that Applicant is not entitled to grandfather privileges under the Florida statute and may, therefore, only engage in the sale of insurance to the limited extent permitted by Florida law.

No serious contest was made in this proceeding concerning the sale of credit life or credit accident and health (disability) insurance, nor are these coverages encompassed within the prohibitions of the recently enacted Florida statute. The

[4] The Board's Insurance Regulation was adopted after notice of proposed rule-making and following receipt of comments on the substance of the proposed regulation. The insurance activities authorized by the regulation are those that are organizationally and physically integrated into the operations of the bank holding company. The Board's decisions in this area prior to the 1970 Amendments to the Act are generally to the same effect (see, for example, Otto Bremer Company, 1959 F.R. *Bulletin* 892; First Bank Stock Corporation, 1959 F.R. *Bulletin* 917; and United Virginia Bancshares, Inc., 1970 F.R. *Bulletin* 599).

Members of both houses of Congress referred to the Board's prior decisions during the legislative debate to the 1970 Amendments. A member of the Conference Committee, Senator Bennett, stated: "The Federal Reserve Board under the existing language of 4(c)(8) for the past 14 years has approved insurance activities for bank holding companies and there was no intent on the part of the Conference Committee to overrule these past decisions." Congressional Record S20645, December 18, 1970.

Board has previously determined by Order [6] that the sale of these forms of insurance was so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. The previous findings of the Board concerning such coverages are reaffirmed herein since such insurance assures repayment of an extension of credit by the holding company system in the event of death or disability of the borrower. Under these conditions, the Board finds that the sale of such insurance is directly related to an extension of credit. However, where life insurance on the borrower exceeds the extent of the outstanding balance of the credit extension as occurs in the sale of level term life insurance in connection with installment loans, no direct relationship exists. Accordingly, the Board finds that the sale of level term credit life insurance on other than single payment loans is not so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. Thus, Pan American may sell decreasing term credit life insurance and credit accident and health (disability) insurance which is related to extensions of credit by its bank and nonbank subsidiaries, pursuant to the provisions of § 225.4(a)(9) of the Board's Insurance Regulation and to the extent that such activity is consistent with and permitted by applicable Florida statutes.

Likewise, no serious contest was made in this proceeding concerning the sale of mortgage redemption insurance. The Board has previously determined by Order [6] that the sale of this insurance is so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. The previous finding of the Board concerning this coverage is reaffirmed herein since such insurance is often purchased to assure repayment of an extension of credit by the holding company system in the event of the death of the borrower. As noted supra, Florida's recently enacted statute expressly permits the sale of decreasing term life insurance on the life of a borrower where such insurance is sold in connection with an extension of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, and where the insurance does not exceed the amount and term of the real estate mortgage loan. Thus, Applicant may engage in this activity subject to the conditions specified by Florida law.[7]

Applicant requests permission to sell various forms of insurance that protect the collateral in which a subsidiary has a security interest as a result of an extension of credit. Insofar as this request pertains to physical damage insurance on real estate mortgaged as security for a loan originated by a subsidiary of Applicant which is licensed and operating primarily under Chapter 494, Florida Statutes, it would appear to meet the requirements contained in the exemption to the recently enacted Florida statute cited above. The Board has previously found that the sale of such coverage is directly related to an extension of credit within the meaning of § 225.4(a)(9)(ii)(a) of the Insurance Regulation. The extension of credit on a secured loan is founded upon the value of the collateral securing the loan. Thus, insurance is essential from the lender's standpoint to assure that the value of the collateral will not be impaired by physical damage. The financial nature of the insurance transaction forms an integral function for the borrower as well since the presence or lack of insurance protecting loan collateral is an essential element of the credit evaluation. The evidence in this record confirms that the sale of physical damage insurance on real estate is directly related to a real estate mortgage loan. Accordingly, Applicant may engage in this activity subject to the limitations imposed by Florida law.

Applicant seeks prior Board approval to sell liability insurance on real property when a subsidiary has taken a security interest in such property as the result of its extension of credit. The purchase of liability insurance by individual borrowers in conjunction with or as part of an insurance package with insurance that protects real property which secures an extension of credit appears, from the evidence of record, to be the least costly and most convenient means of obtaining such coverage. Moreover, a "packaged" insurance policy combining liability insurance with insurance relating to physical damage on real property purchased from loan proceeds fulfills a legitimate need of the lender and borrower alike at the time a loan is made. The Board concludes from all the evidence of record that the sale of liability insurance on real property supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers in conjunction with, or as part of, an insurance package with insurance protecting real property and is, therefore, a permissible activity within § 225.4(a)(9)(ii)(a) of the Insurance Regulation. However, under the recently enacted Florida statute cited above, Applicant would be prohibited from selling this type of insurance except in connection with extensions of credit originated by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, and except for those instances where the real property securing an extension of credit consists of residential property of not more than four individual dwelling units. To the extent that Applicant complies with these conditions, it may engage in this activity.

Applicant has applied for permission to sell homeowner's insurance. This insurance is to be sold in a package form consisting primarily of physical damage and liability insurance on a residence along with several other types of coverages. The evidence of record indicates the difficulty of separately obtaining the several types of coverages contained in a homeowner's policy at a price comparable to that for the package. The Board concludes that the sale of homeowner's insurance supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers as a means of protecting the collateral in which the bank or bank-related firm has a security interest. Accordingly, this is a permissible activity within § 225.4(a)(9) of the Insurance Regulation. Pursuant to the recently enacted Florida statute, Applicant may engage in this activity in connection with extensions of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, so long as the policies sold exclude any insurance customarily written under an inland marine form and are sold only in connection with real estate mortgage loans which involve residential property

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[6] See the Board's Order of January 28, 1974, granting approval to Worcester Bancorp, Inc., Worcester, Massachusetts, to engage *de novo* in the sale of credit life, credit accident and health, and mortgage redemption insurance (1974 F.R. *Bulletin* 393).

[6] *Id.*

[7] Protestants contend that the proper interpretation of the Florida Statute requires that the insurance be sold by the Chapter 494 subsidiary itself, and not by a subsidiary or affiliate of the Chapter 494 subsidiary. This proposed interpretation is far from clear on the face of the statute. In fact, a literal reading of the statute would appear to support an interpretation opposite to that proffered by Protestants. Furthermore, the Board does not believe that there is any substantive distinction between the Chapter 494 subsidiary itself selling the insurance, or a subsidiary or affiliate of the Chapter 494 subsidiary engaging only in the sale of insurance on behalf of, and in connection with, extensions of credit by the Chapter 494 subsidiary.

Moreover, the Board need make no finding as to whether Atico Mortgage Corporation or Atico Financial Corporation is licensed and operating primarily under Chapter 494, or how Atico Insurance Agency will comply with State insurance laws with respect to the licensing of agents and soliciting of insurance sales as Protestants suggest. These are general questions of State law regulating insurance agency activities per se and mortgage banking activities which are not related to whether performance by a bank holding company directly or indirectly of a particular activity would be violative of State law. Consequently, these are not the type of State law issues which the Board must consider pursuant to the Supreme Court decision in *Whitney National Bank in Jefferson Parish v. Bank of New Orleans and Trust Co.*, 379 U.S. 411 (1965). It is presumed that Pan American will comply with all relevant State licensing and insurance laws, but it is not the role of the Board to define the diverse requirements of such laws or to enforce compliance with them. If Atico is not a properly licensed Chapter 494 subsidiary (or the affiliate or subsidiary thereof) the exemption in section 3 of the recently enacted Florida insurance statute clearly does not apply, and Atico will not be able to engage in the limited insurance agency activities approved herein.

consisting of not more than four individual dwelling units.[8]

In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the 1970 Amendments to the Act require the Board to "consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Each of these factors has been separately considered by the Board in its determination herein.

The public benefits that may reasonably be expected to result from the sale of the coverages discussed, supra, appear to be positive in terms of greater convenience to the consumer-borrower. The ability of a borrower to complete an entire credit-related insurance transaction at one location (so-called "one-stop shopping") is likely to result in a considerable savings in time as well as eliminate the duplication of certain information requirements. Permitting Applicant to engage in the specified insurance agency activities is also likely to result in the added convenience of combining the loan installments and insurance premiums in a single payment.

Approval of the subject application is also likely to result in some increased competition among insurance agents in Florida. While it does not appear that Applicant can introduce more than a minimum of price competition in those insurance agency markets that it enters, it appears capable of injecting strong competition in such markets on the basis of service. The added convenience of completing a credit-insurance transaction at one location, discussed supra, is but one of the competitive means whereby Applicant may improve an insurance agent's service to the public. In addition, certain technical efficiencies in the data processing area give Applicant the capability of competing effectively with independent agents and the assurance of efficient service to the public. Based on these and other facts of record, it is the Board's judgment that approval of the subject application will produce public benefits through increased competition among insurance agents in local Florida markets.

Approval of the subject application is also likely to result in some gains in efficiency. The policies sold must, by Board Regulation, be directly related to an extension of credit or the provision of other financial services offered by Applicant; and, furthermore, under the recently enacted Florida statute, the property and liability policies also must be directly related to real estate mortgage loans made by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes. Thus, some savings can be anticipated through the reduction or even elimination of advertising and solicitation expenses as the agent's customers will only be those who choose the "one-stop" convenience of purchasing insurance at the same time the loan is obtained. Since the insurance agency activities will be conducted from existing facilities of the holding company, the office overhead will be minimal. Efficiencies may also result from use of the holding company's computer facilities in handling sales and billing operations. It is the Board's judgment that such efficiencies will result in positive public benefits in terms of the service Applicant may offer its borrower-insureds.

One of the possible adverse effects which the Congress directed the Board to consider in determining whether a particular activity is a proper incident to banking or managing or controlling banks is the danger of an undue concentration of resources. As noted in the Conference Report accompanying H.R. 6778, this particular danger "is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy." Since Applicant's proposal involves entering this activity by means of a very limited acquisition, the Board concludes that the danger of an undue concentration of resources such as the Congress feared might arise from bank holding company entry into a particular nonbanking activity is not present in this application.

Another possible adverse effect which the Congress directed the Board to consider in any section 4(c)(8) application concerned the danger of decreased or unfair competition. Intervenors vigorously contested this application on the ground that permitting Applicant to sell insurance would lead to coerced or "voluntary" tying[9] of insurance to extensions of credit by Applicant's subsidiaries. It appears that the Law Judge was concerned with such a possibility and accordingly recommended that Applicant not be permitted to sell insurance in markets where its banking subsidiaries hold more than 15 per cent of the total deposits in commercial banks. It is clear that coerced tying is forbidden by section 106 of the Bank Holding Company Act and under certain conditions by provisions of the antitrust laws. Moreover, the evidence of record in this proceeding contains no specific instances of a tying arrangement resulting from either coerced or "voluntary" tying. Finally, the record indicates that the market power required for the successful practice of tying does not appear to be present. The share of commercial bank deposits that Applicant's banking subsidiaries hold in local Florida markets does not establish undue market power in those markets. It appears from the record in this proceeding that there are numerous banking alternatives in Florida's banking markets. In addition to commercial banks, borrowers have access to mortgage loans from savings and loan associations and mortgage bankers. Considering these alternative nonbank sources of mortgage credit, together with the numerous commercial banking alternatives available to borrowers, it appears that the dangers of tying are not substantial and should not bar Applicant's sale of insurance in local Florida markets.

The Law Judge recommended in his decision that "appropriate statements be included in all insurance application forms furnished by affiliates of bank holding companies in bold type above the applicant's signature to the effect that the customer understands that the placement of such insurance is not offered as a condition to the grant of the loan nor as an inducement therefor * * *." The Board notes that similar statements are likely to be included in all Truth in Lending disclosures made pursuant to the Board's Regulation Z with respect to credit life, accident and health or loss of income insurance, and it finds that the evidence in this record is not sufficient to otherwise require such language.

The Law Judge also recommended as a condition of approval that language be added to insurance application forms indicating that "similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents or in lieu thereof existing insurance owned by the borrower may be assigned to the bank" (page 64). The Board has not required this specific condition before and the evidence in this record is insufficient to demonstrate that there are possible adverse effects to be prevented by such a statement.

Finally, in passing on an application under section 4(c)(8), the Board is required to consider whether conflicts of interest or unsound banking practices might arise from Applicant's entry into the insurance agency business. We find no evidence in the record to support a conclusion that lending affiliates of an applicant would risk making an undesirable loan for the purpose of selling the customer any other form of insurance. Regulatory supervision of loans made by banking affiliates of Applicant appears to provide a reasonable safeguard against this possibility. Accordingly, the Board finds that the adverse effects that might arise from possible conflicts of interest are not present in this application. In addition, a review of the entire record indicates that no other unsound banking practices would result from Applicant's entry into the sale of the specified insurance coverages. Therefore, it is the Board's judgment that consummation of the proposed transaction would not result in conflicts of interests or unsound banking practices.

[8] In view of the recently enacted Florida insurance legislation (Section 626.988, Florida Statutes), the Board is unable to approve any insurance agency activities for which Pan American applied other than those already specifically discussed herein.

[9] Voluntary tying results not from any coercion placed on the borrower by the lender but, rather, from the borrower's presumed desire to enhance the probability of obtaining a loan.

It has been suggested by NAIA that, in light of the new legislative prohibitions of the Florida statute limiting Applicant's entry into insurance agency activities, the public benefits claimed from subject entry should be reexamined. The Board recognizes that some dimunition of the public benefits discussed supra may likely result from a more limited form of entry into insurance agency activities. However, on balance, it is the Board's view that sufficient public benefits would exist following Applicant's entry into those insurance agency activities now permitted by Florida law as to outweigh any possible adverse effects resulting from such entry.

The Board notes that NAIA has objected to the exclusion by the Law Judge of certain testimony of Mr. Harrison Houghton, witness for NAIA. The Board, after examining the record, concludes that the Law Judge correctly exercised his discretion in refusing to admit this testimony since it was cumulative to other testimony in the record and, moreover, irrelevant to many of the issues involved in this application. NAIA filed a motion to exclude Board personnel who were involved in this hearing from "participating in the making of the Board's decision on these applications." Since such personnel of the Board did not participate in the decisional process, the issue raised by the motion is moot.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to result in benefits to the public that outweigh possible adverse effects. Accordingly, the Board's July 14, 1975 Order is hereby modified as provided herein, and the application to sell limited coverage enumerated above and expressly permitted under the Florida statute is hereby approved only to the extent specified in this Order. This determination supersedes the Board's Order of July 14, 1975, and is conditioned upon Applicant's conduct of these activities in accordance with all applicable Florida insurance laws. This determination is further subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof. The transaction herein approved shall be executed not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective September 22, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-25891 Filed 9-26-75;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

## REPUBLIC OF TEXAS CORP.

### Proposed Acquisition of Republic Commerce Co.

Republic of Texas Corporation, Dallas, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Republic Commerce Company, Dallas, Texas. Notice of the application was published on August 26, 1975 in the Dallas Times Herald, a newspaper circulated in Dallas, Texas.

Applicant states that the proposed subsidiary would engage in the activities of issuing travelers' checks and money orders. Such activities have not been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies. Applicant has expressed the opinion, however, that such activities are so closely related to banking as to be a proper incident thereto.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to product benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 23, 1975.

Board of Governors of the Federal Reserve System, September 22, 1975.

[SEAL] GRIFFITH L. GARWOOD,
*Assistant Secretary of the Board.*

[FR Doc.75-25888 Filed 9-26-75;8:45 am]

## INTERNATIONAL TRADE COMMISSION

[TA-201-9]

### CERTAIN GLOVES

### Investigation and Hearing

*Investigation instituted.* Following receipt of a petition on September 8, 1975, filed by the Work Gloves Manufacturers Association, Libertyville, Illinois, the United States International Trade Commission on September 23, 1975, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether gloves of vegetable fibers, of horsehide or cowhide (except calfskin) leather, and of rubber or plastics, all the foregoing provided for in items 704.40, 704.45, 705.35, 705.84, and 705.86 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

*Public hearing ordered.* A public hearing in connection with this investigation will be held in Washington, D.C. at 10:00 a.m., e.s.t., on Tuesday, December 16, 1975, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon, Thursday, December 11, 1975.

*Inspection of petition.* The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

Issued: September 24, 1975.

By order of the Commission.

[SEAL] KENNETH R. MASON,
*Secretary.*

[FR Doc.75-25925 Filed 9-26-75;8:45 am]

## NATIONAL SCIENCE FOUNDATION

### ADVISORY PANEL FOR CHEMISTRY

### Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Chemistry.
Date: October 17 and 18, 1975.
Time: 9:00 a.m. each day.
Place: Rm. 338, National Science Foundation, 1800 G St. NW., Washington, D.C.
Type of meeting: Open.
Contact Person: Dr. Jack B. Kinsinger, Head, Chemistry Section, National Science Foundation, Rm. 340, Washington, D.C. 20550, telephone 202/632-4262. Anyone who plans to attend the meeting should notify Dr. Kinsinger by close of business on October 15.
Summary Minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Rm. 248, Washington, D.C. 20550.
Purpose of Advisory Panel: To provide advice and recommendations concerning the state-of-the-art and the role of the Foundation in Chemistry.
Agenda: Topics will include:

OCTOBER 17

9:00—Remarks Concerning the New Division of Chemistry—Division Director
10:00—NSF Reorganization and Its Effect on the Previous Directorate, MPS Division, and the Chemistry Section—Deputy Assistant Director for Planning and Evaluation
11:00—Present Status of the National Resource for Computation in Chemistry—Program Director for Structural Chemistry
12:00—Adjourn for Lunch

1:30—Congressional Hearings on Peer Review and NSF's Future Use of Peer Review and the Advisory Panel—Assistant Director for Mathematical and Physical Sciences, and Engineering
2:30—Guidelines and Policies for the Division of Chemistry—Division Director
4:30—Adjourn

OCTOBER 18

9:00—Continuation of Discussion of Guidelines and Policies for the Division of Chemistry.
10:00—US-USSR Program in Chemical Catalysis—Chairman, Division of Chemistry and Chemical Engineering, California Institute of Technology.
11:00—NSF FY 76 Budget—Division Director for Chemistry.
12:00—Adjourn for Lunch.
1:30—University of Utah Report "A Study to Improve the Management of Costly Instrumental Centers"—Deputy Division Director for Chemistry.
4:00—Adjourn.

GAIL A. MCHENRY,
*Acting Committee Management Officer.*

SEPTEMBER 24, 1975.

[FR Doc.75-25915 Filed 9-26-75;8:45 am]

## ADVISORY PANEL FOR REGULATORY BIOLOGY

### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

1. Name: Advisory Panel for Regulatory Biology.
2. Date: October 23 and 24, 1975.
3. Time: 9:00 a.m. each day.
4. Place: Rm. 321, National Science Foundation, 1800 G Street, NW., Washington, D.C.
5. Type of meeting: Closed.
6. Contact person: Dr. Roger A. Hoffman, Program Director for Regulatory Biology, National Science Foundation, Rm. 333, Washington, D.C. 20550, telephone 202/632-4298.
7. Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in Regulatory 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 Pub. L. 92-463.

GAIL A. MCHENRY,
*Acting Committee Management Officer.*

SEPTEMBER 24, 1975.

[FR Doc.75-25916 Filed 9-26-75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 23, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

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; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

EXTENSIONS

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service: Migratory Bird Salvage Report, Form 3-276, annual, holders of current Federal bird marking and salvage permits, M. Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration: Parachute Loft Certification Procedures (Manual), Form ____, occasional, all FAA certificated parachute lofts, M. Traynham, 395-4529.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75-26086 Filed 9-26-75;8:45 am]

## OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 301-4]

### NATIONAL CANNERS ASSOCIATION

### Complaint

On September 22, the Chairman of the section 301 Committee received from the National Canners Association a petition alleging unfair trade practices with regard to new import restrictions established by the European Community on Council Regulations 1927/75, 1928/75, 1931/75, 2023/75, 2055/75, and 2104/75. In those Regulations the Council has established a system of "minimum import prices" on tomato concentrates, a system of import licensing for certain designated canned fruits and vegetables, and provision for total suspension of imports of canned and other processed fruits, vegetables, and juices provided for in Article 1 of EC Regulation 865/68. Relief is requested under section 301 of the Trade Act of 1974 (Pub. L. 93-618; 88 Stat. 1978). The text of the petition is as follows:

NATIONAL CANNERS ASSOCIATION,
*1133 Twentieth St. NW.,*
*Washington, D.C. 20036.*

Subject: Complaint and Request for a Public Hearing pursuant to Section 301 of the Trade Act of 1974.

CHAIRMAN,
*Section 301 Committee,*
*Office of the Special Representative for Trade Negotiations,*
*1800 G St., NW. Room 725,*
*Washington, D.C. 20506.*

DEAR SIR: The National Canners Association is supported voluntarily by approximately 475 firms which are engaged in the production and sale of canned foods. Products of the industry include canned fruits, vegetables, juices, fish and shellfish, meats, poultry, soups, baby foods, and many formulated food products and food specialities. Members of the NCA produce some 85 to 90 percent of the canned foods packed in this country.

On behalf of the U.S. canning industry the National Canners Association files this complaint and requests a public hearing, pursuant to section 301 of the Trade Act of 1974, with regard to new import restrictions established by the European Community in Council Regulations 1927/75, 1928/75, 1931/75, 2055/75, and 2104/75. In those Regulations the Council has established a system of "minimum import prices" on tomato concentrates, a system of import licensing for certain designated canned fruits and vegetables, and provision for total suspension of imports of canned and other processed fruits, vegetables, and juices provided for in Article 1 of EC Regulation 865/68.

The "minimum import price" system is applicable to EC imports of tomato concentrates effective September 1.

Import licenses are required for EC imports of tomato concentrates, canned tomatoes, and tomato juice, effective September 1; for imports of canned peaches, canned pears, canned green beans, canned wax beans, canned peas, canned mushrooms, and canned and frozen raspberries, effective October 1; and for imports of dried prunes, effective January 1, 1978.

The new EC Regulations incorporate by reference, and bring within their scope, all canned and other processed fruit and vegetable products which are listed in Article 1 of EC Regulation 865/68. For all processed fruit and vegetable and juice products, whether subject to the import licensing or not, the EC Commission may establish minimum import prices or may suspend imports, without any showing of injury or threat of injury and without advance notice. All canned fruits, vegetables, and juices are subject to such EC restrictive action, whether subject to import certificates or not, and also including canned apricots, canned cherries, canned fruit cocktail, canned pineapple, canned orange juice, canned grapefruit juice, blended citrus juices, and canned asparagus.

Following is a summary of United States exports during 1974 of some canned foods to which the new EC import restrictions are applicable:

*U.S. exports of certain canned fruits, vegetables, and juices, 1974, in thousands of dollars*

| | To the European Community | To the world |
|---|---|---|
| Subject to minimum import prices: [1] | | |
| Tomato concentrates | 124 | 16,678 |
| Subject to import licenses: [2] | | |
| Tomato concentrates | 124 | 16,678 |
| Canned tomatoes | 18 | 4,555 |
| Tomato juice | 23 | 3,166 |
| Canned peaches | 5,084 | 22,332 |
| Canned pears | 627 | 2,271 |
| Canned green beans and wax beans | 54 | 1,574 |
| Canned peas | 40 | 1,180 |
| Also subject to suspension of imports: [3] | | |
| All of the above | | |
| Canned apricots | 176 | 756 |
| Canned cherries | 3,653 | 5,284 |
| Canned fruit cocktail | 6,448 | 24,937 |
| Canned pineapple | 5,761 | 9,339 |
| Canned orange juice and concentrate hot-pack | 4,545 | 15,722 |
| Canned grapefruit juice concentrates hot-pack | 218 | 1,158 |
| Canned asparagus | 589 | 1,965 |

[1] European Community regulations 1927/75, 1928/75, 1931/75, 2023/75, 2055/75, and 2104/75.

[2] European Community regulations 1927/75, 1928/75, and 2104/75.

[3] European Community regulations 1927/75 and 1928/75.

The United States exports all of the products covered by the EC Regulations, except canned mushrooms and processed raspberries, to the EC and other world markets. The new EC import restrictions will curtail U.S. exports of canned fruits, vegetables, and juices to the EC member states and will lead to trade diversion adversely affecting U.S. exports to other world markets and possibly affecting the U.S. domestic market as well.

The EC Regulations are incompatible with GATT Article XIX in that they provide for restrictive action without any showing of injury or threat of injury and without advance notice. The EC import restrictions are incompatible with GATT Article XI which states that no import restrictions other than duties, taxes or other charges should be instituted or maintained; nor are the import restrictions within the permissible exceptions to GATT Article XI. The EC Regulations are incompatible with GATT Article II in that they provide treatment which is less favorable than that provided for in the EC schedules of tariff concessions. The EC common customs tariff rates on prepared or preserved tomatoes, canned asparagus, canned peaches, canned pears, canned fruit mixtures, canned pineapple, canned cherries, canned apricots, canned grapefruit, orange juices, grapefruit juices, other citrus juices, canned pineapple juice, and canned tomato juice are bound—to the United States. The EC import restrictions are thus unjustifiable or unreasonable import restrictions within the meaning of section 301(a) of the Trade Act of 1974.

We know of no avenue of relief from the EC import restrictions other than to request that all appropriate and feasible steps be taken to obtain their elimination. Toward that objective, and to enable the Office of the Special Representative to obtain the best available information concerning the new EC import restrictions, a public hearing is necessary and therefore requested.

Sincerely,

LEONARD K. LOBERD,
*Director of International Trade.*

HEARINGS

I. The hearings requested by the complainant will be held on Monday, November 17, 1975, and if necessary will continue on November 18 at the Office of the Special Representative for Trade Negotiations, 1800 G St., NW., Washington, D.C., Room 730.

II. Requests to present oral testimony and accompanying briefs must be received on or before November 10, 1975. Interested persons are advised to refer to the regulations promulgated by the Office of the Special Representative for Trade Negotiations covering procedures to be followed in all section 301 proceedings (40 FR 39497—August 28, 1975).

1. *Submission of briefs and requests to present oral testimony.* Requests for oral testimony and submission of written briefs should conform to the procedures set forth in 15 CFR 200.6 and 2006.7 (40 FR 39497—August 28, 1975).

2. *Rebuttal briefs.* In order to assure parties the opportunity to contest information provided by other interested parties, rebuttal briefs may be filed by any party within 15 days after the close of the hearings. The requirement that written briefs be submitted in 20 copies is waived with regard to rebuttal briefs.

3. *Attendance of the hearings.* The hearings will be open to the public. Heavy or disruptive equipment such as television equipment, will not be admitted to the hearings without the permission of the Chairman.

MORTON POMERANZ,
*Chairman, Section 301 Committee, Office of the Special Representative for Trade Negotiations.*

[FR Doc.75-25914 Filed 9-26-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### BBI, INC.

#### Suspension of Trading

SEPTEMBER 19, 1975.

The common stock of BBI, Inc., being traded on the American, and the Philadelphia-Baltimore Washington Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from September 21, 1975 through September 30, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-25841 Filed 9-26-75;8:45 am]

[File No. 500-1]

### EQUITY FUNDING CORPORATION OF AMERICA

#### Suspension of Trading

SEPTEMBER 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 24, 1975 through October 3, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-25850 Filed 9-26-75;8:45 am]

[File No. 500-1]

### INDUSTRIES INTERNATIONAL, INC.

#### Suspension of Trading

SEPTEMBER 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 24, 1975 through October 3, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-25851 Filed 9-26-75;8:45 am]

[70-5738]

### MISSISSIPPI POWER CO.

#### Proposed Amendment of Articles of Incorporation Increasing Authorized Preferred Stock and Issuance and Sale of Preferred Stock at Competitive Bidding

Notice is hereby given that Mississippi Power Company ("Mississippi"), 2992 West Beach, Gulfport, Mississippi, 39501, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(c) of the Act and rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said declaration, which is summarized below, for a

complete statement of the proposed transactions.

Mississippi proposes to issue and sell 150,000 shares of preferred stock, par value $100 per share, at competitive bidding for the best price obtainable, but in no event for a price less than $100 per share nor more than $102.75 per share. In connection therewith, Mississippi proposes to amend its Articles of Incorporation by increasing the number of shares of authorized preferred stock by 150,000 shares. Mississippi is currently authorized to issue 394,139 shares of preferred stock. It is stated that the proceeds from the sale of the new preferred stock, together with other available funds, will be used to finance Mississippi's 1975 construction program (estimated at $70,003,000), to pay notes payable incurred for such purpose, and for other lawful purposes.

The new preferred stock will be created, and its terms established, by resolution of the board of directors of Mississippi. The terms will include a prohibition against redeeming said stock prior to November 1, 1980, if such redemption is for the purpose or in anticipation of refunding the stock with funds obtained at a lower cost of money. Mississippi also intends to make provision for a cumulative sinking fund for the benefit of the new preferred stock which would retire not more than 5 percent annually of the number of shares initially issued, commencing five years after the sale, with the noncumulative option on any sinking fund date, commencing five years or later after the sale, of redeeming an additional like number of shares.

The fees and expenses incurred or to be incurred in connection with the foregoing proposals will be supplied by amendment. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

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 declaration 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 declarant 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 declaration, as filed or as it may be amended, may be permitted to become effective 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.75-25852 Filed 9-26-75;8:45 am]

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[Release No. 34-11668; File No. SR-PBWSE 75-2]

## SELF-REGULATORY ORGANIZATIONS

### Options Trading in Underlying Securities

In the matter of proposed rule change by PBW Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 11, 1975, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change:

Pursuant to Rule 19b-4A, the PBW Stock Exchange, Inc. (PBW) Proposes to increase the number of underlying securities from ten (10) to fifteen (15).

Exchange's Statement of Basis and Purpose—The basis and purpose of the foregoing proposed rule change is as follows:

On May 15, 1975, the SEC declared effective the PBW plan regulating transactions in options on the PBW. The addition of options trading in five (5) underlying securities does not materially alter the original plan as approved by the SEC or significantly increase its operational or regulatory requirements. Therefore, PBW concluded that its proposal does not hinder in any way its capacity to carry out the purposes of the Act and to comply and to enforce compliance by PBW members and persons associated with PBW members. The proposed expansion is being carried out for competitive reasons and to fulfill the business requirements of firms which have committed capital and expended money in the specialist and retail areas.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within fifteen (15) days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

SEPTEMBER 23, 1975.

[FR Doc.75-25856 Filed 9-26-75;8:45 am]

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[File No. 500-1]

## ROYAL PROPERTIES INC.

### Suspension of Trading

SEPTEMBER 19, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 20, 1975 through September 29, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-25853 Filed 9-26-75;8:45 am]

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[File No. 500-1]

## WESTGATE CALIFORNIA CORP.

### Suspension of Trading

SEPTEMBER 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 24, 1975 through October 3, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-25854 Filed 9-26-75;8:45 am]

## DEPARTMENT OF LABOR

### Office of the Secretary

[TA-W-165]

### BARRINGER KNITTING MILLS, INC.

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Barringer Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-165). 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 ladies and junior misses sweaters and sportswear produced by Barringer Knitting Mills, Inc., 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, on or before October 9, 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. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25941 Filed 9-26-75;8:45 am]

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[TA-W-167]

### BARRY KNITTING MILLS, INC.

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On September 19, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Barry Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-167). 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 men's and ladies' sweaters produced by Barry Knitting Mills, Inc., 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, on or before October 9, 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 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25942 Filed 9-26-75;8:45 am]

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[TA-W-166]

### BERGMAN KNITTING MILLS, INC.

**Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance**

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Bergman Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-166). 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 men's, women's, and boy's sweaters and sweater shirts produced by Bergman Knitting Mills, Inc., 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, on or before October 9, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25943 Filed 9-26-75;8:45 am]

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[TA-W-172]

### CHERRY KNITTING MILLS, INC.

**Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance**

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Cherry Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-172). 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 men's sweaters produced by Cherry Knitting

Mills, Inc., 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 provisionso f 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, on or before October 9, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25944 Filed 9-26-75;8:45 am]

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[TA-W-168]

## CLOVER KNITTING MILLS, INC.

### Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Clover Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-168). 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 men's sweaters produced by Clover Knitting Mills, Inc., 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 qr 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, on or before October 9, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25945 Filed 9-26-75;8:45 am]

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[TA-W-169]

## CRESCENT KNITTING MILLS, INC.

### Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Crescent Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-169). 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 men's sweaters produced by Crescent Knitting Mills, Inc., 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, on or before October 9, 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. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25946 Filed 9-26-75;8:45 am]

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[TA-W-170]

## DEVON APPAREL, INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Devon Apparel, Inc., Philadelphia, Pennsylvania (TA-W-170). 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 ladies sportswear produced by Devon Apparel, Inc., 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 of 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, on or before October 9, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25947 Filed 9-26-75;8:45 am]

[TA-W-171]

## LONDON KNITTING MILLS, INC.

### Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of London Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-171). 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 men's sweaters produced by London Knitting Mills, Inc., 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, on or before October 9, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25948 Filed 9-26-75;8:45 am]

[TA-W-164]

## M & M KNITTING MILLS, INC.

### Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of M & M Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-164). 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 ladies swimsuits produced by M & M Knitting Mills, Inc., 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, on or before October 9, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25949 Filed 9-26-75;8:45 am]

[TA-W-160]

## MODE KNITTING MILLS, INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Good Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Mode Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-160). 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 men's and women's knit shirts produced by Mode Knitting Mills, Inc., 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, on or before October 9, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25950 Filed 9-26-75;8:45 am]

[TA-W-161]

## NA-LOR MANUFACTURING CO.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Na-Lor Manufacturing Company, Philadelphia, Pennsylvania (TA-W-161). 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 knit sweaters and sweater shirts for men produced by Na-Lor 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, on or before October 9, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25951 Filed 9-26-75;8:45 am]

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[TA-W-89]

## SKF INDUSTRIES INC., PHILADELPHIA, PENNSYLVANIA

### 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-89: 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 22, 1975 in response to a worker petition received on July 18, 1975 which was filed by Local 7343 of the United Steel Workers of America on behalf of workers formerly producing ball and spherical bearings at the Hanover, Pennsylvania plant of SKF Industries, Inc. of Philadelphia, Pennsylvania.

The notice of investigation was published in the Federal Register (40 FR 31843) on July 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of SKF Industries, Inc., its customers, the International Trade Commission, the Department of Commerce, 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 annual employment of production workers at the Hanover plant increased 26 percent from 1972 to 1974.

Employment increased 18 percent in the first half of 1975 compared to the same period in 1974.

*Sales or production, or both, have decreased absolutely.* Sales, in units, at the Hanover plant nearly doubled from 1973 to 1974. Sales, in units, declined 65 percent in the first half of 1975 compared to the first half of 1974.

Production, in units, at the Hanover plant increased 34 percent from 1973 to 1974. Production, in units, increased 8 percent in the first half of 1975 compared to the first half of 1974.

*Increased imports contributed importantly.* Imports of ball bearings increased from 132.3 million units valued at $77.1 million in 1972 to 160.3 million units valued at $117.4 million in 1974, an increase of 21 percent in quantity and 52 percent in value.

Imports of ball bearings increased from about 101.1 million units in 1970 to about 160 million units in 1974. The import/production ratio increased from 42.8 percent in 1970 to 50.0 percent in 1974. The import/consumption ratio of ball bearings remained fairly stable around 36.0 percent from 1970 to 1974. Imports of spherical bearings, increased in value from $3.4 million in the first five months of 1974 to $5.4 million in the same period in 1975.

The Hanover plant of SKF Industries Inc. produces ball and spherical bearings for automotive, farm implements and material handling applications. Several customers who reduced purchases from Hanover in late 1974 and 1975 did so only as a result of decreased demand due to the general economic slowdown. Neither company officials nor the customers feel that imports are competitive with the bearings produced at Hanover, Pennsylvania, and most of the customers expect to increase purchases from Hanover in the near future.

*Conclusion.* After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ball and spherical bearings produced by SKF Industries Inc. at Hanover, Pennsylvania did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C. this 19th day of September 1975.

JAMES F. TAYLOR,
*Director, Planning and Evaluation.*

[FR Doc.75-25962 Filed 9-26-75;8:45 am]

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[TA-W-162]

## SOMERSET KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U. on behalf of the workers and former workers of Somerset Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-162). 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 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 on or before October 9, 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. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25953 Filed 9-26-75;8:45 am]

[TA-W-156]

## SOOWAL KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

### Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Soowal Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-156). 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 men's sweaters produced by Soowall Knitting Mills, Inc. 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 on or before October 9, 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. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25954 Filed 9-26-75;8:45 am]

[TA-W-158]

## SURREY KNITTING MILLS, INC.; PHILADELPHIA, PENNSYLVANIA

### Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U. on behalf of the workers and former workers of Surrey Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-158). 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 men's sweaters produced by Surrey Knitting Mills, Inc. 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 on or before October 9, 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. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25955 Filed 9-26-75;8:45 am]

[TA-W-94]

## TRICNIT INDUSTRIES, INC.; FRANKLIN, NEW HAMPSHIRE AND NEW IPSWICH, NEW HAMPSHIRE

### 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-94; 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 21, 1975, which was filed by workers formerly producing knit tops and body wear for women and children at the Franklin, New Hampshire and New Ipswich, New Hampshire plants of Tricnit Industries, Incorporated.

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 Tricnit Industries, Incorporated, its customers, industry analysis, the Department of Commerce, the U.S. International Trade Commission, 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.* The average number of production workers employed at the Franklin and New Ipswich plants declined 26 percent in the first quarter of 1975 compared to the like period in 1974.

*Sales or production, or both, have decreased absolutely.* Sales of Tricnit Industries, Incorporated declined 44 percent in the first four (four-week) periods of 1975 compared to the first four periods of 1974. Production declined 79 percent in the first quarter of 1975 compared to the first quarter of 1974.

*Increased imports contributed importantly.* Imports of articles like or directly competitive with those produced at the Franklin, New Hampshire and New Ipswich, New Hampshire plants of Tricnit Industries, Inc. have increased significantly in recent years.

Imports of knitted shirts for women and children increased from 7,507 thousand dozens in 1972 to 9,871 thousand dozens in 1974, an increase of 32 percent. The ratios of imports to domestic production and consumption increased from 49 percent and 33 percent, respectively

in 1972 to 59 percent and 37 percent in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to production of women's and children's knitwear 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 which were being offered to customers at lower prices.

*Conclusion.* After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and children's knit tops and bodywear produced at the Franklin and New Ipswich plants of Tricnit Industries contributed importantly to the total or partial separation of the workers of those plants. 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 Franklin, New Hampshire and New Ipswich, New Hampshire plants of Tricnit Industries, Incorporated who became 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 19th day of September 1975.

JAMES F. TAYLOR,
*Director, Planning and Evaluation.*

[FR Doc.75-25959 Filed 9-26-75;8:45 am]

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[TA-W-159]

## WEXLER KNITTING MILLS; PHILADELPHIA, PENNSYLVANIA

### Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U. on behalf of the workers and former workers of Wexler Knitting Mills, Philadelphia, Pennsylvania (TA-W-159). 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 men's sweaters produced by Wexler Knitting Mills 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 on or before October 9, 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. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc. 75-25956 Filed 9-26-75;8:45 am]

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[TA-W-163]

## WILSHIRE KNITTING MILLS, INC.; PHILADELPHIA, PENNSYLVANIA

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U. on behalf of the workers and former workers of Wilshire Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-163). 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 knit sweaters produced by Wilshire Knitting Mills, Inc. 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 on or before October 9, 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. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25957 Filed 9-26-75;8:45 am]

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## Office of the Secretary

[TA-W-93]

## CONSOLIDATED CIGAR CORP.; WEST PITTSTON, PENNSYLVANIA

### 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-93: 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 21, 1975 which was filed on behalf of workers formerly producing cigars at the West Pittston, Pennsylvania plant of Consolidated Cigar Corporation, a wholly-owned subsidiary of Gulf and Western Industries, Inc., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32389) 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 Consolidated Cigar, its customers, industry analysts, the Department of Commerce, the U.S. International Trade Commission, the Department of Agriculture, the Treasury Department 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 of production workers at West Pittston declined 29.0 percent from fiscal 1974 to fiscal 1975. Employment ceased at West Pittston in June 1975 and all employees are currently laid off.

*Sales or production, or both, have decreased absolutely.* Production of cigars at the West Pittston plant declined 6.3 percent from fiscal 1973 to fiscal 1974 and declined 31.9 percent from fiscal 1974 to fiscal 1975. Production at West Pittston ceased in June 1975.

*Increased imports contributed importantly.* Imports of cigars like or directly competitive with those produced at West Pittston have comprised less than one percent of domestic consumption in each year since 1970.

Evidence developed during the investigation indicates that imports by Consolidated Cigar Corporation have amounted to less than five percent of total company sales in recent years and have been confined to expensive handmade cigars that do not compete with cigars formerly produced at West Pittston.

Domestic consumption of cigars declined significantly from 1973 to 1974. Customers of Consolidated Cigar indicated that declining sales of cigars were the result of current economic conditions and changing consumer tastes.

Faced with increasing underutilization of prodution facilities at all of its cigar plants, Consolidated Cigar decided to close the West Pittston plant and transfer that plant's operations to the remaining three Consolidated plants in Pennsylvania and Puerto Rico.

*Conclusion.* After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with cigars produced at the West Pittston, Pennsylvania plant of the Consolidated Cigar Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 19th day of September 1975.

JAMES F. TAYLOR,
*Director, Planning and Evaluation.*

[FR Doc.75-25960 Filed 9-26-75;8:45 am]

[TA-W-95]

## DELCO PRODUCTS DIVISION OF GENERAL MOTORS CORP., ROCHESTER, NEW YORK

### 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-95: 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 22, 1975 which was filed by Local 509 of the International Union of Electrical Radio and Machine Workers on behalf of workers formerly producing automotive accessory fractional horsepower motors at the Rochester Operation of the Delco Products Division of General Motors Corporation.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32390) 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 Delco Products, its customers, the International Trade Commission, the Department of Commerce, 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 articals 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 enmployment declined 23 percent from the fourth quarter of 1974 to the first quarter of 1975.

*Sales or production, or both, have decreased absolutely.* Sales at the Rochester Operation declined 35 percent from 1973 to 1974. Sales increased 3.2 percent in the first half of 1975 compared to the first half of 1974.

*Increased imports contributed importantly.* Imports of articles like or directly competitive with those produced at the Rochester Operation increased from 13,036 thousand dollars in 1973 to 14,403 thousand dollars in 1974. Imports decreased 23 percent in the first quarter of 1975 compared to the first quarter of 1974. The ratios of imports to domestic shipments increased from 4.85 percent in 1973 to 6.43 percent in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of auto accessory fractional horsepower motors at the Rochester Operation of Delco Product was not caused by the increase of competitive imports. The Rochester Operation, with 99 percent of its sales going to other divisions of General Motors, exists as a captive supplier of those divisions. These divisions honor Delco Products as the sole supplier of their needs of auto accessory fractional horsepower motors and have not switched to other domestic or foreign producers. Reductions in purchases of these motors was related to the impact of the economic conditions in the U.S. on sales of domestically manufactured automobiles.

*Conclusion.* After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with auto accessory fractional horsepower motors produced at the Rochester Operation of the Delco Products Division did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 22nd day of September 1975.

JAMES F. TAYOR,
*Director, Planning and Evaluation.*

[FR Doc.75-25961 Filed 9-26-75;8:45 am]

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[TA-W-90]

## NICE DIVISION OF SKF INDUSTRIES INC.; PHILADELPHIA, PENNSYLVANIA

### 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-90; 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 22, 1975 in response to a worker petition received on July 18, 1975 which was filed by the United Steelworkers Union, Local 6326 on behalf of workers formerly producing ball bearings at the Hunting Park plant and Kulpsville plant of the Nice Division of SKF Industries, Inc. of Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 31843) on July 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Nice Division of SKF Industries, Inc., its customers, industry analysts, the U.S. 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.* The average number of production workers declined 29 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours declined five percent in the first half of 1975 compared to the like period in 1974.

*Sales or production, or both, have decreased absolutely.* Sales of the Nice Division of SKF Industries, Inc. of Philadelphia declined 35 percent in the first half of 1975 compared to the first half of 1974. Production declined 39 percent in the first half of 1975 compared to the first half of 1974.

*Increased imports contributed importantly.* Imports of articles like or directly competitive with those produced at the Nice Division of SKF Industries, Inc. of Philadelphia have increased significantly in recent years.

Imports of ball bearings increased from 132.3 million units valued at $77.1 million in 1972 to 160.3 million units valued at $117.4 million in 1974, an increase of 21 percent in quantity and 52 percent in value.

Imports of ball bearings increased from about 101.1 million units in 1970 to about 160 million units in 1974. The import/production ratio increased from 42.8 percent in 1970 to 50.0 percent in 1974. The import/consumption of ball bearings remained fairly stable around 36.0 percent from 1970 to 1974. Customers of the Nice Division indicated that they had either switched to imports or reduced their orders from the Nice Division while maintaining or increasing their import purchases.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in operations at the Nice Division was caused by the increase of competitive imports. The company reduced its operations 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 ball bearings produced at the Nice Division of the SKF Industries, Inc. of Philadelphia contributed importantly to the total or partial separation of the workers of that Division. In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers employed at the Nice Division of SKF Industries, Inc. of Philadelphia, who became totally or partially separated from employment on or after November 11, 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 22nd day of September 1975.

JAMES F. TAYLOR,
*Director, Planning and Evaluation.*

[FR Doc.75-25958 Filed 9-26-75;8:45 am]

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[TA-W-157]

## RICHLINE KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

### Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U. on behalf of the workers and former workers of Richline Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-157). 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 men's sweaters produced by Richline Knitting Mills, Inc. 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 on or before October 9, 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. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-25952 Filed 9-26-75;8:45 am]

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# INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241, Rule 19, 4th Rev., Exemption No. 90]

## AKRON, CANTON & YOUNGSTOWN RAILROAD CO. ET AL

### Exemption Under Provision of Mandatory Car Service Rules

It appearing that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered that pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

The Akron, Canton & Youngstown Railroad Company, Reporting Marks: ACY.
Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO-PM.
Chicago & Eastern Illinois Railroad Company, Reporting Marks: C&EI-CEI.
Elgin, Joliet and Eastern Railway Company, Reporting Marks: EJE.
Missouri-Illinois Railroad Company, Reporting Marks: MI.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT.
Missouri Pacific Railroad Company, Reporting Marks: MP.
Norfolk and Western Railway Company, Reporting Marks: N&W-NKP-WAB.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE.

Raritan River Rail Road Company, Reporting Marks: RR.
Sacramento Northern Railway, Reporting Marks: SN.
SOO Line Railroad Company, Reporting Marks: SOO.
The Texas and Pacific Railway Company, Reporting Marks: T&P.
Tidewater Southern Railway Company, Reporting Marks: TS.
WCTU Railway Company, Reporting Marks: WCTR.
Western Maryland Railway Company, Reporting Marks: WM.
Effective: September 24, 1975.
Expires: November 15, 1975.

Issued at Washington, D.C., September 17, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
*Agent.*

[FR Doc.75-25937 Filed 9-26-75;8:45 am]

[Notice 867]

## ASSIGNMENT OF HEARINGS

SEPTEMBER 24, 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 111401 Sub 448, Groendyke Transport, Inc., now being assigned October 22, 1975 (1 day) at New Orleans, Louisiana; in En Banc Courtroom, U.S. Court of Appeals Building, 600 Camp Street.
MC 135895 Sub 7, Don Ray Boyd and Jackie Rogers, A Partnership, d/b/a B & R Drayage Company, now being assigned October 23, 1975 (2 days) at New Orleans, Louisiana; in En Banc Courtroom, U.S. Court of Appeals Building, 600 Camp Street.
MC 107012 Sub 220, North American Van Lines, Inc., now being assigned October 24, 1975 (1 day) at Atlanta, Georgia; in Room 305, 1252 West Peachtree Street, NW.
MC 139853 Sub 2, Marten Transport, Ltd., now being assigned November 13, 1975 (1 day), at St. Paul, Minnesota, in Room 584, Federal Building & U.S. Courthouse, 316 North Robert St.
MC 133689 Sub 63, Overland Express, Inc., now being assigned November 14, 1975 (1 day), at St. Paul, Minnesota, in Room 584, Federal Building & U.S. Courthouse, 316 North Robert St.
AB 26 Sub 2, Georgia Northern Railway Company Abandonment Between Pavo and Barwick, in Thomas and Brooks Counties, Georgia, now assigned October 15, 1975 at Thomasville, Georgia, will be held in the Municipal Courtroom, Municipal Building, corner of Jackson & Crawford streets.
MC 119789 Sub 252, Caravan Refrigerated Cargo, Inc., now assigned October 20, 1975 at Atlanta, Georgia, will be held in Room 305, 1252 W. Peachtree Street, NW.
MC 118922 Sub 12, Carter Trucking Co., Inc., now assigned October 21, 1975 at Atlanta, Georgia, will be held in Room 305, 1252 West Peachtree Street, NW.
MC 95876 Sub 172, Anderson Trucking Service, Inc., now assigned October 23, 1975 at Atlanta, Georgia, will be held in Room 305, 1252 West Peachtree Street, NW.
MC 124170 Sub 49, Frostways, Inc., now assigned October 22, 1975 at New Orleans, Louisiana; hearing canceled, application dismissed.
MC 117815 Sub 238, Pulley Freight Lines, Inc., now assigned September 30, 1975 at Chicago, Illinois; is canceled and transferred to Modified Procedure.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-25934 Filed 9-26-75;8:45 am]

[Notice 868]

## ASSIGNMENT OF HEARINGS

SEPTEMBER 24, 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.

*Correction*

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, should read *Riggs Food Express, Inc.*

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-25933 Filed 9-26-75;8:45 am]

## FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 24, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before October 14, 1975.

FSA No. 43050—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 87), for itself and interested rail carriers. Rates on general commodities, from rail carrier's terminal at Lake Charles, Louisiana, and Port Arthur, Texas, to ports in Japan, Korea, Hong Kong, and Taiwan.

Grounds for relief—Water competition.

Tariffs—Sea-Land Service, Inc., Tariffs ICC Nos. 92 and 93. Rates are published to become effective on October 20, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-25935 Filed 9-26-75;8:45 am]

[Ex Parte No. MC-43]

## LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

SEPTEMBER 23, 1975.

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 18th day of September 1975.

It appearing, that a petition has been filed by Spencer Trucking Corporation (MC-129086 Sub 2 and various Subs) and Hampshire Trucking Corporation (MC-125487 and Sub 2), under common control for waiver of paragraphs (a)(3) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), concerning equipment leased between petitioners;

It further appearing, that petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, that the U.S. Department of Transportation recommends that the petition be granted based on an examination of petitioner's records;

*It is ordered*, That waiver of paragraphs (a)(3) and (c) of § 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-25936 Filed 9-26-75;8:45 am]

[Notice 87]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 29, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environ-

ment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 20, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75998. By order entered September 23, 1975, the Motor Carrier Board approved the transfer to Columbia Motor Express, Inc., Columbia, Tenn., of Certificate of Registration No. MC 98267 (Sub-No. 3), issued July 22, 1964, to Roland Minor (J. Frank Walker and Lucille A. Monor, Co-Executors), a partnership, going business as Columbia Motor Express, Columbia, Tenn., evidence a right to engage in transportation, in interstate or foreign commerce, of property, from, to, and between points in Tennessee. Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215, attorney for applicants.

No. MC-FC-76043. By order of September 23, 1975, the Motor Carrier Board approved the transfer to L. H. James Wholesale Jobbers, Inc., Douglas, Ariz., of the Certificate of Registration in No. MC 97484 (Sub-No. 1) issued August 28, 1968, to Reay-Marshall Transfer and Storage, Inc., Douglas, Ariz., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in certificate No. 2978 issued by the Arizona Corporation Commission. L. H. James, P.O. Box 831, Douglas, Ariz. 85607, representative for applicants.

No. MC-FC-76095. By order entered September 23, 1975, the Motor Carrier Board approved the transfer to Zephyr Line, Inc., West Springfield, Mass., of that portion of the operating rights set forth in Certificate No. MC 6082, issued October 15, 1963, to Richard's Movers and Furniture, Inc., doing business as Richard the Mover, Lawrence, Mass., authorizing the transportation of general commodities, with the usual exceptions, over specified routes, between Boston, Mass., and Haverhill, Mass., serving intermediate and certain specified offroute points. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-25932 Filed 9-26-75;8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER-NOTICES

SEPTEMBER 24, 1975.

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 Part 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 on or before October 9, 1975. 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 113855 (Sub-E156), 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) Commodities, the transportation of which, because of their size or weight, require the use of special equipment (except boats and iron and steel articles), 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 (2) 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) (1) Between points in Nebraska on and north of Nebraska Highway 92 and on and west of U.S. Highway 281, on the one hand, and, on the other, points in Kentucky on and east of Interstate Highway 75. (2) between points in Nebraska on, north, and west of a line beginning at the Nebraska-Iowa State line and extending along Nebraska Highway 51 to junction U.S. Highway 81, to junction U.S. Highway 283 to the Nebraska-Kansas State line, on the one hand, and, on the other, points in Kentucky west of Interstate Highway 75 and east of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 65 to junction Kentucky Highway 90, to junction Kentucky Highway 63 to the Kentucky-Tennessee State line. (3) between points in Nebraska, on the one hand, and, on the other, points in West Virginia. (South Dakota and Elgin, Ill.)*

(B) (1) Between points in Nebraska, on the one hand, and, on the other, points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 57, to junction Interstate Highway 81 to the New York-Pennsylvania State line, points in Maryland (except Garrett, Allegany, and Washington counties), points in Virginia on and east of U.S. Highway 1, points in North Carolina in and east of Hertford, Bertie, Martin, Beaufort, and Pamlico counties, and the District of Columbia. (2) Between points in Nebraska on and west of U.S. Highway 183, on the one hand, and, on the other, points in New York west of a line beginning at Lake Ontario and extending along New York Highway 57 to junction Interstate Highway 81 to the New York-Pennsylvania State line, and on and east of U.S. Highway 15. South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, to junction U.S. Highway 15, to junction unnumbered highway (formerly U.S. Highway 15) to junction U.S. Highway 15, to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pennsylvania and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pennsylvania).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-E162), 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) *heavy machinery and other contractors' road construction materials, supplies and equipment* which because of size or weight require the use of special equipment; and (2) *self-propelled farm implements and road construction equipment*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith, (restricted to commodities transported on trailers), restricted in (1) and (2) above to the transportation of shipments in foreign commerce, (A) from points in Montana and Wyoming to the ports of entry at International Falls and Pigeon River, Minn. (points in South Dakota on and east of South Dakota Highway 73 (except Madison and points within 25 miles thereof)* (B) from points in Nebraska to the port of entry at International Falls, Minn. (South Dakota (except Madison and points within 25 miles thereof))* The purpose of this filing is to eliminate the gateway indicated by asterisks above.

No. MC 115841 (Sub-No. E36), filed May 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala., 35201. Applicant's representative: Roger M. Shaner (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen foods* (except frozen fruits, vegetables and berries), from Lynchburg, Va., to points in (1) California (Birmingham, Ala.)*, (2) points in Iowa and points in Kansas and Nebraska on and east of U.S. Highway 81 (Nashville, Tenn.)*; (B) *frozen fruits, vegetables and berries*, when moving in mixed loads with frozen foods, from Lynchburg, Va., to points in California, (Birmingham, Ala.)*, restricted in (A) and (B) above against the interlining with connecting carriers to afford a through service from origin points in Virgina other than Lynchburg. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-E90), filed May 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *canned bottled and preserved foodstuffs*, unfrozen, in vehicles equipped with mechanical refrigeration (except in bulk, or in tank vehicles), from the plantsite and warehouses of Paramount Foods, Division Hirsch Bros. Co., Inc., at Louisville, Ky., to (A) points in Louisiana and California. (Birmingham, Ala.)* (B) Blytheville and Little Rock, Ark., and Little Rock Air Force Base, at or near Jacksonville, Ark. (Nashville, Tenn.)*

No. MC 115841 (Sub-No. E91), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 5, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) Edible meats, edible meat products, edible meat by-products, edible dairy products, and edible articles distributed by meat packinghouses, unfrozen, as defined by the Commission, and *frozen foods* (except liquid commodities, in bulk), in vehicles equipped with mechanical refrigeration, from points in Knox County, Tenn., to points in California, Oregon, and Washington (Chattanooga, Tenn., and Birmingham, Ala.)*; (B) *Meats, meat products, meat by-products, dairy products*, and *articles* distributed by meat packinghouses, unfrozen as defined by the Commission, and *frozen foods* (except liquid commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in Knox County, Tenn., to points in Alabama, Louisiana, points in Mississippi on, south, and west of U.S. Highway 78, points in Georgia on, south, and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 85 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean (but including Atlanta, Macon, and Savannah, and Gwinnett, Henry, DeKalb, Cobb, Fulton, and Newton Counties), and points in Arkansas on and west of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 61 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to the Arkansas-Missouri State line (Chattanooga, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the commodity description.

No. MC 115841 (Sub-No. E146), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 14, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from the plant site of Town Square Foods, Inc., at Lake City, Pa., (a) to points in Arkansas on and south of a line beginning at the Arkansas-Mississippi State line and extending along U.S. Highway 65 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line, and points in California on and south of U.S. Highway 10 (including Los Angeles County) (Birmingham, Ala.)*; and (b) to points in Florida (Atlanta, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the origin points.

No. MC 115841 (Sub-No. E158), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, frozen edible meat by-products, frozen edible dairy products, and frozen edible articles distributed by meat packinghouses*, as defined by the Commission, and *frozen foodstuffs* (except those hereinbefore specified when moving in refrigerated vehicles), in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Alabama. The purpose of this filing is to eliminate the gateway of points in Alabama on and east of U.S. Highway 31 (except Montgomery).

No. MC 115841 (Sub-E219), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen edible meats, frozen edible meat products, frozen edible meat by-products, and frozen edible dairy products*, as defined by the Commission (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite of Swift and Company, at Rochelle, Ill., to points in Alabama on, south and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 78 to junction Alabama Highway 21, to junction U.S. Alternate Highway 231, to junction U.S. Highway 231, to junction Alabama Highway 22, to junction Interstate Highway 65, to junction U.S. Highway 331, to junction U.S. Highway 29, to junction Alabama Highway 55, to the Alabama-Florida State line (except Montgomery, Ala.), Atlanta, Ga., and points in South Carolina (except Chesterfield and Marlboro Counties). The purpose of this filing is to eliminate the gateways of Decatur, Ala., and Atlanta, Ga.

No. MC 115841 (Sub-No. E223), (Correction), filed May 22, 1975, published in the FEDERAL REGISTER August 20, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meats products, frozen edible meat by-products, frozen edible dairy products*, and *frozen edible articles* distributed by meat packinghouses, as defined by the Commission (except in bulk), in vehicles equipped with mechanical refrigeration from points in the New York, N.Y., commercial zone, as defined by the Commission within which local operations may be conducted under the exemption provided in the Act (exempt zone); (a) to points in Alabama on, south, and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 278 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Gulf of Mexico (except Montgomery) (Springfield, N.J., Chattanooga, Tenn., and Atlanta, Ga)*; (b) to Atlanta, Ga. (Springfield, N.J., and Chattanooga, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is for clarification.

No. MC 115841 (Sub-No. E233), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Arkansas, Iowa, Missouri, Oklahoma, Texas, points in Mississippi on and north of U.S. Highway 72, and those points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Chattanooga,

Tenn., and points in Tennessee west of the Tennessee River.

No. MC 115904 (Sub-No. E1), filed April 6, 1975. Applicant: GROVER TRUCKING CO., A Corporation, 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and composition board* from points in Oregon (except La Grande, Ilgin, Baker, Pilot Rock, John Day, and Burns, Oreg.) to points in Utah. The purpose of this filing is to eliminate the gateway of Twin Falls County, Idaho.

No. MC 115904 (Sub-No. E2), filed April 6, 1975. Applicant: GROVER TRUCKING CO., A Corporation, 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products* from points in Oregon (except La Grande, Elgin, Baker, Pilot Rock, John Day, and Burns, Oreg.) to points in Colorado. The purpose of this filing is to eliminate the gateway of Twin Falls, Idaho.

No. MC 115904 (Sub-No. E3), filed April 6, 1975. Applicant: GROVER TRUCKING CO., A Corporation, 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and wood chips*, from points in Montana on and west of U.S. Highway 91 to points in Colorado. The purpose of this filing is to eliminate the gateways of points in Idaho and Wyoming.

No. MC 115904 (Sub-No. E4), filed April 6, 1975. Applicant: GROVER TRUCKING CO., A Corporation, 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products and composition board*, from points in that part of Montana on and west of Interstate Highway 15 to points in that part of Wyoming south and west of a line beginning at the Idaho-Wyoming State line extending along Wyoming Highway 22 to Jackson, thence along unnumbered highway to Moran, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 115904 (Sub-No. E5), filed April 6, 1975. Applicant: GROVER TRUCKING CO., A Corporation, 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and composition board* between points in Oregon (except La Grande, Elgin, Baker, Pilot Rock, John Day, and Burns, Oreg.), on the one hand, and, on the other, points in that part of Montana on, south and east of a line beginning at the Idaho-Montana State line extending along U.S. Highway 93 to junction Montana Highway 38, thence along Montana Highway 38 to junction Alternate U.S. Highway 10, thence along Alternate U.S. Highway 10 to the Montana-North Dakota State line. The purpose of this filing is to eliminate the gateway of points in Lemki County, Idaho.

No. MC 116325 (Sub-No. E12), filed June 2, 1974. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden poles, posts, piling, blocking, skids, squares, carting, lumber* and *lumber products, wooden pallets, pallet bins, boxes*, and *pallet materials*, restricted against the transportation of commodities which by reason of size or weight require special equipment, from points in Jo Daviess, Stephenson, Carroll, Whiteside, Henry, Rock Island, and Mercer Counties, Ill., to points in Ballard, McCracken, Carlisle, Graves, Fulton, and Hickman Counties, Ky. The purpose of this filing is to eliminate the gateways of Bollinger and Wayne Counties, Mo.

No. MC 116325 (Sub-No. E15), filed June 2, 1974. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood crating, pallets, pallet bins, boxes, pallet materials, poles, posts, piling, blocking skids, squares, and lumber* (except handle blanks, barrel staves, sawdust or furniture stock), restricted against the transportation of commodities which by reason of size or weight require special equipment, from points in that part of Missouri on and east of U.S. Highway 67, and in and south of Cape Girardeau and Perry Counties, Mo., and that part of Madison County, Mo., on and east of U.S. Highway 67 (except Morehouse, Mo.), to points in Illinois on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateways of Cape Girardeau and Perry Counties, Mo., and that part of Madison County, Mo., on and east of U.S. Highway 67.

No. MC 116325 (Sub-No. E17), filed May 31, 1974. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden crating, pallets, pallet bins, boxes, pallet materials, poles, posts, skids, squares*, and *lumber* (except handle blanks, barrell staves, sawdust or furniture stock), restricted against the transportation of commodities which by reason of size or weight require special equipment, from points in Missouri on and east of U.S. Highway 67 to points in Minnesota. The purpose of this filing is to eliminate the gateways of Cape Girardeau and Perry Counties, Mo., and that part of Madison County, Mo., on and east of U.S. Highway 67.

No. MC 116325 (Sub-No. E23), filed June 3, 1974. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crating, pallet bins, boxes, poles, posts, skids, squares*, and *wooden pallets* (except handle blanks, barrel staves, sawdust or furniture stock), restricted against the transportation of commodities which by reason of size or weight require special equipment, from points in Missouri on and east of U.S. Highway 67 and in and south of Wayne, Bollinger, Cape Girardeau, and Perry Counties, Mo., to points in Iowa, Minnesota, and that part of Illinois on and north of Illinois Highway 15. The purpose of this filing is to eliminate the gateways of Cape Girardeau and Perry Counties, Mo., and that part of Madison County, Mo., on and east of U.S. Highway 67.

No. MC 116325 (Sub-No. E26), filed May 31, 1974. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden crating, pallets, pallet bins, boxes, pallet materials, poles, posts, skids, squares*, and *lumber* (except handle blanks, barrel staves, sawdust or furniture stock), restricted against the transportation of commodities which by reason of size or weight require special equipment, from points in Missouri on and east of U.S. Highway 67 (except Morehouse, Mo.), to points in Michigan. The purpose of this filing is to eliminate the gateways of Cape Girardeau and Perry Counties, Mo., and that part of Madison County, Mo., on and east of U.S. Highway 67.

No. MC 117344 (Sub-No. E70) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER March 19, 1975. Applicant: THE MAXWELL COMPANY, 10380 Evandale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in that part of Indiana on, south and east of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 44 to junction Indiana Highway 3,

thence along Indiana Highway 3 to the Indiana-Kentucky State line, to points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio. The purpose of this correction is to reflect the destination points.

No. MC 117565 (Sub-E1), filed June 4, 1974. Applicant: MOTOR SERVICE CO. INC., P.O. Box 448, Cashocton, Ohio 43812. Applicant's representative: John R. Hafner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial movements, in truck-away service: (a) from Alma, Michigan to points in Oklahoma, Texas, Mississippi, Alabama and points in Tennessee west of Interstate Highway 65. (b) from Alma, Mich., to points in West Virginia, points in Indiana south of Interstate Highway 70, Kentucky, and points in Illinois south of Interstate Highway 70. (c) from Owosso, Mich., to Oklahoma, Alabama, Texas, Mississippi, and points in Tennessee west of Interstate Highway 65. (d) from Owosso, Mich., to points in West Virginia, Kentucky, Indiana south of Interstate Highway 70, and points in Illinois south of Interstate Highway 70. (e) from Flint, Mich., to points in Oklahoma, Texas, Mississippi, Alabama, and points in Tennessee west of Interstate Highway 65. (f) from Flint, Mich., to points in Kentucky, points in Indiana and Illinois south of Interstate Highway 70 and points in West Virginia south of U.S. Highway 50. (g) from Wahjamega, Mich., to points in Oklahoma, Mississippi, Alabama, Texas, and points in Tennessee west of Interstate Highway 65. (h) from Wahjamega, Mich., to points in Kentucky, points in Illinois and Indiana south of Interstate Highway 70 and points in West Virginia south of U.S. Highway 50.

(i) from Cassopolis, Michigan to points in West Virginia, Pennsylvania and points in Kentucky east of Interstate Highway 75. (j) from Mason, Ohio to points in Oklahoma, Texas, Mississippi and those points in Tennessee that are west of U.S. Highway 79 from Memphis, Tennessee to Paris, Tennessee and west of U.S. Highway 641 from Paris, Tennessee to the Kentucky-Tennessee State line. (k) from the Facilities of Magnolia Homes, Mfg. at Ohio City, Ohio to points in Oklahoma, Texas, Mississippi, Alabama, and those points in Tennessee west of Interstate Highway 65. (2) *Mobile Homes*, in secondary movements, in trucking service, (a) from points in Florida, Louisiana, Alabama, Georgia, North Carolina, West Virginia, Pennsylvania, New Jersey, points in Kentucky on and east of Interstate Highway 75 and Tennessee on and east of Interstate Highway 65 to points in Michigan. (b) from points in Pennsylvania and New Jersey to points in that part of Indiana on and north of a line beginning at the Ohio-Indiana State line on U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateways of The facilities of Magnolia Homes Mfg. at Ohio City, Ohio and Henderson, Kentucky in (1) (a) above; The Facilities of Magnolia Homes Mfg. at Ohio City, Ohio in (1) (b) above; The Facilities of Magnolia Homes Mfg. Co. at Ohio City, Ohio and Henderson, Kentucky in (1) (c) above; The Facilities of Magnolia Homes Mfg. Co. at Ohio City, Ohio in (1) (d) above; The Facilities of Magnolia Homes Mfg. Co., at Ohio City, Ohio in (1) (e) above; The Facilities of Magnolia Homes Mfg. Co., at Ohio City, Ohio in (1) (f) above; The Facilities of Magnolia Homes Mfg. Co., at Ohio City, Ohio and Henderson, Kentucky in (1) (g) above; The Facilities of Magnolia Homes Manufacturing Co., at Ohio City, Ohio in (1) (h) above; The Facilities of Magnolia Homes Mfg. at Ohio City, Ohio in (1) (i) above; Henderson, Kentucky in (1) (j) above; Henderson, Kentucky in (1) (k) above; and Toledo, Ohio and points in Ohio within 60 miles thereof in (2) above.

No. MC 119641 (Sub-No. E13), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* (except truck tractors), and *component parts* for agricultural tractors, from Baltimore, Md., to points in Arkansas, points in that portion of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 60 to junction U.S. Highway 641, thence along U.S. Highway 641 to junction Kentucky Highway 94, thence along Kentucky Highway 94 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Kentucky-Tennessee State line, points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 61 to Greenville, Miss., points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 45W to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub-No. E14), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building slabs*, loose or individually packaged, from Jamesburg, N.J., to points in Arkansas north of a line beginning at the Mississippi-Arkansas State line and extending along U.S. Highway 82 to junction U.S. Highway 165, thence along U.S. Highway 165 to the Arkansas-Louisiana State line, points in Iowa, Kansas, points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 165 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Louisiana Highway 27, thence along Louisiana Highway 27 to the Gulf of Mexico, points in the Upper Peninsula of Michigan on and west of U.S. Highway 41, points in Minnesota, points in Mississippi on and west of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 61 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line, points in Missouri, Nebraska, North Dakota, South Dakota, points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Tennessee-Mississippi State line, and points in Wisconsin. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC 119641 (Sub-No. E31), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building slabs, loose or individually packaged*, from Pittston, Pa., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC 119641 (Sub-No. E33), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building slabs, loose or individually packaged*, from Lisbon Falls, Me., to points in Arkansas, Kansas, Louisiana, Mississippi, Nebraska, North Dakota, South Dakota, and points in Tennessee on and west of U.S. Highway 231 from the Kentucky-Tennessee State line, to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC 119641 (Sub-No. E34), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts* from New Orleans, La., to points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 70 to the Indiana-Ohio State line, points in Iowa on and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 71 to junction Iowa Highway 2, thence along Iowa Highway 2 to the

Iowa-Nebraska State line, points in Michigan, points in Minnesota on and south of U.S. Highway 2, points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to the Nebraska-Wyoming State line, points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 70 to the Ohio-West Virginia State line, and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub-No. E37), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, (other than hand), knocked down, from Detroit and Port Huron, Mich., to points in Arkansas, points in that portion of Iowa on and south of Iowa Highway 2, points in Kansas, Mississippi, Missouri, points in that portion of Nebraska on and south of Nebraska Highway 2, and points in that portion of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 641 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub-E43), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., Route 1, Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated brick siding* from Joliet, Illinois, to points in Wisconsin, on and north of U.S. Highway 8. The purpose of this filing is to eliminate the gateway of Lowell, Indiana.

No. MC 119641 (Sub-No. E46), filed June 3, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels or those which because of size or weight require use of special equipment), and *used parts* therefor when transported in the same vehicle at the same time, from New Orleans, La., to points in Illinois on and west of a line beginning at the Wisconsin-Illinois State line and extending along Illinois Highway 26 to junction U.S. Highway 20, thence along to Illinois Highway 78, thence along to U.S. Highway 36, thence along to U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, points in Iowa, the Upper Peninsula of Michigan, Minnesota, points in Missouri on and west of a line beginning at the Illinois-Missouri State line, and extending along U.S. Highway 54 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line, points in Wisconsin on and west of a line beginning at Lake Michigan and extending along U.S. Highway 151 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC 119641 (Sub-No. E47), filed June 3, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels or those which because of size or weight require the use of special equipment), and *used parts* therefor when transported in the same vehicle or at the same time and which are to be installed on the tractors being transported, from New Orleans, La., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 119614 (Sub-No. E48), filed June 3, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used agricultural machinery, used farm tractors, and used parts* therefor, when transported in the same vehicle with such used agricultural machinery, and used farm tractors, and which because of their size or weight do not require the use of special equipment or special handling, restricted to the transportation of shipments having an immediately prior movement by water and to traffic destined to the plant sites, warehouses and dealer facilities of Deere & Company, from New Orleans, La., to points in Indiana, Iowa, Michigan, Ohio, Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 119641 (Sub-No. E49), filed June 3, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used farm and used industrial tractors* (except truck tractors) and used component parts for farm and industrial tractors, when transported in the vehicle with used farm and industrial tractors, and which because of their size or weight do not require the use of special equipment or special handling, restricted to the transportation of shipments of the above named commodities having a prior movement by water, from Baltimore, Md., to points in Arkansas, Kentucky, and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to junction Tennessee Highway 63, thence along Tennessee Highway 63 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Gallipolis, Ohio.

No. MC 119777 (Sub-No. E88) (Correction), filed April 23, 1974, published in the FEDERAL REGISTER July 10, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L," Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (26) between points in Montana, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; (51) (a) (B) points in Arizona on, north, and west of a line beginning at the Arizona-Utah State line extending along U.S. Highway 91 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Arizona-Nevada State line; (51) (w) between points in Alabama on and west of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 5 * * * (53) (f) (ii) * * * on the one hand, and, on the other, points in Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 52 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 51, thence along Iowa Highway 51 to junction U.S. Highway 52, thence along U.S. Highway 52 * * *.

(57) (a) Between points in the District of Columbia, on the one hand, and, on the other, points in Indiana on and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 30 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Indiana Highway 245, thence along Indiana Highway 245 to junction Indiana Highway 70, thence along Indiana Highway 70 to junction Indiana Highway 66,

thence along Indiana Highway 66 to Cannelton; (57)(b) * * * (57)(c) * * * (58)(a) * * * (58)(b) * * * (58)(c) * * * (58)(d) * * * (58)(e) * * * (59)(a) * * * (59)(b) * * * (60(a)(i) * * * (60(a)(ii) between points in Idaho on and south of a line beginning at the Oregon-Idaho State line extending along Idaho Highway 52 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Interstate Highway 80N, thence along Interstate Highway 80N * * * (60)(b)(i) between points in Idaho, on the one hand, and, on the other, points in Louisiana on, north, and east of a line * * * (61)(b)(iii) between points in Illinois on and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Interstate Highway 74, thence along Interstate Highway 74 * * *.

(61)(d)(ii) * * * on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 36 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Kansas Highway 150, thence south on Kansas Highway 150 * * * (61)(h)(i) between points in Illinois on and south of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 67 to junction Illinois Highway 140, thence along Illinois Highway 140 to junction Illinois Highway 240, thence along Illinois Highway 240 to junction Illinois Highway 4 * * * (61)(n)(ii) * * * (61)(o)(i) * * * (61)(o)(ii) * * * (61)(p)(i) * * * (61)(p)(ii) * * * (61)(q)(i) * * * (61)(q)(ii) * * * (61)(q)(iii) * * * (61)(r)(i) * * * (61)(r)(ii) * * * (61)(s)(i) * * * (61)(r)(ii) * * * (61)(s)(i) * * * (61)(s)(ii) * * * (61)(s)(iii) * * *.

(61)(x)(ii) Between points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line 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 24, thence along U.S. Highway 24 to junction U.S. Highway 66 * * * (61)(z)(ii) between points in Illinois on, east, and north of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Illinois Highway 92, thence along Illinois Highway 92 to junction U.S. Highway 150 * * * (61)(cc)(i) between points in Illinois on and north of a line beginning at Palestine extending along Illinois Highway 33 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 Illinois Highway 161 * * * (63)(n)(ii) between Davenport, Iowa, on the one hand, and, on the other, points in Washington on and west of a line beginning at the Oregon-Washington State line extending along Interstate Highway 5 to junction Washington Highway 16, thence along Washington Highway 16 to junction Washington Highway 3, thence along Washington Highway 3 to junction Washington Highway 104, thence along Washington Highway 104 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction Washington Highway 113, thence along Washington Highway 113 to Port Townsend, Wash.

(66)(g) * * * and points of Delta and Vidalia, La., on the one hand, and, on the other * * * (73)(g) between points in Missouri on and east of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 67 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 47, thence along Missouri Highway 47 to junction Missouri Highway 79, thence along Missouri Highway 79 to the Louisiana-Missouri State line, on the one hand, and, on the other, * * * (86)(b)(ii) between points in Texas on and east of a line beginning at the Louisiana-Texas State line extending along Texas Highway 21 to junction Texas Highway 87, thence along Texas Highway 87 to junction Texas Highway 63, * * * (90)(a) between * * * on the one hand, and, on the other, points in Wyoming on, south, and west of a line beginning at the Colorado-Wyoming State line extending along U.S. Highway 85 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of Paris, Ill. The purpose of this partial correction is to clear up discrepancies existing in previous publication and to put in order some of the paragraphs. The remainder of the letter-notice remains as previously published.

No. MC 119777 (Sub-No. E91), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such guard-rail and component parts* as are embraced within building and excavating contractors' and mining materials and equipment, road building equipment and material, and such commodities which require special handling because of their size and weight (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipelines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); (1) from points in Indiana, to points in Florida, Louisiana, New Mexico, and Texas; (2) from points in Kentucky to points in Minnesota; (3) from points in Ohio (except Columbus), to points in Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas; (4) from points in Pennsylvania to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; (5) from points in Tennessee to points in Minnesota and Wisconsin; (6) from points in West Virginia to points in Colorado, Kansas, New Mexico, Oklahoma, Texas, and Arkansas.

(7) From points in Indiana on, north, and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Indiana-Ohio State line to points in Alabama; (8) from points in Indiana on and east and south of a line beginning at the Indiana-Michigan State line extending along Indiana Highway 19 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to Indianapolis, Ind., thence along Indiana Highway 67 to a terminus at Vincennes, Ind., to points in Arkansas; (9) from points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to the Ohio-Indiana State line to points in Colorado; (10) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Connecticut; (11) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line to points in Delaware; (12) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in the District of Columbia; (13) from points in Indiana on and west of a line

beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 19, thence along Indiana Highway 19 to the Indiana-Michigan State line to points in Georgia.

(14) From points in Indiana on and east of a line beginning at Michigan City, Ind., thence along U.S. Highway 20 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction Indiana Highway 64, thence along Indiana Highway 64 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 460, thence along U.S. Highway 460 to a terminus at Evansville, Ind., to points in Illinois and west of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line; (15) from points in Indiana on and south of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 56, thence along Indiana Highway 56 to a terminus at Madison, Ind., to points in Iowa on, north, and west of a line beginning at the Iowa-Nebraska State line extending along Interstate Highway 80 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line; (16) from points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 56, thence along Indiana Highway 56 to a terminus at Madison, Ind., to points in Kansas.

(17) From points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line to points in Kentucky on, north, and west of a line beginning at Owensboro, Ky., thence along the Audubon Parkway to junction Pennyrile Parkway, thence along Pennyrile Parkway to junction U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to the Kentucky-Tennessee State line; (18) from points in Indiana on and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line to points in Maine; (19) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Maryland on and east of U.S. Highway 220; (20) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to the terminus at Vincennes, Ind., to points in Massachusetts; (21) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line to points in the Lower Peninsula of Michigan on and east of a line beginning at Alpena, Mich., thence along U.S. Highway 23 to a terminus at Mackinaw City, Mich., and points in the Upper Peninsula of Michigan on and north of a line beginning at Iron Mountain, Mich., thence along U.S. Highway 2 to a terminus at Escanaba, Mich.; (22) from Jeffersonville, Ind., and points in Indiana on and south of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 150 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Minnesota.

(23) From points in Indiana on, west, and north of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 231 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Ohio State line to points in Mississippi; (24) from Vincennes, Ind., and points in Indiana on and east of U.S. Highway 41 to points in Missouri on, south, and east of a line beginning at the Missouri-Arkansas State line extending along Missouri Highway 17 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 61, thence along U.S. Highway 61 to a terminus at Cape Girardeau, Mo.; (25) from points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 56, thence along Indiana Highway 56 to a terminus at Madison, Ind., to points in Nebraska; (26) from points in Indiana on and west of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in New Hampshire; (27) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to the Indiana-Illinois State line to points in New York; (28) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Illinois State line to points in North Carolina; (29) from Evansville, Ind., to points in Ohio; (30) from points in Indiana on, east, and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 19, thence along Indiana Highway 19 to the Indiana-Michigan State line to points in Oklahoma.

(31) From points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to its terminus at Vincennes, Ind., to points in Pennsylvania on and east of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 40 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 20, thence along U.S. Highway 20 to a terminus at Erie, Pa.; (32) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line to points in Rhode Island; (33) from points in Indiana on and west of a line beginning at Michigan City, Ind., thence along U.S. Highway 12 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in South Carolina; (34) from points in Indiana on and north of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Indiana-Ohio State line to points in Tennessee on, west, and south of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line.

(35) From points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-

Kentucky State line to points in Vermont; (36) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to its terminus at Vincennes, Ind., to points in Virginia on and east of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 220 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 311, thence along Virginia Highway 311 to the West Virginia-Virginia State line; (37) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to the terminus at Vincennes, Ind., to points in West Virginia on and east of a line beginning at Williamson, W. Va., thence along U.S. Highway 119 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line; (38) from Vincennes and Evansville, Ind., to points in Wisconsin on, north, and west of a line beginning at LaCrosse, Wis., thence along U.S. Highway 53 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Wisconsin-Michigan State line; (39) from Louisville and Owensboro, Ky., to points in Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 84 to the Alabama-Georgia State line.

(40) From points in Kentucky on, north, and west of a line beginning at Owensboro, Ky., thence along Kentucky Highway 54 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Indiana State line to points in Arkansas; (41) from points in Kentucky bounded on the north by Illinois and Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 68, thence along U.S. Highway 68 to a terminus at Paducah, Ky., to points in Colorado; (42) from points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 231 to junction U.S. Highway 31W, thence along U.S. Highway 31W to the Kentucky-Tennessee State line to points in Connecticut; (43) from points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 231 to junction U.S. Highway 31W, thence along U.S. Highway 31W to the Kentucky-Tennessee State line to points in Delaware; (44) from points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 231 to junction U.S. Highway 31W, thence along U.S. Highway 31W to the Kentucky-Tennessee State line to points in the District of Columbia; (45) from points in Kentucky on, north, and west of a line beginning at Wickliffe, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 91, thence along Kentucky Highway 91 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Indiana State line to points in Florida on and south of a line beginning at St. Petersburg, Fla., thence along U.S. Highway 92 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 532, thence along Florida Highway 532 to junction Florida Highway 419, thence along Florida Highway 419 to junction Florida Highway 520, thence along Florida Highway 520 to a terminus at Cocoa, Fla.

(46) From points in Kentucky on and north of a line beginning at the Kentucky-Missouri State line extending along U.S. Highway 60 to a terminus at Owensboro, Ky., to points in Georgia on and east of a line beginning at Augusta, Ga., thence along Georgia Highway 56 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line; (47) from points in Kentucky bounded on the north by a line beginning at Henderson, Ky., thence along U.S. Highway 60 to junction U.S. Highway 231, thence along U.S. Highway 221 to junction U.S. Highway 62, thence along U.S. Highway 62 to Elizabethtown, Ky., and bounded on the east by a line beginning at Elizabethtown, Ky., thence along U.S. Highway 31W to the Kentucky-Tennessee State line, and bounded on the south by the Kentucky-Tennessee State line, and bounded on the west by a line beginning at the Kentucky-Tennessee State line along U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to a terminus at Henderson, Ky., to points in Illinois west of a line beginning at Waukegan, Ill., thence along Illinois Highway 120 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line; (48) from points in Kentucky bounded on the north by Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Alternate Highway 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in Iowa.

(49) From points in Kentucky bounded on the north by Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Alternate Highway 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in Kansas; (50) from points in Kentucky on and north of a line beginning at the Kentucky-Missouri State line extending along U.S. Highway 60 to a terminus at Paducah, Ky., to Owensboro, Ky., and points in Kentucky on and east of a line beginning at Louisville, Ky., thence along U.S. Highway 150 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line; (51) from points in Kentucky on and north of a line beginning at Owensboro, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 31W, thence along U.S. Highway 31W to a terminus at Louisville, Ky., to points in Louisiana; (52) from points in Kentucky on and west of a line beginning at Cloverport, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line to points in Maine; (53) from points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along U.S. Highway 431 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line to points in Maryland;

(54) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31W to junction U.S. Highway 231, thence along U.S. Highway 231 to a terminus at Owensboro, Ky., to points in Massachusetts.

(55) From points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 231 to junction U.S. Highway 31W, thence along U.S. Highway 31W to the Kentucky-Tennessee State line to points in Michigan; (56) from points in Kentucky on and north of a line beginning at Owensboro, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 31E, thence along U.S. Highway 31E to a terminus at Louisville, Ky., to points in Mississippi on and west of a line beginning at the Arkansas-Mississippi State line extending along U.S. Highway 49 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 49, thence along U.S. Highway 49 to its terminus at Gulfport, Miss.; (57) from points in Kentucky bounded on the north by Indiana, and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction, Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in Missouri on and north of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 66 to the Missouri-Illinois State line; (58) from points in Kentucky bounded on the north by Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to a terminus at Paducah, Ky., to points in Nebraska.

(59) From points in Kentucky on and west of a line beginning at Cloverport, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line to points in New Hampshire; (60) from points in Kentucky bounded on the north by Illinois and Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 68, thence along U.S. Highway 68 to a terminus at Paducah, Ky., to points in New Mexico; (61) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31W to junction U.S. Highway 231, thence along U.S. Highway 231 to a terminus at Owensboro, Ky., to points in New York; (62) from points in Kentucky on and north of a line beginning at Wickliffe, Ky., thence along U.S. Highway 60 to a terminus at Owensboro, Ky., to points in North Carolina on and east of U.S. Highway 25; (63) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along Kentucky Highway 139 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Kentucky Highway 85, thence along Kentucky Highway 85 to junction Kentucky Highway 81, thence along Kentucky Highway 81 to its terminus at Owensboro, Ky., to points in Ohio on and northeast of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 36 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line.

(64) From points in Kentucky bounded on the north by Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to Scottsville, Ky., and bounded on the west by a line beginning at Scottsville, Ky., thence along U.S. Highway 231 to the Kentucky-Indiana State line to points in Oklahoma; (65) from points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along the Audubon Parkway to junction Pennyrile Parkway, thence along Pennyrile Parkway to junction U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to the Kentucky-Tennessee State line to points in Pennsylvania; (66) from points in Kentucky on and west of a line beginning at Cloverport, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to Elizabethtown, Ky., thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line to points in Rhode Island; (67) from points in Kentucky on, north, and west of a line beginning at Owensboro, Ky., thence along U.S. Highway 60 to the Kentucky-Illinois State line to points in South Carolina on, south, and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 221 to junction South Carolina Highway 9, thence along South Carolina Highway 9 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-Georgia State line; (68) from points in Kentucky on and north of a line beginning at Louisville, Ky., thence along U.S. Highway 60 to Owensboro, Ky., to Grand Junction, Tenn., and points west of a line beginning at the Missouri-Tennessee State line extending along Tennessee Highway 20 to Jackson, Tenn., thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line.

(69) From points in Kentucky bounded on the north by Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to Glasgow, Ky., and bounded on the west by a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to Henderson, Ky., thence along U.S. Highway 60 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 68, thence along U.S. Highway 68 to Glasgow, Ky., to points in Texas; (70) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along Interstate Highway 65 to junction U.S. Highway 31W, thence along U.S. Highway 31W to junction Kentucky Highway 1638, thence along Kentucky Highway 1638 to the Kentucky-Indiana State line to points in Vermont; (71) from points in Kentucky on, west, and north of a line beginning at Owensboro, Ky., thence along Audubon Parkway to junction Pennyrile Parkway, thence along Pennyrile Parkway to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line to points in Virginia on and east of a line beginning at the Virginia-West Virginia State line extending along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line; (72) from points in Kentucky on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 41, thence along U.S. High-

way 41 to junction Kentucky Highway 85, thence along Kentucky Highway 85 to junction Kentucky Highway 81, thence along Kentucky Highway 81 to a terminus at Owensboro, Ky., to points in West Virginia on and north of a line beginning at Williamson, W. Va., thence along U.S. Highway 52 to a terminus at Bluefield, W. Va.

(73) From points in Kentucky bounded on the north by Illinois and Indiana and bounded on the south by Tennessee and bounded on the east by a line beginning at Bradenburg, Ky., thence along Kentucky Highway 79 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line and bounded on the west by a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 45 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line to points in Wisconsin; (74) from points in Ohio on and north of a line beginning at the Kentucky-Ohio State line at Portsmouth, Ohio, thence along U.S. Highway 52 to junction Ohio Highway 119, thence along Ohio Highway 119 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to Gallipolis, Ohio, (except Columbus), to points in Alabama on, south, and west of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to Mobile, Ala.; (75) from Findlay, Ohio, and points in Ohio on, north, and west of a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Ohio-Indiana State line to points in Florida; (76) from Toledo and Findlay, Ohio, and points in Ohio on and west of a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Indiana-Ohio State line to points in Georgia on and south of a line beginning at Columbus, Ga., thence along U.S. Highway 280 to McRae, Ga., thence along U.S. Highway 341 to its terminus at Brunswick, Ga.

(77) From points in Ohio (except Columbus), to points in Illinois on and south of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Illinois-Indiana State line; (78) from Aberdeen and Chesapeake, Ohio, to points in Iowa on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 65 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line; (79) from points in Ohio (except Columbus), to points in Kansas on and south of U.S. Highway 40; (80) from points in Ohio on and north of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 50 to the Ohio-West Virginia State line (except Columbus), to points in Kentucky on, west, and north of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line; (81) from Chesapeake, Ohio, to Fort Wilkins, Hancock, and Ironwood, Mich.; (82) from Aberdeen and Chesapeake, Ohio, to points in Minnesota on and west of U.S. Highway 71; (83) from points in Ohio on and north of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 50 to a terminus at Cincinnati, Ohio (except Columbus), to points in Mississippi; (84) from Cambridge, Ohio, and points in Ohio on, south, and east of a line beginning at Cleveland, Ohio, thence along Interstate Highway 77 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Ohio Highway 278, thence along Ohio Highway 278 to junction U.S. Highway 50, thence along U.S. Highway 50 to a terminus at Cincinnati, Ohio, to points in Missouri on and south of Interstate Highway 70.

(85) From points in Ohio on and south of a line beginning at Cincinnati, Ohio, thence along U.S. Highway 52 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 7, thence along Ohio Highway 7 to a terminus at Belpre, Ohio, to points in Nebraska; (86) from points in Ohio on and north of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 571 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line (except Columbus), to points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Alternate Highway 41, to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line; (87) from Chesapeake, Ohio, to points in Wisconsin on, north, and west of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 8 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 51, thence along U.S. Highway 51 to a terminus at Hurley, Wis.; (88) from points in Pennsylvania on, north, and west of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 15 to Williamsport, Pa., thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Pennsylvania-West Virginia State line to points in Alabama on and west of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 31, thence along U.S. Highway 31 to Montgomery, Ala., thence along U.S. Highway 331 to the Alabama-Florida State line; (89) from Erie, Pa. to points in Florida on, west, and south of a line beginning at the Georgia-Florida State line extending along U.S. Highway 27 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction U.S. Highway 41, thence along U.S. Highway 41 to its terminus at the Atlantic Ocean.

(90) From points in Pennsylvania on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along Interstate Highway 90 to junction U.S. Highway 6N, thence along U.S. Highway 6N to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line to points in Georgia on and west of a line beginning at Columbus, Ga., thence along U.S. Highway 27 to the Florida-Georgia State line; (91) from points in Pennsylvania to points in Illinois on and south of a line beginning at Alton, Ill., thence along Illinois Highway 140 to junction Illinois Highway 159, thence along Illinois Highway 159 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 15, thence along Illinois Highway 15 to a terminus at Mount Carmel, Ill.; (92) from points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 209 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to the Pennsylvania-Delaware State line to points in Iowa on and south of a line beginning at Ft. Madison, Iowa, thence along U.S. Highway 61 to junction Iowa Highway 2, thence along Iowa Highway 2 to the Iowa-Nebraska State line; (93) from points in Pennsylvania to points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 231 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Western Kentucky Parkway, thence along Western

Kentucky Parkway to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line.

(94) From Morrisville and Philadelphia, Pa., to points in Minnesota on, south, and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 59 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to the Minnesota-South Dakota State line; (95) from points in Pennsylvania to points in Missouri on and south of Interstate Highway 70; (96) from points in Pennsylvania to points in Nebraska on, south, and west of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 30 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Nebraska-Kansas State line; (97) from points in Pennsylvania on, north, and east of a line beginning at the Ohio-Pennsylvania State line extending along Interstate Highway 80 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Pennsylvania-New Jersey State line to points in Tennessee, on and west of a line beginning at the Kentucky-Tennessee State line extending along Interstate Highway 65 to the Tennessee-Alabama State line; (98) from Cumberland Gap, Bristol, and Mountain City, Tenn., to Blytheville, Ark., and points in Arkansas on, north, west, and south of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 167 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 28, thence along Arkansas Highway 28 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line; (99) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Tennessee Highway 127, thence along Tennessee Highway 127 to the Tennessee-Alabama State line to points to Colorado.

(100) From points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 231 to the Tennessee-Alabama State line to points in Connecticut; (101) from points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line extending along Tennessee Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line to points in Delaware; (102) from points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to junction Tennessee Highway 125, thence along Tennessee Highway 125 to the Mississippi-Tennessee State line to points in the District of Columbia; (103) from points in Tennessee on and north of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 79 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to its terminus at or near Heloise, Tenn., to points in Florida on and east of a line beginning at West Palm Beach, Fla., thence along U.S. Highway 1 to a terminus at Homestead, Fla.; (104) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line to points in Illinois on, west, and north of a line beginning at Chester, Ill., thence along Illinois Highway 150 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line.

(105) From points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 51 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line to points in Iowa on and north of a line beginning at Sioux City, Iowa, thence along U.S. Highway 20 to a terminus at Dubuque, Iowa; (106) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to Nashville, Tenn., thence along Interstate Highway 24 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in Kansas; (107) from points in Tennessee on, north, and east of a line beginning at Cumberland Gap, Tenn., thence along U.S. Highway 25E to junction U.S. Highway 11E, thence along U.S. Highway 11E to junction Tennessee Highway 70, thence along Tennessee Highway 70 to the North Carolina-Tennessee State line to points in Kentucky on and north of a line beginning at Wickliffe, Ky., thence along U.S. Highway 60 to a terminus at Paducah, Ky.; (108) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 70, thence along U.S. Highway 70 to the junction of U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to junction Tennessee Highway 125, thence along Tennessee Highway 125 to the Mississippi-Tennessee State line to Ashland, and South Williamson, Ky., and points in Kentucky on, north, and west of a line beginning at Louisville, Ky., thence along U.S. Highway 460 to junction U.S. Highway 68, thence along U.S. Highway 68 to a terminus at Maysville, Ky.; (109) from Chanute, Cumberland Gap, and Bristol, Tenn., to Ida, La.

(110) From points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 42 to junction Interstate Highway 40, thence along Tennessee Highway 40 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line to points in Maine; (111) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in Maryland; (112) from points in Tennessee on and west of U.S. Highway 231 to points in Massachusetts; (113) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in Michigan; (114) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to Nashville, Tenn., thence along Interstate Highway 24 to the Tennessee-Georgia State line to Springfield, Mo., and points in Missouri on and north of U.S. Highway 66; (115) from points in Tennessee on, north, and east of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 31 to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line to points in Nebraska; (116) from points in Tennessee on and west of U.S. Highway 231 to points in New Hampshire; (117) from points in

Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line to points in New Mexico; (118) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line to points in New York.

(119) from points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Tennessee-Mississippi State line to Moyock, Elizabeth City, Point Harbor, Cherry Point, and Roe, N.C.; (120) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in Ohio; (121) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to Nashville, Tenn., thence along U.S. Highway 41 to the Tennessee-Georgia State line to points in Oklahoma on, north, and west of a line beginning at the Oklahoma-Texas State line extending along Interstate Highway 40 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line; (122) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line to points in Pennsylvania; (123) from points in Tennessee to Conway, S.C.; (125) from points in Tennessee on, north, and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Tennessee Highway 96, thence along Tennessee Highway 96 to junction U.S. Highway 70S, thence along U.S. Highway 70S to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to the North Carolina-Tennessee State line to points in Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 62 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Texas Highway 70, thence along Texas Highway 70 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Texas Highway 44, thence along Texas Highway 44 to its terminus at Corpus Christi, Tex.

(126) From points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 231 to the Tennessee-Alabama State line to points in Vermont; (127) from points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line extending along Tennessee Highway 18 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 45W, thence along U.S. Highway 45W to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line to points in Virginia on, north, and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 250 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line; (128) from points in Tennessee on and west of U.S. Highway 51 to points in West Virginia; (129) from points in West Virginia on and north of Interstate Highway 70 to points in Alabama on, south, and west of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 43 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line; (130) from Brooke, Ohio, and Hancock Counties, W. Va., to Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, and Jackson Counties, Fla.; (131) from points in West Virginia to points in Illinois on, south, and west of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Illinois-Indiana State line.

(132) from points in West Virginia on and south of a line beginning at Williamson, W. Va., thence along U.S. Highway 119 to junction West Virginia Highway 10 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line to points in Iowa; (133) from points in West Virginia on and northeast of a line beginning at the West Virginia-Ohio State line extending along Interstate Highway 77 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line to points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along the Audubon Parkway to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line; (134) from points in West Virginia on and north of a line beginning at the West Virginia-Kentucky State line extending along U.S. Highway 119 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line to points in Louisiana; (135) from points in West Virginia on, south, and west of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-West Virginia State line to points in the Upper Peninsula of Michigan on and west of a line beginning at L'Anse, Mich., thence along U.S. Highway 41 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line, and points in the Upper Peninsula of Michigan on and south of a line beginning at Escanaba, Mich., thence along U.S. Highway 2 to the Michigan-Wisconsin State line.

(136) from points in West Virginia on and south of a line beginning at the West Virginia-Kentucky State line extending along U.S. Highway 60 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line to points in Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line extending along Minnesota Highway 95 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Iowa State line; (137) from points in West Virginia on and north of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to the junction of West Virginia Highway 55, thence along West Virginia Highway 55 to the West Vrginia-Virginia State line to points in Mississippi; (138) from points in West Virginia on and south of a line beginning at Huntington, W. Va., thence along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line to points in Missouri; (139) from points in West Virginia on and south of Interstate Highway

70 to points in Nebraska on, south, and west of a line beginning at Omaha, Nebr., thence along Nebraska Highway 92 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; (140) from points in West Virginia on and north of U.S. Highway 60 to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Mississippi-Tennessee State line; and

(141) from points in West Virginia on and south of a line beginning at Williamson, W. Va., thence along U.S. Highway 52 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 63, thence along West Virginia Highway 63 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line to points in Wisconsin on, north, and west of a line beginning at the Wisconsin-Minnesota State line extending along Wisconsin Highway 25 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 51, thence along U.S. Highway 51 to a terminus at Hurley, Wis. The purpose of this filing is to eliminate the gateways of that part of Kentucky on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and Evansville, Ind.

No. MC 119777 (Sub-E232), filed January 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, skids, bases, boxes, crates, crating, wooden trends, wooden cartons, nails, treated poles, treated crossarms, and treated crossties:* (1) *risers, wooden sills, moldings, cardboard* from points in California, Connecticut, Delaware, District of Columbia, Idaho, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York (except Jamaica, Long Island), North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, and Wyoming to points in Alabama. (2)(a) from points in Arizona, on, north and west of a line beginning at the Arizona-New Mexico State line, thence west on U.S. Highway 160 to the junction of State Highway 63, thence south on State Highway 63 to junction State Highway 264, thence west on State Highway 264 to junction State Highway 77, thence south on State Highway 77 to junction U.S. Highway 66, thence west on U.S. Highway 66 to junction U.S. Highway 89, thence south on U.S. Highway 89 to junction State Highway 71, thence south on State Highway 71 to junction U.S. Highway 60, thence south on U.S. Highway 60 to junction U.S. Highway 95, thence south on U.S. Highway 95 to the Arizona-New Mexico State line to points in Alabama.

(2)(b) from points in North Carolina, on and north of a line commencing at the Tennessee-North Carolina State line, thence south on U.S. Highway 19E to junction State Highway 194, thence east on State Highway 194 to junction U.S. Highway 421, thence east on U.S. Highway 421 to junction State Highway 268, thence east on State Highway 268 to junction State Highway 66, thence north on State Highway 66 to junction state Highway 89, thence east on State Highway 89 to junction State Highway 704, thence east on State Highway 704 to junction U.S. Highway 158, thence east on U.S. Highway 158 to Point Harbor, North Carolina at the Atlantic Ocean to points in Alabama, on, north and west of a line beginning at the Georgia-Alabama State line, thence south on Interstate Highway 59 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to junction State Highway 25, thence south on State Highway 25 to junction U.S. Highway 31, thence south on U.S. Highway 31 to the junction of State Highway 191, thence south on State Highway 191 to junction State Highway 22, thence south on State Highway 22 to the junction of State Highway 41, thence south on State Highway 41 to junction State Highway 21, thence south on State Highway 21 to the Alabama-Florida State line. (2)(c) from points in Tennessee, north and east of a line beginning at the Virginia-Tennessee State line, thence south on U.S. Highway 23 to junction U.S. Highway 321, thence south on U.S. Highway 321 to the Tennessee-North Carolina State line to points in Alabama. (2)(d) from points in Virginia, on, north and west of a line beginning at the mouth of the Rappahannack River near Harmony Village, thence south on State Highway 3 to junction State Highway 33, thence south on State Highway 33 to junction of Interstate Highway 64, thence west on Interstate Highway 64 to the junction of U.S. Highway 360, thence west on U.S. Highway 360 to junction U.S. Highway 460, thence west on U.S. Highway 460 to junction U.S. Highway 221, thence south on U.S. Highway 221 to the junction of U.S. Highway 52, thence south on U.S. Highway 52 to the Virginia-North Carolina State line to points in Alabama. The purpose of this filing is to eliminate the gateway of Kentucky.

No. MC 119777 (Sub-E239), filed January 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, restricted against the transportation of commodities which because of size or weight require the use of special equipment, from St. Louis, Missouri, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Sparta, Illinois.

No. MC 119777 (Sub-No. E240), filed January 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Treated lumber*, (1) from points in Bradley, Ashley, Drew, Pulaski, Cleveland, Dallas, Quachita, Calhoun, and Union Counties, Ark., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. (2) from Little Rock, Ark., to Readland and Helena, Ark. (3) from points in Dallas, Cleveland, Union, Calhoun, and Quachita Counties, Ark., to Helena, Ark., and points in Mississippi County, Ark., on and east of a line beginning at Osceola extending along U.S. Highway 61 to the Arkansas-Missouri State line.

(4) From points in Pulaski County, Arkansas on, south and east of a line commencing at the Pulaski-Lonoke County line on U.S. Hwy 70, thence west on U.S. Hwy 70 to the jct. of U.S. Hwy 65, thence south on U.S. Hwy 65 to the Pulaski-Saline County line; and points in Union, Ouachita, Calhoun, Dallas, and Cleveland Counties, Arkansas on and east of a line commencing at the Dallas-Grant County line on U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the jct. of AR St. Hwy 7, thence south on AR St. Hwy 7 to the Arkansas-Louisiana state line to points in Colorado on and west of a line commencing at the Colorado-Wyoming state line on CO St. Hwy 789, thence south on CO St. Hwy 789 to the jct. of U.S. Hwy 550, thence south on U.S. Hwy 550 to the Colorado-New Mexico state line.

(5) From points in Calhoun, Cleveland, Dallas, Ouchita, and Union Counties, Arkansas to points in Illinois.

(6) From Little Rock, Arkansas to points in Illinois on, north and east of a line commencing at Quincy, Illinois, thence east on IL St. Hwy 104 to the jct. of IL St. Hwy 29, thence southeast on IL St. Hwy 29 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Illinois-Kentucky state line.

(7) From points in Cleveland, Dallas, Calhoun, Ouachita and Union Counties,

Arkansas on and south of U.S. Hwy 79 to points in Iowa on, north and east of a line commencing at the Nebraska-Iowa state line on U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of U.S. Hwy 69, thence south on U.S. Hwy 69 to the jct. of IA St. Hwy 5, thence south on IA St. Hwy 5 to the Iowa-Missouri state line.

(8) From Little Rock, Arkansas to points in Iowa on and east of U.S. Hwy 218.

(9) From points in Union County, Arkansas on and south of AR St. Hwy 15 to points in Kansas on, north and west of a line commencing at the Nebraska-Kansas state line on U.S. Hwy 183, thence south on U.S. Hwy 183 to the U.S. Hwy 36, thence west on U.S. Hwy 36 to the Kansas-Colorado state line.

(10) From points in Pulaski County, Arkansas to points in Louisiana on, east and south of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy 65, thence south of U.S. Hwy 65 to the jct. of U.S. Hwy 84, thence west on U.S. Hwy 84 to the jct. of LA St. Hwy 28, thence southwest at LA St. Hwy 28 to the jct. of U.S. Hwy 165, thence southwest on U.S. Hwy 165 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the Louisiana-Texas state line.

(11) From points in Dallas, Cleveland, Ouachita, Calhoun, and Union Counties, Arkansas to points in Louisiana on and east of a line commencing at Vidalia, Louisiana, thence west on LA St. Hwy 131 to the jct. of LA St. Hwy 15 thence south on LA St. Hwy 15 to the jct. of LA St. Hwy 1, thence west on LA St. Hwy 1 to the jct. of LA St. Hwy 105, thence south on LA St. Hwy 105 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of LA St. Hwy 82, thence south and west on LA St. Hwy 82 to a terminus at Pecan Island, Louisiana.

(12) From points in Pulaski County, Arkansas on, south and east of U.S. Hwy 70; and points in Dallas, Cleveland, Ouachita, Calhoun and Union Counties, Arkansas to points in Minnesota on, north and east of U.S. Hwy 52.

(13) From Little Rock, Arkansas to Cape Cirardeau, Missouri; and points in Missouri on and east of a line commencing at Canton, Missouri, thence northwest on MO St. Hwy 81 to the Missouri-Iowa state line.

(14) From points in Dallas, Cleveland, Ouachita, Calhoun and Union Counties, Arkansas to points in Missouri on and east of a line commencing at New Madrid, Missouri, thence north on U.S. Hwy 61 to the Missouri-Iowa state line.

(15) From Little Rock, Arkansas to points in Nebraska on and west of a line commencing at the Nebraska-South Dakota state line on U.S. Hwy 385, thence south on U.S. Hwy 385 to the jct. of NE St. Hwy 19, thence south on NE St. Hwy 19 to the Nebraska-Colorado state line.

(16) From points in Calhoun, Cleveland, Dallas, and Union Counties, Arkansas on and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 167, thence north on U.S. Hwy 167 to the jct. of U.S. Hwy 79, thence north on U.S. Hwy 79 to the Cleveland-Jefferson County line to points in Nebraska on and west of a line commencing at the Nebraska-Kansas state line on U.S. Hwy 83, thence north on U.S. Hwy 83 to the jct. of U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of U.S. Hwy 283 thence north on U.S. Hwy 283 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 183, thence north on U.S. Hwy 183 to the Nebraska-South Dakota state line.

(17) From points in Pulaski County, Arkansas on, and east of U.S. Hwy 65; and points in Union, Dallas, Cleveland, Calhoun Counties, Arkansas on and east of U.S. Hwy 167 to points in New Mexico on and west of a line commencing at the Texas-New Mexico state line on U.S. Hwy 85, thence north on U.S. Hwy 85 to the jct. of U.S. Hwy 60, thence west on U.S. Hwy 60 to the jct. of NM St. Hwy 32, thence north on NM St. Hwy 32 to the jct. of U.S. Hwy 666, thence north on U.S. Hwy 666 to the jct. of U.S. Hwy 550, thence east on U.S. Hwy 550 to the New Mexico-Colorado state line.

(18) From points in Pulaski County, Arkansas on, south and east of U.S. Hwy 67; and points in Dallas, Cleveland, Ouachita, Calhoun, and Union Counties, Arkansas to points in North Dakota.

(19) From points in Cleveland County, Arkansas on and east of AR St. Hwy 15; and points in Union County on and east of a line commencing at the Union County-Bradley County line on AR St. Hwy 275, thence south on AR St. Hwy 275 to the jct. of AR St. Hwy 15, thence south on AR St. Hwy 15 to the jct. of AR St. Hwy 275, thence south on AR St. Hwy 275 to the Arkansas-Louisiana state line to points in Oklahoma on and west of U.S. Hwy 385.

(20) From Little Rock, Arkansas; and points in Calhoun, Cleveland, Dallas, Ouachita, and Union Counties, Arkansas to points in South Dakota on, north and west of a line commencing at the South Dakota-North Dakota state line on U.S. Hwy 81 thence south on U.S. Hwy 81 to the jct. of SD St. Hwy 23, thence west on SD St. Hwy 23 to the jct. of SD St. Hwy 10, thence west on SD St. Hwy 10 to the jct. of U.S. Hwy 281, thence south on U.S. Hwy 281 to the jct. of U.S. Hwy 12, thence west on U.S. Hwy 12 to the jct. of U.S. Hwy 83, thence south on U.S. Hwy 83 to the jct. of U.S. Hwy 212, thence west on U.S. Hwy 212 to the jct. of SD St. Hwy 73, thence south on SD St. Hwy 73 to the jct. of U.S. Hwy 14, thence west on U.S. Hwy 14 to the South Dakota-Wyoming state line.

(21) From points in Pulaski County, Arkansas on and east of U.S. Hwy 65 to El Paso, Del Rio, and Presidio, Texas; and points in Texas on, south and east of a line commencing at the Louisiana-Texas state line on I-10, thence west on I-10 to Houston, Texas, thence south on I-45 to the jct. of TX St. Hwy 35, thence southwest on TX St. Hwy 35 to the jct. of U.S. Hwy 181, thence southwest on U.S. Hwy 181 to the terminus at Corpus Christi, Texas.

(22) From points in Dallas, Cleveland, Calhoun, and Union Counties, Arkansas on and east of a line commencing at the Arkansas-Louisiana state line on AR St. Hwy 275, thence north on AR St. Hwy 275 to the jct. of U.S. Hwy 82, thence west on U.S. Hwy 82 to El Dorado, Arkansas, thence north on U.S. Hwy 167 to the jct. of U.S. Hwy 79, thence northeast on U.S. Hwy 79 to the Cleveland-Jefferson County line to El Paso, Texas; and points in Texas on, south and west of a line commencing at Laredo, Texas, thence southeast on U.S. Hwy 83 to its terminus at Brownsville, Texas.

(B) *Treated Lumber.*

(1) From points in Louisiana to points in Wisconsin.

(1a) From points in Louisiana on, west and north of a line commencing at the Louisiana-Texas state line on LA St. Hwy 6, thence east on LA St. Hwy 6 to the jct. of U.S. Hwy 171, thence north on U.S. Hwy 171 to Shreveport, Louisiana, thence northeast on U.S. Hwy 79 to the jct. of LA St. Hwy 2, thence east on LA St. Hwy 2 to the jct. of U.S. Hwy 165, thence north on U.S. Hwy 165 to the jct. of LA St. Hwy 139, thence north on LA St. Hwy 139 to the Louisiana-Arkansas state line to points in Alabama on, east and north of a line commencing at the Alabama-Mississippi state line on U.S. Hwy 82, thence east on U.S. Hwy 82 to the jct. of U.S. Hwy 11, thence northeast on U.S. Hwy 11 to the jct. of U.S. Hwy 78, thence east on U.S. Hwy 78 to the jct. of U.S. Hwy 431, thence south on U.S. Hwy 431 to the Alabama-Georgia state line.

(2) From points in Louisiana on and west of a line commencing at the Louisiana-Arkansas state line at LA St. Hwy 139, thence south on LA St. Hwy 139 to the jct. of U.S. Hwy 165, thence south on U.S. Hwy 165 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to a terminus at Abbeville, Louisiana to Blytheville, Arkansas.

(3) From points in Louisiana on and east of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on I-10 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to a terminus at Houma, Louisiana to points in Colorado on, north and west of a line commencing at the New Mexico-Colorado state line on U.S. Hwy 550, thence north on U.S. Hwy 550 to the jct. of U.S. Hwy 160, thence east on U.S. Hwy 160 to the jct. of CO St. Hwy 17, thence north on CO St. Hwy 17 to the jct. of U.S. Hwy 285, thence north on U.S. Hwy 285 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Colorado-Kansas state line.

(4) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on I-10 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to the jct. of LA St.

Hwy 56, thence south on LA St. Hwy 56 to its terminus at or near the Gulf of Mexico to points in Connecticut.

(5) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of LA St. Hwy 10, thence south on LA St. Hwy 10 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to its terminus at Abbeville, Louisiana to points in Delaware.

(6) From points in Louisiana on and west of a line commencing at this Mississippi-Louisiana state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of LA St. Hwy 69, thence south on LA St. Hwy 69 to the jct. of LA St. Hwy 70, thence south on LA St. Hwy 70 to Morgan City, Louisiana, thence south on the lower Atchafalaya River to the Gulf of Mexico to points in the District of Columbia.

(7) From points in Louisiana on, north and west of a line commencing at the Louisiana-Texas state line on LA St. Hwy 6, thence northeast on LA St. Hwy 6 to the jct. of U.S. Hwy 171, thence north on U.S. Hwy 171 to the jct. of LA St. Hwy 175, thence north on LA St. Hwy 175 to the jct. of U.S. Hwy 84, thence east on U.S. Hwy 84 to the jct. of U.S. Hwy 71, thence north on U.S. Hwy 71 to the jct. of LA St. Hwy 7, thence north on LA St. Hwy 7 to the jct. of LA St. Hwy 4, thence east on LA St. Hwy 4 to the jct. of LA St. Hwy 9, thence north on LA St. Hwy 9 to the jct. of U.S. Hwy 80, thence east on U.S. Hwy 80 to the jct. of U.S. Hwy 165, thence northeast on U.S. Hwy 165 to the Arkansas-Louisiana state line to points in Florida on and east of a line commencing at the Florida-Georgia state line on U.S. Hwy 441, thence south on U.S. Hwy 441 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of FL St. Hwy 26, thence west on FL St. Hwy 26 to the jct. of U.S. Hwy 129, thence south on U.S. Hwy 129 to the jct. of U.S. Hwy 98, thence south on U.S. Hwy 98 to Chiefland, Florida, thence southwest on FL St. Hwy 345 to the jct. of FL St. Hwy 24, thence southwest on FL St. Hwy 24 to the terminus at Cedar Key, Florida.

(8) From points in Louisiana on and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 84, thence west on U.S. Hwy 84 to the jct. of LA St. Hwy 6, thence southwest on LA St. Hwy 6 to the jct. of LA St. Hwy 117, thence south on LA St. Hwy 117 to the jct. of LA St. Hwy 8, thence southwest on LA St. Hwy 8 to the Louisiana-Texas state line to points in Georgia on, north and east of a line commencing at the Tennessee-Georgia state line on U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 23, thence southeast on U.S. Hwy 23 to the jct. of I–75, thence southeast on I–75 to the jct. of U.S. Hwy 80, thence southeast on U.S. Hwy 80 to its terminus at Savannah Beach, Georgia.

(9) From points in Louisiana on, south and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 65, thence south and east on U.S. Hwy 65 to the Louisiana-Mississippi state line to points in Illinois on and north of a line commencing at the Illinois-Indiana state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the Illinois-Iowa state line.

(10) From points in Louisiana on and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 165, thence southwest on U.S. Hwy 165 to Monroe, Louisiana, thence southeast on LA St. Hwy 15 to the jct. of U.S. Hwy 84, thence east on U.S. Hwy 84 to the Louisiana-Mississippi state line; and points in Louisiana on, west and north of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of LA St. Hwy 82, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in Indiana.

(11) From points in Louisiana on, south and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 79, thence south on U.S. Hwy 79 to the jct. of LA St. Hwy 7, thence south on LA St. Hwy 7 to the jct. of LA St. Hwy 4, thence east on LA St. Hwy 4 to the jct. of LA St. Hwy 9, thence south on LA St. Hwy 9 to the jct. of U.S. Hwy 71, thence south on U.S. Hwy 71 to the jct. of LA St. Hwy 6, thence west on LA St. Hwy 6 to the Louisiana-Texas state line to points in Iowa on, north and east of a line commencing at Sioux City, Iowa thence east on U.S. Hwy 20 to the jct. of U.S. Hwy 69, thence south on U.S. Hwy 69 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 218, thence south on U.S. Hwy 218 to the jct. of I–80, thence east on I–80 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to a terminus at Davenport, Iowa.

(12) From points in Louisiana on and east of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to Houma, Louisiana, thence south on LA St. Hwy 315 to its terminus near the Gulf of Mexico to points in Kansas on and north of a line commencing at the Kansas-Colorado state line on KS St. Hwy 96, thence east on KS St. Hwy 96 to the jct. of KS St. Hwy 27, thence north on KS St. Hwy 27 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 83, thence north on U.S. Hwy 83 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of U.S. Hwy 183, thence north on U.S. Hwy 183 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 77, thence south on U.S. Hwy 77 to the jct. of U.S. Hwy 24, thence southeast on U.S. Hwy 24 to the jct. of U.S. Hwy 75, thence south on U.S. Hwy 75 to Topeka, Kansas, thence east on U.S. Hwy 40 to the Kansas-Missouri state line.

(13) From points in Louisiana on and west of a line commencing at the Louisiana-Arkansas state line on LA St. Hwy 139, thence south on LA St. Hwy 139 to the jct. of U.S. Hwy 165, thence south on U.S. Hwy 165 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the jct. of LA St. Hwy 27, thence south on LA St. Hwy 27 to a terminus at Creole, Louisiana to points in Kentucky.

(14) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on LA St. Hwy 10, thence west on LA St. Hwy 10 to Bogalusa, Louisiana, thence south on LA St. Hwy 21 to the jct. of LA St. Hwy 36, thence west on LA St. Hwy 36 to the jct. of U.S. Hwy 190, thence south on U.S. Hwy 190 to the jct. of Lake Pontchartrain Causeway, thence south on Lake Pontchartrain Causeway to the jct. of I–10, thence east on I–10 to the jct. of U.S. Hwy 90, thence south on U.S. Hwy 90 to the jct. of LA St. Hwy 23, thence southeast on LA St. Hwy 23 to its terminus at Venice, Louisiana to points in Maine.

(15) From points in Louisiana on and west of U.S. Hwy 65; and points in Louisiana on, west and north of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence southeast on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of LA St. Hwy 82, thence south on LA St. Hwy 82 to a terminus at Pecan Island, Louisiana to points in Maryland.

(16) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on I–10 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to the jct. of LA St. Hwy 56 to its terminus at or near the Gulf of Mexico to points in Massachusetts.

(17) From points in Louisiana on, south, and west of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 61, thence south and east on U.S. Hwy 61 to New Orleans, Louisiana, thence east on LA St. Hwy 39 to the jct. of LA St. Hwy 46, thence east on LA St. Hwy 46 to its terminus at Shell Beach, Louisiana to points in Michigan.

(18) From points in Louisiana on, south, and east of a line commencing at the Arkansas-Louisiana state line on LA St. Hwy 9, thence southwest on LA St. Hwy 9 to the jct. of U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the Louisiana-Texas state line to points in Minnesota.

(19) From points Louisiana on, south, and west of a line commencing at the Louisiana-Texas state line on LA St.

Hwy 6, thence northeast on LA St. Hwy 6 to the jct. of U.S. Hwy 171, thence south on U.S. Hwy 171 to the jct. of LA St. Hwy 10, thence east on LA St. Hwy 10 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 90, thence southeast on U.S. Hwy 90 to Houma, Louisiana, thence south on LA St. Hwy 57 to its terminus near the Gulf of Mexico to points in Missouri on, north, and east of a line commencing at St. Louis, Missouri, thence west on U.S. Hwy 40 to the jct. of MO St. Hwy 5, thence north on MO St. Hwy 5 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of U.S. Hwy 65, thence north on U.S. Hwy 65 to the Iowa-Missouri state line.

(20) From points in Louisiana on and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 165, thence southwest on U.S. Hwy 165 to Monroe, Louisiana, thence southeast on LA St. Hwy 15 to the jct. of LA St. Hwy 1, thence west on LA St. Hwy 1 to the jct. of LA St. Hwy 105, thence south on LA St. Hwy 105 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in Nebraska.

(21) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence southeast on U.S. Hwy 61 to the jct. of U.S. Hwy 90, thence southwest on U.S. Hwy 90 to a terminus at Houma, Louisiana to points in New Hampshire.

(22) From points in Louisiana on, north, and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in New Jersey.

(23) From points in Louisiana on and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 165, thence southwest on U.S. Hwy 165 to Monroe, Louisiana, thence southeast LA St. Hwy 15 to the jct. of U.S. Hwy 65, thence east on U.S. Hwy 65 to the Louisiana-Mississippi state line; and, points in Louisiana on and east of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on I-10 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to Houma, Louisiana, thence south on LA St. Hwy 56 to the terminus near Terrebonne Bay, Louisiana to points in New Mexico on, north, and west of a line commencing at the Colorado-New Mexico state line on NM St. Hwy 17, thence south and east on NM St. Hwy 17 to Farmington, New Mexico, thence west on U.S. Hwy 550 to the jct. of U.S. Hwy 666, thence south and west on U.S. Hwy 666 to the Arizona-New Mexico state line.

(24) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to Houma, Louisiana, thence south on LA St. Hwy 56 to its terminus near the Gulf of Mexico to points in New York.

(25) From points in Louisiana on and west of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of LA St. Hwy 2, thence west on LA St. Hwy 2 to the jct. of U.S. Hwy 165, thence south on U.S. Hwy 165 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy. 167 to the jct. of LA St. Hwy 13, thence south on LA St. Hwy 13 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the jct. of LA St. Hwy 14, thence southeast on LA St. Hwy 14 to the jct. of LA St. Hwy 27, thence south on LA St. Hwy 27 to a terminus at Creole, Louisiana to points in North Carolina.

(26) From points in Louisiana on, south, and east of U.S. Hwy 79 to points in North Dakota.

(27) From points in Louisiana on and west of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy 165, thence south on U.S. Hwy 165 to the jct. of LA St. Hwy 15, thence southeast on LA St. Hwy 15 to the jct. of U.S. Hwy 84, thence east on U.S. Hwy 84 to the Louisiana-Mississippi state line, and points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of LA St. Hwy 10, thence south on LA St. Hwy 10 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in Ohio.

(28) From points in Louisiana on and east of a line commencing at the Louisiana-Mississippi state line on LA St. Hwy 21, thence south on LA St. Hwy 21 to the jct. of LA St. Hwy 41, thence south on LA St. Hwy 41 to the jct. of U.S. Hwy 11, thence southwest on U.S. Hwy 11 to the jct. of U.S. Hwy 90, thence southwest on U.S. Hwy 90 to the jct. of U.S. Hwy 90 B.R., thence south on U.S. Hwy 90 B.R. to the jct. of LA St. Hwy 23, thence southeast on LA St. Hwy 23 to its terminus at Venice, Louisiana to points in Oklahoma on and northwest of U.S. Hwy 54.

(29) From points in Louisiana on, north, and west of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in Pennsylvania.

(30) From points in Louisana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on I-10 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to the jct. of LA St. Hwy 56, thence south on LA St. Hwy 56 to its terminus at or near the Gulf of Mexico to points in Rhode Island.

(31) From points in Louisiana on, west, and north of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy 165, thence southwest on U.S. Hwy 165 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 12, thence west on LA St. Hwy 12 to the jct. of LA St. Hwy 27, thence south on LA St. Hwy 27 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the Louisiana-Texas state line to points in South Carolina on, north, and east of a line commencing at the South Carolina-Georgia state line on U.S. Hwy 78, thence east on U.S. Hwy 78 to the jct. of U.S. Hwy 21, thence south on U.S. Hwy 21 to its terminus on Hunting Island, South Carolina.

(32) From points in Louisiana on, south, and east of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 84, thence southwest on U.S. Hwy 84 to the jct. of LA St. Hwy 6, thence southwest on LA St. Hwy 6 to the Louisiana-Texas state line to points in South Dakota.

(33) From points in Louisiana on and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 71, thence south on U.S. Hwy 71 to Shreveport, Louisiana, thence south on U.S. Hwy 71 to the jct. of LA St. Hwy 27, thence south on LA St. Hwy 27 to a terminus at Cameron, Louisiana to points in Tennessee.

(34) From Millikin, Louisiana to points in Texas on and west of a line commencing at Presidio, Texas, thence north on U.S. Hwy 67 to the jct. of TX St. Hwy 17, thence north on TX St. Hwy 17 to Pecos, Texas, thence north on U.S. Hwy 285 to the Texas-New Mexico state line.

(35) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to its terminus (three (3) miles northeast of Grand Isle, Louisiana) to points in Vermont.

(36) From points in Louisiana on, north, and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of LA St. Hwy 2, thence west on LA St. Hwy 2 to the jct. of U.S. Hwy 165,

thence west and south on U.S. Hwy 165 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the jct. of LA St. Hwy 14, thence south and east on LA St. Hwy 14 to the jct. of LA St. Hwy 27, thence south and west on LA St. Hwy 27 to a terminus at Cameron, Louisiana to points in Virginia.

(37) From points in Louisiana on and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 65, thence south on U.S. Hwy 65 to Vidalia, Louisiana, thence southwest on LA St. Hwy 131 to the jct. of LA St. Hwy 15, thence south on LA St. Hwy 15 to the jct. of LA St. Hwy 1, thence northwest on LA St. Hwy 1 to the jct. of LA St. Hwy 115, thence south on LA St. Hwy 115 to the jct. of U.S. Hwy 71, thence southeast on U.S. Hwy 71 to the jct. of LA St. Hwy 10, thence southwest on LA St. Hwy 10 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence southeast on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in West Virginia. The purpose of this filing is to eliminate the gateways of (A) Mississippi and (B) Mississippi and Bradley Co., Ark.

No. MC 119864 (Sub-E2), filed May 25, 1974. Applicant: CRAIG TRANSPORTATION CO., 2669 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *glass containers and closures for glass containers and paper packing cartons therefor*, from Gurnee, Ill., to points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 29, to junction U.S. Highway 33, to junction Ohio Highway 385, to junction Ohio Highway 235, to junction Ohio Highway 67, to junction U.S. Highway 20N, to junction U.S. Highway 30, to junction U.S. Highway 42, to junction Ohio Highway 303, to junction Ohio Highway 5, to the Ohio-Pennsylvania State line. (Winchester, Indiana)* (B) *Glassware, glass bottles and jars, caps and covers for glass containers, and paper cartons*, from Gurnee, Ill., to points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 725 to junction Ohio Highway 4, to junction U.S. Highway 40 to the Ohio-West Virginia State line. (The American Can Company at or near Terre Haute, Ind.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 121060 (Sub-No. E50) (Correction), filed April 24, published in the FEDERAL REGISTER July 18, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 W. 3rd St., Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, and materials and supplies used in the installation of any commodity named above (except in bulk), from points in Alabama (except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties, and points in Alabama east of a line beginning at the Alabama-Georgia State line, thence along Alabama Highway 26 to junction U.S. Highway 82, thence along Highway 82 to junction Alabama Highway 35, thence along Alabama Highway 35 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 93, thence along Alabama Highway 93 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Coffee County, and points in Alabama west of a line beginning at the Alabama-Tennessee State line, thence along Alabama Highway 65 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction Alabama Highway 63, thence along Alabama Highway 63 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Alabama Highway 75, thence along Alabama Highway 75 to junction Alabama Highway 53, thence along Alabama Highway 53 to junction Alabama Highway 145, thence along Alabama Highway 145 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 331, thence along U.S. Highway 331 to junction with Covington County, Ala.), to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corp., at or near Scottsboro, Ala. The purpose of this correction is to correct the complete territorial description.

No. MC 123061 (Sub-No. E1), filed May 13, 1974. Applicant: LEATHAM BROS., INC., 46 Orange St., Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber products*, from points in Oregon, points in Washington (except points in Spokane, Lincoln, Douglas, Ferry, Stevens, Pend Oreille, and Okanogan Counties), and points in California in and north of Monterey, San Benito, Fresno, and Inyo Counties, to points in Colorado and points in Wyoming on and south of U.S. Highway 26. The purpose of this filing is to eliminate the gateway of points in Cache County, Utan.

No. MC 124211 (Sub-E70), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries and Grocery Store Supplies* (except commodities in bulk), between Waukesha, Wisc., on the one hand, and, on the other, those points in Nebraska on, south, and west of a line beginning at the Iowa-Nebraska State line, and extending along U.S. Highway 30 to junction U.S. Highway 81, thence along U.S. Highway 81 to Norfolk, Nebr., thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line; (2) *Macaroni, noodles, grain products, food products* (except frozen foods, potato products, and meat and packinghouse products, except commodities in bulk) and *Pancake and cake flour, spaghetti and vermicelli* (except commodities in bulk), between Waukesha, Wisc., on the one hand, and, on the other, points in Idaho, those in Montana on, west, and south of a line beginning at the Montana-Wyoming State line, and extending along U.S. Highway 87 to Great Falls, thence along U.S. Highway 91 to the United States-Canada International Boundary line, and those in Texas on and west of U.S. Highway 75.

(3) *Food-products*, grain products, and flour (except commodities in bulk, and frozen foods), between Waukesha, Wisc., on the one hand, and, on the other, those points in Oklahoma and Texas on and west of U.S. Highway 75; (4) *food products* (except frozen foods, dairy products, potato products, and commodities in bulk), between Waukesha, Wisc., on the one hand, and, on the other, those points in Kansas on and west of U.S. Highway 75; (5) *foodstuffs* (except frozen foodstuffs, meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in DESCRIPTIONS IN MOTOR CARRIER CERTIFICATES, 61 M.C.C. 209 and 766, and commodities in bulk), between Waukesha, Wisc., on the one hand, and, on the other, points in Arizona, California, Nevada, New Mexico, and Utah; restricted against the transportation of fresh foods from points in California; (6) *foodstuffs* (except candy and confectionery, except meats and packinghouse products, dairy products, frozen foods, and potato products, and except commodities in bulk), from Waukesha, Wisc., to points in Oregon, Washington, and those in Wyoming on, west, and south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to Casper thence along U.S. Highway 87 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateways of Milford and Waverly, Nebraska.

No. MC 124211 (Sub-No. E86) (Correction), filed August 9, 1974, published in the FEDERAL REGISTER July 30, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Author-

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Junk, scrap, and waste materials* (except scrap meats, scrap paper, and waste paper, and waste materials in bulk), between those points in California on and south of U.S. Highway 60, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, and Illinois, and in and north of Iowa, Illinois, Indiana, Ohio, Pennsylvania, and New Jersey (except those in Illinois and Indiana south of U.S. Highway 40), between those points in Kentucky, Missouri, Tennessee, Virginia, and West Virginia, on and south of U.S. Highway 60, on the one hand, and, on the other, points in Idaho, Montana, North Dakota, Oregon, South Dakota, Washington, and Wyoming (points in Nebraska within the Council Bluffs, Iowa, Commercial Zone)*; and (3) *scrap meats, scrap paper, and waste paper* (except waste paper in bulk), between those points in California on and south of U.S. Highway 60, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont, and between those points in Kentucky, Missouri, Tennessee, Virginia, and West Virginia, on and south of U.S. Highway 60, on the one hand, and, on the other, those points in Nebraska on and North of U.S. Highway 30 (points in Nebraska within the Council Bluffs, Iowa Commercial Zone)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above. The purpose of this correction is to include the commodity descriptions of paragraph (2) and (3) above. The remainder of the letter-notice will remain as previously published.

No. MC 124802 (Sub-No. E6), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay refractory products*, from points in Ohio (except those in and south of Washington, Athens, Vinton, Jackson, and Scioto Counties), to points in Delaware on and north of Delaware Highway 8. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC 124802 (Sub-No. E11), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay refractory products*, from points in Cuyahoga, Lake, Ashtabula, Geauga, Trumbull, Summit, Portage, Mahoning, Columbiana, and Stark Counties, Ohio, to points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 501 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 701, thence along U.S. Highway 701 to the North Carolina-South Carolina State line, restricted against the transportation of commodities in bulk. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC 124802 (Sub-No. E38), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay refractory products*, from points in West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line to points in Connecticut. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC 124802 (Sub-No. E41), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay refractory products*, from points in Hancock, Brook, Ohio, Marshall, Wetzel, Tyler, Pleasant, Wood, Richie, Wirt, Jackson, Mason, Putnam, Cabell, Wayne, Lincoln, Kanawha, and Calhoun Counties, W. Va., to points in Delaware on and north of Interstate Highway 95 and Interstate Highway 295. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC 124813 (Sub-No. E1), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in Nebraska, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E2), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Interstate Highway 80 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Nebraska (except points south of U.S. Highway 30 and east of U.S. Highway 77, with service authorized at all points on the designated highways). The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E4), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in Illinois on and north of U.S. Highway 30, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E5), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in that part of Illinois on and north of a line beginning at Chicago, Ill., extending along Interstate Highway 90 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Illinois-Iowa State line, on the one hand, and, on the other, points in that part of Missouri on and west of U.S. Highway 71 and on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E6), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in Illinois on and south of U.S. Highway 136, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Interstate Highway 35 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, including points on the named highways. Restricted against service for points in Minnesota to points in Illinois in the East St. Louis, Ill., commercial zone. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E7), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa

50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in Illinois, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction with the North Dakota-Minnesota State line. Restricted against services from Minnesota to points in Illinois in the East St. Louis commercial zone. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E8), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in that part of Illinois on and south of U.S. Highway 50 and on and west of Illinois Highway 37 (except points in the East St. Louis commercial zone), on the one hand, and, on the other, points in Minnesota (except points east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to Red Wing, at the Minnesota-Wisconsin State line). The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E9), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Illinois, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E10), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Illinois, to points in North Dakota. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and the plantsite of Farmland Industries, Inc., at Mankato, Minn.

No. MC 124813 (Sub-No. E11), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in Illinois, on the one hand, and, on the other, points in South Dakota (except points in South Dakota to points in the East St. Louis, Ill., commercial zone). The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E12), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in South Dakota, to points in Kentucky. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E13), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in South Dakota, to points in Ohio. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E14), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in South Dakota, to points in Indiana. The purpose of this filing is to eliminate the gateways of Fort Dodge and Muscatine, Iowa.

No. MC 124813 (Sub-No. E15), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) between points in South Dakota (except points south of U.S. Highway 14 and east of a line beginning at junction U.S. Highway 14 and South Dakota Highway 37 extending along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line), on the one hand, and, on the other, points in Missouri north of U.S. Highway 75; (2) between points in South Dakota on and south of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 14 to junction South Dakota Highway 37, and on and east of a line beginning at junction U.S. Highway 14 and South Dakota Highway 37 extending along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in Missouri on and north of U.S. Highway 36 and on and east of Missouri Highway 13. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E16), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk (1) from points in Nebraska, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line; and (2) from points in Nebraska on and north of a line beginning at the Nebraska-Iowa State line extending along Nebraska Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Nebraska Highway 23, thence along Nebraska Highway 23 to the Nebraska-Colorado State line, to points in Indiana. The purpose of this filing is to eliminate the gateways of Fort Dodge, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E17), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 92 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Nebraska Highway 23, thence along Nebraska to the Nebraska-Colorado State line, to points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along Kentucky Highway 69 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Kentucky Highway 369, thence along Kentucky Highway 369 to junction

Kentucky Highway 70, thence along Kentucky Highway 70 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E18), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) from points in Nebraska (except points south of U.S. Highway 34 and east of U.S. Highway 77) to points in the Lower Peninsula of Michigan (except points on and west of Interstate Highway 69 and on and south of Interstate Highway 94 to junction Michigan Highway 89 to Lake Michigan, (2) from points in Nebraska on and east of U.S. Highway 81 on and north of Nebraska Highway 51 to points in the Lower Peninsula of Michigan on and west of Interstate Highway 69 and on and south of Interstate Highway 94 to junction Michigan Highway 89 to Lake Michigan. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E19), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Nebraska (except points south of U.S. Highway 136 and east of U.S. Highway 77) to points in Ohio. The purpose of this filing is to eliminate the gateway of Fort Dodge and Muscatine, Iowa.

No. MC 124813 (Sub-No. E20), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) between points in Missouri on and north of U.S. Highway 36, on the one hand, and, on the other, points in Wisconsin on and north of U.S. Highway 8 and on and west of U.S. Highway 63; (2) between points in Missouri on and west of U.S. Highway 65 and on and north of U.S. Highway 36, on the one hand, and, on the other, points in Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 16 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 153, thence along Wisconsin Highway 153 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line; and (3) between points in Missouri on and west of U.S. Highway 169 and on and north of U.S. Highway 36, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E21), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Missouri on and north of U.S. Highway 36 and on and east of U.S. Highway 65, to points in Wyoming (except points south and east of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 20 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E22), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) between points in Minnesota (except that part east of a line beginning at the Mississippi River extending along U.S. Highway 61 to junction Minnesota Highway 50, thence along Minnesota Highway 50 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line), on the one hand, and, on the other, points in Missouri on and north of U.S. Highway 36; and (2) between points in Minnesota east of a line beginning at the Mississippi River extending along U.S. Highway 61 to junction Minnesota Highway 50, thence along Minnesota Highway 50 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in Missouri on and north of U.S. Highway 36 and on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E23), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) between points in Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction unnumbered highway, thence along unnumbered highway to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in Nebraska; (2) between points in Minnesota (except that part of Minnesota west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Minnesota-North Dakota State line), on the one hand, and, on the other, points in Nebraska on and south of Interstate Highway 80 and on and east of U.S. Highway 77. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E24), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Minnesota on and west of a line beginning at the United States-Canada International Boundary line extending along Minnesota Highway 72 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 113, thence along Minnesota Highway 113 to junction Minnesota Highway 32, thence

along Minnesota Highway 32 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line, to points in Indiana.The purpose of this filing is to eliminate the gateways of Fort Dodge, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E25), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 69 to junction Minnesota Highway 13, thence along Minnesota Highway 13 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 28, thence along Minnesota Highway 28 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line, to points in Ohio; (2) from points in Ramsey, Washington, Hennepin, Wright, Anoka, Sherburne, and Benton Counties, Minn., and from Minneapolis, Minn., to Cincinnati, Ohio, points in Clermont and Brown Counties, Ohio, located south of Ohio Highway 32, and points in Adams, Scioto, Pike, Jackson, Lawrence, Gallia, and Meigs Counties, Ohio. The purpose of this filing is to eliminate the gateways of Fort Dodge, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E26), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 95, thence along Minnesota Highway 95 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary-line, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Fort Dodge and Muscatine, Iowa.

No. MC 124813 (Sub-No. E27), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in that part of Minnesota on and west of U.S. Highway 59 and on and south of U.S. Highway 14, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E28), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in that part of Minnesota on and east of US Highway 169 and on and south of Minnesota Highway 95, to points in Wyoming on and south of US Highway 26. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E29), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along US Highway 16 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction US Highway 41, thence along US Highway 41 to junction US Highway 10, thence along US Highway 10 to Lake Michigan, to points in Wyoming on and south of a line beginning at the South Dakota-Wyoming State line extending along US Highway 16 to junction US Highways 14 and 20, thence along US Highways 14 and 20 to the Wyoming-Idaho State line. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E30), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Minnesota on and east of a line beginning at the Minnesota-Iowa State line extending along US Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction US Highway 59, thence along US Highway 59 to the United States-Canada International Boundary line, to points in Colorado (except from points in Kittson, Marshall, Roseau, Pennington, Polk, and Mahnomen Counties, Minn., to points in Moffat, Routt, Rio Blanco, Jackson, Grand, Garfield, Larimer and Eagle Counties, Colo.). The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Fremont, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-25931 Filed 9-26-75;8:45 am]

## SMALL BUSINESS ADMINISTRATION

### BALTIMORE DISTRICT ADVISORY COUNCIL

#### Public Meeting

The Small Business Administration Baltimore District Advisory Council will hold a public meeting beginning at noon, Friday, October 17, 1975, and ending at 4 p.m. Saturday, October 18, 1975, at the Sheraton Hotel, Ocean City, Maryland, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Gerard Lang, 7800 York Road, Towson, Maryland (301) 962-2150.

Dated: September 22, 1975.

ANTHONY S. STASIO,
*Chief Counsel for Advocacy,*
*Small Business Administration.*

[FR Doc.75-25912 Filed 9-26-75;8:45 am]

federal register

MONDAY, SEPTEMBER 29, 1975




PART II:

# FEDERAL ELECTION COMMISSION

■

## Federal Campaign Funds

### Disclosure Regulations

# FEDERAL ELECTION COMMISSION

## [ 11 CFR Parts 100, 102, 103, 104, 105, 109, 110, 111 ]

[Notice 1975-51]

## FEDERAL CAMPAIGN FUNDS

### Disclosure Regulations

The Federal Election Commission today publishes a set of proposed regulations covering the disclosure provisions in Title 2, U.S.C. These regulations are intended to be comprehensive in this area, and generally cover 2 U.S.C. 431 through 437b.

*Comment period.* Interested persons are invited to submit written comments on these proposed regulations to the Rulemaking Section, Office of General Counsel, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463. Comments should be received on or before October 29, 1975. The Commission emphasizes that comments from all affected parties are strongly desired. These regulations will implement an unusually complex statute and, as such, deserve the most careful public scrutiny and criticism.

*Hearings.* The Commission will soon announce public hearings on the proposed regulations.

*Effective date.* These regulations shall become effective on a date specified in a future notice published in the FEDERAL REGISTER, which effective date shall not be less than 30 calendar days after the date of this notice of proposed rulemaking, nor before approved by the United States Congress.

SUBCHAPTER A—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

## PART 100—SCOPE AND DEFINITIONS

Subpart A—Scope

Sec.
100.1 Scope.

Subpart B—Meaning of Terms Used in This Subchapter

100.2 Candidate.
100.3 Commission.
100.4 Contribution.
100.5 Earmark, earmarked, or earmarking.
100.6 Election.
100.7 Expenditure.
100.8 Federal office.
100.9 File, filed or filing.
100.10 Identification.
100.11 Occupation.
100.12 Principal place of business.
100.13 Person.
100.14 Political committee.
100.15 Political committee.
100.16 National committee.
100.17 State.
100.18 State committee, subordinate committee.

AUTHORITY: Sec. 308, 86 Stat. 17, and sec. 311, 316, as redesignated and amended, 88 Stat. 1279, 1282, (2 U.S.C., 437d, 438). Interpret or apply section 301, 86 Stat. 11, as amended, 88 Stat. 1272, (2 U.S.C. 431).

### Subpart A—Scope

#### § 100.1 Scope.

This subchapter is issued by the Federal Election Commission under title III of the Federal Election Campaign Act of 1971 (Pub. L. 92-225), as amended in 1974 (Pub. L. 93-443), and is applicable to campaigns for nomination or election to the offices of President and Vice President of the United States; and Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States. Although primarily implementing title III of the cited Act, these regulations should be read together with sections 591, 603, 610, 611, 613, 614, 615, 616, and 617 of the Federal Election Campaign Act Amendments of 1974 (Pub. L. 93-443), and all advisory opinions and policy statements interpreting those sections as issued by the Commission from time to time and published in the FEDERAL REGISTER. Separate regulations implementing chapters 95 and 96 of Title 26, United States Code will be issued by the Commission as Chapter II of this Title 11, CFR.

### Subpart B—Meaning of Terms Used in This Subchapter

#### § 100.2 Candidate.

An individual is deemed to be a candidate for Federal office whenever any of the following events occur, whichever comes first:

(a) The individual has taken the action necessary, under relevant state law (1) to qualify for ballot position in a primary, runoff, special or general election, or (2) to be considered for nomination by a state, district, or precinct caucus or convention of a political party; or

(b) the individual has personally, or through an authorized agent, received contributions or made expenditures as defined in this part. For purposes of this paragraph, an individual is deemed to have authorized an agent if, having knowledge, or reason to know, that any other person is receiving contributions or making expenditures on behalf of such individual, such individual fails to disavow or repudiate by letter filed with the Commission the acts of the agent within 10 days after he or she acquires notice thereof.

#### § 100.3 Commission.

"Commission" means the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, telephone (202) 382-5162.

#### § 100.4 Contribution.

(a) "Contribution" means—

(1) A gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President.

(i) For purposes of paragraph (a) of this section

(A) The term loan includes a guarantee, endorsement and any other form of security where the risk of non-payment rests with the surety, guarantor or endorser as well as with a political committee, candidate or other primary obligor.

(B) The term "money" includes currency of the United States or any foreign nation, checks, money orders or any other negotiable instrument payable on demand.

(C) The term "anything of value" includes, but is not limited to, the provision of goods, facilities, equipment, supplies, personnel, advertising, or other services without charge or at a charge which is below the usual charge for such items. The amount of the contribution of a thing of value shall be the difference between the fair market value at the time of the contribution of the goods or services contributed and the amount charged the contributee.

(ii) Absent evidence to the contrary, the proceeds of a gift, subscription, loan, advance or deposit in paragraph (a)(1) of this section if such proceeds inure directly or indirectly to the benefit of a candidate or group of candidates for Federal office. Such proceeds shall be considered to inure to the benefit of such candidates if any part is or may be used directly or indirectly for the purpose of furthering the selection, designation, nomination, or election of any individual to any Federal office. Such proceeds may inure to the benefit of a candidate, whether or not the expense was paid or the obligation incurred before the commencement of political activities with respect to the selection, designation, nomination or election of the candidate or after such selection, designation, nomination, or election.

(2) A written contract, promise, or agreement such as a signed pledge card, whether or not legally enforceable, to make a contribution for the purpose stated in paragraph (a)(1)(ii) of this section.

(3) A transfer of funds to a political committee or candidate from another political committee or other political organization whether or not such organization is a political committee. A transfer of funds shall be deemed to have occurred whenever the treasurer or other designated agent of the transferee committee or the candidate obtains discretionary authority to use the funds which are the subject of the transfer.

(4) The payment for any purpose, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge. No compensation shall be deemed to have been paid:

(i) When an employee who is paid on an hourly or salaried basis and who is expected to be present at his employment for a specific number of hours each week, if the employee is released to perform services for a candidate pursuant to an understanding with the employer that the released time shall be made up within reasonable time thereafter.

(ii) When an individual who is salaried and is ordinarily expected to perform duties for the employer for a particular number of hours per week en-

gages in political activity during what would otherwise be his or her regular work week, so long as the average or expected number of compensable hours per week is completed by such individual.

(iii) To an employee who is compensated on a commission or piecework basis, i.e., is paid only for work actually performed, and whose time is considered the employee's own to use as he or she sees fit and who engages in political activity during what would otherwise be normal working hours.

(iv) where the time used by the employee to engage in political activity is bona fide, although compensable, vacation time.

(b) The term "contribution" does not include:

(1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, whether or not the services performed are those ordinarily performed in that individual's trade, business, or profession.

(2) The use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for campaign related activities to the extent that the cumulative value of such activities by any individual on behalf of any candidate do not exceed $500 with respect to any election. For purposes of this paragraph a contribution by a married person shall not be attributed to a spouse.

(i) Where an individual allows use of his or her home for candidate-related activity, the duration of which is less than 24 hours, such as a coffee klatsch or cocktail party, the rental value of the residence need not be computed for purposes of the $500 exemption.

(ii) Where an individual allows repeated use of his or her residence for numerous events on behalf of a candidate or lends the use of his or her residence as a campaign headquarters or like facility, then the fair rental value must be computed for purposes of the above $500 exemption.

(3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the usual charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor and such vendor is not an organization proscribed by 18 U.S.C. 610 or 611 to the extent that the cumulative value of the difference between the usual charge and the cost of such food and beverage to the vendor does not exceed $500.

(4) Any unreimbursed payments for travel or living expenses made by an individual who on his own behalf volunteers his personal services to a candidate to the extent that the cumulative value of such payments does not exceed $500.

(5) The payment by a state or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card, sample ballot, palm card, snipe, or other printed listing, of three or more candidates for any public office for which an election is held in the state in which such committee is organized, except that this clause shall not apply in the case of costs incurred by such committee with respect to a display of such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.

For purposes of this paragraph (b) (5) "other similar types of general public political advertising" includes general outdoor advertising facilities such as billboards or sky writing, but does not include yard signs, bumper stickers, car tops, or the reading of a printed list over private telephone facilities.

(6) The cost of any bona fide news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation.

(7) The interest or other proceeds from the investment, in an interest-bearing account, note, bill, stock, bond or other similar device, of funds transferred out of a checking account in a campaign depository, provided that the interest or other proceeds are paid in the ordinary course of business.

### § 100.5 Earmark, earmarked or earmarking.

"Earmark," "earmarked," and "earmarking" mean any and all designations, instructions or encumbrances (including but not limited to those which are direct or indirect, express or implied, oral or written) which cause or result in all or any portion of a contribution or expenditure being made to or expended for the benefit of a clearly identified candidate or political committee.

### § 100.6 Election.

"Election" means generally the process or contest by which individuals, whether opposed or unopposed, are chosen for nomination for election, or election, to Federal office. Specific types of elections, defined below, are included in this definition.

(a) General election is an election which is held in even numbered years on the Tuesday next after the first Monday in November, or an election which is held to fill a vacancy in a Federal office and which, in either case, is intended to result in the final selection of a single individual to the office at stake.

(b) Primary election is an election which is held prior to a general election, as a direct result of which candidates are nominated, in accordance with applicable state law, for election to Federal office in a subsequent election or which is held for the expression of a preference for the nomination of persons for the election to the office of President of the United States and/or which is held to select delegates to a national nominating convention. With respect to individuals seeking Federal office without nomination by a party, the primary election is deemed to occur on the day prescribed by applicable state law as the last day to qualify for a position on the general election ballot.

(c) Runoff election is any election held after a general or primary election prescribed by applicable state law as the means for deciding which candidate(s) should be certified as a nominee for the Federal office sought or as officeholder-elect.

(d) A caucus or convention of a political party, held to select a nominee is an election; a caucus or a convention of a political party held prior to a primary election and related to the nominating process is not a separate election but is part of the primary election.

### § 100.7 Expenditure.

(a) "Expenditure" means:

(1) A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President.

(i) For purposes of paragraph (a) (1) of this section

(A) The term "payment" includes

(*1*) The repayment of a principal of any outstanding obligation the proceeds of which constituted a contribution under these regulations, and

(2) The payment of any interest during the period that the obligation is outstanding.

(3) A guarantee or endorsement by a candidate or any political committee of a loan made for one of the purposes set out in paragraph (a) of this section.

(B) The term "money" includes, currency of the United States or any foreign nation, checks, money orders or any other negotiable instrument payable on demand.

(C) The term "anything of value" includes, but is not limited to, the provision of goods, facilities, equipment, supplies, personnel, advertising, or other services without charge or at a charge which is below the usual charge for such items. The amount of the expenditure of a thing of value shall be the difference between the fair market value at the time of the expenditure of the goods or services expended and the amount charged the expendee.

(ii) Absent evidence to the contrary, the proceeds of a gift, subscription, loan, advance or deposit shall be presumed to be made for one of the purposes set out in paragraph (a) (1) of this section if such proceeds inure directly or indirectly to the benefit of a candidate or group of candidates for Federal office. Such proceeds shall be considered to inure to the benefit of such candidacies if any part is or may be used directly or indirectly for the purpose of furthering the

selection, designation, nomination, or election of any person to any Federal office. Such proceeds may inure to the benefit of a candidate whether or not the expense was paid or the obligation incurred before the commencement of political activities with respect to the selection, designation, nomination or election of the candidate or after such selection, designation, nomination, or election.

(2) A written contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure for the purpose stated in paragraph (a)(1)(ii) of this section, except that with respect to contracts for services, supplies, or other materials not in excess of $500, payment for which must be made within 60 days, no expenditure shall be deemed to have occurred until payment is made or the time for payment has expired, whichever is earlier.

(3) A transfer of funds from a political committee or candidate to another political committee or other political organization whether or not such organization is a political committee. A transfer of funds shall be deemed to have occurred whenever the treasurer or other designated agent of the transferee committee or organization obtains discretionary authority to use the funds which are the subject of the transfer

(b) The term "expenditure" does not include:

(1) (i) The cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation, but does include the cost to the advertiser of an advertisement distributed through such facilities which is for the purpose stated in paragraph (a)(1)(ii) of this section, or

(ii) The cost of stories or comments written by or about Federal officeholders which appear in state and local party publications such as newsletters at substantially regular intervals and which are designed to inform party members about the activities of the officeholder; but

(iii) Except as provided in paragraph (b)(1)(ii) of this section, this subparagraph shall not apply to any facility which is owned, controlled by, in control of, or in common control with, any political committee or candidate. (Except that bona fide news stories published or broadcasted by a facility owned or controlled by a candidate shall not be deemed to be expenditures.)

(2) Non-partisan activity, designed to encourage individuals to register to vote, or to vote, which does not favor any particular political party or candidate.

(3) (i) Any communication by any membership organization or corporation to its employees, members or stockholders which is not distributed to the general public, so long as

(A) Such communication

(*1*) Does no more than describe the activities of any candidate or Federal officeholder, and

(2) Does not endorse, or solicit support (financial or otherwise) for such candidate or Federal officeholder.

(B) Such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any person to Federal office.

(ii) For purposes of this paragraph, members means, in the case of a political party or club, dues paying members in good standing and not all enrolled members of the party generally.

Political parties or clubs pose special problems. Advisory Opinion 1975–2 addressed this problem in the context of a state party newsletter. The restrictions are drawn to be consistent with that Opinion. Obviously, the national committee newsletter would not qualify since such a committee is formed primarily for the purpose of influencing Federal elections.

(4) The use of real or personal property and the cost of invitations, food, and beverages, provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities to the extent that the cumulative value of such activities by such individual on behalf of any candidate do not exceed $500 with respect to any election. For purposes of this subparagraph an exempted expenditure by a married person shall not be attributed to a spouse.

(5) Any unreimbursed payment for travel and living expenses made by an individual who, on his or her own behalf, volunteers his or her personal services to a candidate if the cumulative amount for such individual incurred with the respect to such candidate does not exceed $500 with respect to any election.

(6) Any communication by any person which is not made for the purpose of influencing the nomination for election, or election, of any person to federal office.

(7) The payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card, sample ballot, palm card, snipe, or other printed listing, of three or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising. For purposes of this subparagraph (7) "other similar types of general public political advertising" includes general outdoor advertising facilities such as billboards or skywriting, but does not include yard signs, bumper stickers, cartops, or the reading of a printed list over private telephone facilities.

(8) Any payment made or obligation incurred by a corporation or a labor organization which, under the provisions of the last paragraph of 18 U.S.C. 610, would not constitute an expenditure by such corporation or labor organization.

(9) Transfer of funds out of a checking account in a campaign depository for the purpose of the investment of such funds in an interest-bearing account, note, bill, stock, bond or other similar device: *Provided*, That the principal and interest or other proceeds are deposited into the same checking account.

**§ 100.9 File, filed or filing.**

"File," "filed," and "filing" mean with respect to reports and statements required to be filed with the Commission under this chapter: (a) Delivery to the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, by the close of business of the prescribed filing date, or (b) deposit as registered or certified mail in an established U.S. Post Office and postmarked no later than midnight of the day of the filing date, except that pre-election reports so mailed must be postmarked not later than midnight of the twelfth day before the date of such election. Reports and statements sent by first class mail must be received by the Commission by the close of business of the prescribed filing date to be timely filed.

**§ 100.10 Identification.**

"Identification" means (a) in the case of an individual, his or her full first name, middle initial, or the designation NMI of the individual does not have a middle initial, last name, and full address of his or her principal place of residence, including postal zip code and (b) in the case of any other person, the full name and mailing address of such person.

**§ 100.11 Occupation.**

"Occupation" means job title or description of work performed.

**§ 100.12 Principal place of business.**

"Principal place of business" means the full name under which the enterprise conducts business, the mailing address of the enterprise, and the city in which the person is employed or conducts business.

**§ 100.13 Person.**

"Person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons.

**§ 100.14 Political committee.**

"Political committee" means any committee, club, association or other group of two or more persons organized or functioning for the purpose, wholly or in part, of making expenditures, or receiving contributions, of more than $1,000 in value within a calendar year.

(a) The following are four categories of political committees:

(1) *Principal Campaign Committee.* "Principal Campaign Committee" means the political committee designated by a candidate as his or her principal campaign committee pursuant to 2 U.S.C. 432(f)(1).

(2) *Single Candidate Committee.* "Single Candidate Committee" means a political committee other than a principal

campaign committee which makes or receives contributions or makes expenditures on behalf of only one candidate.

(3) *Multicandidate Committee.* "Multicandidate Committee" means a political committee which makes or receives contributions or makes expenditures on behalf of two or more candidates.

(4) *Party Committee.* "Party Committee" means a political committee which represents a political party and is part of the official party structure at the national, state, or local level.

(b) A political committee is either an authorized committee or an unauthorized committee:

(1) *Authorized Committee.* An "authorized committee" is a political committee which is actually or constructively authorized by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate.

(2) *Unauthorized Committee.* An "unauthorized committee" is a political committee which has not been authorized in writing by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate.

(c) *Affiliated Committee.* An "affiliated committee" includes:

(1) All authorized committees of the same candidate.

(2) Multicandidate committees which

(i) Have made or received or anticipate making or receiving transfers of funds to or from other multicandidate committees during the current calendar year, or

(ii) Are controlled by the same individual or group of individuals.

(3) Party committees of the same political party which have made or received or anticipate making or receiving transfers of funds to or from other party committees of the same political parties during the current calendar year.

(d) The term "political committee" does not include a group of individuals who act in concert for the purpose of making a single expenditure in a single transaction so long as the funds expended are the personal funds of the individuals concerned, the transaction does not involve any ongoing solicitation effort, the members do not continue to act in concert for the purpose of influencing a Federal election subsequent to the completion of the transaction, and the expenditure is not authorized by any candidate.

### § 100.15 Political Party.

"Political party" means an association, committee, or organization which nominates or selects a candidate for election to any Federal office, whose name appears on an election ballot as the candidate of such association, committee or organization.

### § 100.16 National committee.

"National committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level.

### § 100.17 State.

"State" means each state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

### § 100.18 State committee, subordinate committee.

(a) "State committee" means the organization which, by virtue of the bylaws of a political party is responsible for the day-to-day operation of such political party at the state level.

(b) "Subordinate committee of a state committee" is any organization which, by virtue of the bylaws of the state committee or the bylaws of a political party is responsible for the day-to-day operation of such political party at the level of city, county, neighborhood, ward, district, precinct or any other subdivision of a state, any other organization under the control or direction of the state committee.

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## PART 101—CANDIDATE STATUS AND DESIGNATIONS

Sec.

101.1 Duration of candidate status.
101.2 Candidate designations.
101.3 Waiver of candidate reporting.

AUTHORITY: Sec. 308, 86 Stat. 17, as amended, (2 U.S.C. 438), interpret and apply section ____, 86 Stat. 14, as amended, 2 U.S.C. ____

### § 101.1 Duration of candidate status.

Once an individual becomes a candidate under § 100.2 of this subchapter, such status continues until all debts and obligations arising in connection with an election with respect to which the individual's status as a candidate arose are extinguished.

### § 101.2 Candidate designations.

(a) Within 10 days of attaining candidate status an individual is required to:

(1) File a Statement of a Candidate for Nomination or Election to Federal office on FEC Form ____, on which such candidate shall—

(i) Designate a principal campaign committee in accordance with § 103.5 of this subchapter, and

(ii) Designate at least one national or state bank as a campaign depository under § 104.1 of this subchapter, and

(2) File a Statement of Authorization of Political Committees other than a Principal Campaign Committee on FEC Form ____, on which such candidate shall designate which committees, if any other than his or her principal campaign committee will be authorized to accept contributions or make expenditures on behalf of such candidates.

(3) Commence filing personal reports of receipts and expenditures in accordance with Part 105 of this subchapter, unless a waiver of personal reporting is applied for and granted by the Commission under § 101.4.

(b) A candidate shall designate a separate campaign account for each election.

### § 101.3 Waiver of candidate reporting.

(a) Upon application on FEC Form ____, a candidate may be relieved of the duty personally to file reports of receipts and expenditures if the candidate certifies that he or she will comply with all the following conditions:

(1) Within 5 days after personally receiving any contribution the candidate will surrender possession of the entire contribution to the treasurer of his or her principal campaign committee without expending any of the proceeds thereof. No such contributions shall be commingled with the candidate's personal funds or accounts, and contributions in excess of $100 conveyed by check, money order or other written instrument shall be consigned directly to the political committee and shall not be cashed or redeemed by the candidate.

(2) Such candidate will not make any personal expenditure for his or her campaign, except that this paragraph does not preclude a candidate from conveying personal funds to such candidate's designated principal campaign committee so long as the amount of funds so conveyed does not exceed the limit prescribed by 18 U.S.C. 608(a).

(b) After the candidate has submitted a duly certified statement on FEC Form ____ that he or she will conform to the conditions specified in § 101.4(a) of this subchapter, the Commission, after such investigation as it deems necessary, may grant a formal waiver relieving the candidate from the obligation to comply personally with the reporting requirements in 2 U.S.C. 434.

(c) The waiver continues in effect only to the extent that the candidate complies with the conditions under which it was applied for and granted.

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## PART 102—REGISTRATION OF POLITICAL COMMITTEES

Sec.

102.1 Registration of political committees.
102.2 Forms and filing.
102.3 Change or correction in information.
102.4 Discontinuance of registration.
102.5 Identification number.
102.6 State committees; establishment of segregated funds.

AUTHORITY: Sec. 308, 86 Stat. 17, as amended, (2 U.S.C. 438(a)(10) (Supp. 1975)), interpret and apply sec. 303, 86 Stat. 14, as amended, (2 U.S.C. 433 (Supp. 1975)).

### § 102.1 Registration of political committees.

(a) Each political committee shall file a Statement of Organization with the Federal Election Commission within 10 days after the effective date of this subchapter, within 10 days after the date of its organization, or within 10 days after the date on which the committee has information which causes it to anticipate receiving such contributions or making such expenditures exceeding $1,000 whichever is later.

(b) Each authorized single candidate committee shall file the Statement of Organization required by paragraph (a) of this section, and any amendment

thereto, or termination thereof required by § 102.3 or § 102.4, with the affiliated principal campaign committee and concurrently shall file a copy of such Statement, amendment, or termination with the Commission.

**§ 102.2 Forms and filing.**

(a) The Statement of Organization shall be filed on Federal Election Commission form ____, which may be obtained from the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, telephone (202) 382-5162. The statement shall include the following:

(1) The name and address of the committee;

(2) The names, addresses, and relationships of affiliated or connected organizations (see paragraph (b) of this section);

(3) The area, scope or jurisdiction of the committee.

(4) The name, address, and committee position of the custodian of books and accounts.

(5) The name, address, and committee position of other principal officers, including officers and members of the finance committee, if any.

(6) The name, address, office sought, and party affiliation of (i) each candidate(s) for Federal office whom the committee is supporting and (ii) each candidate whom the committee is supporting for nomination or election to any other Federal office or to any public office whatever; and, additionally, if the committee is supporting the entire ticket of any party, the name of the party;

(7) A statement whether the comm't-tee's existence will continue beyond the calendar year;

(8) The disposition of residual funds which will be made in the event of dissolution;

(9) A listing of all banks, safety deposit boxes, or other repositories used;

(10) A statement listing any reports regarding candidates for Federal office filed under state or local law by the committee with state or local officers, and the names, addresses, and positions of such officers and,

(11) Such other information as shall be required by the Commission from time to time.

(b)(1) Affiliated organization means an affiliated committee as defined in § 100.14(e) of this subchapter. Only a principal campaign committee is required to report the names and addresses of all authorized committees.

(2) Connected organization includes any organization which is not a political committee but which organized or financially supported the registrant.

**§ 102.3 Change or correction in information.**

(a) Any change or correction in the information previously filed in the Statement of Organization shall be reported to the Commission within 10 days following the date of the change or correction by filing an amended Statement of Organization.

(b) In the case of a multicandidate committee, any change or correction resulting under paragraph (a) of this section from a change in the information required by § 102.2(a)(6) may be met by attaching an amended Statement of Organization to such committee's quarterly report required by Part 105 of this subchapter.

**§ 102.4 Discontinuance of registration.**

(a) Any political committee not having outstanding debts or obligations owed to or by it which, after having filed one or more Statements of Organization with the Commission, seeks to disband or determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000, shall so notify the Commission.

(b) Such notice of termination shall be noted on FEC Form ____ which shall be filed with the Commission or the principal campaign committee, where appropriate, and shall include a statement as to the disposition of residual funds if the committee is disbanding.

**§ 102.5 Identification number.**

Upon receipt of a Statement of Organization under this part, the Commission shall assign an identification number to the statement, acknowledge receipt thereof, and notify the political committee of the number assigned. This identification number shall be entered by the political committee on all subsequent reports or statements filed with the Commission under the Act, as well as on all communications concerning such reports or statements.

**§ 102.6 Registration of state committees; establishment of Federal campaign committees.**

Each state committee, and each subordinate committee of a state committee, which intends to solicit or receive contributions for or on behalf of, or make expenditures, or make transfers, in excess of $1,000, to or on behalf of any candidate for Federal office, or any political committee which has solicited or received contributions for or on behalf of, or made expenditures or transfers to or on behalf of, any candidate for Federal office, shall either:

(a) Register as a political committee and report all receipts and expenditures, Federal or non-Federal, pursuant to these regulations, or

(b) Establish a separate Federal campaign committee. The Federal campaign committee shall designate a segregated Federal campaign account in either a state or national bank, which account may not receive contributions other than contributions earmarked for such account and any contribution or expenditure from which must be made exclusively to or for a candidate or candidates for Federal office. Such segregated Federal account may not receive transfers from an account established by a state committee or subordinate committee of a state committee, except another Federal campaign committee. Such committee shall file a Statement of Organization with the Commission and shall file reports and statements of contributions received and expenditures made, pursuant to Part 105 of this subchapter, for each account containing funds to be used in connection with any Federal election.

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## PART 103—ORGANIZATION OF POLITICAL COMMITTEES

Sec.


103.1 Organization.
103.2 Receipt of contribution.
103.3 Accounting for contributions and expenditures.
103.4 Photocopies of checks.
103.5 Petty cash fund.
103.6 Designation of principal campaign committee.
103.7 Unauthorized activity; notice.
103.8 Authorization of political committee.
103.9 Records, retention.
103.10 Segregated funds.


AUTHORITY: Sec. 308(a)(13), 86 Stat. 17, (2 U.S.C. 438), interpret or apply sec. 302, 86 Stat. 12, (2 U.S.C. 432, as amended).

**§ 103.1 Organization.**

(a) Every political committee shall have a chairman and a treasurer, who shall not be the same individual.

(b) No contribution or expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of either the chairman or the treasurer thereof.

(c) No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their authorized agents.

**§ 103.2 Receipt of contribution.**

Every person who receives a contribution in excess of $10 on behalf of a political committee or candidate shall, on demand of the treasurer or candidate, and in any event within 5 days after receipt, render to the treasurer or candidate an account thereof, which shall include—

(a) The amount of the contribution by an individual, and the date received and,

(b) The identification of the contributor and, in the case of a contribution by an individual in excess of $100, the occupation and principal place of business or employment, if any,

**§ 103.3 Account of contributions and expenditures.**

It shall be the duty of the treasurer of a political committee to—

(a) Keep an account of all contributions made to or for such committee, and, keep a record of—

(1) The identification of every person making a contribution in excess of $10; and

(2) The occupation and principal place of business of individuals whose contributions aggregate in excess of $100 in a calendar year; and

(3) The date received; and

(4) The amount of the contribution.

(b) Keep an account of all expenditures made by or on behalf of such committee, and

(1) The identification of every person to whom any expenditure is made,

(2) The date of the expenditure,

(3) The amount of the expenditure,

(4) The name of each candidate on whose behalf such expenditure was made, and

(5) The office sought by the candidate.

(c) Obtain and keep a receipted bill from the person to whom the expenditure is made for every expenditure made by or on behalf of a political committee—

(1) In excess of $100;

(2) In a lesser amount if the aggregate amount of expenditures during a calendar year to the same person exceeds $100;

(3) The receipted bill must contain

(i) The full name and address of the person to whom the expenditure is made,

(ii) The amount of the expenditure,

(iii) The purpose of the expenditure, and

(iv) The date the expenditure was made.

(4) In lieu of a receipted bill, the treasurer may keep

(i) The canceled check(s) showing payment(s) of the bill, and

(ii) The bill, invoice or other contemporaneous memorandum of the transaction containing the same information as required in paragraph (c)(3) of this section.

(d) The treasurer of each political committee and each candidate shall keep full and complete records of proceeds from the sale of tickets and mass collections at each dinner, luncheon, rally, and other fundraising events, and such records shall include the date, location, and nature of each event. He or she shall also keep full and complete records of the proceeds from the sale of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, jewelry, watches, trinkets, and similar materials, and such records shall reflect the cost of the items to the committee, the sale price, and the total volume sold of each general category of item. Such records shall be preserved in accordance with § 110.2 of this subchapter.

### § 103.4 Photocopies of checks.

Each committee or candidate which receives or anticipates receiving contributions in excess of $25,000 during a calendar year shall maintain a photocopy of all contributor checks, money orders, or similar instrument which are for an amount in excess of $100. Such checks will be kept in a manner which will allow each check to be associated with the appropriate bank deposit slip.

### § 103.5 Petty cash fund.

A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 to any person in connection with a single purchase or transaction. If such a petty cash fund is maintained, it shall be the duty of the treasurer of such political committee to keep and maintain a written journal of all disbursements from such fund, but such treasurer need not preserve receipts or invoices in connection with such transactions.

### § 103.6 Designation of principal campaign committee.

(a) When an individual becomes a candidate for Federal office (other than for election to the office of Vice President of the United States), he or she shall designate a political committee as his or her principal campaign committee.

(b) No political committee may be designated as the principal campaign committee of more than one candidate.

(c) No political committee which supports more than one candidate may be designated as a principal campaign committee, except that, after nomination, a candidate for the office of President of the United States may designate the national committee of such political party as his or her principal campaign committee.

### § 103.7 Authorization of political committee.

Any political committee authorized by a candidate to receive contributions or make expenditures must be authorized in writing by such candidate. Such authorization must include a designation of campaign depositories to be used by such political committee in accordance with § 101.3(a)(1)(ii).

### § 103.8 Unauthorized activity; notice.

Any unauthorized political committee shall—

(a) Publish a notice as set out in paragraph (b) of this section, stating that the committee is not authorized by a candidate and that the candidate is not responsible in any way for the activities of the committee.

(b) Such notice shall be included on all literature, advertisements (including radio and television announcements and advertisements), stationery and similar material published or otherwise distributed by the committee or on its behalf in connection with its campaign activity.

### § 103.9 Records; retention.

The treasurer of every political committee shall preserve all receipts, bills, accounts and all other records required to be kept in accordance with the requirements of § 110.2 of this subchapter.

### § 103.10 Segregated funds.

All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

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## PART 104—CAMPAIGN DEPOSITORIES

Sec.

104.1 Notification of the Commission.
104.2 Depositories.
104.3 Deposits and expenditures.
104.4 Presidential and Vice-Presidential candidate campaign depositories.

AUTHORITY: Sec. 308, 86 Stat. 17 (2 U.S.C. 438), interpret or apply sec. 302, 86 Stat. 12 (2 U.S.C. 437), as amended.

### § 104.1 Notification of the Commission.

(a) Each unauthorized single candidate committee, each multicandidate committee (whether authorized or unauthorized), and each party committee shall designate a state or national bank as its campaign depository on its Statement of Organization.

(b) Any other political committee shall inform the Federal Election Commission, or its appropriate principal campaign committee, of the bank(s) designated by its authorizing candidate pursuant to § 101.3 of this subchapter as its campaign depository(ies), by listing them in its Statement of Organization.

(c) Each registered political committee which changes its designated campaign depository(ies), shall amend its Statement of Organization pursuant to § 102.3(a) of this subchapter, listing the currently designated campaign depositories.

### § 104.2 Depositories.

Only national or state banks chartered by the United States or a state may be designated as campaign depositories. One or more depositories may be established in one or more states. One or more accounts may be established at a depository.

### § 104.3 Deposits and expenditures.

All contributions received by a candidate, his or her authorized political committee(s) and any other political committee(s) shall be deposited in the appropriate campaign depository by the candidate, or by the treasurer of such committee or his or her designee within 3 business days of the candidate's or treasurer's receipt thereof. An expenditure may be made by any committee only by check drawn on an account in a designated campaign depository, except expenditures to one person for $100 or less in connection with a single transaction or purchase. Expenditures for $100 or less may be made from a petty cash fund, maintained pursuant to § 103.4 of this subchapter.

### § 104.4 Presidential and Vice-Presidential candidate campaign depositories.

A presidential candidate's principal campaign committee, and any political committee authorized by such candidate to receive contributions or to make expenditures on his or her behalf in a state will utilize the bank(s) designated pursuant to § 101.3 of this subchapter as the candidate's campaign depository(ies) for that state. The campaign depository(ies) designated by a political party's candidate for President will be the campaign depository(ies) of that political party's candidate for the office of Vice-President.

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## PART 105—REPORTS BY POLITICAL COMMITTEES AND CANDIDATES TO THE FEDERAL ELECTION COMMISSION

Sec.

105.1 General.
105.2 Form and content of reports.
105.3 Disclosure of receipt and consumption of in kind contributions.
105.4 Filing dates and periods covered.

Sec.
105.5 Uniform reporting of contributions.
105.6 Uniform reporting of expenditures.
105.7 Preservation of records.
105.8 Allocation of expenditures among candidates.
105.9 Disclosure of earmarked contributions and expenditures.
105.10 Continuous reporting of debts and obligations.

AUTHORITY: Sec. 308(a)(13), 86 Stat. 17, as amended, (2 U.S.C. 438), interpret or apply sec. 304, 86 Stat. 14, as amended, (2 U.S.C. 434).

**§ 105.1 General.**

(a) Every political committee registered with the Commission or with a principal campaign committee under Part 102 of this subchapter, and unless granted a waiver pursuant to § 101.4 of this subchapter, every candidate for federal office (other than a candidate of or election to the office of Vice President), shall file reports of contributions and expenditures pursuant to this part.

(b) Each political committee which is required to file reports under this part shall continue to file reports until the committee has no outstanding debts or obligations owed to or by it, and has filed a Notice of Termination pursuant to § 102.4 of this subchapter.

(c) Each candidate required to file reports under this part shall continue to file such reports until all debts and obligations relating to such candidacy owed to or by such candidate are extinguished.

(d) Paragraphs (b) or (c) of this section notwithstanding, no political committee or candidate is required by any section of this subchapter to file any report in any quarter during which the political committee or candidate did not receive contributions or make expenditures in excess of $1,000, but nothing in this paragraph shall be construed to relieve such committee or candidate of the obligation to file the pre-election, post-election and annual reports required by § 105.4(b). Any candidate or committee exempted from filing a quarterly report shall so notify the Commission on FEC Form ____ for the first quarter in which the exemption applies.

**§ 105.2 Form and content of reports.**

(a) Each report filed by a political committee or candidate under this part shall be on Federal Election Commission Form ____. Such forms may be obtained from the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

(b) Each report filed under this part shall disclose:

(1) The amount of cash on hand at the beginning of the calendar year and at the beginning of the reporting period, including, but not limited to, money, balances on deposit in banks and savings and loan institutions, checks, negotiable money orders, and other paper commonly accepted by a bank in a deposit of cash, and cash funds in other repositories;

(2) The identification, occupation, and principal place of business, if any, of each person who has made one or more contributions to or for such committee or candidate during the reporting period in an amount or value in excess of $100, or in an amount of less than $100 if the person's contributions within a calendar year aggregate in excess of $100, together with the amount and date of such contributions;

(3) The total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (b)(2) of this section; candidates and committees, which, in addition to the required totals, itemize contributions not in excess of $100, though not required to, shall itemize by attaching a separate schedule of such itemized contributions. Such itemized contributions shall not be commingled with the required itemized list of contributions in excess of $100.

(4) The identification of each political committee from which the reporting committee or the candidate received, or to which the committee made, any transfer of funds in any amount during the reporting period, together with the amounts and dates of all transfers and complete disclosure, pursuant to § 105.9, of each transfer of earmarked funds.

(5) Each loan to or from any political committee and each election-related loan to a candidate during the reporting period in an amount or value in excess of $100, or in an amount of less than $100 if such loans to or from any person within a calendar year aggregate in excess of $100, together with the identification, occupation, and the principal places of business, if any, of the lenders, endorsers, and guarantors, if any, and the date and amount of such loans;

(6) The total amount of proceeds from—

(i) The sale of tickets to each dinner, luncheon, rally, and other fundraising event;

(ii) Mass collections made at such events; and

(iii) Sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, jewelry, watches, trinkets and similar materials, so long as the items are sold by or through the candidate or an authorized committee.

(7) Each rebate, refund, or other receipt in excess of $100 received during the reporting period and not otherwise listed under paragraphs (b)(2) through (6) of this section together with the identification, date and amount received, occupation and principal place of business of each such person from whom such receipts have been received during the reporting period;

(8) The total sum of all receipts by or for such committee or candidate during the reporting period and the calendar year together with total receipts less transfers between affiliated political committees (as defined in § 100.12(f) of this subchapter) which support the same candidate and which do not support more than one candidate;

(9) The identification of each person to whom expenditures have been made by or on behalf of such committee or candidate within the reporting period in an aggregate amount or value in excess of $100, or in an amount of less than $100 if the aggregate exceeds $100 within a calendar year together with the amount, date and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditures were made;

(10) The total sum of expenditures made by or on behalf of such committee or candidate during the reporting period and the calendar year together with total expenditures less transfers between affiliated political committees (as defined in § 100.14(c) of this subchapter) which support the same candidate and do not support more than one candidate;

(11) The amount and nature of outstanding debts and obligations owed by or to the committee including any contracts, agreements, or promises to make contributions or expenditures. (Section 105.10 sets forth the special reporting requirements applicable to debts and obligations.);

(12) Such other information as shall be required by the Commission from time to time.

(c)(1) Except as noted in paragraph (c)(2) of this section, each principal campaign committee shall consolidate its reports with those of all committees required to file reports with such principal campaign committee, the authorizing candidate, the applicable information provided by authorized multicandidate committees, and any contributions earmarked for the principal campaign committee's authorizing candidate received by unauthorized multicandidate committees. Such consolidation will be completed on FEC Form DC 4(a) and be submitted with the reports of the principal campaign committee, and the reports or applicable portions of reports of all other committees shown on the consolidation.

(2) For pre-election reports, the principal campaign committee may, if necessary, file the consolidated report without including the reports of committees required to file with such principal campaign committee.

(i) Committees required to file with a candidate's principal campaign committee shall file a copy of their report with the Commission by the 10th day preceding the election, in addition to filing with the principal campaign committee.

(ii) The principal campaign committee shall file with the Commission a consolidated report no later than 5 days before the election, such report to include reports from committees required to file with it.

**§ 105.3 Disclosure of receipt and consumption of in-kind contributions.**

Each contribution in-kind shall be valued at fair market value at the time of the contribution and reported on the appropriate schedule of receipts, identified as to its nature and listed as a "con-

tribution in-kind." The total amount of goods and services contributed in-kind shall be deemed to have been consumed in the reporting period. Each such contribution shall be declared as an expenditure at the same fair market value and reported on the appropriate expenditure schedule, identified as to its nature and listed as a "contribution in-kind."

(a) The fair market value of any good shall be the retail price of that good in the market from which it ordinarily would have been purchased at the time of its contribution.

(b) The fair market value of any services shall be the prevailing hourly, or piece work, rate charged for such services prevailing at the time such services were rendered.

(c) Contributions of stock, bonds, art objects, and other similar items shall be reported as follows:

(1) The committee or candidate shall report the item's fair market value on the date received, which shall be the contribution for purposes of the limits in 18 U.S.C. 608.

(2) When the item is sold, the committee or candidate shall also report the cash proceeds.

**§ 105.4 Filing dates and periods covered.**

Except as provided otherwise in this section, each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office shall file the reports of receipts and expenditures required under the part.

(a) *Pre-election and post-election reports.* In any calendar year in which an individual is a candidate for Federal office and an election for such office is held in such year, in such election,

(1) On or before the 10th day before the date on which such election is held.

(i) Such report shall be complete as of the 15th day before the date of such election.

(ii) Any such report filed by registered or certified mail must be postmarked not later than the close of the 12th day before the date of such election.

(2) On or before the 30th day after the date of the election. This report must be complete as of the 20th day after the date of such election.

(b) *Annual report.* In any calendar year by January 31 of the following calendar year, such report shall be complete as of the close of the calendar year with respect to which the report was filed.

(c) *Quarterly report.* On April 10, July 10, and October 10 following the close of the immediately preceding calendar quarter in which the candidate or political committee received contributions in excess of $1,000 or made expenditures in excess of $1,000.

(1) Such reports shall be complete as of the close of such calendar quarter.

(2) When the last day for filing any quarterly report required by paragraph (c) of this section occurs within 10 days prior to an election, or within 30 days after an election such quarterly report need not be filed so long as the pre-election and post-election reports required by § 105.4(a)(1) are timely filed.

(d) If any contribution of $1,000 or more is received subsequent to the 15th day, but more than 48 hours before 12:01 a.m. of the day on which an election is to be conducted, such information shall be reported directly to the Commission within 48 hours of receipt thereof. For purposes of this paragraph, report means—

(1) A letter signed by the treasurer or his designee hand delivered to the Commission within 48 hours of the receipt of the contribution, or

(2) A telegram to the Commission followed by a letter signed by the treasurer or his designee, sent registered or certified mail and postmarked within 48 hours of the receipt of the contribution.

For purposes of this paragraph (d) of this section only, "election" shall mean an election for which the ballot bears the name of the candidate, or delegates committed to such candidate, who received (or one of whose authorized committees received) the contribution.

(e) Except for the pre- and post-election reports required to be filed under paragraph (a) of this section prior to a general election, the annual report required to be filed by paragraph (b) of this section, and the reports required to be filed prior to a general election under paragraph (d) of this section, in any calendar year in which a general election is held, (not including a special election to fill a vacancy) each candidate, principal campaign committee and any other political committee which operates in more than one state shall file the reports required by this Part 105 by the 10th day of the month in each month except January, November, and December of such calendar year. Such reports shall be complete as of the last day of the month immediately preceding the month in which such report is filed. For candidates, monthly reporting requirement shall continue until a candidate files with the Commission a statement that his or her name will not appear on any ballot in a primary or the general election. Any candidate filing such a statement shall thereafter file reports pursuant to paragraphs (b) and (c) of this section.

**§ 105.5 Uniform reporting of contributions.**

(a) Each contributor of an amount in excess of $100 shall be disclosed by identification, occupation, and principal place of business, if any. If a contributor's name or address is known to have changed since an earlier contribution reported during the calendar year, the exact name or address previously used shall be noted with each subsequent entry.

(b) In each case when a contribution received from a person in a reporting period is added to previously unitemized contributions from the same contributor and the aggregate exceeds $100 within the calendar year, the identification, occupation, and principal place of business, if any, of that contributor shall then be listed on the prescribed reporting forms.

(c) In determining the aggregate of a person's contributions during the calendar year all such contributions from the same donor shall be listed under the same name.

(d) Absent evidence to the contrary, any contribution made by check, money order, or other written instrument shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee.

**§ 105.6 Uniform reporting of expenditures.**

(a) Each expenditure by or on behalf of a candidate or committee in excess of $100 shall be disclosed and shall include the identification of the recipient.

(b) In each case when an expenditure made to a recipient in a reporting period is added to previously unitemized expenditures to the same expendee and the aggregate excess $100 within the calendar year, the identification of that recipient shall be listed on the prescribed reporting forms.

**§ 105.7 Allocation of expenditures among candidates.**

A political committee making an expenditure for or on behalf of more than one candidate for Federal or non-Federal office shall allocate the expenditures among such candidates on a reasonable basis pursuant to Part 107 of this subchapter, and report the allocation for each Federal candidate to the Commission. The treasurer shall retain all documents supporting the allocation in accordance with § 110.2 of this subchapter.

**§ 105.8 Disclosure of earmarked contributions and expenditures.**

(a) Each candidate, political committee, and other person required to file reports under the Act who receives an earmarked contribution or makes an earmarked expenditure (including any transfer of funds) that is subject to the reporting requirements of the Act and this subchapter, shall report the full name and mailing address, occupation and principal place of business, if any, of the donor or any other person who originally earmarked the contribution or expenditure; the name and address of each political committee or candidate for whom the contribution or expenditure is earmarked; and the amount of such contribution or expenditure earmarked for each such candidate or political committee and the aggregate amount earmarked for each during the calendar year.

(b) The reporting required by this section shall be in addition to all other reporting of such contribution or expenditure required by the Act and this subchapter shall be performed by all candidates, political committees and other persons receiving, expending, or transferring earmarked funds.

**§ 105.9 Continuous reporting of debts and obligations.**

(a) Debts and obligations which remain outstanding after the election shall

be continuously reported until extinguished. See § 105.1(d). Such debts and obligations shall be reported on separate schedules together with a statement as to the circumstances and conditions under which each such debt and obligation is either incurred or extinguished.

(b) Except for a loan of money in the ordinary course of business, no debt, obligation, contract, agreement, or other promise to make an expenditure in connection with a single transaction of a value of $500 or less, payment for which must be made within 60 days, need be reported under this part until payment is made or until such time for payment has expired, whichever is earlier.

## PART 109—REPORTS ON CONVENTION FINANCING

Sec.
109.1 Reports; committees shall report.
109.2 Reports; political parties.
109.3 Financial statements; time and content of filing.
109.4 Committees receiving Federal funds.
109.5 Convention expenses; definitions.

AUTHORITY: Sec. 308(a)(13), 86 Stat. 17, (2 U.S.C. 438), interpret or apply section 307, 86 Stat. 16 (2 U.S.C. 437), as amended.

### § 109.1 Reports; committees shall report.

Each committee or other organization which

(a) (1) Represents a state, or a political subdivision thereof, or

(2) Represents any group of persons in dealing with officials of a national political party with respect to matters involving a convention held in such state or political subdivision to nominate a candidate for the office of President or Vice President,

(b) And receives or expends any funds in connection with such convention, shall file statements as set out in § 109.3.

### § 109.2 Reports; political parties.

Each committee or other organization, including a national committee, which

(a) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President, and

(b) receives or expends any funds in connection with such convention, shall file statements as set out in § 109.3.

### § 109.3 Financial statements; time and content of filing.

(a) Each committee or organization required to file a financial statement as set out in §§ 109.1 and 109.2 above, shall, within 60 days following the last day the convention is officially in session, but not later than 20 days prior to the date of the general election, file with the Commission financial statements on FEC Form ——.

(b) If the committee receives or expends any funds after the filing of the report required by § 109.3 above, it shall file quarterly reports at the end of each calendar quarter in which it receives or expends any funds. The quarterly report shall be filed within 10 days of the close of the calendar quarter, complete as of the close of the calendar quarter.

(c) Each committee required to file under § 109.1 or § 109.2 above shall file a final report with the Commission within 10 days of the date upon which it disbands or otherwise ceases activity.

### § 109.4 Committees receiving federal funds.

Any committee which receives, directly or indirectly, all or part of the payment for Presidential nominating conventions under 26 U.S.C. 9008, shall, in addition to the report required to be filed under § 109.3 above, file quarterly reports—

(a) The first quarterly report shall be filed at the end of the calendar quarter in which the committee receives its first payment under 26 U.S.C. 9008. A report shall be filed for each subsequent quarter in which the committee receives or expends any funds, except that a report need not be filed at the end of the quarter in which the committee files the report required by § 109.3.

(b) The reports shall contain the same information as required to be filed under § 109.3, and shall be filed within 10 days after the close of the calendar quarter, complete as of the close of the calendar quarter.

### § 109.5 Convention expenses; definition.

For the purposes of this part, expenses "in connection with a convention", as used in §§ 109.1(b) and 109.2(b), means:

(a) Any expense for preparing, maintaining and dismantling the physical site of the convention, including but not limited to, rental of the hall, platforms and seating, decorations, telephones, security, and convention hall utilities;

(b) That portion attributed to convention activities of salaries and expenses of personnel whose responsibilities are planning, managing or conducting the convention, including staff members of convention committees and similar personnel;

(c) The expense of conducting meetings of convention policy committees, such as rules, credentials and platform, including but not limited to, costs of renting meeting space and printing materials, but not including travel and other personal expenses of committee members;

(d) The expenses incurred by the site selection, arrangements or other similar committee in securing a convention city and facility;

(e) The expense of establishing and managing a transportation system in a convention city for the use of delegates and other persons attending or otherwise connected with the convention;

(f) The expenses of entertainment activities, including but not limited to, dinners, concerts and receptions, which are part of official convention activity, but not including entertainment activities sponsored by, or on behalf of, candidates for nomination to President or Vice President, or state delegations;

(g) The expenses of printing official convention programs, agendae, tickets and other official publications and printing.

## PART 110—FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

Sec.
110.1 Verification.
110.2 Preservation of records.
110.3 Effect of acknowledgement and filing by the Commission.
110.4 Personal responsibility of person signing statement.

AUTHORITY: Sec. 308, 82 Stat. 17 (2 U.S.C. 438), interpret or apply section 306, 86 Stat. 17 (2 U.S.C. ——,) as amended.

### § 110.1 Verification.

Each report or statement required to be filed with the Commission or with a principal campaign committee under this subchapter by a treasurer of a political committee, a candidate, or by any other person, shall be signed by the person filing such report or statement.

### § 110.2 Preservation of records.

(a) Every person filing a report or statement with the Commission or with a principal campaign committee under this subchapter shall preserve a copy thereof for a period of three years from the date of termination of the Committee, but in no event for a period of more than seven years from the last day of the calendar year in which the election was held for which the reports and statements were prepared.

(b) Every candidate, political committee, or other person required to file any report or statement with the Commission or with a principal campaign committee under this subchapter shall maintain records with respect to the matters required to be reported, including vouchers, worksheets, receipts, bills and accounts, which will provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained or clarified, and checked for accuracy and completeness, and shall keep such records available for audit, inspection, or examination by the Commission or its authorized representatives, for a period of not less than 3 years from the date of termination of the committee, but in no event for a period of more than seven years from the last day of the calendar year in which the election was held for which the records and statements were prepared.

### § 110.3 Effect of acknowledgment and filing by the Commission.

Any acknowledgment by the Commission of the receipt of any statement of organization or any report or statement filed under this subchapter is intended solely to inform the person filing the same of the receipt thereof by the Commission, and neither such acknowledgment nor the acceptance and filing of any such report or statement by the Commission shall constitute express or implied approval thereof, or in any manner indicate that the contents of any such report or statement fulfills the filing or other requirements of the Act or of the regulations thereunder.

§ 110.4 **Personal responsibility of person signing statement.**

(a) Each treasurer of a political committee, each candidate, and any other person required to file any report or statement with the Commission under these regulations and under this subchapter shall be personally responsible for the timely and complete filing of such report or statement and for the accuracy of any information or statement contained therein.

(b) Any willfully false or fraudulent statements or representations in such a report or statement will subject the person making the same to the criminal penalties provided under 18 U.S.C. 1001.

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## PART 111—FILING COPIES OF STATEMENTS WITH STATE OFFICERS

Sec.
111.1 Filing requirements.
111.2 Filing copy of statement of organization.
111.3 Filing copy of reports of expenditures and contributions.
111.4 Time and manner of filing copy.
111.5 Duty of state officers; delegation of responsibility.

AUTHORITY: Sec. 308(a)(13), 86 Stat. 17, (2 U.S.C. 438) Interpret or apply sec. 309, 86 Stat. 18, (2 U.S.C. 439).

§ 111.1 **Filing requirements.**

A copy of each statement required to be filed with the Commission under this subchapter shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent state officer) of the appropriate state. For purposes of this part, the term "appropriate state" means the state or other jurisdiction designated in § 111.2 or § 111.3.

§ 111.2 **Filing copy of statement of organization.**

A copy of each statement of organization required to be filed with the Commission under Part 102 of this subchapter shall be filed with the State officer of the state or other jurisdiction where the committee has its principal office.

§ 111.3 **Filing copy of reports by Presidential and Vice Presidential candidates.**

A copy of each report required to be filed with the Commission under Part 105 of this subchapter shall be filed with the state officer of each state or other jurisdiction in which an expenditure is made by a candidate for the office of President or Vice President, or on such a candidate's behalf, such report to contain at least all transactions pertaining to that state.

§ 111.4 **Filing copy of reports by other Federal candidates.**

A copy of each report required to be filed with the Commission under Part 105 of this subchapter shall be filed with the state officer of each state or other jurisdiction in which a candidate other than for President or Vice President for Federal office seeks election.

§ 111.5 **Time and manner of filing copy.**

A copy required to be filed with a state officer under this part shall be filed at the same time as the original report is filed with the Commission. Each such copy of a report or statement shall be a complete, true, and legible copy of the original report or statement filed with the Commission.

§ 111.6 **Duty of state officers; delegation of responsibility.**

(a) It is the duty of the Secretary of State, or the equivalent state officer,

(1) To receive and maintain in an orderly manner all reports and statements required to be filed with him;

(2) To preserve such reports and statements for a period of 10 years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives need be preserved for only 5 years from the date of receipt;

(3) To make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person, such per copy expense to be reasonable.

(b) The Secretary of State, or the equivalent state officer, may delegate the authority for receiving and maintaining the reports and statements, if such delegation is not prohibited by state law.

(1) If such delegation occurs, the delegating official shall notify the Commission within 10 days of the date of the delegation;

(2) Notwithstanding any delegation of authority, the Secretary of State or the equivalent state officer, will be held responsible by the Commission for the proper receipt and maintenance of the reports and statements.

Dated: September 19, 1975.

NEIL STAEBLER,
*Vice Chairman for the*
*Federal Election Commission.*

[FR Doc.75-25723 Filed 9-26-75;8:45 am]

## FEDERAL ELECTION COMMISSION

[Notice 1975-53]

### OCTOBER 10 QUARTERLY REPORT

#### Interim Guideline

(a) Candidates or political committees which have received contributions in excess of $1,000, or have made expenditures in excess of $1,000, are required to file an October 10 Quarterly Report of Receipts and Expenditures as prescribed by the Federal Election Campaign Act, as amended. (2 U.S.C. 434(a)(1)(C).) The Commission advises that reporting parties observe the following guidelines:

(1) Candidates for the U.S. House of Representatives and political committees solely supporting such candidates should file with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, D.C. 20515.

(2) Candidates for the U.S. Senate and political committees solely supporting such candidates should file with the Secretary of the Senate, 119 D St. NE., Washington, D.C. 20510.

(3) Candidates for the Office of U.S. President and committees solely supporting such candidates should file with the Federal Election Commission, 1325 K St., Washington, D.C. 20463.

(4) Political committees supporting more than one candidate (multi-candidate committees) which have heretofore reported to two or more supervisory officers or which, if new, would have had to file with more than one supervisory officer (as, for example, a committee supporting candidates for both the Senate and the Presidency), should file their October 10, 1975 report with the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463. Multi-candidate committees supporting only candidates for the House of Representatives should file their October 10, 1975 report with the Clerk of the House of Representatives. Multi-candidate committees supporting only candidates for the Senate should file their October 10, 1975 report with the Secretary of the Senate. Multi-candidate committees which have heretofore filed only with the General Accounting Office or which, if new, would have filed only with the General Accounting Office, should file the October 10, 1975 report with the Federal Election Commission at the above address.

(a) No multi-candidate committee described in the foregoing paragraph need file with the principal campaign committees of the candidates supported, except that:

(1) Such multi-candidate committee which receives contributions earmarked by the contributor for any individual candidate or an authorized committee thereof shall report such contribution to that candidate's principal campaign committee and the Commission, and

(2) Any such multi-candidate committee which is authorized to make expenditures in behalf of a candidate should report any such expenditures to that candidate's principal campaign committee and the Commission. If no principal campaign committee has been designated, contributions and expenditures to be reported under this paragraph should be reported to the Commission in a form which clearly identifies the candidate to whom they relate.

(b) Multi-candidate committees which have not heretofore filed with any supervisory officer should additionally file a registration statement under 2 U.S.C. Section 433. Such committees which support only candidates for the House of Representatives should register with the Clerk thereof. Such committees which support only candidates for the Senate should register with the Secretary thereof. All other such committees should register with the Commission.

(5) Persons subject to 2 U.S.C. 434(e) ("Contributions or expenditures by persons other than political committee or candidates") should file the October 10, 1975 report with the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

(6) A report filed by registered or certified mail postmarked on or before October 10, 1975, shall be deemed a timely filing.

(7) Interim reporting forms published by the Commission should be used to file the prescribed report, except that forms issued by the previous Supervisory Officers may be used if the appropriate changes are made on the face of the forms.

Dated: September 25, 1975.

THOMAS B. CURTIS,
*Chairman,*
*Federal Election Commission.*

[FR Doc.75-26127 Filed 9-26-75;8:45 am]

federal register

MONDAY, SEPTEMBER 29, 1975




PART III:

# DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

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# MIGRATORY BIRD HUNTING

## Open Seasons, Bag Limits and Possession

Title 50—Wildlife and Fisheries

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

## PART 20—MIGRATORY BIRD HUNTING

### Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory documents published in the FEDERAL REGISTER in accordance with the Administrative Procedure Act. The publication of these documents is divided into three phases, as follows:

1. Proposed rulemaking—proposals to amend Subpart K, Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, including proposed migratory game bird hunting regulations and/or regulations frameworks which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may make season selections.

2. Final rulemaking—final migratory game bird hunting regulations and/or final regulations frameworks which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may make season selections.

Generally, in phases 1 and 2, no reference is made in the documents to specifically numbered sections of Part 20, Title 50, Code of Federal Regulations.

3. Final rulemaking—Amendments to the various specific sections of Subpart K, Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, based on the final migratory game bird hunting regulations and the final regulations frameworks and on season selections made and communicated by the States to the Service.

Accordingly, on May 8, 1975, there was published in the FEDERAL REGISTER (40 FR 20090) a notice of proposed rule making to amend Part 20 of Title 50, Code of Federal Regulations. These amendments would specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common (Wilson's) snipe, coots, cranes, swans and waterfowl; coots, cranes, common (Wilson's) snipe and waterfowl in Alaska; and certain sea ducks in coastal waters of certain eastern States. Included in that proposed rule making were *Proposed 1975–76 Migratory Game Bird Hunting Regulations (Part)* which consisted of general frameworks and guidelines which ordinarily do not depend on the results of spring and summer surveys. A 30-day public comment period was allowed, ending June 7, 1975, and was extended to June 25, 1975, through publication in the June 9, 1975, FEDERAL REGISTER (40 FR 24527).

On June 24, 1975, the Annual Regulations Conference for Migratory Shore and Upland Game Birds, an advisory committee, convened in Washington, D.C., in accordance with notice published in the FEDERAL REGISTER on June 6, 1975 (40 FR 24368), to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1975–76 hunting season. The meeting was open to the public and statements in writing were solicited. Time was provided for oral statements from the public during the course of the meeting.

On July 2, 1975, there were published in the FEDERAL REGISTER (40 FR 27943) *Proposed Regulations Frameworks for the 1975–76 Hunting Seasons on Certain Migratory Game Birds* and proposed amendments to paragraph (d) of § 20.105, Subpart K, Title 50 Code of Federal Regulations, pertaining to seasons, limits and shooting hours for Canada geese in the Horicon Zone of Wisconsin. The proposed frameworks contained more specific information than the May 8, 1975, proposal (40 FR 20090) and set forth outside season dates within which hunting seasons could be selected, season length, shooting hours, and bag and possession limits, and areas to be hunted. A 15-day public comment period was allowed, ending July 17, 1975.

On August 5, 1975, the annual meeting of the Director's Waterfowl Advisory Committee convened in Washington, D.C., in accordance with the notice published in the FEDERAL REGISTER on July 10, 1975 (40 FR 29096) to review the staff recommendations of the Fish and Wildlife Service for 1975–76 waterfowl regulations, and present to the Director their recommendations for 1975–76 waterfowl season frameworks. The meeting was open to the public and statements in writing were solicited. Time was provided for oral statements from the public during the course of the meeting.

On August 6, 1975, there were published in the FEDERAL REGISTER (40 FR 33016) *Final 1975–76 Migratory Game Bird Hunting Regulations (Part), Final Regulations Frameworks for 1975–76 Hunting Seasons on Certain Migratory Game Birds*, and final rulemaking on amendments to § 20.105 concerning seasons, limits and shooting hours for Canada geese in the Horicon Zone of Wisconsin. The final frameworks prescribed season lengths, bag limits, shooting hours, and outside dates within which States could make season selections for mourning and white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinules, teal (September only), sea ducks (Atlantic Flyway only), and all species in Alaska. Final rulemaking on all other waterfowl items or portions thereof listed in the May 8, 1975, proposal (40 FR 20090) was deferred pending receipt and review by Service and State officials of spring and summer survey data. Differences between the May 8, 1975, proposal (40 FR 20090) and July 2, 1975, proposed frameworks (40 FR 27943) and the final rulemaking were described and explained in this document (40 FR 33016; August 6, 1975).

On August 15, 1975, there were published in the FEDERAL REGISTER (40 FR 34361) *Proposed Regulations Frameworks for 1975–76 Hunting Seasons on Waterfowl, Coots, and Gallinules; Cranes in Parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and for Common Snipe in the Pacific Flyway*, with a 10-day public comment period allowed, ending August 25, 1975. Waterfowl items from the May 8, 1975, proposal (40 FR 20090) for which final rulemaking was deferred were repeated, and in some cases enlarged, in the August 15, 1975, proposal (40 FR 34361). Proposed regulations frameworks for lesser sandhill cranes were also repeated, and on August 21, 1975, there were published in the FEDERAL REGISTER (40 FR 36572) proposed amendments to the lesser sandhill crane frameworks to add bag and possession limits for the States of North Dakota and South Dakota, to add the proposed Federal permit requirement for hunting sandhill cranes, and to amend Section 20.106 of Part 20, Title 50 Code of Federal Regulations by adding paragraph (g). A 10-day public comment period was allowed, ending August 31, 1975, for the sandhill crane portion of the proposed frameworks.

On August 19, 1975, and based upon the August 6, 1975, final rulemaking (40 FR 33016), there was published in the FEDERAL REGISTER (40 FR 36121) final rulemaking amending certain sections of Subpart K, Part 20, Subchapter B, Chapter I, Title 50 Code of Federal Regulations, specifying season dates, bag and possession limits, and shooting hours for mourning and white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinules, teal (September only), sea ducks (Atlantic Flyway only), and all species in Alaska. Although the August 6, 1975, final regulations and final frameworks (40 FR 33016) prescribed season lengths, bag limits, shooting hours, and outside dates within which States could make season selections, it still remained for the States to make their selections and to communicate those selections to the Service so that the Service, in turn, could publish these selections as final rulemaking, amending the related sections of Part 20, Title 50 Code of Federal Regulations, containing tables, by Flyways and States, for the species in question.

On September 5, 1975, there were published in the FEDERAL REGISTER (40 FR 41096) *Final Regulations Frameworks for 1975–76 Hunting Seasons on Waterfowl, Coots, and Gallinules; Cranes in Parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and for Common Snipe in the Pacific Flyway*, prescribing season lengths, bag limits, shooting hours, and outside dates within which States could make season selections. In the portion of this document dealing with lesser sandhill cranes, it was noted that

proposed additions to the lesser sandhill crane section regarding daily bag and possession limits in North and South Dakota, plus the proposed requirement for a Federal permit for hunting sandhill cranes, had been published in the FEDERAL REGISTER dated August 21, 1975 (40 FR 35472). Differences between the May 8, 1975, proposal (40 FR 20090) and August 15, 1975, proposed frameworks (40 FR 34361) and the final rulemaking were described and explained in this document (40 FR 41096; September 5, 1975).

On September 10, 1975, there were published in the FEDERAL REGISTER (40 FR 42015) *Final Regulations Frameworks for 1975–76 Hunting Seasons on Lesser Sandhill (little brown) Cranes in Parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming*, and final rulemaking amending Section 20.106, Subpart K, Part 20, Subchapter B, Chapter I to Title 50 Code of Federal Regulations, by adding paragraph (g). In these final frameworks were incorporated the bag and possession limits for North Dakota and South Dakota and the Federal permit requirement for hunting lesser sandhill cranes in those States allowing crane hunting. Differences between the May 8, 1975, proposal (40 FR 20090), August 15, 1975, proposed frameworks (40 FR 34361) and August 21, 1975, proposed amendment (40 FR 36572) and final rulemaking were described and explained in this document (40 FR 42015; September 10, 1975).

In this connection, the *Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)* was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

Environmental assessments have been prepared on:

Proposed Open Season on Atlantic Brant
Proposed Open Season on Greater Snow Geese
Environmental Impact Assessment of Extension of Length of Duck Hunting Season in Western Louisiana.

Having reviewed these assessments, the Director has concluded that environmental impact statements are not necessary and has signed negative declarations setting forth that conclusion.

The taking of the designated species of migratory birds is prohibited unless specifically authorized. These amendments will permit taking of the designated species within specified periods of time beginning as early as October 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

The Fish and Wildlife Service is of the view that, although the rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints, every attempt should be made to give the public the greatest possible opportunity to comment on the regulations; thus, when the August 15, 1975 (40 FR 34361) and August 21, 1975 (40 FR 36572) proposed rulemakings were published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the printing and distribution of Federal and State regulatory announcements would be delayed to the extent that hunters would not have these regulatory announcements in time for the beginning of the hunting seasons. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will, therefore take effect immediately upon publication.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given by the Fish and Wildlife Service to all other relevant matters presented, certain sections of Subpart K, Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, are amended as indicated below.

AUTHORITY: Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711).

Effective date: September 29, 1975.

HARVEY K. NELSON,
*Acting Director,*
*Fish and Wildlife Service.*

SEPTEMBER 12, 1975.

Section 20.104 is revised to read as follows:

**§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe (Wilson's).**

(a) Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows.

(b) The season dates, bag limits, and shooting hours published in this section in the FEDERAL REGISTER of August 19, 1975 (40 FR 36121) have been expanded to include season dates for previously deferred seasons and to include snipe season dates for the Pacific Flyway.

| | Rails (Sora and Virginia) | Rails (King and Clapper) | Woodcock | Common Snipe (Wilson's) |
|---|---|---|---|---|
| Daily bag limit | [1] 25 | See footnote 2 | 5 | 8 |
| Possession limit | [1] 25 | See footnote 2 | 10 | 16 |

Shooting hours: One-half hour before sunrise until sunset daily on all species.
CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

| | | | | |
|---|---|---|---|---|
| Seasons in the Atlantic Flyway: | | | | |
| Connecticut | Sept. 1-Nov. 8 | Sept. 1-Nov. 8 | Oct. 18-Dec. 13 | Oct. 18-Dec. 13. |
| Delaware | Sept. 1-Nov. 8 | Sept. 1-Nov. 8 | Oct. 18-Nov. 5<br>Nov. 17-Jan. 1 | Oct. 18-Nov. 5.<br>Nov. 17-Jan. 1. |
| Florida | Sept. 1-Nov. 9 | Sept. 1-Nov. 9 | Dec. 20-Feb. 22 | Nov. 8-Feb. 22. |
| Georgia | Sept. 6-Nov. 14 | Sept. 6-Nov. 14 | Nov. 20-Jan. 23 | Nov. 20-Jan. 23. |
| Maine: [3] | | | | |
| Management units 1 and 2. | Sept. 1-Nov. 8 | Closed | Sept. 24-Nov. 15 | Sept. 24-Nov. 15. |
| Management units 3 to 8. | Sept. 1-Nov. 8 | Closed | Oct. 1-Nov. 15 | Oct. 1-Nov. 15. |
| Maryland | Sept. 1-Nov. 8 | Sept. 1-Nov. 8 | Oct. 4-Dec. 6 | Oct. 4-Nov. 28.<br>Dec. 8-Dec. 16. |
| Massachusetts | Sept. 1-Nov. 9 | Closed | Oct. 10-Nov. 30 | Sept. 1-Nov. 4. |
| New Hampshire | Closed | Closed | Sept. 27-Nov. 30 | Sept. 27-Nov. 30. |
| New Jersey [4] | Sept. 1-Nov. 8 | Sept. 1-Nov. 8 | Oct. 11-Dec. 6<br>Dec. 20-Dec. 27 | Oct. 8 [5]-Nov. 1.<br>Nov. 26 [5]-Jan. 3. |
| New York: [3 6] | | | | |
| Northern zone | Sept. 1-Nov. 4 | Closed | Sept. 20-Nov. 23 | Sept. 1-Nov. 4. |
| Southern zone | Sept. 1-Nov. 4 | Closed | Oct. 1-Nov. 23 | Sept. 1-Nov. 4. |
| Long Island area | Closed | Closed | Oct. 1-Nov. 23 | Closed. |
| North Carolina | Sept. 1-Nov. 8 | Sept. 1-Nov. 8 | Nov. 22-Jan. 24 | Nov. 22-Jan. 24. |
| Pennsylvania | Sept. 1-Nov. 8 | Closed | Oct. 11-Nov. 29 | Oct. 11-Nov. 29. |
| Rhode Island | Sept. 22-Nov. 30 | Sept. 22-Nov. 30 | Oct. 18-Dec. 5<br>Dec. 15-Dec. 30 | Oct. 18-Dec. 5.<br>Dec. 15-Dec. 30. |
| South Carolina | Sept. 2-Nov. 10 | Sept. 2-Nov. 10 | Nov. 27-Jan. 30 | Dec. 13-Jan. 24.<br>Feb. 7-Feb. 28. |
| Vermont | Sept. 27-Dec. 5 | Closed | Sept. 27-Nov. 30 | Sept. 27-Nov. 30. |
| Virginia | Sept. 13-Nov. 21 | Sept. 13-Nov. 21 | Oct. 31-Jan. 3 | Nov. 11-Jan. 14. |
| West Virginia | Oct. 11-Dec. 19 | Closed | Oct. 11-Dec. 13 | Oct. 11-Dec. 13. |
| Seasons in the Mississippi Flyway: | | | | |
| Alabama | Nov. 12-Jan. 20 | Nov. 12-Jan. 20 | Nov. 28-Jan. 31 | Dec. 26-Feb. 28. |
| Arkansas | Sept. 1-Nov. 9 | Closed | Dec. 1-Feb. 3 | Dec. 1-Feb. 3. |
| Illinois | Sept. 1-Nov. 9 | Closed | Oct. 15-Dec. 15 | Oct. 15-Dec. 15. |
| Indiana | Sept. 6-Nov. 14 | Closed | Sept. 20-Nov. 23 | Sept. 20-Nov. 23. |
| Iowa | Sept. 6-Nov. 9 | Closed | Sept. 13-Nov. 16 | Sept. 20-Nov. 23. |
| Kentucky | Nov. 12-Jan. 20 | Closed | Oct. 10-Dec. 5<br>Dec. 13-Dec. 20 | Oct. 10-Dec. 5.<br>Dec. 13-Dec. 20. |
| Louisiana | Nov. 1-Jan. 9 | Nov. 1-Jan. 9 | Dec. 6-Feb. 8 | Dec. 6-Feb. 8. |
| Michigan: [3] | | | | |
| Zone 1 | Sept. 15-Nov. 14 | Closed | Sept. 15-Nov. 13 | Sept. 15-Nov. 14. |
| Zone 2 | Oct. 8 [5]-Nov. 14 | Closed | Sept. 15-Nov. 14 | Oct. 8 [5]-Nov. 14. |
| Zone 3 | Oct. 8 [5]-Nov. 14 | Closed | Oct. 20-Nov. 14 | Oct. 8 [5]-Nov. 14. |
| Minnesota | Sept. 1-Nov. 4 | Closed | Sept. 1-Nov. 4 | Sept. 1-Nov. 4. |
| Mississippi | Nov. 1-Jan. 9 | Nov. 1-Jan. 9 | Dec. 13-Feb. 15 | Dec. 13-Feb. 15. |
| Missouri | Sept. 1-Nov. 9 | Closed | Oct. 1-Dec. 4 | Oct. 1-Dec. 44. |
| Ohio | Sept. 1-Nov. 8 | Closed | Sept. 12-Nov. 15 | Sept. 12-Nov. 15. |
| Tennessee | Dec. 3 [5]-Jan. 20 | Closed | Sept. 27-Nov. 30 | Dec. 25-Feb. 27. |
| Wisconsin | Oct. 1 [5]-Nov. 19 | Closed | Sept. 13-Nov. 16 | Oct. 1 [5]-Dec. 4. |

Footnotes at end of article.

| | Rails (Sora and Virginia) | Rails (King and Clapper) | Woodcock | Common Snipe (Wilson's) |
|---|---|---|---|---|
| Seasons in the Central Flyway: | | | | |
| Colorado [4] | Sept. 1-Nov. 9 | Closed | Closed | Sept. 1-Nov. 4. |
| Kansas | Sept. 13-Nov. 21 | Closed | Oct. 11-Dec. 14 | Sept. 13-Nov. 16. |
| Montana [4] | Closed | Closed | Closed | Closed. |
| Nebraska | Sept. 1-Nov. 9 | Closed | Closed | Sept. 15-Nov. 18. |
| New Mexico [4] | Closed | Closed | Closed | Oct. 28-Dec. 31. |
| North Dakota | Closed | Closed | Closed | Sept. 20-Nov. 23. |
| Oklahoma | Sept. 1-Nov. 9 | Closed | Nov. 20-Jan. 23 | Oct. 25-Dec. 28. |
| South Dakota | Closed | Closed | Closed | Sept. 1-Oct. 31. |
| Texas | Sept. 1-Nov. 9 | Sept. 1-Nov. 9 | Nov. 15-Jan. 18 | Nov. 15-Jan. 18. |
| Wyoming [4] | Oct. 4-Dec. 12 | Closed | Closed | {Oct. 4-Nov. 2. {Nov. 20-Dec. 24. |
| Seasons in the Pacific Flyway: | | | | |
| Arizona | Closed | Closed | Closed | Nov. 15-Jan. 18. |
| California: [3] | | | | |
| Tule Lake | Closed | Closed | Closed | Oct. 11-Jan. 11. |
| Colorado River area. | Closed | Closed | Closed | {Oct. 4-Oct. 31. {Nov. 15-Jan. 18. |
| Remainder of State. | Closed | Closed | Closed | Oct. 18-Jan. 18. |
| Colorado [7] | Closed | Closed | Closed | {Oct. 4-Oct. 17. {Nov. 1-Jan. 18. |
| Idaho: [4] | | | | |
| Columbia Basin | Closed | Closed | Closed | Oct. 4-Jan. 11. |
| Remainder of State. | Closed | Closed | Closed | Oct. 4-Jan. 4. |
| Montana [7] | Closed | Closed | Closed | Oct. 4-Jan. 4. |
| Nevada: | | | | |
| Clark and Lincoln Counties. | Closed | Closed | Closed | Nov. 15-Jan. 18. |
| Remainder of State. | Closed | Closed | Closed | Oct. 4-Jan. 4. |
| New Mexico [7] | Closed | Closed | Closed | Oct. 4-Jan. 4. |
| Oregon: [3] | | | | |
| Columbia Basin | Closed | Closed | Closed | Oct. 11-Jan. 18. |
| Remainder of State. | Closed | Closed | Closed | Oct. 11-Jan. 11. |
| Utah | Closed | Closed | Closed | Oct. 4-Jan. 4. |
| Washington: [3] | | | | |
| Columbia Basin | Closed | Closed | Closed | Oct. 11-Jan. 18. |
| Remainder of State. | Closed | Closed | Closed | Oct. 11-Jan. 11. |
| Wyoming [7] | Closed | Closed | Closed | Oct. 4-Jan. 4. |

[1] The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.
[2] In addition to the limits on sora and Virginia rails, in the States of Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 king and clapper rails, singly or in the aggregate of these two species, and in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 king and clapper rails, singly or in the aggregate of these two species.
[3] For description of zones or management units within a State, see the State's regulations.
[4] In New Jersey the season for woodcock is closed on November 7 and reopens on November 8 at 9 a.m., and the season for king rails is closed.
[5] In the State of New York, shooting hours for woodcock are sunrise until sunset daily.
[6] Seasons apply to Central Flyway portion of State only.
[7] Seasons apply to Pacific Flyway portion of State only.

*NOTE.—Season opens at noon local time.

Section 20.105 is amended as follows:

**§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 1, 1975, and January 20, 1976, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, North Carolina, and Virginia: *Provided, That* any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set in addition to the limits prescribed for such seasons a daily bag limit of 7 and possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

| Seasons in: | |
|---|---|
| Connecticut | Sept. 27-Jan. 10. |
| Delaware | {Sept. 20-Dec. 10. {Dec. 17-Jan. 10. |
| Georgia | Nov. 19*-Jan. 20. |
| Maine | Oct. 4-Jan. 18. |
| Maryland | Oct. 3-Jan. 17. |
| Massachusetts | Sept. 20-Jan. 4. |
| New Hampshire | Sept. 20-Jan. 4. |
| New Jersey | Sept. 19-Jan. 3. |
| New York | Sept. 24-Jan. 8. |
| North Carolina | Oct. 4-Jan. 17. |
| Rhode Island | Oct. 1-Jan. 15. |
| South Carolina | Oct. 6-Jan. 20. |
| Virginia | Oct. 1-Jan. 14. |

*NOTE.—Season opens at noon local time.

(4) Notwithstanding the provisions of this Part 20, the shooting of *crippled* waterfowl from a motorboat under power will be permitted in the States of Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, North Carolina, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

* * * * *

(c) *Gallinules.*

| | |
|---|---|
| Daily bag limit | 15 |
| Possession limit | 30 |

Shooting hours: One-half hour before sunrise to sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

| *Seasons in the Atlantic Flyway:* | |
|---|---|
| Connecticut | Sept. 1-Nov. 8. |
| Delaware | Sept. 1-Nov. 8. |
| Florida [1] | Sept. 1-Nov. 9. |
| Georgia | Nov. 19*-Jan. 20. |
| Maine | Sept. 1-Nov. 8. |
| Maryland | Sept. 1-Nov. 8. |
| Massachusetts | Sept. 1-Nov. 9. |
| New Hampshire | Closed. |
| New Jersey | Sept. 1-Nov. 8. |
| New York: | |
| Northern & Southern Zones | Sept. 1-Nov. 4. |
| Long Island Area | Closed. |
| North Carolina | Sept. 1-Nov. 8. |
| Pennsylvania | Sept. 1-Nov. 8. |
| Rhode Island | Sept. 22-Nov. 30. |
| South Carolina | Sept. 2-Nov. 10. |
| Vermont | Sept. 27-Dec. 5. |
| Virginia | Nov. 26*-Jan. 14. |
| West Virginia | Oct. 11-Dec. 19. |
| *Seasons in the Mississippi Flyway:* | |
| Alabama | Nov. 12-Jan. 20. |
| Arkansas | Nov. 7-Jan. 15. |
| Illinois | Closed. |
| Indiana | Sept. 6-Nov. 14. |
| Iowa | Closed. |
| Kentucky | Nov. 12-Jan. 20. |
| Louisiana | Sept. 20-Nov. 23. |
| Michigan | Oct. 8*-Nov. 26. |
| Minnesota | Oct. 1*-Nov. 19. |
| Mississippi | Nov. 1-Jan. 9. |
| Missouri | Sept. 1-Nov. 9. |
| Ohio | Sept. 1-Nov. 8. |
| Tennessee | Dec. 3-Jan. 20. |
| Wisconsin | Oct. 1*-Nov. 19. |

*Seasons in the Central Flyway:*

| | |
|---|---|
| Colorado [3] | Closed. |
| Kansas | Closed. |
| Montana [3] | Closed. |
| Nebraska | Closed. |
| New Mexico [3] | Oct. 28–Jan. 5. |
| North Dakota | Closed. |
| Oklahoma | Sept. 1–Nov. 9. |
| South Dakota | Closed. |
| Texas | Sept. 1–Nov. 9. |
| Wyoming [3] | Closed. |

*Seasons in the Pacific Flyway:*

| | |
|---|---|
| Arizona | Oct. 4–Oct. 31.<br>Nov. 15–Jan. 18. |
| California: | |
| Tule Lake Area | Oct. 11–Jan. 11. |
| Colorado River Area | Oct. 4–Oct. 31.<br>Nov. 15–Jan. 18. |
| Remainder of State | Oct. 18–Jan. 18. |
| Colorado [3] | Oct. 4–Oct. 17.<br>Nov. 1–Jan. 18. |
| Idaho: | |
| Columbia Basin | Oct. 4–Jan. 11. |
| Remainder of State | Oct. 4–Jan. 4. |
| Montana [3] | Oct. 4–Jan. 4. |
| Nevada: | |
| Clark and Lincoln Counties. | Oct. 4–Oct. 31.<br>Nov. 15–Jan. 18. |
| Remainder of State | Oct. 4–Jan. 4. |
| New Mexico [3] | Oct. 4–Jan. 4. |
| Oregon: | |
| Columbia Basin | Oct. 11–Jan. 18. |
| Remainder of State | Oct. 11–Jan. 11. |
| Utah | Oct. 4–Jan. 4 |
| Washington: | |
| Columbia Basin | Oct. 11–Jan. 18. |
| Remainder of State | Oct. 11–Jan. 11. |
| Wyoming [3] | Closed. |

[1] The gallinule season in Florida applies to the Florida gallinule only. No open season on purple gallinules in Florida.

[2] Seasons apply to Central Flyway portion of State only.

[3] Seasons apply to Pacific Flyway portion of State only.

*NOTE.—Season opens at noon local time.

(d) *Canada geese in the Horicon Zone.*

* * * * *

(e) *Atlantic, Mississippi, and Central Flyways.*

*Atlantic Flyway*

Shooting hours: One-half hour before sunrise to sunset daily.

*Flywaywide Restrictions*

In all States in the Atlantic Flyway:

Wood ducks—no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession; in Pennsylvania, the possession limit is 2 wood ducks.

Canvasbacks and redheads—the season is closed on canvasbacks and redheads except in the designated area in Florida.

Hooded mergansers—In States selecting conventional regulations, no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

| | Season dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| Connecticut: | | | |
| Coastal Area only: | | | |
| Ducks | Oct. 18*–Nov. 1; Dec. 10*–Jan. 10 | 4 | 8 |
| Including no more than: Black ducks | | 2 | 4 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Statewide: | | | |
| Ducks | Oct. 18–Nov. 1; Dec. 10*–Jan. 10 | 4 | 8 |
| Including no more than: Black ducks | | 2 | 4 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 15*–Nov. 1; Nov. 20–Jan. 10 | 3 | 6 |
| Snow (including blue) | Oct. 15*–Nov. 1; Dec. 10–Dec. 20 | 2 | 4 |
| Brant | Dec. 12–Jan. 10 | 4 | 8 |
| Delaware: | | | |
| Ducks | Nov. 5*–Nov. 29; Dec. 17*–Jan. 10 | 5 | 10 |
| Including no more than: Black ducks | | 1 | 2 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Nov. 5*–Dec. 13; Dec. 17*–Jan. 16 | 3 | 6 |
| Snow (including blue) | Nov. 14–Dec. 13 | 2 | 4 |
| Brant | Nov. 14–Dec. 13 | 4 | 8 |
| Florida: | | | |
| Ducks (except canvasback/redhead) | Nov. 26*–Dec. 10; Dec. 17*–Jan. 20 | Point system | |
| Canvasback/redhead [1] | Nov. 26*–Dec. 10; Dec. 17*–Jan. 20 | Point system | |
| Coots | | 15 | 30 |
| Geese | Closed | — | |
| Georgia: | | | |
| Ducks | Nov. 19*–Dec. 3; Dec. 17*–Jan. 20 | 5 | 10 |
| Including no more than: Black ducks | | 1 | 2 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Closed | — | |
| Snow (including blue) | Dec. 22–Jan. 20 | 2 | 4 |
| Brant | Dec. 22–Jan. 20 | 4 | 8 |
| Maine: | | | |
| Ducks | Oct. 8*–Nov. 1; Nov. 19*–Dec. 13 | 4 | 8 |
| Including no more than: Black ducks | Oct. 11–Nov. 1; Nov. 19*–Dec. 13 | 2 | 4 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 8*–Dec. 16 | 3 | 6 |
| Snow (including blue) | Oct. 8*–Nov. 1 | 2 | 4 |
| Brant | Nov. 10–Dec. 9 | 4 | 8 |
| Maryland: | | | |
| Ducks | Nov. 5*–Nov. 15; Dec. 10*–Jan. 17 | Point system | |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 31–Nov. 28; Dec. 8–Jan. 17 | 3 | 6 |
| Snow (including blue) | Dec. 19–Jan. 17 | 2 | 4 |
| Brant | Dec. 19–Jan. 17 | 4 | 8 |
| Massachusetts: | | | |
| Ducks | Oct. 15 *–Nov. 1; Nov. 26 *–Dec. 27 | 4 | 8 |
| Including no more than: Black ducks | | 2 | 4 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 15 *–Nov. 22; Dec. 11–Jan. 10 | 3 | 6 |
| Snow (including blue) | Closed | — | — |
| Brant | Nov. 10–Nov. 22; Dec. 11–Dec. 27 | 4 | 8 |
| New Hampshire: | | | |
| Ducks | Oct. 1 *–Oct. 25; Nov. 19 *–Dec. 13 | 4 | 8 |
| Including no more than: Black ducks | | 2 | 4 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 1*–Oct. 25; Nov. 19*–Jan. 2 | 3 | 6 |
| Snow (including blue) | Nov. 19*–Dec. 18 | 2 | 4 |
| Brant | Nov. 19*–Dec. 18 | 4 | 8 |
| New Jersey: | | | |
| Ducks | Oct. 8*–Oct. 18; Nov. 26*–Jan. 3 | Point system | |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 8*–Nov. 7; Nov. 26*–Jan. 3 | 3 | 6 |
| Snow (including blue) (in Atlantic, Cape May, and Cumberland Counties only). | Nov. 10–Dec. 9 | 2 | 4 |
| Brant | Nov. 10–Dec. 9 | 4 | 8 |
| New York: | | | |
| Long Island area: | | | |
| Ducks | Nov. 19*–Jan. 7 | 4 | 8 |
| Including no more than: Black ducks | | 2 | 4 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Nov. 19*–Jan. 20 | 3 | 6 |
| Snow (including blue) | Nov. 19*–Dec. 18 | 2 | 4 |
| Brant | Nov. 19*–Dec. 18 | 4 | 8 |

Footnotes at end of article.

| | Season dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| Lake Champlain area: | | | |
| Ducks | Oct. 8*-Nov. 26 | 4 | 8 |
| Including no more than: Black ducks | | 2 | 4 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 8*-Dec. 16 | 3 | 6 |
| Snow (including blue) | Nov. 1-Nov. 30 | 2 | 4 |
| Brant | Nov. 10-Dec. 9 | 4 | 8 |
| Upstate New York: | | | |
| Ducks | Oct. 8*-Nov. 26 | 5 | 10 |
| Including no more than: Black ducks | | 1 | 2 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 8*-Dec. 16 | 3 | 6 |
| Snow (including blue) | Nov. 10-Dec. 9 | 2 | 4 |
| Brant | Nov. 10-Dec. 9 | 4 | 8 |
| North Carolina: | | | |
| Ducks | Oct. 1*-Oct. 4; Nov. 26*-Jan. 10 | Point system | |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Nov. 26*-Jan. 14 | 1 | 2 |
| Snow (including blue) | Dec. 16-Jan. 14 | 2 | 4 |
| Brant | Dec. 16-Jan. 14 | 4 | 8 |
| Pennsylvania: | | | |
| Ducks | Oct. 15*-Nov. 22; Dec. 3*-Dec. 13 | 4 | 8 |
| Including no more than: | | | |
| Black ducks | | 2 | 4 |
| Wood ducks | | 2 | 2 |
| Mergansers | | | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada: | | | |
| In Crawford County | Oct. 15*-Dec. 6; Jan. 1-Jan. 17 | 1 | 2 |
| In remainder of the State | | 3 | 6 |
| Snow (including blue) | Oct. 15*-Nov. 13 | 2 | 4 |
| Brant | Nov. 10-Dec. 6 | 4 | 8 |
| Rhode Island: | | | |
| Ducks | Oct. 22*-Oct. 25; Nov. 26*-Jan. 10 | Point system | |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Nov. 12-Jan. 20 | 3 | 6 |
| Snow (including blue) | Nov. 12-Dec. 11 | 2 | 4 |
| Brant | Nov. 12-Dec. 11 | 4 | 8 |
| South Carolina: | | | |
| Ducks | Nov. 19*-Nov. 29; Dec. 10*-Jan. 17 | 5 | 10 |
| Including no more than: Black ducks | | 1 | 2 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Nov. 19*-Nov. 29; Dec. 10*-Jan. 17 | 1 | 2 |
| Snow (including blue) | Dec. 19-Jan. 17 | 2 | 4 |
| Brant | Dec. 19-Jan. 17 | 4 | 8 |
| Vermont: | | | |
| Ducks | Oct. 8*-Nov. 26 | 3 | 6 |
| Including no more than Black ducks | | 2 | 4 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 8*-Dec. 16 | 3 | 6 |
| Snow (including blue) | Nov. 1-Nov. 30 | 2 | 4 |
| Brant | Nov. 10-Dec. 9 | 4 | 8 |
| Virginia: | | | |
| Ducks | Nov. 26*-Jan. 14 | Point system | |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada: | | | |
| Back Bay area | Nov. 26*-Jan. 14 | 1 | 2 |
| Remainder of State | Nov. 12-Jan. 20 | 3 | 6 |
| Snow (including blue) | Dec. 16-Jan. 14 | 2 | 4 |
| Brant | Nov. 12-Dec. 11 | 4 | 8 |
| West Virginia: | | | |
| Ducks | Oct. 1*-Oct. 18; Dec. 17*-Jan. 17 | 4 | 8 |
| Including no more than: Black ducks | | 2 | 4 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 1*-Dec. 9 | 3 | 6 |
| Snow (including blue) | Dec. 17*-Jan. 15 | 2 | 4 |
| Brant | Closed | — | — |

[1] The season is closed on canvasback and redhead ducks in Florida except in the areas described as follows: seaward of the mainland shoreline including offshore islands from the northern boundary of Everglades National Park in Collier County north and west to an including Escambia County, but excluding all inland bays and mouths of rivers landward of a line between the most seaward points of the mouth of such bays and rivers; specifically excluded, but not inclusive of all exclusions, are Escambia Bay, Choctawhatchee Bay, West Bay and St. Andrews Bay at Panama City, East Bay at Apalachicola, and Ochlochonee Bay the waters of which are north of U.S. Highway 98; Tampa Bay landward of U.S. Highway 19 and Charlotte Harbor landward of U.S. Highway 41.

*NOTE.—Season opens at noon local time.

*Mississippi Flyway*

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

*Flywaywide Restrictions*

In all States in the Mississippi Flyway selecting conventional regulations:

Mallards and black ducks—no more than 2 mallards or 2 black ducks or 1 of each daily nor more than 4 mallards or 4 black ducks or 4 in the aggregate in possession.

Wood ducks—no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession, except in the Pymatuning Area of Ohio, the possession limit is 2 wood ducks.

Fulvous tree ducks—no more than 2 fulvous tree ducks may be taken daily nor more than 4 fulvous tree ducks may be in possession.

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

Mergansers—all mergansers are to be included within the daily bag and possession limits.

Under the conventional regulations and point system:

Canvasbacks and redheads—except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession under conventional regulations. Under the point system canvasbacks and redheads count 100 points each except in closed areas.

The areas closed to canvasback and redhead hunting are:

Mississippi River—entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.

Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota—Sibley and Nicollet Counties, and the area encompassed by a line drawn as follows: beginning at the North Dakota border on U.S. Highway 2, thence east on U.S. Highway 2 to Bemidji, thence south on U.S. Highway 71 to U.S. Highway 12 at Willmar, thence west on U.S. Highway 12 to the South Dakota border, thence north on the South Dakota and North Dakota border to the point of beginning.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north of Interstate Highway 40.

Wisconsin—In the Mississippi River Zone, all that part of Wisconsin west of the CB&Q railroad in Grant, Crawford, Vernon, La-Crosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, Dodge and Winnebago Counties and the land and water areas extending 100 yards from the shorelines of Lake Poygan in Waushara County, Lake Winnebago in Calumet and Fond du Lac Counties, and Rush Lake, Fond du Lac County.

White-fronted geese—no more than 2 white-fronted geese may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

| | Season dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| **Alabama:** | | | |
| Ducks | Dec. 3*-Jan. 20 | Point system | |
| Coots | | 15 | 30 |
| Geese: | | | |
| In Russell and Barbour Counties | Closed season | — | — |
| In remainder of State | Nov. 12-Jan. 20 | 5 | 5 |
| Including no more than: | | | |
| Canada geese | | 1 | 2 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined | | 2 | 4 |
| Snow (including blue) geese | | 5 | 5 |
| **Arkansas:** | | | |
| Ducks | Nov. 19*-Dec. 9; Dec. 17*-Jan. 14 | Point system | |
| Coots | | 15 | 30 |
| Geese | | 5 | 5 |
| Including no more than: | | | |
| Canada geese | Dec. 16-Jan. 14 | 1 | 2 |
| White-fronted geese | Nov. 6-Jan. 14 | 2 | 2 |
| Snow (including blue) geese | Nov. 6-Jan. 14 | 5 | 5 |
| **Illinois:** | | | |
| Ducks | Oct. 22*-Dec. 10 | Point system | |
| Coots | | 15 | 30 |
| Geese: [1] [2] | | 5 | 5 |
| In Alexander, Jackson, Union and Williamson Counties: [3] | Nov. 24-Jan. 20 | | |
| In remainder of the State | Oct. 22*-Dec. 30 | | |
| For the entire State: | | | |
| Including no more than: | | | |
| Canada geese | | 2 | 4 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined | | 2 | 4 |
| Snow (including blue) geese | | 5 | 5 |
| **Indiana:** | | | |
| Ducks | Oct. 29*-Dec. 2; Dec. 17*-Dec. 31 | 4 | 8 |
| Including no more than: | | | |
| Mallards | | 2 | 4 |
| Black ducks | | 2 | 4 |
| Mallards and black ducks combined | | 2 | 4 |
| Coots | | 15 | 30 |
| Geese | Oct. 25-Dec. 2; Dec. 19-Jan. 18 | 5 | 5 |
| Including no more than: | | | |
| Canada geese | | 1 | 2 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined | | 2 | 4 |
| Snow (including blue) geese | | 5 | 5 |
| **Iowa:** | | | |
| Ducks | Oct. 4-Oct. 11; Oct. 25-Nov. 30 | Point system | |
| Coots | | 15 | 30 |
| Geese | | 5 | 5 |
| Including no more than: | | | |
| Canada geese | Oct. 1-Nov. 14 | 2 | 2 |
| White-fronted geese | Oct. 1-Dec. 9 | 2 | 2 |
| Snow (including blue) geese | Oct. 1-Dec. 9 | 5 | 5 |
| **Kentucky:** | | | |
| Ducks | Nov. 19*-Nov. 26; Dec. 10*-Jan. 20 | Point system | |
| Coots | | 15 | 30 |
| Geese [4] | Nov. 12-Jan. 20 | 5 | 5 |
| In Ballard, Hickman, Fulton, and Carlisle Counties: | | | |
| Including no more than: | | | |
| Canada geese | | 2 | 4 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined | | 2 | 4 |
| Snow (including blue) geese | | 5 | 5 |
| In remainder of State: | | | |
| Including no more than: | | | |
| Canada geese | | 1 | 2 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined | | 2 | 4 |
| Snow (including blue) geese | | 5 | 5 |
| **Louisiana:** | | | |
| Ducks: | | | |
| West Zone [5] | Nov. 1-Nov. 30; Dec. 10*-Jan. 3 | Point system | |
| Remainder of State | Nov. 19*-Dec. 3; Dec. 17*-Jan. 20 | | |
| Coots | | 15 | 30 |
| Canada geese | Closed season | — | — |
| Geese (except Canada geese): | | | |
| In areas east of Mississippi River (31°-33°N. lat.) | Same as Mississippi | | |
| In remainder of State | Nov. 22-Nov. 30; Dec. 10-Feb. 8 | 5 | 5 |
| Including no more than: | | | |
| White-fronted geese | | 2 | 2 |
| Snow (including blue) geese | | 5 | 5 |
| **Michigan:** | | | |
| Ducks | Oct. 8*-Nov. 26 | Point system | |
| Coots | | 15 | 30 |
| Geese: | | 5 | 5 |
| Zone 1 [6] | Oct. 1-Nov. 30 | | |
| Zones 2 and 3 [6] | Oct. 8*-Nov. 30 | | |
| Including no more than: | | | |
| Canada geese | | 1 | 1 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined | | 2 | 3 |
| Snow (including blue) geese | | 5 | 5 |
| **Minnesota:** | | | |
| Ducks | Oct. 1*-Nov. 19 | 4 | 8 |
| Including no more than: | | | |
| Mallards | | 2 | 4 |
| Black ducks | | 2 | 4 |
| Mallards and black ducks combined | | 2 | 4 |
| Coots | | 15 | 30 |

Footnotes at end of article.

| | Season dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| Geese: | | 5 | 5 |
| In Lac Qui Parle Quota Zone (Canada, snow (including blue) and white-fronted geese).[3] [5] | Oct. 1-Nov. 14 | | |
| In Southeastern Zone (Canada, snow (including blue) and white-fronted geese).[4] | Oct. 1*-Dec. 9 | | |
| In remainder of State (Canada, snow (including blue) and white-fronted geese). | Oct. 1*-Nov. 14 | | |
| In all areas, including no more than: | | | |
| Canada geese | | 1 | 2 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined | | 2 | 4 |
| Snow (including blue) geese | | 5 | 5 |
| Mississippi: | | | |
| Ducks | Dec. 3*-Jan. 20 | Point system | |
| Coots | | 15 | 30 |
| Geese: | | | |
| In areas west of Mississippi River (31°-33° N. lat.) | Same as Louisiana | | |
| In remainder of State | Oct. 4-Nov. 3; Dec. 13-Jan. 20 | 5 | 5 |
| Including no more than: | | | |
| Canada geese: | | | |
| In Issaquena, Sharkey, Washington, Lowndes, Noxubee, Oktibbeha and Winston Counties. | Closed season | — | — |
| In Lafayette, Marshall, and Panola Counties | | 1 | 2 |
| In remainder of State | | 2 | 2 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined: | | | |
| In Lafayette, Marshall, and Panola Counties | | 3 | 4 |
| In remainder of State | | 4 | 4 |
| Snow (including blue) geese | | 5 | 5 |
| Missouri: | | | |
| Ducks | Oct. 29*-Dec. 17 | Point system | |
| Coots | | 15 | 30 |
| Geese [1] | | 5 | 5 |
| Including no more than: | | | |
| Canada geese: | | | |
| Lower Mississippi area, east of Interstate Highway 55 and south of Crystal City. | Dec. 7-Jan. 20 | 2 | 4 |
| In Swan Lake Area [2] [4] | Oct. 29*-Dec. 12 | 1 | 2 |
| In remainder of State | Oct. 29*-Dec. 12 | 2 | 2 |
| White-fronted geese | Oct. 29*-Jan. 6 | 2 | 2 |
| Canada and white-fronted combined | | 2 | 4 |
| Snow (including blue) geese | Oct. 29*-Jan. 6 | 5 | 5 |
| Ohio: | | | |
| In Pymatuning area: [4] | | | |
| Ducks | Oct. 15*-Nov. 22; Dec. 3*-Dec. 13 | 4 | 8 |
| Including no more than: | | | |
| Black ducks | | 2 | 4 |
| Wood ducks | | 2 | 2 |
| Mergansers | | 5 | 10 |
| Coots | | 15 | 30 |
| Geese: | | | |
| Canada | Oct. 15*-Dec. 6; Jan. 1-Jan. 17 | 1 | 2 |
| Snow (including blue) geese | Oct. 15*-Nov. 13 | 2 | 4 |
| In remainder of State: | | | |
| Ducks | Oct. 22*-Dec. 3; Dec. 31*-Jan. 6 | Point system | |
| Coots | | 15 | 30 |
| Geese | Oct. 22*-Dec. 23; Dec. 31*-Jan. 6 | 5 | 5 |
| Including no more than: | | | |
| Canada | | 1 | 2 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined | | 2 | 4 |
| Snow (including blue) geese | | 5 | 5 |
| Tennessee: | | | |
| Ducks | Dec. 3*-Jan. 20 | Point system | |
| Coots | | 15 | 30 |
| Geese | Nov. 12-Jan. 20 | 5 | 5 |
| Including no more than: | | | |
| Canada geese: | | | |
| In Canada goose restoration area [7] | Closed season | — | — |
| In Shelby, Lake, Tipton, Lauderdale, Dyer, and Obion Counties. | | 2 | 2 |
| In remainder of State | | 1 | 2 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined: | | | |
| In Shelby, Lake, Tipton, Lauderdale, Dyer, and Obion Counties. | | 4 | 4 |
| In remainder of State except Counties closed to Canada goose hunting. | | 3 | 4 |
| Snow (including blue) geese | | 5 | 5 |

Footnotes at end of article.

| | Season dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| Wisconsin: | | | |
| Ducks | Oct. 1*-Nov. 19 | Point system | |
| Coots | | 45 | 30 |
| Geese: | | | |
| In Horicon Zone [4] | Oct. 9-Oct. 26 | 1 | 1 |
| In remainder of State: | Oct. 1*-Dec. 9 | 5 | 5 |
| Including no more than: | | | |
| Canada geese [2] | | 1 | 2 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted combined | | 3 | 4 |
| Snow (including blue) geese | | 5 | 5 |

[1] Notwithstanding the provisions of § 20.39, geese taken in the States of Illinois, Kentucky, and Missouri may not be transported or delivered for transportation by common carrier, the Postal Service, or by any person except as the personal baggage of the hunter who took the birds.

[2] In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 28,000 birds in each State. In the Swan Lake area of Missouri, the kill of Canada geese will be limited to 25,000 birds. In the Lac Qui Parle area of Minnesota, the kill of Canada geese will be limited to 4,000 birds. When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to the State of Illinois, the Swan Lake area of Missouri, or the Lac Qui Parle area of Minnesota will have been killed, the season for taking Canada geese in the respective areas will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and day of closing.

[3] Shooting hours for geese are sunrise until 3 p.m. local time.

[4] For description of zones or management units within a State, see State regulations.

[5] In Louisiana the West Zone is that portion of Louisiana west of a line beginning at the Arkansas-Louisiana border on Louisiana Highway 3; thence south along Louisiana Highway 3 to Shreveport; thence east along Interstate 20 to Minden; thence south along Louisiana Highway 7 to Ringgold; thence east along Louisiana Highway 4 to Jonesboro; thence south along U.S. Highway 167 to Lafayette; thence southeast along U.S. Highway 90 to Houma; thence south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass.

[6] In Minnesota the Lac Qui Parle Quota Zone is that area encompassed by a line drawn as follows: beginning at Montevideo thence west on U.S. Highway 212 to U.S. Highway 75, thence north on U.S. Highway 75 to State Highway 7 at Odessa, thence north on County State Aid Highway 21, Big Stone County, to U.S. Highway 12, thence east on U.S. Highway 12 to County State Aid Highway 17, Swift County, thence south on C.S.A.H. 17 and C.S.A.H. 9, Chippewa County, to State Highway 40, thence east on State Highway 40 to State Highway 29, thence south on State Highway 29 to point of beginning at Montevideo.

[7] In Tennessee, the Canada Goose Restoration Area consists of the following Counties, or portions thereof: Anderson, Bedford, Blount, Cheatham, Coffee, Cumberland, Davidson, Dickson, Fayette, Franklin, Henderson, Jackson, Knox, Lincoln, Loudon, Maury, Moore, Putnam, Rutherford, Smith, Sumner, Trousdale, Williamson, and Wilson-Roane (north of Highway 70 and east of Highways 95 and 58); and Shelby (east of Highway 51).

*Note.—Season opens at noon local time.

*Central Flyway*

Including Central Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

*Flywaywide Restrictions*

Mexican Ducks—The season is closed throughout the Flyway.

Canvasbacks and redheads—The areas closed to canvasback and redhead hunting are:

North Dakota—all that portion east of State Highway 3, including all portions of 27 counties.

South Dakota—the Counties of Brookings, Codington, Day, Kingsbury, Roberts, Marshall, and Hamlin.

Texas—the Counties of Brazoria, Chambers, Galveston, Harris, Jefferson and Orange.

Mergansers—all mergansers are to be included within the daily bag and possession limits under conventional and point system regulations.

Ross' geese—no more than 1 Ross' goose may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

| | Season dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| Colorado: | | | |
| Ducks | Oct. 4-Oct. 14; Nov. 8-Jan. 18 | Point system | |
| Coots | | 15 | 30 |
| Geese | Nov. 8-Jan. 18 | 2 | 4 |
| Kansas: | | | |
| Ducks: | | Point system | |
| In High Plains area | Oct. 18-Dec. 7; Dec. 20-Jan. 18 | | |
| In remainder of State | Oct. 18-Dec. 7; Dec. 20-Dec. 28 | | |
| Coots | | 15 | 30 |
| Geese | | 5 | 5 |
| Including no more than: | | | |
| Canada geese | Oct. 18-Dec. 21 | 1 | 2 |
| White-fronted geese | Oct. 18-Dec. 21 | 1 | 2 |
| Canada and white-fronted combined | | 2 | 3 |
| Snow (including blue) geese | Oct. 18-Dec. 28 | 5 | 5 |
| Montana | | | |
| Ducks | Oct. 4-Dec. 2; Dec. 13-Jan. 4 | Point system | |
| Coots | | 15 | 30 |
| Geese | Oct. 4-Jan. 4 | 2 | 4 |
| Nebraska: | | | |
| Ducks | | Point system | |
| In High Plains area | Oct. 11-Jan. 1 | | |
| In remainder of State | Oct. 4-Oct. 12; Oct. 25-Dec. 14 | | |
| Geese | | 5 | 5 |
| North Central area: [1] | | | |
| Canada and white-fronted geese | Closed | — | — |
| Snow (including blue) geese | Oct. 4-Oct. 24; Nov. 1-Dec. 21 | 5 | 5 |
| Central area: [2] | | | |
| Canada and white-fronted geese | Oct. 4-Oct. 24; Nov. 1-Dec. 7 | | |
| Canada geese | | 1 | 2 |
| White-fronted geese | | 1 | 2 |
| Canada and white-fronted combined | | 2 | 3 |
| Snow (including blue) geese | Oct. 4-Oct. 24; Nov. 1-Dec. 21 | 5 | 5 |

Footnotes at end of article.

| | Season dates | Limits: Bag | Limits: Possession |
|---|---|---|---|
| Remainder of State | Oct. 4–Oct. 24; Nov. 1–Dec. 21 | | |
| Canada geese | | 1 | 2 |
| White-fronted geese | | 1 | 2 |
| Canada and white-fronted combined | | 2 | 2 |
| Snow (including blue) geese | | 5 | 5 |
| New Mexico: | | | |
| Ducks (except Mexican duck) | Oct. 28–Jan. 18 | Point system | |
| Mexican ducks | Closed season | — | — |
| Coots | | 15 | 30 |
| Geese: | | | |
| In Bernalillo, Sandoval, Sierra, Valencia, and Socorro [2] Counties. | Dec. 27–Jan. 11 | 1 | 2 |
| In remainder of State | Oct. 28–Jan. 18 | 2 | 4 |
| North Dakota: | | | |
| Ducks | Oct. 4–Nov. 30; Dec. 6–7 | 6 | 12 |
| Including no more than: | | | |
| Mallards, including no more than 1 hen in the daily bag and 2 in possession. | | 3 | 6 |
| Wood ducks | | 2 | 4 |
| Canvasback or redhead | | 1 | 1 |
| Hooded merganser | | 1 | 2 |
| Coots | | 15 | 30 |
| Geese | | 5 | 5 |
| Including no more than: | | | |
| Canada geese | Oct. 4–Nov. 16 | 1 | 2 |
| White-fronted geese | Oct. 4–Dec. 14 | 2 | 2 |
| Canada and white-fronted combined | | 2 | 2 |
| Snow (including blue) geese | Oct. 4–Dec. 14 | 5 | 5 |
| Oklahoma: | | | |
| Ducks | | Point system | |
| In High Plains area | Oct. 11–Jan. 1 | | |
| In remainder of State | Oct. 25–Nov. 15; Nov. 27–Jan. 3 | | |
| Coots | | 15 | 30 |
| Geese | | 5 | 5 |
| In Alfalfa, Bryan, Johnson, and Marshall Counties. | Nov. 15–Jan. 6 | | |
| In remainder of State | Oct. 11–Oct. 26; Nov. 15–Jan. 9 | | |
| Including no more than: | | | |
| Canada geese | | 2 | 2 |
| White-fronted geese | | 1 | 2 |
| Canada and white-fronted combined | | 2 | 2 |
| Snow (including blue) geese | | 5 | 5 |
| South Dakota: | | | |
| Ducks | | Point system | |
| In High Plains area | Oct. 4–Dec. 2; Dec. 13–Jan. 4 | | |
| In remainder of State | Oct. 4–Dec. 2 | | |
| Coots | | 15 | 30 |
| Geese | | 5 | 5 |
| Including no more than: | | | |
| Canada geese | Oct. 4–Nov. 30 | 1 | 2 |
| White-fronted geese | Oct. 4–Nov. 30 | 1 | 2 |
| Canada and white-fronted combined | | 2 | 2 |
| Snow (including blue) geese | Oct. 4–Dec. 14 | 5 | 5 |
| Texas: | | | |
| Ducks (except Mexican, fulvous tree and black-bellied tree duck) | | Point system | |
| In High Plains area | Oct. 28–Jan. 18 | | |
| In remainder of State | Nov. 1–Nov. 30; Dec. 20–Jan. 18 | | |
| Mexican, fulvous tree and black-bellied tree ducks | Closed season | — | — |
| Geese: | | | |
| East of Highway 81 | Nov. 1–Dec. 12; Dec. 20–Jan. 18 | 5 | 5 |
| Including no more than: | | | |
| Canada and white-fronted combined | | 1 | 2 |
| Snow (including blue) geese | | 5 | 5 |
| West of Highway 81 | Oct. 18–Jan. 18 | 2 | 4 |
| Wyoming: | | | |
| Ducks | Oct. 4–Nov. 2; Nov. 20–Jan. 11 | Point system | |
| Coots | | 15 | 30 |
| Geese | Oct. 11–Jan. 11 | 2 | 4 |

[1] That portion of Nebraska encompassed by a line from the South Dakota border south on Nebraska Highway 27 to Ellsworth, east on Nebraska Highway 2 to Dunning, northeast on Nebraska Highway 91 to Burwell, north on Nebraska Highway 11 to Atkinson, west on U.S. Highway 20 to Valentine, and north on U.S. Highway 83 to the South Dakota border.

[2] That portion of Nebraska encompassed by a line from Hyannis south on State Highway 61 to its junction with State Highway 92, west on State Highway 92 to its junction with U.S. Highway 26, east on U.S. Highway 26 to its junction with U.S. Highway 30, east on U.S. Highway 30 to its junction with U.S. Highway 183, north on U.S. Highway 183 to its junction with State Highway 91, west on State Highway 91 to its junction with State Highway 2 and west on State Highway 2 to its junction with State Highway 61 at Hyannis.

[3] See State regulations for special restrictions on Bosque del Apache National Wildlife Refuge.

(f) *Pacific Flyway* including Pacific Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Shooting hours: One-half hour before sunrise to sunset daily.

*Flywaywide Restrictions*

In all States in the Pacific Flyway:

Mexican ducks—The season is closed on Mexican ducks throughout the Flyway.

Aleutian Canada geese—The season is closed on Aleutian Canada geese throughout the Flyway.

Canvasbacks/Redheads—No more than 2 canvasbacks or 2 redheads or 1 of each may be taken daily nor more than 4 singly or in the aggregate may be in possession. A further restriction applies to canvasback in a designated area of California.

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 may be in possession.

Dark geese—no more than 3 dark (Canada and white-fronted) geese may be taken daily nor more than 6 may be in possession.

Snow geese—no more than 3 snow geese may be taken daily nor more than 6 may be in possession.

Ross' geese—no more than 1 Ross' goose may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers, coots, and gallinules are the same as those for ducks in the following tables:

| | Season dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| Arizona: | | | |
| Ducks (except Mexican) | Oct. 4-Oct. 31; Nov. 15-Jan. 18 | 7 | 14 |
| Mexican ducks | Closed season | — | — |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | Oct. 4-Oct. 17; Nov. 15-Jan. 4 | 5 | 5 |
| Including no more than: | | | |
| Canada geese | | 2 | 2 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted geese combined | | 2 | 2 |
| Snow geese | | 3 | 3 |
| California: | | | |
| Tule Lake: | | | |
| Ducks | Oct. 11-Jan. 11 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | Oct. 11-Jan. 11 | 6 | 6 |
| Including no more than: | | | |
| Canada geese and white-fronted geese (singly or in the aggregate). | | 3 | 6 |
| Snow geese | | 3 | 6 |
| Tehachapi area (except District 22): | | | |
| Ducks | Oct. 18-Jan. 18 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | | 6 | 6 |
| Including no more than: | | | |
| Canada geese | Nov. 1-Jan. 4 | 2 | 2 |
| White-fronted geese | Oct. 18-Jan. 18 | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | Oct. 18-Jan. 18 | 3 | 6 |
| District 22 except Colorado River area: | | | |
| Ducks | Oct. 18-Jan. 18 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | | 6 | 6 |
| Canada geese | Oct. 18-Dec. 21 | 1 | 1 |
| White-fronted geese | Oct. 18-Jan. 18 | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | Oct. 18-Jan. 18 | 3 | 6 |
| Colorado River area: | | | |
| Ducks | Oct. 4-Oct. 31; Nov. 15-Jan. 18 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | Oct. 4-Oct. 17; Nov. 15-Jan. 4 | 5 | 5 |
| Including no more than: | | | |
| Canada geese | | 2 | 2 |
| White-fronted geese | | 2 | 2 |
| Canada and white-fronted geese combined | | 2 | 2 |
| Snow geese | | 3 | 3 |
| Remainder of State: | | | |
| Ducks [1] | Oct. 18-Jan. 18 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | | 6 | 6 |
| Including no more than: | | | |
| Canada geese: | | | |
| Counties of Del Norte, Humboldt, and Mendocino. | Closed season | — | — |
| Sacramento Valley area [2] | Dec. 15-Jan. 18 | 3 | 6 |
| San Joaquin Valley area [2] | Oct. 18-Dec. 15 | 3 | 6 |
| Remaining areas | Oct. 18-Jan. 18 | 3 | 6 |
| White-fronted geese | Oct. 18-Jan. 18 | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | Oct. 18-Jan. 18 | 3 | 6 |
| Statewide: Brant | Jan. 17-Feb. 22 | 4 | 8 |
| Colorado: | | | |
| Ducks | Oct. 4-Oct. 17; Nov. 1-Jan. 18 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (single or in the aggregate) | | 25 | 25 |
| Geese | Oct. 11-Dec. 14 | 6 | 6 |
| Including no more than: | | | |
| Canada geese | | 2 | 2 |
| White-fronted geese | | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | | 3 | 6 |
| Idaho: | | | |
| Ducks: | | | |
| Columbia Basin | Oct. 4-Jan. 11 | 7 | 14 |
| Remainder of State | Oct. 4-Jan. 4 | 7 | 14 |
| Mergansers: | | | |
| Columbia Basin | Oct. 4-Jan. 11 | 5 | 10 |
| Remainder of State | Oct. 4-Jan. 4 | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Columbia Basin | Oct. 4-Jan. 11 | | |
| Remainder of State | Oct. 4-Jan. 4 | | |
| Geese: | | | |
| Including no more than: | | | |
| Canada geese | | 2 | |
| White-fronted geese | | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | | 3 | 6 |
| East of Highway 93 | Oct. 11-Dec. 14 | | |
| West of Highway 93 (except 10 north counties) | Oct. 11-Dec. 28 | | |
| 10 north counties | Oct. 4-Jan. 4 | | |

| | Season dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| Montana: | | | |
| Ducks | Oct. 4-Jan. 4 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese: | | | |
| East of Continental Divide | Oct. 4-Dec. 7 | 6 | 6 |
| Including no more than: | | | |
| Canada geese | | 2 | 2 |
| White-fronted geese | | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | | 3 | 6 |
| West of Continental Divide | | | |
| Including no more than: | | | |
| Canada geese | Oct. 4-Dec. 28 | 2 | 2 |
| White-fronted geese | Oct. 4-Jan. 4 | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | Oct. 4-Jan. 4 | 3 | 6 |
| Nevada: | | | |
| Clark and Lincoln Counties: | | | |
| Ducks | Oct. 4-Oct. 31; Nov. 15-Jan. 18 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | Nov. 15-Jan. 4 | 6 | 6 |
| Including no more than: | | | |
| Canada geese | | 2 | 2 |
| White-fronted geese | | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | | 3 | 6 |
| Remainder of State: | | | |
| Ducks | Oct. 4-Jan. 4 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | Oct. 18-Jan. 18 | 6 | 6 |
| Including no more than: | | | |
| Canada geese and white-fronted geese (singly or in the aggregate) | | 3 | 6 |
| Snow geese | | 3 | 6 |
| New Mexico: | | | |
| Ducks | Oct. 4-Jan. 4 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese: | | | |
| South of U.S. Highway 66 | Oct. 4-Dec. 7 | 2 | 2 |
| North of U.S. Highway 66 | Closed | — | — |
| Oregon: | | | |
| Baker and Malheur Counties: | | | |
| Ducks | Oct. 11-Jan. 18 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | Oct. 11-Dec. 28 | 6 | 6 |
| Including no more than: | | | |
| Canada geese | | 2 | 2 |
| White-fronted geese | | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | | 3 | 6 |
| Morrow, Umatilla, Gilliam, Sherman, Wasco, Union, and Wallowa Counties: | | | |
| Ducks | Oct. 11-Jan. 18 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in aggregate) | | 25 | 25 |
| Geese | Oct. 11-Jan. 18 | 6 | 6 |
| Including no more than: | | | |
| Canada and white-fronted geese (singly or in the aggregate) | | 3 | 6 |
| Snow geese | | 3 | 6 |
| Remainder of State: | | | |
| Ducks | Oct. 11-Jan. 1 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | Oct. 11-Jan. 11 | 6 | 6 |
| Including no more than: | | | |
| Canada and white-fronted geese (singly or in the aggregate) | | 3 | 6 |
| Snow geese | | 3 | 6 |
| Statewide: Brant | Nov. 22-Feb. 22 | 4 | 8 |
| Utah: | | | |
| Ducks | Oct. 4-Jan. 4 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese: | | | |
| Washington County | Nov. 8-Jan. 4 | 6 | 6 |
| Including no more than: | | | |
| Canada geese | | 2 | 2 |
| White-fronted geese | | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | | 3 | 6 |
| Remainder of State | Oct. 11-Dec. 14 | | |
| Including no more than: | | | |
| Canada geese | | 2 | 2 |
| White-fronted geese | | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | | 3 | 6 |

| | Season dates | Limits | |
|---|---|---|---|
| | | Bag | Possession |
| Washington: | | | |
| East 10-county area: | | | |
| Ducks | Oct. 11–Jan. 18 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | Oct. 11–Jan. 18 | 3 | 6 |
| Including no more than: | | | |
| Canada and white-fronted geese (singly or in the aggregate). | | 3 | 6 |
| Snow geese | | 3 | 6 |
| Remainder east of Cascade Mountains: | | | |
| Ducks | Oct. 11–Jan. 18 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese | Oct. 11–Jan. 11 | 3 | 6 |
| Including no more than: | | | |
| Canada and white-fronted geese (singly or in the aggregate). | | 3 | 6 |
| Snow geese | | 3 | 6 |
| West of Cascade Mountains: | | | |
| Ducks | Oct. 11–Jan. 11 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots and/or gallinules (singly or in the aggregate) | | 25 | 25 |
| Geese: | | | |
| Island, Skagit, San Juan, and Whatcom Counties | Oct. 11–Dec. 7 | 2 | 4 |
| Remainder West of Cascade Mountains | Oct. 11–Jan. 11 | 3 | 6 |
| Including no more than: | | | |
| Canada and white-fronted geese (singly or in the aggregate) | | 3 | 6 |
| Snow geese | | 3 | 6 |
| Statewide: Brant | Nov. 22–Feb. 22 | 4 | 8 |
| Wyoming: | | | |
| Ducks | Oct. 4–Jan. 4 | 7 | 14 |
| Mergansers | | 5 | 10 |
| Coots | | 25 | 25 |
| Geese | Oct. 4–Nov. 17; Nov. 29–Dec. 28 | 6 | 6 |
| Including no more than: | | | |
| Canada geese | | 2 | 2 |
| White-fronted geese | | 3 | 6 |
| Canada and white-fronted geese combined | | 3 | 6 |
| Snow geese | | 3 | 6 |

[1] In California the limit on canvasbacks is 1 canvasback daily and 1 in possession in the following area: San Francisco Bay-Suisun Area—beginning at Golden Gate Bridge, north on U.S. Highway 101 to State Highway 37; then east on State Highway 37 to U.S. Highway 80; then north on U.S. Highway 80 to State Highway 12 at Fairfield; then east on State Highway 12 to Rio Vista at State Highway 84 (160); then south on State Highway 84 (160) to State Highway 4; then west on State Highway 4 to U.S. Highway 80; then south on U.S. Highway 80 to State Highway 17; then south on State Highway 17 to U.S. Highway 101 at San Jose; then north on U.S. Highway 101 to point of beginning.

[2] In California the Sacramento Valley Area is encompassed as follows: beginning at the town of Willows in Glenn County, proceeding south on Interstate Highway 5 to the junction of State Highway 20 near the town of Williams in Colusa County; thence easterly on State Highway 20 to the junction of State Highway 45 in the town of Colusa; thence northerly on State Highway 45 to its junction with State Highway 162; thence continuing northerly on State Highways 45–162 to the town of Glenn, thence westerly on State Highway 162 to the point of beginning.

[3] In California the San Joaquin Valley Area is encompassed as follows: beginning at the city of Modesto in Stanislaus County, proceeding west on State Highway 132 to the junction of Interstate 5; thence southerly on Interstate 5 to the junction of State Highway 152 in Merced County; thence easterly on State Highway 152 to the junction of State Highway 59; thence northerly on State Highway 59 to the junction of State Highway 99 at the city of Merced; thence northerly and westerly to the point of beginning.

(g) *Point system—Ducks, mergansers, and coots.* The States selecting the point system bag limits on designated species on a Statewide basis in place of the conventional bag limits are listed in the table under § 20.105(e).

(1) The point values for the species and sexes taken are as follows:

*Atlantic Flyway*

| 100 points | 70 points | 10 points | 25 points |
|---|---|---|---|
| Florida only:<br>Fulvous tree duck<br>Canvasback/redhead in designated areas. | Hen mallard<br>Black duck<br>Mottled duck<br>Wood duck<br>Hooded merganser | Blue-winged teal<br>Green-winged teal<br>Shoveler<br>Pintail<br>Gadwall<br>Scaup<br>Sea ducks<br>Mergansers (exc. hooded) | All other sexes and species of ducks, including drake mallards (except canvasbacks and redheads). |

*Mississippi Flyway*

| 100 points | 90 points | 10 points | 35 points |
|---|---|---|---|
| Canvasback and redhead, except where closed. | Hen mallard<br>Wood duck<br>Black duck[1]<br>Hooded merganser | Pintail<br>Blue-winged teal<br>Green-winged teal<br>Cinnamon Teal<br>Shoveler<br>Gadwall<br>Scaup | All other species of ducks, including drake mallards and mergansers, (exc. hooded). |

[1] The point value for the black duck in Wisconsin is 100 points.

*Central Flyway*

| 100 points | 70 points | 10 points | 20 points |
|---|---|---|---|
| High plains area: Canvasback/redhead, except where closed. | Hen mallard<br>Wood duck<br>Hooded merganser | Blue-winged teal<br>Green-winged teal<br>Cinnamon teal<br>Pintail<br>Gadwall<br>Shoveler<br>Scaup<br>Mergansers (exc. hooded) | All other species of ducks including drake mallards. (Season is closed on Mexican ducks.) |

| 100 points | 70 points | 10 points | 25 points |
|---|---|---|---|
| Remainder of the Central Flyway: Canvasback/redhead, except where closed. | Hen mallard<br>Wood duck<br>Hooded merganser | Blue-winged teal<br>Green-winged teal<br>Cinnamon teal<br>Pintail<br>Gadwall<br>Shoveler<br>Scaup<br>Mergansers (exc. hooded) | All other species of ducks, including drake mallards. (Season is closed on Mexican ducks.) |

Pacific Flyway: There is no point system in the Pacific Flyway.

Coots have no point value but conventional bag limits of 15 daily and 30 in possession apply.

Mergansers are included in the duck bag under the point system.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

(h) *Scaup only season.* A special open hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit ..... 5
Possession limit ..... 10
Shooting hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

*Seasons in the Atlantic Flyway:*

| | |
|---|---|
| Connecticut | Jan. 16–Jan. 31. |
| Florida | Jan. 21–Jan. 31. |
| Maryland | Nov. 22–Dec. 7. |
| Massachusetts | Dec. 29–Jan. 13. |
| New Hampshire | Dec. 14–Dec. 29. |
| New Jersey | Jan. 9–Jan. 24. |
| New York: | |
| Long Island only | Jan. 10–Jan. 25. |
| Upstate Zone | Dec. 20–Jan. 4. |
| Rhode Island | Jan. 11–Jan. 26. |
| Virginia | Jan. 15–Jan. 30. |

*Seasons in the Mississippi Flyway:*

| | |
|---|---|
| Louisiana | Jan. 21–Jan. 31. |
| Michigan | Nov. 27–Dec. 12. |
| Ohio | Dec. 5–Dec. 20. |
| Wisconsin | Nov. 20–Dec. 5. |

(i) *Extra teal during regular season.* An open hunting season for teal ducks (blue-winged only) is prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit ..... 2
Possession limit ..... 4
Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

*Seasons in the Atlantic Flyway:*

| | |
|---|---|
| Connecticut | Oct. 15*–Oct. 23. |
| Delaware | Nov. 5*–Nov. 13. |
| Georgia | Nov. 19*–Nov. 27. |
| Maine | Oct. 8*–Oct. 16. |
| Massachusetts | Oct. 15*–Oct. 23. |
| New Hampshire | Oct. 1*–Oct. 9. |
| New York: | |
| Upstate | Oct. 8*–Oct. 16. |
| Lake Champlain | Oct. 8*–Oct. 16. |
| Long Island | Closed. |
| South Carolina | Nov. 19*–Nov. 27. |
| Vermont | Oct. 8*–Oct. 16. |
| West Virginia | Oct. 2–Oct. 10. |

*Seasons in the Mississippi Flyway:*

None.

*Seasons in the Central Flyway:*

| | |
|---|---|
| North Dakota | Oct. 4–Oct. 12. |

*Seasons in the Pacific Flyway:*

None.

*NOTE.—Season opens at noon local time.

(j) *Extra scaup during regular season.* The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. This extra limit is in addition to the regular duck bag limits and unless otherwise specified, it may be taken during the entire regular duck season.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

*Seasons in the Atlantic Flyway:*

| | |
|---|---|
| Delaware | Nov. 5*–Nov. 29; Dec. 17*–Jan. 10. |
| Georgia | Nov. 19*–Dec. 3; Dec. 17*–Jan. 20. |
| Maine | Oct. 8*–Nov. 1; Nov. 19*–Dec. 13. |
| Pennsylvania | Oct. 15*–Nov. 22; Dec. 3*–Dec. 13. |
| South Carolina | Nov. 19*–Nov. 29; Dec. 10*–Jan. 17. |
| West Virginia | Oct. 1*–Oct. 18; Dec. 17*–Jan. 17. |

*Seasons in the Mississippi Flyway:*

| | |
|---|---|
| Indiana | Oct. 29*–Dec. 2; Dec. 17*–Dec. 31. |

*NOTE.—Season opens at noon local time.

(k) *Special scaup and goldeneye season.* A special open hunting season for scaup and goldeneye is prescribed according to the following table in the Lake Champlain areas which are described, delineated, and designated in the hunting regulations of the respective States.

The daily bag limit is 3 scaup or 3 goldeneyes or 3 in the aggregate.

The possession limit is 6 scaup or 6 goldeneyes or 6 in the aggregate.

Shooting hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

*Seasons in the Lake Champlain Area Only:*

| | |
|---|---|
| New York | Nov. 27–Dec. 12. |
| Vermont | Nov. 27–Dec. 12. |

Section 20.106 is revised as follows:

**§ 20.106 Seasons, limits, and shooting hours for little brown cranes.**

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking little brown cranes with a daily bag limit of three and a possession limit of six, and with shooting hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado, except in San Luis Valley and North Park, season dates are October 4 through November 8, 1975.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of the State of Texas lying west of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del

Rio, season dates are October 25, 1975, through January 25, 1976.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas lying east of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and lying west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates are November 29, 1975, through January 25, 1976.

(d) In the North Dakota counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh, and in part of South Dakota described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border, the season dates are November 8 through December 7, 1975.

(e) In Phillips County, Montana, the season dates are October 4 through November 9, 1975.

(f) In Platte and Goshen Counties, Wyoming, the season dates are October 11 through November 9, 1975.

(g) Every hunter participating in the lesser sandhill (little brown) crane hunting season must obtain and carry in his possession while hunting lesser sandhill cranes a Federal lesser sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

Section 20.107 is revised as follows.

**§ 20.107 Seasons, limits, and shooting hours for whistling swans.**

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the States of Montana, Nevada, and Utah, subject to the following conditions:

(a) The season must run concurrently with the season for ducks.

(b) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Teton. The season dates are October 4, 1975, through January 4, 1976.

(c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Churchill. The season dates are October 4, 1975, through January 4, 1976.

(d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan. The season dates are October 4, 1975, through January 4, 1976.

(e) Permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued by the appropriate Department of Game and Fish on an equitable basis without charge. Each person must have been issued, and carry on his person while hunting, a properly validated 1975–76 whistling swan permit. When a whistling swan has been killed by a hunter and reduced to possession, the hunter must immediately attach and lock the metal seal and the proper portion of his numbered permit around the right wing of the swan close to its body.

[FR Doc.75-24772 Filed 9-26-75;8:45 am]

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MONDAY, SEPTEMBER 29, 1975




PART IV:

# ENVIRONMENTAL PROTECTION AGENCY

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## SODIUM CYANIDE

Applications To Register for Use in M-44 Device To Control Predators

## ENVIRONMENTAL PROTECTION AGENCY

[FIFRA Docket No. 382; FRL 436-3]

### SODIUM CYANIDE

### Applications to Register for Use in the M-44 Device to Control Predators

On July 15, 1975, notice was published in the FEDERAL REGISTER (40 FR 29755) of public hearings to be held in Washington, D.C. on August 12-15, 1975, with respect to an application filed by the United States Department of the Interior, Fish and Wildlife Service, to register sodium cyanide M-44 capsules for use as a predacide. Registrations of sodium cyanide for predator control had been canceled and suspended on March 9, 1972, by Decision and Order of the Administrator (37 FR 5718). The hearings were called pursuant to the provisions of Subpart D, Part 164, 40 CFR, upon a finding that, based on the USDI application and supporting data, there appeared to be substantial new evidence which may materially affect the 1972 cancellation and suspension Order and, hence, reconsideration of the 1972 Order was warranted. On August 29, 1975, the Administrative Law Judge issued his Initial Decision, and on September 16, 1975, I issued by Decision and Order. The five documents are published herewith.

Dated: September 23, 1975.

RUSSELL E. TRAIN,
*Administrator.*

DECISION OF THE ADMINISTRATOR

Before the Administrator, U.S. Environmental Protection Agency, Washington, D.C., (FRL 436-3), in the matter of: applications to register sodium cyanide for use in the M-44 device to control predators, FIFRA Docket No. 382.

This proceeding concerns an application filed on July 7, 1975, by the Fish and Wildlife Service of the U.S. Department of the Interior (hereafter "FWS") to register sodium cyanide for use in a spring-loaded ejector device known as the "M-44" to control certain wild canid predators, pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (hereafter "FIFRA") (86 Stat. 979, 7 U.S.C. 136a).

Pursuant to EPA regulations (40 CFR 164.-130-133), the FWS application to register sodium cyanide as a predacide has been treated as a petition for reconsideration of an order issued by the Administrator of EPA on March 9, 1972 (37 FR 5718, March 18, 1972), cancelling and suspending the registration of certain products containing sodium cyanide, sodium fluoroacetate (1080), and strychnine. The 1972 EPA Order cancelled and suspended all uses of sodium cyanide.[1]

On January 10, 1974, EPA issued notice that it would consider applications for the use of the M-44 device and sodium cyanide for coyote control (39 FR 2295, January 18, 1974). Shortly thereafter, EPA regulations were amended, adding a new section (§ 162.-19, effective February 1, 1974) providing for the filing of experimental use permit applications for a sodium cyanide spring-loaded ejector unit for predator control. The purpose of the amended provision was to develop and accumulate information necessary to support registration. Subsequently, nine (9) experimental use permits were issued.[2]

On July 11, 1975, notice of the July 7 FWS application was issued (40 FR 29755, July 15, 1975), providing for an expedited hearing on the application, to commence on August 12, 1975. The notice set forth a specific timetable for the hearing, the submission of proposed findings and briefs, the issuance of an initial decision, the filing of exceptions, and the issuance of the Administrator's final decision and order (within 21 business days after the close of the hearing).

As a matter of chronology, it should be noted that on July 18, 1975, President Ford amended Executive Order 11643 (banning the use of chemical toxicants on Federal lands, issued February 8, 1972) by the issuance of Executive Order 11870, which provides for a one-year experimental use of sodium cyanide in all federal programs and emergency uses under certain conditions.

On July 30, 1975, a prehearing conference was held concerning the adoption of special rules for this proceeding. A second prehearing conference was held on August 7, 1975, resulting in the adoption of supplemental rules for this proceeding.

Pursuant to the July 11, 1975 order initiating this proceeding, seven (7) additional M-44 registration applications were filed and, by order of the Deputy Administrator dated August 8, 1975 (40 FR 34455, August 15, 1975), the following applications were joined in this proceeding:

Montana Department of Livestock, Wyoming Department of Agriculture, Colorado Department of Agriculture, Oregon Department of Agriculture, Nevada State Department of Agriculture, Texas Department of Agriculture, M-44 Safety Predator Control Company.

In addition, pursuant to the July 11 order, a number of party interventions have been entered in support of the applications[3] and in opposition to the applications.[4] *Amicus curiae* briefs have been filed by other groups and individuals.[5]

On August 6, 1975, EDF et al. filed with Administrative Law Judge Denniston a motion to reconsider the hearing dates (scheduled to commence on August 12). A similar objection to the expedited hearing schedule was made by the Humane Society on August 5. On August 7, Judge Denniston advised the parties that he did not have jurisdiction to rule on the motions and that they should be transmitted to the Administrator. These motions were not brought to the Administrator's attention until August 19, after the conclusion of the hearings, when it had become impossible to reconsider the expedited hearing schedule. By notice dated August 22, 1975, the Administrator acknowledged the untimely receipt of the motions (apparently not due to any error or omission on the part of the petitioners) and noted that any objections concerning his inability to rule on the motions prior to the hearings might be raised at a later stage in the proceeding.

The hearings went forward on August 12-15, 1975, with appearances entered by FWS, the States of Wyoming, Montana, and Oregon, EDF et al., the Humane Society, the National Wool Growers et al., and EPA counsel for Respondent, Assistant Administrator for Water and Hazardous Materials (the latter as a neutral party, hereafter referred to as "Respondent EPA"). Proposed findings and briefs were submitted by FWS, the States of Wyoming, Montana, and Oregon, EDF et al., American Farm Bureau Federation, and Respondent EPA.

Administrative Law Judge Denniston issued an initial decision in this proceeding on August 29, 1975. Exceptions thereto were filed on September 5, 1975, by FWS, the States of Wyoming and Montana, EDF et al., the National Wool Growers et al., and Respondent EPA.

The initial decision concludes that the March 9, 1972 EPA Order cancelling and suspending all uses of sodium cyanide "should be modified to permit the registration of the M-44 device by the applicants herein subject to the conditions set forth in the Appendix hereto." Appendix A to the initial decision sets forth twenty-six (26) "restrictions" on the use of the M-44 device. In reaching this decision, the Administrative Law Judge enumerates some thirty-seven (37) Findings of Fact relating to his statement of the five issues present in this proceeding. The Administrative Law Judge also addresses some nine procedural and legal issues raised by EDF et al. and others in opposition to registration. I have reviewed the procedural aspects of this proceeding as well as the merits related to possible registration of sodium cyanide for use in the M-44 device, and will address the procedural and legal objections first.

PROCEDURAL AND LEGAL OBJECTIONS

A. PREJUDICE TO THOSE OPPOSING REGISTRATION DUE TO EXPEDITED HEARING, SPECIAL PROCEDURES, AND EVIDENTIARY RULINGS

EDF et al. have asserted a denial of due process of law resulting from "the unexplained and unnecessary expedition and compression of the hearing" and "the procedures and evidentiary rulings felt necessary by the Administrative Law Judge to adhere to the unreasonable timetable set by the Administrator." Their principal objection relates to the expedited nature of the hearing, which made necessary (directly or indirectly) the special rules adopted for the hearing and, to

[1] The 1972 EPA Order and accompanying Findings of Fact are appended hereto as Appendix A and incorporated herein by reference.

[2] Experimental use permits were issued to the following: Texas Department of Agriculture (Feb. 8, 1974); Montana Department of Livestock (April 4, 1974); California Department of Food and Agriculture (April 24, 1974); U.S. Department of the Interior (May 28, 1974); South Dakota Department of Game, Fish, and Parks (July 1, 1974); Idaho State Department of Agriculture (April 19, 1974); Nebraska State Department of Agriculture (Oct. 1, 1974); Kansas State University (Feb. 1, 1975); Texas A&M University (Feb. 24, 1974).

[3] Parties in support of the applications include the States of Wyoming and Montana, as well as the National Wool Growers' Association; the American National Cattlemen's Association; the National Turkey Federation; and the Navajo Nation (the latter four groups hereafter collectively referred to, for purposes of convenience, as "National Wool Growers et al.").

[4] Parties in opposition to the applications include the following: Environmental Defense Fund; Defenders of Wildlife; Friends of the Earth; National Audubon Society; Natural Resources Defense Council; National Wildlife Federation; Sierra Club; Oregon Environmental Council; Animal Protection Institute; Wildlife Management Institute (the foregoing groups hereafter collectively referred to, for purposes of convenience, as "EDF et al."); and the Humane Society of the United States.

[5] American Farm Bureau Federation; Texas Department of Agriculture; California Department of Food and Agriculture; Montana Wool Growers Association; Montana Stockgrowers' Association; Congressman W. R. Poage; and Texas and Southwestern Cattle Raisers Association.

some extent, the rulings of the Administrative Law Judge. In support of these assertions of prejudice, EDF et al. set forth several examples, including (1) the late admission of certain parties opposed to EDF et al. (i.e. the States of Oregon, Wyoming, Nevada, and Colorado, and the M–44 Safety Predator Control Company); (2) the failure to define adequately the issues and the scope of the hearing, resulting in the admission of irrelevant material; (3) interference with direct examination, by denial of sufficient time to prepare; (4) interference with effective cross-examination, by denial of sufficient opportunity to review opposing documents and by other means; (5) adherence to an impossibly short briefing schedule; (6) infirmities in the evidence admitted on the record; and (7) the unexplained departure from time requirements usually associated with FIFRA cancellation and suspension hearings.

I have examined each of these assertions of prejudice to the opponents of registration and have concluded that the expedited hearing in this proceeding was justified and was conducted without prejudice to any of the parties.

The justification for a expedited hearing in this matter is found both in the law and regulations applicable to registration under FIFRA and the facts relating to this particular proceeding. The July 11, 1975 notice of hearing on the FWS application included an initial determination, pursuant to the requirements of 40 CFR Part 164, Subpart D, that: "there exists substantial new evidence which may materially affect the prior Order with respect to use of sodium cyanide in the M–44 device and accordingly reconsideration of the 1972 EPA Order is warranted."

Once having made this initial determination, the Administrator is then required by the Subpart D regulations to convene a hearing to determine whether such "substantial new evidence" does in fact exist and whether such evidence requires modification of the 1972 EPA Order.

The expedited nature of the hearing is fully justified by the seriousness of the situation confronting those who have asserted severe economic losses in livestock population due to wild canine predators. It is a matter of public record that the seriousness of this situation has been brought increasingly to the attention of the President, the Department of the Interior, and the Congress, as well as this Agency, state agencies, and the public generally, over the past several months. While it would be inappropriate to give weight in this proceeding to representations made to other individuals or bodies, or to consider actions others have taken or may take to redress particular grievances expressed outside the record of this proceeding, it is clear that prompt action on the July 7 FWS application and the other applications is in the public interest.

I am aware that prompt action, however meritorious, cannot be justified at the expense of due process of law. In assessing the contentions of EDF et al., however, I find no basis for concluding that the rules and procedures employed in this proceeding are lacking in fundamental fairness as applied to any of the parties. The special rules of procedure governing this proceeding were adopted on July 31, 1975, following the first prehearing conference on July 30. Supplemental rules of procedure were adopted following the August 7 second prehearing conference. At least 5 days in advance of the hearing, all the parties were fully apprised of what the governing rules would be. It is unquestionable that the special rules of procedure reflect the exigencies of the hearing schedule set out in the July 11 notice. It is another matter, however, to conclude that such procedures are lacking in fairness, simply because they "compress" the time available for preparation. Moreover, the record of the hearing reveals that the opponents of registration were provided ample opportunity to cross-examine, rebut, and contradict the testimony offered by the proponents for registration at the hearing.

I find no basis on the record to sustain any of the objections made by EDF et al. relating to prejudice or unfairness in the procedures governing the hearing, the rulings of the Administrative Law Judge on evidentiary matters, or the expedited nature of the hearing itself. To the extent not otherwise addressed herein, the determinations made in the initial decision relating to these objections are affirmed.

B. PREJUDICIAL REFUSAL TO ALLOW SUBPOENA OF EPA OFFICIAL

EDF et al. contend that the Administrative Law Judge improperly refused to permit EDF to subpoena an EPA official who purportedly told certain other persons, prior to the hearing, that EPA "had already decided to register the M–44 due to political pressure and that the hearings were merely window dressing."

I agree with the conclusion of the Administrative Law Judge that any such gratuitous statements by EPA officials have no relevance in this proceeding. The Administrative Law Judge, as the initial trier-of-fact, and the Administrator, as the final decision-maker, are the only two persons in this Agency competent to announce when and how any decision is made in this proceeding.

C. FAILURE TO FILE AN ENVIRONMENTAL IMPACT STATEMENT

EDF et al. have asserted that section 102 of the National Environmental Policy Act ("NEPA") requires the filing of an Environmental Impact Statement ("EIS") prior to the rendering of a final decision in this proceeding. They contend that EPA regulations pertaining to the preparation of voluntary EIS's (39 FR 37419, October 21, 1974) specifically provide for the preparation of EIS's in connection with adjudicatory hearings under sections 6(b) (1) and (2) of FIFRA, whenever it is determined that such action will significantly affect the quality of the human environment (even though expedited suspension hearings under section 6(c) are excluded from these requirements). EDF et al. also cite a recent decision of the Federal District Court for Wyoming requiring the filing of an EIS prior to the cancellation or suspension of predator control poisons and reason that the same result should apply in any proceeding involving the possible reregistration of a predator control poison.

I do not interpret NEPA or EPA's regulations as requiring the preparation of an EIS in connection with this proceeding. The voluntary EIS policy and regulations of EPA clearly contemplate the exercise of judgment and discretion by the Agency in determining the need for an EIS in a particular matter. I have concluded that the action embodied in this decision does not represent a major action which significantly affects the quality of the human environment. Moreover, I believe there is a reasonable basis to conclude that the data and information assembled as a result of the experimental use permits, together with the information and data developed in this proceeding, might well constitute the functional equivalent of an EIS if NEPA or EPA regulations were interpreted to require an EIS in this matter.

D. VIOLATION OF EXECUTIVE ORDER 11870

EDF et al. contend that the subject applications for use of sodium cyanide in the M–44 device are contrary to the letter and spirit of Executive Order 11870, issued by the President on July 18, 1975. Executive Order 11870 provides for the experimental use, for a period of one year, of sodium cyanide to control coyote and other predatory mammal or bird damage to livestock on Federal lands or in Federal programs (section 3(c)) and for the emergency use of a chemical toxicant for the purpose of killing predatory mammals or birds on Federal lands under certain conditions (section 3(b)). The three separate criteria for authorizing an emergency use of a chemical toxicant are that such use is essential to: (1) protect human health or safety; (2) preserve wildlife species threatened or likely to become threatened with extinction; or (3) prevent substantial irretrievable damage to nationally significant natural sources.

The Administrative Law Judge concluded that this proceeding falls within the "emergency use" provision of Executive Order 11870 and found that the required consultation among the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of EPA had been met in this proceeding.

Executive Order 11870, in effect, recognizes the legitimacy of the experimental use permit program commenced by EPA on February 1, 1974, and provides for the extension of that program, if necessary, on Federal lands. The legality of an experimental use permit to the State of Texas had been challenged and upheld by a Federal District Court.[6]

In contradistinction of the conclusion of the Administrative Law Judge, I do find it necessary in this proceeding to finally resolve the issue of whether or not this proceeding conforms with the letter of Executive Order 11870. I am convinced that this proceeding does not violate the spirit of the Executive Order. Certainly, any final determination of this Agency to authorize the use of sodium cyanide for predator control must conform to the terms of an applicable Presidential Executive Order, at least insofar as use is authorized on Federal lands. It should be noted that any registered use of sodium cyanide on non-Federal lands would not be affected by the Executive Order. The outcome of this proceeding, however, is not to reach a final determination on registration of sodium cyanide for use in the M–44, but rather a determination of whether the 1972 EPA Order should be modified to permit the registration of sodium cyanide in accordance with FIFRA. To the extent the 1972 Order is modified as a result of this proceeding, I will recommend to the President that Executive Order 11870 also be modified accordingly.

E. IMPERMISSIBLE SHORTCUTTING OF SECTION 3 OF FIFRA

EDF et al. contend that this proceeding is governed by the requirements of section 3 of FIFRA, which provides that the Administrator shall find, prior to registration, that the pesticide in question "will perform its intended function without unreasonable adverse effects on the environment; and * * * when used in accordance with widespread commonly recognized practice will not generally cause unreasonably adverse effects on the environment." They assert, further, that EPA's implementing regulations (40 FR 28242, July 3, 1975, effective August 4, 1975) set forth criteria for determining "unreasonable adverse effects" which, in their judgment, would prohibit the registration of sodium cyanide for use in the M–44.

The Administrative Law Judge noted, in response to this objection, that this proceeding is subject to section 18 of FIFRA, as well

[6] The Humane Society of the United States v. EPA, et al., (Civil Action No. 74–367, March 28, 1975).

as section 3, and is governed by Subpart D of the rules of procedure (40 CFR 164.130) and the statement of issues in the July 11 notice.

The July 11 notice states:

"If the final determination of the Administrator results in a modification of the prior Order to permit the use requested by the applicant, then the application will be processed in accordance with the applicable regulations governing the registration of pesticides, subject, however, to the terms of the modified Order. If the prior Order is not modified, then the application will be denied."

The applicable regulations governing the registration of pesticides are the section 3 regulations which became effective on August 4, 1975. It is apparent that the requirements of section 3 were contemplated at the time the July 11 notice was issued, notwithstanding the applicability of section 18 and the delineation of issues for this proceeding contained in the July 11 notice.

The outcome of this proceeding should be and is a determination of whether the facts presented "require modification of the 1972 Order to permit the registration of sodium cyanide for use in the M–44 to control predators in accordance with FIFRA," rather than the ultimate question of whether the particular applications meet all the requirements for registration under FIFRA. Obviously, a modification of the 1972 Order permitting registration, as a result of this proceeding, determines many of the ultimate facts relating to registration as well.

CONSIDERATION OF THE ISSUES AND MERITS FOR MODIFICATION

A. THE ISSUES

The issues to be adjudicated in this proceeding are set forth in the July 11, 1975, notice of hearing (and restated in the initial decision of the Administrative Law Judge), as follows:

"[(a)] * * * whether the following constitute substantial new evidence:

1. Four of the seven specific findings concerning sodium cyanide in the 1972 Order were directly related to the issue of human safety. Based on the data gathered in accordance with the applicant's experimental use permit, sodium cyanide when used in the M–44 has been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 Order and which was known to cause injuries to humans.

2. Based on data derived from studies conducted subsequent to the 1972 Order and submitted by the applicant, use of sodium cyanide in the M–44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

3. In view of the data submitted by the applicant with respect to significantly reduced hazards to humans and the greater selectivity of sodium cyanide when used in the M–44, it is likely that proposed restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicant.

[(b)] * * * if such facts are determined to exist and to constitute new evidence, * * * whether such facts require modification of the 1972 Order to permit the registration of sodium cyanide for use in the M–44 to control predators in accordance with FIFRA."

Also stated as an "issue" by the Administrative Law Judge, but more appropriately identified as a "directive" of the July 11 notice, is the following:

"The determination of these issues shall be made taking into account the human and evironmental risks found by the Administrator in the 1972 Order and the cumulative effective of all past and present uses, including the requested uses, and uses which may reasonably be anticipated as a result of a modification of the 1972 Order."

As noted previously, the July 11 notice included an initial determination that "the applicant has presented substantial new evidence with respect to sodium cyanide which may materially affect the 1972 Order." The July 11 notice also included the following initial determinations:

"* * * such evidence was not available to the Administrator at the time of the determination to cancel and suspend the registrations of sodium cyanide, and * * * such evidence could not, through the exercise of due diligence, have been discovered prior to the issuance of the 1972 Order."

The following review and discussion of the record of this proceeding, therefore, is to determine whether the facts stated in the July 11 notice as initial determinations do exist (i.e. are found in or are supported by the record); whether the facts stated in the July 11 notice constitute substantial new evidence; and whether such facts, if they do exist and constitute substantial new evidence, require modification of the 1972 Order. Finally, if the facts require modification of the 1972 Order, what should the terms of the modification be?

B. WHETHER THE FACTS STATED IN THE JULY 11 NOTICE DO EXIST?

1. *Human safety.* The findings of fact in support of the 1972 Order with respect to sodium cyanide include four (4) findings relating to human safety:

"3. Persons overcome by hydrogen cyanide gas either die very rapidly from respiratory failure or recover completely within a relatively short time.

4. Ingestion of inhalation of a very low dose (as little as 300 micrograms per liter of air) may rapidly result in death.

5. There is no true effective antidote.

6. Recent data show four incidents involving cyanide compounds in fiscal year 1970 in three of which human beings were injured by the discharge of cyanide guns placed in fields. Only quick thinking on the part of all three victims in seeking immediate medical aid preventing any loss of life."

The July 11 notice includes the following statements regarding representations made by FWS in its application and data to be submitted at the hearing concerning human safety:

"2. Regarding hazards to humans and domestic animals:

a. Sodium cyanide is extremely toxic to a number of animals, including man. Low doses of sodium cyanide are acutely and rapidly toxic.

b. Prolonged exposure to hazardous concentrations of cyanide may result in chronic toxicity in man.

c. Cyanide is not a cumulative toxicant and probably would not be secondarily toxic.

d. Antidotal therapy for cyanide poisoning is available."

One of the primary reasons for the 1972 Order banning the use of sodium cyanide for predator control was the relatively high risk of injury to man. The "Human Coyote Getter," which is the devise addressed in the 1972 Order, employs an explosive charge to propel sodium cyanide into the mouths of canids upon activation. This device has been held responsible for some fourteen (14) documented human injuries during a period of 550,000 "getter-years" of use since 1959 by FWS. Human injuries and the human injury potential associated with the coyote-getter device led almost directly to the development of safer alternative devices. The M–44, which employs a spring-loaded ejection mechanism, is one alternative developed to reduce the human injury potential associated with an explosive charge.

FWS testimony indicates that there have been no human injuries associated with the M–44 in some 43,018 use-years by FWS. EDF et al.'s witness, Mr. Randall, testified that he was not aware of any human injuries resulting from the M–44, although he had observed accidential discharges of the device while being set.

The record supports a finding that the human injury risks associated with the mechanical operation of the M–44 are substantially less than with devices employing an explosive charge.

Risk of injury to humans also exists in the form of cyanide toxemia, which is present with both the coyote-getter and the M–44. The only apparent means to reduce this risk are through appropriate restrictions on and procedures for handling, location, and placement of the devices to minimize human exposure. These restrictions and procedures are discussed in detail later in this decision. It should suffice to state here that there is no evidence in the record which would indicate that, with appropriate restrictions and procedures for handling, location, placement, and warning signs, the risk of human injury from cyanide toxemia should preclude the judicious and proper use of the M–44 device.

One of the critical facts to consider in guarding against risk of any human injury, however infrequent, is the availability of an effective antidote to cyanide poisoning. Although the 1972 Order found that "no true effective antidote" exists, evidence in the record of this proceeding demonstrates that there is an effective antidote. FWS concedes that at least some of this evidence is not "new" since the 1972 Order, but correctly states that it cannot and should not be ignored simply because it is not new. The antidote consists of the inhalation of amyl nitrite (by breaking amyl nitrite pearls), followed by intravenous injections of sodium nitrite and sodium thiosulfate, all of which are contained in an antidote kit premixed in the correct proportions for administration to the patient. Appropriate restrictions, procedures, and instructions for the use of the antidote kit afford maximum assurance that in the event of cyanide poisoning the risk of human injury will be substantially reduced. These restrictions and procedures also are discussed later in this decision.

In reaching the foregoing conclusions concerning the risks of injury to humans, I do not want to leave the impression that all doubts and concerns have been removed. I am concerned about the accidental exposure to potential injury of operating personnel, even though these people will be trained and procedures are established to greatly reduce the risk. I am even more concerned about the possibility of involuntary exposure, where the public generally (and especially children) may happen upon a device and unknowingly or irresponsibly be attracted to it, even though precautions also are established to minimize this risk. I also have some question, based on the record of this proceeding, about the self-administration of antidote therapy in cases where assistance is not available. In spite of these doubts and reservations, however, I do not believe that they alone should preclude the use of sodium cyanide under properly controlled conditions.

2. *Selectivity of the M–44 device.* The findings of fact in support of the 1972 Order with respect to sodium cyanide include one (1) finding indirectly relating to selectivity:

"7. There is evidence that dogs have been subjected to poisoning by cyanide (used as outlined above [shells containing sodium cyanide placed in a baited explosive device]) which is highly toxic to all wildlife and domestic animals."

The July 11 notice includes the following statements regarding representations made by FWS in its application and data to be submitted at the hearing concerning selectivity:

"3. d. M-44's are highly selective for the target species and present a minimal hazard to non-target wildlife, except certain rare and endangered species.

e. Use of M-44's within the range of the San Joaquin Kit fox, red wolf, northern Rocky Mountain wolf, and eastern timber wolf constitutes a definite hazard and they therefore will not be used within the range of these species."

The other important reason (beyond human safety) for the 1972 Order banning the use of sodium cyanide for predator control was the hazard it presented to non-target species. While there is no evidence in the record showing specific incidences or statistics relating to non-target species taken with sodium cyanide devices prior to the 1972 Order, the record is clear on the point that species other than coyotes, red foxes, gray foxes, and feral dogs (target species for purposes of these applications) are vulnerable to the M-44 device. The issue raised by the July 11 notice, however, is not whether the M-44 is absolutely species-specific, but whether it is more selective than the explosive device (coyote-getter) and some other chemical and non-chemical predator control methods.

FWS submitted data for the purpose of showing that the M-44 device is more selective for coyotes than the coyote-getter (92.24 percent v. 76.93 percent), but on examination it was conceded that variations in population density, time and placement of control devices, and other conditons rendered the data inconclusive for comparative purposes. FWS submitted data obtained under its experimental use permit (issued May 28, 1974), indicating that during the first five months of use (June 1–October 31, 1974) target species (coyotes, foxes, and feral dogs) constituted 95 percent of the total take. During the following seven months (November 1, 1974–May 31, 1975), target species constituted 88 percent of the total take. Other testimony regarding FWS and Texas A&M University studies indicated that the M-44 is more selective than steel traps and equally as selective as shooting.

FWS provided testimony on the impact a reduction in the numbers of coyotes would have on other animal populations, which indicated there was some evidence that populations of smaller carnivores (skunks, raccoons, bobcats, badgers) probably would increase, but there was no evidence to suggest that the population of herbivores (rats, rabbits, mice) would increase. FWS also provided testimony that an FWS M-44 control program would not significantly affect the distribution or densities of coyotes in the western United States.

There is some evidence that selectivity decreases with the population of coyotes and with overuse of the M-44 device. These problems can be overcome to some extent by carefully controlled placement of the devices only in areas known to be frequented by target species and by prohibiting or restricting placement in areas frequented by non-target species, domestic animals, and threatened or endangered species. Restrictions and procedures applicable to placement of the M-44 devices are discussed later in this decision.

Based on the foregoing, there is sufficient evidence to conclude that the M-44 device is equally as selective or more selective than the explosive device and more selective than some other non-chemical predator control methods. I am compelled to state, however, that in view of the lack of conclusive comparative data, considerable emphasis must be placed on extreme care in the placement of M-44 devices and frequent, detailed monitoring of the various animal species in the areas where M-44 devices are placed.

3. *Restrictions.* The FWS application contains a number of proposed restrictions or conditions pertaining to the use of sodium cyanide in the M-44 device. Much of the testimony at the hearing and a good portion of the proposed findings and briefs, the initial decision, and the exceptions of the various parties, relates to restrictions to be applied if it is determined that the 1972 Order should be modified to permit registration of sodium cyanide for use in the M-44 device. The immediate issue, however, is whether the statement in the July 11 notice, that "it is likely that proposed restrictions on use, in addition to other restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicant" is supported by the record of this proceeding.

I find no basis on the record to review any of the restrictions contained in Appendix A to the initial decision of the Administrative Law Judge which have not been challenged or excepted to by the various parties to this proceeding. With respect to these restrictions, designated numbers 1, 3, 13, 17, 19, 20, 21, 23, and 26 in Appendix A of the initial decision, the record supports a determination that these restrictions, as set forth in the Order appended to this decision, can be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicants. The following discussion pertains to other restrictions set forth in Appendix A of the initial decision which have been challenged or which have been proposed as additional restrictions by various parties.

a. *Restriction #2.* FWS and the National Wool Growers et al. object to Restriction #2 of the initial decision, which states:

"The M-44 device shall be used only to take wild canids suspected of preying upon livestock and poultry."

FWS points out that it is required by law (7 U.S.C. 426) to control animals injurious to agriculture, wild game animals, etc., and to protect stock and other animals "through the suppression of rabies and tularemia in predatory or other wild animals," and, therefore, contends that sodium cyanide and the M-44 should be available for use to control wild canids preying upon wild game animals, agricultural crops, or carrying a communicable disease such as rabies, as well as those preying upon livestock and poultry. The National Wool Growers et al. suggest the same change.

The record of this proceeding deals almost entirely with predation related to livestock. I do not believe a reasonable basis exists to expand the permissible use to include protection of wild game animals or agricultural crops. Certainly, the M-44 device can and should be employed where necessary to control animals which are vectors of communicable diseases such as rabies.

b. *Restriction #4.* EDF et al. object to Restriction #4 of the initial decision, which states:

"The M-44 device shall only be used in instances where actual livestock losses due to predation by wild canids are occurring. M-44 devices may also be used prior to recurrence of seasonal depredation, but only when a chronic problem exists in a specific area. In each case, full documentation of livestock depredation, including evidence that such losses were caused by wild canids, will be required before application of the M-44 is undertaken."

EDF et al. object to the foregoing restriction to the extent that it would permit the prophylactic use of sodium cyanide and the M-44 to suppress target species populations. They assert that a mere reduction in coyote numbers does not necessarily mean a reduction in predation, and that prophylactic use would lead to excessive distribution, increasing the risk of accidents and other undesirable side effects.

This objection addresses one of the central problems associated with the use of any economic poison. As a matter of principle, I do not believe any poison should be used in the absence of a well-documented current need, particularly where some risk of injury to persons and other non-target animals exists. I see no justification for the use of the M-44 device solely as an insurance policy against whatever predator risks may occur in the future. At the same time, I recognize that "chronic" predator problems do exist in some areas, and that reasonable, anticipatory measures may be the most effective means to prevent a recurrence of seasonal depredation in these areas. In these cases, it is essential that the Federal and State agencies supervising the M-44 program exercise extreme care in reviewing the documentation of previous livestock depredation in the area.

In areas where "chronic" predator problems exist, it is reasonable to assume that documentation of losses caused by wild canids should be more complete (and easier to obtain) than in areas where predator problems are sporadic.

c. *Restriction #5.* FWS, the National Wool Growers et al., Wyoming, and EDF et al. object to Restriction #5, which states:

"The M-44 device shall not be used in: (1) National or State parks; (2) National or State Monuments; (3) Federally designed Wilderness areas; (4) Wildlife refuge areas; (5) Prairie dog towns; (6) Areas where exposure to the public and family pets is probable."

FWS objects to a restriction against the use of the M-44 device in wildlife refuge areas and prairie dog towns. As noted in the discussion relating to Restriction #2, FWS has a statutory responsibility to protect wild game animals from predators. FWS has sole jurisdiction over wildlife refuge areas and asserts that it can best determine whether or not to use the device in a particular refuge area. FWS also points out that the M-44 would not be used in any refuge area where threatened or endangered species might be adversely affected, as required in Restriction #6. FWS maintains that prairie dogs are not vulnerable to the M-44 device and are not a threatened or endangered species. Where an endangered species, such as the Black-footed ferret, does live in a prairie dog town, the M-44 would not be employed.

The National Wool Growers et al. object to a restriction against the use of the M-44 device in Federally designated wilderness areas, as well as wildlife refuge areas and prairie dog towns. They point out that wilderness areas often are used for livestock grazing. They also note that Restriction #6 and item (6) of Restriction #5 (above) adequately protect threatened or endangered species, the public and family pets.

The State of Wyoming objects to a restriction against the use of the M-44 device in prairie dog towns and National Parks and wilderness areas in Wyoming

where licensed grazing of livestock is permitted by the federal government (specifically, Teton National Park and certain wilderness areas). Wyoming also notes that prairie dogs are not attracted to the M–44 and that only one species of prairie dog (the Utah prairie dog) is on the list of endangered species.

Wyoming contends that the record does not support a finding that the endangered Black-footed ferret inhabits prairie dog towns. Wyoming asserts that Restriction #6 adequately protects the Utah prairie dog and the Black-footed ferret.

EDF et al. recommend that a restriction against the use of the M–44 device be extended to national forests and recreation areas. They assert that although some national forest lands may be used for grazing, they are predominantly and increasingly important multiple public use lands where sheep and coyotes are seldom found. EDF et al. also recommend that use of the M–44 in any forest area be prohibited, due to the likelihood of accidental take of bears.

I am unable to find sufficient justification in the record for eliminating any of the areas of prohibited use of the M–44 as set forth in Restriction #5 (above). Moreover, I concur with the recommendation of EDF et al. to the extent that recreational areas within national forests and on other Federal lands should be included among the areas where use of the M–44 device is absolutely prohibited.

d. *Restriction #6.* The States of Wyoming and Oregon[7] object to Restriction #6 of the initial decision, which states:

"The M–44 shall not be used in areas where threatened or endangered species might be adversely affected. Each applicator shall adsued a map which clearly indicates such areas."

Wyoming objects to this restriction to the extent that it prohibits the use of the M–44 in areas where threatened or endangered plants (also protected by The Endangered Species Act of 1973, 16 U.S.C.A. 1531–33, 1541) exist, asserting that such a restriction is unneeded and meaningless.

I believe the record supports limiting this restriction to threatened or endangered "animal" species.

e. *Restriction #7.* FWS and the National Wool Growers et al. object to Restriction #7 of the initial decision, which states:

"The M–44 device shall not be placed within 200 feet of any lake, stream, or other body of water."

FWS and the National Wool Growers et al. recommend that this restriction be modified to permit the use of the M–44 device near certain bodies of water (such as natural depressions in the land that fill with water after a rainfall), rather than prohibit all such placements. They assert that such placements might be desirable for setting M–44's at draw stations (livestock carcasses).

It is my understanding that this restriction is necessary to prevent exposure to persons and non-target species who might frequent bodies of water more often than other less "attractive" locations. As such, I believe the restriction contemplates more or less "permanent" bodies of water, as opposed to areas which catch and hold rainfall only for short periods of time. Intermittent streams or lakes and ponds containing water only during certain times of the year for purposes of this restriction would be considered "permanent" bodies of water. Other natural depressions holding rainfall only for short periods of time would not be considered "bodies of water."

f. *Restriction #8.* The National Wool Growers et al. and Oregon object to Restriction #8 of the initial decision, which states:

"The M–44 device shall not be placed in areas where food crops are planted."

The National Wool Growers et al. and Oregon contend that the placement of M–44's adjacent to croplands and crop-aftermath areas (harvested fields) is vitally important to effective predator control. Oregon notes that timbered areas inhabitated by coyotes are interspersed with cropland in many areas of western Oregon. They also point out that livestock often graze in areas adjacent to crops (both those for human consumption and for other uses) and in sugar beet and corn fields that have been harvested. They contend that placement in and near these areas would result in little, if any, risk to humans, since sodium cyanide dissipates rapidly in soil. Trained operators, they believe, could avoid any placement that might result in contamination of human food supplies.

In the foregoing discussion of Restriction # 2, I concluded there was no basis in the record for extending the use of the M–44 to protect "agricultural crops," since that would encompass a rather large, undefined area of use. The purpose of this Restriction # 8 is not to protect crops, but to protect people who work in the fields and, in some cases, those people who eat food products from the fields. This restriction does not prohibit placement in areas adjacent to the fields, which are less likely to result in human exposure to injury. I find no basis for modifying this restriction.

g. *Restriction # 9.* FWS, the National Wool Growers et al., and EDF et al. object to Restriction # 9, which states:

"M–44 devices shall not be placed within 50 feet of public rights of way."

FWS and the National Wood Growers et al. propose that this restriction be modified to include a definition of "public rights of way" as meaning "county, state, or federally maintained roads for use by the public, during seasons of evident public use."

EDF et al. recommend that the M–44 devices "be placed totally out of the sight of roads," where hunters and curious or unsuspecting people making use of recreational areas would be less likely to encounter them. They also posted in public places for the benefit of suggest that M–44 deployment maps be recreationalists who wish to avoid the devices.

I do not find any justification for excluding public roads or paths of any kind from this restriction. Devices visible from such roads and pathways may unduly attract people and animals. For whatever inconvenience it may be to trappers (field personnel of FWS and state agencies) to set the devices at more remote locations, the extra measure of safety to persons and domestic animals using public roads and pathways is fully justified. In some instances, a safe distance may be more than 50 feet, to be out of sight from a public road or pathway.

h. *Restriction #10.* EDF et al. object to Restriction #10 of the initial decision, which states:

"The maximum density of M–44's placed in any 100 acre pastureland area shall not exceed 10; and the density in any one square mile of open range shall not exceed 12.

Without asserting an alternative maximum density number, EDF et al. suggest that the maximum density numbers in this restriction are too high. They point out that the higher the density the more likely are accidents and the taking of non-target species. It is apparent also that the higher the density the greater the task of inspecting and servicing the devices.

FWS and the State of Montana have proposed even higher densities than those contained in the above restriction (up to 30 devices per square mile in the case of FWS).

I find no basis on the record to lower or raise the 100 acre and one square mile maximum density numbers set forth in this restriction.

i. *Restriction #11.* FWS and the National Wool Growers et al. object to Restriction #11 of the initial decision, which states:

"The M–44 device may be placed in the vicinity of draw stations (livestock carcasses): *Provided*, That no M–44 device shall be placed within 30 feet of a carcass; no more than 4 M–44 devices shall be placed per draw station; and no more than 3 draw stations shall be operated per square mile."

FWS and the National Wool Growers et al. see no need for restrictions on the number of M–44 devices per draw station and the number of draw stations per square mile.

I see no need to permit the use of a "mine field" strategy for predator control, and therefore believe a reasonable limitation on the number of devices and draw stations is appropriate.

j. *Restriction # 12.* FWS, Oregon, and the National Wool Growers et al. object to Restriction #12 of the initial decision, which states:

"M–44 devices shall be inspected at least once a week to check for interference or unusual conditions and shall be serviced as required."

FWS, Oregon, and the National Wool Growers et al. propose that this restriction be modified to exempt weekly inspection and servicing when "weather or other adverse conditions" make the area inaccessible.

Obviously, there may be occasions when severe weather conditions inhibit or preclude travel to remote areas. The only other adverse conditions that come to mind are when all the trained personnel are ill or all the vehicles are out of service. I believe such eventualities might justify missing an occasional weekly inspection, but I do not believe they need to be specifically set forth in the above restriction as exemptions. Nor do I think it would be appropriate to include a rather open-ended exemption for any "other adverse conditions," which would be subject to abuse.

k. *Restriction #14.* FWS, the National Wool Growers et al., Montana, Oregon, and EDF et al. object to Restriction #14 of the initial decision, which states:

"An M–44 device shall be removed from an area if, after 30 days, there is no sign that a target predator has visited the site."

FWS and Montana suggest that the decision on whether or not to remove an M–44 device be left to the judgment of the applicator who, on the basis of experience, can best determine whether a change of location, change of scent, removal of the device, or no change is appropriate.

FWS, the National Wool Growers et al. and Montana, propose that removal of the M–44 device be required within 30 days after "cessation of losses," rather than 30 days after there is no sign of predator visitation at the site. They point out that signs of predator visitation (usually tracks) are difficult or impossible to discern in rocky or frozen areas, and that tracks can be washed away by rain or covered with snow.

It should be noted that Respondent EPA has indicated that they have no objection to modification of this restriction in accordance with Montana's request. They point out that the weekly inspection requirement, together with the suggested modification, would ac-

[7] Through inadvertence or oversight, the State of Oregon did not receive a copy of the initial decision until September 10, 1975. The State, therefore, did not have an adequate opportunity to review the initial decision and file timely exceptions thereto. I have permitted Oregon to note their exceptions, however, which are contained in a telex message received on September 12 from the Oregon Department of Agriculture. Oregon's objections, accordingly, are noted herein.

complish the objective of removing devices which are no longer needed.

The purpose of this restriction is to insure a continuing assessment of the need for specific M–44 devices and thereby insure the removal of any and all devices where the need cannot be demonstrated. The record amply demonstrates that the "need" for the devices is to prevent losses of livestock due to predators, and not simply to reduce or eliminate the presence of predators. If there are signs of predator visitation and livestock losses in the area due to predators are demonstrated, obviously the devices should not be removed. If there are no signs of predator visitation, yet livestock losses in the area due to predators are demonstrated, then it seems equally obvious that the devices should not be removed. If there are no signs of predator visitation and no livestock losses due to predators are demonstrated, clearly the devices should be removed. If there are signs of predator visitation but no livestock losses in the area due to predators are demonstrated, the devices should be removed. Thus, it seems to me, the test for whether or not to remove the devices should be the cessation of losses due to target predators in the area, and not the mere indication of predator visitation.

l. *Restriction #16.* FWS, Oregon, and the National Wool Growers *et al.* object to Restriction #16 of the initial decision, which states:

"In all areas where the use of the M–44 device is anticipated, local hospitals, doctors, and clinics shall be notified of the intended use, and informed of the antidotal and first-aid measures required for treatment of cyanide poisoning."

FWS and the National Wool Growers et al. contend that it should be sufficient to notify the poison control center (in those areas where there is one) or the local medical society, rather than all the individual hospitals, doctors, and clinics. Hospitals, doctors, and clinics would have access to information through these sources.

I find no basis to disagree with the contention, at least with respect to those areas where a poison control center or a local medical society exists and can perform the function of notifying hospitals, doctors, and clinics of the needed information. Every effort must be made to insure that a bulletin or notice is issued or made available to local hospitals, doctors, and clinics, whether by a poison control center, local medical society, or under other auspices. In areas where a poison control center, local medical society, or other appropriate body does not exist or cannot perform this function, the registrant must assume and carry out that responsibility.

m. *Restriction #18.* EDF et al. object to Restriction #18 of the initial decision, which states:

"Registrations for sodium cyanide M–44 capsules may be granted to persons other than State and Federal agencies: *Provided*, That such persons shall be authorized to sell said capsules only to State and Federal registrants. Only State and Federal registrants shall be permited to sell, give, or otherwise distribute capsules to individual applicators. Such State or Federal registrants of sodium cyanide M–44 capsules shall be responsible for insuring that the restrictions set forth herein are observed by individual applicators to whom such registrants sell or distribute such capsules and/or M–44 devices. State and Federal registrants shall train applicators, and such training shall include, but need not be limited to: (1) Training in safe handling and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device; and (4) Instructions in recordkeeping."

EDF et al. propose that this restriction be changed to prohibit the use of sodium cyanide M–44 capsules by private applicators. They contend that the record contains substantial evidence that private applicators cannot adequately perform the necessary functions involved in carrying out an M–44 predator control program as well as trained professionals, even with the training contemplated in the above restriction. They suggest that the States of Wyoming and Montana have conceded the difficulties involved in licensing and controlling private use, and note that Oregon proposes to use only licensed state employees. Of all the objections EDF et al. have asserted regarding the various restrictions set forth in the initial decision, they say "it is most important that this one be remedied."

I do not agree. I recognize that an M–44 program without effective and strict supervision and control over private applicators might be hazardous both in terms of human safety and ecological considerations. It is hard to imagine that this could happen, however, with all the restrictions on use and other requirements being imposed. The best way to be sure that it will not happen (within the bounds of strict regulation, at least) is to minimize opportunities for misuse or abuse.

The need for predator control must be based on a scientific assessment and understanding of predator-prey relationships, and cannot be assumed by the mere presence of an adverse economic risk. This assessment and understanding can best be performed and accomplished through the strict supervision and control of expert State and Federal agencies. Yet, I realize that restricting the M–44 program exclusively to State and Federal employees would impose substantial burdens on these government agencies, and might reduce the overall effectiveness of the program. Some potential registrants may choose to operate an M–44 program solely with government employees to maintain the desired degree of control. Others may find such an approach unworkable. In the latter cases, I believe the requirements for training private applicators and supervision by State and Federal registrants will substantially reduce opportunities for misuse and abuse.

EDF et al. have urged that the proper resolution of this proceeding should be to extend the M–44 device experimental use program. Executive Order 11870, issued on July 18, 1975, contemplates and authorizes extended experimental use programs for sodium cyanide. While this Decision goes beyond an experimental program by modifying the 1972 EPA Order to permit the registration of sodium cyanide for use in the M–44 device, by maintaining governmental control it incorporates many of the desirable features of an experimental program.

n. *Restriction #22.* FWS, the National Wool Growers et al., Montana, Oregon, and EDF et al. object to Restriction #22 of the initial decision, which states:

"Each authorized M–44 applicator shall carry an antidote kit on his person when placing and/or inspecting M–44 devices. The kit shall contain instructions on their use. The kit may also contain sodium nitrite and sodium thiosulfate."

FWS and the National Wool Growers et al. propose that the number of amyl nitrite pearls required to be carried in the antidote kit be reduced to five (5). They also suggest that each applicator be required to have additional pearls of amyl nitrite available in his vehicle.

Montana proposes that the number of amyl nitrite pearls required to be carried in the antidote kit be reduced to six (6).

With respect to both of the foregoing proposals, the contention put forward is that any more than five or six pearls of amyl nitrite would be too bulky to fit into a pocket or otherwise be carried conveniently. They also point out that the record shows that no more than five (5) pearls should be inhaled following any exposure to sodium cyanide.

It should be noted that Respondent EPA has indicated that they have no objection to reducing the number of amyl nitrite pearls to not less than six (6).

EDF et al. object to the omission of a mandatory requirement that sodium nitrite and sodium thiosulphate be included in the antidote kit. They refer to evidence in the record indicating that these two substances are integral parts of the antidote kit.

In view of the foregoing, I can find no basis for requiring that more than six (6) pearls of amyl nitrite be included in the antidote kit. I also agree with FWS and the National Wool Growers et al. that additional pearls should be available in the applicator's vehicle.

My understanding of the record conforms with that of EDF et al. on the need to include, as well, sodium nitrite and sodium thiosulphate in the antidote kit.

o. *Restriction #24.* EDF et al. object to Restriction # 24 of the initial decision, which states:

"Supervisors shall periodically check the records, signs, and devices of each applicator to verify that all applicable restrictions, laws, and regulations are being strictly followed."

EDF et al. propose that mandatory supervision of applicators be carried out at least once a year. They point out testimony of Montana which indicates that because of personnel shortages they were not able to supervise users of M–44's even once a year.

While some supervision should be carried out on a continuing basis, I agree that at least annually a detailed and thorough check of all records, signs, and devices of each applicator should be required.

p. *Restriction #25.* EDF et al. propose an addition to Restriction #25 of the initial decision, which states:

"In areas where more than one governmental agency is authorized to place M–44 devices, the agencies shall exchange placement information and other relevant facts to insure that the maximum number of M–44's allowed is not exceeded."

The proposed addition is that if private use of M–44 devices is permitted, coordination with other private and public users should be required. Since individual applicators are required to report the location of all devices to the supervising government agency, this information should be available to all such agencies.

With respect to the foregoing restrictions which have been challenged or excepted to by the parties to this proceeding, the record supports a determination that these restrictions, as modified and set forth in the Order appended to this decision, can be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicants.

4. *Other considerations.* To the extent they are not specifically dealt with herein and are not inconsistent with the findings and conclusions of this Decision, the "Findings of Fact" set forth in the initial decision of the Administrative Law Judge are incorporated herein by reference as a part of the findings in support of this Decision.[8]

The July 11, 1975, notice of hearing requires that:

"The determination of these issues shall be made taking into account the human and

[8] The Initial Decision is appended hereto as Appendix B.

environmental risks found by the Administrator in the 1972 Order and the cumulative effect of all past and present uses, including the requested use, and uses which may reasonably be anticipated as a result of a modification of the 1972 Order."

The 1972 Order was based in large measure on the report of an advisory committee established by the Secretary of the Interior to review the status of registrations for cyanide (among other toxicants) for use in predator control (the "Cain Report"). The Cain Report pointed out the extreme toxicity of cyanide, its non-selectivity, and the potential impact on the environment which "is increased by secondary hazard, an accumulation in the animal, and combined characteristics of chemical stability and solubility in water." The Cain Report also noted, however, that if toxicants were consistently applied under field conditions with meticulous care, it is possible undesirable side-effects might be avoided.

The 1972 EPA action suspending cyanide stressed, in particular, the effects of indiscriminate, unsupervised baiting of the coyote-getter device, citing the threat of the bait itself to non-target species and the threat of predator carcasses to other prairie animal life through secondary poisoning.

The 1972 EPA action, again citing the Cain Report, also stressed the absence of "any meaningful data of benefits derived from the use of these highly dangerous poisons which pose a marked potential threat to the environment." The "degree of toxicity" and the "pattern of use" were considered sufficient to warrant suspension, particularly in the absence of countervailing benefits, the availability of alternative methods of controlling predators, and the little, if any, effect removal from the market would have on human health or the supply of a staple foodstuff.

The human risks associated with the M-44 device have been discussed previously, and it has been determined that they are substantially less with the M-44 device than with the coyote-getter. The environmental of ecological risks also have been discussed in relation to non-target animal species. It should suffice to add here that the risk to the environment posed by the M-44 also appears to be substantially less than with the coyote-getter, particularly in view of the many restrictions on use being imposed. Indiscriminate and unsupervised baiting will not be permitted. These and other restrictions will be enforced and sanctions against abuse will be applied.

To the extent that the July 11 notice contemplated a review of the "accumulative" effects of cyanide, there is evidence in the record to support a finding that sodium cyanide in the M-44 device will not cause secondary poisoning of non-target animal species feeding on the carcasses of predators taken with the M-44 device.

Thus, although the "degree of toxicity" of cyanide remains as found in the 1972 Order, to the extent the Order was based on "pattern of use" and secondary poisoning effects, it is determined that substantial new evidence indicates that both of these findings do not exist in the case of the M-44 device.

The cumulative effect of all past and present uses of cyanide, including the requested use and uses which may reasonably be anticipated as a result of a modification of the 1972 Order is speculative both in terms of risks and benefits. The record does not support a clear finding on this point. However, in view of the restrictions being imposed on use, it can be stated that the potential adverse effects will be substantially less than those which might have been found if the pattern of use during pre-1972 years had continued or were to be resumed. Moreover, I believe that advancements in our knowledge of the relevant ecosystems already documented since 1972, together with knowledge to be gained hereafter, will show that any potential adverse cumulative effects of the use of sodium cyanide will not be harmful to the environment. The requirements herein relating to careful monitoring and recordkeeping are designed to supply much of the information necessary to assess continuously the need for sodium cyanide to control predators.

C. WHETHER THE FACTS STATED IN THE JULY 11 NOTICE CONSTITUTE "SUBSTANTIAL NEW EVIDENCE"?

As noted previously, this proceeding is being conducted pursuant to Subpart D of the EPA rules of procedure (40 CFR Part 164), which requires that the Administrator determine whether there is "substantial new evidence" which may materially affect the 1972 EPA Order. The findings set forth in section B above, based on the record of this proceeding, indicate that the facts set forth in the July 11 notice do exist. The question to be answered here is whether these facts constitute substantial evidence and new evidence which may materially affect the 1972 Order.

1. *New Evidence.* EDF *et al.* object strenuously to the implication which they perceive in the initial decision of the Administrative Law Judge that "since the M-44 had not been registered with the Agency in 1972, that all evidence concerning it was new." This implied interpretation of the law and facts was argued specifically by FWS in its August 21, 1975, post-hearing brief, wherein it is stated that "all evidence pertaining to the M-44 should be considered 'new' since it was not relevant to the 1972 proceeding, and therefore was not available to the Administrator, and could not have been brought to the attention of the Administrator within the context of 40 CFR 164.131(a) had the Service requested a hearing and participated in the 1972 deregistration proceeding." FWS states, as a Proposed Finding of Fact submitted with its August 21 brief, that "All the literature (exclusive of that related to antidote) presented by the Service as exhibits in this proceeding was published subsequent to the March 9, 1972 Order."

It is abundantly clear from the record of this proceeding that considerable information and data generated by FWS and the various state agencies and universities since the 1972 Order now exists as a result of the M-44 experimental use permit program which began in February 1974.

While it is true that much information about the M-44 device existed at the time of the 1972 Order, it is inescapable that the primary thrust of the 1972 Order concerned the explosive coyote-getter. It is clear from the Findings of Fact supporting the 1972 Order that human injury risks associated with the explosive device were of paramount importance at that time. FWS has argued that it did not contest the 1972 Order because of the pre-existing Executive Order and because the M-44 device was not registered or in issue at that time. I believe it is fallacious to argue, as EDF et al. do, that because some information concerning the M-44 existed in 1971 and 1972 it cannot now be considered "new" information in light of the current proceeding. It is "new" in the context of this proceeding, and it is more than adequately supplemented by post-1972 information and data which is "new" by any standard.

The record supports a finding that the facts determined in the preceding section B of this decision constitute new evidence which materially affects the 1972 Order.

2. *Substantial evidence.* EDF et al. assert that the evidence about the M-44 presented at the hearing "was not substantial."

As a general matter, one would always like to have more information and data before taking any action affecting man and the environment, and it is particularly so when potential risks of injury or death to persons or animals are involved. I do not consider these risks lightly and would not take this action unless I believed these risks were minimal. Practically every method of predator control I am aware of involves some risk. Hunting and trapping accidents involving people (EDF et al.'s witness, Mr. Randall, apparently was involved in an airplane accident on a coyote hunt) and the taking of non-target animals are documented with respect to many other methods. Certainly, some methods, such as better "shepherding" of the flocks, are relatively non-hazardous. But these relatively non-hazardous methods are not totally satisfactory by themselves.

I am persuaded by the testimony adduced at the hearing and contained in the record of this proceeding (as determined in section B above) that substantial evidence relating to human safety, selectivity, and necessary restrictions pertaining to the use of sodium cyanide in the M-44 device exists and materially effects the 1972 Order.

D. WHETHER THE SUBSTANTIAL NEW EVIDENCE REQUIRES MODIFICATION OF THE 1972 EPA ORDER?

Subpart D of the Rules of Procedure requires that, upon a finding of substantial new evidence, the Administrator must determine whether such evidence requires reversal or modification of the prior Order.

I am persuaded by the evidence presented in this proceeding that the 1972 Order cancelling and suspending all uses of sodium cyanide should be modified to permit the registration of sodium cyanide capsules for use in the M-44 device for the purpose of controlling certain wild canid predators.

The appended Order of the Administrator, dated September 16, 1975, supersedes and modifies the EPA Order dated March 9, 1972 and sets forth the requirements and restrictions which shall apply, as of the effective date thereof, to the registration of sodium cyanide capsules for use in the M-44 device pursuant to applications for registration filed in accordance with the requirements of section 3 of FIFRA.

Dated: September 16, 1975.

RUSSELL E. TRAIN.

ORDER

Before the Administration, U.S. Environmental Protection Agency, Washington, D.C. In the matter of: applications to register sodium cyanide for use in the M-44 device to control predators, FIFRA Docket No. 382.

In accordance with the foregoing Decision of the Administrator, dated September 16, 1975, the Order of the Administrator dated March 9, 1972, cancelling and suspending the use of sodium cyanide for predator control is superseded and modified as set forth herein.

FINDINGS

The Order of March 9, 1972, as supported by certain Findings of Fact relating to "Cyanide" appended thereto (37 F.R. 5718, March 18, 1972), is superseded and modified in the following particulars:

1. Finding of Fact #1 is superseded as not being reflective of the current status of registration of products containing sodium cyanide for predator control.

2. Finding of Fact #5 is superseded as not being a correct statement of the current availability of a true effective antidote.

3. Findings of Fact #2, 3, 4, 6, and 7 are not affected or changed as a result of this proceeding.

4. Substantial new evidence exists to establish the following findings:

a. Four of the seven specific findings concerning sodium cyanide in the 1972 Order were directly related to the issue of human safety. Based on the data gathered in accordance with the applicants' experimental data use permits, sodium cyanide capsules when used in the M-44 have been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 Order and which was known to cause injuries to humans.

b. Based on data derived from studies conducted subsequent to the 1972 Order and submitted by the applicants, use of sodium cyanide capsules in the M-44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

c. In view of the data submitted by the applicants with respect to significantly reduced hazards to humans and the greater selectivity of sodium cyanide capsules when used in the M-44, it is likely that proposed restrictions on use, in addition to other restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicants.

5. The existence of the substantial new evidence set forth hereinbefore requires that the Order of March 9, 1972, be modified to permit the registration of sodium cyanide capsules for use in the M-44 device to control predators in accordance with Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 979, 7 U.S.C. 136a) ("FIFRA").

6. The findings set forth herein and in the Decision of the Administrator dated September 16, 1975, have been made taking into account the human and environmental risks found by the Administrator in the 1972 Order and the cumulative effect of all past and present uses, including the requested use, and uses which may reasonably be anticipated as a result of a modification of the 1972 Order.

## CONCLUSION

Accordingly, insofar as the Order of March 9, 1972 relates to cancellation and suspension of sodium cyanide for use against mammalian predators, it is hereby revoked and superseded by this Order. The applications subject to this proceeding and any other applications for registration of sodium cyanide filed hereafter shall be processed forthwith in accordance with applicable law and regulations, subject to the restrictions set forth hereinafter.

## RESTRICTIONS

A. *General.* 1. Use of the M-44 device shall conform to all applicable Federal, State, and local laws and regulations. (Initial Decision #1).[1]

2. Registrants and applicators shall be subject to such other regulations and restrictions as may be prescribed from time to time by the U.S. Environmental Protection Agency. (Initial Decision #26).

B. *Users.* 3. Registrations for sodium cyanide capsules to be used in the M-44 device may be granted to persons other than State and Federal agencies; provided, that such persons shall be authorized to sell sodium cyanide capsules only to State and Federal registrants. Only State and Federal registrants shall be permitted to sell, give, or distribute sodium cyanide capsules to individual applicators. State and Federal registrants may authorize or license private applicators to use the M-44 device pursuant to an approved plan for the certification of private applicators in accordance with Section 4 of FIFRA if such private applicators have completed the training program set forth herein. However, prior to the approval of such plans, State and Federal registrants may authorize or license private applicators to use the M-44 device, under State or Federal supervision and control, after the completion of the training program as set forth herein. Federal and State registrants shall train all individual applicators, and such training shall include, but need not be limited to: (1) Training in safe handling of the capsules and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device; and (4) Instructions in recordkeeping. Federal and State registrants shall be responsible for insuring that the restrictions set forth herein are observed by all individual applicators to whom such registrants sell, give, or distribute sodium cyanide capsules and/or M-44 devices. (Initial Decision #18).

4. M-44 devices and sodium cyanide capsules shall not be sold or transferred to, or entrusted to the care of, any person not authorized or licensed by, or under the supervision or control of a Federal or State registrant. (Initial Decision # 20).

C. *Permissible uses.* 5. The M-44 device shall be used only to take wild canids suspected of preying upon livestock and poultry. (Initial Decision # 2).

6. The M-44 device shall not be used solely to take animals for the value of their fur. (Initial Decision # 3).

7. The M-44 device shall only be used in instances where actual livestock losses due to predation by wild canids are occurring or, based on documented prior experience indicating a recurring or seasonal predator problem in a specific area, where actual livestock losses due to wild canid predators can reasonably be expected to occur. In each case, full documentation of livestock depredation, including evidence that such losses were caused by wild canids, will be required before application of the M-44 is undertaken. (Initial Decision # 4).

D. *Prohibited uses.* 8. The M-44 device shall not be used in: (1) National or State Parks; (2) National or State Monuments; (3) Federally designated Wilderness areas; (4) Wildlife refuge areas; (5) Areas within national forests or other Federal lands specifically set aside for recreational use; (6) prairie dog towns; and (7) Areas where exposure to the public and family pets is probable. (Initial Decision # 5).

9. The M-44 device shall not be used in areas where threatened or endangered animal species might be adversely affected. Each applicator shall be issued a map which clearly indicates such areas. (Initial Decision #6).

E. *Placement of devices.* 10. One person other than the individual applicator shall have knowledge of the exact placement location of all M-44 devices in the field. (Initial Decision #23).

11. In areas where more than one governmental agency is authorized to place M-44 devices, the agencies shall exchange placement information and other relevant facts to insure that the maximum number of M-44 devices allowed is not exceeded. (Initial Decision #25).

12. The M-44 device shall not be placed within two hundred (200) feet of any lake, stream, or other body of water: *Provided*, That natural depression areas which catch and hold rainfall only for short periods of time shall not be considered "bodies of water" for purposes of this restriction. (Initial Decision #7).

13. The M-44 device shall not be placed in areas where food crops are planted. (Initial Decision #8).

14. The M-44 device shall be placed at least fifty (50) feet distance or at such greater distance from any public road or pathway as may be necessary to remove it from the sight of persons and domestic animals using any such public road or pathway. (Initial Decision #9).

15. The maximum density of M-44 devices in any 100 acre pastureland shall not exceed ten (10) and the maximum density in any one square mile of open range shall not exceed twelve (12). (Initial Decision #10).

16. The M-44 device may be placed in the vicinity of draw stations (livestock carcasses): *Provided*, That no M-44 device shall be placed within thirty (30) feet of a carcass; no more than four (4) M-44 devices shall be placed at any single draw station; and no more than three (3) draw stations shall be operated in any one square mile of area. (Initial Decision #11).

F. *Supervision, inspection, and removal of devices.* 17. Supervisors of applicators shall check the records, warning signs, and M-44 devices of each applicator at least once a year to verify that all applicable laws, regulations, and restrictions are being strictly followed. (Initial Decision #24).

18. Each M-44 device shall be inspected by the applicator at least once a week to check for interference or unusual conditions and shall be serviced as required. (Initial Decision #12).

19. Damaged or non-functional M-44 devices shall be removed from the field. (Initial Decision #15).

20. An M-44 device shall be removed from an area if, after thirty (30) days, there is an area if, after thirty (30) days, there is a cessation of losses due to target predators in the area. (Initial Decision #14).

G. *Safety precautions.* 21. All persons authorized to possess and use sodium cyanide capsules and M-44 devices shall store such capsules and devices under lock and key. (Initial Decision #21).

22. Used sodium cyanide capsules shall be disposed of by deep burial or at a proper landfill site. (Initial Decision #13).

23. Bilingual warning signs in English and Spanish shall be used in all areas containing M-44 devices. All such signs shall be removed when M-44 devices are removed.

a. Main entrances or commonly used access points to areas in which M-44 devices are set shall be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Signs shall be inspected weekly to insure their continued presence and insure that they are conspicuous and legible.

b. An elevated sign shall be placed within six (6) feet of each individual M-44 device warning persons not to handle the device. (Initial Decision #17).

H. *Antidote protection.* 24. Each authorized or licensed applicator shall carry an antidote kit on his person when placing and/or inspecting M-44 devices. The kit shall contain at least six (6) pearls of amyl nitrite and the correct premixed proportions of sodium nitrite and sodium thiosulfate for intravenous injections, together with instructions on the use of each. (Initial Decision #22).

25. In all areas where the use of the M-44 device is anticipated, the poison control center (if there is one in the area) or the local medical society shall be notified of the intended use, and informed of the antidotal and first-aid measures required for treatment of cyanide poisoning: *Provided*, That if there is neither a poison control center nor a local medical society able to perform the function of notifying local hospitals, doctors, and clin-

[1] For purposes of convenience of comparison between this Order and the initial decision of the Administrative Law Judge dated August 29, 1975, corresponding restrictions set forth in the initial decision are cross-referenced herein.

ics of the aforementioned, it shall be the responsibility of the registrant to perform such function. (Initial Decision #16).

I. *Records.* 26. Each authorized or licensed M-44 applicator shall keep records dealing with the placement of the device and the results of each placement. Such records shall include, but need not be limited to:

a. The number of devices placed.

b. The location of each device placed.

c. The date of each placement, as well as the date of each inspection.

d. The number and location of devices which have been discharged and the apparent reason for each discharge.

e. The species of animal taken.

f. All accidents or injuries to humans or domestic animals. (Initial Decision #19).

Dated: September 16, 1975.

RUSSELL E. TRAIN,
*Administrator.*

APPENDIX A

ENVIRONMENTAL PROTECTION AGENCY,
PESTICIDES OFFICE,
*Washington, D.C. 20250, March 9, 1972.*

[PR Notice 72-2]

Pesticides Regulation Division

NOTICE TO MANUFACTURERS, FORMULATORS, DISTRIBUTORS AND REGISTRANTS OF ECONOMIC POISONS

Attention: Person Responsible for Federal Registration of Economic Poisons

Suspension of Registration for Certain Products Containing Sodium Fluoroacetate (1080), Strychnine and Sodium Cyanide

I. Last spring, this Agency made a public commitment to review the status of registrations for strychnine, cyanide, and sodium fluoroacetate (1080), for use in prairie and rangeland areas for the purpose of predator and rodent control. This commitment grew out of grave concern surfaced by the reported deaths of some 20 eagles killed by the misuse of thallium sulfate.[1]

This same concern caused the Secretary of the Interior to initiate a thorough review of the government's federal predator control program. An advisory committee was appointed under the chairmanship of Dr. Stanley Cain, Director, Institute for Environmental Quality and Professor of Botany and Conservation at the University of Michigan. The report of that advisory committee was released earlier this month.

Aside from this Agency's review and the Cain findings, a detailed petition has been submitted to this Agency by several distinguished conservation groups urging that the registrations of these compounds be cancelled and suspended immediately. That petition invoked the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 135, section 2z(2)(c) which requires that an economic poison contain "directions for use which are necessary and if complied with, adequate to prevent injury to living man and other vertebrate animals * * *," and section 4c which allows the Administrator to initiate cancellation proceedings by ordering immediate suspension "when he finds that such action is necessary to prevent an imminent hazard to the public."[2]

Based on this Agency's review of the registration of sodium cyanide, strychnine, and 1080 in light of available evidence, I am persuaded that their registrations for predator uses should be suspended and cancelled.

II. The Cain group has dealt at length with the effects of the use of strychnine, cyanide, and 1080 for predator control. The report points out the extreme toxicity of these compounds, their non-selectivity, and their potential impact on the environment which "is increased by secondary hazard, accumulation, in the animal, and combined characteristics of chemical stability and solubility in water." This report reconfirms the findings of the Leopold Report (see [1], *supra*) that the predator control program took a heavy environmental toll.

Cyanide, strychnine, and 1080 are among the most toxic chemicals known to man. They act quickly, spreading through an entire animal crippling the central nervous system. These poisons are toxic not only to their targets but other animals and wildlife. All of these poisons have a similar pattern of use as unattended baits and are spread over vast areas of open prairie.

In the case of strychnine use against badgers, coyotes, and foxes, a tablet containing the poison is placed inside a one-inch ball or cube of bait material such as meat, lard or tallow. These baits are left along animal trails or near non-game carcasses. While instructions caution the user to cover the baits over with chips or brush to avoid ingestion by non-target animals, the Cain Report has suggested the inadequacy of such directions.[3]

The pattern for cyanide use differs little in pertinent respects. An explosive gun, a "coyote-getter," charged with cyanide is baited and driven into the ground. The gun is left unattended along the trail or range and is triggered when an animal pulls at the bait. In the case of 1080, carcasses of dead animals are laced with the substance and strewn to attract the predator.

Indiscriminate baiting over wide unpoliced areas poses two obvious and recognized threats to non-target animals that share the ranges as a natural habitat. The unsupervised bait is itself a potential killer of non-target range species. The threat, however, is compounded by the extremely high toxicity of these poisons, which can transform the predator carcass into a potential lethal killer of prairie animal life.

While the effects of prairie baiting are, for the most part, not documented, the Cain group has suggested the present evidence may well understate the true damage. It is appropriate to take administrative notice of the fact that isolated accidents involving wildlife are not apt to be reported. Isolated, even if routine and numerous, instances of secondary animal poisoning would not have the visibility of a wildlife "kill," nor is there apt to be an observer present as in the case of human mishap. The administrative process need not be blind to these realities. This Agency's Pesticides Registration Division has, moreover, reports of cases of alleged secondary and accidental poisoning, and recently range-use of 1080 has been suspected of killing birds, including some of our rare species.

Measured against these obvious threats to wildlife are only ill-defined and speculative benefits. The Cain Committee has noted the absence of any meaningful information on the efficacy of poison baiting, especially in relation to the economic loss caused by predators to the sheep industry. At least one state, Nevada, has estimated that the cost of predator control was ten times the value of livestock and poultry lost to predators.

This absence of any meaningful data of benefits derived from the use of these highly dangerous poisons which pose a marked potential threat to the environment renders these registrations suspect. It is now settled that the burden of proof rests on the poison. The report, moreover, specifically cites the greater selectivity of ground shooting, denning, and trapping, and the Department of the Interior is embarking on a study to determine other methods of control. Here, where it is known that alternative methods of control exist, the registrations must be seriously questioned.

III. In deciding whether or not these considerations justify suspension, it must be recognized that the concept of suspension is one that must evolve, and existing verbal tests are not readily translated into a decisive cue for action. The Federal Insecticide, Fungicide and Rodenticide Act, and the judicial and administrative constructions of it to date set forth only word formulas that establish a general attitude on suspension questions. Each situation must be scrutinized not only for what is involved, but also for what is not involved.

Turning to the verbal tests by which we must measure the use of these poisons, FIFRA provides that the Administrator of EPA "may, when he finds that such action is necessary to prevent an imminent hazard to the public, by order, suspend the registration of an economic poison immediately." "Public" is not to be viewed restrictively, and includes fish and wildlife, as has recently and forcefully been noted in an opinion of a federal court. See "EDF v. Ruckelshaus," 439 F.2d 584, at 597. Nor does "imminent" mean that we are on the "brink" and that the harm will occur tomorrow or has been documented.[4]

[1] This concern predates last summer. In 1963 the Secretary of Interior appointed an Advisory Board on Wildlife and Game Management chaired by Dr. Leopold of the University of California.

[2] Sponsors of the petition were: The Natural Resources Defense Council, Defenders of Wildlife, Friends of the Earth, The Humane Society of the United States, National Audubon Society, Inc., New York Zoological Society, the Sierra Club, and the National Parks and Conservation Association.

[3] According to the Cain Committee, if toxicants were consistently applied under field conditions with meticulous care, it is possible undesirable side-effects might be avoided. Draft at 131. However, the Committee concludes, "It appears that the necessary high standards are not likely to be attained." (Draft at 115) The Committee found no reliably precise data is available showing the degree of predator control achieved or the possible loss that might ensue without any program.

[4] "An 'imminent hazard' may be declared at any point in a chain of events which may ultimately result in harm to the public. It is not necessary that the final anticipated injury actually have occurred prior to the determination that an 'imminent hazard' exists." Reasons Underlying the Registration Decisions Concerning Products Containing DDT, 2,4,5-T, Aldrin and Dieldrin, at 6.

It is sufficient that reasonable men can conclude that action taken today will with reasonable certainty lead to a loss in the future and that loss will be irremediable and uncorrectable by subsequent action, and that the apparent benefits from using a chemical, pending the complete statutory review process, are outweighed by the possible harm of use during the period.[3] Or, as the matter was put in the Agency's DDT policy statement of March 18, 1971, the type, extent, probability and duration of such injury will be measured in light of the positive benefits accruing from use of the economic poison, for example, in human or animal disease control or food production.

Bearing these principles in mind, I am persuaded that a definite hazard exists. While the mere toxicity of poisons does not, under FIFRA, render them a hazard, their degree of toxicity and pattern of use may well do so. The unattended and unsupervised use of poisons over large areas of land, by definition, poses a hazard to non-target species. The fact that label instructions contain directions for placing the baits at times and in areas least likely to be populated by non-target species and for policing them, affords slight, if any comfort. This Agency has on prior occasions taken into account a "commonly recognized practice" of use (see In Re Hari Kari Lindane, I.F. & R. (Docket #6), and has noted that the likelihood of directions being followed may affect their adequacy (see In Re King Paint, 2 ERC 1819 (1970)); In Re Stearns, 2 ERC 1364 (1970).

The hazards from the pattern of use for these chemicals is not remote or off in the distant future. The prairies and ranges are populated by numerous animals, some of which are becoming rare. At jeopardy are potentially endangered species. Each death to that population is an irremediable loss and renders such species closer to extinction.

No apparent circumstances exist to counterbalance this distinct hazard and suggest that the possibility of irremediable loss is outweighed by the harm that might occur from their nonavailability during a period of suspension. The situation might well be different were the removal of these poisons from the market likely to affect human health or the supply of a staple foodstuff; or were there no apparent alternatives available, the balance might be differently struck. This, however, is not true.

I am hereby affixing findings of fact and an order suspending and cancelling these chemicals for use in predator control.

WILLIAM D. RUCKELSHAUS,
*Administrator.*

March 9, 1972.

### FINDINGS OF FACT

#### CYANIDE

1. Two products in the form of shells containing sodium cyanide are currently registered for explosive devices designed to kill coyotes that may prey on sheep. The device is simply a cyanide charge placed in a baited cylinder and driven into the ground. When the animal pulls at the bait the charge explodes into its mouth. Only one of the shell products is registered for use by the general public. The Division of Wildlife Services of the Department of the Interior has probably been the largest user of such devices.

2. Sodium cyanide is a water soluble white solid which reacts with acids to form hydrogen cyanide gas. This chemical is among the most toxic and rapidly acting of all known poisons.

3. Persons overcome by gas either die very rapidly from respiratory failure or recover completely within a relatively short time.

4. Ingestion or inhalation of a very low dose (as little as 300 micrograms per litre of air) may rapidly result in death.

5. There is no true effective antidote.

6. Recent data show four incidents involving cyanide compounds in fiscal year 1970 in three of which human beings were injured by the discharge of cyanide guns placed in fields. Only quick thinking on the part of all three victims in seeking immediate medical aid prevented any loss of life.

7. There is evidence that dogs have been subjected to poisoning by cyanide (used as outlined above) which is highly toxic to all wildlife and domestic animals.

#### STRYCHNINE

8. Currently at least six products containing strychnine in tablet and technical powder form are registered for use in baits against coyotes and wolves.

9. The technical powder form is for reformulation and repackaging, and is for use only by professional pest control operators and government agencies.

10. The tablets are available on the open market.

11. Strychnine is an extremely bitter-tasting white crystal.

12. It is a complex, naturally occurring, organic compound which would probably bind to soil readily and decompose over a period of time, although information of the persistence of strychnine and its effect on the environment is somewhat limited.

13. Strychnine is highly toxic to humans and animals, with 30 mg. considered as a threat to the life of an adult man. Death has, however, been reported with as little as 5 to 10 mgs., and animal life may be acutely poisoned by ingestion of small amounts.

14. Strychnine acts by interfering with normal neural processes, causing exaggerated muscle contraction and violent convulsion. Death in a rather gruesome form due to respiratory failure soon follows unless the seizures are controlled.

15. There is no true effective antidote.

#### 1080 (SODIUM FLUOROACETATE)

16. Four products containing 1080 are currently registered for use as mammalian predacides.

17. Use is restricted to areas west of the 100th meridian, and then only by Division of Wildlife Services personnel, or under their direct supervision.

18. 1080 is a white powder, soluble in water, very stable, and thus very persistent in ground water.

19. 1080 is highly toxic to all species. The dangerous dose for man is 0.5–2 mg/kg. The chemical acts rapidly upon the central nervous and cardiovascular systems with cardiac effects. Effect is usually too quick to permit treatment, and antidotes are relatively valueless.

20. According to one authority, prior to 1963 there were 13 proven fatal cases, five suspected deaths, and six non-fatal cases of 1080 poisoning in man, although it is not clear to what extent predator control materials were implicated.

21. There is evidence that a certain number of non-target animals are being adversely affected by 1080 products, particularly, in the case of carrion eating birds and mammals, by secondary poisoning. It is not clear, however, how various animal populations are being affected, although 1080 is thought to have contributed to the death of at least one California condor, an endangered species.

#### BENEFITS

22. There is no reliable data as to the amount of predator control achieved by the use of these poisons.

23. There is no reliable data as to the loss of sheep that might occur without a predator control program using these poisons, or of the real effect of such losses on the general economic health of the sheep industry. Certain data that are presently available indicate predator losses may in fact be of such a low magnitude as to be a minor part of total losses. The Cain Report suggests that among other reasons for the decline of the sheep industry may be competition from synthetic fibers and from lot-fed livestock.

24. For the maintenance of predator control programs, especially in the sheep industry, effective non-chemical alternatives exist, including denning, shooting and trapping, methods that have long been available and effective, though more costly than poisons.

25. The Federal Government has committed itself to a research program for methods of controlling predators other than poisons.

#### CONCLUSION

The predator use of the foregoing chemicals presents an imminent hazard such as to warrant their suspension pursuant to 4(c) of the Federal Insecticide, Fungicide and Rodenticide Act.

#### ORDER

In accordance with the attached opinion and findings, it is hereby ordered that the registration for all products containing sodium fluoroacetate (1080), sodium cyanide or strychnine for use against mammalian predators be cancelled and suspended immediately.

Registrations for those products bearing directions as listed above are hereby suspended and the products may not be legally shipped in interstate commerce until labeled to block out instructions for predator use.

WILLIAM D. RUCKELSHAUS,
*Administrator.*

MARCH 9, 1972.

### APPENDIX B

#### ENVIRONMENTAL PROTECTION AGENCY, BEFORE THE ADMINISTRATOR

#### INITIAL DECISION[1] OF FREDERICK W. DENNISTON, ADMINISTRATIVE LAW JUDGE

In the matter of: Applications to register sodium cyanide for use in the M–44 device to control predators, FIFRA Docket No. 382.

This proceeding was initiated by the Administrator's order dated July 11, 1975, published in the FEDERAL REGISTER of July 15, 1975 (40 FR 29755). The proceeding is based on an application filed July 7, 1975 by the Fish and Wildlife Service of the U.S. Department of Interior, which seeks to register sodium cyanide M–44 capsules pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) (86 Stat. 979, 7 U.S.C. 136a). Pursuant to the provisions of Subpart D of the EPA regulations (40 CFR 164.130–133), the application under section 3 has been treated as a petition for reconsideration of an order issued March 9, 1972 (37 FR 5718).

[3] The cancellation proceeding involving the possibility of both a scientific advisory committee and public hearing consumes at least one year. In actual fact, these proceedings have generally taken considerably more than a year.

[1] Exceptions may be filed by the parties pursuant to 40 CFR 164.101 but must be received on or before September 5, 1975.

NOTE: This is a correction of the date of September 4, 1975, announced on the record (Tr. 4–64), the fact that September 1 (Labor Day) is a holiday not having been considered.

The notice provided for an expedited hearing, which was specified to begin on August 12, 1975 and to last 4 days unless, pursuant to a recommendation of the presiding officer, it was further extended for an additional three days. The parties were allowed 4 days from the close of the hearing to file proposed findings and briefs. The presiding officer was allowed 6 days thereafter for the issuance of his initial decision, to which the parties could file exceptions 4 days thereafter.[1]

Finally, it was provided that the Administrator's final order would be issued 21 days following the hearing, or 7 days after the filing of the exceptions. Saturdays, Sundays, and holidays were to be excluded from the foregoing count.

A prehearing conference was held on July 30, 1975 as a result of which special rules for the conduct of the proceedings were discussed, and were included in a Report of First Prehearing Conference issued July 31, 1975 (40 FR 33069). A second prehearing conference was held on August 7, 1975, at which some supplemental rules were adopted (Report of Second Prehearing Conference, August 11, 1975).

As permitted by the initiating order, certain interests filed applications which parallel that of the Fish and Wildlife Service, and by a second order, dated August 8, 1975, the following applications were, in effect, incorporated into this proceeding (40 FR 34455, August 15, 1975):

Montana Department of Livestock
Wyoming Department of Agriculture
Colorado Department of Agriculture
Oregon Department of Agriculture
Nevada State Department of Agriculture
Texas Department of Agriculture
M-44 Safety Predator Control Company, Midland, Texas

Also, as allowed by the order, the following interventions occurred:

*Interventions in support of application.*
Wyoming
Montana
Navajo Nation
National Turkey Federation
American National Cattlemen's Association
National Wool Growers' Association

*Intervention in opposition to application*
Environmental Defense Fund
Defenders of Wildlife
Friends of the Earth
National Audubon Society
Natural Resources Defense Council
National Wildlife Federation
Sierra Club
Oregon Environmental Council [2]
Animal Protection Institute
Wildlife Management Institute
Humane Society of the United States

*Amicus Curiae.* As further provided by the initiating order, persons desiring to file briefs without becoming parties were permitted to do so and such *amicus* briefs were filed by the following:
American Farm Bureau Federation
Texas Department of Agriculture
California Department of Food and Agriculture
Montana Wool Growers' Association
Montana Stockgrowers' Association
Congressman W. R. Poage
Texas and Southwestern Cattle Raisers Association

[1] In the original notice, the exceptions were inadvertently referred to as "a reply brief."

[2] The precise status of the Council is not clear as notwithstanding intervention in opposition has been entered, the Council, by letter dated June 19, 1975, to the Assistant Director of the State Department of Agriculture, has indicated approval.

HISTORY OF PROCEEDING

On March 9, 1972, the Administrator issued a notice of suspension of the registration of certain products containing sodium fluoroacetate (1080), strychnine, and sodium cyanide. That document was published in the FEDERAL REGISTER of March 18, 1972 (37 F.R. 5718). The document referred to a report prepared under the aegis of the Secretary of Interior by a committee of which Dr. Stanley Cain, Director, Institute for Environmental Quality and Professor of Botany and Conservation at the University of Michigan, was chairman. The text of that order and the accompanying findings of fact are incorporated herein by reference. The order cancelled and suspended all uses of sodium cyanide and the other chemicals mentioned.

On January 10, 1974, EPA issued a notice that it would consider applications for the use of a so-called M-44 device and sodium cyanide for coyote control (39 F.R. 2295, January 18, 1974). This was followed by an amendment to the EPA regulations dated January 29, 1974 and effective February 1, 1974 by which a new § 162.19 was added to the Rules which provided for the filing of experimental use applications for the use of sodium cyanide in a spring-loaded ejector unit as a predator control.

Finally, on July 11, 1975, the Administrator issued the instant notice of hearing which commenced this proceeding. In that notice, it was recited that, pursuant to the foregoing regulations, experimental use permits had been issued as follows:
Texas Department of Agriculture
Montana Department of Agriculture
California Department of Food and Agriculture
Department of the Interior
South Dakota Department of Game, Fish, and Parks
Idaho State Department of Agriculture
Nebraska State Department of Agriculture
Kansas State University
Texas A & M

ISSUES

The issues for determination in this proceeding are whether the following three items constitute new evidence:

1. Four of the seven specific findings concerning sodium cyanide in the 1972 Order were directly related to the issue of human safety. Based on the data gathered in accordance with the applicant's experimental use permit, sodium cyanide when used in the M-44 has been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 Order and which was known to cause injuries to humans.

2. Based on data derived from studies conducted subsequent to the 1972 Order and submitted by the applicant, use of sodium cyanide in the M-44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

3. In view of the data submitted by the applicant with respect to significantly reduced hazards to humans and the greater selectivity of sodium cyanide when used in the M-44, it is likely that proposed restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicant.

These are followed by the following, which have been numbered for convenience:

4. Finally, if the above facts are determined to exist and to constitute substantial new evidence, the hearing must also determine whether such facts require modification of the 1972 Order to permit the registration of sodium cyanide for use in the M-44 to control predators in accordance with FIFRA.

5. The determination of these issues shall be made taking into account the human and environmental risks found by the Administrator in the 1972 Order and the cumulative effect of all past and present uses, including the requested use, and uses which may reasonably be anticipated as a result of a modification of the 1972 Order.

Hearings were held on August 12, 13, 14, and 15, 1975, and it was not necessary to seek the three-day extension which was conditionally provided. While arrangements were made to extend the workday for an additional hour on August 13, 14, and 15, the additional time was not required, and the hearing concluded prior to 11:00 o'clock on August 15, 1975. The following appearances of counsel were entered:

David Fisher—Fish and Wildlife Service, U.S. Department of Interior.
Glenn Davis and John H. Midlen, Jr.—States of Wyoming and Montana.
George S. Andrews—Special Counsel, State of Wyoming.
Arthur Lee Quinn and Jeffrey Petrash—National Wool Growers' Association, American National Cattlemen's Association, National Turkey Federation, Navajo Nation.
Harold Burke, Assistant Attorney General—State of Oregon.
Richard E. Gutting, Jr.—Environmental Defense Fund, Defenders of Wildlife, Friends of the Earth, National Audubon Society, Natural Resources Defense Council, National Wildlife Federation, Oregon Environmental Council, Sierra Club, Animal Protection Institute, Wildlife Management Institute.
Murdaugh Stuart Madden and Roger A. Kindler—Humane Society of the United States.
Ronald McCallum and Colburn T. Cherney—U.S. Environmental Protection Agency.

Proposed Findings of Fact and Conclusions, and Briefs in support, have been filed by Fish and Wildlife Service, Department of Interior, the States of Montana, Wyoming and Oregon, American Farm Bureau Federation, Environmental Defense Fund and the associated environmentalist groups, and Respondent (Assistant Administrator, U.S. Environmental Protection Agency).

FINDINGS OF FACT

1. The M-44 is a mechanical device used to eject sodium cyanide into the mouth of canids when they activate it. It was developed in response to a need to replace the explosive shell of the Coyote Getter. Although serious injuries (14 documented human injuries for 550,000 getter-years of Service use since 1959) were infrequent with the latter, the potential for serious accidents was sufficient to warrant development of an alternative device. The manner of placement, use of scents that are offensive to humans, and elimination of the explosive charge made the M-44 relatively safe for humans.

2. The M-44 is composed of four parts: (1) The case—a sealed, impermeable plastic capsule containing one gram of formulated toxicant (0.88 gram of NaCN); (2) the case holder—a short, hollow tube wrapped with absorbent material to retain olfactory attractant and into which the case is inserted; (3) the ejector—a spring loaded plunger and triggering mechanism which is seated in and fastened to the tube and to which the case holder is fastened; (4) the tube—a hollow

metal tube which is driven into the ground to support and anchor the mechanism.

3. Placement in the field is as follows: The tube is driven into the ground; the ejector is cocked, seated into the tube and the trigger mechanism engaged; the case is placed in the case holder which is then fastened to the ejector mechanism previously placed; and last, the absorbent material on the case holder is saturated with an olfactory attractant. Canids drawn to the attractant grasp the case holder by their teeth and pull up, thus triggering the device, which then ejects the sodium cyanide into the animal's mouth.

4. The M–44 device will be used in accordance with formal policies and regulations established by the U.S. Fish and Wildlife Service. This use will conform to all applicable Federal, State, and local laws and regulations.

5. The U.S. Fish and Wildlife Service does not have authority over most lands on which the M–44 device will be used. To assure consideration, input, and approval from all responsible parties, M–44 use in programs on public lands will be controlled by cooperative agreement with appropriate jurisdictional agencies. Use of the device in programs on private lands would be controlled by written and signed cooperative agreement with the landowner or leasee.

6. Each individual M–44 use will besubject to careful analysis at the field level to assure that application is necessary, safe, and effective. Full documentation of livestock depredations, including evidence that such losses were caused by wild canids, or laboratory-confirmed verification that wild canids are, in fact, vectors of a communicable disease such as rabies, will be required before application in undertaken.

7. M–44 devices will be used only in areas specified under programs approved by U.S. Fish and Wildlife Service Regional Directors. They will not be used in: (1) National Parks or Monuments; (2) areas where threatened or endangered species might be adversely affected; or (3) areas where excessive exposure to public and family pets is probable.

8. M–44–s or capsules will not be given to, or entrusted to the care of, any person not under the supervision of the Service or other cooperating Government agencies. Care will also be taken to prevent theft or loss and the possibility of subsequent use of the capsules by nonauthorized persons.

9. M–44's will be used in locations and at times that will minimize encounters by humans, pets, and nontarget species. Special concern will be given to hunting and other seasonal use areas.

10. On private, lands, M–44's will be used in areas where fencing, topography, seasons, climatic conditions, or other factors normally limit human access, while on public lands, M–44's will be used during those times of the year when use of the particular public land by the general public is at a minimum, or on areas not generally frequented by the public. Specific locations and time periods of M–44 use will be established by the appropriate Bureau representative, based upon land-use information provided by the land administrator and with his concurrence.

11. Warning signs in English and Spanish will be used to provide warning of all areas containing M–44's. Individual unit sites also will be clearly identified to protect persons who might happen upon them.

12. All Service-supervised employees will be instructed in the safe use of M–44's before being entrusted with them, including caution to be exercised to prevent personal injury from accidental discharge of the device.

13. Cyanide antidote kits will be carried by all employees using M–44's.

14. Special precautions will be in effect for the storage and disposal of capsules.

15. M–44 devices will be maintained on a routine basis (at least weekly) in order to replace discharged capsules and damaged warning signs, and to check them for human interference or abnormal conditions. They will be removed when unsafe conditions develop (i.e., new human activity in the area), when livestock depredation losses are stopped, or when evidence of the target species can no longer be found in the area.

16. All accidents involving human and domestic animals as well as reports of animals taken by the device, will be reported immediately in accordance with established procedures.

17. During the experimental permit period from June 1, 1974 to October 31, 1974 the livestock losses were 3.4 percent before M–44 use was initiated and 0.6 percent during and after their use, or a 2.8 percent reduction in losses (M–44 Efficacy report 1974). This shows the trend but is not an exact loss ratio or solely attributable to M–44's for several reasons: 1, in many cases other damage reduction methods were used simultaneously with M–44's; 2, funding does not allow for absolute search for kills; 3, time periods for collecting the "before" and "after" data are not equal.

18. Data taken from the same field reports, but limited to 2 months after initiation of M–44 use on each area, and including 13 months from June 1, 1974 to July 31, 1975 showed a reduction in sheep and goat losses of 2.9 percent from 3.3 percent before M–44 use to 0.4 percent after use began. The same data shows a reduction of cattle losses (mostly calves) of 3.0 percent from 3.3 percent before M–44 use to 0.3 percent after. Again this shows a trend, but not exact losses or exact loss ratios.

19. An important comparison should be pointed out, that these reductions of whatever size they are, were made where mechanical methods had been unsuccessful thus requiring the use of chemical methods.

20. The relative ratio by which M–44's take coyotes and fox as compared to nontarget species is indicated by data from the USFWS 1974 report which shows a target species take of 95 percent and nontarget species 5 percent. Data from the USFWS 1975 report indicates a take of 88 percent target species and 12 percent nontarget species.

21. The leader of the Predator Ecology and Behavior Project of the Fish and Wildlife Service, with credentials both academic and in research in the field of wild animal populations in general and predators in particular, testified as to the overall results of the FWS use of the M–44 device. In his opinion, the M–44 device is an effective device for achieving temporary reductions in canid populations; the device is selective for canids because of the nature of the attractant and manner of exposure; the risk to populations of nontarget species is minimal; and it is significantly safer for operating personnel than the Human Coyote Getter. The risks associated with the Human Coyote Getter, as used in the Federal program, were largely related to mechanical injuries caused by the top wad and sealant which effectively became a projectile. Those risks have been essentially eliminated in the M–44. The potential risk of cyanide toxemia to operating personnel is present with either device, but evidence from the operational programs suggests that risk is extremely low.

22. Data compiled by the Fish and Wildlife Service indicate that the M–44 device is more selective for wild canids than are steel traps. A study covering the period 1970–1972, during which the M–44 and the Humane Coyote Getter were both used during part of the period, indicates that of the animals taken, 89 percent represented coyotes and foxes, and other species such as bear, bobcat, skunk, badger, raccoon, oppossum and porcupine, represented very small percentages of the total. On the other hand, a study made in Mexico, Colorado, and Wyoming of carnivores taken on steel trap lines, indicated that coyotes and red foxes comprised only 27.6 percent of the total taken. Thus while some nontarget animals are taken by the M–44's, they represent a very small proportion and substantially less than the steel traps.

23. A research scientist from the Texas A&M University, testified with respect to certain studies of predator-prey relationships. From these studies, he drew the conclusion that the M–44 is a selective device for capturing coyotes.

24. While in the 1972 Order the Administrator found that "There is no true effective antidote" with respect to the use of cyanide there considered, the record does not disclose on what that statement or finding was based. The evidence adduced herein indicates antidotes do exist and one of the requirements of the Fish and Wildlife Service will be that every person engaged in placing the devices must carry an antidote kit. There is question as to whether the antidote treatment could be self-administered by a person who might be suffering from the initial effects of poisoning by making an intravenous injecton; however, antidotes do exist and the previous finding in 1972 is incorrect.

25. The States of Montana and Oregon offered copies of the rules governing the use of chemical toxicants for predator control in their states and similar rules for the State of Wyoming were submitted.

26. Currently a critical situation exists in the State of Montana due to serious losses to livestock producers caused by predatory animals, primarily coyotes. Present methods of trapping, denning, shooting and aerial hunting are being employed but livestock depredation continues to be a serious problem. Various alternate methods of control are being utilized.

27. On April 4, 1974, the Montana Department of Livestock was granted permission to use the M–44 device for experimental use purposes only. The expiration date on that permit is October 15, 1975. From July 1, 1974 to February 20, 1975, a total of 278 people from 22 counties and an Indian reservation were trained by the Montana Department of Livestock and licensed as government pesticide M–44 applicators. The training consists of techniques for the selection of placement sites, recordkeeping and reporting safety precautions, and various aspects of the use of the M–44 device. Special emphasis was given to environmental and human safety precautions to be observed when using the device and predacide.

28. During these training sessions, all participants were issued an amyl nitrite antidote kit and instructed in its proper use. All applicators were required to submit monthly reports on capsule usage, species taken, and the number of M–44 units in the field.

29. Between July 1, 1974 and June 30, 1975, a total of 608 coyotes, 148 foxes, and 23 skunks, 6 raccoons, 4 dogs, and 1 badger were taken by the licensed applicators in Montana. Coyotes and foxes are the target species for this program and account for 96 percent of the species taken. The Department of Livestock computes the cost of the program per coyote or fox taken as $19.32. This compares to the average cost to take a coyote or fox by the state helicopter, fixed-wing aircraft or state trapper using mechanical methods of $45.00, $25.00 and $200.00, respectively. Thus proving the M–44 to be economically feasible.

30. Montana considers the M–44 device using sodium cyanide to be a selective, efficient, humane, economically and environ-

mentally-safe predatory control tool, and urges its registration.

31. The State of Oregon has adopted a comprehensive system of regulations to implement its application for registration. Those regulations become effective October 15, 1975. Under its program only registered or licensed governmental applicators will be authorized to utilize the toxicant and device, and then only for coyote control.

32. EDF and the opposing group of environmentalists offered the testimony of a field representative for Defenders of Wildlife, Richard L. Randall. Mr. Randall has had lifelong experience in varying capacities with livestock and wildlife in the Western areas. He was formerly employed by the Fish and Wildlife Service, or its predecessor, until 1973 when he retired from government service because of injuries suffered in two aerial accidents which occurred while he was hunting coyotes in Wyoming.

33. He has had personal experience in both the Humane Coyote Getter and the M-44. In his experience, use of any predator control was not effective in significantly reducing losses due to predation. Randall believes that the M-44 presents a potential danger to children and others who may be attracted to the devices by the warning signs posted. He indicates that there is much vandalism of the devices by persons damaging them with rocks or running over them with vehicles and that many who disapprove of their use deliberately set them off and therefore they present a hazard to that group of people. Randall perceives no objection to the registration of the M-44 device provided adequate restrictions on its use are promulgated. While he did not specify the particular conditions he deemed appropriate, one of his principal criticisms was in opposition to placing the devices on or near roads. He does not believe that the M-44 is anymore effective or selective than its predecessor the Humane Coyote Getter.

34. The foregoing facts constitute substantial new evidence which was not available to the Administrator when he issued his March 1972 order, and could not have been presented or discovered by parties to that matter in view of the lack of a proceeding.

35. Based on the data gathered in accordance with the applicants experimental use permit, sodium cyanide when used in the M-44 has been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 order and which was known to cause injuries to humans.

36. The use of sodium cyanide in the M-44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

37. It is also apparent that with appropriate restrictions as hereinafter discussed, the use of the M-44 should be approved and that the 1972 order should be modified accordingly.

CONCLUSIONS

The evidence is clear that the conditions of use of the M-44 as embodied in actual practice under the experimental use permits avoid most if not all of the dangers mentioned in the 1972 order. The testimony of the only witness in opposition tends to confirm this fact rather than controvert it. While apparently disagreeing that the M-44 is more selective than the former Humane Coyote Getter, that witness' statement was a general observation unsupported by data, and actual data of record establishes the contrary.

While the evidence presented might be considered lacking in the niceties of politico-economic analysis, when consideration is given to the subject matter, i.e. wild animal predators, and the vast undeveloped areas in which these devices are utilized, the data presented indicate that the benefits of the proposed use greatly outweigh the risks which are shown to be minimal. A precise dollar evaluation of benefits versus risks, however, is not possible.

OPPOSITION CONTENTIONS

EDF contends it has been denied due process of law and a fair and proper hearing, and in support offers five contentions of procedural errors.

1. *Intervention by Oregon.* EDF points out that the initiating notice of July 11, 1975: *Provided*, That motions to intervene were to be filed no later than August 6, 1975. It also provided for states to file M-44 applications and allowed for their filing by July 31, 1975, to be reviewed and then made subject to a determination by the Administrator as to whether they qualified under Subpart D of the rules. That determination was not made until the August 8, 1975 Notice, or after the date for filing interventions as such. As Oregon became an applicant on that date, it was appropriate that it become a party and offer evidence in support of its application. It should be noted that such evidence dealt with the manner in which the program would be administered within Oregon, but did include a letter of the Oregon Environmental Council expressing approval of these applications.

2. *Application dates.* EDF contends the August 8, 1975 Notice "ruled that applications received after this date (July 31, 1975) would be considered." No such language is contained in the Notice, which lists the applications received "on or before July 31, 1975." It therefore cannot be determined what the basis of this objection may be.

3. *Irrelevant material.* Throughout the hearing, EDF objected to any evidence beyond the issues 1 and 2 above, dealing with human hazards and selectivity, and thus asserts that irrelevant material was received. In taking this position, EDF ignores issues 4 and 5 in the initiating order as summarized above and cites no testimony which is irrevelant to those issues.

4. *Special rules.* EDF points out that the Special Rules issued by the Presiding Officer provided for submission of all testimony on applications in writing and the distribution to parties on August 7, 1975, but that it did not receive the Oregon and Montana exhibits until after that date. As noted above, the Order incorporating those applications was not issued until August 8, 1975, and being proper parties provision for their testimony was required. In any event, EDF received the testimony in advance of the witness taking the stand and had opportunity for prior review; there is no indication that EDF was in any way prejudiced by this procedure.

5. *Underlying data.* EDF correctly points out that the Special Rule (Report of First Prehearing Conference) provided that data must be made available by the proponents of exhibits or expert testimony, but alleges testimony was allowed where such was unavailable to EDF, citing two references to the transcript. Those references indicate that EDF did in fact have the underlying studies when questioning the witness, and afford no support for its contention. Further, the record indicates that where a witness had failed to supply the complete article from which he had quoted excerpts, the proposed testimony was stricken (Tr. 2-22). Moreover, with respect to the special rules which were discussed at the Prehearing Conference of July 30, 1975, various counsel, including EDF, urged that provision be made for special situations, and the Administrative Law Judge indicated that such would be entertained. (Tr. 1-28).

6. *Subpoena of EPA official.* A witness in the course of his testimony stated that an EPA official had told him the present applications would be granted. Later, EDF requested and was denied a subpoena requiring that official to testify and be cross-examined, on the grounds of relevancy. The decision-making process, in this instance, involves the Administrative Law Judge in the first instance and the Administrator, or his delegee, in the second. The views of staff members outside of this record are irrelevant unless it would appear to be related to the development of "secret law" as to which there is no indication here. Compare "Sterling Drug Inc. v. F.T.C.," 4502d 698 (1971).

*Applicability of section 102 of the National Environmental Policy Act.* On brief, EDF also contends that section 102(2)(c) of the National Environmental Policy Act (NEPA) (83 Stat. 852; 42 U.S.C. 4332(2)(c)) requires that an environmental impact statement (EIS) is a prerequisite to the FWS application, and that its absence prevents any modification of the 1972 Order. In support, it offers a quotation from Aberdeen and Rockfish Railroad et al. v. S.C.R.A.P. (— U.S. — No. 73-1966, June 24, 1975). The quotation is *dictum* in a case in which such a statement was held not to be required, and affords little guidance here. The issuance of the initiating notice herein, by the Administrator in the absence of an EIS, necessarily represented a determination by him that none was required. With regard to EPA itself, none is required and this proceeding does not fall within those as to which the Administrator has announced a voluntary program of preparing the EIS. See Statement of Policy and Procedures, 39 FR 16186 and 37119.

*Effect of E.O. 11870.* EDF contends the present FWS proposal is prohibited by Executive Order No. 11870 (July 18, 1975) (40 FR 30611) which amended Executive Order No. 11643 of February 8, 1972, by citing section 3(c) thereof which deals with programs limited to one year. But this proceeding would be governed by section 3(b), and no doubt represents the consultation with EPA which is required.

*Section 3 of FIFRA.* Finally, EDF contends the applications do not meet the requirements of section 3 of FIFRA by asserting that the proposed use would have "unreasonable adverse effects on the environment." No attempt is made to justify the assertion, but reference is made to 40 CFR 162.11 of the recently issued Registration rules, effective August 4, 1975. But this proceeding is subject to section 18 of FIFRA, as well as section 3, and is governed by Subpart D of the rules (40 CFR 164.130) and the statement of issues herein.

RESTRICTIONS

The Respondent in this proceeding (Assistant Administrator of EPA), on brief, urges the modification of the 1972 Order to permit the registration of sodium cyanide for use in the M-44 device to control canid predators subject to the 26 numbered conditions or restrictions set forth in the Appendix hereto.

These restrictions are based on the statements of intended use by the applicant witnesses herein or may reasonably be inferred from their testimony and appear to be appropriate in the light of the record. They also appear to meet the suggested restrictions offered by EDF in the alternative that their challenge of the proceeding is not accepted, and accordingly, the approval granted herein will be made subject to those restrictions.[4]

[4] It is noted that by letter of August 27, 1975, counsel for the State of Montana takes exception to proposed restrictions No. 2, 14 and 22. No provision was made for such a filing, which is essentially a reply brief, and time does not permit provision therefor, and they have not been considered. They may, of course, be renewed on exceptions.

ULTIMATE FINDINGS AND CONCLUSIONS

In view of the foregoing, the 1972 Order should be modified to permit the registration of the M–44 device by the applicants herein subject to the conditions set forth in the Appendix hereto.

FREDERICK W. DENNISTON,
*Administrative Law Judge.*

AUGUST 29, 1975.

APPENDIX A—RESTRICTIONS

1. Use of the M–44 device shall conform to all applicable Federal, State, and local laws and regulations.

2. The M–44 device shall be used only to take wild canids suspected of preying upon livestock and poultry.

3. The M–44 device shall not be used solely to take animals for the value of their fur.

4. The M–44 device shall only be used in instances where actual livestock losses due to predation by wild canids are occurring. M–44 devices may also be used prior to recurrence of seasonal depredation, but only when a chronic problem exists in a specific area. In each case, full documentation of livestocks depredation, including evidence that such losses were caused by wild canids, will be required before application of the M–44 is undertaken.

5. The M–44 device shall not be used in: (1) National or State Parks; (2) National or State Monuments; (3) Federally designated Wilderness areas; (4) Wildlife refuge areas; (5) Prairie dog towns; (6) Areas where exposure to the public and family pets is probable.

6. The M–44 shall not be used in areas where threatened or endangered species might be adversely affected. Each applicator shall be issued a map which clearly indicates such areas.

7. The M–44 device shall not be placed within 200 feet of any lake, stream, or other body of water.

8. The M–44 device shall not be placed in areas where food crops are planted.

9. M–44 devices shall not be placed within 50 feet of public rights of way.

10. The maximum density of M–44's placed in any 100 acre pastureland area shall not exceed 10; and the density in any one square mile of open range shall not exceed 12.

11. The M–44 device may be placed in the vicinity of draw stations (livestock carcasses), provided, that no M–44 device shall be placed within 30 feet of a carcass; no more than 4 M–44 devices shall be placed per draw station; and no more than 3 draw stations shall be operated per square mile.

12. M–44 devices shall be inspected at least once a week to check for interference or unusual conditions and shall be serviced as required.

13. Used sodium cyanide capsules shall be disposed of by deep burial or at a proper landfill site.

14. An M–44 device shall be removed from an area if, after 30 days, there is no sign that a target predator has visited the site.

15. Damaged or non-functional M–44 devices shall be removed from the field.

16. In all areas where the use of the M–44 device is anticipated, local hospitals, doctors, and clinics shall be notified of the intended use, and informed of the antidotal and first-aid measures required for treatment of cyanide poisoning.

17. Bilingual warning signs in English and Spanish shall be used in all areas containing M–44 devices. All such signs shall be removed when M–44 devices are removed.

a. Main entrances or commonly used access points to areas in which M–44 devices are set shall be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Signs shall be inspected weekly to insure their continued presence and insure that they are conspicuous and legible.

b. An elevated sign shall be placed within 6 feet of each individual M–44 device warning persons not to handle the device.

18. Registrations for sodium cyanide M–44 capsules may be granted to persons other than State and Federal agencies; provided, that such persons shall be authorized to sell said capsules only to State and Federal registrants. Only State and Federal registrants shall be permitted to sell, give, or otherwise distribute capsules to individual applicators. Such State or Federal registrants of sodium cyanide M–44 capsules shall be responsible for insuring that the restrictions set forth herein are observed by individual applicators to whom such registrants sell or distribute such capsules and/or M–44 devices. State and Federal registrants shall train applicators, and such training shall include, but need not be limited to: (1) Training in safe handling and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device; and (4) Instructions in recordkeeping.

19. Each authorized M–44 applicator shall keep records dealing with the placement of the device and the results of each placement. Said records shall include, but need not be limited to:

1. The number of devices placed.
2. The location of each device placed.
3. The date of each placement, as well as the date of each inspection.
4. The number and location of devices which have been discharged and the apparent reason for each discharge.
5. The species of animal taken.
6. All accidents or injuries to humans or domestic animals.

20. M–44 devices and capsules shall not be sold or transferred to, or entrusted to the care of, any person not licensed by, or under the supervision of a State or Federal registrant.

21. All persons authorized to possess and use M–44 capsules and devices shall store said devices under lock and key.

22. Each authorized M–44 applicator shall carry an antidote kit on his person when placing and/or inspecting M–44 devices. The kit shall contain 12 pearls of amyl nitrite and instructions on their use. The kit may also contain sodium nitrite and sodium thiosulfate.

23. One person other than the individual applicator must have knowledge of the exact placement location of all M–44 devices in the field.

24. Supervisors shall periodically check the records, signs, and devices of each applicator to verify that all applicable restrictions, laws, and regulations are being strictly followed.

25. In areas where more than one governmental agency is authorized to place M–44 devices, the agencies shall exchange placement information and other relevant facts to insure that the maximum number of M–44's allowed is not exceeded.

26. Registrants and applicators shall also be subject to such other restrictions as may be prescribed from time to time by the U.S. Environmental Protection Agency.

[FR Doc.75-25804 Filed 9-26-75;8:45 am]

federal register

MONDAY, SEPTEMBER 29, 1975

PART V:

# OFFICE OF MANAGEMENT AND BUDGET

■

## DEFERRAL REPORTS

Health, Education, and Welfare Department, National Commission on Productivity and Work Quality, and Transportation Department

## OFFICE OF MANAGEMENT AND BUDGET

### DEFERRAL REPORTS

**Programs of Health, Education, and Welfare, Department of Transportation, and National Commission on Productivity and Work Quality**

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals totalling $106.4 million in budget authority. The three reports involve programs of the Departments of Transportation and Health, Education, and Welfare and the National Commission on Productivity and Work Quality.

The details of each deferral are contained in the attached reports.

GERALD R. FORD.

THE WHITE HOUSE,
SEPTEMBER 24, 1975.

SUMMARY OF PROPOSED DEFERRALS

(In thousands of dollars)

| Deferral # | Item | Budget Authority |
|---|---|---|
| | Health, Education, and Welfare: | |
| | Social Security Administration: | |
| D76-54 | Limitation on Construction.... | 14,910 |
| | Transportation: | |
| | Federal Highway Administration: | |
| D76-55 | National Scenic and Recreational Highway..... | 90,000 |
| | Other Independent Agencies: | |
| D76-56 | National Commission on Productivity and Work Quality..... | 1,500 |
| | Total, deferrals..... | 106,410 |

## SUMMARY OF SPECIAL MESSAGES FOR FY 1976

(Amounts in thousands of dollars)

| | Rescissions | Deferrals |
|---|---|---|
| Fourth special message: | | |
| New items | -- | 106,410 |
| Changes to amounts previously transmitted | -- | -- |
| Effect of fourth special message | -- | 106,410 |
| Previous special messages | 213,888 | 3,341,736 |
| Total amount proposed in special messages to date | 213,888 (in 8 rescission proposals) | 3,448,146 (in 56 deferrals) |

D76-54
Deferral No: _____

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Health, Education, and Welfare | New budget authority (P.L. _____) $ _____ |
| Bureau Social Security Administration | Other budgetary resources 35,168,028 |
| Appropriation title & symbol<br>Limitation on Construction<br>75 X 8705 | Total budgetary resources 35,168,028 |
| | Amount to be deferred:<br>Part of year $ _____<br>Entire year 14,909,621 |
| OMB identification code:<br>09-60-8006-0-7-601 | Legal authority (in addition to sec. 1013):<br>☒ Antideficiency Act |
| Grant program ☐ Yes ☒ No | ☐ Other _____ |
| Type of account or fund:<br>☐ Annual<br>☐ Multiple-year _____ (expiration date)<br>☒ No-year | Type of budget authority:<br>☒ Appropriation<br>☐ Contract authority<br>☐ Other _____ |

Justification

Funds provided under the Limitation on Construction of the Social Security Administration (SSA) remain available until expended in recognition of the long lead time between the provision of funds and their use in carrying out authorized construction projects. A total of $14,909,621 is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976. The amount being deferred consists of two parts each of which is discussed below.

Unused balances of funds provided for construction of program centers

In 1972, $18.2 million, to remain available until expended, was provided in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1972, for direct construction of program centers in Philadelphia, Chicago, and San Francisco. Subsequent to the provision of these funds, it was determined that these centers would be built under the purchase contract method. This reduced the immediate funding requirements to $6.1 million, thus making $12.1 million available to meet other SSA construction requirements. In 1974, the Congress authorized $4.1 million to be reprogrammed for district office construction. Of these reprogrammed funds, $2.0 million was released for obligation in 1975, and $2.0 million is reserved for future obligation. This year the Congress authorized reprogramming for another $5.8 million of these unused program center funds

for district office construction and $1.1 million to meet unexpected needs in headquarters' construction. Of these reprogrammed funds, the $1.1 million for headquarters' construction was released for obligation in 1975, and the $5.8 million for district office construction is reserved for future obligation. The balance of unused program center funds (about $1.1 million) is proposed for deferral through 1976 or, if appropriate, through the Transition Quarter, remaining available to meet requirements in future years.

Unused balances of funds provided for district office construction

The second part of the deferral consists of a total of $5,995 thousand which is also being proposed for future obligation (see page 4). This includes $3,613 thousand remaining from the 1967 district office construction program, and $2,382 thousand appropriated in 1975. The fact that these funds have not yet been obligated reflects a change in circumstances which requires a reevaluation of the district office construction program which had been approved in 1967. Subsequent to the provision of funds for this program, it was determined that efficiency of operations and better service to the public necessitated the development of a system of branch offices. The effect of this decision was to delay much of the district office construction that had been authorized in the 1967 program since the branch offices are generally located in leased space, rather than in facilities constructed specifically for SSA use. Thus, they are not financed from this appropriation, and reprogramming of the unneeded district office funds for this purpose was not feasible. SSA is evaluating whether or not those funds are needed. A further complication in determining the appropriate use of the district office funds was introduced by the enactment of the Supplemental Security Income program, which has a significant impact on the requirements for district office space. As a result of these factors, plans have not yet been developed for the use of the remaining balances of these funds and their release is being deferred pending the development of such plans.

Estimated Effects

The funds intended to be apportioned for obligation in 1976 and the transition quarter will permit SSA to carry out its authorized construction program in an orderly manner. No currently planned construction would be delayed by this deferral. Because of the time required to plan, authorize, and carry out construction activity, release of the funds at this time would be unlikely to affect the level of outlays in 1976 or the transition quarter and would have minimal impact on 1977 outlays. This deferral has no effect on the level of outlays forecast in the February budget.

3

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

| | | |
|---|---|---|
| 1. | Budget outlay estimate for 1976..... | $21.0 |
| 2. | Outlay savings, if any, included in the budget outlay estimate..... | -0- |

Current Outlay Estimates for 1976

| | | |
|---|---|---|
| 3. | Without deferral..... | $21.0 |
| 4. | With deferral..... | 21.0 |
| 5. | Current outlay savings..... | -0- |

Outlay Savings for the Transition Quarter..... -0-

Outlay Savings for 1977..... -0-

PLANNED DISPOSITION OF UNAPPORTIONED
SOCIAL SECURITY CONSTRUCTION FUNDS (75X8705)
($ in thousands)

| Construction Program | Total Amount | Planned for Obligation In 1976 | Planned for Obligation In Future Years |
|---|---|---|---|
| Headquarters Funds: | -- | -- | -- |
| Program Center Funds: | | | |
| Balance available for other construction (as of 03/31/75) | 8,914 | -- | -- |
| Reprogrammed in 1974 for district office construction | | -- | 2,033 |
| Reprogrammed in 1975 for district office construction | | -- | 5,796 |
| Proposed to remain available for future requirements | | -- | 1,085 |
| District Office Funds: | | | |
| Balances available (as of (03/31/75) | | | |
| 1967 construction program | 3,613 | -- | 3,613 |
| 1975 construction program | 2,382 | -- | 2,382 |
| Total Deferrals | 14,909 | -- | 14,909 |

Deferral No: D76-55

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Transportation | New budget authority (P.L. _____) $ -0- |
| Bureau Federal Highway Administration | Other budgetary resources (P.L. 93-87) 90,000,000 |
| Appropriation title & symbol: National Scenic and Recreational Highway 69X0544 and Trust Fund Share of Other Highway Programs | Total budgetary resources 90,000,000 |
| | Amount to be deferred: Part of year $ 90,000,000 |
| | Entire year _____ |
| OMB identification code: 21-25-0544-0-1-404 | Legal authority (in addition to sec. 1013): ☐ Antideficiency Act |
| Grant program ☒ Yes ☐ No | ☐ Other _____ |
| Type of account or fund: ☐ Annual; ☒ Multiple-year 6/30/76-$20 million 6/30/77-$35 million 6/30/78-$35 million (expiration date); ☐ No-year | Type of budget authority: ☐ Appropriation; ☒ Contract authority; ☐ Other _____ |

Justification

This program was authorized by the Federal-Aid Highway Act of 1973 in the amount of $90 million for the purpose of constructing or reconstructing the Great River Road in the 10 States bordering the Mississippi River. This authorization is comprised of $30 million from General Funds and $60 million from the Highway Trust Fund.

The entire amount was deferred in FY 1975 because the legislation required the development of a formula for apportionment of funds to the States before funds could be made available. Such information could not be developed so as to launch the program in FY 1975.

The entire amount was proposed for rescission on July 1, 1975. In considering the proposal, the House Appropriations Committee reported (H. Report 94-496):

> "Under Title X of the Congressional Budget and Impoundment Control Act, the $90,000,000 contained in R76-1 will have to be made available for obligation on September 22, 1975, unless Congress approves the rescission. .....the Committee is not recommending approval of the proposed rescission. The Committee, however, feels that more information is needed with respect to the National Scenic and Recreational Highway. The Committee, therefore, expects the Department of Transportation

and the ten States involved to develop specific plans and present further testimony on the scope and cost of the project.

Because of the need to review this additional information, the Committee would be receptive to the consideration of a proposal to temporarily defer the funding for this project. Such a proposal would enable the Committee to receive additional testimony prior to making a further recommendation on the release of $90,000,000."

This deferral is proposed in accordance with this statement.

Estimated Effects

The deferral of this program will allow additional time for further testimony and analysis and a final resolution by Congress.

Outlay Effect (estimate in millions of dollars)

| | |
|---|---|
| Comparison with President's 1976 Budget: | |
| 1. Budget outlay estimate for 1976..... | $ -0- |
| 2. Outlay savings, if any, included in the budget outlay estimate..... | 16.2 |
| Current Outlay Estimates for 1976: | |
| 3. Without deferral..... | 16.2 |
| 4. With deferral..... | -0- |
| 5. Current outlay savings..... | 16.2 |
| Outlay Savings for the Transition Quarter..... | 12.5 |
| Outlay Savings for 1977..... | 50.0 |

Deferral No: D76-56

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

| | |
|---|---|
| Agency National Commission on Productivity & Work Quality<br>Bureau | New budget authority (P.L. 94-91) $ 2,000,000<br>Other budgetary resources -0-<br>Total budgetary resources 2,000,000 |
| Appropriation title & symbol<br>Salaries and Expenses, National Commission on Productivity and Work Quality 1161459 | Amount to be deferred:<br>Part of year $ 1,500,000<br>Entire year |
| OMB identification code:<br>33-12-1459-0-1-403 | Legal authority (in addition to sec. 1013):<br>[X] Antideficiency Act |
| Grant program [ ] Yes [X] No | [ ] Other |
| Type of account or fund:<br>[X] Annual<br>[ ] Multiple-year (expiration date)<br>[ ] No-year | Type of budget authority:<br>[X] Appropriation<br>[ ] Contract authority<br>[ ] Other |

Justification

The National Commission on Productivity was established by the President on July 10, 1970, following a period of low productivity growth, increases in unit labor costs, and rising prices. The Commission was given statutory authority late in 1971 through an amendment to the Economic Stabilization Act. That authority was extended twice. Early in 1974, the Commission functioned as an Office of Productivity under the Cost of Living Council. P.L. 93-311 changed the name of the Commission to the National Commission on Productivity and Work Quality and authorized its operations through June 30, 1975. The Commission was extended by special legislation (P.L. 94-42) for a 90-day period, to expire September 30, 1975. Both Houses of Congress have authorization legislation pending (S.2195 and H.R. 8836) to establish a National Center for Productivity and Quality of Working Life, which would be a successor agency to the Commission.

The Commission is engaged in the following activities: it encourages and assists the organization and work of labor-management committees on a plant, community, regional and industry basis; it conducts such research as is directly necessary; it publicizes and disseminates ideas related to its objectives; it advises the President and the Congress with respect to government policy affecting productivity and the quality of work; it coordinates and promotes government research and technical assistance efforts regarding productivity; and it provides technical

Deferral of Budget Authority
Page 2
National Commission on Productivity & Work Quality

Justification (Continued):

and consulting assistance. The Commission's four major areas of concentration have been: 1) quality of work of the American worker; 2) international competitive position of the USA; 3) efficiency of government; and 4) the cost of goods and services generally basic to the needs of Americans.

P.L. 94-91, approved August 9, 1975, appropriated $2,000,000 for the full FY 1976 for the Commission. On August 22, $500,000 for the first quarter was apportioned to meet the requirements of the Commission.

Deferral for the three remaining quarters of FY 1976, in the amount of $1,500,000, is necessary pending action by Congress on authorization legislation in the month of September, 1975. As soon as the legislation is enacted, the deferred funds will be released.

Estimated Effect:

Assuming approval of the authorization legislation by Congress, the personnel and the work program of the Commission will not be affected by this deferral.

If Congress does not act favorably upon authorization legislation, the Commission will expire.

Outlay Effect: (Estimated in millions of dollars)

| | |
|---|---|
| Comparison with President's 1976 Budget: | |
| 1. Budget outlay estimate for 1976..... | 2.4 |
| 2. Outlay savings, if any, included in the budget outlay estimate..... | -0- |
| Current Outlay Estimates for 1976: | |
| 3. Without deferral..... | 2.0 |
| 4. With deferral..... | 2.0 |
| 5. Current outlay savings..... | -0- |
| Outlay savings for the Transition Quarter..... | -0- |
| Outlay savings for 1977..... | -0- |

[FR Doc.75-26085 Filed 9-26-75;8:45 am]

federal register

MONDAY, SEPTEMBER 29, 1975




PART VI:

# PRIVACY ACT OF 1974

■

## VARIOUS AGENCIES

## Title 36—Parks, Forests, and Public Property

## CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

## PART 903—PRIVACY ACT REGULATIONS

### Revision

On August 28, 1975, a document was published in the FEDERAL REGISTER (40 FR 39671; subsequently corrected by 40 FR 41530) proposing regulations to implement the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896), by promulgating a new Part 903, Privacy Act Regulations, to be added to Title 36 of the Code of Federal Regulations.

The Privacy Act is intended to promote governmental respect for and protection of the privacy of individuals. To that end, Part 903, as proposed by the Corporation, would promulgate regulations to protect the privacy of individuals identified in records maintained by the Corporation. The proposal establishes procedures by which individuals can: (1) Ascertain whether there is a record pertaining to him in any system of records named by him; (2) gain access to that record; (3) request corrections or amendment of that record; (4) dispute the Corporation's refusal to make a correction; and (5) govern within the bounds of 5 U.S.C. 552a (b) Corporation disclosure of those records to any person or agency.

In the initial publication of the proposed rules, the Corporation provided for a comment period extending through September 30, 1975. Due to the exigencies of the Privacy Act of 1974 which require effective agency implementation as of September 27, 1975, the Corporation must finalize its procedures as of that date. No public comments on the proposal have been received to date. The Corporation, while adopting its proposed regulations as of September 27, 1975, will continue to accept comments through September 30, 1975. Substantive comments will receive thorough review by the Corporation and, where appropriate, be incorporated into its regulations by subsequent amendment. The proposal will have been subject to public inspection for thirty days under this modified adoption process.

The Corporation in its own review of the proposal is suggesting one substantive change which is made in addition to an organizational change. The substantive change appears in § 903.1(d) and clarifies when an appeal of an initial adverse determination can be made. This reflects more accurately the intent of 5 U.S.C. 552a(d) as it appears in section 3 of the Privacy Act.

Accordingly, 36 CFR Part 903 is revised as set forth below.

*Effective date:* The regulation becomes effective September 27, 1975.

Adopted by the Pennsylvania Avenue Development Corporation at its office in Washington, D.C., on the 27th day of September 1975.

PETER T. MESZOLY,
*General Counsel.*

Sec.


903.1 Purpose and scope.
903.2 Definitions.
903.3 Procedures for notification of records pertaining to individuals.
903.4 Requests for access to records.
903.5 Requests for amendment of record.
903.6 Review of requests for amendment of record.
903.7 Appeal of initial adverse determination of request for amendment of record.
903.8 Disclosure of records to persons or agencies.
903.9 Fees.
903.10 Penalties.
903.11 [Reserved]


AUTHORITY: Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 522a)); Pennsylvania Avenue Development Corporation Act of 1972, as amended (Pub. L. 92-578, 86 Stat. 1266; Pub. L. 93-427, 88 Stat. 1170; (40 U.S.C. 871 et seq.)).

### § 903.1 Purpose and scope.

The purpose of this part is to enable the Pennsylvania Avenue Development Corporation to implement the Privacy Act of 1974, and in particular the provisions of 5 U.S.C. 552a, as added by the Act. The Act was designed to insure that personal information about individuals collected by Federal agencies be limited to that which is legally authorized and necessary, and that the information is maintained in a manner which precludes unwarranted intrusions upon individual privacy. The regulations in this part establish and make public procedures whereby an individual can (a) request notification of whether or not the Corporation maintains or has disclosed a record pertaining to him or her, (b) request access to such a record or an accounting of its disclosure, (c) request that the record be amended, and (d) appeal any initial adverse determination of a request to amend a record.

### § 903.2 Definitions.

As used in this part:

(a) "Agency" means agency as defined in 5 U.S.C. 552(e).

(b) "Corporation" means the Pennsylvania Avenue Development Corporation.

(c) "Day" or "days" shall exclude Saturdays, Sundays and legal holidays.

(d) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(e) "Maintain" includes maintain, collect, use, or disseminate.

(f) "Record" means any items, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(g) The term "system of records" means a group of records under the control of an 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.

(h) The term "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 Section 8 of Title 13, United States Code.

(i) The term "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.

### § 903.3 Procedures for notification of records pertaining to individuals.

(a) An individual, upon a request made in person or in writing, will be informed if any Corporation system of records named by the individual contains a record pertaining to him or her. The request must include a reasonable identification of the system of records, as described by notice published in the FEDERAL REGISTER. The request should be addressed to the Administrative Officer, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

(b) Requests made in person may be presented at the above address between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday (except legal holidays). The Administrative Officer of the Corporation wil require adequate personal identification before processing the request. If a request is made in writing, it must be under the signature of the requesting individual and be accompanied by a signed notarized statement to verify his or her identity.

(c) Within 10 days of receipt of a request made under this section the Administrative Officer will acknowledge receipt of the request and inform the individual if any system of records identified in the request contains a record pertaining to him or her.

### § 903.4 Requests for access to records.

(a) Except as otherwise provided by law or regulation, an individual upon request made in person or delivered in writing may gain access to his or her record or to any information pertaining to him or her which is contained in a system of records maintained by the Corporation, and to review the record and have a copy made of all or any portion thereof in a form comprehensible to him or her. An individual seeking access to a Corporation record may be accompanied by a person of his or her choosing. However, the Corporation will require a written statement from the individual authorizing discussion of his or her record in the accompanying person's presence.

(b) A request under paragraph (a) of this section shall be directed to the Administrative Officer at the place, times and in the manner prescribed in § 903.3 (a) and (b). The request should specify at what date and time the individual would like to gain access to his or her record. The Administrative Officer of the Corporation will require adequate personal identification before processing a request.

(c) Within 10 days of receipt of a request made under this section the Administrative Officer will acknowledge receipt of the request and notify the individual whether or not access will be granted, and if it is, whether or not the date and time requested for access is acceptable to the Corporation. If the date and time is not acceptable, the Administrative Officer will suggest an alternate opportunity for access to the record. Access shall be provided within 30 days of receipt of the request unless the Corporation, for good cause shown, is unable to provide prompt access, in which case the individual will be informed in writing within the 30 days as to the cause for delay and when it is anticipated that access will be granted. At the time access is granted, the individual must sign a statement indicating that he or she has reviewed the record specified.

(d) Fees, if any, to be charged to an individual for making copies of his or her record will be as provided in § 903.9.

**§ 903.5 Requests for amendment of record.**

An individual may request amendment of a Corporation record pertaining to him or to her, if the individual believes that the record contains information which is not accurate, relevant, timely, or complete. The request shall be in writing, whether presented in person or by mail, shall state with specificity the record sought to be amended, and shall propose wording of the correction or amendment sought. The request shall be directed to the Administrative Officer at the place, times and in the manner specified in § 903.3 (a) and (b). Not later than 10 days after the date of receipt of a request the Administrative Officer will acknowledge it in writing. The acknowledgement will clearly describe the request, and if a determination has not already been made, will advise the individual when he or she may expect to be advised of action taken on the request. For requests presented in person, written acknowledgement will be provided at the time when the request is presented. No separate acknowledgement of receipt will be issued if the request can be reviewed and the individual advised of the results of the review within the 10 day period.

**§ 903.6 Review of request for amendment of record.**

(a) Upon receipt of a request for amendment of a record under § 903.5, the Administrative Officer will promptly review the record, and: either (1) Amend any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or (2) inform the individual of refusal to amend the record in accordance with the request. In reviewing a record pursuant to a request to amend it, the Corporation will assess the accuracy, relevance, timeliness and completeness of the record in terms of the criteria established in 5 U.S.C. 522a(e)(5). In reviewing a record in response to a request to amend it by deleting information, the Corporation will ascertain whether or not the information is relevant and necessary to accomplish a purpose of the Corporation required to be accomplished by statute or by executive order of the President, as prescribed by 5 U.S.C. 522a(e)(1).

(b) The Corporation shall take the action specified in paragraph (a) of this section within 30 days of receipt of a request for amendment of a record, unless unusual circumstances preclude completion of the action within that time. If the expected completion date for the action, as indicated in the acknowledgement provided pursuant to § 903.5 cannot be met, the individual shall be advised of the delay and of a revised date when action is expected to be completed. If necessary for an accurate review of the record, the Corporation will seek, and the individual will supply, additional information in support of his or her request for amending the record.

(c) If the Corporation agrees with all or any portion of an individual's request to amend a record, the Corporation will so advise the individual in writing, and amend the record to the extent agreed to by the Corporation. Where an accounting of disclosures has been kept, the Corporation will advise all previous recipients of the record of the fact that the amendment was made and the substance of the amendment.

(d) If the Corporation disagrees with all or any portion of an individual's request to amend a record, the Corporation shall:

(1) Advise the individual of its adverse determination and the reasons therefor, including the criteria used by the Corporation in conducting the review;

(2) Inform the individual that he or she may request a review of the adverse determination by the Executive Director of the Corporation, or by an officer of the Corporation designated by the Executive Director; and,

(3) Advise the individual of the procedures for requesting such a review, including the name and address of the official to whom the request should be directed.

(e) If the Corporation is apprised by another agency of any corrections or other amendments made to a record contained in the Corporation's system of records, the Corporation will promptly amend its record and advise in writing all previous recipients of the record of the fact that the amendment was made and the substance of the amendment.

**§ 903.7 Appeal of initial adverse determination of request for amendment of record.**

(a) Not more than 15 days after receipt by an individual of notice of an adverse determination by the Administrative Officer concerning a request to amend a record, the individual may appeal the determination by seeking a review by the Executive Director of the Corporation, or by an officer of the Corporation designated by him. The appeal shall be in writing, mailed or delivered to Executive Director, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004. The appeal shall identify the record in the same manner as it was identified in the original request, shall indicate the dates of the original request and of the adverse determination, and shall indicate the expressed basis for that determination. In addition, the appeal shall state briefly the reasons why the adverse determination should be reversed.

(b) Not later than 30 days after receipt of an appeal, the Executive Director, or an officer of the Corporation designated by him, will complete a review of the appeal and the initial determination, and either:

(1) Determine that the appeal should be granted, take the appropriate action with respect to the record in question, and notify the individual accordingly; or,

(2) Determine that the appeal should be denied.

(c) The reviewing official may, at his or her option, request from the individual such additional information as is deemed necessary to properly conduct the review. If additional time is required, the Executive Director may for good cause shown extend the period for action beyond the 30 days specified above. The individual will then be informed in writing of the delay and the reasons therefor, and of the approximate date on which action is expected to be completed.

(d) If the reviewing official denies the appeal, he or she shall advise the individual in writing:

(1) Of the decision and the reasons for reaching it;

(2) That the denial of the appeal is a final agency action entitling the individual to seek judicial review in the appropriate district court of the United States, as provided in 5 U.S.C. 552a(g); and,

(3) That the individual may file with the Corporation a concise statement setting forth the reasons for his or her disagreement with the refusal of the Corporation to amend the record in question.

(e) Any individual having received notice of a denial of an appeal to amend a record may file a statement of disagreement with the Executive Director not later than 30 days from receipt of the notice. Such statements shall ordinarily not exceed one page in length, and the Corporation reserves the right to reject statements of excessive length. Upon receipt of a proper and timely statement of disagreement, the Corporation will clearly annotate the record in question to indicate the portion of the record which is in dispute. Thereafter, in any disclosure containing information about which an individual has filed a statement of disagreement, the Corporation will provide a copy of the statement together with the record to which it pertains. If the Corporation deems it appropriate it may also include in any such disclosure its own concise statement of the reasons for not making the amendments requested.

**§ 903.8 Disclosure of records to persons or agencies.**

(a) The Corporation will not disclose any record which is contained in a sys-

tem of records, by any means of communication to any person or to another agency except:

(1) Pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains;

(2) To those officers and employees of the Corporation who have a need for the record in the performance of their duties;

(3) When required under 5 U.S.C. 522 (The Freedom of Information Act); or

(4) Pursuant to the conditions of disclosure contained in 5 U.S.C. 552a(b)(3) through 5 U.S.C. 522a(b)(11).

(b) The Administrative Officer of the Corporation shall keep an accounting of each disclosure made pursuant to paragraph (a)(4) of this section, in accordance with 5 U.S.C. 552a(c). Except for disclosures made pursuant to 5 U.S.C. 552a(b)(7), the Administrative Officer shall make the accounting kept under this paragraph available to an individual to whom the record pertains, upon his or her request. An individual requesting an accounting of disclosures should do so at the place, times and in the manner specified in §§ 903.3 (a) and (b).

**§ 903.9 Fees.**

No fees shall be charged for locating and providing the first copy of a record or any portion thereof to individuals to whom the record pertains. The fee schedule for additional copies is the same as that appearing in Part 902 of this chapter, implementing the Freedom of Information Act.

**§ 903.10 Penalties.**

The provision of 5 U.S.C. 552a(i), as added by Section 3 of the Privacy Act, make it a misdemeanor subject to a maximum fine of $5,000, to knowingly and willfully request or obtain any record concerning an individual from an agency under false pretenses. Similar penalties attach for violations by agency officers and employees of the Privacy Act or regulations established thereunder.

**§ 903.11 [Reserved]**

[FR Doc.75-25865 Filed 9-26-75;8:45 am]

## PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

### PRIVACY ACT OF 1974

#### Notice of Systems of Records

Notice is hereby given that the Pennsylvania Avenue Development Corporation, in accordance with 5 U.S.C. 552a (e)(4) and (1), section 3 of the Privacy Act of 1974 (Pub. L. 93-579), adopts as of September 27, 1975 the notice of systems of records as set forth in 40 FR 39674-39676, August 28, 1975. To date, no comments have been received concerning its proposed systems of records. Due to the exigencies of the Privacy Act of 1974, the Corporation adopts those systems of records as published, although the comment period as provided in the initial notice has not terminated. The Corporation will continue to accept and review any comments received after September 27, 1975, and will consider those comments for any future amendments to its systems of records. As of September 27, 1975, notice of the proposed systems of records will have been made to the public for thirty days.

*Effective date*: This notice of systems of records becomes effective on September 27, 1975 in accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. 552a.

PETER T. MESZOLY,
*General Counsel.*

[FR Doc.75-25866 Filed 9-26-75;8:45 am]

## FOREIGN CLAIMS SETTLEMENT COMMISSION

### PRIVACY ACT OF 1974

#### Addition to Statement Concerning Notice of Systems of Records

The following paragraph should be added to the statement which precedes the notice of systems of records maintained by FCSC, as published in Section 3, Part II, Vol. 40, No. 167, FEDERAL REGISTER, Wednesday, August 27, 1975.

The following routine use applies to and is incorporated by reference into each system of records maintained by FCSC:

"The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular."

Signed this 12th day of September, 1975.

[SEAL] WAYLAND D. MCCLELLAN,
*General Counsel.*

[FR Doc.75-25917 Filed 9-26-75;8:45 am]

# NATIONAL SCIENCE FOUNDATION

## SYSTEMS OF RECORDS UNDER THE PRIVACY ACT

Pursuant to the requirements of Section 3 of the Privacy Act of 1974, 5 USC 552a(e)(4) notice is hereby given of the existence and character of an additional system of records maintained by the National Science Foundation and of the routine uses thereof. Interested persons are invited to submit written data, views or arguments to the Director, National Science Foundation, ATTN: General Counsel, publication of this Washington, D.C., not later than October 29, 1975.

NSF—37

**System name:** United States Antarctic Research Program Field participants.

**System location:** NSF Office of Polar Programs, 1800 G Street, NW, Washington, D.C. 20550, and Holmes and Narver, Inc., 400 E. Orangethorpe, Anaheim, California 92801.

**Categories of individuals covered by the system:** NSF employees, grantees (U.S. and foreign nationals), grantees' assistants, and contractor employees.

**Categories of records in the system:** Curriculum vitae, medical information, emergency information (next of kin, etc.), correspondence, messages, and memoranda dealing with an individual's deployment to Antarctica or Antarctic Ocean areas under auspices of the United States Antarctic Research Program.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For official use during possible litigation resulting from death, injuries, wage disputes, etc., occuring during or resulting from an individual's deployment to Antarctica.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders in cardboard boxes.

**Retrievability:** Records are filed alphabetically by last name of individual. Alphabetical files are grouped in periods of one year or longer as determined by time of deployment to Antarctica.

**Safeguards:** Buildings have security guards during non-business hours. Records are in locked rooms after business hours. Access is limited to persons whose official duties require their use.

**Retention and disposal:** Records are held at NSF or at Holmes and Narver approximately two years after completion of individual's deployment to Antarctica. Records are deposited with the Federal Records Center generally every two years. Records are destroyed 10 years after individual's last deployment to Antarctica.

**System manager(s) and address:** Head, Office of Polar Programs, for reorder at NSF. All others: Administrative Manager, Antarctic Field Service, Holmes and Narver, Inc., 400 E. Orangethorpe, Anaheim, California 92801.

**Notification procedure:** The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. Supply individual's full name and years of deployment to Antarctica.

**Record access procedures:** See "Notification" above.

**Contesting record procedures:** See "Notification" above.

**Record source categories:** The individual, NSF officials, Holmes and Narver officials, medical doctor, field personnel in United States Antarctic Research Program.

Date: September 22, 1975.

H. Guyford Stever,
*Director.*

[FR Doc.75-25756 Filed 9-23-75;3:22 p.m.]

# COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

## NOTICE OF SYSTEM OF RECORDS

Pursuant to the Privacy Act of 1974 (Public Law 93-379 31 December 1974) as reflected in 5 U.S.C. 552a(e)(4), the notice of system of records maintained by the Committee for Purchase from the Blind and Other Severely Handicapped was published on August 13, 1975.

No comments and views regarding these system of records were filed with the Committee. Therefore, the final notice of system of records maintained by the Committee for Purchase from the Blind and Other Severely Handicapped is published as set forth below with minor editorial corrections.

By the Committee.

C. W. FLETCHER
*Executive Director*

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**CBH—1**

**System name:** General Personnel File for Committee for Purchase from the Blind and Other Severely Handicapped—CBH—1.

**System location:** 2009 14th Street North, Suite 610, Arlington, Virginia 22201

**Categories of individuals covered by the system:** Committee members and employees (past and present).

**Categories of records in the system:** General personnel information, including, among other data, photographs, applications, position description, request for notification of personnel action, training records, security clearances, titles, service computation date, date of birth, grade, salary, employment history, home address, age, marital status, social security number, home telephone number, resume, letter of recommendation, and short biographical sketches. System contains copies of Civil Service Commission personnel forms including, among others: data for nonsensitive or noncritical-sensitive position, and payroll change slip. Information is used by authorized Committee employees in the performance of their duties.

**Authority for maintenance of the system:** 5 U.S.C., generally, and Public Law 92-28.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See appendix.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper

**Retrievability:** Manual and by name.

**Safeguards:** Files locked in office; records are available to authorized persons only.

**Retention and disposal:** In accordance with General Records Schedule FPMR 101-11.4.

**System manager(s) and address:** Executive Director 2009 14th Street North, Suite 610, Arlington, Virginia 22201

**Notification procedure:** Contact individual listed above.

**Record access procedures:** Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

**Contesting record procedures:** Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR 51-8.

**Record source categories:** Official personnel records and the individual.

**CBH—2**

**System name:** General Financial Records for Committe for Purchase from the Blind and Other Severely Handicapped—CBH—2.

**System location:** General Services Administration, Central Office, copies held by the Committee. (GSA holds records for Committee under contract.)

**Categories of individuals covered by the system:** Committee employees.

**Categories of records in the system:** SF 1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Committee who have a need for the record in the performance of their duties.

**Authority for maintenance of the system:** 31 U.S.C., generally and Public Law 92-28.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See appendix.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and tape.

**Retrievability:** Manual and automated by name.

**Safeguards:** Stored in guarded building; released only to authorized personnel.

**Retention and disposal:** Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

**System manager(s) and address:** Executive Director, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

**Notification procedure:** Contact system manager listed above.

**Record access procedures:** Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

**Contesting record procedures:** Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR 51-8.

**Record source categories:** The subject individual; the Committee.

**CBH—3**

**System name:** Payroll records for Committee for Purchase from the Blind and Other Severely Handicapped—CBH—3.

**System location:** General Services Administration, Region 3 Office; copies held by the Committee (GSA holds records for Committee under contract).

**Categories of individuals covered by the system:** Past and present Committee employees.

**Categories of records in the system:** Varied payroll records, including, among other documents, time and attendance cards, payment vouchers, comprehensive listing of employees, health benefits records, requests for deductions, tax forms, W2 forms, overtime requests, leave data, retirement records. Records are used by Committee and GSA employees to maintain adequate payroll information for Committee employees and otherwise by Committee and GSA employees who have a need for the record in the performance of their duties.

**Authority for maintenance of the system:** 31 U.S.C., generally.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See appendix.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper and microfilm.

**Retrievability:** Social Security Number.

**Safeguards:** Stored in guarded building, released only to authorized personnel.

**Retention and disposal:** Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

**System manager(s) and address:** Executive Director, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

**Notification procedure:** Contact system manager listed above.

**Record access procedures:** Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

**Contesting record procedures:** Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR 51-8.

**Record source categories:** The subject individual; the Committee.

APPENDIX (CBH)

In the event that a system of records maintained by this agency 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 of 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.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the 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 in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator of other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purpose of audit.

[FR Doc.75-25757 Filed 9-23-75;3:22 p.m.]

# PANAMA CANAL COMPANY

## PRIVACY ACT OF 1974

### Notice of Systems of Records

In accordance with section 3 of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4) and (11)), notice is hereby given of the existence and character of systems of records which are maintained by the Panama Canal Company and the Canal Zone Government and which contain information about individuals that is retrievable by name or other identifying particular.

On August 28, 1975 notice appeard in the Federal Register of proposed rules implementing the Privacy Act. Those rules were published in the Federal Register on September 2, 1975 (40 FR 40485-89). They contained a list of general routine uses which may be made of information pertaining to individuals which is maintained in the systems of records under the control of the Panama Canal Company or the Canal Zone Government. For the convenience of the reader, that list (which will constitute Appendix A to 35 CFR Part 10) is reproduced in the following statement which is prefatory to the descriptions of the various systems of records. Additional routine uses applicable to particular systems may be set forth in the individual descriptions.

Interested persons may submit written data, views or arguments concerning intended uses of information in any system of records of the Panama Canal Company or the Canal Zone Government to the Agency Records Officer (Chief, Administrative Services Division), Panama Canal Company, Box M, Balboa Heights, Canal Zone.

Dated: September 22, 1975.

H. R. Parfitt,
*Governor of the Canal Zone, President, Panama Canal Company.*

(SEAL)

### PREFATORY STATEMENT OF 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 regulation, 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.

TITLE LISTING OF PANAMA CANAL COMPANY-CANAL ZONE GOVERNMENT NOTICES OF SYSTEMS OF RECORDS

Accounts Payable Disbursement Records, PC-CZG/FVAC-8
Accounts Receivable Records, PCC-CZG/FVAC-2
Admeasurer Examination File, PCC-CZG/MRPA-1
Advance Authorizations to Enter the Canal Zone, PCC-CZG/ADRM-2
Appeals, Grievances, Complaints, and Assistance Records, PCC-CZG/CZPB-2
Applications for Importation, PCC-CZG/CACU-8
Arrest Record File, PCC-CZG/CAPL-13
Automatic Data Processing and Retrieval Systems, PCC-CZG/FVDP-1
Biographical Data, PCC-CZG/GVPR-1
Biographical Data Cards, PCC-CZG/ISO-5
Biographical Data Files, PCC-CZG/ISO-6
Canal Zone Awards and Service Contracts Control Records, PCC-CZG/FVAC-7
Canal Zone Board of Registration for Architects and Professional Engineers Directory, PCC-CZG/BRAE-2
Canal Zone Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1
Canal Zone Immigration Station Admission Records, PCC-CZG/CACU-11
Canal Zone Library Registration Record, PCC-CZG/CALM-1
Canal Zone Vehicle Registration Listings, PCC-CZG/CAPL-17
Cardex File—Contraband Violations, PCC-CZG/CACU-6
Cardex File—Smuggling; Narcotics; Violators or Suspects and Fugitives, PCC-CZG/CACU-4
Cardex File—Vehicle Exporters, PCC-CZG/CACU-5
Card Index System, PCC-CZG/ISO-3
Case Investigations, PCC-CZG/CAPS-2
Cash Audit Files, PCC-CZG/FVGA-1
Cash Collection Agents and Subagents, PCC-CZG/FVAC-6
Cash Register Receipt Shortages, PCC-CZG/FVGA-2
Civil and Amateur Radio Operator and Station License Files, PCC-CZG/CALS-4
Civil Defense and Natural Disaster Records, PCC-CZG/EPCD-1
Claims Files, PCC-CZG/FVAK-1
Complaints Against Policemen File, PCC-CZG/CAPL-15
Confidential Sources and Contacts, PCC-CZG/ISO-2
Contractor Employee Payroll Records, PCC-CZG/ECCN-2
Convict Files, PCC-CZG/CAPL-4
Customs Fugitive Records, PCC-CZG/CACU-3
Delegation of Authority for Procurement, PCC-CZG/FVAC-5
Detective Confidential Files, PCC-CZG/CAPL-3
Disability Relief, Retirement and Group Supplementary Life Insurance Records, PCC-CZG/PR-1
Driver's License Investigatory File, PCC-CZG/CALS-7
Driver's License Revocation Lists, PCC-CZG/CAPL-20
Embezzlements, Burglaries, and Cash Shortages, PCC-CZG/FVAC-1
Employee Application for Outside Employment, PCC-CZG/ADGS-2
Employee Benefits Records, PCC-CZG/PR-2
Employee/Dependent Photo-Identification Card Applications, PCC-CZG/CALS-1
Employees' and Dependents' Travel Orders PCC-CZG/ADTR-1
Equal Employment Opportunity Counseling and Investigation Files, PCC-CZG/GVEO-2
Ethyl Alcohol Certificates of Purchase, PCC-CZG/SC-5
Expert and Consultant Records, PCC-CZG/SC-3
Fingerprint File, PCC-CZG/CAPL-7
Fishing Pass Application File, PCC-CZG/CALS-3
Freedom of Information Act Requests for Records, PCC-CZG/ADRM-4
General Files of the Canal Agencies, PCC-CZG/ADRM-1
Grievances and Appeals Records, PCC-CZG/PR-4
Health, Medical, Dental, and Veterinary Records Systems, PCC-CZG/HL-1
Hire-A-Kid Program File, PCC-CZG/GVYA-1
Housing Complaints File, PCC-CAG/SC-2
Housing Files, PCC-CZG/SC-1
Hunting Permit Application File, PCC-CZG/CALS-2
Immigration and Naturalization Service Lookout Book, PCC-CZG/CACU-2
Immigration Detention Orders, PCC-CZG/CACU-12
Incentive Awards Program Files, PCC-CZG/FVXI-1
Index of Contractor Employees, PCC-CZG/ISO-4

Industrial Accident Prevention Supervisor/Unit Awards File, PCC-CZG/SF-1
Informant Name File, PCC-CZG/CAPL-9
Injury Compensation Payroll Records, PCC-CZG/FVAP-3
Inmate Trust Fund File, PCC-CZG/CAPL-14
Internal Revenue Service Notice of Levy Files, PCC-CZG/FVTR-2
Land License Record, PCC-CZG/CALS-5
Law Enforcement Case Report Files, PCC-CZG/CAPL-1
Mail Covers, PCC-CZG/CAPS-1
Marine Accident Reference Cards, PCC-CZG/MRTO-1
Marine License Files, PCC-CZG/MRBLI-1
Marriage License Records, PCC-CZG/CALS-9
Master Name File, PCC-CZG/CAPL-10
Medical Administration System-Exempt, PCC-CZG/HL-2
Medical Administration System-Nonexempt, PCC-CZG/HL-3
Merit System Recruiting, Examining, and Placement Records, PCC-CZG/CZPB-1
Minority Group Designator GD) Records, PCC-CZG/PR-ll
Motor Vehicle and Motorboat Registration and Operator's License Files, PCC-CZG/CALS-8
News Media Representatives, PCC-CZG/IO-2
News Morgue Records, PCC-CZG/IO-1
Office of the Secretary Operating Unit Personnel Files, PCC-CZG/WO-2
Official Permits to Have or Carry Firearms, PCC-CZG/CALS-11
Operating Unit Employment Inquiry Files, PCC-CZG/OPR-2
Operating Unit Personnel Records, PCC-CZG/OPR-1
Panama Canal Company Board of Directors, PCC-CZG/WO-1
Panama Canal Company Board of Directors Biographical and Correspondence Files, PCC-CZG/EPS-1
Payroll Deductions, PCC-CZG/FVAP/AC-4
Payroll Master File for Panama Canal Company and Canal Zone Government Employees, PCC-CZG/FVAP-1
Payroll System for Vessel Employees, PCC-CZG/FVAP-2
Pending Detective Investigation Records, PCC-CZG/CAPL-8
Personal Data Records, PCC-CZG/PR-3
Personnel Investigation Records, PCC-CZG/CZPB-3
Personnel Security Files, PCC-CZG/ISO-1
Philatelic Program, PCC-CZG/CAPS-5
Plumbing and Welding License Files, PCC-CZG/ECCN-1
Police Headquarters Confidential File, PCC-CZG/CAPL-2
Police Photo Files, PCC-CZG/CAPL-6
Poor Risk/Delinquent Citation/Warrant File, PCC-CZG/CAPL-19
Post Office Boxholder Records, PCC-CZG/CAPS-4
Postal Claims and Inquiries, PCC-CZG/CAPS-6
Presentence and Pre-Parole Investigation Reports, PCC-CZG/CAPR-2
Prisoner Property Record, PCC-CZG/CAPL-18
Prisoner Record Cards, PCC-CZG/CAPL-5
Privacy Act Requests Records, PCC-CZG/ADRM-3
Probation and Parole Unit Child Custody Reports, PCC-CZG/CAPR-1
Probation and Parole Unit Statistical File, PCC-CZG/CAPR-3
Prohibitory Orders Against Sending Pandering Advertisement in the Mails, PCC-CZG/CAPS-3
Protocol Unit Operational Files, PCC-CZG/GVPR-2
Purchase Authority Cards, PCC-CZG/ADGS-1
Quarterly Report of Employee Union Dues Deductions, PCC-CZG/GVLR-1
Recruiting and Placement Records, PCC-CZG/PR-5
Refugee Records, PCC-CZG/SC-4
Runners, Peddlers, and Solicitors Application and License Files, PCC-CZG/CALS-10
20/30/40 Year Safety Key Awards Files, PCC-CZG/SF-2
Seamen's Locator List, PCC-CZG/CACU-7
State Department Visa Lookout Book, PCC-CZG/CACU-1
Statements of Employment and Financial Interest, PCC-CZG/GE-2
Student Record System, PCC-CZG/CASC-1
Suspension of Check Cashing Privileges Files, PCC-CZG/FVTR-3
Telephone Exchange Directory, PCC-CZG/ECLE-1
Termination of Employment Actions Records, PCC-CZG/FVTR-1
Traffic Accident Reports, PCC-CZG/CAPL-16
Training and Employee Development Records, PCC-CZG/PR-6
Trust Fund Records, PCC-CZG/FVAC-3
U.S. Army Element, Canal Zone Government Military Administration System, PCC-CZG/MIL-1
U.S. Civil Service Commission systems applicable to the Canal agencies: General Personnel Records; Retirement, Life Insurance, and Health Benefits Records Systems (See PCC-CZG/PR-8)
U.S. Government Vehicle Operator's Identification and Material Handling Card Application Files, PCC-CZG/CALS-6
U.S. Immigration and Naturalization Service, U.S. Citizenship Certificate Application and Appointment Records, PCC-CZG/CACU-10
Unnegotiated Checks over One Year Old, PCC-CZG/FVAC-9
Vehicle Registration for RP-Series License Plates, PCC-CZG/CACU-9
Vessel Employee Records, PCC-CZG/ITWT-1
Visa Records, PCC-CZG/GE-1 (STATE-39)
Vital Installation Access File, PCC-CZG/CACP-1
Youth Unit Drug Abuse File, PCC-CZG/CAPL-11
Youth Unit Name Index File, PCC-CZG/CAPL-12

### PCC-CZG/ADGS-1

**System name:** Purchase Authority Cards, PCC-CZG/ADGS-1

**System location:** Administrative Services Division, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Employees of private companies, organizations, and certain other government agencies, and other individuals that qualify for purchase authority.

**Categories of records in the system:** Name, employment status, residence, mailing address, purchase-authority status, marital status, citizenship, age, names and ages of dependents, and history of identification cards issued.

**Authority for maintenance of the system:** Article III, 1936 General Treaty of Friendship and Cooperation, 53 Stat. 1807; Articles XI and XII, 1955 Treaty of Mutual Understanding and Cooperation, 6 U.S.T. 2273.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms, 8 by 10 1/2 inches.

**Retrievability:** Alphabetically by name.

**Safeguards:** Lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Minimum of 5 years after individual ceases to qualify for purchase authority. Shredded.

**System manager(s) and address:** Chief, General Services Branch, Administrative Services Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notifications Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From individual.

### PCC-CZG/ADGS-2

**System name:** Employee Application for Outside Employment, PCC-CZG/ADGS-2

**System location:** Administrative Services Division, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Employees or former employees who have applied for permission to engage in outside employment.

**Categories of records in the system:** Name of employee, name of outside employer, location of outside employment, number of hours employed weekly, nature of work performed, beginning and ending dates of outside employment, and conditions placed on employee concerning outside employment permission. Also may include letters from the Government of Panama stating there is no objection to the proposed employment.

**Authority for maintenance of the system:** 35 CFR 255.735-32; E.O. 11222 of May 8, 1965.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Released to Internal Revenue Service upon request to inform them which employees engage in outside employment. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed form 8 by 10 1/2 inches.

**Retrievability:** Filed by expiration date. Separate index maintained by name.

**Safeguards:** Lockable file cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Minimum of 5 years after expiration of permit. Disposed of by shredding.

**System manager(s) and address:** Chief, General Services Branch, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From individual to whom application pertains.

### PCC-CZG/ADRM-1

**System name:** General Files of the Canal Agencies, PCC-CZG/ADRM-1

**System location:** Records Management Branch, Panama Canal Company, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Individuals who are the subject of correspondence or who correspond with the Office of the Governor/President and staff offices on a variety of subjects related to the operation, maintenance, and protection of the Panama Canal and the Government of the Canal Zone.

**Categories of records in the system:** Files retrievable by reference to individuals include records on subjects such as eligibility to engage in private business, purchase goods and services, use Canal facilities, and reside or remain in Canal Zone; licenses and permits in connection with utilization of land, water, resources and facilities; Congressional inquiries about or on behalf of individuals; detention and deportation of persons; biographical data on former Governors of the Canal Zone; certificates of good conduct; contracts with individuals, reports of Court dispositions of cases; Coroner reports; and inquiries and answers on Canal operations, laws and regulations pertaining to the Canal and the Canal Zone, and policies related thereto, generally.

**Authority for maintenance of the system:** 44 U.S.C. 3101 and 3102.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders or on backers and card indexes.

**Retrievability:** Filed by subject subdivided alphabetically by name, or filed alphabetically by name only.

**Safeguards:** Stored in metal file cabinets in file room locked when not in use in a building with around-the-clock guard. Access and use are restricted to authorized personnel.

**Retention and disposal:** Certificates of good conduct, 6 months; eligibility files, 3 years after last entry; general inquiries and answers, 3 years. Others transferred to Agency Records Center after 8 years and retained permanently. General files prior to 1914 are stored in National Archives.

**System manager(s) and address:** Chief, Records Management Branch, Panama Canal Comoany, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals, Canal officials, and information from records.

### PCC-CZG/ADRM-2

**System name:** Advance Authorizations to Enter the Canal Zone, PCC-CZG/ADRM-2

**System location:** Records Management Branch, Panama Canal Company, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Individuals issued advance authorization to enter the Canal Zone.

**Categories of records in the system:** Advance authorizations to enter the Canal Zone and related papers, such as extensions of stay and changes in Canal zone Zone immigration status.

**Authority for maintenance of the system:** 2 C.Z.C. 841, 76A Stat. 32; E.O. 11305; 35 CFR 59.22-3.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records on backers.

**Retrievability:** Filed alphabetically by name of entrant.

**Safeguards:** Stored in metal file cabinets in file room locked when not in use in a building with around-the-clock guard. Access and use are restricted to authorized personnel.

**Retention and disposal:** 3 years after last entry.

**System manager(s) and address:** Chief, Records Management Branch, Panama Canal Company, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Sponsors of entrant.

### PCC-CZG/ADRM-3

**System name:** Privacy Act Requests Records, PCC-CZG/ADRM-3

**System location:** Records Management Branch, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Individuals who have requested personal information from records systems of the Panama Canal Company/Canal Zone Government under provisions of the Privacy Act.

**Categories of records in the system:** Records maintained to process requests made under the Privacy Act of 1974, and to provide information for compiling an annual report (beginning April 30, 1976) for The Office of Management and Budget as required by the act. Files contain correspondence, documents, and file material references related to the receipt, processing and final disposition of requests received under the Privacy Act of 1974. File material under request is normally retained by the system manager of the system from which the information is requested.

**Authority for maintenance of the system:** 5 U.S.C. 552a.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed alphabetically by name.

**Safeguards:** Records maintained in file cabinets in building with around-the-clock guard. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retention period not yet established.

**System manager(s) and address:** Chief, Records Management Branch, Administrative Services Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager . Rules published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to the Systems Manager designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** The individual on whom the record is maintained and from officials making determinations under the act.

**PCC-CZG/ADRM-4**

**System name:** Freedom of Information Act Requests for Records, PCC-CZG/ADRM-4

**System location:** Records Management Branch, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Individuals who have requested copies of Panama Canal Company/Canal Zone Government records under provisions of the Freedom of Information Act.

**Categories of records in the system:** Records maintained to process requests for information from records under the Freedom of Information Act, and to provide annual reports to Congress as required by the act. Files will normally contain correspondence, documents and file material references related to the receipt, processing and final disposition of requests received under the Freedom of Information Act.

**Authority for maintenance of the system:** 5 U.S.C. 552.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed chronologically by date received. Retrievable alphabetically by name from cross index.

**Safeguards:** Records maintained in metal file cabinet in building with around-the-clock guard. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retention period not yet established.

**System manager(s) and address:** Chief, Records Management Branch, Administrative Services Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From individual requesting information; and from officials making determinations under the act.

**PCC-CZG/ADTR-1**

**System name:** Employees' and Dependents' Travel Orders, PCC-CZG/ADTR-1

**System location:** Transportation Branch, Building 639, Balboa, Canal Zone

**Categories of individuals covered by the system:** Employees and designated dependents of Panama Canal Company/Canal Zone Government and other agencies whose travel arrangements are performed by the Transportation Branch of the Panama Canal Company.

**Categories of records in the system:** Records contain traveler's names, relationshi to employee, identification number, occupation, dates and places of birth, origin and destination of travel as well as other pertinent travel information required to complete United States Transportation requests and United States Government Bills of Lading.

**Authority for maintenance of the system:** 5 U.S.C. 5701-42 and 5924, and such other authorities as are cited in 5721-1 and 1-2, PCPM.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** U.S. Government agencies, commercial carriers, U.S. and foreign customs, Immigration and diplomatic personnel, and others with a need to know; and for use in adjudicating claims relating to employee travel. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders and index cards.

**Retrievability:** Indexed by employee's name and travel order numbers.

**Safeguards:** Records maintained in file cabinets. Office is locked and protected by security alarms after office hours - access and use of records restricted to authorized personnel.

**Retention and disposal:** Retained 3 years. Transferred to Agency Records Center for disposition under applicable disposition schedules.

**System manager(s) and address:** Chief, Transportation Branch, Panama Canal Company, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom the record is maintained, employing unit, and by the Personnel Bureau, Panama Canal Company as necessary.

**PCC-CZG/BRAE-1**

**System name:** Canal Zone Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1

**System location:** Canal Zone Board of Registration for Architects and Professional Engineers, Building 29-X, Balboa Industrial Area, Balboa, Canal Zone

**Categories of individuals covered by the system:** Active and inactive individuals certified as Engineers-In-Training (EIT) or registered as Professional Engineer (PE) or Architect (RA) in the Canal Zone.

**Categories of records in the system:** Complete application detailing personal history, educational record and references and record of professional practice; reference letters from individuals, verification letters from schools, State Boards, National Council of Engineering Examiners (NCEE)/National Council of Architectural Registration Boards (NCARB), etc.

**Authority for maintenance of the system:** 35 CFR 69(A) and 2 C.Z.C. 1171-75.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to National Council of Engineering Examiners (NCEE), National Council of Architectural Registration Boards (NCARB) and all State Board jurisdictions in connection with Publication of Roster, 35 CFR 69.141. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folder 8 1/2 by 11 inches.

**Retrievability:** Alphabetically by status of certification and registration.

**Safeguards:** Active records maintained in locked file cabinet; inactive records maintained in office file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Active files maintained indefinitely. Inactive files maintained indefinitely or three years after death. Files disposed of by shredding.

**System manager(s) and address:** Chairman, Canal Zone Board of Registration for Architects and Professional Engineers, Box 223, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual applicant, personal references, NCEE, NCARB, State Boards.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources, or is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/BRAE-2

**System name:** Canal Zone Board of Registration for Architects and Professional Engineers Directory, PCC-CZG/BRAE-2

**System location:** Canal Zone Board of Registration for Architects and Professional Engineers, Building 29-X, Balboa Industrial Area, Balboa, Canal Zone

**Categories of individuals covered by the system:** All certified Engineers-in-Training (EIT) and registered Professional Engineers (PE) and Architects (RA).

**Categories of records in the system:** Numerical listing of Engineers-in-Training, Professional Engineers and Architects by number, name and methods of registration.

**Authority for maintenance of the system:** 35 CFR 69 and 2 C.Z.C. 1171-75 76A Stat. 40-41.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For routine use by the Board and for preparation of the annual report (35 CFR 69.232); and the Roster (35 CFR 69.141); Board members, Executive Secretary to the Board, and each architect and professional engineer and architect-in-training and engineer-in-training and other persons upon request as set forth in 35 CFR 69.144. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 8 1/211 inch papers in file folders.

**Retrievability:** Numerically by certification/registration number; cross referenced by name.

**Safeguards:** File cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Indefinite. Retained by Board for reference purposes.

**System manager(s) and address:** Chairman, Canal Zone Board of Registration for Architects and Professional Engineers, Box 223, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR, Part 10.

**Record source categories:** From applicant and other sources.

PCC-CZG/CACP-1

**System name:** Vital Installation Access File, C-CZG/CACP-1

**System location:** Canal Protection Division, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Private contractors, steamship agency personnel, employees of the Panama Canal Company and other persons who frequently require entrance to vital Panama Canal Company/ Canal Zone Government installations.

**Categories of records in the system:** Individual's name, place of birth, date of birth, citizenship, residence, position or title, employer; firms business license number, address, telephone number, merchandise or contract services. Subsystems contain photomat cards containing name, employer, and card control number; apprehension, detention and incident records; persons holding Panama Canal Company/Canal Zone Government Runners licenses; and other information pertaining to granting, limiting, or denying access to various Canal Zone installations where access is controlled.

**Authority for maintenance of the system:** 50 U.S.C. 191, E.O. 10226 of March 27, 1961, 6 C.Z.C. 1602 (76A Stat. 472), CZAR 87.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms 58 inches and 8 by 10 1/2 inches.

**Retrievability:** Manual; Indexed by bearer's name.

**Safeguards:** Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained until card expires. Destroyed by shredder at expiration.

**System manager(s) and address:** Chief, Canal Protection Division, Civil Affairs Bureau, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/CACU-1

**System name:** State Department Visa Lookout Book, PCC-CZG/CACU-1

**System location:** Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and in Building 200, Cristobal, Canal Zone.

**Categories of individuals covered by the system:** Aliens subject to investigation or denial of entry into the United States.

**Categories of records in the system:** Name, number, place and date of birth, citizenship or nationality, and coded offenses.

**Authority for maintenance of the system:** 8 U.S.C. Chapter 12.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Book form.

**Retrievability:** Name and number.

**Safeguards:** Stored in combination safe when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Until revised by State Department. Destroyed by burning.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-2

**System name:** Immigration and Naturalization Service Lookout Book, PCC-CZG/CACU-2

**System location:** Investigations Unit, Canal Zone Customs, Building 101, Balboa, Canal Zone

**Categories of individuals covered by the system:** Individuals suspected of, involved in, or convicted of various offenses such as drug abuse, smuggling, etc.

**Categories of records in the system:** Name, place and date of birth, nationality, crime or offense in code.

**Authority for maintenance of the system:** 35 CFR Part 59.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Book form.

**Retrievability:** Name and number.

**Safeguards:** Combination safe. Access and use are restricted to authorized personnel.

**Retention and disposal:** Until revised by Immigration and Naturalization Service. Destroyed by burning.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-3

**System name:** Customs Fugitive Records, PCC-CZG/CACU-3

**System location:** Investigations Unit, Canal Zone Customs, Building 101, Balboa, Canal Zone

**Categories of individuals covered by the system:** Fugitives.

**Categories of records in the system:** Name, number, coded data.

**Authority for maintenance of the system:** 35 CFR Part 59.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Book form.

**Retrievability:** Name and number.

**Safeguards:** File safe—combination lock. Access and use are restricted to authorized personnel.

**Retention and disposal:** Until revised by U.S. Customs Service. Destroyed by burning.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-4

**System name:** Cardex File—Smuggling; Narcotics; Violators or Suspects and Fugitives, PCC-CZG/CACU-4

**System location:** Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

**Categories of individuals covered by the system:** Persons reported to be, or suspected of being involved in violation of existing laws and statutes pertaining to smuggling, narcotics possession, use or trafficking; also persons reported to be fugitives from justice.

**Categories of records in the system:** Name, identifying number, residence, age, nationality, violation information, confidential sources and other information pertaining to the violation or individual as may be included in the system in the process of investigation.

**Authority for maintenance of the system:** 2 C.Z.C. 761-784, 76A Stat. 30-31; P.L. 91-513.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards; logbooks; case reports; investigator's offense and incident reports; supplementary data and reports which are accessible through the cardex file system maintained by Canal Zone Customs.

**Retrievability:** Accessible by name, case number and other information carried on cardex forms. Backup data accessed by cardex retrieval system, otherwise filed by violation, investigator, reporting agency, etc.

**Safeguards:** Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Upon termination of usefulness. Destroyed by burning.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-5

**System name:** Cardex File—Vehicle Exporters, PCC-CZG/CACU-5

**System location:** Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

**Categories of individuals covered by the system:** Exporters of vehicles from Canal Zone ports.

**Categories of records in the system:** Name; personal identification data; identity of shipment; vessel name; bill of lading number.

**Authority for maintenance of the system:** 2 C.Z.C. 33.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed form, 3 by 5 inches or 5 by 7 inches.

**Retrievability:** Name and number.

**Safeguards:** Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Upon termination of usefulness documents are burned.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-6

**System name:** Cardex File—Contraband Violations, PCC-CZG/CACU-6

**System location:** Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

**Categories of individuals covered by the system:** Persons reported to be, or suspected of involvement in activities which are violations of Canal Zone regulations governing the importation, purchase, use, transfer of goods or services obtained through Canal Zone facilities; including but not limited to unauthorized entry into Canal Zone retail facilities posted against trespassing, transfer of duty free goods and services into the Republic of Panama without proper Canal Zone Customs clearances.

**Categories of records in the system:** Name, number, address, place of employment, case numbers, charge or violation, administrative or court action taken, and name of investigator. Other information as may be uncovered by investigating officers, including the name, dates and places of violations, names of accessories etc.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 33, 76A Stat. 7; 6 C.Z.C. 1602; 2 C.Z.C. 761-784, 76A Stat. 30-31.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure as required to U.S. military component investigators, U.S. District Court officials, and Panamanian Customs officials having an interest in such information in connection with law enforcement or regulatory procedures. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards, logbooks (chronological), case reports and supporting documentation maintained by Canal Zone Customs which are accessible by the cardex system.

**Retrievability:** Accessible by name, case number and other information on cardex forms. Backup data, including case reports accessed by cardex designators, otherwise filed by investigator's name.

**Safeguards:** Card file drawers. Access and use are restricted to authorized personnel.

**Retention and disposal:** Burned at the end of its useful service life.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-7

**System name:** Seamen's Locator List, PCC-CZG/CACU-7

**System location:** Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

**Categories of individuals covered by the system:** U.S. licensed seamen and officers on merchant vessels.

**Categories of records in the system:** Name and number of individual in alphabetical order and reference code for the action requested.

**Authority for maintenance of the system:** 46 U.S.C. 643 and 689.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to U.S. Coast Guard in connection with notification of location of seamen and U.S. Port of Arrival, if known. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Book form.

**Retrievability:** Name and number.

**Safeguards:** Kept in safe. Access and use are restricted to authorized personnel.

**Retention and disposal:** Indefinite, or until updated. Destroyed by burning when book has outlived its usefulness.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-8

**System name:** Applications for Importation, PCC-CZG/CACU-8

**System location:** Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

**Categories of individuals covered by the system:** Persons who apply for authorization to import goods into the Canal Zone.

**Categories of records in the system:** Name, identity number, citizenship, residence, place of employment, signature, and commodity description.

**Authority for maintenance of the system:** 35 CFR Parts 53 and 57.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed form - 8 by 10 1/2 inches.

**Retrievability:** By name and number.

**Safeguards:** Standard file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** One year. Subsequently stored in Agency Records Center for disposition under applicable disposition schedules.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual applicant.

PCC-CZG/CACU-9

**System name:** Vehicle Registration for RP-Series License Plates, PCC-CZG/CACU-9

**System location:** Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

**Categories of individuals covered by the system:** U.S. Government employees, military personnel and dependents resident in Panama but entitled to Canal Zone duty free entry of vehicles.

**Categories of records in the system:** Name, number, citizenship, personal description, address, and vehicle description.

**Authority for maintenance of the system:** 35 CFR Part 57.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards - 3 by 5 inches.

**Retrievability:** Name and number.

**Safeguards:** File cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** One year. Subsequently forwarded to Agency Records Storage for appropriate disposition. Normally destroyed after two years.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From individual applicant.

PCC-CZG/CACU-10

**System name:** U.S. Immigration and Naturalization Service, U.S. Citizenship Certificate Application and Appointment Records, PCC-CZG/CACU-10

**System location:** Office of the Chief, Customs Division, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Persons born outside the United States who are requesting United States citizenship certificates issued by the Immigration and Naturalization Service pursuant to one or more of the statutes referred to in the authority portion of this notice.

**Categories of records in the system:** The application forms with supporting documentation such as birth, death, and marriage certificates, affidavits and other related papers are forwarded directly to the U.S. Immigration and Naturalization Service for processing. An index card containing the applicant's name, address, the date the application was received locally, and the certificate number is retained locally for appointment scheduling purposes.

**Authority for maintenance of the system:** 8 U.S.C. 1101 note, 1443-4, 1451-4.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routine use includes the transmittal of the application and accompanying documents to the U.S. Immigration and Naturalization Service for processing. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 8 by 10 1/2 inch application form and paper certificates and documents; 3 by 5 inch file cards.

**Retrievability:** Name and address.

**Safeguards:** Stored in unlocked file drawers in office locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by paper shredder at end of useful life.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual to whom record pertains.

### PCC-CZG/CACU-11

**System name:** Canal Zone Immigration Station Admission Records, PCC-CZG/CACU-11

**System location:** Canal Zone Customs Immigration Station, Building 6531, Corozal, Canal Zone

**Categories of individuals covered by the system:** Seamen and others admitted to the Immigration Station pending return to country of origin or transfer to another vessel.

**Categories of records in the system:** Name, ship, Agent, and dates of entry and departure from Canal Zone.

**Authority for maintenance of the system:** 2 C.Z.C. 841, 76A Stat. 32, 2 C.Z.C. 31, 33, 76A Stat. 7.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Commercial carriers, steamship agents, consular and diplomatic officials of individual's country, and U.S. Government offices with need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 5 by 7 inch file index card.

**Retrievability:** By name.

**Safeguards:** Filing cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Five years. Special cases may be retained longer for billing or investigation purposes. Records torn or shredded upon retirement.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From the person to whom the record pertains.

### PCC-CZG/CACU-12

**System name:** Immigration Detention Orders, PCC-CZG/CACU-12

**System location:** Canal Zone Customs Offices in Building 101, Balboa, Canal Zone and in Building 200, Cristobal, Canal Zone

**Categories of individuals covered by the system:** Stowaways, deserters, crewmembers and passengers in violation of Canal Zone Immigration Regulations.

**Categories of records in the system:** Name, number, date and place of birth, nationality, and facts relating to issuance or enforcement of the detention order.

**Authority for maintenance of the system:** 2 C.Z.C. 841-3, 76A Stat. 32.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routinely sent to local law enforcement officials as necessary to direct the apprehension, detention and repatriation of such persons. Information may also be disclosed to commercial carriers when such persons were passengers or crewmen/employees of a shipping company, airline etc. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File cabinet folder.

**Retrievability:** Filed by name.

**Safeguards:** File cabinet (lockable). Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained for two years then burned.

**System manager(s) and address:** Chief, Customs Division, Box 2018, Balboa, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From ship's documents and/or individual.

### PCC-CZG/CALM-1

**System name:** Canal Zone Library Registration Record, PCC-CZG/CALM-1

**System location:** Canal Zone Library, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Applicants for Canal Zone Library check-out privileges.

**Categories of records in the system:** Applicant's name, identification number or Serial number, mailing address, citizenship, dependents, agency.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33, 76A Stat. 7; and Congressional appropriations acts providing for the operation of the Canal Zone Library system.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms, 3 by 5 inch cards.

**Retrievability:** Indexed by name and Library reader's number.

**Safeguards:** Records are maintained in locked file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained for one year after library privilege has been cancelled. Destroyed by fire.

**System manager(s) and address:** Budget-Clerk, Canal Zone Library-Museum, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From individual on whom record is maintained.

### PCC-CZG/CALS-1

**System name:** Employee/Dependent Photo-Identification Card Applications, PCC-CZG/CALS-1

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** All permanent Panama Canal Company/Canal Zone Government employees and the members of their immediate family who have applied for Panama Canal Company/Canal Zone Government Photo-Identification/Purchase Authority cards. Application forms also maintained on employees of U.S. District Court in the Canal Zone and their dependents who have been issued Panama Canal Company/Canal Zone Government Photo-Identification cards. A Photo-Identification Photomat card file is maintained as a subsystem.

**Categories of records in the system:** Employee's name, identifying number, residence, birthdate, citizenship, employing unit. Names, birthdates and citizenship of members of immediate family over 12 years old residing with employee. Subsystem containing photomat cards containing names, identification number, employing unit, birthdate, citizenship and card control number.

**Authority for maintenance of the system:** Article III, 1936 General Treaty of Friendship and Cooperation, 53 Stat. 1807; Articles XI and XII, 1955 Treaty of Mutual Understanding and Cooperation, 6 U.S.T. 2273 and policies and regulations established pursuant thereto.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms and standard photomat cards.

**Retrievability:** Indexed by name and employee identification number. Recovered manually.

**Safeguards:** Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained until five years after employee terminates. Terminated employee records subsequently forwarded to Panama Canal Company Agency Records Center for storage and disposition. Photomat cards destroyed upon termination.

**System manager(s) and address:** Chief, License Section, Civil Affairs Bureau, Canal Zone Government, Box L, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom the record is maintained.

### PCC-CZG/CALS-2

**System name:** Hunting Permit Application File, PCC-CZG/CALS-2

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** All applicants and holders of permits to engage in hunting in the Canal Zone.

**Categories of records in the system:** Name, date of birth, place of employment, rank, photograph, signature.

**Authority for maintenance of the system:** 2 C.Z.C. 1471, 76A Stat. 49; 6 C.Z.C. 2573, 76A Stat. 495.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 8 1/2 by 10 inch printed form and 3 by 7 inch card.

**Retrievability:** Recovered manually.

**Safeguards:** Records maintained in lockable file. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained three years after expiration and thereafter forwarded to the Panama Canal Company Agency Records Center for disposition.

**System manager(s) and address:** Chief, License Section, Civil Affairs Bureau, Canal Zone Government, Box L, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom record is maintained.

### PCC-CZG/CALS-3

**System name:** Fishing Pass Application File, PCC-CZG/CALS-3

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zon

**Categories of individuals covered by the system:** All persons applying for, or holding valid Canal Zone fishing passes.

**Categories of records in the system:** Name, rank, street and postal address, date of birth, citizenship, occupation, identification number, place of employment and signature.

**Authority for maintenance of the system:** 2 C.Z.C. 1491, 76A Stat. 50.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 8 1/2 by 10 inch printed form and 3 by 7 inch card.

**Retrievability:** Filed by pass number and name, recovered manually.

**Safeguards:** Records maintained in lockable file. Access and use are restricted to authorized personnel.

**Retention and disposal:** Forwarded to Panama Canal Company Agency Records Center three years after expiration of license.

**System manager(s) and address:** Chief, License Section, Box L, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom record is maintained.

### PCC-CZG/CALS-4

**System name:** Civil and Amateur Radio Operator and Station License Files, PCC-CZG/CALS-4

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** All persons applying for, or issued Canal Zone Amateur, Citizen's Band and Maritime Mobile Radio Operator and/or Station Licenses.

**Categories of records in the system:** Name of licensee or applicant, street and postal address, date of birth, citizenship, operator's qualification test scores and statements, phone number, station location, call sign, organization or affiliation. Also includes similar information on other persons who may be regularly operating radios licensed to other individuals, such as student or guest operators.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33, 76A Stat. 7.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosed upon request to the Federal Communications Commission, local U.S. military frequency control coordinators, Government, State and local radio licensing authorities. Information may also be disclosed to licensing agencies of foreign governments where the applicant is claiming reciprocal licensing privileges in order to obtain a Canal Zone or foreign radio operator's license. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms, questionnaires and cards.

**Retrievability:** Filed by name, call sign or license number.

**Safeguards:** Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Call sign logbook retained as a permanent record. Other materials retained for five years after expiration of the license.

**System manager(s) and address:** Chief, License Section, Box L, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom the record is maintained and the Federal Communications Commission.

### PCC-CZG/CALS-5

**System name:** Land License Record, PCC-CZG/CALS-5

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** All persons who have been issued revocable licenses to occupy or use tracts of land in the Canal Zone for residential, commercial, agricultural, recreational or boat repair purposes.

**Categories of records in the system:** Records showing the status of land licenses issued containing information such as the following:

Name of licensee, street and postal address, date of birth, citizenship, identification number, type of employment, photographs, signature, dependent information, police records, and letters of complaint (if any). Also contains signed copies of licenses, boundary information, area maps, rental rates, census reports, and types of structures on the site and conditions of licensing and date of revocation, if any.

**Authority for maintenance of the system:** 2 C.Z.C. 333-4, 76A Stat. 25-26.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be released to such agencies as the Bureau of Census, Civil Service Commission and the Internal Revenue Service. Information may also be disclosed to local U.S. military officials when such licenses are located adjacent to or within areas used by or under the control of the military. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 10 by 12 inch file folders, and cardex files.

**Retrievability:** Filed by name, recovered manually.

**Safeguards:** Records maintained in lockable file. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained as a permanent record.

**System manager(s) and address:** Chief, License Section, Box L, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom record is maintained.

### PCC-CZG/CALS-6

**System name:** U.S. Government Vehicle Operator's Identification and Material Handling Card Application Files, PCC-CZG/CALS-6

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** All persons issued United States Government Vehicle Operator's Licenses by the Canal Zone Government. Subsystems include a Material Handling Card File and a computer run of persons currently holding valid U.S. Government Vehicle Operator Licenses.

**Categories of records in the system:** Name, identification number, position, date of birth, place of birth, citizenship, color of hair, color of eyes, height, weight, employment information, qualification statements. Also may contain letters of revocation, suspension, or cancellation, and/or medical evaluation material.

**Authority for maintenance of the system:** Panama Canal Company Personnel Manual, Chapter 930.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed form 8 1/2 by 10 inches.

**Retrievability:** Filed by name, recovered manually.

**Safeguards:** Records maintained in lockable file. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained for one year after expiration and then forwarded to the Panama Canal Company Agency Records Center. Disposed of by Agency Records Center ten years after receipt.

**System manager(s) and address:** Chief, License Section, Box L, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom record is maintained, supervisors.

### PCC-CZG/CALS-7

**System name:** Driver's License Investigatory File, PCC-CZG/CALS-7

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** All persons who have had their Canal Zone license or privilege to operate motor vehicles in the Canal Zone revoked, suspended, cancelled, or have a medical problem related to driving.

**Categories of records in the system:** Name, street and postal address, date of birth, citizenship, identification number, color of hair, color of eyes, height, weight, type and place of employment, grade or rank, qualification statements, photographs, and legal documents pertaining to arrests, court actions, hearings and/or related investigations.

**Authority for maintenance of the system:** 2 C.Z.C. 1001, 76A Stat. 37.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be released to the U.S. Department of Transportation, State licensing agencies, courts and others having a need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 8 1/2 by 10 inch file folders.

**Retrievability:** Filed by name.

**Safeguards:** Records maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retain record until operator dies or license is restored. Restored license material retained for the life of the license record. Non-renewed license records transferred to Agency Records Center, retained for ten years and then destroyed.

**System manager(s) and address:** Chief, License Section, Box L, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom record is maintained.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

### PCC-CZG/CALS-8

**System name:** Motor Vehicle and Motorboat Registration and Operator's License Files, PCC-CZG/CALS-8

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Persons registering motor vehicles, including motorcycles, motorboats, pleasure craft, trailers, etc. with the License Section, Ancon, Canal Zone. Also includes persons who are applying for, or have been issued licenses or permits to operate motor vehicles, pleasure craft, launches, boats, etc. in the Canal Zone, or in Canal Zone waters.

**Categories of records in the system:** Owner/operator information normally includes the following:

Name, address, date of birth, citizenship; employment data, distinguishing physical characteristics, height, weight, hair color. Members of U.S. Armed Forces on active duty are also required to provide a "Certificate of Eligibility" when taking advantage of special registration rates provided by law for such classes of persons. A subsystem consists of a computer printout showing name, vehicle description, license plate numbers, engine number, etc.

**Authority for maintenance of the system:** 2 C.Z.C. 1001, 76A Stat. 37; 2 C.Z.C. 1331 and 1358-9, 76A Stat. 46-48.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Vehicle and boat operator and registration information may be routinely provided to officials of other agencies in the Canal Zone who have a need for this information. This includes but is not limited to hospitals and dispensaries treating traffic accident victims; military police units investigating violations of highway and vehicle regulations; and to local air and sea rescue coordinators and local yacht clubs when a boat, launch or pleasure craft has reported overdue. Information may also be released to customs officials of the Republic of Panama at the request of the individual to whom the record pertains or at the request of the American Embassy, Panama. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed application forms, and photomat cards. Computer printouts.

**Retrievability:** Filed by registration number, license plate number, and/or operator/owner's name and identifying number.

**Safeguards:** Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained for three years after expiration of current license, then transferred to Panama Canal Company Agency Records Center. Disposed of at end of ten year retention period.

**System manager(s) and address:** Chief, License Section, Box L, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom record is maintained, and/or military command if the applicant is an Active member of U.S. Armed Forces.

### PCC-CZG/CALS-9

**System name:** Marriage License Records, PCC-CZG/CALS-9

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zone.

**Categories of individuals covered by the system:** All persons applying for and celebrating marriages in the Canal Zone.

**Categories of records in the system:** The name, address, date of birth, citizenship of each party to the marriage, the date and location of the marriage ceremony, the name of the marrying official, witness, etc. May also include information at a later date showing marriage termination or annulment.

**Authority for maintenance of the system:** 8 C.Z.C. 4, 76A Stat. 762.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** May be released to courts, diplomatic or consular officials, military and civilian personnel officials on a need to know basis. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms and binders.

**Retrievability:** Filed by date and recovered manually.

**Safeguards:** Records maintained in lockable file cabinets. Access and use restricted to authorized personnel.

**Retention and disposal:** Maintained as a permanent record.

**System manager(s) and address:** Chief, License Section, Box "L", Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom record is maintained.

### PCC-CZG/CALS-10

**System name:** Runners, Peddlers, and Solicitors-Application and License Files, PCC-CZG/CALS-10

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Persons applying for, or issued licenses to act as runners, peddlers, and solicitors (Definitions of these terms set forth in 35 CFR 63.1).

**Categories of records in the system:** Name, street and postal address, date of birth, parent's names, citizenship, Sanitation certificate (if required), and facts of employment or affiliation with commercial concerns being represented. Also contains information as to color of hair, color of eyes, weight, height, cedula number, etc., needed for identification purposes when applying for licenses authorizing access to certain vital installations in the Canal Zone.

**Authority for maintenance of the system:** 2 C.Z.C. 1441, 76A Stat. 49.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Local U.S. military authorities, courts, and others responsible for the prevention of crime or the apprehension of criminals. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms 8 by 11 inches.

**Retrievability:** Filed by license number, retreived manually.

**Safeguards:** Records maintained in lockable file. Access and use are restricted to authorized personnel.

**Retention and disposal:** Disposed of three years after expiration of license, excluding records retained for police or security reasons.

**System manager(s) and address:** Chief, License Section, Box L, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom record is maintained, police, employer.

### PCC-CZG/CALS-11

**System name:** Official Permits to Have or Carry Firearms, PCC-CZG/CALS-11

**System location:** License Section, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Persons who apply for, or are issued official permits to have or carry firearms in the Canal Zone.

**Categories of records in the system:** Name, date of birth, citizenship, identification number, place of employment, weapon serial

number and description, and other information as may be required by the licensing officials.

**Authority for maintenance of the system:** 2 C.Z.C. 1471, 76A Stat. 49; 6 C.Z.C. 2572-3, 76A Stat. 495.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be disclosed or referred routinely to Law enforcement agencies, courts, military agencies of the U.S. Government. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms, correspondence, 3 by 7 inch cards.

**Retrievability:** Filed by name of permit holder.

**Safeguards:** Records maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Records routinely disposed of three years after expiration of permit. Certain records may be retained longer for police purposes, or to record the circumstances leading to a revocation or cancellation of a permit.

**System manager(s) and address:** Chief, License Section, Box L, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom record is maintained, police officials, and at times the applicant's employer if certification is required that the permit may be essential for personal safety, etc.

### PCC-CZG/CAPL-1

**System name:** Law Enforcement Case Report Files, PCC-CZG/CAPL-1

**System location:** Balboa Police Station, Balboa, Canal Zone; Agency Records Center, Building 42-D, Diablo, Canal Zone; Cristobal Police Station, Administration Building , Cristobal, Canal Zone

**Categories of individuals covered by the system:** Persons who are or have been subjects of police investigations, including persons who have, or are alleged to have committed crimes, persons witnessing or reporting criminal activities, missing persons, and persons filing official complaints about the conduct of other persons when such conduct is not a violation of law.

**Categories of records in the system:** Subject's and/or suspect's name, witness' or witnesses' names, complainant's name, identification or cedula number, residence, birth date, age, citizenship, occupation, employer, date and time of incident, name of the investigating/arresting officer, investigative facts concerning the case. Subsystem containing subject's name, identification number, residence, birth date, age, citizenship, photograph number, fingerprint classification, date and time of incident, location of case report, and notations of arrests and outstanding warrants.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Released to law enforcement agencies, court officials and local military commands as necessary to assist in the apprehension and identification of criminals, and to conduct investigations related thereto. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms 8 1/2 by 11 inches.

**Retrievability:** Indexed by subject code or number of report. Case reports filed by date, accessed by logbook index.

**Safeguards:** Active files maintained in locked file cabinets in police station while not in use. Access and use are restricted to authorized personnel. Inactive files are maintained in Agency Records Center, a building locked when not in use. Access and use are restricted to authorized personnel. Case Report Files in Agency Records Center normally released only to designated Canal Zone Police officials.

**Retention and disposal:** Retained by police for four years. Subsequently held for seven years at Agency Records Center and then destroyed by fire.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

### PCC-CZG/CAPL-2

**System name:** Police Headquarters Confidential File, PCC-CZG/CAPL-2

**System location:** Police Headquarters, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Persons who are or have been subjects of police investigations, including persons who have or are alleged to have been involved in incidents of police interest, and persons witnessing or reporting activities of interest to the police.

**Categories of records in the system:** Subject's name, identifying number, residence, birth date, age, sex, citizenship, occupation, employer, date and time of incident, date and time of investigation, facts of investigation, informants notations, the nature and disposition of the incident, and witnesses statements.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to law enforcement units of the local military commands, U. S. Courts etc., consistent with identifying and apprehending criminal offenders. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms 8 by 10 1/2 inches.

**Retrievability:** By persons name or name of organization.

**Safeguards:** Maintained in locked file cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained indefinitely for reference purposes. Destroyed pursuant to Agency procedures.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

### PCC-CZG/CAPL-3

**System name:** Detective Confidential Files, PCC-CZG/CAPL-3

**System location:** Balboa Police Station, Balboa, Canal Zone and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

**Categories of individuals covered by the system:** Persons who are or have been subjects of police investigations; persons who have made official complaints to the police, who have been reported to the police on official complaints, persons involved in pending criminal investigations, and persons involved in incidents of police interest.

**Categories of records in the system:** Subject's name, identifying number, residence, birth date, age, sex, citizenship, occupation, employer, date and time of incident, date and time of investigation, facts of investigation, confidential source information, the nature and disposition of the incident, and witnesses statements.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to law enforcement units of the local military commands, U.S. Courts, etc., consistent with identifying and apprehending criminal offenders. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed and typed forms.

**Retrievability:** Filed by name of subject.

**Safeguards:** Maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained indefinitely for reference purposes. Destroyed pursuant to Agency procedures.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

**PCC-CZG/CAPL-4**

**System name:** Convict Files, PCC-CZG/CAPL-4

**System location:** Balboa Police Station, Balboa, Canal Zone, Cristobal Police Station, Administration Building, Cristobal, Canal Zone, and the Canal Zone Penitentiary, Gamboa, Canal Zone

**Categories of individuals covered by the system:** All persons who have been sentenced and have served any length of time in the Canal Zone Penitentiary.

**Categories of records in the system:** Convict's number, name, fingerprint classification, entrance and discharge dates, charge against convict, residence, citizenship, names of family, and related personal information. Also has history record of stay in penitentiary, disciplinary comments, brief case history of arrest and conviction, other pertinent information concerning case involved.

**Authority for maintenance of the system:** 6 C.Z.C. 6501-7, 76A Stat. 555-6.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to provide historical data and reference information, regarding release, parole, probation, pardon, and other pertinent data on former and present inmates of the Canal Zone Penitentiary; to police, courts, and investigatory agencies with a legitimate interest in such information. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms and typed pages.

**Retrievability:** Filed by convict number.

**Safeguards:** Maintained in file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** The original of the record is forwarded to the Current Records Section, Records Management Branch upon sentencing. Duplicates are maintained at the Balboa and Cristobal Police Stations and the Canal Zone Penitentiary. The original record and duplicates are maintained indefinitely.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

**PCC-CZG/CAPL-5**

**System name:** Prisoner Record Cards, PCC-CZG/CAPL-5

**System location:** Balboa Police Station, Balboa, Canal Zone, Cristobal Police Station, Cristobal, Canal Zone, and the Civil Affairs Building Security Vault, Ancon, Canal Zone.

**Categories of individuals covered by the system:** All persons who have been arrested by the Canal Zone Police.

**Categories of records in the system:** Subject's name, identifying number, residence, birth date, age, citizenship, occupation, employer, date and time of arrest, arresting officer, sex, convict number, alias, arrest charge, name of complainant, final disposition received, and brief account of activities while individual was incarcerated.

**Authority for maintenance of the system:** 6 C.Z.C. 6501-7, 76A Stat. 555-6; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Released to law enforcement agencies, courts, and investigatory agencies. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms, 8 by 10 inches and micro-film cassettes.

**Retrievability:** Filed by name of prisoner, and date of arrest.

**Safeguards:** Records maintained at main desk until discharge, then stored in locked file cabinets, and in locked micro-film cabinets. Copies of micro-film are stored in security vault. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained indefinitely, no disposition schedule in effect.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

**PCC-CZG/CAPL-6**

**System name:** Police Photo Files, PCC-CZG/CAPL-6

**System location:** Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Cristobal, Canal Zone

**Categories of individuals covered by the system:** All persons who have been arrested, booked, and photographed by the Canal Zone Police.

**Categories of records in the system:** Subject's photo number, height, date of arrest, and the district in which the arrest occurred.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosed to civilian and military investigative and law enforcement departments of the U.S. Government, courts, and other parties, including eye-witnesses to crimes as required to assist in identification of known or alleged criminal offenders.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 3 by 5 inch photographs.

**Retrievability:** By photo number, and by police blotter showing name etc.

**Safeguards:** Maintained in ID Office. Access and use are restricted to authorized personnel, including witnesses to criminal activities.

**Retention and disposal:** Indefinitely. No disposition schedule established.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

**PCC-CZG/CAPL-7**

**System name:** Fingerprint File, PCC-CZG/CAPL-7

**System location:** Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

**Categories of individuals covered by the system:** All persons having been fingerprinted by, or whose prints have been provided to the Canal Zone Police in the process of authorized law enforcement activities in the Canal Zone.

**Categories of records in the system:** Subject's name, occupation, age, fingerprint classification, offense or reason for printing, actual prints.

**Authority for maintenance of the system:** 6 C.Z.C. 3701-44, 76A Stat. 503-5; 2 C.Z.C. 31, 76A Stat. 7.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosed upon request to other law enforcement agencies and to courts consistent with the identification and/or apprehension of criminal offenders. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms 4 by 6 inches.

**Retrievability:** By fingerprint classification.

**Safeguards:** Maintained in file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained indefinitely for police and law enforcement purposes.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

### PCC-CZG/CAPL-8

**System name:** Pending Detective Investigation Records, PCC-CZG/CAPL-8

**System location:** Balboa Police Station, Balboa, Canal Zone, Cristobal Police Station, Administration Building, Cristobal, Canal Zone, and Police Headquarters, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Offenders, alleged offenders, witnesses, victims, investigating officers, and informants who are subjects of, or involved in cases pending investigation by the Detective Unit, Canal Zone Police.

**Categories of records in the system:** Names of offenders, alleged offenders, witnesses, victims, investigating officers, facts of investigations, statements of witnesses, type of crime or offense being committed, date and time of case actions, locations of offense, warrants, individual data; such as age, sex, residence, telephone number, citizenship, occupation, employer, etc. and informant information.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosed in the process of investigations to interested law enforcement agencies, investigatory agencies, courts, and federal and state justice agencies. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms, memorandums, and typed pages.

**Retrievability:** By case name or by name of person under investigation.

**Safeguards:** Maintained in locked file cabinets and safe. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained for the duration of the investigation. No fixed disposition schedule.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

### PCC-CZG/CAPL-9

**System name:** Informant Name File, PCC-CZG/CAPL-9

**System location:** Balboa Police Station, Balboa, Canal Zone

**Categories of individuals covered by the system:** All persons acting as informants for the Canal Zone Police.

**Categories of records in the system:** The name of police officer the informant reports to, the informant's name and number.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 3 by 5 inch cards.

**Retrievability:** By informant's number.

**Safeguards:** Maintained in a locked safe. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by fire once informant is no longer used.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

### PCC-CZG/CAPL-10

**System name:** Master Name File, PCC-CZG/CAPL-10

**System location:** Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

**Categories of individuals covered by the system:** Persons who have been arrested; reported offenses to the police; been involved in an incident coming to the attention of the Canal Zone Police; been reported missing; and, persons who have outstanding warrants.

**Categories of records in the system:** Name, identifying number, residence, birth date, citizenship, occupation, employer, photograph number, fingerprint classification, convict number, alias, sex, type of warrant, violations of law committed, date and time of the arrest/incident, investigating/arresting officer, notations about the arrest/incident.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Released to investigatory agencies and law enforcement agencies as required to assist in the apprehension and/or identification of known or alleged criminals, to prevent crime, locate witnesses etc. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 3 by 5 inch cards.

**Retrievability:** Filed by name of person.

**Safeguards:** Maintained in file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained indefinitely on persons who have been arrested and prosecuted for a felony. All others destroyed by fire ten years after reported incident.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

### PCC-CZG/CAPL-11

**System name:** Youth Unit Drug Abuse File, PCC-CZG/CAPL-11

**System location:** Youth Unit, Balboa Police Station, Balboa, Canal Zone, Youth Unit, Cristobal Police Station, Administration Building, Cristobal, Canal Zone, and Office of the Chief, Police Headquarters, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** All juveniles who have appeared before the Canal Zone Drug Abuse Board.

**Categories of records in the system:** Juvenile's name, birth date, residence, sex, citizenship, school, parent's name, parent's residence, parent's occupation and employer, facts of all investigations involving the juvenile, date and time of the incident, investigating officer, youth officer, witnesses, and comments by the Drug Abuse Board.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Released to investigatory agencies, law enforcement agencies, courts, and the Canal Zone Drug Abuse Board on a need to know basis. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed case reports, memos, and letters.

**Retrievability:** Filed by name of juvenile.

**Safeguards:** Maintained in locked file cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Until juvenile becomes 21 years old, or leaves the Canal Zone, then destroyed by fire.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

### PCC-CZG/CAPL-12

**System name:** Youth Unit Name Index File, PCC-CZG/CAPL-12

**System location:** Balboa Police Station, Balboa, Canal Zone and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

**Categories of individuals covered by the system:** Juveniles who have been the subjects of Canal Zone Police Division juvenile reports, arrest reports, missing person reports, etc.

**Categories of records in the system:** Name, birth date, residence, sex, telephone number, facts of the case or investigation, date and time of the report, date and time of the incident, date and time of the interview, parent's name, parent's identifying numbers, parent's residence, investigating officer and youth officer.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To reference reports pertaining to a juvenile, to investigatory agencies, law enforcement agencies, courts, and others with a need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards 4 by 6 inches.

**Retrievability:** Filed by juvenile's name.

**Safeguards:** Maintained in locked file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by fire once juvenile becomes 21 years of age or leaves the Canal Zone.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

### PCC-CZG/CAPL-13

**System name:** Arrest Record File, PCC-CZG/CAPL-13

**System location:** Balboa Police Station, Balboa, Canal Zone

**Categories of individuals covered by the system:** All individuals who have been arrested, fingerprinted, photographed for violations of law. Also includes those persons required to appear in Magistrates Court for traffic violations.

**Categories of records in the system:** Name, alias, age, birth date, marital status, color, sex, felony or misdemeanor, charge, type of arrest, convict number, photograph number, nationality, residence, occupation, employer, drivers license number, identifying numbers, complainant, location of arrest, court dates and dispositions.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 1691-1716, 3701-44, 76A Stat. 474-6, 503-5.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To provide statistical data, to identify criminal offenders, and to index such information for use by law enforcement agencies, courts, consular and diplomatic officials and others with a valid need to know.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed cards 4 by 6 inches and micro-film cassettes.

**Retrievability:** Indexed by name.

**Safeguards:** Maintained in locked Kard-Veyer (rotary file) and locked micro-film file cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained indefinitely, no disposition schedule established.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Compiled from individual arrest reports, from person arrested, and from identifying case report serial numbers.

### PCC-CZG/CAPL-14

**System name:** Inmate Trust Fund File, PCC-CZG/CAPL-14

**System location:** Canal Zone Penitentiary, Gamboa, Canal Zone

**Categories of individuals covered by the system:** All persons actively serving sentences in the Canal Zone Penitentiary who are enrolled in the Inmate Trust Fund program.

**Categories of records in the system:** Inmate's name, convict number, date of debit or credit to his account and the account balance.

**Authority for maintenance of the system:** 6 C.Z.C. 6501-7, 76A Stat. 555-6.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosed as required to courts, probation, parole and pardon board officials, federal penal institutions. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms 8 by 10 1/2 inches.

**Retrievability:** By convict number.

**Safeguards:** Maintained in file cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained until discharge of inmate, filed with convict record and transferred with record to Agency Records Center for storage.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From inmate and Trust Fund Officer.

### PCC-CZG/CAPL-15

**System name:** Complaints Against Policemen File, PCC-CZG/CAPL-15

**System location:** Balboa Police Station, Balboa, Canal Zone, Cristobal Police Station, Administration Building, Cristobal, Canal Zone, and Police Headquarters, Civil Affairs Buildinq, Ancon, Canal Zone

**Categories of individuals covered by the system:** All police personnel about whom written complaints have been submitted from citizens.

**Categories of records in the system:** Subject's name, badge number, date and time of the complaint, facts of the complaint as stated by the complainant, officer's statements as to his actions, decision on complaint, actions taken by person investigating the complaint, results of the complaint.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701, 76A Stat. 503.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Original letter of complaint.

**Retrievability:** By name of subject-police officer.

**Safeguards:** Maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained indefinitely. No disposition schedule established.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Request should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From person making complaint; from employee; witnesses; investigating officer(s).

### PCC-CZG/CAPL-16

**System name:** Traffic Accident Reports, PCC-CZG/CAPL-16

**System location:** Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

**Categories of individuals covered by the system:** Persons involved in traffic accidents, occurring in the Canal Zone.

**Categories of records in the system:** Driver's name, identifying number, license number, residence, birth date, age, citizenship, occupation, employer, sex, address of employer, description of vehicle or vehicles involved, violations committed, notations of court proceedings and dispositions, investigating officer's name, and facts and obseryations of the investigation. Subsystem containing driver's name, identifying number or date of birth, and traffic accident number.

**Authority for maintenance of the system:** 2 C.Z.C. 1001-3, 76A Stat. 37.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Routinely released to court officials, insurance companies, and law enforcement agencies with a need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed form 8 1/2 by 11 inches and index cards.

**Retrievability:** Filed by accident number and date, cross indexed by name of driver.

**Safeguards:** Maintained in file cabinets at Police Stations. Maintained in secured building Agency Records Center. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by burning five years after final disposition of case.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Compiled from information provided by the vehicle operator, witnesses, and by the investigating officer.

### PCC-CZG/CAPL-17

**System name:** Canal Zone Vehicle Registration Listings, PCC-CZG/CAPL-17

**System location:** Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

**Categories of individuals covered by the system:** All persons and agencies who have registered vehicles in the Canal Zone.

**Categories of records in the system:** Person's name, residence, postal box, make of vehicle, model or body type, motor or body identification number, year of vehicle and registration.

**Authority for maintenance of the system:** 2 C.Z.C. 1001-3, 76A Stat. 37.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer listings.

**Retrievability:** By name of owner and by registration plate number.

**Safeguards:** Access and use are restricted to authorized personnel.

**Retention and disposal:** Held until revised.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From the individual's license plate application.

### PCC-CZG/CAPL-18

**System name:** Prisoner Property Record, PCC-CZG/CAPL-18

**System location:** Balboa Police Station, Balboa Canal Zone, and Cristobal Police Station, Administration Building, Cristobal Canal Zone.

**Categories of individuals covered by the system:** Persons whose personal property is held or seized by the police at the time of arrest or incarceration.

**Categories of records in the system:** Consists of the receipt number, prisoner's name, money, and other property seized or held; the name of the receiving officer, and the receipt for return of the property.

**Authority for maintenance of the system:** 6 C.Z.C. 4901-7, 76A Stat. 544-5

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms

**Retrievability:** Filed and retrieved by receipt number.

**Safeguards:** Kept at main police desk, and then later in locked storeroom. Access and use restricted to authorized personnel.

**Retention and disposal:** Held 3 years after property is returned. Destroyed.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From prisoner, and officer completing the form.

### PCC-CZG/CAPL-19

**System name:** Poor Risk/Delinquent Citation/Warrant File, PCC-CZG/CAPL-19

**System location:** Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

**Categories of individuals covered by the system:** All persons who have failed to honor their written promises to appear and pay in court for traffic citations received; and/or are being sought on outstanding warrants.

**Categories of records in the system:** Subject's name, date of birth, identifying number, driver's license number; the name of the officer who issued original citation; and the type of warrant and citation number.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 1001-03, 76A Stat. 7, 37.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Released to investigatory agencies, courts, and law enforcement agencies as required. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed cards 4 by 6 inches.

**Retrievability:** Filed by name.

**Safeguards:** Maintained in rotary file in dispatcher's office.

**Retention and disposal:** Destroyed after two years.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Compiled from traffic citations, arrest records, and warrants.

### PCC-CZG/CAPL-20

**System name:** Driver's License Revocation Lists, PCC-CZG/CAPL-20

**System location:** Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

**Categories of individuals covered by the system:** All persons who have had their driving privileges revoked in the Canal Zone.

**Categories of records in the system:** Name, identifying number, residence, date of revocation, photograph and police number, and copy of order revoking driving privileges issued by the License Section.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 1001-3, 76A Stat. 7, 37.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed form 8 by 10 inches.

**Retrievability:** Filed by date received, cross-referenced by name of driver.

**Safeguards:** Maintained at Police Dispatcher's desk. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed once revocation is suspended.

**System manager(s) and address:** Chief, Police Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Police reports, license files.

### PCC-CZG/CAPR-1

**System name:** Probation and Parole Unit Child Custody Reports, PCC-CZG/CAPR-1

**System location:** Probation Office, U.S. District Court, Ancon, Canal Zone

**Categories of individuals covered by the system:** Parent or custodian of minor child when custody of the child is contested.

**Categories of records in the system:** All background information available to the Probation Officer that would be helpful in determining appropriate custody of the child.

**Authority for maintenance of the system:** Judicial request under 7 C.Z.C. 2807 or 8 C.Z.C. 338, 76A Stat. 647, 689.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to officials of U.S. District Court for the District of the Canal Zone. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Reports 8 by 10 1/2 inches.

**Retrievability:** Alphabetized.

**Safeguards:** Records maintained in metal file cabinets with access by Probation Office personnel only.

**Retention and disposal:** Maintained indefinitely.

**System manager(s) and address:** Probation and Parole Officer, Box 2020, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

### PCC-CZG/CAPR-2

**System name:** Presentence and Pre-Parole Investigation Reports, PCC-CZG/CAPR-2

**System location:** Probation Office, U.S. District Court, Ancon, Canal Zone

**Categories of individuals covered by the system:** All persons convicted of crimes and referred to the Probation Office for investigation.

**Categories of records in the system:** All background information available to the Probation Officer, including full indentity of the person and his family, police history, employment history, financial status, military history, and details of the offense in which the person was involved.

**Authority for maintenance of the system:** 18 U.S.C. 3651-53, 3655; 6 C.Z.C. 4491-92, 6621-25 (76A Stat. 533, 558).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to officials of U.S. District Court for the District of the Canal Zone and Administrative Office of the U.S. Courts. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Typed reports and printed forms 8 by 10 1/2 inches.

**Retrievability:** Indexed by name and kept in alphabetized individual jackets.

**Safeguards:** Records maintained in metal file cabinets with access by Probation Office personnel only.

**Retention and disposal:** Maintained indefinitely.

**System manager(s) and address:** Probation and Parole Officer, Box 2020, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

### PCC-CZG/CAPR-3

**System name:** Probation and Parole Unit Statistical File, PCC-CZG/CAPR-3

**System location:** Probation Office, U.S. District Court, Ancon, Canal Zone

**Categories of individuals covered by the system:** All persons convicted of crimes and referred to the Probation Office for investigation.

**Categories of records in the system:** Name, age, residence, category of crime and Court disposition.

**Authority for maintenance of the system:** Federal Probation Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to officials fo the U.S. District Court for the District of the Canal Zone and Administrative Office of the U.S. Courts. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed form 5 by 8 inches.

**Retrievability:** Indexed by name.

**Safeguards:** Records maintained in metal file cabinets with access by Probation Office personnel only.

**Retention and disposal:** Maintained indefinitely.

**System manager(s) and address:** Probation and Parole Officer, Box 2020, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/CAPS-1

**System name:** Mail Covers, PCC-CZG/CAPS-1

**System location:** Director of Posts, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Individuals on whom a mail cover has been duly authorized to obtain information in the interest of (1) protecting the national security, (2) locating a fugitive, or (3) obtaining evidence of commission or attempted commission of a crime.

**Categories of records in the system:** Name and addresses of individuals appearing on the outside cover of mail matter under review. May also include interoffice memorandums and correspondence with other agencies.

**Authority for maintenance of the system:** 2 C.Z.C. 1131, 76A Stat. 38.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information kept in individually assigned folders.

**Retrievability:** Filed by date of request and subject's name.

**Safeguards:** Maintained in lockable metal cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained for the period of eight years. Destroyed with obsolete records.

**System manager(s) and address:** Director of Posts, Box M, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/CAPS-2

**System name:** Case Investigations, PCC-CZG/CAPS-2

**System location:** Director of Posts, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Persons involved in, witnesses to, or suspected of activities related to offenses involving narcotics, obscene literature, fraud, prohibited mail matter, rifling of mails, tampering of mail boxes, theft of mail, threatening letters, theft of money orders, theft of postal keys, vandalism of mail boxes, wrong payment of money orders.

**Categories of records in the system:** Names, addresses, dates and facts of case.

**Authority for maintenance of the system:** 2 C.Z.C. 1131-32, 76A Stat. 38-39; 6 C.Z.C. 2001, 76A Stat. 481.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in folders.

**Retrievability:** Filed by Case number, name of individual and/or offense or irregularity.

**Safeguards:** Maintained in lockable metal cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Indefinite.

**System manager(s) and address:** Director of Posts, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individuals, employees, witnesses, law enforcement agencies, courts, postal patrons, U.S. and Foreign Postal Administrations.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/CAPS-3

**System name:** Prohibitory Orders Against Sending Pandering Advertisement in the Mails, PCC-CZG/CAPS-3

**System location:** Director of Posts, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Any individual who elects to have his name and address and those of his children placed on a list of persons who do not wish to receive sexually oriented advertisements through the mail.

**Categories of records in the system:** The record contains: (1) the name and address of individual or parent of minor addressees under the age of 19 years receiving pandering advertisements; and, (2) the sender's name and address and a copy of the Prohibitory Order requiring that the mailer, and his (its) agents or assignees, be directed to refrain from making further mailings of pandering advertisements offering for sale erotically arousing or sexually provocative matter.

**Authority for maintenance of the system:** 39 U.S.C. 3010.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Originals forwarded to the U.S. Postal Service. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Individual forms.

**Retrievability:** Filed alphabetically by name of recipient.

**Safeguards:** Maintained in metal lockable desk. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by burning after five years.

**System manager(s) and address:** Director of Posts, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual submitting request.

PCC-CZG/CAPS-4

**System name:** Post Office Boxholder Records, PCC-CZG/CAPS-4

**System location:** At Canal Zone Post Offices where the individual's mail is delivered.

**Categories of individuals covered by the system:** Persons who have applied for postal delivery service at Canal Zone Post Offices, including persons obtaining boxholder and general delivery service. Persons submitting change of address requests, Post Office box cancellations, etc.

**Categories of records in the system:** The boxholder or recipient's name, military or employee identification number, residence, Post Office box number, rental payment record, and the names of persons other than the boxholder who are authorized to receive mail at the assigned box or station.

**Authority for maintenance of the system:** 2 C.Z.C. 1131-1143, 76A Stat. 38, 40.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Individual cards.

**Retrievability:** Originals filed numerically by Box number, and cross-referenced by name, duplicates filed alphabetically in the unit master directory.

**Safeguards:** Maintained in metal file drawers. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed two years after box is closed.

**System manager(s) and address:** Director of Posts, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual boxholder.

### PCC-CZG/CAPS-5

**System name:** Philatelic Program, PCC-CZG/CAPS-5

**System location:** Director of Posts, Civil Affairs Building, Ancon, Canal Zone

**Categories of individuals covered by the system:** Stamp collectors and others making inquiries of a philatelic nature.

**Categories of records in the system:** The record normally contains correspondence showing the names and addresses of persons ordering stamps, first day covers, etc., through the philatelic program. Records of, the date and amount of payment, items shipped, and related information is also contained in the system.

**Authority for maintenance of the system:** 2 C.Z.C. 1131-1143, 76A Stat. 38, 40.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Individual file folders.

**Retrievability:** Filed alphabetically by name.

**Safeguards:** Maintained in metal lockable cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed two years after file becomes inactive.

**System manager(s) and address:** Director of Posts, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** The individual to whom the record pertains.

### PCC-CZG/CAPS-6

**System name:** Postal Claims and Inquiries, PCC-CZG/CAPS-6

**System location:** Director of Posts, Civil Affairs Building, Ancon, Canal Zone, and all Canal Zone post offices and branches as required.

**Categories of individuals covered by the system:** Persons requesting tracing of undelivered mail or parcels, or presenting claims for loss or damage of registered mail or insured parcel post.

**Categories of records in the system:** The record contains the information necessary to properly examine, prepare, process and adjudicate claims for loss or damage of registered mail or insured parcel post or tracing of ordinary articles, including: names and addresses of senders and addressees, date of mailing, description of articles value, the registration, insured, or certified number or description of an unnumbered ordinary article, purpose of claim, post office disposition and/or any other pertinent information relating to the claim or inquiry.

**Authority for maintenance of the system:** 2 C.Z.C. 1131-32, 76A Stat. 38-39.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Referred to Foreign Postal Administrations or law enforcement agencies when applicable. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Individual file folders.

**Retrievability:** Filed alphabetically by name of addressee.

**Safeguards:** Maintained in metal lockable cabinets or desk drawers. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed two years after disposition of claims.

**System manager(s) and address:** Director of Posts, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** The sender, addressee, and, as applicable, the Postal Service or Administration officials of the country of origin or destination.

### PCC-CZG/CASC-1

**System name:** Student Record System, PCC-CZG/CASC-1

**System location:** Office of Superintendent of Schools, Box M, Ancon, Canal Zone U.S. Elementary Schools:

Ancon, Box M, Balboa Heights, C.Z.
Balboa, Box F, Balboa, C.Z.
Diablo, Box M, Balboa Heights, C.Z.
Diablo Hts., Box M, Balboa Heights, C.Z.
Los Rios, Box M, Balboa Heights, C.Z.
Howard, Box 3034, Howard AFB, C.Z.
Ft. Kobbe, Box 3030, Howard AFB, C.Z.
Ft. Clayton, Box 906, Ft. Clayton, C.Z.
Curundu, Box M, Balboa Heights, C.Z.
Gamboa, Box W, Gamboa, C.Z.
Ft. Davis, Box P, Ft. Davis, C.Z.
Margarita, Box 5008, Margarita, C.Z.
Ft. Gulick, Box 9X, Ft. Gulick, C.Z.
Coco Solo, Box 5032, Coco Solo, C.Z. U.S. Secondary Schools:
Balboa High, Box C, Balboa, C.Z.
Cristobal Jr-Sr High, Box 5034 , Coco Solo, C.Z.
Curundu Jr High, Box M, Balboa Heights, C.Z. Latin American Schools:
Paraiso, Box 2018, Paraiso, C.Z.
Paraiso Jr-Sr High, Box 2011, Paraiso, C.Z.
Rainbow City, Box 2026, Rainbow City, C.Z.
Rainbow City Jr-Sr, Box 2026, Rainbow City, C.Z.
Canal Zone College, Box 3009, Balboa, C.Z.

**Categories of individuals covered by the system:** Students in the Canal Zone schools system.

**Categories of records in the system:**

a. Enrollment Records: Documents relating to the admission, registration and departure of all students attending Canal Zone Schools. Included are: Registration/Sponsorship Cards, Registration and Class Lists, Kindergarten Information Cards, Authorization for Tuition Student Enrollment, Tuition Payment Records and Loan File, Withdrawal Records, and similar or related documents.

b. Daily Attendance Register Records: Documents reflecting the daily attendance of pupils at schools. Included are Absent and Tardy Reports, Student Pass Slips, Detention Lists, Suspension Lists, and correspondence dealing with attendance.

c. Student Evaluation Records: Documents reflecting grades, personality traits and promotion or failure. Included are: Report Cards, Unsatisfactory Work Reports, Weekly Progress Reports, Academic Suspension Lists and similar or related documents.

d. Cumulative Records: Documents pertaining to individual school students. Included in each folder are: Standardized Test Scores, Health Records, Accident Reports, Special Test Results, Student Grades and Credits earned, Attendance Records, Individual Reading Records, Activity Record Card, Rank in Class, honors, correspondence, anecdotal records related to pupil progress and characteristics, Educational Evaluation Reports, transcripts of academic work at other educational institutions, and similar or related documents.

e. Guidance Records: Documents pertaining to individual school students. Included are test scores, personality ratings, grades, conference reports, teacher comments and observations, anecdotal records, parental interviews, educational evaluations, psychological reports and similar or related documents.

f. Rosters: Documents listing students who participate in or are members of any school related curricular or extra curricular activities. This would include athletic activities, scholarship programs, the Junior ROTC, driver and motorcycle training, Safe Haven, dormitory residents, student assistants, graduates, student association members, applicants to the U.S. Service Academy, and similar or related documents.

**Authority for maintenance of the system:** 2 C.Z.C. 31 and 33; Congressional appropriations acts providing for the operation of the Canal Zone schools.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be disclosed to the following individuals or organizations outside the Canal agencies for the specific purposes indicated:

1. Other schools to which a transcript of a student's record is sent and with which correspondence is exchanged in connection with the student's transfer or entry into the other school.

2. Prospective employers when record of a student's academic history is requested in connection with the student's application for employment.

3. Organizations offering scholarships to students and committees appointed by the Governor to screen and make recommendations to him for appointments to the U.S. Service and Merchant Marine Academies.

4. President's Council for Physical Fitness to compile comparative data on state of physical fitness of students and to evaluate students and schools for achievements.

5. Community athletic leagues, youth programs, and other organizations sponsoring activities and events for students to the extent that the information is public information or required by the organization, in agreement with the Schools Division, to assure that the student meets school standards for participation. In addition to the preceding specific routine uses, see general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders, individual forms, cards, computer printouts, and microfilm.

**Retrievability:** Student records are filed alphabetically by school, by school year and alphabetically by name of student. The teacher class register file is filed by alphabetically by school, by school year, and alphabetically by name of teacher.

**Safeguards:** Stored in metal file equipment in buildings or offices locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Student cumulative files are retained permanently at the Agency Records Center, Balboa, Canal Zone. All other student files are maintained at their respective school for 1-5 years and then destroyed.

**System manager(s) and address:** Superintendent of Schools, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager, principals of individual schools, dean of the college, or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to the principal or dean of the school or the Superintendent of Schools. Written requests should contain the following information: current name and if different, the name used while a student, date of birth, names of schools attended and dates of attendance.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Students, parents or guardians or responsible persons, counselors, teachers, other school staff, medical personnel, and information from other schools attended by students.

## PCC-CZG/CZPB-1

**System name:** Merit System Recruiting, Examining, and Placement Records, PCC-CZG/CZPB-1

**System location:** Canal Zone Civilian Personnel Policy Coordinating Board and Central Employment Office, Building 363, Ancon, Canal Zone, and personnel and other offices of Federal agencies in the Canal Zone authorized to make appointments to positions and to act for the Board by delegated authority.

**Categories of individuals covered by the system:** Individuals seeking eligibility for positions with Federal agencies in the Canal Zone and current and former employees of Federal agencies in the Canal Zone.

**Categories of records in the system:** Records compiled for determining an individual's suitability, qualifications, and ratings to establish status for eligibility for employment; for referring and placing individuals for employment, transfer, promotion, reassignment, and reappointment; and for providing statistical information for conducting personnel research and management studies. They contain information concerning education and training; employment history and earnings; appraisal of past performance by current and previous employers, educators, and personal references; convictions for offenses against the law; responses to test items and questionnaires; results of tests; rating sheets; appraisals of potential; honors, awards, or fellowships; military service and veterans preference; birthdate and birthplace; citizenship; identification numbers; legal residence; home addresses and telephone numbers; general suitability and medical fitness for Federal employment; applicant's conditions and preferences for employment; special qualifications; registers and certificates of eligibles; actions taken; and related correspondence.

**Authority for maintenance of the system:** 2 C.Z.C. 141-56, 76A Stat. 16-20; E.O. 10794 and 11171.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Apoendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders, individual forms and cards, and computer printouts.

**Retrievability:** Filed or retrievable alphabetically by name of individual and by date of birth.

**Safeguards:** Sensitive information is stored in locked metal file equipment and other records are stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Applications and supporting documents:

a. Transferred to employing agency when applicant is selected for permanent appointment.

b. Transferred to designated U.S. Civil Service Commission area office on transfer of eligibility.

c. Eligible applicants: Destroyed three years after closing of a register.

d. Canceled or ineligible applicants: Destroyed two years after determination on cancellation or ineligibility is made, or at expiration of register, whichever is sooner.

e. Vouchers and correspondence are filed with applications. Index Cards:

a. Permanent Examination Records Cards are transferred to Agency Records Center ten years after initiated; destroyed five years later.

b. Pending Record Cards are destroyed upon completion of processing and rating of applications.

Certificates of eligibles referred to agencies are retained in Central Employment Office for two years, then transferred to Agency Records Center and destroyed after three additional years. Registers of eligibles are retained in Central Employment Office for two years, then transferred to Agency Records Center and destroyed after three additional years. Routine Examining Program Test Answer Sheets:

a. Eligibles answer sheets are destroyed after three years.

b. Ineligibles answer sheets are destroyed after six months.

Other records, permanent.

**System manager(s) and address:** Executive Officer, Canal Zone Civilian Personnel Policy Coordinating Board, Drawer 2008, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager, his delegate, the Manager, Central Employment Office, Balboa Heights, Canal Zone, or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Individual should provide name, date of birth, approximate date of record, and title of examination or announcement with which concerned. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to one of the addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals, employers, schools, references, neighbors, associates, credit bureaus, law enforcement agencies, probation officials, prison officials, personnel managers, medical officers and records, government agencies, and others.

**Systems exempted from certain provisions of the act:** All information in this system which would reveal the identity of confidential sources or is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures set forth in the agency's regulations. See 35 CFR 10.14.

### PCC-CZG/CZPB-2

**System name:** Appeals, Grievances, Complaints, and Assistance Records, PCC-CZG/CZPB-2

**System location:** Canal Zone Civilian Personnel Policy Coordinating Board and Central Employment Office, Building 363, Ancon, Canal Zone, and personnel and other offices of Federal agencies in the Canal Zone authorized to make appointments to positions and act for the Board by delegated authority.

**Categories of individuals covered by the system:** Applicants for Federal employment and current and former Federal employees in the Canal Zone who have appealed a qualification or rating or who have registered complaints or made requests for assistance on any phase of the operations of the Board and the Central Employment Office.

**Categories of records in the system:** Records relating to a decision, process, determination or reply made by the Board on an appeal, grievance, complaint, or request for assistance affecting an individual's consideration for employment through the Canal Zone Merit System, and used also to provide statistical information for conducting personnel research and management studies. The records consist of the initial appeal or complaint; letters or notices from and to the individual; records of hearings when conducted; documentation supporting a decision or determination; affidavits or statements; testimonies of witnesses; investigative reports; instructions to an agency about action to be taken to comply with decisions; related correspondence, opinions, and recommendations; and results of rating panels.

**Authority for maintenance of the system:** 2 C.Z.C. 141-56, 76A Stat. 16-20; E.O. 10794 and 11171.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders and binders, and index cards.

**Retrievability:** Filed or retrievable alphabetically by name of individual and by date of birth.

**Safeguards:** Stored in locked metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Permanent.

**System manager(s) and address:** Executive Officer, Canal Zone Civilian Personnel Policy Coordinating Board, Drawer 2008, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Individual should provide name, date of birth, and approximate date and kind of action taken. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals; agency and Board officials; affidavits of employees; testimonies of witnesses; documents in file related to the appeal, grievance, complaint, or request for assistance; and correspondence from organizations or persons with pertinent knowledge.

**Systems exempted from certain provisions of the act:** All information in this system which would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures set forth in the agency's regulations. See 35 CFR 10.14.

### PCC-CZG/CZPB-3

**System name:** Personnel Investigation Records, PCC-CZG/CZPB-3

**System location:** Canal Zone Civilian Personnel Policy Coordinating Board and Central Employment Office, Building 363, Ancon, Canal Zone, and personnel and other offices of Federal agencies in the Canal Zone authorized to make appointments to positions and to act for the Board by delegated authority.

**Categories of individuals covered by the system:** Current and former applicants for employment in the Federal service and current and former Federal employees in the Canal Zone.

**Categories of records in the system:** Investigative records compiled to evaluate applications for employment and to provide statistical information for conducting personnel research and management studies. They contain information regarding an individual's physical and mental health, character, conduct, and behavior in the community where the individual has lived; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the overall qualifications of an individual for a specific position; reports from law enforcement or corrective/parole agencies, former employers, educational institutions, and medical officers and institutions; veterans' preference claims for veterans' wives, widows, widowers, and mothers; lists of persons barred from military installations and pier areas; lists of persons deported from the Canal Zone; lists of police checks; police records; and penitentiary predischarge reports, parole officers' postdischarge statements, and wardens' postdischarge statements.

**Authority for maintenance of the system:** 2 C.Z.C. 141-56, 76A Stat. 16-20; E.O. 10794 and 11171.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders and individual forms and cards.

**Retrievability:** Filed or retrievable alphabetically by name of individual and by date of birth.

**Safeguards:** Stored in locked file equipment in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Lists of persons barred from military installations and piers and those deported from the Canal Zone are destroyed when the bar or restriction is lifted. Penitentiary predischarge reports, parole officer and warden statements are transferred to:

1. The application file when a decision is made to permit the individual to compete for Federal employment.

2. To the Suitability Investigations Index Card (Personal Data Card) when a decision is made to suspend the individual from competition for Federal employment.

Canal Zone or United States police records and check lists are destroyed when the data is transferred to the Suitability Investigations Index Card (Personal Data Card) subsequent to receipt. Police records received from the Republic of Panama which are owned by the individual are returned to the owner after transfer of the data to the Suitability Investigations Index Card (Personal Data Card). Statements from the individual and from other sources are transferred to the application file when the individual is cleared for Federal employment. Suitability Investigations Index Cards (Personal Data Cards) and other records are destroyed upon death, retirement or at age 70 of the individual.

**System manager(s) and address:** Executive Officer, Canal Zone Civilian Personnel Policy Coordinating Board, Drawer 2008, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager, his delegate, the Manager, Central Employment Office, Balboa Heights, Canal Zone, or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Individual should provide name, date of birth, and the approximate date and kind of action taken. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to one of the addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals, employers, schools, references, neighbors, associates, credit bureaus, law enforcement agencies, probation officials, prison officials, personnel managers, medical officers and records, government agencies, and others.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/ECCN-1

**System name:** Plumbing and Welding License Files, PCC-CZG/ECCN-1

**System location:** Construction Division, Building 29-X, Balboa, Canal Zone

**Categories of individuals covered by the system:** All persons who have plumbing or welding licenses on file with the Construction Division.

**Categories of records in the system:** License numbers, name of licensee, date license issued, test results, category of license, name of certification board or examiner.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 33, 76A Stat. 7, 8.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** License information routinely released to contractors, employers, and license examining and review boards. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in file folders.

**Retrievability:** Filed by type and number of license.

**Safeguards:** Records maintained in file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** No retention and disposal schedule established. Actively maintained as long as licensee is known to be actively engaged in employment. Retained permanently for record purposes.

**System manager(s) and address:** Chief, Construction Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Examining officials and licensee.

PCC-CZG/ECCN-2

**System name:** Contractor Employee Payroll Records, PCC-CZG/ECCN-2

**System location:** Construction Division, Building 29-X, Balboa, Canal Zone

**Categories of individuals covered by the system:** Employees of contractors working on Canal Zone contracts when such employees are working in the Canal Zone and being paid hourly wages.

**Categories of records in the system:** The contract number, contractor, employee's name, cedula number, hourly rate of pay, hours worked, total hours worked, total amount paid and other information as required to assure contractor's compliance with the Hours and Safety Standards Act and the Fair Labor Standards Act.

**Authority for maintenance of the system:** 40 U.S.C. 327 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** US Department of Labor, US Court of Claims, US Army Corps of Engineers Board of Contract Appeals, insurance companies (sureties), GOP Department of Labor, US Embassy and others as required to assure contractor's compliance with above Acts regarding minimum wage, and maximum daily and weekly hours of work. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Individual pay data and hours of work retrieved chronologically by date.

**Safeguards:** Records maintained in file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained by contracting officer for one year after final payment of contract, then transferred to Agency Records Center. Destroyed three years later unless claim pending.

**System manager(s) and address:** Chief, Construction Division, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Provided by the contractor.

PCC-CZG/ECLE-1

**System name:** Telephone Exchange Directory, PCC-CZG/ECLE-1

**System location:** Electrical Division, Building 66-A, Balboa, Canal Zone

**Categories of individuals covered by the system:** Panama Canal Company telephone service subscribers, including persons or organizations requesting residential, office, and/or pay phone installations, directory listings, repair services, etc.

**Categories of records in the system:** Name, employee identification and/or customer number, of all persons and organizations having listed and unlisted telephone numbers. Dates of installation, work order numbers, types of equipment and numbers of installation, location, etc. are also included.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 33, 76A Stat. 7, 8.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from this system is used to compile listings used to produce the Panama Canal Company Telephone Directory, answer requests for telephone directory assistance etc. Telephone numbers which are requested to be kept unlisted, while a part of the system, are maintained under lock and key. Such numbers are only divulged to the party to whom they pertain, and only upon positive face-to-face identification. For other routine uses see general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Information maintained on printed cards.

**Retrievability:** Filed by name and telephone district.

**Safeguards:** Cards maintained in lockable revolving files.

**Retention and disposal:** Maintained for five years after individual cancels or terminates service, then destroyed.

**System manager(s) and address:** Chief, Electrical Division, Box 2010, Balboa, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From employee on whom record is maintained.

### PCC-CZG/EPCD-1

**System name:** Civil Defense and Natural Disaster Records, PCC-CZG/EPCD-1

**System location:** Various locations in the Canal Zone as may be designated by the Agency Records Officer, Personnel Director, or other appropriate officials.

**Categories of individuals covered by the system:** Those persons to whom, and by whom, emergency services would be rendered in times of emergency or natural disaster.

**Categories of records in the system:** As may be required, the names, addresses, ages, employment, citizenship, next of kin and other information needed to identify persons who may provide, or require, temporary housing assistance, medical care, etc., in times of emergency or natural disaster.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33, 76A Stat. 7, 8; 50 App. U.S.C. 2251 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure is authorized to the Department of Health, Education, and Welfare, military commands, and the U.S. Customs and Immigration Service. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10; Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms in file folders.

**Retrievability:** By name.

**Safeguards:** Stored in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained until revised or no longer required.

**System manager(s) and address:** Chief, Planning Division, Executive Planning Staff, or his designee, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** The individual, employer and, Housing and Personnel Bureau records as required.

### PCC-CZG/EPS-1

**System name:** Panama Canal Company Board of Directors Biographical and Correspondence Files, PCC-CZG/EPS-1

**System location:** Executive Planning Staff, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Past and present members of the Panama Canal Company Board of Directors.

**Categories of records in the system:** Names and addresses, newspaper clippings, personal resumes, biographies and official correspondence between Company/Government officials and board members. May also include other information as may be provided by Executive Planning Staff in the process of routine responses to inquiries by Board of Directors.

**Authority for maintenance of the system:** 2 C.Z.C. 63, 76A Stat. 10.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Memorandums, letters, newspaper clippings etc. Maintained in standard folders.

**Retrievability:** Filed by name of board member.

**Safeguards:** Lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Permanent.

**System manager(s) and address:** Director, Executive Planning Staff, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Information obtained from the individual, public media and protocol sources.

### PCC-CZG/FVAC-1

**System name:** Embezzlements, Burglaries, and Cash Shortages, PCC-CZG/FVAC-1

**System location:** Agents Accounts Branch, Building 365, Ancon, Canal Zone

**Categories of individuals covered by the system:** Panama Canal Company and Canal Zone Government employees under investigation for embezzlements, burglaries, and cash shortages.

**Categories of records in the system:** Records collected and maintained in connection with investigations of embezzlements, burglaries, and cash shortages, such as, police reports, audit reports, statements by individuals involved and their employers, decisions made about liability and responsibility, statements of actions taken to recover, and court decisions.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33, 76A Stat. 7, 8; 2 C.Z.C. 65, 66, 76A Stat. 11; 6 C.Z.C. 502-6, 1341-58, 1381-93, 76A Stat. 428-29, 458-63; 5 U.S.C. 5511-12.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure is authorized to the General Accounting Office for decision on responsibility for losses sustained and method of recovery or forgiveness and to the Civil Service Commission for recovery from retirement annuities or contributions. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed alphabetically by name.

**Safeguards:** Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Permanent.

**System manager(s) and address:** Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Employers, agents, investigators, witnesses, and the courts.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential

sources is exempt from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/FVAC-2

**System name:** Accounts Receivable Records, PCC-CZG/FVAC-2

**System location:** Agents Accounts Branch, Building 365, Ancon, Canal Zone. Panama Canal Company, 4400 Dauphine Street, New Orleans, Louisiana

**Categories of individuals covered by the system:** Individuals billed by the Panama Canal Company and Canal Zone Government for services and purchases.

**Categories of records in the system:** Records maintained to support and effect customer billings, collections, and credit standing, including customer listings and data files, charge account applications, transaction detail and analysis and statistical accumulations, active and inactive credit accounts, schedules of advance payments and security deposits, and accounts written off.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33, 65, 66, and 411, 76A Stat. 7, 8, 11, and 27; 3 C.Z.C., Chapter 11, 76A Stat. 67-69; Section 6.5 of Article VI, Panama Canal Company Bylaws; 5 U.S.C. 301; 5 U.S.C. 5511-14; 31 U.S.C. 951-3; 42 U.S.C. 2651-3; and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure is authorized to General Accounting Office for audit and collection assistance; Department of Justice for collection assistance; Internal Revenue Service for determination of tax liabilities; Veterans Administration for its administration of laws pertaining to veterans; and other U.S. Government organizations, private employers, labor unions, lending and credit institutions, foreign consulates and embassies, foreign governments, insurance carriers, attorneys, courts, and executors of estates for collection assistance, credit information, offset of accounts receivable against amounts due customers, and possible litigation. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer printouts, index cards, and paper records in folders.

**Retrievability:** Filed or retrievable alphabetically by name.

**Safeguards:** Filed in locked and unlocked metal file cabinets, shelf files, tub files, desks, and table tops in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed five years after account closed, except accounts written off are destroyed after fifteen years and customers listings are destroyed when superseded by new listings.

**System manager(s) and address:** Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Billing offices, collection agents, subject individuals, officials authorized to forgive debts and to authorize adjustments of existing charges, and offices to or from whom inquiries are made.

PCC-CZG/FVAC-3

**System name:** Trust Fund Records, PCC-CZG/FVAC-3

**System location:** Agents Accounts Branch, Building 365, Ancon, Canal Zone

**Categories of individuals covered by the system:** Prisoners in Canal Zone Penitentiary; patients of Palo Seco Hospital; patients of Canal Zone Mental Health Hospital; and estates escheated to the Canal Zone Government by court order.

**Categories of records in the system:** Records maintained on funds held, including earnings for persons held in detention or institutionalized and incapable of handling their own affairs. The records show the beneficiary's name, amounts received and earned, dates received and earned, account and receipt.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33, 76A Stat. 7, 8; 5 C.Z.C., Chapter 57, 76A Stat. 353-60; 6 C.Z.C. Chapter 35, 76A Stat. 355-6.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure of information is authorized to administrators of the subject funds, including the Public Administrator, for use in the performance of their duties. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed or retrievable alphabetically by name.

**Safeguards:** Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed five years after termination of fund.

**System manager(s) and address:** Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Fund administrators and agent cashiers.

PCC-CZG/FVAC-4 (See PCC-CZG/FVAP/AC-4)

PCC-CZG/FVAC-5

**System name:** Delegation of Authority for Procurement, PCC-CZG/FVAC-5

**System location:** Agents Accounts Branch, Building 365, Ancon, Canal Zone

**Categories of individuals covered by the system:** Panama Canal Company and Canal Zone Government personnel authorized to procure and/or approve payments, and personnel of the District Court and other government agencies that approve payments that are made by the Panama Canal Company.

**Categories of records in the system:** Records maintained to show individuals and positions authorized to procure goods or services and approve disbursements. Records contain such information as name; organization; title; type of authority; dollar limitations; payment authorization and limitations; letters of additions, deletions and revisions; and sample signatures.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure is authorized to officials of the District Court and other government agencies for which the Panama Canal Company makes disbursements. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards and papers in file folders.

**Retrievability:** Filed or retrievable alphabetically by name.

**Safeguards:** Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed two years after authority expires.

**System manager(s) and address:** Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Officials of the Canal agencies and subject individuals.

PCC-CZG/FVAC-6

**System name:** Cash Collection Agents and Subagents, PCC-CZG/FVAC-6

**System location:** Agents Accounts Branch, Building 365, Ancon, Canal Zone

**Categories of individuals covered by the system:** Employees responsible for handling cash.

**Categories of records in the system:** Records maintained to identify personnel responsible for cash, their location, the authorized amount of their cash banks, and limitations as to the use of the banks.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure is authorized to insurance companies for bonding purposes. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records.

**Retrievability:** Filed by agent cashier number and retrievable by name.

**Safeguards:** Stored in locked desks in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed one year after superseded.

**System manager(s) and address:** Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Administrative Officers of operating divisions, Personnel Bureau records, and the Treasurer.

PCC-CZG/FVAC-7

**System name:** Canal Zone Awards and Service Contracts Control Records, PCC-CZG/FVAC-7

**System location:** Agents Accounts Branch, Building 365, Ancon, Canal Zone

**Categories of individuals covered by the system:** Individuals and organizations that have personal service contracts and sale agreements with the Panama Canal Company and Canal Zone Government.

**Categories of records in the system:** Control records on Canal Zone Awards and service contracts showing transaction history, payment history, history of orders placed against awards, modifications to initial agreement, amount contracted for, and undelivered orders placed against awards.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure is authorized to contractors in reviewing the status of their accounts, the General Accounting Office and the Office of Management and Budget in the performance of their functions, and the District Court and other Government agencies for which the Panama Canal Company makes disbursements. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards.

**Retrievability:** Filed alphabetically by name and cross-referenced to contract and award numbers.

**Safeguards:** Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed five years after expiration of award or contract.

**System manager(s) and address:** Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Contracting officers, budget officers, disbursement records, and contractors.

PCC-CZG/FVAC-8

**System name:** Accounts Payable Disbursement Records, PCC-CZG/FVAC-8

**System location:** Agents Accounts Branch, Building 365, Ancon, Canal Zone. New Orleans Office, Panama Canal Company, 4400 Dauphine Street, New Orleans, Louisiana

**Categories of individuals covered by the system:** Persons to whom payments have been made by the Canal agencies.

**Categories of records in the system:** Records maintained to show payments from accounts of Canal agencies including such documentation as purchase orders, vendors invoices, payment authorizations and approvals, check follow copies, and accounting classifications.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure is authorized to freight carriers and rate making institutions in connection with the determination of rates, other Federal agencies gathering statistical information, contracting officers, banks with which the Canal agencies maintain checking accounts, and the District Court and other Governent organizations for which the Panama Canal Company disburses funds. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in folders and individual forms.

**Retrievability:** Filed alphabetically by name.

**Safeguards:** Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed after twelve years.

**System manager(s) and address:** Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Procurement Officer, contracting officer, officials authorized to incur liabilities and approve payments disbursed by the Panama Canal Company, and subject individuals.

PCC-CZG/FVAC-9

**System name:** Unnegotiated Checks Over One Year Old, PCC-CZG/FVAC-9

**System location:** Agents Accounts Branch, Building 365, Ancon, Canal Zone

**Categories of individuals covered by the system:** Persons issued Panama Canal Company checks for which there is no record of their having been cashed for over one year.

**Categories of records in the system:** Records maintained on unnegotiated checks over one year old used to investigate claims for funds, determine if funds are available which can be offset against accounts receivable, and investigate alleged liabilities. Records contain information such as payee name, identification number, check number, check date, name of bank drawn on, amount of check, and related correspondence.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure is authorized

to individuals and organizations affected by the non-negotiation of the check. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards and papers in file folders.

**Retrievability:** Filed alphabetically by name of payee.

**Safeguards:** Filed in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed five years after liability is paid off or otherwise settled.

**System manager(s) and address:** Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Disbursements system, payees, and other persons concerned.

### PCC-CZG/FVAK-1

**System name:** Claims Files, PCC-CZG/FVAK-1

**System location:** Claims Branch, Building 38, Balboa, Canal Zone

**Categories of individuals covered by the system:** Persons making or filing claims against the Panama Canal Company or the Canal Zone Government; and/or persons and companies who are subjects of claims by the Panama Canal Company and/or the Canal Zone Government.

**Categories of records in the system:** This system of records contains information or documents needed to audit and settle claims for pay and allowances, uncollectible debts, amounts due estates of deceased employees, travel expense reimbursement, personal injury or death (including injury occurring in the performance of duty), and personal property loss and/or damage. The records consist of documentation of the circumstances giving rise to the claim and basis of the claim; claimant's or individual's name, names and relationship of immediate family, address, identification number, occupation, date of birth; when, where and how the loss of or damage to property occurred; when and how individual was injured, nature and extent of injury, medical treatment, diagnosis and prognosis; payroll information; travel orders and other travel information, investigative, police, fire, autopsy, accident and medical reports, and various other materials placed into the record to perfect the claim and relating to the actions, decisions, or determinations made by the Agency on claims.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66, 271, 291-297, 76A Stat. 11, 22, 23-25; 5 U.S.C. 301; 5 U.S.C. 5581 et seq.; 5 U.S.C. 5701 et seq.; 5 U.S.C. 8101 et seq.; 31 U.S.C. 240-243; 31 U.S.C. 951-953; 46 U.S.C. 1300 et seq.-Bill of Lading Contract of Carriage; 4 CFR 91-93; 28 CFR Part 14.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information or a record from this system may be furnished to and information acquired from federal, state, local or foreign agencies, the claimant and other parties of interest in connection with the audit and settlement of claims and demands by or against the Panama Canal Company/Canal Zone Government, such as the following:

1. Physicians and medical facilities for the purpose of medical treatment, examination, opinions and evaluations of claimants.
2. Insurance companies in connection with claims for or against their insured under subrogation rights or in connection with the bonding of employees of the Panama Canal Company/Canal Zone Government.
3. Lawyers representing claimants or the agency.
4. Labor unions representing claimants.
5. Steamship agencies and/or their legal representatives for furnishing services or adjusting cargo and other claims from the Panama Canal Company/Canal Zone Government or other claimants.
6. Contractors who furnish services to the Panama Canal Company/Canal Zone Government such as the packing, crating, and transportation of household goods and personal effects of employees under recruitment and repatriation.
7. Consultants who furnish services to the Panama Canal Company/Canal Zone Government, i.e., doctors, engineers, management firms, etc.
8. Transportation companies such as airlines, steamship companies, railroads, buses, and car rental agencies who furnish services to the Panama Canal Company/Canal Zone Government.
9. National Safety Council for safety purposes.
10. Department of Labor for advice on a particular case and appeals to the Employees' Compensation Appeals Board.
11. Social Security Administration for verification of earnings record of beneficiaries under the Federal Employees' Compensation Act.
12. Civil Service Commission for furnishing record of compensation payments to beneficiaries under the Federal Employees' Compensation Act.
13. U.S. Public Health Service Hospitals and Veterans Administration Hospitals for treatment, examination, medical opinions and evaluations of claimants.
14. Department of Justice for the defense or prosecution of cases on behalf of the agency.
15. General Accounting Office for audit of claims.
16. Comptroller General of the United States for legal opinions or information on a particular matter.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records maintained in file folders.

**Retrievability:** Filed alphabetically by name of claimant, etc.

**Safeguards:** Records maintained in lockable file cabinets in office locked other than during office hours. Access and use of records limited to authorized personnel only.

**Retention and disposal:** Records maintained a minimum of one year after disposition of claim. Transferred to Agency Records Center for retention and disposition in accordance with established Agency Records Retention Schedule No. 3, as revised.

**System manager(s) and address:** Chief, Claims Branch, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Claimants, officials of Panama Canal Company or Canal Zone Government, other government officials, physicians, medical facilites, private individuals and companies.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the Agency's regulations. See 35 CFR 10.14.

### PCC-CZG/FVAP-1

**System name:** Payroll Master File for Panama Canal Company and Canal Zone Government Employees, PCC-CZG/FVAP-1

**System location:** Payroll Branch, Panama Canal Company, Ancon, Canal Zone

**Categories of individuals covered by the system:** Present and former employees of the Panama Canal Company and Canal Zone Government.

**Categories of records in the system:** Master payroll system maintained to accumulate and compile pay and personnel related data, calculate oay, and account for payments, including such information as name, employee identification number, rate number, date hired, where hired, roll and gang, position number, occupation, pay level, base rate, frozen or saved rate, tropical differential code, annual premium compensation, security classification, step due date, labor distribution accounts, work week, retirement code, tenure, rehired annuitant, partime hours, social security code and number, FEHBA plan, FEGLI income tax data, Fair Labor Standards Act code, medical identification card, residence code, citizenship code, sex, marital status, veterans preference, physical examination, suspended leave, employee address, birth date, Federal service

date, Canal service date, travel leave, check distribution code, employee statust and Combined Federal Campaign pledges.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33, 65, 66, 101 and 121, 76A Stat. 7, 8, 11, 14, and 15; 5 U.S.C., Chapter 55.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In connection with their authorized functions, disclosure is authorized to the United States Civil Service Commission; Internal Revenue Service; Federal Social Security Agency; General Accounting Office; U.S. military agencies; State unemployment comoensation offices; City, County, and State tax offices; employee credit unions; banks; labor unions; insurance carriers; and Combined Federal Campaign. See also general routine use oaragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Magnetic tape, computer printout, and microfilm of printout.

**Retrievability:** Retrievable by name of employee.

**Safeguards:** Stored in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed sixty years after first day of employment of employee, provided employee has been separated from service for five years.

**System manager(s) and address:** Chief, Payroll Branch, Box 2032, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject employee, Personnel Action SF 50, employing unit, time reports, and computer generated and manual calculations from varied input data.

### PCC-CZG/FVAP-2

**System name:** Payroll System for Vessel Employees, PCC-CZG/FVAP-2

**System location:** Payroll Branch, Panama Canal Company, Ancon, Canal Zone

**Categories of individuals covered by the system:** Former and present vessel employees on Panama Canal Company steamships.

**Categories of records in the system:** Records maintained to accumulate pay-related data, calculate pay, and account for payments to crew members of Company steamships, including such information as name, Social Security number, article number, rate, and position title.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66 and 121, 76A Stat. 11 and 15; 5 U.S.C. 5342(b).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** In connection with their authorized functions, disclosure is authorized to the U.S. Civil Service Commission; Internal Revenue Service; Federal Social Security Administration; municipal, county and state tax offices in the United States, employee credit unions, financial institutions, labor unions, insurance carriers, state unemployment compensation offices. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Journals and cards.

**Retrievability:** Filed by Social Security number and retrievable by name.

**Safeguards:** Stored in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed sixty years after first day of employment of vessel employee by Panama Canal Company.

**System manager(s) and address:** Chief, Payroll Branch, Box 2032, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individual and ship's purser.

### PCC-CZG/FVAP-3

**System name:** Injury Compensation Payroll Records, PCC-CZG/FVAP-3

**System location:** Payroll Branch, Panama Canal Company, Ancon, Canal Zone

**Categories of individuals covered by the system:** Beneficiaries under the Federal Employees Compensation Act.

**Categories of records in the system:** Records maintained to account for payments of awards and as the basis for a variety of reports on payments of injury compensation, containing information on beneficiaries, such as name, identification number, address, amount of payment, amount of insurance premiums, and miscellaneous hospital bills.

**Authority for maintenance of the system:** 5 U.S.C. 301 and 810 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Submission of reports to U.S. Civil Service Commission and insurance carriers for use in their functions related to the Federal Employees Compensation Act. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Journals and cards.

**Retrievability:** Filed by identification number and retrievable by name.

**Safeguards:** Stored in shelf or tub files in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Permanent.

**System manager(s) and address:** Chief, Payroll Branch, Box 2032, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Branch, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Panama Canal Company Personnel Bureau and Claims Branch.

### PCC-CZG/FVAP/AC-4

**System name:** Payroll Deductions, PCC-CZG/FVAP/AC-4

**System location:** Payroll Branch, Building 365, Ancon, Canal Zone

**Categories of individuals covered by the system:** Active and retired employees of the Panama Canal Company and the Canal Zone Government.

**Categories of records in the system:** Records maintained by the Payroll Branch as part of the Payroll Master File for Panama Canal Company and Canal Zone Government employees and used also by Agents Accounts Branch as part of the Accounts Receivable Records System for accounts collectible by payroll deduction. Records contain individual's gross pay, net pay, and payroll deduction detail and support data.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws; 5 U.S.C. 5511, 5525.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure is authorized to insurance carriers in connection with payments of health insurance benefits. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards, ledgers, and papers in file folders.

**Retrievability:** Filed or retrievable alphabetically by name.

**Safeguards:** Stored in metal file cabinets and ledger buckets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed after four years.

**System manager(s) and address:** For Payroll Master File use: Chief, Payroll Branch, Accounting Division, Box 2032, Balboa Heights, Canal Zone. For accounts receivable use: Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Billing units and subject individuals.

PCC-CZG/FVDP-1

**System name:** Automatic Data Processing and Retrieval Systems, PCC-CZG/FVDP-1

**System location:** Data Processing Division, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** All persons on whom information is stored in one or more of the Data Processing Division's magnetic tape or key-punch card data processing systems. See Category of Records below for specific information concerning processing and retrieval programs containing information retrieved by name or account identifier number.

**Categories of records in the system:** Information is contained in the following programs in the following manner:

1. Accounts Receivable Program: Information concerning individual charge accounts, e.g. name, address, account number and balance, roll and gang, history of debit and credit transactions, etc., is maintained on all employees of the Panama Canal Company/Canal Zone Government; employees and active duty personnel of U.S. military commands; employees of other U.S. Government agencies, including U.S. Embassy and State Department personnel located in the Republic of Panama; Civil Service annuitants; and all other persons having charges or unpaid balances payable to the Panama Canal Company and/or Canal Zone Government. Information in this program is compiled from data supplied by units providing chargeable services and includes such charges as commissary and storehouse sales, hospital services, and other services provided by the Panama Canal Company/Canal Zone Government to private and commercial firms.

2. Hospital Census Program: Persons who are inpatients at Canal Zone medical facilities at the time the report is compiled. Includes the patient's name and/or name of sponsoring employee or agency; the patient's sex, marital status, religion, citizenship, residence, dates of admission, treatments and discharge and patient codes. Patient codes identify persons who are Panama Canal Company/Canal Zone Government employees or their dependents; employees of other U.S. Government agencies and their dependents; transients and seamen, who are unsponsored or sponsored by private individuals and shipping agents; charity cases; etc. and are used to determine method of billing, i.e. payroll deduction, insurance carrier, direct billing of patient or sponsor, or billing to reimbursable accounts maintained by other U.S. Government agencies. The information is also used to compile inpatient rosters and to prepare staff-related reports and analysis showing staff workload, professional requirements, day-to-day percentages of hospital room occupancy, diagnostic evaluations etc. Information from this program may be transferred to accounts receivables files of other units for collection of outstanding charges.

3. Hospital Inpatient Billing and Statistical Program: Information, including name of patient, name of employee/sponsor or sponsoring agency, employing unit, address, telephone number, citizenship, insurance carrier, etc. of persons who are obtaining inpatient service at Canal Zone Government medical facilities. This information is collected to provide a basis for compiling hospital billings, for treatment, medications and other services rendered; for instituting payroll deductions; admission, treatment and discharge information; and for staff-related statistical and professional reports, evaluations of treatments rendered, staff assignment forecasts, budgeting and other patient and staffing analysis and forecast reports, including current and anticipated hospital patient census reports.

4. Hospital Outpatient Billing Program: Information, including name of person receiving treatment during the period for which the report is compiled; the name of employee/sponsor or his sponsoring agency, employing unit, address, citizenship, telephone number, insurance carrier, etc. of persons obtaining outpatient services at Canal Zone Government medical facilities. This information is collected to provide a basis for compiling hospital billing related to treatment, medication and/or other services rendered; for instituting billings to insurance carriers; for payroll deductions; for statistical records of admission, treatment and discharge. Also used to compile staff-related statistical and professional reports, evaluations, assignment forecasts, budgeting and other patient and staffing analysis/forecast reports.

5. Payroll Program: Information, including name, employee identification number, roll and gang, rate of pay, deductions and other payroll-or employment-related information necessary to compute gross and net pay, retirement credit, leave balances, overtime, etc. for all persons carried on the Panama Canal Company/Canal Zone Government employee payroll during the period such pay is being computed. Terminating and/or terminated employees are carried in the system for the remainder of the calendar year in which they terminate.

6. Transit Operations Systems Programs: The Transit Operations System includes programs for reporting maritime traffic and pilot work form and workload statistics. The reports compiled for this system may be compiled by pilot name, by group and by workload. An example of a report compiled by name is the following: Report series number 40-260 includes the pilot's name, identification number, mailing address, home telephone number, residence, education level, professional licensing data, officer and maritime experience, including Merchant Marine, Naval and other maritime-related service. Also included is such Panama Canal Company employment information as employee status, pilot's home district, qualification and group numbers, seniority number and date, current and permanent nonwork days, pilot-in-training data including dates licenses issued, federal service date, and termination dates and reasons. Other examples, details of which are available on request from the Data Processing Division, include the following: Pilot Daily Report, series number 40-240, showing daily detail of transits, ship numbers, hours worked, leave scheduled, etc; and the Pilot Daily Summary, report series number 40-245, summarizing a pilot's assignments to date as to completed and partial transits etc.; Pilot Weekly Summary, report series number 40-230, summarizing information contained in the Pilot Daily Summary. Reports other than those reported above include such reports as Pilot's Master File listings and Pilot record abstracts. Further information as to the content, access and notification is available for request from the Chief, Data Processing Division.

7. Schools Division Employee Records Program: This program incorporating key employment-related data found in the Panama Canal Company/Canal Zone Government's Operating Unit Personnel Records System "PCC-CZG/OPR-1" is published separately in the Panama Canal Company/Canal Zone Government Notices of Systems of Records. Printout material includes such information as the employee's name, identification number, hourly rate of pay, type and grade of employment, telephone numbers, date of employment, leave schedules etc. See OPR-1 for further information as to the type of information which may be included in, or compiled from this data processing system.

8. Student Scholastic Records Program: Information pertaining to scholastic record of students registered in Canal Zone public schools and the Canal Zone College. Information includes the student's name and address, parent/sponsor's name and address, employee or sponsor status, class rosters, grade and class schedules; billing information (sponsored, non-sponsored, or reimbursable rates for sponsoring agency); transportation and residential codes, contract information, scheduling information and student grades, attendance, student testing, analysis and evaluations.

9. Vehicle and Boat Registration Program Printout: This program includes such information as the name, identification number, age, address, employing unit, and post office box number of all persons, including Panama Canal Company/Canal Zone Government, U.S. military, and others who register motor vehicles, motorcycles, trailers, motor boats; and related craft with the Canal Zone Government's Civil Affairs Bureau License Section. Information on the vehicle or craft includes the vehicle or craft's engine number, its manufacturer, model and color, license plate or registration number, and date of inspection. May also include the name of

previous owners when ownership is transferred during the calendar year for which the record is compiled or updated.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33, 65, 66, 76A Stat. 7, 8, 11; Section 6.5 of Article VI, Panama Canal Company Bylaws; 5 U.S.C. 301; 40 U.S.C. 759; 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Accounts Receivable Program: Information in the program is prepared for the Agents Accounts Branch which is responsible for distribution outside the agency. See system notice PCC-CZG/FVAC-2 for information concerning disclosure outside the agency. Hospital Census Program, Hospital Inpatient and Statistical Program, and the Hospital Outpatient Program: Information in these programs may be disclosed in the same manner as information contained in the Health Bureau's notice of systems records PCC-CZG/HL-1 through HL-3. Payroll Program: Disclosures may be made in the same manner as proposed for the master payroll system reported by the Comptroller, and listed in the notices of systems of records as PCC-CZG/FVAP-1. Transit Operations System Program: Information in this program may be disclosed consistent with the disclosures provided for in the general routine use paragraphs in the prefatory statement or in 35 CFR Part 10, Appendix A. Schools Division Employee Records Program: Information in this program may be disclosed in the same manner set forth in the Panama Canal Company/Canal Zone Government's notice of systems of records entitled Operating Unit Personnel Records, PCC-CZG/OPR-1. Student Scholastic Records Program: Information in this program may be considered to be an adjunct to the School's Division's system PCC-CZG/CASC-1 and may be disclosed consistent with disclosure stated therein. Vehicle and Boat Registration Program: Information contained in this system is used by the Canal Zone Customs Division, Canal Zone Police Division, License Section and the Panama Canal Company Admeasurer's Office, Marine Bureau. Disclosure may be made consistent with such Canal Zone Customs, Police, License Section and admeasurement uses as may be referred to in systems ending with MR, CACU, CAPL, and CALS designations which routinely require reference to, or disclosure of license and registration information. Other than specified above, any information contained in the system (i.e. PCC-CZG/FVDA-1) may be released consistent with the general routine use paragraphs set forth in the prefatory statement or in 35 CFR Part 10, Appendix A.

**Storage:** Magnetic tape and/or punched cards.

**Retrievability:** As applicable information is retrieved in the above programs in the following manner: by the customer/account number; the patient or employee number; by the employee's identification number and pay rate code; the pilot's identification number; the Schools Division employee's position number; the student number; and by the vehicle registration number.

**Safeguards:** Cards and/or discs filed in locked rooms when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Agents Accounts records are maintained one year after closing of account. Payroll records are maintained six weeks after the end of the calendar year in which the employee terminates. Hospital related records may be retained as follows: hospital census reports-no retention period established, retained for useful life and billing completed, destroyed when updated; Hospital Inpatient and Statistical reports-normally held for a period of one month, or until updated, Hospital Outpatient Billing Report-reports retained until two months after processing by billing personnel. Schools Division Employee records reports are disposed of as updated, basic information retained until six months after employee terminates. Student Scholastic Records reports are retained until student discontinues attending Canal Zone public schools, or the Canal Zone College. Transit Operations Systems reports are retained until updated, obsolete copies destroyed. Basic information retained until notified to delete the pilot's name from the file due to retirement, etc. Vehicle and Boat Registration reports-normally replaced on a routine basis. Old listings destroyed. In cases where the report has been susperseded, or discontinued, tapes are erased and cards are destroyed. Tapes are reused by inputing new data.

**System manager(s) and address:** Assistant Financial Vice President (MIS), Office of the Financial Vice President, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Individuals seeking to determine if any program referred to herein contains a record pertaining to themselves may contact the following officials: Accounts Receivable Program: Chief, Agents Accounts Branch, Box K, Balboa Heights, Canal Zone. Hospital Census, Inpatient and Statistical, and Outpatient Reports: Assistant Director, Administration, Health Bureau, Box M, Balboa Heights, Canal Zone. Payroll Program: Chief, Payroll Branch, Box M, Balboa Heights, Canal Zone. Schools Division Employee Records Reports and Student Scholastic Record Reports: Superintendent of Schools, Box M, Balboa Heights, Canal Zone. Transit Operations Systems Reports: Chief, Canal Transit Operations Division, Box 3661, Balboa, Canal Zone. Vehicle and Boat Registration Reports: Chief, License Section, Box L, Balboa Heights, Canal Zone. Information pertaining to any of the above may be requested from the Agency Records Office, Box M, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to the appropriate addresses designated in the Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10 and addresses in Notification Procedures, preceding.

**Record source categories:** Sources of information vary from program to program. While the majority of information in the programs referred to in this system is supplied by the customer, employer, student, patient or pilot as applicable, further information as to the source(s) of information is available upon request from the official listed in the access provision of this notice, or from the Agency Records Officer.

### PCC-CZG/FVGA-1

**System name:** Cash Audit Files, PCC-CZG/FVGA-1

**System location:** General Audit Division, Building 6530, Corozal, Canal Zone

**Categories of individuals covered by the system:** Panama Canal Company and Canal Zone Government collecting agents whose accounts are audited by the General Audit Division.

**Categories of records in the system:** Records of cash audits to evaluate internal controls over cash and determine whether the custodian is carrying out his responsibilities with respect to Government property and to identify weaknesses in cash controls and to make necessary changes in those controls. In case of cash shortages, records are used to determine amount recoverable from agent. Records contain information such as the identifying agent number, employee's name, employing unit, and employee's accountability at the time the audit was performed. In instances where cash shortages are found, the records will also contain information on the recovery of these amounts from the agents.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66, 76A Stat. 11.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Payee records in file folders.

**Retrievability:** Filed by fiscal year and agent number audited. Retrievable by name.

**Safeguards:** Stored in locked file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by burning after ten years.

**System manager(s) and address:** General Auditor, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals, auditors, and employees of Agents Accounts Branch.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exemot from certain subsections of 5 U.S.C. 552a and from the procedures of access and contest set forth in the agency's regulations. See 35 CFR 10.14.

### PCC-CZG/FVGA-2

**System name:** Cash Register Receipt Shortages, PCC-CZG/FVGA-2

**System location:** General Audit Division, Building 6530, Corozal, Canal Zone

**Categories of individuals covered by the system:** Employees who experience cash register shortages.

**Categories of records in the system:** Records maintained to determine potential weakness in cash controls and may be referred to in routine cash audits of as the basis for a cash audit. Records contain information such as employee's name, cash register number, retail unit, date and amount of cash shortage.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66, 76A Stat. 11.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms in file folders.

**Retrievability:** Filed by retail area in chronological sequence. Retrievable by employee name.

**Safeguards:** Stored in locked file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by shredding after two years.

**System manager(s) and address:** General Auditor, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Retail unit managers.

### PCC-CZG/FVTR-1

**System name:** Termination of Employment Actions Records, PCC-CZG/FVTR-1

**System location:** Treasury Branch, Building 287, Ancon, Canal Zone

**Categories of individuals covered by the system:** All employees of the Panama Canal Company/Canal Zone Government terminating their employment with this agency.

**Categories of records in the system:** Employees name, identification number, position and grade, post office address, house number and town, office and home telephone number, date of termination, future mailing address, nature of termination, reason for termination, disposition of final pay, date of travel, transportation request, members of family with whom traveling, final destination, destination of household effects, signature of employee, employee's position number, roll and gang, whether recruited from states and whether replacement is required.

**Authority for maintenance of the system:** 5 U.S.C. 301; 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 8 by 10 1/2 printed form 194-T.

**Retrievability:** Indexed by name and identification number.

**Safeguards:** Records maintained in locked file. Access and use are restricted to authorized personnel.

**Retention and disposal:** Five years after retirement of employee. Destroyed by fire.

**System manager(s) and address:** Treasurer, Panama Canal Company, Drawer F, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From employee and employing Unit, Division, or Bureau.

### PCC-CZG/FVTR-2

**System name:** Internal Revenue Service Notice of Levy Files, PCC-CZG/FVTR-2

**System location:** Treasury Branch, Building 287, Ancon, Canal Zone

**Categories of individuals covered by the system:** Employees of the Panama Canal Company/Canal Zone Government whose salaries are being levied by the U.S. Internal Revenue Service.

**Categories of records in the system:** Employees name, address and social security number, amount of Federal Income Tax owed to Internal Revenue Service, tax period ended, date and amount of assesment, unpaid balance of assesment and statutory additions.

**Authority for maintenance of the system:** Chapter 64, Internal Revenue Code of 1954.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To disclose to the Internal Revenue Service that the employee has been notified of his or her indebtedness, and to collect amounts owed and forward same to Internal Revenue Service to satisfy levy. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed form, 8 by 10 1/2 inches.

**Retrievability:** Indexed by name.

**Safeguards:** Records maintained in locked file. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained until employee terminates and then destroyed by fire.

**System manager(s) and address:** Treasurer, Panama Canal Company, Drawer F, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Internal Revenue Service, Panama Canal Company payroll records and the individual on whom record is maintained.

### PCC-CZG/FVTR-3

**System name:** Suspension of Check Cashing Privileges Files, PCC-CZG/FVTR-3

**System location:** Treasury Branch, Building 287, Ancon, Canal Zone

**Categories of individuals covered by the system:** Persons who have cashed unnegotiable checks, and persons who request cancellation or suspension of their own check-cashing privilege.

**Categories of records in the system:** Records maintained to assist in attempts to recover losses from bad checks and to aid in the determination of whether a person's checks are acceptable or whether credit may be extended to a person. Records may show the individual's name, social security number (optional) and identification number (if any), employer, telephone number, dates the checks were returned, dates of checks, number of checks returned, and monetary value of each check.

**Authority for maintenance of the system:** 2 C.Z.C. 65, 66, 76A Stat. 11; 4 C.Z.C. 2253, 76A Stat. 180.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Computer listings disclosed to U.S. Government check-cashing facilities in the Canal Zone, including Army, Navy, and Air Force Exchanges. Information may be disclosed to commercial banks, credit agencies, labor unions, and employers consistent with collection practices. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards and listings.

**Retrievability:** Indexed by name.

**Safeguards:** Stored in locked file in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Lists are destroyed when superseded by new lists. Cards are destroyed when no longer required for control purposes.

**System manager(s) and address:** Treasurer, Panama Canal Company, Drawer F, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Banks or clearing houses to which checks are sent for negotiation and the subject individual.

**PCC-CZG/FVXI-1**

**System name:** Incentive Awards Program Files, PCC-CZG/FVXI-1

**System location:** Incentive Awards Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** All employees of Panama Canal Company/Canal Zone Government who have filed suggestions or received honorary awards under the Incentive Awards Program since 1954.

**Categories of records in the system:** Employee's name, identifying number, grade, occupation, employing unit, suggestion number, rejection or approval date, amount awarded, card control number. This information is accumulated to provide a basis for granting award recognition to employees or private citizens in accordance with the provisions of the Company/ Government's Incentive Awards plan; to maintain record of employees' contributions to the Suggestion Program and to determine and verify employees' eligibility for subsequent awards.

**Authority for maintenance of the system:** 5 U.S.C. 4501 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from this system of records may be used to: (a) prepare reports for the U.S. Civil Service Commission; (b) promote the awards program through the local news media; and (c) respond to inquiries from labor unions, award recipients, employee and professional organizations. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 3 by 5 inch cards.

**Retrievability:** Filed or indexed by name.

**Safeguards:** Records maintained in metal card files and lockable metal filing cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Held three years after employee's termination and then destroyed by fire.

**System manager(s) and address:** Incentive Awards Secretary, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From suggestion forms prepared by employees to whom the record pertains and from honorary award recommendations submitted by authorized management officials.

**PCC-CZG/GE-1 (STATE-39)**

**System name:** Visa records, PCC-CZG/GE-1 (STATE-39)

**System location:** Visa Office, Office of the Executive Secretary, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Individuals who have applied for visas; aliens who may be ineligible to receive visas.

**Categories of records in the system:** Visa applications accompanied by documents such as birth certificates, marriage certificates, spouses' birth certificates, affidavits of support, police records, and medical examinations; letters from interested parties; and communications between the Visa Office and the Visa Office, Department of State, consulates, other U.S. Government agencies, international organizations, and foreign missions regarding the eligibility, issuance, revalidation, and extension of visas.

**Authority for maintenance of the system:** 8 U.S.C. 1101-1503; see in particular 8 U.S.C. 1101 (a) (9).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information from these records may be released to the Visa Office, Department of State, other U.S. consular offices, and the Immigration and Naturalization Service to coordinate the issuance of visas; to other government agencies that have statutory or other lawful authority to maintain such information; and to interested parties inquiring as to the status of a particular case. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders, cards, and individual forms.

**Retrievability:** Filed alphabetically by name of applicant.

**Safeguards:** Filed in a locked file cabinet in a building with around-the-clock guard. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retention of these records varies from one year to an indefinite period of time, depending upon the specific type of record involved. They are retired or destroyed in accordance with published schedules of the Department of State.

**System manager(s) and address:** Deputy Executive Secretary of the Canal Zone, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager, the Visa Examiner in the Office of the Executive Secretary, or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to one of the addressees in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** The individuals; members of Congress; the public interested in the visa applicant's case; Department of State and other U.S. Government agencies; U.S. Consular offices; foreign missions; international organizations; and local sources.

**Systems exempted from certain provisions of the act:** Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) by the Department of State. See 22 CFR 6a.6(i), and (j)(1)-(3).

**PCC-CZG/GE-2**

**System name:** Statements of Employment and Financial Interest, PCC-CZG/GE-2

**System location:** Office of the Executive Secretary, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Employees designated in 35 CFR 255.735-72 of the Panama Canal Company and the Canal Zone Government, and special Government employees as provided in 35 CFR 255.735-80.

**Categories of records in the system:** Reports by designated employees of their outside employment and financial interests, as required by law, and regulations.

**Authority for maintenance of the system:** 18 U.S.C. 201, E.O. 11222, E.O. 11590(35 CFR 255.735-71/80).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To determine whether the designated employees have unacceptable conflicts of interest with relation to their U.S. Government employment. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Papers in sealed envelopes.

**Retrievability:** Manually by name of individual.

**Safeguards:** File cabinet with combination lock. Access and use restricted to authorized personnel.

**Retention and disposal:** 3 years and disposed of by burning or shredding.

**System manager(s) and address:** Executive Secretary of the Canal Zone, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From employee on whom record is maintained, and from investigations.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is kept in systems PCC-CZG/CAPL-1, 2 or 3 or ISO-2 and is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

### PCC-CZG/GVEO-2

**System name:** Equal Employment Opportunity Counseling and Investigation Files, PCC-CZG/GVEO-2

**System location:** Equal Employment Opportunity Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Employees and applicants for employment who comolain of discrimination based on race, color, sex, age, religion or national origin.

**Categories of records in the system:**

A. Pre-complaint record, consisting of informal complaint, final report from the Equal Employment Opportunity Counselor, and related documents.

B. Formal investigation, consisting of formal complaint, acceptance of formal complaint, sworn statements from complainant, witnesses, and alleged discriminatory officer, Environmental Survey for comparison purposes (without names), and summary made by Investigator.

**Authority for maintenance of the system:** 42 U.S.C. 2000e-16; 5 U.S.C. 554; E.O. 11478 of August 8, 1969; E.O. 11590 of April 23, 1971.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosed to employees of the U.S. Civil Service Commission in connection with their oversight responsibilities under the law. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed alphabetically by name of complainant.

**Safeguards:** Stored in locked file cabinets in building with around-the-clock guard.

**Retention and disposal:** Retained in office for 2 years after final disposition of case and transferred to Agency Records Center for destruction 7 years after final disposition of case.

**System manager(s) and address:** Director of Equal Employment Opportunity, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager. See Chapter 713 of Panama Canal Personnel Manual (PCPM 713).

**Record access procedures:** Requests should be addressed to the Systems Manager. Investigatory records are not released until investigation has been completed. Hearing records are not released until final decision has been made.

**Contesting record procedures:** See Panama Canal Personnel Manual 713.

**Record source categories:** Complainant; individuals involved in complaint; other witnesses; investigator; examiner; and officials making determinations in the case.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

### PCC-CZG/GVLR-1

**System name:** Quarterly Report of Employee Union Dues Deductions, PCC-CZG/GVLR-1

**System location:** Labor-Management Relations Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Current Panama Canal Company/Canal Zone Government employees who pay union dues through payroll deductions.

**Categories of records in the system:** Name of employee, identification number and dues deduction amounts. Payroll information cross-referenced with payroll dues deduction requests received from unions and individual employees.

**Authority for maintenance of the system:** 5 U.S.C. 5525.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer printout provided upon request by the Data Processing Division, Panama Canal Company.

**Retrievability:** Reported by employee identification number and name.

**Safeguards:** Maintained in locked cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed every three months upon receipt of updated quarterly listings.

**System manager(s) and address:** Special Assistant to Governor/President for Labor-Management Relations, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** The employee's payroll dues deduction request.

### PCC-CZG/GVPR-1

**System name:** Biographical Data, PCC-CZG/GVPR-1

**System location:** Protocol Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Governor, Lt. Governor, Governor's staff, and members of their families; Board of Directors; local military and Diplomatic Corps officials; visiting officials including Congressional and high ranking military personnel; Secretary of the Army and members of his staff; local Panama Canal Company/Canal Zone Government employees; local businessmen and officials; Civic Council officers.

**Categories of records in the system:** Information on individuals including names, identification numbers, dates of birth, number of children and their names, education, honors bestowed, telephone numbers, addresses, job titles, marital status, citizenship, employing unit, photographs.

**Authority for maintenance of the system:** 2 C.Z.C. 33 and 66.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** General biographical data may be provided to interested members of Congress, diplomatic corps, public media, etc., consistent with official protocol functions. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Standard 8 by 10 1/2 inch paper.

**Retrievability:** Filed and indexed by name.

**Safeguards:** Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained indefinitely. Forwarded to Agency Records Center for disposition according to established procedures and where applicable to libraries or the National Archives.

**System manager(s) and address:** Aide to Governor/Civic Council Staff Officer, Protocol Office, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom the record is maintained.

### PCC-CZG/GVPR-2

**System name:** Protocol Unit Operational Files, PCC-CZG/GVPR-2

**System location:** Protocol Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Civic Council officers; Panama Canal Company/Canal Zone Government employees and officials; local officials; officers of local organizations, official visitors to the Canal Zone.

**Categories of records in the system:** Telephone numbers; addresses; photographs; stenographic transcriptions of Civic Council meetings, recordings, speeches, etc.

**Authority for maintenance of the system:** 2 C.Z.C. 33 and 66.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To establish appointment schedules, contact protocol counterparts in other agencies. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Standard 8 by 10 1/2 inch paper, index cards.

**Retrievability:** Indexed by name.

**Safeguards:** Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained indefinitely. Forwarded to Agency Records Center for disposition according to established procedures, and where applicable to libraries and the National Archives.

**System manager(s) and address:** Aide to Governor/Civic Council Staff Officer, Protocol Office, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom the record is maintained.

### PCC-CZG/GVYA-1

**System name:** Hire-A-Kid Program File, PCC-CZG/GVYA-1

**System location:** Office of the Youth Advisor to the Governor, Balboa Train Station, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** This office serves as a clearing house for the Hire-A-Kid program. Canal Zone young people submit application cards here which are used for referral when householders call requesting youths for babysitting and other household jobs.

**Categories of records in the system:** Young person's name, residence, birth date, school, grade level, citizenship, phone number (home) and parent's office phone number. Penciled records are made on the back of the cards of the job referrals made and of the recommendations made by householders on job performance. Brief observations based on personal interviews of applicants are also noted on the cards.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Upon request to members of the public. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed form, 8 by 5 inches.

**Retrievability:** Listed by townsites.

**Safeguards:** Records maintained in lockable file cabinets.

**Retention and disposal:** One school year. Destroyed by shredding.

**System manager(s) and address:** Office of the Youth Advisor to the Governor, Box M, Balboa Heights, Canal Zone

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom record is maintained.

### PCC-CZG/HL-1

**System name:** Health, Medical, Dental, and Veterinary Records Systems, PCC-CZG/HL-1

**System location:**

Health Bureau, Box M, Balboa Hts., C.Z.
Gorgas Hospital, Box O, Balboa Hts., C.Z.
Coco Solo Hospital,Box 5009, Cristobal, C.Z.
CZ Mental Health Ctr., Box 2013, Balboa Hts., C.Z.
Palo Seco Hospital, Box 2012, Balboa, C.Z.
Div Veterinary Med., Box M, Balboa Hts., C.Z.
Div of Sanitation, Box M, Balboa Hts., C.Z.
Div of Public Health. Box M, Balboa Hts., C.Z.

**Categories of individuals covered by the system:** Employees of the Canal agencies; individuals in the service of and sponsored by a U.S. Government agency (U.S. Armed Forces, State Department, Veterans Administration, U.S. Public Health Service, Federal Aviation Administration; Federal Highway Administration; Smithsonian Institute); retired U.S. Government employees; district dentists and their employees; concessionaires of the Canal organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employees; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; prisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; nonresident private pay patients; and noneligible, nonsponsored individuals receiving emergency treatment.

**Categories of records in the system:** Qualification physical examinations: Pre-employment, and periodic medical examinations to determine fitness for duty consistent with job qualifications and requirements. Inpatient hospital medical charts: All medical information and records relating to an individual's hospitalization. Outpatient medical charts: Documentation of medical treatment received by an individual on an outpatient basis from hospitals, clinics, first aid stations, and other health facilities. Also may contain abstracts of inpatient hospitalizations. Public health records: Information on individuals in community health programs for control of communicable diseases, industrial health, school health, quarantine, sanitation, and environmental quality control. Mental health records: All medical information and records which pertain to an individual's outpatient and/or inpatient treatment for psychiatric services, drug and alcohol rehabilitation, and other social service or psychological support. Dental care records: Information relating to an individual's history of dental care as documented in separate and distinct dental care records. Animal care and hospitalization records: Information which pertains to the quaran-

tine, care and treatment of animals. Mortuary service records: Information regarding mortuary services furnished.

**Authority for maintenance of the system:** 2 C.Z.C. 911 and 912, 76A Stat. 36; 5 C.Z.C. 1631-56, 76A Stat. 353-360; 6 C.Z.C. 1101, 2, and 9, 76A Stat. 448 and 450; 6 C.Z.C. 4784, 76A Stat. 540; 21 U.S.C. 1171-5 and 1180; 42 U.S.C. 257 and 4561; and P.L. 93-282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information that does not relate to alcohol or drug abuse may be released from these records to the extent needed, as follows:

1. To other Federal agencies and offices that are responsible by statute or other competent authority for Federal programs to which the records are pertinent, such as the components of the U.S. Armed Forces, the Social Security Administration, the Veterans Administration, the Civil Service Commission, retired military pay centers.

2. To the Communicable Disease Center, Atlanta, Georgia, and private contractors providing benefits under the auspices of the Canal or other Federal agencies.

3. To the police or other competent authority when the director of the hospital or other Health Bureau unit determines that prompt release of such information is essential for the apprehension of a criminal, protection of the patient, or protection of the public. Examples would be cases involving suspected child abuse, death from unnatural causes, or communicable disease.

Information may be released from these records to the extent needed, as follows:

1. To officials of other Federal agencies when requested in writing for purposes of determination of cause of death, compilation of vital statistics, management or financial audits or program evaluation, and approved scientific research in which patient identity will not be disclosed.

2. To respond to general requests for statistical information, under the Freedom of Information Act while maintaining individual anonymity.

3. To provide documentation to sponsoring agencies or other foreign governments as regards their patients consistent with the need-to-know rules of confidentiality, and procedural security in the release of information.

4. To provide basis for administrative and professional decisions regarding the coordination with U.S., foreign, and international health agencies in disease prevention and control, including information related to zoonotic and agricultural disease; inspection, surveillance, and control of food products; and international quarantine measures.

5. To medical personnel to the extent necessary to meet a bona fide emergency.

6. To a court of competent jurisdiction if authorized by an appropriate order granted after application showing good cause therefor.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders, individual forms, and cards.

**Retrievability:** Records or cross-reference index cards providing access to records are filed alphabetically by name.

**Safeguards:** Stored in metal file cabinets or shelf files in either file rooms locked when not in use, buildings locked when not in use, or buildings with around-the-clock guards. Access and use are restricted to authorized personnel.

**Retention and disposal:** Physical examination records except for those held for transfer into official personnel folder destroyed after 6 years; hospital inpatient medical charts destroyed 25 years after patient's discharge from hospital; outpatient medical charts destroyed 6 years after year of last entry in file; medical x-rays and radiographic reports filed separately from medical charts destroyed after 8 years except for selected items held indefinitely for teaching or claims purposes; veterans' case files destroyed 6 years after date of last papers in folders; venereal disease charts filed separately from medical charts destroyed 6 years after last entry; mental health patient charts destroyed 25 years after patient's discharge; animal patient records destroyed 6 years after last entry; patient index cards are permanent; program files are permanent; and duplicate records are destroyed after 3 years.

**System manager(s) and address:** Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained as appropriate from the following officials:

1. Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone
2. Assistant Director/Administration, Gorgas Hospital, Box O, Balboa Heights, Canal Zone
3. Administrative Officer, Canal Zone Mental Health Center, Box 2013, Balboa Heights, Canal Zone
4. Administrative Officer, Palo Seco Hospital, Box 2012, Balboa, Canal Zone
5. Chief, Division of Veterinary Medicine, Box M, Balboa Heights, Canal Zone
6. Chief, Division of Sanitation, Box M, Balboa Heights, Canal Zone
7. Chief, Division of Public Health, Box M, Balboa Heights, Canal Zone

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to the Systems Manager. Procedures for disclosure of information from the medical records of the individual requesting access are set forth in 35 CFR 10.6.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** The individual to whom the medical record pertains; attending physicians and allied health personnel involved in the patient's treatment; medical records and information received from outside sources; and information from sponsoring agencies.

**PCC-CZG/HL-2**

**System name:** Medical Administration System-Exemot, PCC-CZG/HL-2

**System location:**

Health Bureau, Box M, Balboa Hts., C.Z.
Gorgas Hospital, Box O, Balboa Hts., C.Z.
Coco Solo Hospital, Box 5009, Cristobal, C.Z.
CZ Mental Health Ctr. Box 2013, Balboa Hts., C.Z.
Palo Seco Hospital, Box 2012, Balboa, C.Z.
Div Veterinary Med., Box M, Balboa Hts., C.Z.
Div of Sanitation, Box M, Balboa Hts., C.Z.
Div of Public Health, Box M, Balboa Hts., C.Z.

**Categories of individuals covered by the system:** Employees of the Canal agencies; individuals in the service of and sponsored by a U.S. Government agency (U.S. Armed Forces, State Department, Veterans Administration, U.S. Public Health Service, Federal Aviation Administration; Federal Highway Administration; Smithsonian Institute, etc.); retired U.S. Government employees; district dentists and their employees; concessionaires of the Canal organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employees; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; prisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; nonresident private pay patients; noneligible, nonsponsored individuals receiving emergency treatment; and children placed for adoption or in foster homes.

**Categories of records in the system:** Medico-legal: Documentation and correspondence which relates to medical records and is obtained in the processing of blood alcohol and urine drug screening procedures, rape cases, injury and claim cases, deaths and other unusual incidences. Investigation records: Detailed audits, special and routine investigations and inquiries regarding Health Bureau activities. Child abuse program: Files relating to the administrative and professional management of suspected and actual cases of child abuse. Social Serivices files: Files containing personal information resulting from case studies and social work counseling. Adoption program: Background information on social services management of pre-adoption home studies, child placement, counseling and follow-up actions. Foster home program: Personal data

and background studies on persons interested in participation in the Foster Home Program. Complaints: Background information and investigative correspondence promulgated by complaints regarding medical care rendered. Utilization and peer review files: Sensitive information regarding the quality of care provided to patients, reasons for length of stay of patients, and other monitoring requirements as specified by accrediting agencies.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33, 911 and 912, 76A Stat. 7, 76A Stat. 36; 5 C.Z.C. 1631-56, 76A Stat. 353-360; 6 C.Z.C. 541 and 4784, 76A Stat. 429 and 540; 8 C.Z.C. 381-7, 76A Stat. 690-1; 21 U.S.C. 1171-5 and 1180; 42 U.S.C. 257 and 4561; and P.L. 91-513, and 93-282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be released from these records to the extent needed, as follows:

1. To the Joint Commission for Accreditation of Hospitals for hospital accreditation.
2. To officials of other Governments and private organizations in the Canal Zone to coordinate the medical treatment of victims of child abuse and the provision of professional assistance for those involved in such cases.
3. To members of the community and other Government organizations who are serving on committees or are assigned to adoption, foster home, and other social service programs.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed or cross-referenced alphabetically by name.

**Safeguards:** Stored in locked file cabinets in buildings locked when not in use or buildings with around-the-clock guards. Access and use are restricted to authorized personnel.

**Retention and disposal:** Permanent.

**System manager(s) and address:** Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained as appropriate from the following officials:

1. Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone
2. Assistant Director/Administration, Gorgas Hospital, Box O, Balboa Heights, Canal Zone
3. Administrative Officer, Canal Zone Mental Health Center, Box 2013, Balboa Heights, Canal Zone
4. Administrative Officer, Palo Seco Hospital, Box 2012, Balboa, Canal Zone
5. Chief, Division of Veterinary Medicine, Box M, Balboa Heights, Canal Zone
6. Chief, Division of Sanitation, Box M, Balboa Heights, Canal Zone Canal
7. Chief, Division of Public Health, Box M, Balboa Heights, Canal Zone

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to the Systems Manager. Procedures for disclosure of information from the Medical records of the individual requesting access are set forth in 35 CFR 10.6.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** The individual to whom the medical record pertains; attending physicians and allied health personnel involved in the patient's treatment; medical records and information received from outside sources; administrative, professional, and investigatory personnel and records; testimonies and statements of individuals concerned with case; court, police, and personnel records; and information from sponsoring agencies.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

**PCC-CZG/HL-3**

**System name:** Medical Administration System-Nonexempt, PCC-CZG/HL-3

**System location:**

Health Bureau, Box M, Balboa Hts., C.Z.
Gorgas Hospital, Box O, Balboa Hts., C.Z.
Coco Solo Hospital, Box 5009, Cristobal, C.Z.
CZ Mental Health Ctr., Box 2013, Balboa Hts., C.Z.
Palo Seco Hospital, Box 2012, Balboa, C.Z.
Div Veterinary Med., Box M, Balboa Hts., C.Z.
Div of Sanitation, Box M, Balboa Hts., C.Z.
Div of Public Health, Box M, Balboa Hts., C.Z.

**Categories of individuals covered by the system:** Employees of the Canal agencies; individuals in the service of and sponsored by a U.S. Government agency (U.S. Armed Forces, State Department, Veterans Administration, U.S. Public Health Service, Federal Aviation Administration; Federal Highway Administration; Smithsonian Institute, etc.); retired U.S. Government employees; district dentists and their employees; concessionaires of the Canal organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employees; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; orisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; nonresident private pay patients; and noneligible, nonsponsored individuals receiving emergency treatment.

**Categories of records in the system:** Vital statistics records: Birth and death records, and correspondence related thereto. Individual registration, licensure, and certification records: Information maintained in connection with the monitoring of medical specialty training programs and certification of accreditation, including information on state and Canal Zone medical licenses held by individuals. Curriculum vitaes: Comprehensive information on qualifications and background of key Health Bureau employees and visiting consultants. Drug and controlled substances records: Administrative files maintained in accordance with regulations relating to the control of narcotics. Program accreditation and certification records: Correspondence and reports relating to the management and control of activities by the professional and administrative staff, including identification of deficiencies. Medical treatment indices: Records maintained by patient, disease code, physician, patient age, patient length of stay, discharge, diagnoses, and operative procedures to meet requirements of the Joint Commission for Accreditation of Hospitals. Hospital billing and bill reduction and cancellation records: Billings to insurance companies and through Agents Accounts and Payroll Branches and information obtained to make determinations regarding the ability of individuals to pay for medical treatment. Housing exceptions records: Medical backup information used in evaluating formal written requests from employees for assignment for medical reasons to government housing for which they are otherwise ineligible. Fiscal accounting records: Information regarding medical treatment rendered and tariff charges, including patient invoices. Blood bank and donor records: Information specifying donors' blood types, addresses, telephone numbers, and blood donations. Locator records: Information on location, status, and assignments of patients and employees. Hospital population records: Listings of patients. Veterans Administration data: Information pertinent to the hospitalization and treatment of Veterans Administration beneficiaries. Medical evaluation boards: Information on the composition and administration of medical evaluation boards. Aeromedical evacuation records: Information obtained for making determinations on the necessity of evacuating patients by air. Incident reports on such evacuations. Radiation exposure records: Data on individuals exposed to radiation. Community health and environmental reports. Medical Correspondence records.

**Authority for maintenance of the system:** 2 C.Z.C. 31-33, 911 and 912, 76A Stat. 7, 76A Stat. 36; 5 C.Z.C. 1631-56, 76A Stat. 353-360; 6 C.Z.C. 1101, 2, and 9, 76A Stat. 448 and 450; 6 C.Z.C. 4784, 76A Stat. 540; 21 U.S.C. 1171-5 and 1180; 42 U.S.C. 257 and 4561; and P.L. 91-513, and 93-282.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be released from these records to the extent needed, as follows:

1. To the Joint Commission for Accreditation of Hospitals for hospital accreditation.
2. To search and rescue units of the United States Armed Forces in connection with requests for aeromedical evacuation.
3. To United States, foreign and international health officials and agencies in connection with the reporting of human and animal contagious communicable diseases.
4. To insurance companies and foreign governments in connection with billings for patient treatment.
5. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders, cards, individual forms; and computer printouts.

**Retrievability:** Records or cross-reference index cards providing access to records are filed alphabetically by name.

**Safeguards:** Stored in file equipment in rooms or buildings locked when not in use or buildings with around-the-clock guards. Access and use are restricted to authorized personnel.

**Retention and disposal:** Accounting and billing records are destroyed after four years; blood donor cards, when donor no longer available or able to give blood; location records, when superseded; Veterans Administration beneficiaries, six years after date of last paper in folder; aeromedical evacuation records, three years; all other records permanent.

**System manager(s) and address:** Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained as appropriate from the following officials:

1. Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone
2. Assistant Director/Administration, Gorgas Hospital, Box O, Balboa Heights, Canal Zone
3. Administrative Officer, Canal Zone Mental Health Center, Box 2013, Balboa Heights, Canal Zone
4. Administrative Officer, Palo Seco Hospital, Box 2012, Balboa, Canal Zone
5. Chief, Division of Veterinary Medicine, Box M, Balboa Heights, Canal Zone
6. Chief, Division of Sanitation, Box M, Balboa Heights, Canal Zone
7. Chief, Division of Public Health, Box M, Balboa Heights, Canal Zone

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to the Systems Manager. Procedures for disclosure of information from the medical records of the individual requesting access are set forth in 35 CFR 10.6.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual to whom the record pertains, medical and other administrative records, physicians and allied health personnel, other offices of the Canal agencies, schools and colleges, certifying and accrediting officials, the United States Armed Forces and the Veterans Administration, and other hospitals, physicians, boards, and committees.

### PCC-CZG/IO-1

**System name:** News Morgue Records, PCC-CZG/IO-1

**System location:** Panama Canal Information Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Newsworthy and potentially newsworthy individuals.

**Categories of records in the system:** Records maintained as a ready reference from which to obtain background information for news stories and articles about individuals for publication in house organs and news media. Records include biographical sketches, press releases, media clippings, interview notes, and photographs.

**Authority for maintenance of the system:** 5 U.S.C. 301; 44 U.S.C. 1108 and 3101; and 2 C.Z.C. 65(a) (5).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to news media and other publishers for publication is authorized. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Index cards, individual forms, and paper records in file folders.

**Retrievability:** Filed alphabetically by name of individual.

**Safeguards:** Stored in file cabinets in building with around-the-clock guards. Access and use are restricted to authorized personnel.

**Retention and disposal:** Permanent.

**System manager(s) and address:** Administrative Officer, Panama Canal Information Office, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals, individuals interviewed about subject individuals, and information published about subject individuals.

### PCC-CZG/IO-2

**System name:** News Media Representatives, PCC-CZG/IO-2

**System location:** Panama Canal Information Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** News media representatives who come in contact with Panama Canal Information Office.

**Categories of records in the system:** Records maintained on news media representatives who cover events related to the Panama Canal and the Canal Zone, including their requests for press cards and record of issuance, their local and home addresses, and their news affiliations.

**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:** Disclosure is authorized to Information Officers and Public Relations Officers of other Government agencies in the area who work with the Panama Canal Information Office in briefing newsmen in the area. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Bound record book.

**Retrievability:** Filed alphabetically by name.

**Safeguards:** Stored in metal file cabinet in building under around-the-clock guard.

**Retention and disposal:** Destroyed when superseded by new information or upon death or retirement of representative.

**System manager(s) and address:** Administrative Officer, Panama Canal Information Office, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals.

### PCC-CZG/ISO-1

**System name:** Personnel Security Files, PCC-CZG/ISO-1

**System location:** Internal Security Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Current and former employees of the Panama Canal Company and the Canal Zone Government.

**Categories of records in the system:** Personal history statements, security clearance, results of background investigations, and documents containing information obtained under a pledge of confidentiality.

**Authority for maintenance of the system:** E.O. 10450; E.O. 10865; Part 60.11, Sub-Chapter B of Chapter 1, Title 35 CFR.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms, 8 by 10 1/2 inches, microfilm.

**Retrievability:** Indexed by name.

**Safeguards:** Maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** No established retention schedule. When the individual dies in service, file is destroyed; when the individual is separated with possibility of reemployment with PCC or another Government agency, Civil Service documents are returned to CSC, remainder of documents are microfilmed; when the individual retires, file is microfilmed.

**System manager(s) and address:** Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

### PCC-CZG/ISO-2

**System name:** Confidential Sources and Contacts, PCC-CZG/ISO-2

**System location:** Internal Security Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Individuals who furnish information to the Internal Security Office.

**Categories of records in the system:** Name of individual, code number, place of employment, telephone number, type of information on which he is capable of reporting. Reporting performance, i.e., timeliness, accuracy and completeness of information reported.

**Authority for maintenance of the system:** E.O. 10450; E.O. 10226; Part 129.121, Sub Chapter B of Chapter 1, Title 35 CFR.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to intelligence units or agencies of the United States Government including the State Department and Department of Defense in connection with listing of confidential sources and contacts. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Printed forms, 8 by 10 inches.

**Retrievability:** Name and code.

**Safeguards:** Maintained in a three-number combination safe. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained indefinitely. When destroyed, destruction is made in accordance with existing regulations concerning the destruction of classified information/material.

**System manager(s) and address:** Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

### PCC-CZG/ISO-3

**System name:** Card Index System, PCC-CZG/ISO-3

**System location:** Internal Security Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** U.S. and non-U.S. citizens who reside on the Isthmus or in the United States.

**Categories of records in the system:** Name of individual and identifying number, birthdate, citizenship, employment, residence, biographical data on immediate family and close friends, political affiliations, and any other pertinent information concerning individual. This system cross-references other internal records systems concerning individual.

**Authority for maintenance of the system:** E.O. 10450; E.O. 10226; Part 60, Sub-Chapter B of Chapter 1, Title 35 CFR.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards, 4 by 6 inches.

**Retrievability:** Indexed alphabetically by name.

**Safeguards:** Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained indefinitely. When destroyed, destruction is made in accordance with existing regulations concerning the destruction of classified information/material.

**System manager(s) and address:** Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

### PCC-CZG/ISO-4

**System name:** Index of Contractor Employees, PCC-CZG/ISO-4

**System location:** Internal Security Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** U.S. and non-U.S. citizens employed by contractors who are working in vital installations of the Canal Zone Government/Panama Canal Company.

**Categories of records in the system:** Name of individual, identifying number, employing company, date and place of birth, and date of clearance for employement in Canal Zone Government/Panama Canal Company vital installations.

**Authority for maintenance of the system:** Chief of Internal Security; E.O. 10226.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure to law enforcement and Base Security Units of the Department of Defense in connection with maintaining internal security. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards, 3 by 5 inches.

**Retrievability:** Indexed alphabetically by name.

**Safeguards:** Records maintained in lockable desk drawer. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained indefinitely. When destroyed, destruction is made in accordance with existing regulations concerning the destruction of classified information/material.

**System manager(s) and address:** Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

### PCC-CZG/ISO-5

**System name:** Biographical Data Cards, PCC-CZG/ISO-5

**System location:** Internal Security Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Prominent personalities residing on the Isthmus.

**Categories of records in the system:** Biographical data and general information concerning the individual obtained from unclassified sources, or from classified sources under a pledge of confidentiality.

**Authority for maintenance of the system:** Chief of Internal Security.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards, 4 by 6 inches.

**Retrievability:** Indexed alphabetically by name.

**Safeguards:** Records maintained in a lockable file. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed when individual dies. Destroyed in accordance with existing regulations concerning the destruction of classified information/material.

**System manager(s) and address:** Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

**PCC-CZG/ISO-6**

**System name:** Biographical Data Files, PCC-CZG/ISO-6

**System location:** Internal Security Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Various persons residing on the Isthmus or in the United States.

**Categories of records in the system:** General information pertaining to individuals obtained from unclassified and classified sources under a pledge of confidentiality.

**Authority for maintenance of the system:** Chief of Internal Security; E.O. 10226.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, 8 by 10 1/2 inches.

**Retrievability:** Indexed alphabetically by name.

**Safeguards:** Records maintained in a vault. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed when individual dies. Destroyed in accordance with existing regulations concerning the destruction of classified information/material.

**System manager(s) and address:** Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

**PCC-CZG/MIL-1**

**System name:** U.S. Army Element, Canal Zone Government Military Administration System, PCC-CZG/MIL-1

**System location:** Assistant to the Health Director/Executive Officer, US Army Element, Canal Zone Government, Box M, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** U.S. Army military personnel assigned to the U.S. Army Element, Canal Zone Government which includes the Governor, Lieutenant Governor, Army Medical Department personnel (Health Bureau) and Corps of Engineer officers (E&C Bureau).

**Categories of records in the system:** Standard Installation/Division Personnel System, (SIDPERS): Includes a variety of SIDPERS records, personnel action files, and subsystems which provide comprehensive and detailed personnel accounting, name, age, social security number, date of birth, previous assignments, awards, schooling, leave data, specialty designator codes; also includes the requirement for a unit personnel file on each member.

Table of Distribution and Allowances (TDA): Listing of authorized positions in the U.S. Army Element by title, MOS, and grade and assigned incumbents by name, MOS, and grade.

COMCENTER Messages: Daily TWX traffic of a medical nature received by the SOUTHCOM Communications Center which may identify individuals or consist of personalized information about individuals.

Graduate Level Training Requirements - Army Educational Requirements Board (AERB): Educational data on all Engineer Corps officers assigned to the U.S. Army Element to include name, rank, specialty, training level, and position.

Military Physicians Variable Incentive Pay (VIP): Information on payment of incentive pay to military physicians to include physicians name, years of service, rank, monthly pay and authorized VIP payment.

Training files: Information regarding mandatory training and continuing educational training.

Orders (General, Special, Letter, Invitational, and Student Travel): Information includes identifying data of the military member, civilian, or dependent named in the order.

Hazardous duty pay file: Authorization by competent order for designated military members to receive hazardous duty pay.

Officer Efficiency Report (OER) and Enlisted Efficiency Report (EER) Working files: Information relative to job performance of individuals.

Attached Military Personnel: Information on all USAR and NG personnel attached to U.S. Army Element for temporary training purposes to include identifying information and correspondence regarding individual's military experience.

Military Awards: Narrative justification of job accomplishments during assignment and concurrence/ recommendation of supervisors in chain of command.

**Authority for maintenance of the system:** 5 U.S.C. 301; 10 U.S.C. 3201-4021; and 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be released for the following purposes to the organizations and individuals indicated:

1. To provide input to Department of the Army (DA) and local military support units, including suspense and feeder information relative to status, change of position, pay, etc. of individuals.

2. To provide current listing of personnel by TDA position for reporting to personnel action officer at Department of the Army and local levels; copies provided each officer assigned.

3. To enable actions to be initiated regarding medical treatment requests for individuals; used to obtain update on current medical policies and requirements issued by DA, The Office of the Surgeon General, Washington, D.C., and the Health Services Command, Fort Sam Houston, Texas; routed to key staff personnel and appropriate action officers.

4. To provide verifications/justifications to DA of graduate level training requirements for engineer positions assigned to U.S. Army Element for consideration and validation by the AERB.

5. To monitor and report VIP program participation to DA and to suspense requirements for contract renewal with physicians for VIP and service obligation.

6. To process OER/EER's as required by Army regulation; includes establishing a rating scheme and monitoring system suspense and distribution to individual military members and appropriate DA agencies.

7. To compile evaluation and performance reports and submit same to the individual's reserve headquarters in accordance with Army regulations.

8. To justify military awards and provide backups to the approving authority (DA or Commander); used to provide supervisors in chain of command information on which to base concurrence and recommendations. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders, cards, individual forms, and lists.

**Retrievability:** Filed or cross-referenced for retrieval alphabetically by name.

**Safeguards:** Stored in locked, metal, file cabinets in building with around-the-clock guard. Access and use are restricted to authorized personnel.

**Retention and disposal:** See DA PAM 310-1 December 30, 1971.

**System manager(s) and address:** Assistant to Health Director/Executive Officer, US Army Element-Canal Zone Government, Health Bureau, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to the Systems Manager.

**Contesting record procedures:** See rules published in 35 CFR Part 10 and 32 CFR Part 505.

**Record source categories:** The individual to whom the record pertains and military sources.

PCC-CZG/MRBLI-1

**System name:** Marine License Files, PCC-CZG/MRBLI-1

**System location:** Board of Local Inspectors, Terminal Building, Balboa, Canal Zone

**Categories of individuals covered by the system:** All permanent employees of the Panama Canal Company in positions for which a Panama Canal marine license is required. Subsystem includes individual applications and examination papers filed in license file, Records Section, Records Management Branch, Administration Building.

**Categories of records in the system:** Employee's name, identification number, employing unit, work area, size and type of license, competence of applicant, examination grades, promotions, salaries, license serial number.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 33, 297, 1331, 1351 et seq., 76A Stat. 7, 25, 46-8; E.O. 11305.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Book shelf for license stubs, file cabinet for file folders with correspondence and card file for license cards.

**Retrievability:** Indexed by name; by license serial number.

**Safeguards:** File folders in lockable file cabinet. Cards and license stubs available for unit personnel screening. Access and use are restricted to authorized personnel.

**Retention and disposal:** Indefinite. Not to be destroyed.

**System manager(s) and address:** Chairman, Board of Local Inspectors, Box 5012, Balboa, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From individual; Proctors for examinations; Port Captains, examination graders; Board of Local Inspectors.

**Systems exempted from certain provisions of the act:** All information in this system which is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/MRPA-1

**System name:** Admeasurer Examination File, PCC-CZG/MRPA-1

**System location:** Admeasurement Office, Terminal Building, Cristobal, Canal Zone

**Categories of individuals covered by the system:** All Boarding Inspectors, Admeasurer assistants, and Admeasurers.

**Categories of records in the system:** Examinations, answer sheets, scoring sheets, evaluation sheets.

**Authority for maintenance of the system:** 2 C.Z.C. 411(1), 76A Stat. 27; Presidential Proclamation 2248, August 28, 1937, continued in force by virtue of Sec. 19 of Act, October 18, 1962, 76A Stat. 1, 700.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manila folders.

**Retrievability:** By name.

**Safeguards:** Maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed upon employee termination.

**System manager(s) and address:** Director of Admeasurement, Box 2418, Cristobal, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system which is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/MRTO-1

**System name:** Marine Accident Reference Cards, PCC-CZG/MRTO-1

**System location:** Pilot Administrative Unit, Transit Operations Division, Port Captain Building, Balboa, Canal Zone

**Categories of individuals covered by the system:** Panama Canal Company Pilots employed by the Transit Operations Division.

**Categories of records in the system:** Employee's name, identification number, date of birth, dates of promotion, and ship accident data; including the ship's name, description, date of occurrence and fault or no fault of employee involved. When a ship incident does not require a Board of Local Inspector's investigation, an administrative report noting the date, ship's name and description is included.

**Authority for maintenance of the system:** 2 C.Z.C. 1331, 76A Stat. 46; E.O. 11305.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper cards and sheets.

**Retrievability:** Filed alphabetically by last name.

**Safeguards:** Kept in lockable file cabinet or desk. Access and use are restricted to authorized personnel.

**Retention and disposal:** No retention schedule established. Retained indefinitely.

**System manager(s) and address:** Administrative Officer, Transit Operations Division, Box 3661, Balboa, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Chairman, Board of Local Inspectors, Port Captains (Balboa and Cristobal).

PCC-CZG/OPR-1

**System name:** Operating Unit Personnel Records, PCC-CZG/OPR-1

**System location:** May be maintained in Section, Branch, Division, Independent Unit, Staff Office, Bureau or other employing unit to which employee is assigned.

**Categories of individuals covered by the system:** Former and present employees with category of full-time permanent, part-time permanent, full-time temporary, part-time temporary, and intermittent.

**Categories of records in the system:** Records maintained by operating officials and used in administering employees and organizational segments under their technical and administrative control. They include office copies of documents kept in the official personnel folder and documents pertaining to the administration of individual employees which are not appropriate for inclusion in the official personnel folder. The records may contain information such as: Employee's name, Panama Canal Company/Canal Zone Government identification number; mail address; home address and telephone number; social security number (optional); birth date; marital status; position number and title; position descriptions; employment history; educational qualifications; professional qualifications; performance review and evaluation, including date and rating; training and management development records, including types of courses taken and completion dates; special assignments; counseling interview record; award data; commendations; oral ad-

monishments; disciplinary, adverse, and other personnel actions; grievances; leave and travel records, including official business travel vouchers; accident or injury records; attendance and absenteeism records; relief assignment records; job equipment checkout listings; U.S. Government vehicle and equipment operators license records; work, overtime and shift schedules; timekeeping records; tuition refund agreements; key and equipment inventory control listings; potential retirement date listings; native and foreign languages; blood donor information; copies of W-4, employee withholding statements; names, addresses and telephone numbers of next of kin for notification in emergency situations; participation in civic, welfare, recreational and union activities; eligibility for tropical differential.

**Authority for maintenance of the system:** 2 C.Z.C. 101, 121, 142-3, 76A Stat. 14-16; 5 U.S.C. 301; 44 U.S.C. 3101.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To have as ready reference for use in compiling training reports required by the Civil Service Commission; referrals to promotion boards; in responding to inquiries from professional and medical societies, bar associations, prospective employers, employment agencies, etc., concerning personal characteristics and qualifications, employment background, job performance and advancement potential, etc. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper files maintained in file folders stored in desk drawers or filing cabinets.

**Retrievability:** Employee name or identification number.

**Safeguards:** Maintained in lockable file cabinets or supervisor's desk. Access and use are restricted to authorized personnel.

**Retention and disposal:** Records reviewed at end of calendar year and documents which have been superseded or are no longer applicable are to be destroyed by burning or shredding.

**System manager(s) and address:** Head of Section, Branch, Division, Independent Unit, Staff Office, Bureau or other employing unit where employee works.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual to whom information applies; personnel actions; performance review or personnel evaluation reports; letters of commendation or reprimand; travel orders; college transcripts; training records; and other related papers.

### PCC-CZG/OPR-2

**System name:** Operating Unit Employment Inquiry Files, PCC-CZG/OPR-2

**System location:** May be maintained in Section, Branch, Division, Independent Unit, Staff Office, Bureau or other unit receiving informal inquiries or requests for employment.

**Categories of individuals covered by the system:** Members of the public and employees of other units or agencies who anticipate, or are in the process of applying for jobs with the Panama Canal Company/Canal Zone Government unit maintaining the record.

**Categories of records in the system:** Records maintained by operating officials to whom applicants have applied directly for employment. The records may contain copies of SF-171, application for Federal employment, showing applicant's name, address, telephone number, social security number, employment experience, school transcripts, educational, professional or skilled craft history and background, native or foreign languages, other skills, awards or special commendations, references, statements from previous employers, resumes, etc. May also contain record of interviews, if any, name of interviewer, and evaluation of applicant.

**Authority for maintenance of the system:** P.L. 93-112; Panama Canal Company Bylaws, Sec. 6.8; 2 C.Z.C. 101, 121, 141-49, and 155, 76A Stat. 14-19; E.O. 10794, December 10, 1958.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders stored in desk drawers or file cabinets.

**Retrievability:** Filed alphabetically by name of applicant.

**Safeguards:** Maintained in lockable file cabinet or operating unit official's desk. Access and use are restricted to authorized personnel.

**Retention and disposal:** Records may be sent to Canal Zone Civilian Personnel Policy Coordinating Board for determination of applicant's eligibility and consideration for employment under the Canal Zone Merit System; to the Panama Canal Company Personnel Bureau directly for consideration if vacancy is excluded from Canal Zone Merit System; returned to applicant; or destroyed twelve months after initial inquiry.

**System manager(s) and address:** Official in Section, Branch, Division, Independent Unit, Staff Office or Bureau maintaining such records.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** From individual to whom information applies.

**Systems exempted from certain provisions of the act:** All information in this system which would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations as part of systems PCC-CZG/CZPB-1 or, if position is exempt from Canal Zone Merit System, PCC-CZG/PR-5.

### PCC-CZG/PR-1

**System name:** Disability Relief, Retirement and Group Supplementary Life Insurance Records, PCC-CZG/PR-1

**System location:** Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

**Categories of individuals covered by the system:** Disability Relief annuitants and surviving widows; Civil Service Retirement annuitants; employees who died while in service; survivors of deceased employees and annuitants; and employees and annuitants enrolled in the Supplementary Life Insurance Program sponsored by the Canal Zone Group Insurance Board.

**Categories of records in the system:** Information used in the administration of the Cash Relief Act of July 8, 1937, as amended, and in the application of related policies on medical treatment and care, annuitants' group life insurance, and the eligibility of widows of deceased annuitants for annuities.

Reference files from which information or statistical data may be furnished quickly on employees who retired under the Civil Service Retirement Act, employees who died while in service, and survivors who submitted applications or claims for death benefits and unpaid compensation.

Identification of employees and annuitants enrolled in the Group Supplementary Life Insurance Program and their beneficiaries.

**Authority for maintenance of the system:** 5 U.S.C., Chapters 83 and 87; 2 C.Z.C. 181, 76A Stat. 20; E.O. 7837 of March 12, 1938

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders, cards, and individual forms.

**Retrievability:** Filed alphabetically by name or filed by indentification number.

**Safeguards:** Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Index cards on persons designated to act as the agents of Disability Relief annuitants are destroyed when annuitant dies. Other records: Permanent.

**System manager(s) and address:** Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals, official personnel files, and medical and welfare personnel.

**PCC-CZG/PR-2**

**System name:** Employee Benefits Records, PCC-CZG/PR-2

**System location:** Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

**Categories of individuals covered by the system:** Current and former employees and their dependents or other members of their household.

**Categories of records in the system:** Determinations of employees' eligibility for, or entitlement to, the tropical differential, home leave and repatriation travel, Company housing, and other employee benefits.

Determination of an individual's status as dependent or member of household of employee to establish his or her eligibility for Canal Zone residence, medical treatment, education, purchase authority, and transportation benefits.

**Authority for maintenance of the system:** 2 C.Z.C. 66, 101, 121, 142, 149, and 155, 76A Stat. 11, and 14-19; E.O. 10794 of December 10, 1958; Panama Canal Company Bylaws, Sec. 6.8; 5 U.S.C. 5701-42 and 5924.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed alphabetically by name of employee.

**Safeguards:** Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Retained for three years and then destroyed.

**System manager(s) and address:** Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of the addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject employees and officials of the Canal agencies.

**PCC-CZG/PR-3**

**System name:** Personal data records, PCC-CZG/PR-3

**System location:** Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

**PCC-CZG/PR-3**

**System name:** Personal data records, PCC-CZG/PR-3

**PCC-CZG/PR-3**

**System name:** Personal data records, PCC-CZG/PR-3

**System location:** Personnel Bureau, Panama Canal Company, Ancon, Canal Zone.

**Categories of individuals covered by the system:** Employees, dependents of employees, and former employees.

**Categories of records in the system:** Personal data maintained for reference and statistical purposes, such as employment history of U.S. citizen employees of Canal agencies and Canal Zone Civilian Personnel Policy Coordinating Board; identification of U.S. citizens who would be evacuated from residence in the event of civil disturbance or natural disaster; identification of employees who are earning a special or retained rate of pay which must be adjusted manually; documentation of employees' leave-without-pay to determine periods for within-grade step advancement, conversion to career status, or completion of probationary period; documentation of eligibility for medical services at Canal Zone hospitals; identification of reemployed Civil Service annuitants; identification of employees who are retired members of the U.S. Armed Forces; authorizations for disposition of pay; and indexes of employees for counseling on retirement, debts, support payments, and disciplinary actions.

**Authority for maintenance of the system:** 2 C.Z.C. 33, 101, 121, and 141-56, 76A Stat. 7 and 14-20; Panama Canal Company Bylaws, Sec. 6.8; E.O. 10794 of December 10, 1958; 5 U.S.C. 5525; and P.L. 93-647.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders; cards; lists; and individual forms.

**Retrievability:** Filed alphabetically by name of employee or former employee or filed by identification number.

**Safeguards:** Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Employment history cards are retained permanently. Legal dependent and leave-without-pay records are transferred to official personnel folder upon employee's separation from service. Other records are destroyed when they are no longer pertinent to the employee's current status.

**System manager(s) and address:** Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of the addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject employees and officials of the Canal agencies.

**PCC-CZG/PR-4**

**System name:** Grievances and Appeals Records, PCC-CZG/PR-4

**System location:** Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

**Categories of individuals covered by the system:** Current and former employees of the Canal Zone Government/Panama Canal Company who have filed a grievance, appealed a disciplinary action to the agency or an adverse action to the agency or the Civil Service Commission, or submitted a position classification appeal to the agency or the Canal Zone Board of Appeals.

**Categories of records in the system:** Case files and indexes on employee grievances and appeals containing the formal grievance or appeal; background, supporting, and investigatory information; record of hearing, when conducted; decision or determination; and related documents.

**Authority for maintenance of the system:** 2 C.Z.C. 142, 149, 151-53, and 155, 76A Stat. 16, 18, and 19, E.O. 10794 of December 10, 1958; Panama Canal Company Bylaws, Sec. 6.8; 5 U.S.C. 5591-93.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders; index cards.

**Retrievability:** Filed alphabetically by name of employee or by an identification number.

**Safeguards:** Stored in metal file cabinets and desks in rooms locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Adverse and position classification action cases are destroyed seven years after final decision; disciplinary action (penalties of 30 days off without pay or less) and grievance cases are destroyed two years after final decision; and index cards showing status of action on current cases are destroyed when cases are completed. Exception: Some case files of a precedential nature are retained beyond retention period for study and reference.

**System manager(s) and address:** Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

**Notification procedure:** Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the record. They may, however, contact the Systems Manager regarding the existence of such records pertaining to them. Individuals should provide to the Systems Manager their name, date of birth, identification number, and the approximate date and kind of action taken by the agency when making inquiries about records.

**Record access procedures:** Requests should be addressed to the Systems Manager.

**Contesting record procedures:** The contest, amendment, or correction of an appeal or grievance record is permitted during the prosecution of the appeal or grievance by the individual to whom the record pertains. For contest after case has been closed, see rules published in 35 CFR Part 10.

**Record source categories:** Individual to whom the record pertains; officials of the Canal agencies, Civil Service Commission, and Board of Appeals; witnesses; official documents related to the appeal or grievance; hearing examiners; and others involved in the grievance or appeal procedure.

**PCC-CZG/PR-5**

**System name:** Recruiting and Placement Records, PCC-CZG/PR-5

**System location:** Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

**Categories of individuals covered by the system:** Persons who have applied for employment or are employed with the Panama Canal Company and the Canal Zone Government.

**Categories of records in the system:** Applications for employment and records related thereto; overseas recruitment processing records; special placement and program records, such as records on the excluded appointments of mentally retarded applicants, the appointment and counseling of handicapped persons, the student assistant program, and the worker-trainee program; and ready-reference records on qualifications of applicants and status of applications for transfer.

**Authority for maintenance of the system:** P.L. 93-112; Panama Canal Company Bylaws, Sec. 6.8; 2 C.Z.C. 101, 121, 141-49, and 155, 76A Stat. 14-19; E.O. 10794, December 10, 1958.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders, index cards, lists, and individual forms.

**Retrievability:** Filed alphabetically by name of subject individual or by an identification number.

**Safeguards:** Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Applications for employment and records related thereto are transferred to recruitment folder if applicant is selected for employment from overseas. When applicant is employed, documentation is transferred to Official Personnel Folder. Applications are destroyed if applicant fails to update within 12 months from date of initial application, or they are returned to applicant if requested during the 12-month period. U.S. recruitment data cards are retained indefinitely for statistical purposes. Miscellaneous correspondence and listings pertaining to employees under recruitment are destroyed after two years. Vouchers from references listed by applicant are destroyed after one year. Individual special placement and program records are destroyed when employee terminates or individual's participation in program ends.

**System manager(s) and address:** Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of the addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals, medical personnel, police officials, officials of the Canal agencies, schools attended by applicant, and individuals listed as references by applicant.

**Systems exempted from certain provisions of the act:** All information in this system which would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

**PCC-CZG/PR-6**

**System name:** Training and Employee Development Records, PCC-CZG/PR-6

**System location:** Personnel Bureau, Panama Canal Company, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Current and former employees of the Canal and other Federal agencies on the Isthmus who have participated in training or development programs sponsored or conducted by the Canal agencies.

**Categories of records in the system:** Records on training and development of employees under a variety of programs such as apprentice program; the tuition refund program; and various executive, managerial, supervisory, administrative, Spanish and English language, technical, and professional training and development programs.

**Authority for maintenance of the system:** 5 U.S.C. 4101-18; E.O. 11348 of April 20, 1967; E.O. 10794 of December 10, 1958; 2 C.Z.C. 101, 121, 142, 149, 154 and 155, 76A Stat. 14-16, 18, and 19; Bylaws of the Panama Canal Company, Sec. 6.8.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders, cards, and individual forms.

**Retrievability:** Filed alphabetically by name.

**Safeguards:** Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Apprentice enrollment and grade records are retained permanently. Other records are retained for three years after termination of the session of the program in which the trainee was enrolled, except summary records for management development program are maintained until employee terminates or is dropped from the program.

**System manager(s) and address:** Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Request should be addressed to either of the addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individual, official personnel records, instructors, agency officials, program officials, and Veterans Administration.

PCC-CZG/PR-8

**System name:** Systems of records noticed by the U.S. Civil Service Commission and applicable to the Panama Canal Company and the Canal Zone Government, as follows:

(1) General Personnel Records (Official Personnel Folder and records related thereto).*

(2) Retirement, Life Insurance, and Health Benefits Records Systems.

*As an exception to standard practice on retention of out-of-service Official Personnel Folders, the Canal agencies are authorized to retain the Official Personnel Folders of their former non-U.S. citizen employees rather than send them to the National Personnel Records Center in St. Louis, Missouri (35 CFR 253-292). Some of these former employees now may be U.S. citizens or resident aliens of the United States who are granted access to the records under provisions of the Privacy Act. Questions from such individuals regarding notification procedures, access, and contest in connection with these records should be addressed to the Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone, who is the Systems Manager, or to the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

PCC-CZG/PR-11

**System name:** Minority Group Designator (MGD) Records, PCC-CZG/PR-11

**System location:** Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

**Categories of individuals covered by the system:** U.S. citizen employees of the Canal agencies.

**Categories of records in the system:** Lists of accessions of U.S. citizen employees containing a minority group designator code submitted to Civil Service Commission, error lists from Civil Service Commission, and transcript form and/or SF 50 (or equivalent) submitted to Civil Service Commission to correct errors.

**Authority for maintenance of the system:** 5 U.S.C. 7154; E.O. 11478 of August 8, 1969; 2 C.Z.C. 101, 121, 76A Stat. 14, 15; Bylaws of the Panama Canal Company, Sec. 6.8.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Forms, sheets of paper, and computer runs.

**Retrievability:** Lists of accessions filed by employee identification number; computer runs and SF 50, filed alphabetically by name; and monthly report to Civil Service Commission and update transcript form filed by Social Security Number.

**Safeguards:** Stored in a locked steel desk in a building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Monthly report to Civil Service Commission and error listing for that month are destroyed six months after error listing is received. Correction to monthly error listing destroyed after error list for following month is received and corrected.

**System manager(s) and address:** Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

**Systems exempted from certain provisions of the act:** All information in this system is maintained and used solely for statistical reports and is not used in making any nonstatistical determinations about identifiable individuals. It is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/SC-1

**System name:** Housing Files, PCC-CZG/SC-1

**System location:** Housing Offices, Community Services Division, Balboa Heights and Cristobal, Canal Zone

**Categories of individuals covered by the system:** Persons residing in Panama Canal Company quarters and in housing maintained by religious, commercial and charitable organizations in the Canal Zone.

**Categories of records in the system:** Assignment and occupancy of Panama Canal Company quarters, including information on assignee's name, eligibility, service date, identification number, address, family size, and citizenship; name of spouse and dependents; dates of occupancy; rental and other related information; persons allowed to reside or visit with assignees; investigations of misconduct in quarters; and reports of violations of quarters regulations.

**Authority for maintenance of the system:** 2 C.Z.C. 66(a)(4).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed or retrievable alphabetically by name.

**Safeguards:** Stored in locked metal file cabinets in buildings locked when not in use or with around-the-clock guard. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by burning or shredding five years after occupant is no longer eligible for residence in the Canal Zone.

**System manager(s) and address:** Chief, Community Services Division, Drawer S, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals, official personnel files, entry permits, dependency determinations, housing personnel, maintenance personnel, neighbors, and officials of other organizations maintaining housing in the Canal Zone.

PCC-CZG/SC-2

**System name:** Housing Complaints File, PCC-CZG/SC-2

**System location:** Supply and Community Service Director's Office, Administration Building, Balboa Heights, Canal Zone and Community Services Division, Balboa Heights, and Cristobal, Canal Zone

**Categories of individuals covered by the system:** Occupants of Panama Canal Company quarters whose cases have been referred to the Quarters Retention Committee.

**Categories of records in the system:** Complaints, investigations, testimonies, hearings, and decisions bearing on an occupant's eligibility to retain Panama Canal Company quarters.

**Authority for maintenance of the system:** 2 C.Z.C. 30-33 and 66(a)(4).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed or retrievable alphabetically by name.

**Safeguards:** Stored in locked metal file cabinets in buildings locked when not in use or with around-the-clock guard. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by burning or shredding five years after occupant is no longer eligible for residence in the Canal Zone.

**System manager(s) and address:** Administrative Services Officer, Supply and Community Service Bureau, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals; complainants; investigatory personnel, including police and customs officials; officials of the Canal agencies; witnesses; Quarters Retention Committee; and court officials and records.

**Systems exempted from certain provisions of the act:** All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/SC-3

**System name:** Expert and Consultant Records, PCC-CZG/SC-3

**System location:** Supply and Community Service Director's Office, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Experts and consultants procured by contract to furnish services to the Canal agencies.

**Categories of records in the system:** Curriculum vitae of individuals, copies of contracts and charges, and related papers.

**Authority for maintenance of the system:** 5 U.S.C. 3109 and Congressional appropriations acts covering the Canal Zone Government and the Panama Canal Company.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed or retrievable alphabetically by name.

**Safeguards:** Filed in locked metal file cabinets in building with around-the-clock guard. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by shredding or burning six years after final payment.

**System manager(s) and address:** Administrative Services Officer, Supply and Community Service Bureau, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individual, references provided by individual and peers; and the component of the Canal agencies requesting expert or consultant services.

PCC-CZG/SC-4

**System name:** Refugee Records, PCC-CZG/SC-4

**System location:** Community Services Division, Building 635, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** Persons granted temporary refuge in the Canal Zone because of civil disturbance or natural disaster or because they are seeking political asylum.

**Categories of records in the system:** Personal information about refugees and their families; documentation establishing refugee status, conduct agreements, housing arrangements, information on entry and departure, and related papers.

**Authority for maintenance of the system:** 2 C.Z.C. 841, 76A Stat. 32; E.O. 11305; 22 U.S.C. 2601-5; E.O. 11077.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information may be released from these records on a need-to-know basis to officials of the U.S. and foreign governments in connection with the rehabilitation or relocation of refugees. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed alphabetically by name of refugee.

**Safeguards:** Stored in locked metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Permanent.

**System manager(s) and address:** Assistant Chief, Community Services Division, Drawer S, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals and members of their families; personnel of the Community Services Division, and officials of the Canal agencies, other U.S. Government agencies and foreign governments concerned with the rehabilitation or relocation of refugees.

PCC-CZG/SC-5

**System name:** Ethyl Alcohol Certificates of Purchase, PCC-CZG/SC-5

**System location:** Division of Storehouses, Building 28, Balboa, Canal Zone

**Categories of individuals covered by the system:** All individuals who purchase ethyl alcohol from the Division of Storehouses.

**Categories of records in the system:** Records controlling purchases of ethyl alcohol by individuals. Information includes individual's identification number, name, date of purchase, quantity purchased, and certification of appropriate use.

**Authority for maintenance of the system:** 2 C.Z.C. 731-2, 76A Stat. 29.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed by identification number of employee.

**Safeguards:** Filed in locked metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Destroyed by burning or shredding two months after purchase.

**System manager(s) and address:** Chief, Division of Storehouses, Drawer BB, Balboa, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individuals and sales clerks.

PCC-CZG/SF-1

**System name:** Industrial Accident Prevention Supervisor/Unit Awards File, PCC-CZG/SF-1

**System location:** Office of the Safety Director, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** All Company/Government supervisors classified in high hazard positions who have completed a year of supervision without a disabling injury incurred to himself or his unit.

**Categories of records in the system:** Supervisor's name, Division, Bureau, identification number and Unit Supervised, year supervised.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 33, and 66, 76A Stat. 7, 11; 29 U.S.C. 668; 5 U.S.C. 8101 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 5 by 8 inch cards.

**Retrievability:** Filed by Bureau-Division, indexed by name.

**Safeguards:** Records maintained in filing drawers. Access and use are restricted to authorized personnel.

**Retention and disposal:** Maintained while employee is in a hazardous-supervisory capacity.

**System manager(s) and address:** Office of the Safety Director, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Supervisor/Unit records.

### PCC-CZG/SF-2

**System name:** 20/30/40 Year Safety Key Awards Files, PCC-CZG/SF-2

**System location:** Office of the Safety Director, Administration Building, Balboa Heights, Canal Zone

**Categories of individuals covered by the system:** All Company/Government employees classified in a high hazard position who have completed their 20-30-40 years of service with no disabling injury. Records are also maintained of employees in low hazard positions.

**Categories of records in the system:** Employee's name, identification number, roll and gang, functional code, occupational service code, service date and number of years of employment. Subsystem stamp containing date of last disabling injury (if any) and employees position hazard code.

**Authority for maintenance of the system:** 2 C.Z.C. 31, 33, and 66, 76A Stat. 7, 11; 29 U.S.C. 668; 5 U.S.C. 8101 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Computer strip size 12 1/2 by 3 1/2 inches.

**Retrievability:** Filed by name.

**Safeguards:** Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

**Retention and disposal:** Held until termination, destroyed by shredding.

**System manager(s) and address:** Office of the Safety Director, Box M, Balboa Heights, Canal Zone.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Employees on whom record is maintained.

### PCC-CZG/TTWT-1

**System name:** Vessel Employee Records, PCC-CZG/TTWT-1

**System location:** Water Transportation Division, Building 1-5-A, 4400 Dauphine Street, New Orleans, Louisiana 70146

**Categories of individuals covered by the system:** Crew members of the S.S. Cristobal.

**Categories of records in the system:** Personal data on crew members of S.S. Cristobal, including information on qualifications, positions occupied, "Z" number, next of kin, and adverse and disciplinary action record.

**Authority for maintenance of the system:** 2 C.Z.C. 66(a)(3); 5 U.S.C. 5342(b); and 46 U.S.C., Chapter 18.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Cards and paper records in file folders.

**Retrievability:** Filed or retrievable alphabetically by name.

**Safeguards:** Stored in locked metal file cabinets in building with around-the-clock guard. Access and use are restricted to authorized personnel.

**Retention and disposal:** Permanent.

**System manager(s) and address:** General Agent, Water Transportation Division, Panama Canal Company, 4400 Dauphine Street, New Orleans, Louisiana 70146.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individual, supervisors, union officials, and U.S. Coast Guard.

### PCC-CZG/WO-1

**System name:** Panama Canal Company Board of Directors, PCC-CZG/WO-1

**System location:** 312 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C.

**Categories of individuals covered by the system:** Members and former members of the Company's Board of Directors.

**Categories of records in the system:** General biographical information.

**Authority for maintenance of the system:** 2 C.Z.C. 63, 76A Stat. 10.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Paper records in file folders.

**Retrievability:** Filed alphabetically by name.

**Safeguards:** Stored in locked metal file cabinets in office locked when not in use. Access and use are restricted to authorized personnel.

**Retention and disposal:** Permanent.

**System manager(s) and address:** Assistant to the Secretary, Panama Canal Company, 312 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Individual on whom maintained.

### PCC-CZG/WO-2

**System name:** Office of the Secretary Operating Unit Personnel Files, PCC-CZG/WO-2

**System location:** 312 Pennsylvania Building, 425 13th Street, N.W. Washington, D.C.

**Categories of individuals covered by the system:** All employees of Panama Canal Company, Washington Office.

**Categories of records in the system:** Name, address, birth date, marital status, employment history, dates of employment with Panama Canal Company, copies of standard personnel action forms.

**Authority for maintenance of the system:** 2 C.Z.C. Sec. 121, 76A Stat. 15.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Name.

**Safeguards:** Lockable file cabinets; office locked when not occupied. Access and use are restricted to authorized personnel.

**Retention and disposal:** Duration of employment and until routine clearing of files. To Records Center.

**System manager(s) and address:** Assistant to the Secretary, Panama Canal Company, 312 Pennsylvania Building, 425 13th Street, N.W. Washington, D.C. 20004.

**Notification procedure:** Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

**Record access procedures:** Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

**Contesting record procedures:** See rules published in 35 CFR Part 10.

**Record source categories:** Subject individual on whom maintained with notes by interviewer at pre-employment stage.

*Just Released*

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