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federal register

TUESDAY, JANUARY 6, 1976

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Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 3474 ..... Pub. Law 94–187
An act to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes
(Dec. 31, 1975; 89 Stat. 1063)

H.R. 4016 ..... Pub. Law 94–189
An act to provide for the disposition of funds appropriated to pay certain Indian Claims Commission judgments in favor of the Sac and Fox Indians, and for other purposes
(Dec. 31, 1975; 89 Stat. 1093)

H.R. 4073 ..... Pub. Law 94–188
Regional Development Act of 1975
(Dec. 31, 1975; 89 Stat. 1079)

H.R. 4287 ..... Pub. Law 94–191
An act to provide for additional law clerks for the judges of the District of Columbia Court of Appeals
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H.R. 5541 ..... Pub. Law 94–190
Small Business Emergency Relief Act
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H.R. 6461 ..... Pub. Law 94–192
Public Broadcasting Financing Act of 1975
(Dec. 31, 1975; 89 Stat. 1099)

H.R. 8304 ..... Pub. Law 94–194
An act to amend the national reading improvement program to provide more flexibility in the types of projects which can be funded, and for other purposes
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H.R. 8631 ..... Pub. Law 94–197
An act to amend the Atomic Energy Act of 1954, as amended, to provide for the phaseout of governmental indemnity as a source of funds for public remuneration in the event of a nuclear incident, and for other purposes
(Dec. 31, 1975; 89 Stat. 1111)

H.R. 10035 ..... Pub. Law 94–193
An act to establish the Judicial Conference of the District of Columbia
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H.R. 11172 ..... Pub. Law 94–195
An act to insure that the compensation and other emoluments for any person filling the vacancy on the Federal Maritime Commission caused by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, and for other purposes
(Dec. 31, 1975; 89 Stat. 1108)

H.R. 11184 ..... Pub. Law 94–196
An act to amend title 3, United States Code, to provide for foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes
(Dec. 31, 1975; 89 Stat. 1109)

S. 322 ..... Pub. Law 94–199
An act to establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and for other purposes
(Dec. 31, 1975; 89 Stat. 1117)

S. 1281 ..... Pub. Law 94–200
An act to extend the authority for the flexible regulation of interest rates on deposits and share accounts in depository institutions, to extend the National Commission on Electronic Fund Transfers, and to provide for home mortgage disclosure
(Dec. 31, 1975; 89 Stat. 1124)

The following bill was vetoed by the President:

S. 2350, An act to amend the National Security Act of 1947, as amended, to include the Secretary of the Treasury as a member of the National Security Council. Veto message dated December 31, 1975; Weekly Compilation of Presidential Documents, Vol. 12, No. 1.

S.J. Res. 157 ..... Pub. Law 94–198
Joint resolution to provide a 2-month extension of the exemption for loans made to finance the acquisition of previously occupied residential dwellings from the prohibition against financing by Federally-related financial institutions for property located in communities not participating in the national flood insurance program
(Dec. 31, 1975; 89 Stat. 1116)

The following bill was vetoed by the President:

H.R. 5900, An act to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish a national framework for collective bargaining in the construction industry, and for other related purposes. Veto message dated January 2, 1976; Weekly Compilation of Presidential Documents, Vol. 12, No. 1.

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PROCLAMATION 4411

The Bicentennial Year

By the President of the United States of America

A Proclamation

In the year 1776, the people of our land dedicated themselves in word and deed to the principles of liberty, equality, individual dignity, and representative government. It was a hectic but heroic beginning of a process which led to the creation of a great Republic symbolizing then, as it does today, the hope of the future.

The year 1776 was a year of revolution, not merely in the rejection of colonial rule, but in the thoughtful, eloquent, and enduring expression of a government to foster and perpetuate the development of a free and independent people.

Now, two hundred years later, we have settled our continent and turned our vision to the limits of the universe. We are the richest nation in the world—rich in our resources, rich in our creativity, rich in our strength, and rich in our people—from our Native Americans to those who have come from every country on earth to share in the hope, the work, and the spirit of our Republic.

The challenges faced by our forebears were not only to their physical capabilities but also to their faith in the future. Their response to these challenges affirmed their deep belief that by their actions they could create a better world for themselves and those that would follow. As we enter America's third century, let us emulate in word and deed, their resolve and vision.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the year of our Lord nineteen hundred seventy-six as The Bicentennial Year. Let 1976 be a year of reflection, a year of sharing, and foremost, a year of achievement.

I urge all Americans to reflect, from time to time during this Bicentennial Year, on the historic events of our past, on the heroic deeds of those whose legacy we now enjoy, and on the compelling visions of those who helped shape our constitutional government.

I call upon educators, clergy and labor, business and community leaders, as well as those in the communications media, to review our history and publicize the shaping events, people, and ideas of our historic beginnings.

I call upon every man, woman, and child to celebrate the diversity of tradition, culture and heritage that reflects our people and our patrimony. Let each of us resolve to cherish and protect what we have achieved in the United States of America and to build upon it in the years ahead, not by words alone, but by actions which bespeak a continuing commitment to a heritage of individual initiative, creativity, and liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, 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.76-440 Filed 1-2-76;5:03 pm]

Proclamation 4412 • January 3, 1976

Modifying Proclamation No. 3279,[1] as Amended, Relating to Imports of Petroleum and Petroleum Products, and Providing for the Long-Term Control of Imports of Petroleum Products Through a System of License Fees

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), the Secretary of the Treasury investigated the effects on the national security of imports of crude oil and the principal crude oil derivatives and products, and advised me that crude oil, the principal crude oil derivatives and products, and related products derived from natural gas and coal tar, were being imported in such quantities and under such circumstances as to threaten to impair the national security, and recommended that I take action to reduce such imports; and

WHEREAS, having considered the matters required by me to be considered by the said Trade Expansion Act of 1962, as amended, I issued Proclamation No. 4341 to adjust such imports by accelerating the base fees and imposing a supplemental fee; and

WHEREAS, Congress has passed, and I have approved, legislation which establishes programs to reduce the vulnerability of the United States to interruptions in the importation of petroleum; and

WHEREAS, such legislation also provides for a system of price controls which will allow gradual increases in the cost of domestic petroleum to levels substantially above those which prevail at present and should, in the long term, promote petroleum conservation and tend to discourage the importation into the United States of petroleum and petroleum products; and

WHEREAS, I have thus determined that the purposes of the supplemental fee will be served by such legislation, and that it is consistent with the national security to eliminate the supplemental fee effective December 22, 1975; and

WHEREAS, in order to offset the relative advantages of locating refining capacity abroad, and to carry out the other long term objectives of the import program established pursuant to Proclamation No. 4210 of April 18, 1973, I have determined to retain the base fees at this time; and

WHEREAS, certain modifications to the Mandatory Oil Import Program are necessary to facilitate the availability of crude oil supplies to United States users through exchanges of Canadian and United States crude oil, and for other purposes;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the laws of the United States, in-

[1] 24 FR 1781; 3 CFR, 1959–1963 Comp., p. 11.

cluding Section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim that, effective as of December 22, 1975, Proclamation No. 3279, as amended, is hereby amended as follows:

SECTION 1. The last sentence of paragraph (c) of Section 1 is deleted.

SEC. 2. Subparagraph (1) of paragraph (a) of Section 3 is amended by deleting clauses (iii) through (viii), by redesignating clauses (ix) and (x) as clauses (iv) and (v) respectively, by substituting the words "paragraph 3(a)(1)(i)–(ii)" for the words "paragraph(s) 3(a)(1)(i)–(iii)" wherever they may appear, and by adding clauses (iii), (vi), and (vii) to read as follows:

"(iii) with respect to the fees imposed pursuant to paragraph 3(a)(1)(i)–(ii), the amount of such fees shall be reduced, in such manner as may be provided by the Administrator, by an amount equal to any applicable duties;

"(vi) with respect to licenses issued against a surety bond pursuant to paragraph 3(a)(1)(i)–(ii), fees shall be paid no later than the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse for consumption, whichever occurs first; and

"(vii) with respect to imports made on or before December 21, 1975, all supplemental fees payable under paragraph 3(a)(1)(iii) of this Proclamation as in effect on December 21, 1975, shall be payable in accordance with this Proclamation as in effect on that date.".

SEC. 3. Subparagraph (3) of paragraph (a) of Section 3 is amended to read as follows:

"(3) The Administrator is authorized to refund or reduce fees, whether in whole or in part, (i) where the licensee failed to use, wholly or in part, the license issued to him, (ii) where refunds or reductions, whether in whole or in part, are ordered pursuant to Section 5, (iii) where refunds or reductions, whether in whole or in part, are called for by reason of a person having exported finished products or petrochemicals, (iv) where crude oil imported by virtue of a license for which a fee was paid has been manufactured into asphalt, (v) for payment to the importer of record of sums refunded pursuant to clauses (iii), (iv), (v) and (vii) of paragraph 3(a)(1), as amended by this Proclamation, (vi) where the importer of record participates in an exchange in accordance with the next to last sentence of paragraph 4(b)(1), (vii) where refund of a license fee is called for by reason of the same having been improperly charged.".

SEC. 4. Subparagraph (2) of paragraph (c) of Section 3 is deleted. Subparagraph (3) of paragraph (c) of Section 3 is redesignated as paragraph (2).

SEC. 5. Subparagraph (1) of paragraph (b) of Section 4 is amended by inserting the following sentence immediately before the last sentence:

"Notwithstanding the levels established in Section 2 of this Proclamation, the Administrator may make allocations to which license fees under paragraph 3(a)(1)(i)–(ii) shall not be applicable, with respect to crude oil or unfinished oils imported from Canada in exchange for crude oil, unfinished oils, or finished products produced in the United States or entered into United States customs territory and exported to Canada.".

SEC. 6. Paragraph "n" of Section 11 is deleted.

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

Gerald R. Ford

[FR Doc.76–445 Filed 1–5–76;10:24 am]

Executive Order 11893 • December 31, 1975

Transferring Certain Functions From the General Services Administration to the Office of Management and Budget

By virtue of the authority vested in me as President by the Constitution and Statutes of the United States, particularly by section 301 of title 3 of the United States Code, the Federal Property and Administrative Services Act of 1949, as amended, the Budget and Accounting Act, 1921, as amended, the Budget and Accounting Procedures Act of 1950, as amended, Reorganization Plan No. 2 of 1970; and section 5317 of title 5 of the United States Code, it is hereby ordered as follows:

SECTION 1. There are hereby transferred to the Director of the Office of Management and Budget all policy functions that were transferred to the Administrator of General Services by Section 1 (1) of Executive Order No. 11717, dated May 9, 1973, and Executive Order No. 11867, dated June 19, 1975.

SEC. 2. The Director of the Office of Management and Budget shall continue to perform policy formulation and general oversight functions with regard to the other transfers made by Executive Order No. 11717 and Executive Order No. 11867. No function vested by statute in the Administrator shall be deemed to be affected by the provisions of this order.

SEC. 3. So much of the personnel, property and records attendant to the functions transferred by this order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Office of Management and Budget, at such times as the Director shall specify.

SEC. 4. Executive Order No. 11717 of May 9, 1973, and Executive Order No. 11867 of June 19, 1975, are hereby superseded to the extent that they are inconsistent with this order. Any circulars, directives, or regulations issued pursuant to functions transferred by this order shall remain in effect until modified or rescinded by the Office of Management and Budget.

SEC. 5. Section 2 of Executive Order No. 11861 of May 21, 1975, as amended, placing certain positions in level V of the Executive Schedule, is further amended by deleting "(9) Associate Administrator for Federal Management Policy, General Services Administration.".

SEC. 6. This order shall be effective as of December 31, 1975.

Gerald R. Ford

THE WHITE HOUSE,
December 31, 1975.

[FR Doc.76-441 Filed 1-2-76;5:04 pm]

Executive Order 11894 • January 3, 1976

Adding to the Membership of the East-West Foreign Trade Board

By virtue of the authority vested in me by Section 411 of the Trade Act of 1974 (88 Stat. 2065, 19 U.S.C. 2441), and as President of the United States of America, the Secretary of Defense is added as a member of the East-West Foreign Trade Board and the list of ex officio members of the East-West Foreign Trade Board set forth in Section 7(a) of Executive Order No. 11846 of March 27, 1975, is accordingly amended to read as follows:

"(1) The Secretary of State.

(2) The Secretary of the Treasury.

(3) The Secretary of Defense.

(4) The Secretary of Agriculture.

(5) The Secretary of Commerce.

(6) The Special Representative for Trade Negotiations.

(7) The Director of the Office of Management and Budget.

(8) The Executive Director of the Council on International Economic Policy.

(9) The President of the Export-Import Bank of the United States.

(10) The Assistant to the President for Economic Affairs.".

Gerald R. Ford

THE WHITE HOUSE,
January 3, 1976.

[FR Doc.76-446 Filed 1-5-76;10:25 am]

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 7—Agriculture

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

PART 730—RICE

1976–77 Marketing Year

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTAS AND NATIONAL ACREAGE ALLOTMENT FOR 1976 CROP RICE, AND APPORTIONMENT OF 1976 NATIONAL ACREAGE ALLOTMENT OF RICE AMONG THE SEVERAL STATES

The provisions of §§ 730.1501 to 730.1503 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1976 crop of rice. The purpose of these provisions is to (1) proclaim that marketing quotas shall be in effect for the 1976 crop of rice, (2) establish the national acreage allotment for such crop, and (3) apportion the national acreage allotment among the States. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on October 30, 1975 (40 FR 50542–3) in accordance with the provisions of 5 U.S.C. 553. Data, views and recommendations were submitted pursuant to such notice and consideration was given thereto to the extent permitted by law.

It is essential that these provisions be made effective as soon as possible, since the proclamation of quotas is required to be made not later than December 31, 1975, and a referendum to determine whether rice producers favor or oppose the quotas must be held within 30 days after proclamation of the quotas. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 730.1501 to 730.1503 shall be effective December 31, 1975.

Sections 730.1501 through 730.1503 are amended with respect to the 1976 crop of rice to provide as follows:

§ 730.1501 Marketing quotas for the 1976 crop of rice.

The total supply of rice in the United States for the marketing year beginning August 1, 1975, is determined to be 134.7 million hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 112.2 million hundredweight (rough basis). Since the total supply of rice for the 1975–76 marketing year exceeds the normal supply for such marketing year, marketing quotas shall be in effect for the 1976 crop of rice.

§ 730.1502 National acreage allotment of rice for 1976.

The normal supply of rice for the marketing year commencing August 1, 1976, is determined to be 96.6 million hundredweight (rough basis). The carryover of rice on August 1, 1976, is estimated at 32.5 million hundredweight. Therefore, the production of rice needed in 1976 to make available a supply of rice for the 1976–77 marketing year equal to the normal supply for such marketing year is 64.1 million hundredweight. The national average yield of rice for the 5 calendar years 1971 through 1975 is determined to be 4,512 pounds per planted acre. The national acreage allotment of rice for 1976 computed on the basis of the normal supply for 1976, less estimated carryover, and the national average yield per planted acre for the 5 calendar years, 1971 through 1975, is 1,420,656 acres. Since such amount is less than the minimum national acreage allotment of 1,652,596 acres prescribed under section 353(e)(6) of the act, the national acreage allotment for rice for the calendar year 1976 shall be 1,652,596 acres.

§ 730.1503 Apportionment of 1976 national acreage allotment of rice among the several States.

The national acreage allotment proclaimed in § 730.1502, less a national reserve of 300 acres, is hereby apportioned among the several rice producing States as follows:

State:	*Acres*
Arizona	229
Arkansas	399,021
California	299,766
Florida	957
Illinois	20
Louisiana:	
Farm administrative area	458,057
Producer administrative area	16,951
State total	475,008
Mississippi	46,674
Missouri	4,758
North Carolina	38
Oklahoma	149
South Carolina	2,846
Tennessee	517
Texas	422,313
Total apportioned to States	1,652,296
Unapportioned national reserve	300
U.S. total	1,652,596

(Sec. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66, as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375)

Effective date: These amendments are effective on December 31, 1975.

Signed at Washington, D.C. on December 31, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-35244 Filed 12-31-75;9:17 am]

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

PART 916—NECTARINES GROWN IN CALIFORNIA

Increase in Expenses for the 1975–76 Fiscal Period

This document authorizes an increase from $655,581 to $660,000 in the expenses that are reasonable and likely to be incurred during the 1975–76 fiscal period by the Nectarine Administrative Committee established under Marketing Order No. 916.

Notice was published in the December 8, 1975, issue of the FEDERAL REGISTER (40 FR 57221) that consideration was being given to a proposal regarding an increase in the expenses previously approved for the fiscal period March 1, 1975, through February 29, 1976, pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice provided that all written data, views, or arguments in connection with said proposal be submitted by December 23, 1975. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice and the recommendation thereof which was submitted by the Nectarine Administrative Committee (established pursuant to the said marketing agreement and order), it is hereby ordered that the provisions of paragraph (a) of § 916.214 *Expenses and rate of assessment* (40 FR 31592) be, and hereby are, amended to read as follows:

§ 916.214 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee during the period March 1, 1975, through February 29, 1976, will amount to $660,000.

* * * * *

It is hereby found that good cause exists for not postponing the effective date hereof until February 5, 1976 (5 U.S.C. 553), in that (1) the increase in the expenses set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (40 FR 31592); (2) the said committee has incurred expenses in excess of those previously thought likely to be incurred; and (3) it is essential that the specification of expenses herein provided be issued immediately so that said committee can meet its obligations and perform its duties and functions within the fiscal period in accordance with the said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

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

Dated: December 31, 1975.

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

[FR Doc.76–287 Filed 1–5–76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Emergency Amendment Adopting Special Rule No. 6 for Subpart C

On December 22, 1975, the President signed the Energy Policy and Conservation Act (the "EPCA") (Pub. L. 94–163). Section 403(a) of the EPCA amends the Emergency Petroleum Allocation Act of 1973 (the "EPAA") to add a new section 4(e) that would exempt refiners whose refining capacity did not exceed on January 1, 1975 and does not thereafter exceed 100,000 barrels per day from the entitlement purchase requirements of FEA's Old Oil Allocation Program as to the first 50,000 barrels per day of their inputs or receipts, or both. Section 403 (b) of the EPCA provides that such exemption shall be applicable to payments due on or after thelast day of the month during which the EPCA is enacted.

Since, pursuant to § 211.67(b), payments for October 1975 entitlements are due December 31, 1975, FEA is required to make the small refiner purchase exemption provided by the EPCA applicable to the purchase and sale obligations set forth in the October 1975 entitlement notice (40 FR 58619; December 17, 1975).

Accordingly, on December 24, 1975, the FEA issued a notice revoking the previously-issued October 1975 entitlement notice and is hereby adopting Special Rule No. 6 for Subpart C effective immediately in order to implement in a timely fashion the requirements of section 403(a) of the EPCA. FEA is concurrently issuing a revised entitlement notice for October 1975 reflecting the adoption of the Special Rule.

The Special Rule adopted hereby applies only to small refiners whose total refining capacity on January 1, 1975 or any day thereafter did not exceed 100,000 barrels per day. The Special Rule exempts all such small refiners from any purchase requirements they would otherwise have as to the first 50,000 barrels per day of their daily average volume of crude oil runs to stills. Thus, such small refiners having run levels under 50,000 barrels per day will have no purchase obligations. For small refiners having run levels in excess of 50,000 barrels per day, the Special Rule is applicable only to that number of entitlements which bears the same proportion to the total number of entitlements required to be purchased that 50,000 barrels per day bears to the average daily volume of crude oil runs to stills of that refiner.

Section 403(a) of the EPCA, in amending the EPAA, provides that the exemption applies to the "first 50,000 barrels per day of input, or receipts, or both." Since the statutory provision is in the alternative, FEA has determined to base its calculations implementing the exemption on refiners' crude runs, since the latter are the best indicator of the level of a particular firm's operations for a month. In addition, utilization of crude runs instead of crude inventory receipts minimizes distortions associated with fluctuations in inventory levels and timing of crude deliveries. However, since the statutory language refers to both inputs and receipts, or both, the Special Rule also provides that old oil receipts of a refiner in excess of 50,000 barrels per day for a particular month will not be exempted.

In addition, in implementing the entitlement purchase exemption under the EPCA, FEA was concerned that the availability of the exemption might result in the restructuring of crude oil processing and exchange agreements currently in effect so as to result in the transfer of old oil to refiners benefiting from the exemption. Therefore, the Special Rule provides that the Rule shall in no event exempt from the requirements of § 211.67(b) volumes of old oil included in a refiner's adjusted crude oil receipts for a particular month where the volumes are attributable to a processing agreement, an exchange or purchase and sale agreement involving crude oil or refined products, a purchase agreement for old oil, or any other agreement or arrangement having a similar effect, and where such agreement or arrangement was not in effect on December 1, 1975 and the volumes of old oil subject to the agreement or arrangement were not delivered, sold or otherwise transferred in the month December 1975 in substantially the regular monthly volumes and in the normal manner contemplated by the agreement or arrangement.

In view of the date the EPCA became effective and the additional time that will be required for refiners to arrange their entitlement transactions for October 1975, the Special Rule extends the date by which such transactions must be consummated from December 31, 1975 to January 9, 1976. However, for purposes of calculating product prices for the month of January 1976 and thereafter, cost increases or reductions resulting from October 1975 entitlement transactions consummated by January 9, 1976 shall be deemed to have been incurred on or before December 31, 1975. In addition, the Special Rule extends the date by which reports for October 1975 entitlement transactions shall be filed from January 10 to January 15, 1976.

It is recognized by the FEA that the small refiner exemption required by section 403(a) of the EPCA and initially implemented by this Special Rule may grant certain small refiners benefits disproportionate to their actual needs and thereby provide them with an unwarranted competitive advantage over other refiners, which would be inconsistent with the objectives set forth in Section 4(b)(1) of the EPAA. The EPCA specifically recognizes that such unjustified advantages may occur and, in Section 455, amends the EPAA by adding a new Section 12(g) which authorizes FEA to amend its regulations to avoid such a result. Any such amendment is required to be submitted to the Congress under the procedures specified in Section 551 of the EPCA and may be disapproved by a majority vote of either House. As soon as possible, the FEA intends to propose an amendment to 10 CFR 211.67 that would, first, implement the small refiner exemption from entitlement purchase obligations now set forth in this Special Rule, and, secondly, would solicit comments and data on the regulatory action, if any, that should be taken by FEA to prevent any unwarranted competitive advantages caused by a blanket exemption like that provided by this Special Rule. At the conclusion of this rulemaking proceeding, if FEA determines that a further amendment is required to avoid any inconsistency with the objectives of the EPAA and if this amendment is not disapproved by either House of Congress (assuming it will require submission thereto), the amendment would be issued and the Special Rule adopted hereby would then be revoked.

The Special Rule is effective immediately because any delay in its effective date would not permit FEA to apply the exemption granted by section 403 of the EPCA to payments due on or after the last day of the month during which the EPCA was enacted. Any delay in the effective date would also potentially be detrimental to the financial and competitive position of certain small refiners that would benefit from the exemption, and retroactive adjustments reflected in future entitlement issuances might not provide adequate compensation in these cases.

Section 7(i)(1)(B) of the Federal Enery Administration Act of 1974 (Pub. L. 93–275) (the "FEAA") provides for waiver of the requirements of that section as to time of notice and opportunity

to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm or injury to the public health, safety, or welfare. The FEA has determined for the reasons outlined above that strict compliance with the requirements of section 7(i)(1)(B) of the FEAA would thus cause serious harm and injury to the public welfare. Accordingly, these requirements must be waived and this Special Rule is made effective immediately, prior to opportunity to comment thereon.

The review provisions of section 7(c)(2) of the FEAA are hereby waived for a period of fourteen days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. FEA is submitting the text of this emergency amendment concurrently with its issuance to the Administrator of the Environmental Protection Agency for his review.

Because this Special Rule is being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to its promulgation. A public hearing on the Special Rule, however, will be held beginning at 9:30 a.m. on January 22, 1976, in Room 2105, 2000 M Street NW., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., January 14, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through January 21, 1976. Each person selected to be heard will be so notified by the FEA before 5:30 p.m. January 16, 1976, and must submit 100 copies of his or her statement to the Office of Regulations Management, FEA, Room 2214 B, 2000 M Street NW., Washington, D.C., before 4:30 p.m., e.s.t. on January 21, 1976.

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

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., January 16, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

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

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue N.W., Washington, D.C., between the hours of 8 a.m. to 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the Special Rule to Executive Communications, Federal Energy Administration, Box FC, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Emergency Amendment—Special Rule No. 6". Fifteen copies should be submitted. All comments received by January 16, 1976, and all relevant information will be considered by FEA.

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

FEA is currently reviewing this Special Rule in light of Executive Order 11821, issued November 27, 1974, to determine whether the provisions of Sections 403 and 455 of the EPCA as finally implemented by FEA will require an evaluation of their inflationary impact under this executive order. FEA will publish the results of its review of this issue at the time it proposes further amendments to 10 CFR 211.67 to implement fully these provisions of the EPCA.

(Emergency Petroleum Allocation Act of 1973, Pub. 93-159, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 F.R. 23185)

In consideration of the foregoing, Part 211, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., December 31, 1975.

MICHAEL F. BUTLER,
General Counsel.

The Appendix to Subpart C of Part 211 is amended by the addition of a Special Rule No. 6 to read as follows:

SPECIAL RULE NO. 6

1. *Scope.* This Special Rule provides for a reduction in the entitlement purchase requirements under § 211.67(b) for certain refiners for October 1975 and subsequent months and sets forth certain other provisions relating to entitlement transactions for October 1975.

2. *Applicability of purchase exemption.* (a) The provisions of section 3 of this Special Rule shall be applicable only to refiners whose total refining capacity (including the refining capacity of any person who controls, is controlled by, or is under common control with such refiner) on January 1, 1975, or at any time thereafter did not exceed 100,000 barrels per day.

(b) The provisions of Section 3 of this Special Rule shall in no event exempt from the requirements of § 211.67(b) entitlement purchase obligations related to volumes of old oil in excess of 50,000 barrels per day included in a refiner's adjusted crude oil receipts for a particular month.

(c) The provisions of Section 3 of this Special Rule shall in no event exempt from the requirements of § 211.67(b) volumes of old oil included in a refiner's adjusted crude oil receipts for a particular month where the volumes are attributable to a processing agreement, an exchange or purchase and sale agreement involving crude oil or refined products, a purchase agreement for old oil, or any other agreement or arrangement having similar effect, and where such agreement or arrangement was not in effect on December 1, 1975 and the volumes of old oil subject to the agreement or arrangement were not delivered, sold or otherwise transferred in the month December 1975 in substantially the regular monthly volumes and in the normal manner contemplated by the agreement or arrangement.

3. *Reduction in entitlement purchase requirements for certain refiners.* (a) Each refiner with a volume of crude oil runs to stills of 50,000 barrels per day or less in the month concerned, that would otherwise be required to purchase entitlements under § 211.67(b), shall not be required to purchase any entitlements for the month of October 1975 and each month following October 1975.

(b) Each refiner with a volume of crude oil runs to stills in excess of 50,000 barrels per day in the month concerned, that is required to purchase entitlements under § 211.67(b), shall not be required to purchase a number of entitlements for the month of October 1975 and each month following October 1975 which is in the same proportion to the total number of entitlements otherwise required to be purchased by that refiner under § 211.67(b) for that month that 50,000 barrels per day is to the daily average volume of that refiner's crude oil runs to stills for that month.

(c) The exemption from the purchase obligations of § 211.67(b) provided for by this section shall be given effect in the calculations under § 211.67 by proportionately increasing entitlement purchase and reducing entitlement sale obligations

4. *Extension of Date for Consummation of October 1975 Entitlement Transactions.* (a) Notwithstanding the provisions of § 211.67 (b), entitlement purchases for October 1975 shall not be required to be effected until January 9, 1976.

(b) For purposes of calculating maximum lawful prices under Part 212 of this chapter, entitlement transactions for October 1975 shall be deemed to have occurred in December 1975, notwithstanding any consummation of these transactions subsequent to December 31, 1975 and on or prior to January 9, 1976 in accordance with the provisions of paragraph (a) of this section.

(c) Notwithstanding the provisions of § 211.66(1), each refiner that was required to purchase or sell entitlements for October 1975 shall file the report provided for by § 211.66(1) on or prior to January 15, 1976.

5. *Provisions of Subpart C.* The provisions of Subpart C of Part 211 shall remain in full force and effect except as expressly modified by the provisions of this Special Rule.

[FR Doc.75-35255 Filed 12-31-75;4:50 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-12-AD; Amdt. 39-2482]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Series Airplanes

On September 29, 1975, the Federal Aviation Administration published a supplemental notice of proposed rule making (Docket No. 75-CE-12-AD, 40 FR 44570 thru 44575) relating to the Beech 18 series airplane wing structure. Specifically, the supplemental notice proposed to amend Part 39 of the Federal Aviation Regulations by issuing an Airworthiness Directive (AD) to establish safe life limits for the basic wing structure configuration of the Beech Model 18 series airplanes. Alternatively, the proposal would allow reinforcing of the aircraft's main wing spar between left and right wing station 181 accompanied by recurring inspections of the basic wing structure and reinforcements.

Approximately 22 comments were received from or on behalf of owners in response to the proposal. These comments, along with those submitted in connection with the Notice of Proposed Rule Making, have been reviewed and considered by the agency before issuing the AD hereinafter set forth.

Several commentators opposed establishing life limits on either the basic wing structure or the straps. The proposal did not establish life limits for the straps although the possibility was discussed in the preamble of the Supplemental Notice. The FAA believes that at the present time the data is insufficient to justify life limits on the straps. On the other hand, the data and service history substantiate that life limits on the unreinforced spar are reasonable. These limits are being adopted with some variations. Specifically, the 8,000 hour estimated life for the 6,700 pound weight was in error and is being reduced to 3,500 hours. This life will also apply to any unreinforced aircraft below 6,700 pounds. Additionally, the life for the 10,200 and up weight has been changed to 1,500 hours to more realistically reflect the actual life. Although from a technical standpoint the straight line variation for weights between those listed in the AD is not strictly accurate, it provides a reasonable method for establishing safe life limitations for the numerous gross weight variations on these airplanes.

One commentator questioned the need for reinforcing the main spar and recommended relying on inspections only. Others recommended the reinforcement without inspection and cited the fact that there have been no failures on the reinforced airplanes. Still others indicated that retirement of the center section and outboard panel main spar was unreasonable. The FAA does not agree that reliance can be placed on inspections alone. Fatal accidents have occurred on airplanes that were on a mandatory inspection schedule required by previous ADs. Also to delete the inspection requirement after the main spar is reinforced is contrary to the basic fail safe concept which relies on detection and repair or replacement of unairworthy structure. Finally, although replacement of the main spar at the indicated life limits may not be economically feasible the FAA has no basis to prohibit this option. To assure safety the main spar components must either be retired at the specified intervals or be reinforced and inspected on a reasonable basis. Additionally, the design criteria for reinforcement straps has been deleted from the rule since it is not pertinent.

One commentator recommended the inspection interval be changed to 1,500 hours and another proposed 3,000 hours. Service history indicates the 3,000 hour interval cannot be justified. However, additional service information received subsequent to this proposal and a review thereof together with previously accumulated service reports, substantiates that the inspection interval can be extended from 1,200 hours to 1,500 hours without compromising safety.

Two commentators recommended that the AD should allow for new reinforcement strap STCs and the adopted Rule so provides. Additionally, two commentators indicated it was unreasonable not to recognize STC SA643CE. This STC was not listed in the Supplemental Notice since it only reinforces the spar to left and right wing stations 94. It is understood that work is in progress to extend this reinforcement to left and right wing stations 181. Upon approval this would be an acceptable reinforcement strap.

One commentator suggested that the numerous cracks and failures that have occurred at Wing Station 81 are caused by landing loads. It is the FAA's position that although landing loads may contribute to the failures all studies indicate that the cracks are caused primarily by flight loads.

Another commentator recommended that Wing Stations 73 and 81 be inspected by dye penetrant or magnetic particle methods at each 100 hour intervals. This appears unduly restrictive to the agency on reinforced spars. The proposal, however, has merit with respect to unmodified aircraft and the inspection will be required at 100 hour intervals at left and right wing stations 73, 81 and 90 until the main spar is reinforced.

Several commentators questioned the need for the clamps during the X-ray inspections and one proposed using solder wire instead of clamps. The FAA believes that the clamps are necessary to determine whether the X-ray was shot perpendicular to the inspection site. Properly installed solder wire is a reasonable substitute and can be approved as an alternate method. Other commentators recommended changes in the inspection or repair procedures for specified reinforced straps. The rule provides for alternate methods of compliance and any such changes can be approved on this basis as justified.

Editorial and other changes have been made to the inspection procedures set forth in the proposal. These changes are not substantive but merely clarifying in nature.

Commentators had differing opinions on the crack detection system. One proposed that the detection system be required and the inspections deleted. Another believed no credit should be given for the system, The FAA does not agree completely with either position. Since the crack detection system is basically fail safe in nature and is an optional measure of protection, relief from the inspection intervals is being provided. However, because of lack of service experience with this device the proposed 3,600 hour inspection interval is left unchanged in the rule.

Several commentators objected to the proposed comprehensive wing inspection at 6,000 hour intervals and indicated that required annual and periodic inspection should be adequate. On further study and review of service history of the wing (other than the front spar) the FAA agrees that this position is reasonable and the proposed requirement is being deleted from the rule.

Several commentators indicated that inspection credit should be given for aircraft equipped with the .120 inch wall thickness outer wing panel spars or alternatively that those panels should be exempt from reinforcement. The FAA does not agree at the present time that credit can be given for the .120 inch wall spar caps. A catastrophic failure occurred on the .095 inch wall spar cap at less than 2,400 hours. Although stress levels would decrease approximately 26% the change in the cross sectional area at wing station 111 would be more pronounced with the heavier wall spar. This would increase the stress concentration factor. Since an undetected crack in this area would result in a catastrophic failure on an unreinforced spar, the FAA does not agree that these aircraft can be exempted from reinforcement. Also, the FAA has no basis to extend the inspection interval on reinforced aircraft.

In consideration of the foregoing and pursuant to the authority delegated to

me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to 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 failure of the aircraft 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 (2) 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, within four months after the effective date of this AD, comply with Paragraph C.

(1) Certified maximum gross weight (in pounds):	(2) *Safe life limit Hours' time in service*
6,700 or less	3,500
7,850	3,000
8,750	2,500
9,700	1,600
10,200	1,500

Assume a straight line variation for weights between those listed above.

(B) Replace the wing center section and outboard wing panel with a part that has accumulated less time in service than the service life specified in Column (2) in A above. Thereafter, continue to replace wing components in accordance with the life limit hours' time in service specified in Column (2) in A above.

(C) Install approved wing strap modifications which cover the lower main wing spar tube between at least left and right wing stations 181.

NOTE.—Presently approved modifications are SA832SW with SA895SW, SA2000WE, SA962EA, SA814SO, SA1533WE, with SA2737 WE, SA1581SW with SA1582SW, SA3009WE, SA3010WE, and SA3021WE. Additional STCs approved that satisfy Paragraph C will include a notation so indicating.

(D) To facilitate the inspections specified in this AD, at the time of first inspection, unless already accomplished, modify the lower wing skin in accordance with Figure (1) or Figure (2) or in accordance with other FAA-approved equivalent.

(E) On aircraft that have approved strap modifications, within 1,500 hours' time in service since installation of straps or upon accumulation of 1,500 hours' time in service since the last X-ray inspection of the wing and for which X-rays have been submitted for evaluation, and thereafter at each 1,500 hour intervals inspect as follows:

1. If installed, remove and inspect wing strap assemblies for corrosion, fretting, cracks and other defects in accordance with the STC holder'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 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)[1]	Method
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	Visual and either magnetic particle or penetrant.
61	Lower surface of spar cap below tube cluster, as seen from wheel well.	Do.
102 and 111	Tips of the weld as shown in figs. 5 and 6	X-ray only.

[1] Weld spatters, welds around Beech kits, and corrosion pits are also inspection sites.

3. Inspect the front spar upper cap at Wing Station 90 by X-ray method only primarily for detection of corrosion inside the tube.

4. Temporarily move clamps and other equipment as necessary to eliminate interference with the above inspections.

5. 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.

6. Flex the wing during visual and dye penetrant inspections 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 one-half (½) the weight of the fuel will be required to compensate for the extra weight.)

7. Load the wing on the side being inspected 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 flexing force equal to one-half (½) the weight of the fuel will be required to compensate for the extra weight.)

8. 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.

9. 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 Magniflux Corp. Model Y-5 or YM-5 yoke or when any equivalent is used in accordance with the manufacturer's instructions.

10. 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.

11. For each site where X-ray inspection is specified by Paragraph B, accomplish X-ray inspection while the wing is loaded. X-ray inspection is to be performed in accordance with MIL Standard-453 or MIL Standard-00453A. 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, 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. 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 0.020 inch diameter hole in the penetrameter, and its entire outline are plainly shown. Under these viewing conditions, use a low power magnifying device, and examine the inspection site portion of each radiograph for faint thin shadows which indicate presence of cracks in unwelded spar cap material transverse to the spanwise centerline. Also, examine each radiograph for light or dark spots which indicate corrosion.

Use same proceduers 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. Note that two X-ray exposures are required on Stations 102 and 111 when the X-ray source is above the wing.

(F) On those aircraft which do not have approved straps installed, perform the repetitive, visual, X-ray and magnetic particles or dye penetrant inspections required by Paragraph E at each 500 hour interval. In addition, at each 100 hours time in service after the effective date of this AD perform repetitive, visual, magnetic particle or dye penetrant inspections required by Paragraph E on right and left Wing Stations 73, 81 and 90.

(G) On those aircraft which have a STC-approved crack detector system installed, perform the repetitive, visual, X-ray and magnetic particle or penetrant inspections required by Paragraph E at each 3,600 hour interval. Perform inspection of the crack detector system as specified in the STC holder's maintenance instructions. NOTE: Presently approved crack detector installations are SA1151CE through SA1155CE. Additional STCs approved that satisfy Paragraph G will include a notation so indicating.

(H) Until July 1, 1976, within 48 hours after completion of the inspection, transmit all X-rays and related X-ray reports taken as a result of this AD to Beech Aircraft Corporation, Wichita, Kansas 67201. Post evaluation 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.

(I) If either a crack or corrosion is found as a result of inspections required by this AD:

1. Repair each crack by installing appropriate Beech Kit in accordance with instructions in the Kit and FAR 43. Obtain and follow Beech Aircraft Corporation instructions for treatment of corrosion, and

2. Send a written report to the Chief, Engineering and Manufacturing Branch, FAA,

Central Region, and describe therein any corrosion found, as well as the location and length of each crack, the total operating time of the airplane and the method used to repair the crack or corrosion at the time of discovery. (Reporting approved by the Office of Management and Budget under OMB No. 04–R0174.

(J) Upon request of the operator, except for Paragraph F, an FAA maintenance inspector may extend the repetitive inspection intervals specified in this AD up to 100 hours' time in service to permit compliance at an established inspection period of the operator.

(K) Aircraft may be flown in accordance with FAR 21.197 to a location where the inspections required by this AD may be performed.

(L) Any alternative method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Currently effective Beech Aircraft Corporation's Service Bulletin 64–15, 64–16, 64–17 and 66–10 and some STC Holder's Inspection Provisions consider this subject but this AD takes precedence in any conflicting detail.

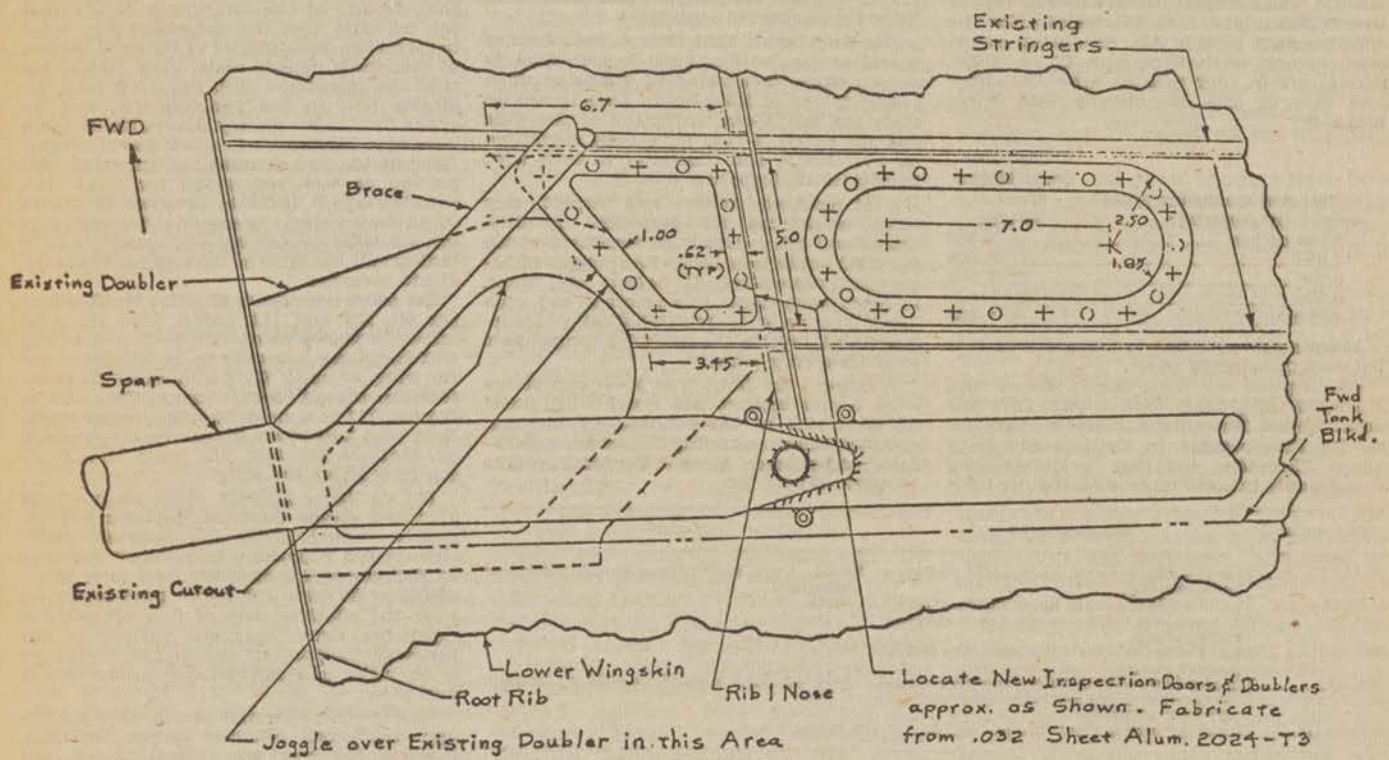
This AD supersedes AD 64–21–01 (Amdt. 810 of Part 507), AD 64–21–03 (Amdt. 812 of Part 507), AD 72–20–5 (Amdt. 39–2222), AD 73–18–04 (Amdt. 39–1708) and AD 75–09–18 (Amdt. 39–2241).

This amendment becomes effective January 5, 1976.

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

Issued in Kansas City, Missouri, on December 18, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

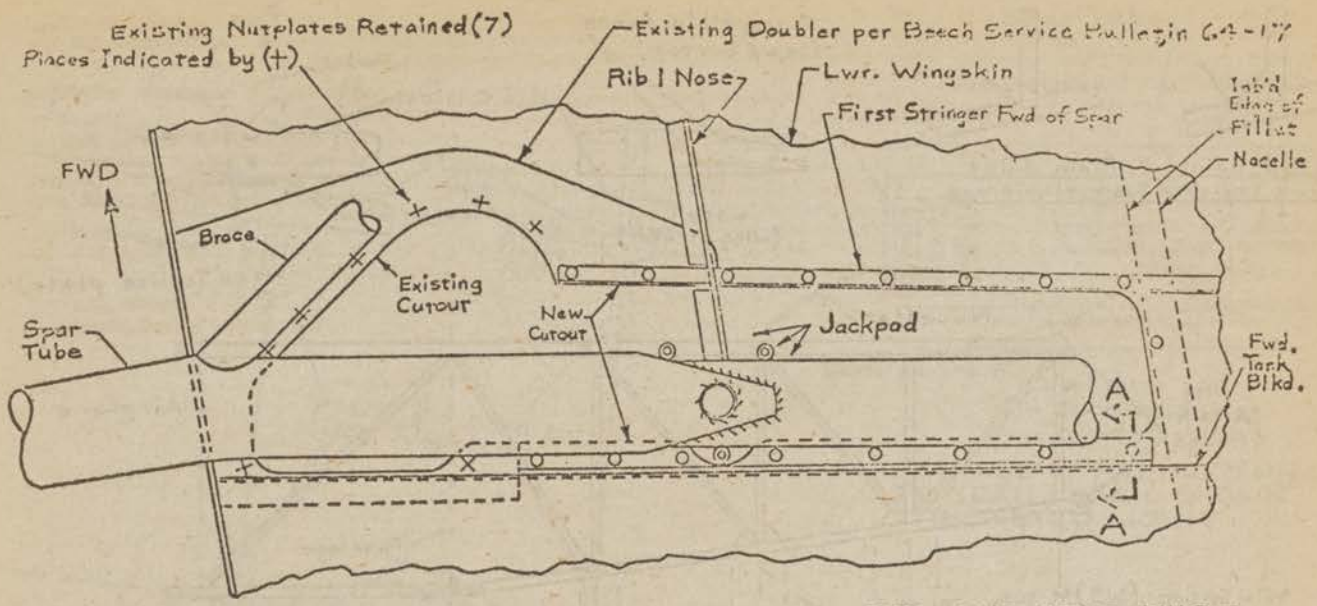


OPERATIONS:
Drill #10 (.200 / .193) hole thru new doors, wingskin & doublers as shown by (O) 19 places (approx. 24" spaces).
Attach (19) nutplates to doublers with countersunk AD3 rivets. (MK1000-3 Nutplates Recommended).
Attach doublers to skin with AD4 rivets shown by (+) 19 places (approx. 2.4" spaces).
Install doors on lower side with #10 screws 19 places.

R.H. WING SHOWN – L.H. 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 MK1000-3 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.

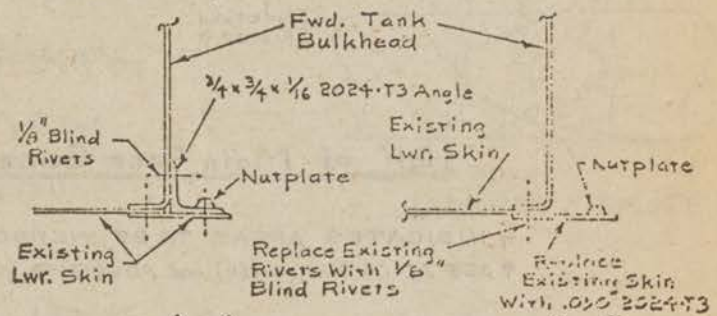
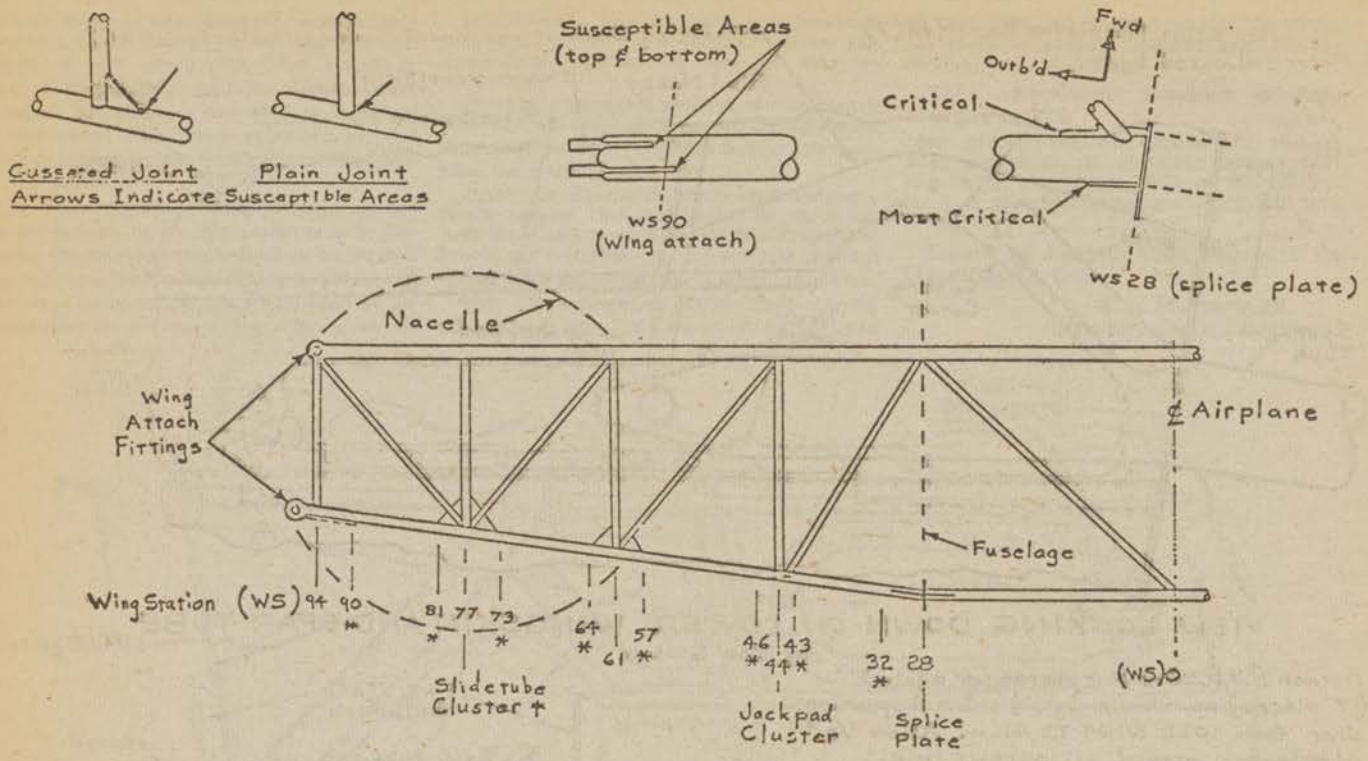


FIGURE 2

VIEW A-A VIEW A-A

OPTIONAL MEANS OF ATTACHING INSPECTION PLATE AFT EDGE

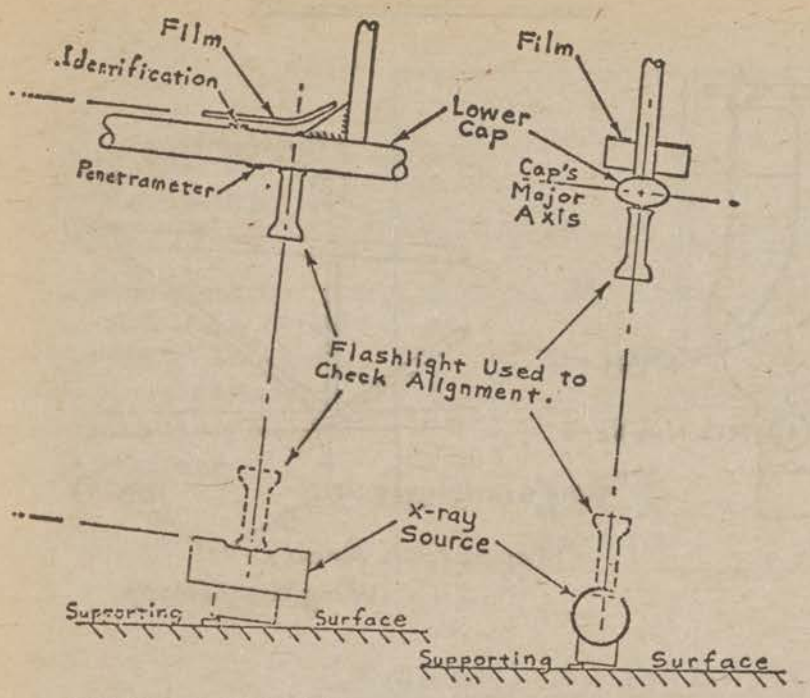


Half of Main Spar Center Section Truss

* INDICATES AREAS TO BE INSPECTED PER THIS A.D.

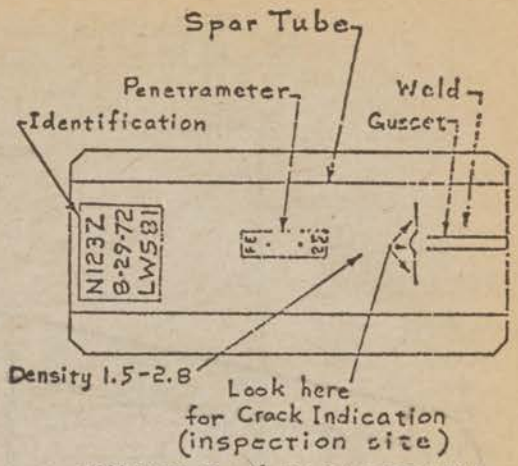
† SEE AD 64-21-1, part (b) and AD 64-21-3, part (b).

FIGURE 3

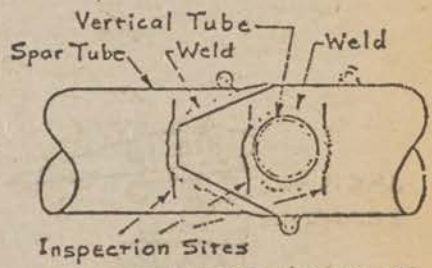


FRONT VIEW
SHOWING SETUP FOR DIHEDRAL - TYPICAL GUSSETED JOINT

SIDE VIEW
SHOWING SETUP FOR NOSE-UP ATTITUDE



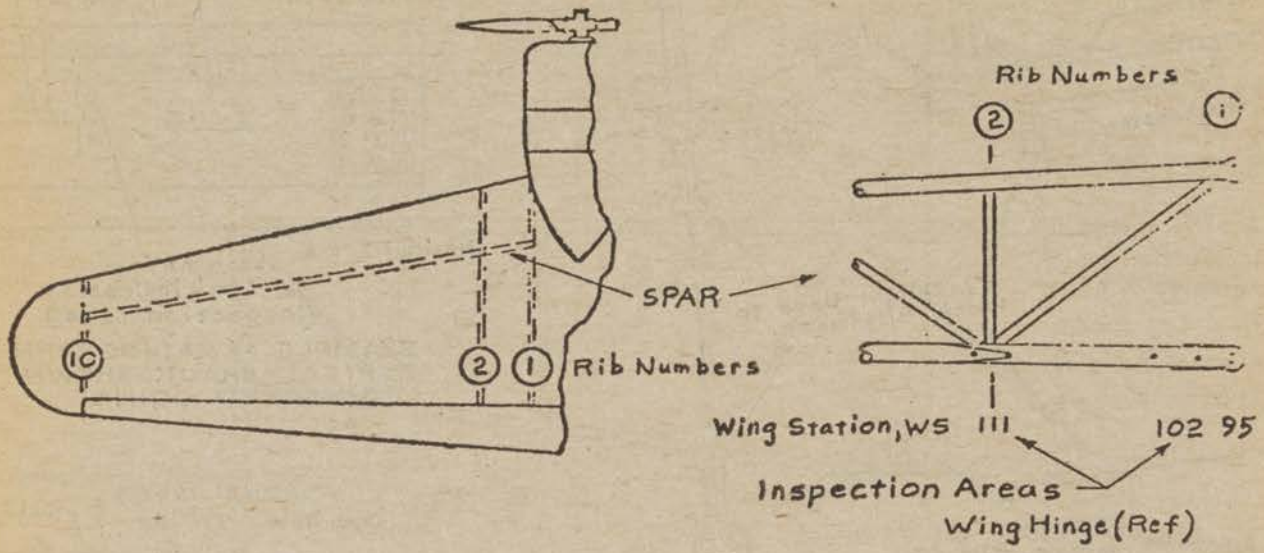
EXAMPLE of RADIOGRAPH TYPICAL CRACK SHOWN GUSSETED JOINT

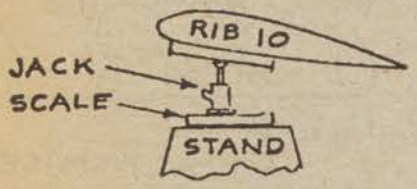


JACKPAD & SPLICE

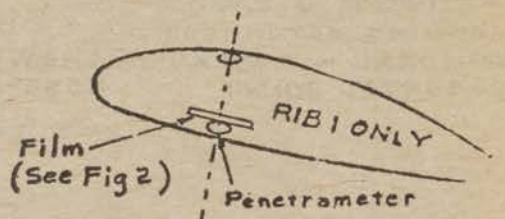
FIGURE 4

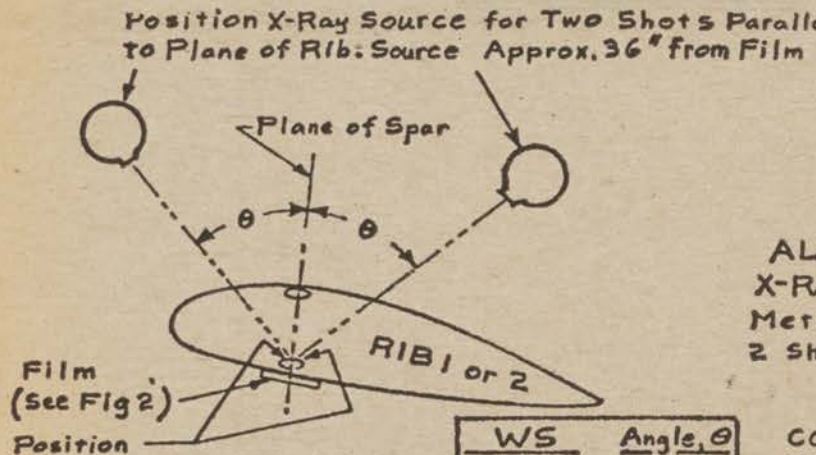
FIGURE 5





Apply 75 to 100 Lbs as Shown at Tip of Wing Being X-Rayed





WS	Angle, θ
102	20°
111	45°

Position X-Ray Source Parallel to Plane of Rib Source Approx. 36" from Film

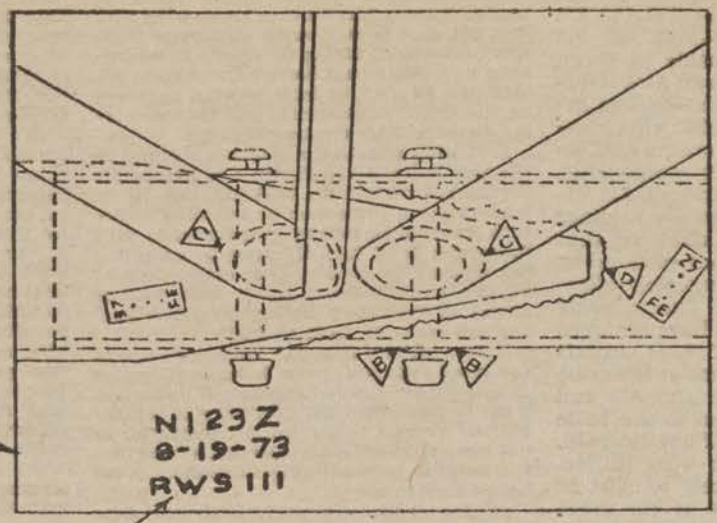
ALTERNATE METHOD for X-RAYING WS 102 ONLY
Method shown at left requires 2 Shots - This Method only One

COMPENSATE For DIHEDRAL AFTER WING LOAD is APPLIED And For NOSE-UP ATTITUDE

FIGURE 6

EXAMPLE of X-RAY FILM at WS 111

Double Film to Accomodate 0.166" & 0.356" Thickness Spar Cap Material. KODAK AA & M or Equivalent.



Required Identification

Required Penetrameter

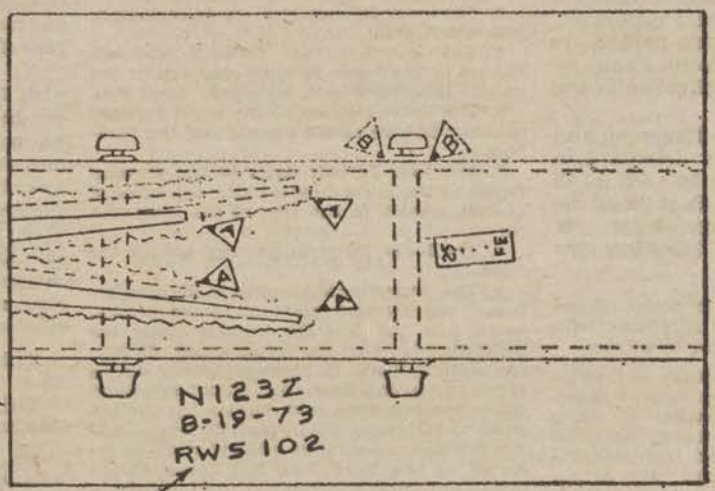
Size	Hole Dia.
25	.010
	.020
FE	.040
37	.010
	.020
FE	.040

LEGEND of INSPECTION SITES

SYMBOL	DESCRIPTION	NO. of SITES/WING
A	Tips of Tang Welds, Top & Bottom of Spar Tube	4
B	Edges of Thru-Bolt Tube Welds	16
C	Edges of Diagonal Brace Welds	2
D	Tips of 'Fishmouth' Splice Welds, Top & Bottom of Spar Tube	2

EXAMPLE of X-RAY FILM at WS 102

Single Film for 0.19" Thickness Spar Cap Material. KODAK AA or M or Equivalent



Required Identification

[FR Doc.76-7 Filed 1-5-76;8:45 am]

[Docket No. 75-CE-31-AD; Amdt. 39-2484]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 99 Series Airplanes

Amendment 39-1108 (35 FR 17534, 17535), as amended by 39-1237 (36 FR 12282, 12283) and by 39-1768 (39 FR 1576), AD 70-23-6, applicable to Beech Model 99 series airplanes is an Airworthiness Directive (AD) which requires repetitive inspections of specific wing components to detect fatigue cracks and establish a life limit on these components.

Subsequent to the issuance of AD 70-23-6, as amended, investigative findings and service reports have disclosed that the eddy current inspections required by the AD have not been completely effective in detecting cracks during early stages. In addition, cracks have occurred in the wing components of these aircraft both prior to the attainment of the basic service life established in the AD and prior to extensions granted to the basic service life. These cracks, if not detected, could eventually result in wing failure. Since this condition is likely to exist or develop in other aircraft of the same type design, an AD is being issued applicable to Beech Model 99 series airplanes, superseding AD 70-23-6. The new AD will set forth improved eddy current inspection procedures, prescribe an additional x-ray inspection procedure at critical locations and reflect the FAA decision to discontinue additional wing service life extensions.

This AD incorporates changes and additional requirements based on current information. Additional information is being obtained in a continuing program designed to identify critical areas and improved inspection techniques. Further AD action based on this information is anticipated.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

BEECH. Applies to all Model 99 Series (Serial Number U-1 and up) Airplanes with 2,000 or more hours' time in service.

This AD incorporates changes and additional requirements based on current information. Additional information is being obtained in a continuing program designed to identify critical areas and improved inspection techniques. Further AD action based on this information is anticipated.

Compliance: Required as indicated.

To detect any cracking of certain wing center section and other wing panel front spar carry through structural components, within the next 300 hours' time in service after the effective date of this AD, or within the indicated time in service since the last comparable inspection required by AD 70-23-6, unless already accomplished, acomplish the following:

(A) On airplanes with 2,000 or more hours' time in service or upon accumulation of the first 2,000 hours' time in service or upon accumulation of 2,000 hours' time in service after compliance with Paragraph E and thereafter at intervals not to exceed 100 hours, visually inspect the lower wing skin area adjacent to each outer wing panel front spar attachment fitting for cracks in accordance with Beechcraft Service Instruction No. 0388-018, Rev. IV, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

1. If wing panel skin cracks are found in the area indicated in Figure 1 of Beechcraft Service Instruction No. 0388-018, Rev. IV, or later revision, inspection of the wing structure must be performed in accordance with Paragraph B of this AD prior to returning the aircraft to service. Skin cracks located at the most inboard screw hole (corner screw) of the attach fitting are not critical and are excluded from this AD.

2. In addition, if a skin crack is found at the most outboard screw hole, as indicated in said Figure 1, the Paragraph B inspection must be performed not only prior to returning the aircraft to service but thereafter at not more than 300 hour intervals, except that the intervals between x-ray inspections is 600 hours' time in service.

(B) On all airplanes with 3,000 hours [1] time in service or upon accumulation of 3,000 hours' time in service and thereafter at intervals not to exceed 600 hours, except as noted in Paragraph A-2 and Paragraph B-8, inspect the structural components set forth below and in Beechcraft Service Instruction No. 0388-018, Rev. IV or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, by visual, eddy current, x-ray and dye penetrant methods, as specified in the Service Instruction. The structural components to be inspected are as follows:

1. The right and left lower forward inboard and outboard wing attachment fittings.

2. The lower forward wing fitting-to-spar attachment area and the edges of the forward and aft flanges on the lower forward spar cap in the center section (outboard of each main gear wheel well).

3. The lower forward spar cap in each main gear wheel well.

4. The lower surface forward and aft flanges of the lower forward spar cap in the nacelle inboard of each main gear wheel well.

5. The lower surface of the lower forward spar cap between each nacelle and the fuselage.

6. The four Jo-bolt holes in the forward flange of the lower forward spar cap inboard of each nacelle in the area of the wing root rib.

7. The lower forward spar cap within the fuselage.

8. The centerline skin splice in the area between the forward and aft center section spars, and the fuselage formers along the centerline between the forward and aft center section spars. If fuselage former cracks are found in this area, they must be repaired in accordance with said Service Instruction prior to returning the aircraft to service and the 600 hour inspection interval must be reduced to not more than 300 hours, except that the intervals between x-ray inspections must stay at 600 hours.

(C) If cracks are found in any of the components required to be inspected by Paragraph B, prior to further flight, replace all components or assembly with new parts as specified in, and in accordance with, Beechcraft Service Instruction No. 0388-018, Rev. IV, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(D) Aircraft logbook entries must be made and notification in writing sent to Chief, Engineering and Manufacturing Branch, FAA, Central Region, stating the location and length of any cracks found during inspections required by this AD and also the total time in service of the component at the time the crack was discovered. Reports may be submitted by letter or through M and D or MRR procedures. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

(E) On all airplanes (1) upon accumulating 10,000 hours' time in service (2) or 10,000 hours' time in service after complying with Paragraph C and (3) at 10,000 hour intervals thereafter, or at the attainment of service lives granted prior to the effective date of this AD, replace the wing center section lower forward spar cap, both the right and left outer wing panel lower forward spar caps including the wing attachment fittings and the skin panels adjacent to the outer panel wing attachment fittings with new production parts in accordance with Beechcraft Service Instruction No. 0388-018, Rev. IV, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(F) On all aircraft, regardless of time in service, replacement of parts in compliance with Paragraph C or E of this AD will permit the owner/operator to establish new initial inspection times in compliance with Paragraphs A and B.

(G) Equivalent methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(H) The eddy current inspections required by this AD must be performed by personnel who have received training and are qualified in the operation of eddy current equipment and this equipment must be calibrated using a specimen obtained from the manufacturer which simulates cracking of the spar cap. The replacement of critical parts such as the spar caps and wing attach fittings required by this AD must be performed by personnel or facilities properly equipped and certificated to perform such repairs.

(I) Within two (2) days after each x-ray inspection, send the radiographs for review and comment by most rapid means to Beech Aircraft Corporation, Wichita, Kansas 67201.

(J) Aircraft may be flown in accordance with FAR 21.197 to a base where this AD can be accomplished providing no cracks or unusual conditions are disclosed by visual inspection in the area of the aft inboard-most Huck bolts attaching the spar cap to the lower forward wing attach fitting.

(K) The inspection intervals required in this AD may be adjusted 25± hours where required to fit users maintenance cycles if authorized by FAA Flight Standards Inspectors.

This amendment supersedes AD 70-23-6.

This amendment becomes effective January 7, 1976.

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

Issued in Kansas City, Missouri, on December 24, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.76-190 Filed 1-5-76;8:45 am]

[Airworthiness Docket No. 75-WE-55-AD; Amdt. 39-2483]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Acrobatic Models A150K, A150L and Reims Aviation Acrobatic Models FA150K, FA150L Modified in Accordance With STC SA1809WE

Compliance with the flutter requirements of CAR 3.311 was not demonstrated prior to addition of the A150K, A150L, FA150K, FA150L acrobatic airplanes to the approved list of Cessna 150 utility models listed on STC SA1809WE. Since the "never exceed" speed of the acrobatic airplanes is significantly higher than that of the utility category airplanes, catastrophic wing flutter could occur on the acrobatic airplanes at the higher flight speeds with fuel in the auxiliary fuel tanks in the outboard wing panels.

The agency has determined that the pilot must be advised of the foregoing by way of an operational limitation on the airplane. The placard will provide notice of the limitation. The placard may be removed only after an individual demonstration of the aircraft design as free from flutter has been completed and approved by the Chief, Aircraft Engineering Division, FAA Western Region.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

CESSNA AND REIMS AVIATION. Applies to Cessna Models A150K and A150L and Reims Aviation Models FA150K and FA150L airplanes certified in the acrobatic category, which have been modified in accordance with STC SA1809WE, incorporating Flint Aero auxiliary fuel tanks in the outboard wing panels.

Compliance is required within ten days after the effective date of this AD, unless already accomplished.

To prevent the possibility of encountering high speed flutter with fuel in these auxiliary fuel tanks, accomplish the following:

(a) Adjacent to the airspeed indicator and in full view of the pilot, attach a placard which reads:

Airspeed Limits when auxiliary tanks contain any amount of fuel:

V_{ne} (never exceed) = 162 MPH (141 knots)
V_{no} (max. structural cruising) = 120 MPH (104 knots)
V_a (maneuvering) = 109 MPH (95 knots)

(b) Any equivalent method of showing compliance with this AD or any demonstration of freedom from flutter of this design must be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective January 9, 1976.

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

Issued in Los Angeles, California, on December 22, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76-193 Filed 1-5-76;8:45 am]

[Airspace Docket No. 75-WE-8]

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

Change of Airway Floor

On November 7, 1975, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 52053) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would lower the airway floor of V-244 between Mono Lake, Calif., and Coaldale, Nev.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received in which no objection was offered.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

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

§ 71.123 [Amended]

In V-244 all between "Stockton 246° radials;" and "Coaldale, Nev.;" is deleted and "76 miles 12 AGL, 27 miles 145 MSL, 59 miles 12 AGL," is substituted therefor.

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

Issued in Washington, D.C., on December 29, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-191 Filed 1-5-76;8:45 am]

[Airspace Docket No. 75-WE-20]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas; Correction

On December 9, 1975, FR Doc. 75-33002 was published in the FEDERAL REGISTER (40 FR 57354) amending Part 73 of the Federal Aviation Regulations to designate temporary restricted areas in the vicinity of Nellis AFB, Nev., and Edwards AFB/NAS China Lake, Calif., to contain a joint military training exercise, BOLD EAGLE 76, scheduled from 0800 PST, February 4, 1976, through 1800 PST, February 17, 1976. The document also amended Part 71 of the Federal Aviation Regulations to include the temporary restricted areas in the continental control area for the time of designation.

The geographical coordinates for Pioche Airport listed in the boundary description of Restricted Area R-2514D-1 were then incorrectly given as Lat. 38°-21'58" N., Long. 114°33'04" W. The correct location is Lat. 38°00'00" N., Long. 114°31'00" W.

Since correcting the location of the Pioche Airport is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, as it is essential that the correct location of the Pioche Airport be identified, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, FR Doc. 75-33002 (40 FR 57354) is amended, effective January 6, 1976, as hereinafter set forth.

§ 73.25 [Amended]

In the boundaries for R-2514D-1 Bold Eagle 76 "Pioche (Lat. 38°21'58" N., Long. 114°33'04" W.)" is deleted and "Pioche (Lat. 38°00'00" N., Long. 114°31'00" W.)" is substituted therefor.

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

Issued in Washington, D.C., on December 29, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-192 Filed 1-5-76;8:45 am]

[Docket No. 15283; Amdt. No. 95-263]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Chapter I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes, when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

In consideraiton of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective January 29, 1976.

Issued in Washington, D.C., on December 30, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

§95.115 AMBER FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
Haines, Alas. LF/RBN	U.S. Canadian Border	#11000
#For that airspace over U.S. territory.		
U.S. Canadian Border	Nabesna, Alas. NDB	#9600
#For that airspace over U.S. territory.		
Chena, Alas. LF/RBN	*Chandalar Lake, Alas. LF/RBN	7000
*10000–MCA Chandalar Lake LF/RBN, NW-bound		
Chandalar Lake, Alas. LF/RBN	Put River, Alas. LF/RBN	10000
Put River, Alas. LF/RBN	Oliktok, Alas. LF/RBN	2000

§95.1001 DIRECT ROUTES–U.S.
is amended to delete:

FROM	TO	MEA
Beulaville INT, N.C.	Seymour Johnson, N.C. RBN	*2000
*1500–MOCA		

§95.1001 DIRECT ROUTES–U.S.
is amended to read in part:

FROM	TO	MEA
INT 216 M rad Monroe VOR & 121 M rad Shreveport VOR	Jamestown INT, La.	*5000
*1500–MOCA		
Klamath Falls, Ore. VORTAC	35NM/331 M rad Klamath Falls VORTAC	9300
Temple, Tex. VOR	Gerell INT, Tex.	2200
Via TPL 338 M rad		
Gerell INT, Tex.	Waco VOR, Tex.	2200
Via ACT 202 M rad		
Temple, Tex. VOR	Bostick INT, Tex.	2700
Via TPL 029 M rad		
College Station, Tex. VOR	Greater Southwest, Tex. VOR	*9000
*3300–MOCA		

§95.1001 DIRECT ROUTES–U.S.
is amended to read in part:

Atlantic Routes

FROM	TO	MEA
AR 1		
Tarpo INT, Fla.	Torry INT, Fla.	25000
		MAA–45000
Torry INT, Fla.	Notts INT, S.C.	25000
		MAA–45000
Notts INT, S.C.	Carolina Beach, S.C. NDB	25000
		MAA–45000

§95.1001 DIRECT ROUTES–U.S.
is amended to read:

Bahama Routes

FROM	TO	MEA
52V		
Biscayne Bay, Fla. VOR	INT 112 M rad Biscayne Bay VOR & 230 M rad Bimini VOR	*2000
*1200–MOCA		
INT 112 M rad Biscayne Bay VOR & 230 M rad Bimini VOR	INT 112 M rad Biscayne Bay VOR & 278 M rad Nassau VOR	*5000
*1200–MOCA		
INT 112 M rad Biscayne Bay VOR & 278 M rad Nassau VOR	Rumba INT, Bh.	*3000
1200–MOCA		
Rumba INT, Bh.	Nassau, Bh. VOR	*2000
*1400–MOCA		

§95.1001 DIRECT ROUTES–U.S.
is amended to read in part:

Bahama Routes

FROM	TO	MEA
53V		
Soursop INT, Bh.	Prune INT, Bh.	*2000
*1200–MOCA		
Prune INT, Bh.	Nassau, Bh. VOR	*2000
*1400–MOCA		
55V		
Soursop INT, Bh.	Prune INT, Bh.	*2000
*1200–MOCA		
Prune INT, Bh.	Nassau, Bh. VOR	*2000
*1400–MOCA		
65V		
Nassau, Bh. VOR	Peach INT, Bh.	*2000
*1400–MOCA		
Peach INT, Bh.	**Sidney INT, Bh.	*2000
*1200–MOCA		
**4000–MRA		

§95.1001 DIRECT ROUTES–U.S.

Bahama Routes

11 Lima is deleted.

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Marion INT, N.Y.	*Kondo INT, N.Y.	**2400
*3000–MRA		
*1700–MOCA		
Kondo INT, N.Y.	*Whitford INT, N.Y.	**2400
*3000–MRA		
**1700–MOCA		

§95.6005 VOR FEDERAL AIRWAY 5
is amended to read in part:

FROM	TO	MEA
Dublin, Ga. VOR	Macon, Ga. VOR	
Via W alter.	Via W alter.	2100
Macon, Ga. VOR	Norcross, Ga. VOR	
Via W alter.	Via W alter.	*4500
*3200–MOCA		MAA–7000
Norcross, Ga. VOR	Nello INT, Ga.	5400
Via W alter.	Via W alter.	MAA–7000

§95.6006 VOR FEDERAL AIRWAY 6
is amended to read in part:

FROM	TO	MEA
College INT, Calif.	*Pitts INT, Calif.	5000
*4500–MCA Pitts INT, S-bound		
Pitts INT, Calif.	*Rio INT, Calif.	
	S-bound	**5000
	N-bound	**4000
*4000–MCA Rio INT, S-bound		
**2500–MOCA		
Altamont INT, Calif.	*Oakey INT, Calif.	
Via S alter.	Via S alter.	5000
*3000–MCA Oakey INT, S-bound		
Oakey INT, Calif.	Sacramento, Calif. VOR	
Via S alter.	Via S alter.	2000

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Reno INT, Ga.	Pansey INT, Ala.	2000

§95.6013 VOR FEDERAL AIRWAY 13
is amended to read in part:

FROM	TO	MEA
Butler, Mo. VOR	*Pleasant Hill INT, Mo.	2600
*4000–MRA		
Pleasant Hill INT, Mo.	Blue Springs, Mo. VOR	2600

§95.6018 VOR FEDERAL AIRWAY 18
is amended to read in part:

FROM	TO	MEA
Atlanta, Ga. VOR	Social Circle INT, Ga.	*3000
*2200–MOCA		
Social Circle INT, Ga.	**Maddi INT, Ga.	*4000
*2100–MOCA		
**3500–MRA		
Maddi INT, Ga.	**Crawford INT, Ga.	*5000
*1800–MOCA		
**4500–MRA		
Crawford INT, Ga.	Raytown INT, Ga.	*6000
*2200–MOCA		

§95.6019 VOR FEDERAL AIRWAY 19
is amended to delete:

FROM	TO	MEA
Pueblo, Colo. VOR	Squirrel INT, Colo.	
Via E alter.	Via E alter.	7000
Squirrel INT, Colo.	Kiowa, Colo. VOR	
Via E alter.	Via E alter.	8700

§95.6023 VOR FEDERAL AIRWAY 23
is amended to read in part:

FROM	TO	MEA
Stockton, Calif. VOR	Loddi INT, Calif.	
Via W alter.	Via W alter.	2000
Loddi INT, Calif.	Sacramento, Calif. VOR	
Via W alter.	Via W alter.	2500

§95.6071 VOR FEDERAL AIRWAY 71
is amended to read in part:

FROM	TO	MEA
Springfield, Mo. VOR	*Shire INT, Mo.	**3000
*4000–MRA		
**2500–MOCA		
Shire INT, Mo.	Butler, Mo. VOR	*3000
*2500–MOCA		

§95.6083 VOR FEDERAL AIRWAY 83
is amended to read in part:

FROM	TO	MEA
Pueblo, Colo. VOR	Hanover INT, Colo.	*8000
*7500–MOCA		
Hanover INT, Colo.	Colorado Springs, Colo. VOR	9000

§95.6101 VOR FEDERAL AIRWAY 101
is amended to read in part:

FROM	TO	MEA
*Renae INT, Colo.	Vernal, Utah VOR	11000
*13000–MRA		

§95.6108 VOR FEDERAL AIRWAY 108
is amended to delete:

FROM	TO	MEA
Colorado Springs, Colo. VOR	Hanover INT, Colo.	
Via S alter.	Via S alter.	9600
Hanover INT, Colo.	Hugo, Colo. VOR	
Via S alter.	Via S alter.	8000
San Francisco, Calif. VOR	Sutro INT, Calif.	3500
Sutro INT, Calif.	Golden Gate INT, Calif.	3000
Golden Gate INT, Calif.	Sausalito, Calif. VOR	4000
Sausalito, Calif. VOR	Commodore INT, Calif.	4000
Commodore INT, Calif.	Richmond INT, Calif.	
	SW-bound	4000
	NE-bound	3000
Richmond INT, Calif.	Crockett INT, Calif.	3000

§95.6108 VOR FEDERAL AIRWAY 108
is amended by adding:

FROM	TO	MEA
Santa Rosa, Calif. VOR	Napa, Calif. VOR	4500
Napa, Calif. VOR	Crockett INT, Calif.	3000

§95.6108 VOR FEDERAL AIRWAY 108
is amended to read in part:

FROM	TO	MEA
Crockett INT, Calif.	Concord, Calif. VOR	3000
Concord, Calif. VOR	Oakey INT, Calif.	3500
Oakey INT, Calif.	Linden, Calif. VOR	2000

§95.6139 VOR FEDERAL AIRWAY 139
is amended to read in part:

FROM	TO	MEA
Florence, S.C. VOR	*Delco INT, N.C.	2000
*2500–MRA		
Delco INT, N.C.	Wilmington, N.C. VOR	2000

§95.6154 VOR FEDERAL AIRWAY 154
is amended by adding:

FROM	TO	MEA
Rome, Ga. VOR	Macon, Ga. VOR	*4000
*3400–MOCA		MAA–7000

§95.6161 VOR FEDERAL AIRWAY 161
is amended to read in part:

FROM	TO	MEA
Butler, Mo. VOR	*Pleasant Hill INT, Mo.	2600
*4000–MRA		
Pleasant Hill INT, Mo.	Blue Springs, Mo. VOR	2600

§95.6261 VOR FEDERAL AIRWAY 261
is added to read:

FROM	TO	MEA
Manhattan, Kans. VOR	INT 204 M rad Manhattan, Kans. VOR & 013 M rad Wichita, Kans. VOR	3000

§95.6293 VOR FEDERAL AIRWAY 293
is amended by adding:

FROM	TO	MEA
Grand Canyon, Ariz. VOR	*Abasi INT, Ariz.	11000
*9800–MCA Abasi INT, S-bound		
Abasi INT, Ariz.	Page, Ariz. VOR	8500
Page, Ariz. VOR	Caber INT, Utah	8500
Caber INT, Utah	Bryce Canyon, Utah VOR	11000

§95.6321 VOR FEDERAL AIRWAY 321
is amended by adding:

FROM	TO	MEA
Albany, Ga. VOR	*Prest INT, Ga.	2500
*5000–MCA Prest INT, NW-bound		
*Prest INT, Ga.	**Columbus, Ga. VOR	***5000
*5000–MCA Prest INT, NW-bound		
**5000–MCA Columbus VOR, SE-bound		
***3200–MOCA		

§95.6334 VOR FEDERAL AIRWAY 334
is amended to read:

FROM	TO	MEA
San Jose, Calif. VOR	*Oakey INT, Calif.	5000
*3000–MCA Oakey INT, S-bound		
Oakey INT, Calif.	Sacramento, Calif. VOR	2000

§95.6402 HAWAII VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Lihue, Hawaii VOR	Hydes INT, Hawaii	
	SE-bound	3000
	NW-bound	4000
Hydes INT, Hawaii	Morey INT, Hawaii	*2000
*1200–MOCA		
Morey INT, Hawaii	Broms INT, Hawaii	*3000
*1200–MOCA		

§95.6436 VOR FEDERAL AIRWAY 436
is amended to read in part:

FROM	TO	MEA
Nenana, Alas. VOR	Golly INT, Alas.	4000
Golly INT, Alas.	Tollo INT, Ala.	*4000
*3400–MOCA		
Tollo INT, Alas.	Liven INT, Alas.	5000
Liven INT, Alas.	Beaty INT, Alas.	*10000
*5500–MOCA		
Beaty INT, Alas.	Chandalar Lake, Alas. NDB	*10000
*6900–MOCA		

§95.6463 VOR FEDERAL AIRWAY 463
is amended to read in part:

FROM	TO	MEA
Logen INT, Ga.	Dawsonville INT, Ga.	*5000
*3800–MOCA		

§95.7029 JET ROUTE NO. 29 is amended to read in part:

FROM	TO	MEA	MAA
U.S. Mexican Border	Corpus Christi, Tex. VORTAC	24000	45000

§95.7065 JET ROUTE NO. 65 is amended by adding:

FROM	TO	MEA	MAA
Abilene, Tex. VORTAC	Roswell, N.M. VORTAC	25000	45000

§95.7110 JET ROUTE NO. 110 is amended to read in part:

FROM	TO	MEA	MAA
Fresno, Calif. VORTAC	Fuzzy INT, Nev.	#24000	45000
#MEA is established with a gap in navigation signal coverage.			
Fuzzy INT, Nev.	Boulder City, Nev. VORTAC	18000	45000

§95.7143 JET ROUTE NO. 143 is added to read:

FROM	TO	MEA	MAA
Eugene, Ore. VORTAC	The Dalles, Ore. VORTAC	18000	45000
The Dalles, Ore. VORTAC	Spokane, Wash. VORTAC	18000	45000

§95.7159 JET ROUTE NO. 159 is added to read:

FROM	TO	MEA	MAA
Redmond, Ore. VORTAC	Portland, Ore. VORTAC	18000	45000

§95.7181 JET ROUTE NO. 181 is added to read:

FROM	TO	MEA	MAA
Phoenix, Ariz. VORTAC	Newman, Tex. VORTAC	25000	45000

§95.7507 JET ROUTE NO. 507 is amended to read in part:

FROM	TO	MEA	MAA
Barrow, Alas. VORTAC	Oliktok, Alas. LF/RBN	18000	45000
Oliktok, Alas. LF/RBN	Deadhorse, Alas. VOR/DME	18000	45000

§95.7552 JET ROUTE NO. 552 is deleted.

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
J-89 is amended to read:			
Atlanta, Ga. VORTAC	Louisville, Ky. VORTAC	126	Atlanta
J-110 is amended to delete:			
Fresno, Calif. VORTAC	Boulder City, Nev. VORTAC	100	Fresno
J-123 is amended to read:			
Kotzebue, Alas. VORTAC	Barrow, Alas. VORTAC	105	Barrow

2. By amending Sub-Part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
V-436 is amended to read in part:			
Talkeetna, Alas. VOR	Nenana, Alas. VOR	65	Talkeetna
V-520 is added to read:			
Jackson, Wyo. VOR	Dubois, Ida. VOR	10	Jackson

[FR Doc.76-189 Filed 1-5-76;8:45 am]

[Docket No. 14237; Special Federal Aviation Regulation No. 29–1]

LIMITED IFR OPERATIONS OF ROTORCRAFT

FAA Study

The purpose of this Special Federal Aviation Regulation is to extend the expiration date of Special Federal Aviation Regulation No. 29 (SFAR No. 29) to provide for further time for the collection of operational data in connection with an FAA study of limited rotorcraft operations in IFR conditions. SFAR No. 29 was issued for a period of one year to provide for the issue by the Administrator of approvals for limited operations under instrument flight rules (IFR) of certain transport category rotorcraft that are limited by their type certificates to operations under visual flight rules (VFR).

Under the current Federal Aviation Regulations a transport category rotorcraft is certificated for VFR operation only unless it has been shown that the rotorcraft fully complies with all of the airworthiness requirements for IFR operations. The FAA believes that certain IFR operations can safely be conducted over low density routes, in off-airways operations, and in uncontrolled airspace with transport category rotorcraft that do not meet all of the present flight characteristics requirements. As stated in the preamble to SFAR No. 29, the FAA is conducting a study to determine whether a "limited" IFR category should be established for these rotorcraft, including flight characteristics and equipment requirements, operating procedures and limitations, flight crew requirements, and training requirements.

Before the issuance of SFAR No. 29 the FAA had already collected data from an operator of specially equipped Bell Model 212 helicopters that are flown by flight crews trained in operating those rotorcraft in IFR conditions in the Gulf of Mexico. Those operations were conducted under the authority of an exemption from the Federal Aviation Regulations. Based on information and data collected during those operations, the FAA decided the study should be expanded to include operations in other geographic areas. In this connection, the FAA determined that it would be in the public interest and would not compromise safety to allow any operator of transport category rotorcraft to participate in the study, if its aircraft equipment, procedures, and area of operation ensure a level of safety under limited IFR operations equivalent to that provided by the present requirements of Part 29.

Although the FAA expected a number of helicopter operators to participate in the study, during the first six months after the effective date of SFAR No. 29, no additional operators expressed an interest in participating in the study. A number of operators have indicated to the FAA a belief that the one-year effective period of SFAR No. 29 would not enable them to complete the actions necessary for limited helicopter IFR authorization, or to defray the necessary expenses through additional revenues.

Moreover, a number of navigational systems are under development and not yet fully operational that the FAA anticipates would be used in rotorcraft engaged in limited IFR operations. Information on operations using this equipment will be important to the FAA's decision on whether to initiate rulemaking.

In view of the foregoing, the FAA has determined that it is necessary to extend its study for an additional three year period to provide sufficient data upon which to base a decision whether to initiate rulemaking action to amend the Federal Aviation Regulations to permit limited IFR operations with transport category rotorcraft that do not meet all of the present airworthiness requirements of Part 29 for unlimited operation under IFR. Accordingly, this SFAR is being issued for a period of three years.

It should be noted that this SFAR, as did SFAR No. 29, provides as part of the study that the FAA may approve the carriage in IFR operations of less than the 45 minutes of additional fuel reserve required by § 91.23(c). In pertinent part, § 91.23 requires that, in IFR conditions, the rotorcraft must have enough fuel to complete the contemplated flight, to fly from the airport of intended landing to the alternate airport, and fly thereafter for 45 minutes at normal crusing speed. This Special Federal Aviation Regulation permits the approval of less than 45 minutes, but not less than 30 minutes, of additional fuel reserve. A factor considered in granting this approval will be the environment in which the rotorcraft is to be operated.

In view of the fact that this amendment temporarily relieves a restriction in connection with operations conducted as part of an FAA study, and since there is an immediate need for the data to be derived from the study, I find that notice and public procedure thereon are impractical and unnecessary, and good cause exists for making this amendment effective in less than 30 days.

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

In consideration of the foregoing, the following Special Federal Aviation Regulations is adopted, effective December 31, 1975.

SPECIAL FEDERAL AVIATION
SFAR 29–1

1. Contrary provisions of Parts 21 and 29 of the Federal Aviation Regulations notwithstanding, an operator of a rotorcraft that is not otherwise certificated for IFR operations may conduct an approved limited IFR operation in the rotorcraft when—

(a) FAA approval for the operation has been issued under paragraph 2 of this SFAR;

(b) The operator complies with all conditions and limitations established by this SFAR and the approval; and

(c) A copy of the approval and this SFAR are set forth as a supplement to the rotorcraft flight manual.

2. FAA approval for the operation of a rotorcraft in limited IFR operations may be issued when the following conditions are met:

(a) The operation is approved as part of the FAA study of limited rotorcraft IFR operations.

(b) Specific FAA approval has been obtained for the following:

(i) The rotorcraft (make, model, and serial number).

(ii) The flight crew.

(iii) The routes over which the rotorcraft is to be flown or its area of operation.

(iv) The procedures to be followed in the operation of the rotorcraft under IFR and the equipment that must be operable during such operations.

(c) The conditions and limitations necessary for the safe operation of the rotorcraft in limited IFR operations have been established, approved, and incorporated in the operating limitations section of the Rotorcraft Flight Manual.

3. An approval issued under paragraph 2 of this Special Federal Aviation Regulation and the change to the Rotorcraft Flight Manual specified in paragraph 2(c) of this Special Federal Aviation Regulation constitute a supplemental type certificate for each rotorcraft approved under paragraph 2 of this SFAR. Each approval issued under this SFAR terminates on December 31, 1978, unless sooner superseded, rescinded, or otherwise terminated by the Administrator.

4. Notwithstanding § 91.23(c) of the Federal Aviation Regulations, a person may operate a rotorcraft in a limited IFR operation approved under paragraph 2(a) of this Special Federal Aviation Regulation with enough fuel to fly, after reaching the alternate airport, for not less than 30 minutes, when that period of time has been approved.

This Special Federal Aviation Regulation terminates on December 31, 1978, unless sooner superseded or rescinded.

Issued in Washington, D.C., on December 30, 1975.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-252 Filed 1-5-76;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. OR–101, Amdt. 49]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Organizational Change Within the Office of the General Counsel: Rules Division and Routes Division

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., December 30, 1975.

This amendment reflects a recent organizational change within the Office of the General Counsel whereby the former Rules and Rates Division has been divided into two divisions, the Rules Division and the Rates and Agreements Division, and the name of the Routes and Relationships' Division has been changed to the Routes Division. These changes require an amendment of the delegation of authority in § 385.20 to reflect the fact that the Associate General Counsel, Rules now exercises the authority formerly delegated to the Associate General Counsel, Rules and Rates as well as an

amendment to § 385.21 to reflect the new title of the Associate General Counsel, Routes.

Since the amendments pertain to a rule of agency organization and procedure, and not a substantive rule, notice and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385), effective December 30, 1975, as follows:

1. Amend the Table of Contents for Subpart B of Part 385 by revising the description of §§ 385.20 and 385.21 to read as follows:

Sec.

* * * * *

385.20 Delegation to Associate General Counsel, Rules.
385.21 Delegation to Associate General Counsel, Routes.

* * * * *

2. Amend the caption and introductory paragraph of § 385.20 to read as follows:

§ 385.20 Delegation to Associate General Counsel, Rules.

The Board hereby delegates to the Associate General Counsel, Rules, the authority to:

* * * * *

3. Amend the caption and introductory paragraph of § 385.21 to read as follows:

§ 385.21 Delegation to Associate General Counsel, Routes.

The Board hereby delegates to the Associate General Counsel, Routes, the authority to:

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-282 Filed 1-5-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1512—REQUIREMENTS FOR BICYCLES

Bicycle Safety; Correction

Minor corrections and editorial changes are made to Part 1512 as amended November 13, 1975 (40 FR 52815, 52828) as set forth below:

§ 1512.4 [Amended]

Paragraph (j) is corrected by changing the word "exist" in the fifth line to "exit".

§ 1512.5 [Amended]

1. Paragraph (b)(1) is corrected by changing the eighth line to read "than 4.57m (15 ft.) from the actual test".

2. Paragraph (c)(1) is amended to read as follows:

* * * * *

(c) * * *

(1) *Stopping distance.* Bicycles equipped with footbrakes (except sidewalk bicycles) shall be tested in accordance with the performance test, § 1512.18 (e)(3), by a rider of at least 68.1 kg (150 lb) weight and shall have a stopping distance of no greater than 4.57 m (15 ft) from an actual test speed of at least 16 km/h (10 mph). If the bicycle has a footbrake only and the equivalent groundspeed of the bicycle is in excess of 24 km/h (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute),[a] the stopping distance shall be 4.57 m (15 ft) from an actual test speed of 24 km/h (15 mph) or greater.

* * * * *

3. Paragraph (e)(2) is amended by changing the second line to read "height of 560 mm (22 in.) or greater (with", and by placing in lower case letters the words "sidewalk bicycle footbrake force test".

4. Paragraph (e)(3) is amended by changing the second line to read "height less than 560 mm (22 in.) (with seat"; by removing the hyphen between the words "free" and "wheel"; and by changing the words "distance of 3.0 m (10 ft.)" to read "distance of 3.1 m (10 ft.)".

§ 1512.6 [Amended]

In paragraph (c) change the number "712" in the fifth line to "711".

§ 1512.16 [Amended]

The fourth line in paragraph (h)(2) should read "50°±3° C (122°±5.4° F) for 30 minutes,".

§ 1512.17 [Amended]

Change "30 m (100 ft.)" in the fifth line to read "30.5 m (100 ft.)".

§ 1512.18 [Amended]

1. In paragraph (d)(2)(v) redesignate subdivisions (1) through (10) with capital letters (A) through (J).

2. Under paragraph (d)(2)(v)(G) correct the first line of narrative under the equation to read "The test is invalid if at the commence—", and change the third line to read "of the bicycle is not less than nor greater".

3. In paragraph (d)(2)(vi) change the seventh line to read "mph) (in its highest gear ratio at a pedal".

4. In paragraph (h)(1)(ii) change the third line to read "when a torque of 47+3, —O N-m (35+2, ", and change the eighth line to read "visible signs of damage to the stem-to-fork".

5. In paragraph (j)(3)(i) change the sixth line to read "111 N (25 lbf) shall be applied to the hub".

6. Change the third and fourth lines in paragraph (n)(1)(i) to read "for at least one hour at 50°±5° C (122°±5.4° F). A pedal reflector may be condi-".

7. In paragraph (n)(2)(i) change "30 m (100 ft.)" to "30.5 m (100 ft.)".

8. In paragraph (o)(1) italicize the "D" in "D/500" in the fifth line.

9. The first sentence in paragraph (q)(1) should read "the bicycle shall be loaded with weights of 13.6 kg (30 lb.) on the seat surface and 4.5 kg (10 lb.) attached to the end of each handle grip for a total load of 22.7 kg (50 lb.)".

(Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262))

Dated: December 23, 1975.

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

[FR Doc.75-35257 Filed 12-31-75;4:53 pm]

CODIFICATION AND TRANSFER OF REGULATIONS

Correction

In FR Doc. 75-34878 appearing at page 59884 of the issue for Tuesday, December 30, 1975, make the following changes:

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X (FF 3-71)

1. The diagrams now appearing as Figures 1 and 2 under § 1616.5(a)(1), page 59920, should appear under § 1615.4(a)(6), page 59904.

2. In the authority to Subpart C of Part 1615, page 59917, "67 Stat. H1-15" should read "67 Stat. 111-15".

PART 1616—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14 (FF 5-74)

3. The diagram now appearing as Figure 1, Vertical Test Cabinet, under § 1615.4(a)(6), page 59904, should appear under § 1616.5(a)(1), page 59920.

4. Delete the fine line reading "[FR Doc. 74-9712 Filed 4-30-74; 8:45 am]" from drawing 7 in § 1616.5(a)(1), page 59927.

PART 1630—STANDARD FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS (FF 1-70)

5. In the authority to Subpart C of Part 1630, page 59934, "81 Stat. 561-570" should read "81 Stat. 569-570".

Title 21—Food and Drugs

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

PART 121—FOOD ADDITIVES

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Lincomycin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34-085V) filed by the Upjohn Co., Kalamazoo, MI 49001, providing that labeling for the safe and effective use of lincomycin alone or in combination with other drugs in the feed of broiler chickens need not be limited to floor-raised broilers. The supplemental application is approved, effective January 6, 1976.

The Commissioner is amending Parts 121 and 558 (21 CFR Parts 121, 558) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), in accordance with § 510.6 (21 CFR 510.6), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 558 are amended as follows:

1. Part 121 is amended:

§ 121.207 [Amended]

a. In § 121.207 *Zoalene*, paragraph (c), item 2.8 of the table, in the fifth column, "Limitations," by deleting the term "floor raised."

§ 121.210 [Amended]

b. In § 121.210 *Amprolium*, paragraph (c), items 2.10, 2.11, in the fifth column, "Limitations," by deleting the term "floor raised."

§ 121.262 [Amended]

c. In § 121.262 *3-Nitro-4-hydroxyphenylarsonic acid*, paragraph (c), items 1.16 and 1.23 in table 1, in the fifth column, "Limitations," by deleting the term "floor raised."

2. Part 558 is amended:

§ 558.105 [Amended]

a. In § 558.105 *Buquinolate*, paragraph (f)(1)(viii)(*b*) by deleting the term "floor raised."

§ 558.175 [Amended]

b. In § 558.175 *Clopidol*, by deleting the introductory text of paragraph (e)(3) and marking it "Reserved," and redesignating paragraphs (e)(3)(i), (ii), and (iii) as paragraphs (e)(1)(vi), (vi)(*a*), and (vi)(*b*), respectively.

§ 558.195 [Amended]

c. In § 558.195 *Decoquinate*, paragraph (g)(5)(ii), by deleting the term "floor raised."

§ 558.325 [Amended]

d. In § 558.325 *Lincomycin*, paragraph (e)(1), by deleting the term "floor raised."

§ 558.355 [Amended]

e. In § 558.355 *Monensin* by:

1. Amending paragraph (b)(2) by deleting the reference "(iv) and (v) and (2) (i) and (ii)" and by inserting "(iv), (v), (ix), and (x)" in its place; and

2. Deleting the introductory text of paragraph (f)(2) and marking it "Reserved" and redesignating paragraphs (f)(2)(i), (2)(i)(*a*), (2)(i)(*b*) and (f)(2)(ii), (2)(ii)(*a*), (2)(ii)(*b*) as (f)(i)(ix), (ix)(*a*), (ix)(*b*) and (f)(1)(x), (x)(*a*), (x)(*b*), respectively.

§ 558.515 [Amended]

f. In § 558.515 *Robenidine hydrochloride*, by deleting the introductory text of paragraph (f)(2) and marking it "Reserved," and redesignating paragraphs (f)(2)(i), (ii), and (iii) as paragraphs (f)(1)(viii), (viii)(*a*), and (viii)(*b*), respectively.

Effective date. This amendment shall be effective January 6, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))

Dated: December 23, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.76-223 Filed 1-5-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-365]

PART 1909—GENERAL PROVISIONS

PART 1914—AREAS ELIGIBLE FOR SALE OF INSURANCE

Extension

The Federal Insurance Administration, pursuant to a delegation from the Secretary of Housing and Urban Development, is amending Parts 1909 and 1914 of Title 24 of the Code of Federal Regulations to reflect the extension of the emergency implementation of the National Flood Insurance Program (42 U.S.C. §§ 4001–4128) by Public Law 94–173 (effective December 23, 1975) until December 31, 1976.

Since the revision of the Parts 1909 and 1914 reflects statutory language and intent, the Federal Insurance Administrator finds that notice and public procedure are impracticable and contrary to the public interest. Therefore, the amendment to 24 CFR Parts 1909 and 1914 is effective January 6, 1976.

Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. By revising § 1909.3 to read as follows:

§ 1909.3 Emergency Program.

The 1968 Act required a ratemaking study to be undertaken for each community before it could become eligible for the sale of flood insurance. Since this requirement resulted in a delay in providing insurance, the Congress, in Section 408 of the Housing and Urban Development Act of 1969 (Public Law 91–152, December 24, 1969), established an Emergency Flood Insurance Program as a new Section 1336 of the National Flood Insurance Act (42 U.S.C. 4056) to permit the early sale of insurance in flood-prone communities. The emergency program (which was extended for the period ending December 31, 1976) does not affect the requirement that a community must adopt adequate flood plain management regulations pursuant to Part 1910 of this subchapter but permits insurance to be sold before a study is conducted to determine actuarial rates for the community. The program still requires the charging of actuarial rates for higher limits of coverage for existing structures and for all new construction in areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards on and after the effective date of the FIRM. Under existing law, the emergency program expires December 31, 1976, and unless extended no properties can be initially insured nor can existing policies be renewed except those in communities for which actuarial rates are available.

2. Section 1914.1 is amended to read as follows:

§ 1914.1 Purpose of part.

(a) 42 U.S.C. 4101 and 4014 require that flood insurance in the maximum limits of coverage under the regular program shall be offered in communities only after the Administrator has, (1) identified the areas of special flood, mudslide (i.e., mudflow) and flood-related erosion hazards within the community under Part 1915 of this subchapter; (2) completed a detailed rate-making study for the applicant community; (3) approved the flood plain management measures pursuant to Part 1910 of this subchapter. A period of 15 years ending July 31, 1983, was allotted for this purpose. The priorities for conducting such ratemaking studies are set forth in §§ 1909.23 and 1910.26 of this subchapter. A purpose of this part is periodically to list those communities in which the sale of insurance under the regular program has been authorized.

(b) 42 U.S.C. 4054 authorizes an emergency implementation of the National Flood Insurance Program whereby, for a period ending on December 31, 1976, the Administrator may make subsidized coverage available to eligible communities prior to the completion of detailed ratemaking studies for such areas. This part also describes procedures under the emergency program and lists communities which become eligible under that program.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969) as amended, 39 FR 2787, January 24, 1974.)

Issued: December 29, 1975.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-245 Filed 1-5-76;8:45 am]

[Docket No. R-75-363]

PART 1912—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Technical Amendments; Correction

The purpose of this notice is to provide a correction of § 1912.2 and § 1912.5 of

Title 24 of the Code of Federal Regulations as published on December 8, 1975 at 40 FR 57210.

The entries are corrected to read as follows:

§ 1912.2 National Flood Insurers Association.

* * * * *

(e) Communications concerning membership and cooperation with the association, and its operations, should be directed to the National Flood Insurers Association, 1755 South Jefferson Davis Highway, Suite 1102, Arlington, Virginia 22202. (703–920–8830).

* * * * *

§ 1912.5 Servicing Companies.

* * * * *

ILLINOIS

State Farm Fire & Casualty Company, 2309 East Oakland Avenue, Bloomington, Illinois 61709, (309) 557–7211.

TENNESSEE

CNA Insurance Company, P.O. Box 410, 1101 Kermit Drive, Nashville, Tennessee 37217, (615) 256–3350.

* * * * *

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128), and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969; as amended by 39 FR 2787; January 24, 1974)

Issue date: December 17, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–286 Filed 1–5–76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7395]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Extension of Reliance Period for Certain Charitable, etc., Organizations

Preamble. The prior regulations under section 508 of the Internal Revenue Code of 1954 generally allow certain contributors to organizations who have notified the Commissioner of Internal Revenue that they are not private foundations to rely upon such notice with respect to grants, contributors, and distributions made before January 1, 1976. The amendment to the regulations which appears below extends the period of reliance to grants, contributions, and distributions made before the dates which are 6 months after the dates on which regulations with respect to community trusts and medical research organizations, respectively, become final. This will permit grantors, contributors, and distributors who make grants, contributions, and distributions during this period to rely upon the claimed public charity status of such organizations.

Amendments to the regulations. The Income Tax Regulations (26 CFR Part 1) are amended as follows:

1. Paragraph (b)(4) of § 1.508–1 is amended to read as follows:

§ 1.508–1 Notices.

* * * * *

(b) *Presumption that old and new organizations are private foundations.* * * *

(4) *Effect of notice upon grantors or contributors to the filing organization.* In the case of grants, contributions, or distributions made prior to—

(i) In the case of community trusts, 6 months after the date on which corrective and clarifying regulations designated as § 1.170A–9(e)(10) become final;

(ii) In the case of medical research organizations, 6 months after the date on which corrective and clarifying regulations designated as § 1.170A–9(b)(2), become final, and

(iii) In all other cases, January 1, 1976, any organization which has properly filed the notice described in section 508(b) prior to March 22, 1973 will not be treated as a private foundation for purposes of making any determination under the internal revenue laws with respect to a grantor, contributor or distributor (as for example, a private foundation distributing all of its net assets pursuant to a section 507(b)(1)(A) termination) thereto, unless the organization is controlled directly or indirectly by such grantor, contributor or distributor, if by the 30th day after the day on which such notice is filed, the organization has not been notified by the Commissioner that the notice filed by such organization has failed to establish that such organization is not a private foundation. See subparagraph (6) of this paragraph for the effect of an adverse notice by the Internal Revenue Service. For purposes of this subparagraph, an organization which has properly filed notice described in section 508 (b) prior to March 22, 1973, and which has claimed recognition of its status under only one paragraph of section 509(a) in such notice, will be treated only for purposes of grantors, contributors or distributors as having the classification claimed in the noticve if the provisions of this subparagraph are otherwise satisfied.

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

(Secs. 508 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 30, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76–289 Filed 1–5–76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF–22; Ref. No. 283]

PART 4—LABELING AND ADVERTISING OF WINE

Bottles Per Case Requirement

On July 31, 1975, there appeared in the FEDERAL REGISTER (40 FR 32129) a notice of proposed rulemaking to amend 27 CFR 4.74. The proposed amendment would lower from 120 to 60, the number of 100 milliliter wine bottles which must be packed per shipping case or shipping container. This amendment was intended to make cases of miniature wine bottles smaller and lighter in weight in order to permit easier handling and to insure compliance with requirements of rail freight tariff schedules.

Interested persons were given 60 days in which to comment on the proposed amendment. No unfavorable comments have been received. Therefore, the Bureau is adopting the amendment without change, as set forth below.

This Treasury decision is issued under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)).

Effective date. This Treasury decision shall become effective on March 1, 1976.

Signed: December 16, 1975.

REX D. DAVIS,
Director.

Approved: December 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

§ 4.74 Bottles per shipping case.

Wines bottled subject to the standards of fill prescribed by § 4.73 shall be packed with the following number of bottles per shipping case or shipping container:

Bottle sizes:	*Bottles per case*
3 liters	4
1.5 liters	6
1 liter	12
750 milliliters	12
375 milliliters	24
187 milliliters	48
100 milliliters	60

[FR Doc.76–239 Filed 1–5–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19859; FCC 75–1431]

PART 76—CABLE TELEVISION SERVICES

Carriage of Network News Programs on Cable Television Systems

1. On October 31, 1973, the Commission adopted its Notice of proposed rule making in Docket No. 19859, FCC 73–1139, 43 FCC 2d 913, which proposed an amendment to § 76.61 of the Commission's Rules to allow a cable television system to carry a network news program

from any television station unless the program simultaneously duplicated a signal which the system normally carries. We issued the Notice in response to the question [1] whether a separate network news "feed" constituted a different "program" which a cable television system may carry if it were "not carried by a station normally carried on the system" pursuant to § 76.61(e)(2) of the Commission's rules.[2] In considering the issue, we observed that:

> To be sure, there usually is little or no difference between the contents of each feed. More than fifty percent of the time, the feeds are identical. And most differences just consist of technical mistakes in one of the feeds. Only rarely is a change substantial or substantive—e.g., addition of new film or coverage of a late-breaking story.[3]

We thus concluded that "the difference usually is not sufficient to create a separate program within the meaning of § 76.61(e)(2)." [4] We found this result "less than satisfactory," however, on the grounds that it forced cable subscribers "to miss a small but significant amount of news coverages," did not allow a cable system to carry the correction of "a particular feed's technical mistakes," and went against "the broad national policy of diversity in news programming." [5] The Commission therefore concluded that "a relaxation of present restrictions would be appropriate" and issued the Notice of proposed rulemaking.

2. The Commission has now received comments on the proposed rule from the following parties: American Broadcasting Co., Inc.; Columbia Broadcasting System, Inc.; CBS Television Affiliates Association; NBC Television Affiliates; Association of Maximum Service Telecasters; Post-Newsweek Stations; Flower City Television Corporation; a group of television station licensees; Channel 6, Inc.; Rocky Mountain Broadcasters Association; Bi-States Company; McGraw-Hill Broadcasting Company, Inc.; Metro Cable Company; Cablecom-General, Inc.; a group of cable television systems. These comments are summarized in the following paragraphs.

3. *Comments by Broadcast Interests.* The American Broadcasting Company supports the Commission's conclusion that separate feeds are not different "programs" within § 76.61(e)(2), but opposes adoption of the rule. ABC maintains that the rule would allow a cable system to carry network news while an affiliate broadcast a local news program, thus fragmenting the affiliate's audience and decreasing the local news program's revenues. Decreasing the financial viability of local news programming, it argued, would be inconsistent with the Commission's traditional policy of encouraging local news programming. ABC also asserted that pre-release of network news programs would be quite common and would aggravate this situation, since more than half of its affiliates take the second or third news feed.

4. The Columbia Broadcasting System also opposed adoption of the rule. Noting that cable systems do not pay for use of distant signals, it argued that the proposed rule would "aggravate the oneway, unfair competition." Local stations would have an incentive under the rule to schedule local news programming at earlier times in order to avoid competition with network news programs carried by cable systems, thus inconveniencing many viewers. CBS also argued that audience fragmentation would hurt local news programming. CBS also asserted that a cable system would have an incentive to insert additional programming after the end of a network news program in order to keep subscribers tuned to the same channel, thus further fragmenting a local affiliate's audience.

5. The CBS Affiliates Association noted that roughly 148 affiliates take the 6:30 p.m. (e.s.t.) feed and 27 the 7 p.m. (e.s.t.) feed. The network's Los Angeles owned and operated station, KNXT, tapes the network news and then feeds it to West Coast affiliates at 6, 6:30, and 7 p.m. (p.s.t.). According to the CBS Affiliates, the network makes "substantive changes" in a feed only "once every one or two months" and corrects technical errors only rarely. The Association thus argued that the rule would not benefit the public and would hurt television stations. Subscribers could see new material or technical corrections only if they watched all network feeds, it maintained, and the rule would undercut the economic viability of local news programming. The Association gave examples of situations in which a station would face pre- as well as post-release, and asserted that the rule's simultaneous exclusivity protection would not protect stations sufficiently. It also pointed out that the rule would create particularly acute problems for the few stations which start network news programs on the quarter, rather than half hour.

6. The NBC Television Affiliates argued that the Commission's past policy favored cable carriage of all networks' news programs, but nothing more. They maintained that increased availability of network news programs was unnecessary, since subscribers presently can watch more than one network's news program or get news from other mass media. The affiliates also maintained that the proposed rule would hurt not only affiliates' local news programs, but also independent station's national news programs. The proposed rule's emphasis on network news, they maintained, was inconsistent with the Commission's existing policies in favor of increased local programming and decreased network program control.

7. The Association of Maximum Service Telecasters argued that separate news feeds were not substantially different and thus were "not comparable to the different editions of a metropolitan daily newspaper." In any event, it maintained, it would be inappropriate to allow a cable system to carry a news program irrespective of whether it was a separate feed. AMST argued that subscribers would need to watch two or more versions of the same news program in order to get the benefit of any changes and that this would create no real diversity in news programming. The proposed rule not only would fragment a local news program's audience, AMST maintained, but also would "sandwich" an affiliate's network news between the same program on both sides—as illustrated by several examples. AMST argued that the rule actually would decrease scheduling diversity for stations, since affiliates would schedule their network news programs to avoid duplication and would request networks to cease their present multiple feeds.

8. The Post-Newsweek Stations noted that the rule would allow a cable television system in a "footnote 69" situation [6] to carry otherwise prohibited signals. The rule would not only fragment local news audiences, Post-Newsweek argued, but also not benefit subscribers where the affiliate took the latest feed. Post-Newsweek also maintained that the rule would encourage affiliates to adopt uniform news schedules, in order to get exclusivity protection.

9. Flower City Television Corporation, licensee of Television Broadcast Station WOKR, Rochester, New York, asserted that the rule was unjustifiable if not based upon different feeds, rather than different broadcast schedules. It viewed the rule as "a change in current program exclusivity" protection, and asserted that it would fragment audiences for local news programs. The rule might actually be counter-productive, Flower City

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[1] See, e.g., Orange Cablevision, Inc., FCC 73-1140, 43 FCC 2d 582.

[2] Section 76.61 provides in pertinent part: (e) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (d) of this section, any such cable television system may carry: (2) Any television station broadcasting a network program that will not be carried by a station normally carried on the system. Carriage of such additional stations shall be only for the duration of the network programs not otherwise available, and shall not require prior Commission notification or approval in the certificating process.

[3] 43 FCC 2d 913.

[4] *Id.*

[5] *Id.*

[6] Section 76.61 provides in pertinent part: A cable television system operating in a community located in whole or in part within one of the first fifty major television markets listed in § 76.51(a) shall carry television broadcast signals only in accordance with the following provisions: (a) Any such cable television system may carry, or on request of the relevant station licensee or permittee, shall carry the signals of: (1) Television broadcast stations within whose specified zone the community of the system is located, in whole or in part: *Provided, however,* That where a cable television system is located in the designated community of a major television market, it shall not carry the signal of a television station licensed to a designated community in another major television market, unless the designated community in which the cable system is located is wholly within the specified zone (see § 76.5(f) of the station, except as otherwise provided in this section . . .

Accordingly, a system in Washington, D.C. could not carry signals from Baltimore, Maryland, except as additional distant signals, even though Baltimore stations place predicted Grade A contours over the District.

maintained, by encouraging subscribers to watch earlier and deficient feeds on cable systems rather than later and corrected feeds on television stations.

10. A group of television licensees supported the Commission's conclusion that a separate feed was not a different "program," but opposed adoption of the proposed rule. The benefits of time diversity in the scheduling of news programs were minimal, they argued, and were outweighed by the potential harm to local news programs. They maintained that subscribers currently miss little updated news, since a station normally will broadcast the latest and most complete feed.

11. Channel 6, Inc., licensee of Station KCEN–TV, Temple, Texas, opposed the rule, on the grounds that subscribers currently get all three network news services, that most feeds have few errors or omissions, and that the rule would "orient" subscribers to distant signals. The rule would invite cable systems to carry distant signals illegally, it argued, and the Commission should require a certificate of compliance for carriage of any news programs under the rule. Channel 6 also maintained that the Commission would find it impossible to distinguish clearly between news and public affairs programs, thus inviting an inevitable expansion of the rule.

12. The Rocky Mountain Broadcasters Association requested clarification as to whether the same-day exclusivity provisions of § 76.93(b) were fully applicable to carriage of news programming. If they were not, the Association opposed the rule, on the grounds that it would not benefit subscribers and would harm local news programming.

13. The Bi-State Company, licensee of Station KHOL–TV, Kearney, Nebraska, opposed the rule on the grounds that it was unnecessary and disruptive. It argued that the rule would hurt local news programming, be impossible to police effectively, and would ultimately expand to cover other forms of programming.

14. The McGraw-Hill Broadcasting Company argued that cable subscribers did not need additional news and that only "news buffs and television professionals" would bother to watch more than one version of the same program. The rule would fragment audiences for affiliates' national as well as local news programming, McGraw-Hill maintained, thus harming stations' economic viability and contravening the Prime Time Access Rule's priority on local programming.

15. *Comments by Cable Interests.* The Metro Cable Company favored adoption of the rule on the grounds that it would increase time diversity of news programs, give updated news, allow subscribers to watch otherwise simultaneous local network news programs, and enable subscribers to police networks' mistakes. Metro pointed out that in many situations a viewer must choose between a local and a network news program which are mutually exclusive, since both are broadcast at the same time. The rule also would increase competition among the networks, Metro argued, because subscribers would be able to select more freely among them. Though Metro thus supported the proposed rule, it urged that the Commission should extend it to public affairs programs, on the ground that these were equally vital to a fully informed public.

16. Cablecom-General viewed the proposed rule as consistent with a general Commission policy trend away from strict exclusivity requirements, since a cable system presently may carry a network news program which does not simultaneously duplicate a local station's broadcast. The rule would be beneficial in major market situations, Cablecom maintained, where a system could not carry an otherwise receivable signal.

17. A group of cable television systems hailed the proposed rule as a "small, but significant step," which would allow subscribers to watch more news programs at more convenient times. The cable systems argued that the Commission should not narrow the rule where all affiliates broadcast the same feed,[7] however, since this would decrease time diversity in viewing news programs. And since the purpose of the rule was to make news programs more available, the systems maintained, the Commission should apply it to stations in the Mountain Time Zone.

Discussion

18. Although we take note of the proposed rule's possible effects on network and local news programming, we believe that some relaxation of our present rules in this area is in the public interest. Accordingly, we are adopting a modified version of the proposed rule which will permit some additional carriage of network news but which will also afford some protection to local news programming.

19. In our view, the rule as proposed had a number of public interest benefits. First, the rule would have made available to subscribers any substantive or technical differences between feeds. These are comparatively rare, as the Notice indicated; in a time of fast-breaking news, however, even minor up-dates are significant.

20. Second, and most important, the rule would increase time diversity for network news programs. This would have a beneficial effect on the availability of both network and local news. In terms of network news, the subscriber would have a wider option of times at which to watch a particular program; accordingly, a subscriber could view programs which otherwise would be unavailable, because the subscriber was engaged in another activity or because another program conflicted with them.

21. Finally, the rule would heighten competition between networks by removing mutual exclusivity between network news programs. Giving subscribers the option to watch all three network news programs presumably would make them more selective in their choices and would diminish the effects of adjacent channel programming.

22. As the broadcast comments herein point out, however, the rule proposed also has potential public interest disadvantages. By increasing distant signal competition precisely during those time periods when stations are typically presenting local news, the rule could have a result precisely contrary to that desired—that is a weakening of the audience base of local news programs and a consequential reduction in news availability rather than the hoped for increase.

23. Bearing these considerations in mind, we have decided to adopt a rule which will allow cable carriage of alternative feeds of network news not broadcast on signals otherwise carried when no station licensed to the market in which the cable system is operating is broadcasting a local news program.

24. The approach taken is a cautious one in view of the particular importance our system of regulation places on the presentation of local news by television stations. The introduction of additional news competition could tend to discourage the production and broadcast of the local news which we have otherwise sought to encourage. The rule adopted will provide the Commission an opportunity to view the operational impact of the introduction of a limited amount of network news before further steps in this area are taken.

25. Some comments received tend to suggest that even the adoption of limited rules of this type may force network affiliates into "lock step" so that each network has only one "feed" of the news which all affiliates air simultaneously. The availability of different national news feeds is a substantial convenience to stations which we are not persuaded they would forego simply to assure that cable subscribers do not have the additional viewing option the rule makes available. Moreover, the various feeds now distributed are a competitive tool between stations in individual markets and between the three networks, the usefulness of which should, we believe, outweigh any incentive the rule here adopted may create for the elimination of the present news distribution practices.

26. In addition, we find no merit in some of the miscellaneous arguments against the proposed rule which are put forth in the comments. Thus, a system arguably might program other attractive material after the end of a news program, in order to keep subscribers tuned to that channel, and might carry illegal signals in order to do so. Pragmatically, however, a system has no economic incentive to attract subscribers to a particular channel—particularly at the cost of investment in equipment—and liberalizing carriage of network news programs should decrease rather than increase the temptation of illegal carriage. Similarly, the Commission should have no difficulty in drawing a line between news and pub-

[7] In Par. 6, n. 3 of the Notice, the Commission stated that "where both the normally carried stations and the other stations consistently use the same feed, we will entertain requests for waiver."

lic affairs programs; as Par. 7 of the Notice explicitly pointed out, the Commission has had a long-standing and clearly defined distinction between the two. Section 73.112, Note 1 (c), (d). In sum, we believe the rule adopted will afford some cable subscribers with a modest increase in news availability without significant risk of adverse impact on over-the-air broadcast service to the public.

Authority for the rule amendment adopted herein is contained in Sections 2, 4 (i) and (j), 303, 307, and 308 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That effective February 13, 1976, 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, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.)

Adopted: December 22, 1975.

Released: January 2, 1976.

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

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

1. In § 76.5, paragraphs (ii) and (jj) are added, to read as follows:

§ 76.5 Definitions.

* * * * *

(ii) *Network news program.* Network programming which (1) includes reports dealing with current events, stock market reports, commentary, analysis, and sports news; and (2) is offered by one of the three major national television networks to its affiliated stations on a daily or weekly basis at a regularly scheduled time or times.

(jj) *Local news program.* Local programming originated or produced by a station, or for the production of which the station is primarily responsible, employing live talent more than 50 percent of the time, which includes reports dealing with current local events including weather and stock market reports.

2. In § 76.59, paragraph (d)(4) is added, to read as follows:

§ 76.59 Provisions for smaller television markets.

* * * * *

(d) * * *

(4) Any television station broadcasting a network news program at any time when no station regularly carried is broadcasting the same program and when no station licensed to the market in which the system is located is broadcasting a local news program. Carriage of such additional stations shall be for the duration of the news program only and shall not require prior Commission notification or approval in the certificating process.

* * * * *

3. In § 76.61, paragraph (e)(4) is added, to read as follows:

§ 76.61 Provisions for the first 50 major television markets.

* * * * *

(e) * * *

(4) Any television station broadcasting a network news program at any time when no station regularly carried is broadcasting the same program and when no station licensed to the market in which the system is located is broadcasting a local news program. Carriage of such additional stations shall be for the duration of the news program only and shall not require prior Commission notification or approval in the certificating process.

* * * * *

[FR Doc.76-247 Filed 1-5-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-27; Notice 02]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

PART 575—CONSUMER INFORMATION REGULATIONS

Hydraulic Brake Standard and Consumer Information Item

This notice amends Standard No. 105-75, *Hydraulic Brake Systems*, 49 CFR 571.105-75, to revise the parking brake test procedure (S7.7). In addition, this notice amends Subpart B of Part 575, *Consumer Information*, 49 CFR 575.101, by replacing the present test procedures in that section for passenger car testing with equivalent procedures from Standard No. 105-75.

The NHTSA proposed a modification of the parking brake test procedures in Standard No. 105-75 to permit a reapplication of the parking brake if the first application of the brake failed to hold the vehicle stationary on the test incline. Toyo Kogyo requested the modification as representative of normal driver action (in cases where the application appears to be insufficient to hold the vehicle), justifying the change as necessary to permit new vehicle components to stretch or "set" during the initial application as occurs in any veihcle delivered to a purchaser. The NHTSA agreed that reapplication would be a reasonable test procedure and proposed a revision of S7.7.

Comments were received from Toyo Kogyo, General Motors, American Motors Corporation, and Chrysler Corporation in support of the change. No comments were received that objected to the proposal. The standard is amended accordingly.

The NHTSA also proposed that the consumer information item requiring publication of the stopping ability of passenger cars and motorcycles (49 CFR 575.101) be modified for passenger cars so that test data developed under Standard No. 105-75 could be the basis for the required consumer information. The existing test procedures of the consumer information item would be replaced by Standard No. 105-75 test procedures, and a transition period until January 1, 1977, would be provided to allow manufacturers latitude in adopting the new procedures.

The Motor Vehicle Manufacturers Association (MVMA), Chrysler Corporaturers latitude in adopting the new tion, American Motors Corporation, Ford Motor Company, and General Motors Corporation supported the modifications. The MVMA and Ford pointed out an inadvertent omission in the proposal of a required change in the present loading specification (maximum loaded vehicle weight) to the Standard No. 105-75 loading specification (gross vehicle weight rating (GVWR)). No comments opposed the modification, and the consumer information item is therefore amended as proposed, with the additional modification noted by the MVMA and Ford. The transition period for use of either loading specification conforms to the transition period for use of either test procedure (until January 1, 1977). The MVMA asked for a June 1, 1977, date for transition to the new loading specification but did not explain the need for more time. The NHTSA will consider any data on this subject submitted by the MVMA.

With regard to test loading, Chrysler Corporation repeated a request for revision of the loading conditions of Standard No. 105-75. The request was earlier submitted improperly as a petition for reconsideration of an NHTSA action which did not deal with test loading (40 FR 24525, June 9, 1975). Section 553.35 of NHTSA regulations (49 CFR 553.35) allows petitions for reconsideration of rules issued by the NHTSA, but in this case no rule was issued on test loading that could form the basis for reconsideration. the NHTSA discussed Chrysler's request at a meeting with Chrysler officials on August 21, 1975. Based on the limited information presented by Chrysler at that meeting, the NHTSA has concluded that a reduction in test weight would not be justified. At the meeting it was agreed that Chrysler would submit any additional data it had in support of the request. To date no data have been received, and the NHTSA cannot meaningfully reconsider Chrysler's request without further data.

The NHTSA also proposed modification of the means for establishing the skid number of the surface on which stopping distance tests are conducted in Standard No. 105-75, Standard No. 121, *Air Brake Systems*, Standard No. 122, *Motorcycle Brake Systems*, and the Consumer Information Item on brake performance. Comments received were not in agreement on how to accomplish the tranisition from the former ASTM method to the new one. The skid number proposal will therefore be treated separately at a later date so that its resolution will not delay this amendment of the parking brake and consumer information item test procedures.

In consideration of the foregoing, the following amendments are made in Chapter V of Title 49, Code of Federal Regulations.

I. Standard No. 105–75 (49 CFR 571.105–75) is amended as follows:

§ 571.105–75 [Amended]

1. Paragraphs S7.7 and S7.7.1 are amended to read:

S7.7 *Parking brake test.* The parking brake tests for any vehicle on different grades, in different directions, and for different loads may be conducted in any order. The force required for actuation of a hand-operated brake system shall be measured at the center of the hand grip area or at a distance of 1½ inches from the end of the actuation lever, as illustrated in Figure II.

S7.7.1 *Test procedure for requirements of S5.2.1.*

S7.7.1.1 Condition the parking brake friction elements so that the temperature at the beginning of the test is at any level not more than 150° F. (when the temperature of components on both ends of an axle are averaged).

S7.7.1.2 Drive the vehicle, loaded to GVWR, onto the specified grade with the longitudinal axis of the vehicle in the direction of the slope of the grade, stop the vehicle and hold it stationary by application of the service brake control, and place the transmission in neutral.

S7.7.1.3 With the vehicle held stationary by means of the service brake control, apply the parking brake by a single application of force of not more than 125 pounds in the case of a foot-operated system, and not more than 90 pounds in the case of a hand-operated system, except that a series of applications to achieve the specified force may be made in the case of a parking brake system design that does not allow the application of the specified force in a single application.

S7.7.1.4 Following the application of force in accordance with S7.7.1.3, release all force on the service brake control and commence the measurement of time if the vehicle remains stationary. If the vehicle does not remain stationary, reapplication of the service brake to hold the vehicle stationary, with application of a force of not more than 125 pounds in the case of a foot-operated system and not more than 90 pounds in the case of a hand-operated system (without release of the ratcheting or other holding mechanism of the parking brake), may be used twice to attain a stationary position.

S7.7.1.5 Following observation of the vehicle in a stationary condition for the specified time in one direction, repeat the same test procedure with the vehicle orientation in the opposite direction on the specified grade.

S7.7.1.6 Check the operation of the parking brake application indicator required by S5.3.1(d).

2. The title of S7.7.2 is amended to read:

S7.7.2 *Test procedures for requirements of S5.2.2.*

II. Section 575.101 of Subpart B of the Consumer Information Regulations (49 CFR Part 575) is amended as follows:

1. Section 575.101(c) introductory text, last sentence of flush material and (2), (3) and (4) are revised as follows:

§ 575.101 Vehicle stopping distance.

* * * * *

(c) *Required information.* Each manufacturer shall furnish the information in (1) through (5) below, in the form illustrated in Figure 1, except that with respect to paragraphs (c)(2) and (3) of this section, a manufacturer whose total motor vehicle production does not exceed 500 annually is only required to furnish performance information for the loaded condition. Each motorcycle in the group to which the information applies shall be capable, under the conditions specified in paragraph (d) of this section, and utilizing the procedures specified in paragraph (e) of this section, of performing at least as well as the information indicates. Each passenger car in the group to which the information applies shall be capable of performing at least as well as the information indicates, under the test conditions and procedures specified in S6 and S7 of Standard No. 105–75 of this chapter (49 CFR 571.105–75) or, in the case of passenger cars manufactured before January 1, 1977, and at the option of the manufacturer, under the conditions specified in paragraph (e) of this section.

* * * The weight requirements indicated in paragraphs (c) (2), (3), and (4) of this section are modified for motorcycles (and at the option of the manufacturer, in the case of passenger cars manufactured before January 1, 1977) by the fuel tank condition specified in paragraph (d)(4) of this section.

(1) * * *

(2) *Minimum stopping distance with fully operational service brake system.* The minimum stopping distance attainable, expressed in feet, from 60 mph, using the fully operational service brake system—

(i) In the case of a motorcycle, at lightly loaded and maximum loaded vehicle weight; and

(ii) In the case of a passenger car, at lightly loaded vehicle weight and at gross vehicle weight rating (GVWR), except for a passenger car manufactured before January 1, 1977, and tested, at the option of the manufacturer, under the conditions and procedures of paragraphs (d) and (e) of this section, which passenger car shall be tested at lightly loaded vehicle weight and at maximum loaded vehicle weight.

(3) *Minimum stopping distance with partially failed service brake system.* (Applicable only to passenger cars with more than one service brake subsystem.) The minimum stopping distance attainable using the service brake control, expressed in feet, from 60 mph, for the most adverse combination of GVWR or lightly loaded vehicle weight and partial failure as specified in S5.1.2 of Standard No. 105–75 of this chapter. However, a passenger car manufactured before January 1, 1977, and tested, at the option of the manufacturer, under the conditions and procedures of paragraphs (d) and (e) of this section, shall be tested at maximum loaded vehicle weight instead of GVWR.

(4) *Minimum stopping distance with inoperative brake power assist unit or brake power unit.* (Applicable only to passenger cars equipped with brake power assist unit or brake power unit.) The minimum stopping distance, expressed in feet, from 60 mph, using the service brake system, tested in accordance with the requirements of S5.1.3 of Standard No. 105–75 of this chapter. However, in the case of a passenger car manufactured before January 1, 1977, vehicle loading may, at the option of the manufacturer, be maximum loaded vehicle weight in place of the GVWR loading specified under S5.1.3 of Standard No. 105–75.

* * * * *

Effective date: January 6, 1976. Because these amendments, to the extent that they impose new substantive requirements, are made optional for an interim period, and because manufacturers must plan future testing based on the test procedures as they exist in the present standard, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119 Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51).

Issued on December 31, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-35248 Filed 12-31-75;10:54 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 240—REGULATED COMMERCIAL FISHERIES

Revision of Regulations

At the 25th Annual Meeting held in Edinburgh, Scotland, June 10–20, 1975, and the Special Meeting held in Montreal, Canada, September 28, 1975, the International Commission for Northwest Atlantic Fisheries (ICNAF) recommended that member nations adopt certain conservation measures for 1976.

Therefore, it is the purpose of these revised regulations to carry out the recommendations of the Commission and to accomplish various administrative changes for clarification purposes. The revised regulations deal with the following matters:

1. Changes the effective period of the regulations from 1975 and provides that these regulations become effective January 1, 1976, and remain in force until superseded, amended, or otherwise suspended so as to provide continuity (see § 240.1).

2. Amends the definition of the term "convention area" in accordance with the recommendation of the Commission (see § 240.2(a)).

3. Amends the listing of Regulated Species by the subareas in which they are included (see §§ 240.2(c)(3), 240.2(c)(4), 240.2(c)(5), and 240.2(c)(6)).

4. Amends § 240.3(d) by deleting the provision for oral requests for temporary suspension or modification of licenses.

5. Amends § 240.4(b) by changing the limitations on the incidental taking of haddock in Subareas 4 or 5 or Statistical Area 6.

6. Amends § 240.13(c) by establishing in paragraph (2) a closure to vessels over 155 feet in length encompassing a large portion of Georges Bank proper, limiting fishing operations to true mid-water trawls only.

7. Amends § 240.25—General Restrictions—by establishing in paragraph (b) quantities of regulated flatfish that may be taken incidentally.

8. Amends § 240.46 by establishing a size limit of 25 centimeters for mackerel stocks in Subareas 3, 4, 5, and Statistical Area 6.

9. Changes the catch quotas for the Groundfish Fisheries, the Flatfish Fisheries, the Hake Fisheries, the Pelagic Fisheries, all other Finfish, the Squid Fisheries and Shellfish (see §§ 240.11, 240.21, 240.31, 240.41, 240.51 and 240.61).

10. Amends the Closed Seasons and Areas for the Groundfish Fisheries, the Flatfish Fisheries, the Hake Fisheries, and the Pelagic Fisheries (see §§ 240.13, 240.23, 240.33 and 240.43).

11. Amends Subpart G—Squid Fisheries and Shellfish by adding provisions for an open season, a closed season and area, gear restrictions and general restrictions (see §§ 240.62, 240.63, 240.64 and 240.65).

12. Amends Subpart H—Overall Quota by establishing a new U.S. overall quota for all stocks and species in Subarea 5 and Statistical Area 6 (see § 240.71).

13. Amends the existing Optional Settlement Agreement and establishes an Incidental Catch Agreement for Yellowtail Flounder (see Appendixes I and II).

14. Amends the regulations so as to make numerous administrative changes which do not have a substantial effect on U.S. fishermen.

Accordingly, 50 CFR Part 240 is revised as set forth below.

In accordance with Executive Order 11821, dated November 27, 1974, it is hereby certified that the inflationary impact of this action on the Nation has been carefully evaluated. The additional federal expenditures required are so minimal that no substantial impact on the Nation is anticipated.

These regulations are issued under the authority contained in the Northwest Atlantic Fisheries Act of 1950 (16 U.S.C. 986). Because of the need for immediate guidance with respect to the provisions contained in these regulations and the fact that they relate to a foreign affairs function of the United States under 5 U.S.C. 553(a)(1), it is found unnecessary to issue a notice of proposed rule making under 5 U.S.C. 553(b) or subject these regulations to the effective date limitation of 5 U.S.C. 553(d). Therefore, under the provisions of 5 U.S.C. 553(d)(3) and 553(b)(B), these regulations are effective at 0001 hours, January 1, 1976, and will remain in force until superseded, amended, or otherwise suspended.

Adopted by the National Marine Fisheries Service at its office in Washington, D.C., on the 31st day of December, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

In consideration of the foregoing, Part 240 is revised to read as follows:

Subpart A—General Provisions

Sec.
240.1 Effective period of regulations.
240.2 Definitions.
240.3 Licensing provisions.
240.4 Persons and vessels exempted.
240.5 Reports and records.

Subpart B—Groundfish Fisheries

240.10 Definitions.
240.11 Catch quota.
240.12 Open season.
240.13 Closed season and areas.
240.14 Gear restrictions.
240.15 General restrictions.

Subpart C—Flatfish Fisheries

240.20 Definitions.
240.21 Catch quota.
240.22 Open season.
240.23 Closed season and areas.
240.24 Gear restrictions.
240.25 General restrictions.

Subpart D—Hake Fisheries

240.30 Definitions.
240.31 Catch quota.
240.32 Open season.
240.33 Closed season and areas.
240.34 Gear restrictions.
240.35 General restrictions.

Subpart E—Pelagic Fisheries

240.40 Definitions.
240.41 Catch quota.
240.42 Open season.
240.43 Closed season and areas.
240.44 Gear restrictions.
240.45 General restrictions.
240.46 Size limits.

Subpart F—All Other Finfish

240.50 Definitions.
240.51 Catch quota.

Subpart G—Squid Fisheries and Shellfish

240.60 Definitions.
240.61 Catch quota.
240.62 Open season.
240.63 Closed season.
240.64 Gear restrictions.
240.65 General restrictions.

Subpart H—Overall Quota

240.70 Definitions.
240.71 Catch quota.
Appendix I: Optional Settlement Agreement
Appendix II: Incidental Catch Agreement for Yellowtail Flounder

AUTHORITY: Northwest Atlantic Fisheries Act of 1950 as amended (64 Stat. 1069, 16 USC 986).

Subpart A—General Regulations

§ 240.1 Effective period of regulations.

These regulations become effective January 1, 1976, and remain in force until superseded, amended, or otherwise suspended.

§ 240.2 Definitions.

(a) *Convention area.* The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 59°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 86°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude, thence along a rhumb line to a point in 69°00′ north latitude and 50°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island, to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts and Rhode Island to the point of beginning.

(b) *Regulatory area.* The term "Regulatory Area" means and includes the whole of those portions of the Convention area and those adjacent waters to the west and south inhabited by species of fish which are regulated by the Commission and which are separately described as follows:

(1) *Subarea 1.* The term "Subarea 1" means that portion of the Convention area, including all waters except territorial waters, which lies to the north and east of a rhumb line from a point in 75°00′ north latitude and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

(2) *Subarea 2.* The term "Subarea 2" means that portion of the Convention area, including all waters except territorial water, lying to the south and west of Subarea 1, as defined in subparagraph (1) of this paragraph, and to the north of the parallel of 52°15′ north latitude.

(3) *Subarea 3.* The term "Subarea 3" means that portion of the Convention area, including all waters except territorial waters, lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 42°30′ north latitude, 55°00′ west longitude in the direction of a point in

47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(4) *Subarea 4.* The term "Subarea 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Subarea 3 as described in subparagraph (3) of this paragraph, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°40′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 30°00′ north latitude.

(5) *Subarea 5.* The term "Subarea 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of American and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude; thence due west to the meridian of 71°40′ west longitude; thence due north to a point 3 statute miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of 3 statute miles to the point of beginning.

(6) *Statistical Area 6.* The term "Statistical Area 6" means that portion of the waters inhabited by species of fish which are regulated by the Commission including all waters except territorial waters bounded by a line beginning at a point on the coast of Rhode Island at 71°40′ W. long.; thence due south to 39° 00′ N. lat.; thence due east to 42°00′ W. long.; thence due south to 35°00′ N. lat., thence due west to the coast of North America, thence northwards along the east coast of Hatteras Island, past Oregon Inlet along the coast of North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, and Rhode Island to the point on Rhode Island at 71°40′ W. long.

(c) *Regulated species.* The regulations in this part shall apply to the following species by the subareas they are included in and wherever in the regulations in this part the term "regulated species" is used, it shall apply to those in this list.

(1) *In Subarea 1.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) *In Subarea 2.* (i) Cod (*Gadus morhua* (L.)).

(ii) Hadock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (american plaice) (*Hippoglossoides platesoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) *In Subarea 3.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (Redfish) (*Sebastes*).

(iv) Mackerel (*Scomber scombrus*).

(v) Dab (American Plaice) (*Hippoglossodes platessoides*).

(vi) In aggregate: Halibut (*hippoglossus hyppoglossus* (L.)), grey sole (witch) (*Glyptocephalus cynglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), Greenland halibut (*Reinharditus hippoglossoides* (Walb.)), pollock (saithe) (*Pollachius virens* (L.)). white hake (*Urophycis tenuis* (Mitch.)).

(4) *In Subarea 4.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Herring (*Clupea Harengus*).

(iv) Ocean perch (Redfish) (*Sebastes*).

(v) Pollock (*Pollachius Virens*).

(vi) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L)), yellowtail flounder (*Limanda ferruginea* (Storer)), blackback or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)), dab, *American plaice*) (*Hippoglossoides platessoides* (Fab.)).

(5) *In subarea* 5, (i) God (*Gadua morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L)).

(iii) Yellowtail flounder (*Limanda ferruginea* (Storer)).

(iv) Silver hake (*Merluccius bilinearis* (Mitch.)).

(v) Red hake (*Urophycis chuss* (Walb.)).

(vi) Herring (*Clupea harengus* (L)).

(vii) Mackerel (*Scomber scombrus* (L)).

(viii) Pollock (*Pollachius virens* (L)).

(ix) Ocean perch (Redfish) (*Sebastes*).

(x) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L), dab (American plaice) (*Hippoglossoides platessoides* (Fab) fluke (summer flounder) (*Poralichithys dentatus* (L), blackback or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)).

(xi) Short Finned Squid (*Illex illecebrosus*).

(xii) Long Finned Squid (*Loligo pealei*).

(xiii) Other finfish: All other finfish not mentioned by name excluding menhaden, tuna, billfish and sharks other than dogfish).

(6) *In Statistical Area 6,* (i) Red hake (*Urophycis chuss*).

(ii) Silver hake (*Merluccius bilimearis*)

(iii) In aggregate: Flounders: Grey sole (witch (*Glyptocephalus cynoglossus* (L), dab (American plaice) (*Hippoglossoides platessoides (Fab*), fluke (summer flounder) (*Poralichithys dentatus* (L), blackback or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)).

(iv) Short-finned squid (*Illex illecebrosus*).

(v) Long-finned squid (*Loligo pealei*).

(vi) Other finfish: All other finfish not mentioned by name excluding menhaden, tuna, billfish and sharks, other than dogfish.

(d) *Chafer.* A protective covering of canvas, netting, or other material attached to the underside of the cod end only of the net to reduce and prevent damage, and a rectangular piece or pieces of netting attached to the upper side of the cod end only of the net to reduce and prevent damage, so long as the netting attached to the upper side of the cod end conforms to the specifications of either the "ICNAF-type chafer," the "multiple flap-type chafer," or the "Polish-type chafer," described below. For the purposes of this paragraph, the required mesh size, when measured wet after use, shall be deemed to be the average of the measurements of 20 consecutive meshes in a series across the nettings.

(1) ICNAF chafer. A chafer having the following characteristics:

(i) The width of the netting shall be at least 1½ times the width of the area of the cod end which is covered, such width to be measured at right angles to the long axis of the cod end.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) On cod ends having a splitting strap, the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

(iv) On cod ends not having a splitting strap, the netting shall not extend to more than one-third the length of the cod end measured from not less than four meshes in front of the cod line mesh.

(v) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(2) *Multiple flap-type chafer.* A chafer having the following characteristics:

(i) Each piece of netting shall not exceed 10 meshes in length; each shall be at least the width of the cod end, such width being measured at right angles to the long axis of the cod end at the point of attachment; each shall be fastened by its forward edge only across the cod end at right angles to its long axis.

(ii) The aggregate length of all pieces of netting shall not exceed two-thirds the length of the cod end.

(iii) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(3) *Polish-type chafer.* A chafer having the following characteristics:

(i) The rectangular piece of netting attached to the upper side of the cod end shall have a mesh size at least twice as large as that specified for the cod end to which it is attached and shall have a width the same as that for the cod end.

(ii) It shall be fastened to the cod end only along the forward, lateral, and rear edges of the netting so that the meshes exactly overlay the meshes of the cod end.

(iii) The netting shall be the same twine size and material as that of the cod end.

(c) *Closed season.* The time during which regulated species in specified areas may not be taken in quantities exceeding the amounts specified as incidental fisheries.

(f) *Cod end.* The bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

(g) *Commission.* The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

(h) *Convention.* The International Convention for the Northwest Atlantic Fisheries signed at Washington, D.C., February 8, 1949, and amendments.

(i) *Contracting governments.* Governments party to the Convention.

(j) *Demersal species.* Fishes living at the bottom of the sea.

(k) *Executive Secretary.* The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries.

(l) *Fishing.* The catching, taking or fishing for, or the attempted catching, taking, or fishing for any regulated species.

(m) *Incidental fisheries.* The inadvertent taking of regulated species while conducting fishing operations primarily for other species.

(n) *Mesh size.* Any part of the net, the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from the side lacings measured when wet after use.

(o) *License.* A license issued by the National Marine Fisheries Service to enable the holder thereof to fish for, possess, transport, or deliver, by means of any fishing vessel, any regulated species.

(p) *Official or authorized official.* Any representative of the National Marine Fisheries Service (NMFS), U.S. Coast Guard, or US Bureau of Customs, authorized to enforce this part.

(q) *Open season.* The time during which regulated species may lawfully be captured and taken on board a fishing vessel without limitation of the quantity permitted to be retained during each fishing voyage, except as otherwise provided in this part.

(r) *Person.* Any owner, master, or operator of a vessel.

(s) *Regional Director.* The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone number: Area code (617) 281–0640.

(t) *Service.* The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(u) *Service Director.* The Director of the National Marine Fisheries Service.

(v) *Trawl net.* Any large bag net dragged in the sea by a vessel or vessels for the purpose of fishing.

(w) *Vessel.* Every kind, type or description of watercraft subject to the jurisdiction of the United States, used, or capable of being used, as a means of transportation on water.

(x) *Trip.* As used in connection with the trip exemption provided in § 240.3(b) means a departure from port, transit to the Convention area, participation in the fisheries, including incidental fisheries, and discharges any part of the catch on board.

§ 240.3 Licensing provisions.

(a) Any person or vessel desiring to fish for any regulated species within the waters under regulation by the Commission, or possess, transport, or deliver for sale, any regulated species taken within waters regulated by the Commission, must first obtain a license for that purpose.

(b) The owner or operator of a vessel may obtain the appropriate license by furnishing on the registration form provided by the National Marine Fisheries Service information specifying the names and addresses of the vessel owner and master, the name of the vessel, official number, fish hold capacity (nearest 100 pounds), and the homeport of the vessel. The registration form shall be submitted, in duplicate, to the Regional Director, National Marine Fisheries Service, Gloucester, Massachusetts, 01930, who shall grant the requested license, without fee, for an indefinite term of years, such term to include the calendar year in which the license is issued. New licenses will be issued to replace lost or mutilated licenses. A license shall expire whenever vessel ownership changes, or there exists an intent by the owner or the master of the vessel to change the directed fishery or fisheries of such vessel. Application for new license, because of a change in vessel ownership (which shall include the names and addresses of both the purchaser and seller and be submitted by the purchaser), a change in the directed fishery or fisheries of the vessel, or the removal of a vessel from the directed fisheries for regulated species within the Convention Area, must be filed with the Regional Director no later than 10 days following the change on a form provided by the Regional Director.

(c) The owner or operator of any licensed vessel which is proposed to be used in fishing outside the Convention area may obtain a temporary suspension of the license until such time that the vessel returns to fish within the Convention area.

(d) The temporary suspension or modification of the license shall be granted upon a written request, specifying the period of suspension or modification desired by an authorized State official or by an authorized official of the National Marine Fisheries Service, or Coast Guard. Such official shall make appropriate endorsement on the license evidencing the duration of its suspension or modification.

(e) The license issued by the National Marine Fisheries Service must be carried, at all times, on board the vessel for which it is issued and such license, the vessel, its gear and equipment shall be subject to inspection, at reasonable times, by authorized officials.

(f) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

§ 240.4 Persons and vessels exempted.

(a) *Scientific investigations.* Any person operating a vessel authorized by the Secretary of Commerce to engage in fishing for scientific purposes is exempt from all the requirements of this part.

(b) *Trip Exemption.* A person or vessel subject to the jurisdiction of the United States possessing a valid license and abiding by existing fishing gear restrictions, but subject to all seasonal, area, or species quota limitation closing for regulated species, may possess regulated species except haddock in 4VW as follows:

(1) Fishing vessels conducting fishing operations, or vessels in support of such operations, within Subarea 4 and/or 5, and/or Statistical Area 6, may catch or possess amounts of regulated species taken as an incidental catch not to exceed 5,510 pounds or 10 percent of the weight of the entire catch on board such vessel, whichever is greater.

(c) *Special Exemption.* Notwithstanding paragraph (b) of this section or § 240.11(a)(3) the Regional Director, at his discretion, and under such terms and conditions as he deems necessary, may enter into agreements with owners or operators fishing in Subareas 4 or 5 or Statistical Area 6, setting forth the method of computing an annual or quarterly exemption instead of trip exemptions. A form of such agreement is attached to these Regulations as Appendix I.

(d) *Special Exemption.* Notwithstanding paragraph (b) of this section or § 240.21(a)(4) the Regional Director, at his discretion, and under such terms and conditions as he deems necessary, may enter into agreements with owners or operators fishing in Subareas 4 or 5 or Statistical Area 6, setting forth the method of computing a biweekly exemption instead of trip exemptions. A form of such agreement is attached to these Regulations as Appendix II.

(e) *Excess taking.* The taking of excess amounts of such regulated species under these exemptions by a vessel fishing within Subarea 5 or Statistical Area 6 during the first 48 hour period subsequent to leaving port or off loading will not constitute a violation of these regulations.

§ 240.5 Reports and records.

(a) *Dealers.* (1) All persons, individuals, firms or corporations, at any port or place within the United States, that buy from other U.S. flag vessels or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, any regulated species taken within the Convention area by any fishing vessel, shall make and shall furnish to an authorized officer of the National Marine Fisheries Service, within 72 hours of sale or within 72 hours after buying or receiving, or upon the vessel's return to any port of the United States, a complete record of each purchase, on forms supplied by the National Marine Fisheries Service.

(2) All persons purchasing or receiving any regulated species in the Convention area for transport to any port of the United States must maintain records identical to those required under paragraph (a)(1) of this section.

(3) The possession by any person, firm or corporation of regulated species which such person, firm, or corporation knows to have been taken by a vessel of the United States without a valid license, is prohibited.

(b) *Owner or master.* (1) In the case of a vessel licensed under § 240.3, and fishing for any of the regulated species, the owner or master of vessels of 100 gross tons or more must maintain an accurate log of fishing operations showing date, type and size of gear used, locality fished, duration of fishing time or tow, and the estimated weight in pounds of each species taken at 12-hour intervals. Such logbooks shall be available for inspection by an authorized official in accordance with the ICNAF International Inspection Scheme adopted at the Twenty-first Annual Meeting, May 27–June 4, 1971. The logbook shall be presented for examination and subsequent return to the master or owner of the vessel upon proper demand by any authorized official at any time during or at the completion of a fishing trip. Such required documentation will be maintained by the owner or master of the vessel for one year subsequent to the date of the last entry in the logbook.

(2) In the case of vessels of less than 100 gross tons licensed under § 240.3, and fishing for any of the regulated species, the owner or master may be required to maintain the logbook for sampling purposes at the option of an appropriate official of the United States.

(3) In the case of vessels desiring to fish for nonregulated species on a trip basis, no reports are required of the owner or master.

Subpart B—Groundfish Fisheries

§ 240.10 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.2.

(b) Regulations in this subpart will apply to haddock (*Melanogrammus aeglefinus* (L.)), cod (*Gadus morhua* L.)), pollock (*Pollachius virens* (L.)), and redfish (ocean perch) (*Sebates marinus* (L.)).

§ 240.11 Catch quota.

(a) An annual catch limitation is placed upon the quantity of haddock permitted to be taken in Division 4X of Subarea 4, and Subarea 5. There will be no directed fishery for haddock within the regulatory area by persons or fishing vessels subject to the jurisdiction of the United States. The annual incidental catch of haddock by persons or fishing vessels subject to the jurisdiction of the United States in each of the subsequent divisions and/or areas is as follows:

(1) The annual incidental catch of haddock by persons or fishing vessels fishing in Division 4X of Subarea 4 shall not exceed 1,500 metric tons.

(2) The annual incidental catch of haddock by persons or fishing vessels fishing in Subarea 5, shall not exceed 4,450 metric tons.

(3) The incidental fishery for haddock, within Subareas 4 and 5, and Statistical Area 6, by persons or vessels subject to the jurisdiction of the United States shall be in accordance with the provisions of § 240.4(b)(1) except as otherwise specifically provided by agreement with the Regional Director in accordance with § 240.4(c).

(b) An annual catch limitation is placed upon the quantity of cod permitted to be taken in Subdivision 4X of Subarea 4, and Subdivisions 5Y, and 5Z, of Subarea 5. The aggregate catch of cod by persons or fishing vessels subject to the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of cod in Subarea 4 defined as that portion of Subdivision 4X lying south and east of the straight lines joining coordinates, in the order listed: 44°22′N, 63°20′W; 43°00′N, 65°40′W; 43°00′N, 67°40′W; shall not exceed 200 metric tons.

(2) The annual catch of cod in Subdivision 5Y of Subarea 5 shall not exceed 7,800 metric tons.

(3) The annual catch of cod in Subdivision 5Z of Subarea 5 shall not exceed 20,000 metric tons.

(c) An annual catch limitation is placed upon the quantity of pollock permitted to be taken in Subdivisions 4V, 4W, and 4X, of Subarea 4, and Subarea 5. The aggregate catch of pollock in the above areas by persons or fishing vessels subject to the jurisdiction of the United States shall not exceed 11,500 metric tons.

(d) An annual catch limitation is placed upon the quantity of red fish (ocean perch) permitted to be taken in Subarea 2, Subdivision 3K of Subarea 3, Subdivisions 4V, 4W, and 4X of Subarea 4, and Subarea 5. The aggregate catch of red fish (ocean perch) by persons or fishing vessels subject to the jurisdiction of the United States in each area, is as follows:

(1) The annual catch of red fish (ocean perch) by persons or fishing vessels fishing in Subarea 2, and Subdivision 3K of Subarea 3, shall not exceed 750 metric tons.

(2) The annual catch of red fish (ocean perch) by persons or fishing vessels fishing in Subdivisions 4V, 4W, and 4X of Subarea 4 shall not exceed 6,000 metric tons.

(3) The annual catch of red fish (ocean perch) by persons or fishing vessels fishing in Subarea 5, shall not exceed 13,000 metric tons.

§ 240.12 Open season.

(a) The open season for regulated groundfish species in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4, and Subarea 5, shall begin at 0001 hours of the 1st day of January 1975, and terminate at a time and a date to be determined and announced in the FEDERAL REGISTER: *Provided,* That the areas described in § 240.13 shall be closed to any vessel using gear capable of catching demersal species.

§ 240.13 Closed seasons and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishing for regulated groundfish species in Subarea 4 or 5, or any division thereof. The closure is determined in the following manner:

(1) The National Marine Fisheries Service maintains records of the catches of regulated groundfish species, except haddock, made in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4 and Subarea 5, during the open season, by vessels under the jurisdiction of the United States participating in the fishery.

(2) When the accumulative and estimated prospective catch of regulated groundfish species, except haddock in each subarea, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.11, the Director shall promptly publish the notice, in the FEDERAL REGISTER, required in paragraph (a) of this section, and shall notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(b) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to use, during the period from 0001 hours March 1 to 2400 hours May 31 fishing gear capa-

ble of catching demersal species, including any trawl gear or similar devices, gillnet or hook and line except that in the area delineated in (1) below, hooks having a gape of not less than 3 cm may be used, in:

(1) Subarea 5, two areas bounded by straight lines connecting the following coordinates in the order listed:

(i) 69°55′W–42°10′N, 69°10′W–41°10′N, 68°30′W–41°35′N, 68°45′W–41°50′N, 69°-00′W–41°50′N, such closed area being known as Closed Area "A".

(ii) 67°00′W–42°20′N, 67°00′W–41°15′-N, 65°40′W–41°15′N, 65°40′W–42°00′N, 66°00′W–42°20′N, such closed area being known as Closed Area "B".

(2) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to use, during the period from 0001 hours, February 1, to 2400 hours, May 31 fishing gear capable of catching demersal species, including any trawl gear or similar devices, gill net, or hook and line in Division 4X of Subarea 4 bounded by straight lines connecting the following coordinates, in the order listed:

67°00′ W.–43°00′ N., 66°32′ W.–42°42′ N., 66°32′ W.–42°20′ N., 66°00′ W.–42°20′ N., 65°44′ W.–42°04′ N., 64°00′ W.–42°49′ N., 64°00′ W.–43°30′ N., 65°40′ W.–43°00′ N., such area being known as Closed Area "C".

(c) (1) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to use fishing gear capable of catching demersal species including any trawl gear or similar devices, gillnet, or hook and line, for other than crustacea species, with or by fishing vessels over 130 feet or more in length in the area adjacent to the United States coast within such parts of Subarea 5, and Statistical Area 6, which lies north of 39°00′ N., and north of straight lines connecting 73°30′ W.–39°00′ N., 72°33′ W.–40°20′ N., and 68°15′ W.–40°20′ N., and south and west of a straight line drawn between the points: 68°15′ W.–40°20′ N., and 70°00′ W.–43°17′ N. Such closed Area being known as Closed Area "I".

(2) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to use fishing gear capable of catching demersal species including any trawl gear or similar devices, gillnet, or hook and line for other than crustacea species, with or by fishing vessels over 155 feet or more in length in Division 5Z or Subarea 5 bounded by straight lines connecting the following coordinates in the order listed: 67°00′ W.–42°20′ N., 67°30′ W.– 42°15′ N., 68°50′ W.–41°17′ N., 68°24′ W.–40°37′ N., 67°00′ W.–41°03′ N., 65°40′ W.–42°00′ N. Such Area being known as Closed Area "II".

(d) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States permitted to fish in the areas defined according to § 240.13 (b) and (c) to attach any protective device to pelagic fishing gear or employ any means that would, in effect, make it possible to fish for demersal species.

§ 240.14 Gear restrictions.

(a) In Subareas 1, 2, and 3, no person shall fish for regulated species with a trawl net or nets, parts of nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 5⅛ inches (130 mm.), or a trawl net or nets or parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 5⅛ inch (130 mm.) manila trawl net.

(b) In Subareas 4 and 5, no person shall fish for haddock or cod with a trawl net or nets, parts of nets, other than the cod end, or netting of manila or of the trade named twines, under the chemical category of polypropylene having a mesh size of less than 4½ inches (114 mm.) and having a cod end of meshes of less than 5⅛ inches (130 mm.).

(c) The use in fishing for haddock or cod within Subareas 4 and 5 of any device or method which would, or otherwise, have the effect of diminishing the size of said meshes of the trawl net is prohibited: *Provided*, That an approved chafer described in § 240.2(d) may be used.

§ 240.15 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.13(a), for the closing of the unrestrictive fishing for certain species in Division 4X or Division 4W of Subarea 4 and Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess such regulated ground fish species on board such vessel in those areas or to land such regulated ground fish species in those areas in any port or place until the next succeeding fishing season reopens on January 1 next.

(b) (1) Any fishing vessel which had departed port to engage in fishing for regulated groundfish species under the provisions of § 240.3 prior to the date of the closure for such regulated species in either Division 4X or 4W in Subarea 4, or Subarea 5, may continue to take and retain such species in the Division or Subarea for which the closure has been announced, for a period of time not to exceed 10 days, at which time fishing for such species in the closed Division or Subarea shall be prohibited. Within 48 hours after the expiration of the 10-day period, each such vessel must return to a port or place in the United States, and the master or person in charge must immediately, on his return, notify any officer of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel, licensed pursuant to § 240.3, may continue to fish after the date of closure, in any subarea or division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of such regulated species in his possession on each trip must not exceed 5,510 pounds or 10 percent of the weight of the entire catch on board such vessel, whichever is greater.

(c) Any master or person in charge of a fishing vessel, which has departed port after the date of closure of unrestrictive fishing for certain regulated groundfish species in Division 4X or 4W in Subarea 4, or Subarea 5, may take, possess on board, and land in any port or place, such regulated species as may be taken incidentally to a fishery for nonregulated species: *Provided*, That the master of the said vessel has on board the appropriate license as required under § 240.3(a) and complies with the limitations specified in § 240.4, and the reporting requirements, where required, in § 240.5(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

(e) The provisions of this subpart shall be enforced in accordance with, and not supersede the provisions of § 240.4.

Subpart C—Flatfish Fisheries

§ 240.20 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.2.

(b) Regulations in this subpart will apply to American plaice (*Hippoglossoides platessoides* (Fab.)), Yellowtail flounder (*Limanda ferruginea* (Storer)), and other flounders in aggregate grey sole or with (*Glyptocephalus gynoglossus* (L)), dab or American plaice (*Hippoglossoides platessoides* (Fab.)), fluke or summer flounder (*Paralichthys dentatus* (L)), blackback, lemon sole or winter flounder (*Pseudopleuronectes americanus* (Walb.)).

§ 240.21 Catch quota.

(a) An annual catch limitation is placed upon the total quantity of yellowtail flounder, witch flounder, and American plaice permitted to be taken by persons or fishing vessels subject to the jurisdiction of the United States. The catch limitations are as follows:

(1) There will be no directed fishery for yellowtail flounder in the Regulatory Area, except in Subarea 5, east of 69°00′ West Longitude.

(2) In subdivision 4V, 4W, and 4X, of Subarea 4, the total catch of witch flounder, American plaice, and the incidental catch of yellowtail flounder shall not exceed 350 metric tons.

(3) In Subarea 5 east of 69°00′ West Longitude, the total annual catch of yellowtail flounder shall not exceed 15,900 metric tons, and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulated catch
Jan. 1 to Mar. 31	3,850	3,850
Apr. 1 to June 30	3,850	7,700
July 1 to Sept. 30	4,900	12,600
cOt. 1 to Dec. 31	3,300	15,900

(4) The incidental catch of yellowtail flounder west of 69°00' West Longitude in Subarea 5, and in Statistical Area 6 shall not exceed 3,990 metric tons and shall be in accordance with the provisions of § 240.41(b)(1) except as otherwise specifically provided by agreement with the Regional Director in accordance with § 240.4(d).

(b) The Director may adjust the quarterly increments of this subpart by publication of a notice in the FEDERAL REGISTER.

(c) An annual catch limitation is placed upon the aggregate quantity of flounder other than yellowtail permitted to be taken by persons or fishing vessels subject to the jurisdiction of the United States in Subarea 5, and in Statistical Area 6. The aggregate catch of such species in the above areas by persons or fishing vessels subject to the jurisdiction of the United States shall not exceed 19,500 metric tons.

§ 240.22 Open season.

(a) The open season for regulated flatfish species in areas under quota in § 240.21, shall begin at 0001 hours local time on the 1st day of January 1975 and terminate at a time and date to be announced by the Director, by publication of a notice in the FEDERAL REGISTER. In the event of a closure during any quarter, open season fishing for yellowtail flounder shall resume on the first day of the next quarter.

§ 240.23 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for certain regulated flatfish species in Subarea 3, and Subarea 5, and Statistical Area 6.

(b) The National Marine Fisheries Service maintains records of the catches of regulated flatfish species made during the open seasons in those areas under quota limitations specified in § 240.21 by vessels under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated catch of certain regulated flatfish species, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.21, the Director shall promptly notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(d) Announcement shall also be made by publication of a notice in the FEDERAL REGISTER of the closing time and date of the first, second, and third quarters when the Director has determined, on the basis of catch data and catch rates, that the accumulative catch (landings plus discards) of yellowtail flounder in Subarea 5, and in Statistical Area 6 in either area (east or west of 69°00' W.), will equal the quarterly quota established in § 240.21(b).

§ 240.24 Gear restrictions.

(a) In Subarea 4 and 5, no person shall fish for yellowtail flounder with a trawl net or nets, parts of nets, other than the cod end, or netting of manila or of the trade named twines, under the chemical category of polypropylene having a mesh size of less than 4½ inches (114 m.m.) and having a cod end of meshes of less than 5⅛ inches (130 m.m.).

(b) The use in fishing for regulated species within any device of diminishing the size of said meshes or obstruct the meshes of the trawl net, is prohibited: *Provided*, That an approved chafer, described in § 240.2(d) may be used.

§ 240.25 General restrictions.

(a) Except as provided in paragraphs (a)(1) or (2) and (b) of this section, after the dates announced in the manner provided in § 240.23 for the closing of the fishing season or seasons, it shall be unlawful for any master or other person in charge of a fishing vessel to possess such regulated flatfish species in the closed Regulatory areas or to land such species taken in those areas in any port or place until the next succeeding open season.

(1) In the event of a closure of any of the first three quarters, as provided under § 240.23(d), any fishing vessel which had departed port to engage in yellowtail flounder fishing in Subarea 5 and in Statistical Area 6, prior to the date of the closure, may continue to take and retain yellowtail flounder in the area subject to the closure for a period of time not to exceed 5 days, at which time fishing for yellowtail flounder in the closed area shall be prohibited.

(2) In the event of an annual closure as provided under § 240.23, any fishing vessel which had departed port to engage in fishing for regulated flatfish species in Subarea 5, prior to date of the closure, may continue to take and retain such species in the area subject to the closure, for a period of time not to exceed 10 days, at which time fishing in the closed area shall be prohibited. Within 24 hours after the expiration of either the 10-day or 5-day period, provided under the preceding paragraph, each such vessel must return to a port or place in the United States and the master or person in charge must immediately, on the return, notify any appropriate official of the National Marine Fisheries Service, U.S. Customs Service, or Coast Guard, of his arrival.

(b) Any master or person in charge of a fishing vessel licensed pursuant to § 240.3, which has departed port after the date of closure in any of the Regulatory Areas, may catch regulated species in Subareas affected by the closure if, during the trip begun subsequent to such closure, the quantity of regulated species subject to the closure in his possession does not exceed 5,510 pounds or 10 percent of the weight of the entire catch on board, whichever is the greater, in accordance with § 240.4.

(c) Nothing contained herein shall be construed to amend, modify, or repeal those provisions of § 240.13 regarding areas closed to demersal fishing. The provisions of this section apply to fishing trips begun during the current calendar year.

Subpart D—Hake Fisheries

§ 240.30 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.2.

(b) Regulations in this subpart will apply to silver hake, (*Merluccius bilinearis* (Mitch.)), and red hake, (*Urophycis chuss* (Walb.)).

§ 240.31 Catch quota.

(a) An annual catch limitation is placed upon the quantity of silver hake permitted to be taken in Division 5Y and Subdivisions 5Ze and 5Zw of Subarea 5, and in Statistical Area 6. The aggregate catch of silver hake permitted to be taken by persons or fishing vessels subject to the jurisdiction of the United States in each area is as follows:

(1) The annual catch of silver hake in Division 5Y of Subarea 5 shall not exceed 9,500 metric tons.

(2) The annual catch of silver hake in Subdivision 5Ze of Subarea 5 east of 70°00' W. Longitude shall not exceed 8,500 metric tons.

(3) The annual catch of silver hake in both Subdivision 5Zw of Subarea 5 west of 70°00' W. Longitude and in Statistical Area 6 shall not exceed 9,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of red hake permitted to be taken east of 69° West longitude in Division 5Z of Subarea 5 and West of 69° West longitude in Division 5Z of Subarea 5 and in Statistical Area 6. The aggregate catch of red hake by persons or fishing vessels subject to the jurisdiction of the United States, in each area is as follows:

(1) The annual catch of red hake east of 69°00' West longitude in Division 5Z of Subarea 5, shall not exceed 1,000 metric tons.

(2) The annual catch of red hake west of 69°00' West longitude in Division 5Z of Subarea 5 and in Statistical Area 6 shall not exceed 6,000 metric tons.

It shall be unlawful for any person subject to the jurisdiction of the United States to conduct a directed fishery for silver hake or red hake after closure of the fishery.

§ 240.32 Open season.

(a) The open season for silver hake fishing in Division 5Y and 5Z of Subarea 5, and red hake fishing in Division 5Z of Subarea 5, and in Statistical Area 6 shall begin at 0001 hours of the 1st day of January 1976, and terminate at a time and a date to be determined pursuant to § 240.33.

§ 240.33 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a

notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for silver hake or red hake in Subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of silver hake or red hake made in each Division of Subarea 5 during the open season by vessels, under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated prospective catch of silver hake and red hake in each Division of Subarea 5, and in Statistical Area 6, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.31, the Director shall promptly notify the Executive Secretary of the date on which its vessels have ceased a specialized fishery.

§ 240.34 Gear restrictions.

There are no gear restrictions regarding fishing for silver or red hake.

§ 240.35 General restrictions.

(a) Any fishing vessel which had departed port to engage in silver or red hake fishing under the provisions of § 240.3(a), prior to the date of closure of silver or red hake fishing in either Division 5Y or 5Z of Subarea 5 and in Statistical Area 6 may continue to take and retain silver or red hake in the Divisions for which the closure has been announced for a period of time not to exceed 5 days, at which time fishing for silver or red hake in the closed Division shall be prohibited. Within 48 hours after the expiration of the 5-day period, each such vessel must return to a port or place in the United States and the master or person in charge must immediately, on his return, notify any appropriate officer of the National Marine Fisheries Service, U.S. Customs Service, or Coast Guard, of his arrival.

(b) Any master or person in charge of a fishing vessel licensed pursuant to § 240.3, which has departed port after the date of closure in any of the Regulatory Areas, may catch regulated species in Subareas affected by the closure if, during the trip begun subsequent to such closure, the quantity of regulated species subject to the closure in his possession does not exceed 5,510 pounds, or 10 percent of the weight of the entire catch on board, whichever is greater, in accordance with § 240.4.

(c) Nothing contained herein shall be construed to amend, modify, or repeal those provisions of § 240.13 regarding areas closed to demersal fishing. The provisions of this section apply to fishing trips begun during the currrent calendar year.

Subpart E—Pelagic Fisheries

§ 240.40 Definitions.

(a) Unless otherwise defined herein, the terms used in this Subpart will have the meanings ascribed to them in Subpart A, § 240.2.

(b) Regulations in this subpart will apply to herring (Clupea harengus L.), mackerel (Scomber scombrus L.), and squid (all species).

§ 240.41 Catch quota.

(a) An annual catch limitation is placed upon the quantity of herring permitted to be taken in Divisions 4X and 4W of Subarea 4, Divisions 5Y and 5Z of Subarea 5, and in Statistical Area 6. The aggregate catch by persons or fishing vessels subject to the jurisdiction of the United States in each area is as follows:

(1) The annual catch of herring by persons or fishing vessels fishing in Division 4X and 4W in Subarea 4 shall be determined at a later date and published in the FEDERAL REGISTER.

(2) The annual catch of herring by persons or fishing vessels fishing in Division 5Y of Subarea 5 shall be determined at a later date and published in the FEDERAL REGISTER.

(3) The annual catch of herring by persons or fishing vessels fishing in Division 5Z of Subarea 5, and in Statistical Area 6, shall be determined at a later date and published in the FEDERAL REGISTER.

(b) An annual catch limitation is placed upon the quantity of mackerel permitted to be taken in Subareas 3 and 4 and 5 and in Statistical Area 6. The aggregate catch by persons or fishing vessels subject to the jurisdiction of the United States fishing in each area is as follows:

(1) The annual catch of mackerel by persons or fishing vessels fishing in Subareas 3 and 4 shall not exceed 500 metric tons.

(2) The annual catch of mackerel by persons or fishing vessels fishing in Subarea 5 and in Statistical Area 6 shall not exceed 4,700 metric tons.

§ 240.42 Open season.

The open season for herring or mackerel shall begin at 0001 hours of the first day of January each year and terminate in each subarea at a time and date to be determined and announced as provided in § 240.43.

§ 240.43 Closed season and areas.

(a) The Service Director shall maintain records of the catches of herring or mackerel by fishing vessels subject to quota allocations in the specific areas and/or Subareas and Statistical Areas, or combination of such, as previously stated in § 240.41, during the open season. The Service Director shall announce the closure dates for herring or mackerel fishing in Divisions 5Y and 5Z of Subarea 5, and in Statistical Area 6 when the accumulated catch and estimated catch of herring or mackerel, the quantity estimated to be taken before closure could be introduced, and the likely incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.41. Such announcement of the season closure dates shall be made by publication of a notice in the FEDERAL REGISTER.

(b) The Executive Secretary shall maintain records of the catches by fishing vessels, of all contracting governments participating in fishing for herring, subject to quota regulations in Subarea 4, during open seasons for which specific allocations have not been assigned. The Executive Secretary shall notify the United States when the accumulated catch and estimated catch of herring in Divisions 4W and 4X of Subarea 4, the quantity estimated to be taken before closure could be introduced, and the likely incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.41. The Service Director shall announce the closure dates for the herring fishing season for the specific areas and/or Subearas and Statistical Areas, or combination of such, as previously stated in § 240.41, within 10 days of the receipt of such notification from the Executive Secretary. Such announcement of the season closure dates shall be made by publication of a notice in the FEDERAL REGISTER.

§ 240.44 Gear restrictions.

There are no gear restrictions regarding fishing for herring or mackerel.

§ 240.45 General restrictions.

(a) Except as provided in § 240.4, and as provided below, after the date announced in manner provided in § 240.43, for the closing of the herring or mackerel fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to possess herring or mackerel taken in the closed subareas or to land herring taken in those subareas in any port or place until the next succeeding open season for herring or mackerel.

(b) In the event of an annual closure in the specific areas, and/or or Subareas, and Statistical Areas, or combination of such, as previously stated in § 240.41, any fishing vessel, which had departed port to engage in herring or mackerel fishing in Subarea 5 and in Statistical Area 6 prior to the date of closure, may continue to take and retain herring or mackerel in that subarea after the closure, for a period of time not to exceed 2 days, at which time fishing for herring or mackerel in the closed subarea shall be prohibited. Within 24 hours after the expiration of the 2-day period, each fishing vessel must return to a port or place in the United States, and the master or person in charge of the fishing vessel must then immediately notify an authorized official of the vessel's arrival in port.

(c) In the event of an annual closure as provided in § 240.43(b) in the specific areas and/or Subareas, and Statistical Areas, or combination of such, as previously stated in § 240.41, any fishing vessel, which had departed port to engage in herring fishing in Subarea 4 prior to the date of closure, may continue to take and retain herring in that subarea after the closure, for a period of time not to exceed 4 days, at which time fishing for herring in the closed subarea shall be prohibited.

Within 24 hours after the expiration of the 4-day period, each fishing vessel must return to a port or place in the United States, and the master or person in charge of the fishing vessel must then immediately notify an authorized official of the vessel's arrival in port.

(d) For the purposes of law enforcement and inspection, duly authorized officials shall have reasonable access to any area on board a fishing vessel, transport, or shore facility where fish are landed, handled, stored, or processed, and to areas where fishing gear or parts of fishing gear are used, assembled, or stored.

§ 240.46 Size limits.

Size limits are placed on the length of herring and mackerel permitted to be taken or possessed by persons or fishing vessels under the jurisdiction of the United States.

(a) The taking or possession of herring less than 9 inches (22.7 cm), measured from the tip of the snout to the end of the tail, in those portions of Division 4W south of 44°52′ N. Latitude and Division 4X south of 44°50′ N. Latitude of Subarea 4, and in Subarea 5, and in Statistical Area 6, is prohibited except as provided in paragraph (b) of this section.

(b) A person on any trip may take herring less than 9 inches (22.7 cm), measured as specified in paragraph (a) of this section: Provided, that the total amount taken does not exceed 10 percent by weight or 25% by count of all herring caught in the areas above, specified by that fishing vessel during such trip. A trip shall be considered to be not more than 90 days on grounds as determined by examination of the logbook.

(c) The taking or possession of mackerel less than 10 inches (25 cm.), measured from the tip of the snout to the end of the tail, in Subareas 3, 4, and 5, and in Statistical Area 6, is prohibited except as provided in paragraph (d) of this section.

(d) A person on any trip may take mackerel less than 10 inches (25 cm.) measured as specified in paragraph (a) of this section provided: that the total amount taken does not exceed 10 percent by weight or 25 percent by count of all mackerel caught in those areas specified in paragraph (c), by that fishing vessel during such trip. A trip shall be considered to be not more than 90 days on grounds as determined by examination of the logbook.

Subpart F—All Other Finfish

§ 240.50 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meaning ascribed to them in Subpart A, § 240.2.

(b) Regulations of this subpart will apply to all other finfish taken by persons or fishing vessels subject to the jurisdiction of the United States in Subarea 5 and Statistical Area 6, and such other finfish not previously mentioned in § 240.10, 20, 30, and 40.

§ 240.51 Catch quota.

An annual catch limitation is placed upon the quantity of other finfish as defined in § 240.2(c)(5) permitted to be taken in Subarea 5 and in Statistical Area 6. The aggregate catch of all other finfish in the above areas by persons or fishing vessels subject to the jurisdiction of the United States shall not exceed 68,000 metric tons.

Subpart G—Squid Fisheries and Shellfish

§ 240.60 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in Subpart A, § 240.2

(b) Regulations of this section apply to all short finned squid (*Illex illecebrosus*), long finned squid (*Loligo pealei*) and shellfish taken by persons or fishing vessels subject to the jurisdiction of the vessels subject to the jurisdiction of the United States in Subarea 5 and Statistical Area 6.

§ 240.61 Catch quota.

(a) An annual catch limitation is placed upon the quantity of short finned squid and long finned squid permitted to be taken in Subarea 5 and Statistical Area 6 by persons and fishing vessels subject to the jurisdiction of the United States, and is as follows:

(1) The annual catch of short finned squid in Subarea 5 and/or Statistical Area 6, shall not exceed 7,500 metric tons.

(2) The annual catch of long finned squid in Subarea 5 and/or Statistical Area 6, shall not exceed 8,500 metric tons.

§ 240.62 Open season.

The open season for short finned squid and long finned squid under quota shall begin at 0001 hours of the first day of January in each calendar year and terminate in each Subarea or Statistical Area at a time and date determined and announced as provided in § 240.63.

§ 240.63 Closed season and area.

(a) The Director shall announce the closure of a season by publication of proper notice in the FEDERAL REGISTER, specifying the time and the date for the termination of any directed fishery for any regulated squid species in Subarea 5 and/or Statistical Area 6.

(b) The National Marine Fisheries Service maintains the records of the catches of any regulated squid species made during the open season in those areas under quota limitations specified in § 240.61 by persons or fishing vessels subject to the jurisdiction of the United States, participating in such fishery.

(c) When the accumulated and estimated catch of any regulated squid species equals 100 percent of the allowable catch specified in § 240.61, the Director shall promptly notify the Executive Secretary of the date vessels subject to the jurisdiction of the United States ceased a directed fishery for regulated squid. In determining when the accumulated and estimated catch of any regulated squid equals 100 percent, the Director shall include the estimated incidental squid catch for the remainder of the year.

§ 240.64 Gear restriction.

(a) There are no gear restrictions for a directed squid fishery.

(b) Persons or fishing vessels conducting a directed squid fishery with unrestricted mesh size trawl gear or any other unrestricted fishing gear, may take incidental to such directed squid fishery, regulated species having mesh size or other fishing gear restrictions not to exceed 5,510 pounds or 10 percent of the weight of the entire catch on board, whichever is greater, per fishing trip.

§ 240.65 General restrictions.

(a) Except as provided in § 240.4, and as provided for below, subsequent to the announcement of a closure date for any squid fishery in accordance with § 240.63, it shall be unlawful for persons or fishing vessels subject to the jurisdiction of the United States to catch, or possess such regulated squid species taken in the properly closed Subarea or Statistical Area until the next succeeding open season for such regulated squid species.

(b) In the event of the proper closure of a squid fishery in Subarea 5 or Statistical Area 6, such fishery for the remainder of the calendar year will be in accordance with § 240.15 as that section applies to Subarea 5 or Statistical Area 6.

Subpart H—Overall Quota

§ 240.70 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in Subpart A, § 240.2.

(b) Regulations of this subpart will apply to all stocks and species in Subarea 5 and in Statistical Area 6 excluding menhaden, tuna, billfish and sharks other than dogfish.

§ 240.71 Catch quota.

The aggregate catch of all such stocks and species in the above areas by persons or fishing vessels subject to the jurisdiction of the United States shall not exceed 230,000 metric tons.

APPENDIX I

OPTIONAL SETTLEMENT AGREEMENT FORM

This agreement is entered into between the United States Government and _____ (hereinafter "the owner"), owner of vessel _____, official number _____ (hereinafter "the vessel"), operating in the groundfisheries in Subarea(s) _____ (hereinafter "settlement area") of the ICNAP regulatory area, as defined in Chapter II, Subchapter E, Part 240 of Title 50 Code of Federal Regulations. This agreement covers the following species: _____ (hereinafter "settlement fish").

The purpose of this agreement is to provide for the settlement of cases involving violations of the Northwest Atlantic Fisheries Act of 1950, and in particular violations set forth in 50 CFR 240 _____ regarding regulations governing the taking of settlement fish in the settlement area. The purpose of this settlement agreement is to assure compliance with the principles of the Northwest Atlantic Fisheries Act of and, in accordance with the Fish and Wildlife Act of 1956, as amended, to take required steps for the development, advancement, management, conservation, and protection of the fisheries resources of the United

States. The parties to this agreement agree as follows:

1. This agreement shall cover the period commencing on _____ and continuing for a period of _____ days and terminating on _____. Settlement under the provisions of _____ shall take place within ten (10) days of the conclusion of each quarter or period if otherwise stated.

2. The owner agrees that the master or other person in charge of the vessel shall maintain an accurate log of the fishing operations of the vessel, showing the date, type and size of gear used, locality fished, duration of fishing, time of tow, and the estimated weight of each species taken at 12-hour intervals. For the purpose of providing information useful in the implementation of the agreement and detecting violations thereof, the log book shall be made available for inspection and copying by an authorized official of the National Marine Fisheries Service within 48 hours of completion of each fishing voyage conducted by the vessel during the period set forth in paragraph 1.

3. The owner shall also notify the Regional Director in writing, within 48 hours of the sale of the catch of the vessel, of the total quantity of fish landed and the gross sales price and the quantity of settlement fish landed and the total price received for such settlement fish and shall supply a copy of a settlement sheet which accurately reflects the selling price of the catch and each species (to the extent species are separately sold) and the distribution thereof.

4. (a) In the event that the quantity of settlement fish taken on a trip exceeds 15 percent (the quantity permitted), the owner shall deposit with the Regional Director a sum representing 20 percent of the value to the owner of the excess settlement fish over that amount permitted.

(b) The value to the owner of excess settlement fish on each voyage during the period shall be computed by determining the value of the haddock taken in excess of the amount permitted by paragraph 4 on the basis of the average price received for all settlement fish on the trip.

5. The Regional Director shall maintain a record of the quantity of all fish including settlement fish taken by the vessel, and the maximum amount of settlement fish permitted by the regulations for each trip completed during the period set forth in paragraph 1. At the end of such period, the Regional Director shall compute the total quantity of settlement fish taken during the period and the total amount of settlement fish permitted by regulation during that period, which is the sum of the maximum quantities of settlement fish permitted by paragraph 4 for each trip during the period.

6. If the total quantity of settlement fish taken during the period is equal to or less than the total amount permitted, the entire amount deposited shall be returned to the owner.

7. (a) If the total quantity of settlement fish taken during the period exceeds the total amount permitted during the period, the Regional Director shall retain from the amounts deposited during the period a sum representing the net value to the owner of the total net quantity of excess settlement fish for the period and shall return the remainder to the owner.

(b) The amount retained by the Regional Director shall be determined by:

(1) Subtracting the total quantity of settlement fish permitted during the period from the total quantity of settlement fish actually taken during the period.

(2) Multiplying the quantity of excess settlement fish by the average unit price actually received by the vessel for settlement fish on a trip for which a deposit was made pursuant to paragraph 4(a).

8. (a) Fishing voyages of a duration of four days or less shall be excluded from the computations provided herein unless the Regional Director determines that the trip is a bona fide fishing trip.

(b) A fishing voyage in respect of which the settlement fish on board exceeds _____ percent by weight of all fish on board caught in the settlement area shall not be included in the calculations as provided in paragraphs 6 and 7 of this agreement, but the owner agrees to forfeit to the Regional Director the value to the owner of the excess quantity of settlement fish with respect to that vessel. The amount of the forfeiture shall be computed as in paragraph 4.

(9) (a) In the event of a proper closed season being announced by the Director, such closure pertaining to the settlement fish as specified in this agreement, the vessel owner agrees that the fishing vessel(s) subject to this agreement will not catch, take, or possess quantities of the settlement fish subject to the closure, subsequent to the announcement of such closure, in excess of 5,510 pounds or 10 percent of the weight of the entire catch on board, whichever is the greater, per fishing trip.

(b) Failure by the vessel owner(s) to comply with the terms of this agreement will cause the Regional Director to declare the agreement null and void, as such agreement pertained to the named vessel owner(s) and/or named fishing vessels(s), such parties then to fish in accordance with the regulations as provided by Title 50, Code of Federal Regulations, Part 240 in its entirety.

Vessel Owner

Date

United States ofAmerica, Secretary of Commerce, Administrator, National Oceanic and Atmospheric Administration.

By: _____

Regional Director, Northeast Region, National Marine Fisheries Service

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Date

APPENDIX II—INCIDENTAL CATCH AGREEMENT FORM FOR YELLOWTAIL FLOUNDER

This Agreement is entered into between the United States Goverment acting by and through the Regional Director, Northeast Region, National Marine Fisheries Service ("the Director"), and _____ ("the Owner"), owner of the fishing vessel _____, official number _____, ("the Vessel"), operating in the flatfish fisheries in Subarea 5 and Statistical Area 6 of the ICNAF regulatory zone, as defined in Chapter II, Subchapter E, Part 240 of Title 50 Code of Federal Regulations.

The purpose of this Agreement is to provide for greater flexibility in conducting an incidental fishery for Yellowtail Flounder in Subarea 5, in the area West of 69° west longitude, and in Statistical Area 6 ("the Agreement area"), while complying with the Northwest Atlantic Fisheries Act of 1950, as amended, 16 U.S.C. 981–991, and the provisions of 50 CFR 240, in particular section 240.21(a)(4), governing the incidental taking of Yellowtail Flounder in the Agreement area.

The parties to this Agreement agree as follows:

1. This Agreement shall cover the period commencing at 0001 hours on January __, 1976, and terminating at 2400 hours on December 31, 1976.

2. The Master or other person in charge of the Vessel shall maintain an accurate log at 12-hour intervals of the fishing operations of the Vessel, showing the date, type and size of gear used; locality fished, duration of fishing, time of tow, and the estimated weight of each specie taken. For the purpose of providing information useful in the implementation of the Agreement and detecting violations thereof, the log book shall be made available for inspection and copying by an authorized official of the National Marine Fisheries Service within 48 hours of completion of each fishing voyage conducted by the Vessel during the period set forth in paragraph 1.

3. The Owner shall notify the Regional Director in writing, within 48 hours of the sale of the catch of the Vessel, the total quantity of fish landed and, specifically, the total quantity of Yellowtail Flounder landed. A copy of the sales slip(s) which accurately reflect(s) the volume of each specie in the catch will serve as the required written notification to the Regional Director.

4. Notwithstanding the incidental catch limitations established by 50 CFR 240.21(a)(4), the Vessel may possess and land up to 11,000 pounds of Yellowtail Flounder taken as an incidental catch in the Agreement area, *provided*, That not more than 11,000 pounds of such Yellowtail Flounder may be landed during any fourteen day period.

5. If the Owner violates this Agreement by failing to furnish the information as required by paragraphs 2 and 3 above for any trip, the provisions of paragraph 4 above shall not apply with respect to the incidental catch of such trip and such incidental catch shall be subject to the limitations established by 50 CFR 240.21(a)(4).

6. This Agreement, may be terminated by the Regional Director, if the Owner violates this Agreement by failing to furnish the information provided for in paragraphs 2 and 3, above or violates paragraph 4, above.

7. The Regional Director may, at any time prior to December 31, 1976, order a blanket termination of all such existing agreements, if, in the opinion of the Regional Director, scientific evidence indicates serious damage to the Yellowtail Flounder resources in Subarea 5 West of 69° and Subarea 6 is being experienced as a result of these agreements.

Vessel Owner

Date

United States of America, Secretary of Commerce, National Oceanic & Atmospheric Administration

By: _____

Regional Director, Northeast Region National Marine Fisheries Service

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Date

[FR Doc.76-277 Filed 1-5-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 5]

[Notice No. 288]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

Standards of Identity for Liqueurs

The Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate, is considering rulemaking to establish standards of identity for "rum liqueur", "gin liqueur", and "brandy liqueur".

Currently, the standard of identity for cordials and liqueurs is set forth at 27 CFR 5.22(h). In general, cordials and liqueurs are products produced by mixing or redistilling distilled spirits with fruit, fruit juices, flowers or other natural flavors. These products must contain a minimum of 2½ percent sugar by weight.

In addition to the general standard of identity for liqueurs and cordials, the Bureau has recognized several distinctive liqueurs and has accorded them standards of identity which may be used in labeling and advertising; these products are rye liqueur, bourbon liqueur, sloe gin, rock and rye, rock and bourbon, rock and brandy, and rock and rum. The Bureau has permitted other cordials and liqueurs to be named according to recognized trade and consumer understanding such as "Creme de Menthe", or to be designated "cordial" or "liqueur" together with the predominant flavoring ingredient, for example "apricot liqueur." In the past, however, the Bureau has held that the terms "rum liqueur", "gin liequeur", and "brandy liqueur" are improper and that these liqueurs must be labeled as "liqueur-made from rum" (or gin or brandy), since they derive their predominant flavor from distilled spirits rather than from fruit or other natural flavoring.

Recently it has come to the Bureau's attention that these cordial and liqueur products are commonly known to the beverage trade and to many consumers simply as "rum (or gin or brandy) liqueur" even though these products may not be labeled in this manner. Thus, the Bureau believes that to the average consumer there would be little difference between a product labeled as "rum liqueur" and one labeled as "liqueur-made from rum," and that the term "rum liqueur" would not mislead a consumer. Similarly, the terms "gin liqueur" and "brandy liqueur" would seem to denote the same products as those currently labeled "liqueur-made from gin" and "liqueur-made from brandy." In each case the consumer expects to receive a liqueur which derives its predominant flavor from the distilled spirits indicated on the label, and which distilled spirits component is exclusively rum, gin, or brandy as indicated. Therefore, it is proposed to amend the standards of identity by adding to them "rum liqueur", "gin liqueur" and "brandy liqueur". These products will be defined as liqueurs bottled at not less than 60° proof, in which the distilled spirits used are entirely rum, gin or brandy, and which derive their predominant flavor from the distilled spirits component. This proposed amendment of § 5.22(h) will permit these liqueur designations to be used for labeling and advertising purposes.

Prior to the final adoption of this regulation, the Bureau will consider any relevant data, views or arguments. Persons wishing to comment upon this proposed change may submit, in duplicate, their written data, views or arguments to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Attention: Regulations and Procedures Division, not later than February 5, 1976. Any written comments or suggestions not specifically designated as confidential in accordance with 27 CFR 71.22(d)(7) may be inspected by any person upon written request. The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any interested person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on this proposed regulation should submit his or her request, in writing, to the Director within the 30-day period.

In view of the foregoing, it is proposed to amend 27 CFR 5.22 by redesignating paragraphs (h)(4) and (5) as paragraphs (h)(5) and (6), and by adding a new paragraph (h)(4) which prescribes standards of identity for "rum liqueur", "gin liqueur", and "brandy liqueur." As amended, § 5.22 reads as follows:

§ 5.22 The standards of identity.

* * * * *

(h) *Class 8; cordials and liqueurs.* * * *

(4) "Rum liqueur", "gin liqueur", "brandy liqueur" are liqueurs, bottled at not less than 60° proof, in which the distilled spirits used are entirely rum, gin, or brandy, respectively, and which possess, respectively, a predominant characteristic rum, gin, or brandy flavor derived from the distilled spirits used. Wine, if used, must be within the 2½ percent limitation provided in § 5.23 for harmless coloring, flavoring, and blending materials.

(5) The designation of a cordial or liqueur may include the word "dry" if the sugar, dextrose, or levulose, or a combination thereof, are less than 10 percent by weight of the finished product.

(6) Cordials and liqueurs shall not be designated as "distilled" or "compound".

* * * * *

The proposed regulation is to be issued under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)).

Signed: December 11, 1975.

REX D. DAVIS,
Director.

Approved: December 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-240 Filed 1-5-76;8:45 am]

Fiscal Service

[31 CFR Part 223]

SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Proposed Fee Schedule Revision

Correction

In FR Doc. 75-34742 appearing on page 59600 in the issue of Monday, December 29, 1975, make the following changes:

1. In the last paragraph, the date reading "January 28, 1975" should read "January 28, 1976".

2. The signature should read "David Mosso".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

HANDLING OF PAPAYAS GROWN IN HAWAII

Proposed Rulemaking With Respect to Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $270,000 and rate of assessment of $0.005 per pound of papayas to support the activities of the Papaya Administrative Committee for the 1976 fiscal period under marketing agreement and Order No. 928.

Consideration is geing given to the following proposals submitted by the Pa-

paya Administrative Committee, established under the marketing agreement, and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses which are reasonable and likely to be incurred by the Papaya Administrative Committee, during the period January 1, 1976, through December 31, 1976, will amount to $270,000.

(b) That there be fixed, at five mills ($0.005) per pound of papayas, the rate of assessment payable by each handler in accordance with § 928.41 of the aforesaid marketing agreement and order during the fiscal year beginning January 1, 1976.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended December 31, 1975, shall be carried over as a reserve in accordance with the applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than January 30, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: January 2, 1976.

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

[FR Doc.76-308 Filed 1-2-76;12:52 pm]

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Marketing Quota Referendum for the 1976 Crop

Marketing quotas for the crop of rice to be produced in 1976 have been duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended. Said act requires a referendum to be conducted within 30 days after the date of the issuance of said proclamation of farmers who were engaged in the production of rice in 1975 to determine whether such farmers are in favor of or opposed to such quotas. Prior to establishing the date for the referendum on the 1976 crop rice, public notice (40 FR 50542–3) was given in accordance with 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice. They have been considered to the extent permitted by law. It is hereby determined that the rice marketing quota referendum under said act for the 1976 crop of rice shall be held during the period January 26 to 30, 1976, each inclusive by mail ballot in accordance with 7 CFR Part 717 (33 FR 18345, 34 FR 12940, 36 FR 12730).

Signed at Washington, D.C. on: December 31, 1975.

WILLIAM L. RUBLE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-35245 Filed 12-31-75;9:17 am]

Food and Nutrition Service

[7 CFR Part 225]

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Proposed Regulations

The Food and Nutrition Service hereby publishes proposed regulations governing the Summer Food Service Program for Children established by the National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975.

The proposed regulations are summarized below: (1) The Program will be administered by the Child Nutrition Division at the national level. Within the States, the Program will be administered by the State educational agency or alternate State agency designated by the Governor, or the appropriate Regional office of the Food and Nutrition Service.

(2) The Program is available upon request to any nonresidential public or private nonprofit institution, or a residential public or private nonprofit summer camp that develops a special summer program providing food service to children similar to the National School Lunch Program and School Breakfast Program. These service institutions must offer a regularly scheduled program at site locations where organized recreational activities or food services are provided for children from areas in which poor economic conditions exist. In the case of residential summer camps, at least one-third of the children in attendance must be eligible for free or reduced price meals.

(3) In order to be approved for participation, service institutions must: (a) Accept financial and administrative responsibility for total Program operations; (b) Have adequate supervisory and operational personnel for overall monitoring and management of each food service operation; (c) Certify that all sites where they plan to conduct a food service have been visited and evaluated for suitability regarding the meal service planned and the number of children to be fed; (d) Have tax exempt status or be a public entity; (e) Document the need of the area served; (f) Agree to train personnel with regard to duties and responsibilities.

(4) In addition to an application, service institutions must submit to State agencies or FNS Regional offices a site information sheet which must include: (a) A description of the meal service system; (b) a description of the delivery, holding and storage facilities available; (c) a description of the access to a means of communication for making daily adjustments in the number of meals.

(5) Available data will be reviewed and evaluated: (a) To minimize the number of service institutions approved in one area; (b) to assure that school food service facilities are utilized as fully as possible; and (c) to determine the capability of the facility to serve more than one meal per day.

(6) Program assistance from the State agency or FNSRO includes consultive, technical and managerial personnel to administer and monitor the Program including visits to all participating service institutions during the first 4 weeks of operations to ensure compliance with Program regulations and with the Department's non-discrimination regulations. In addition, State agencies must visit service institutions which operate 25 or more sites prior to approval of their applications. Documentation of such assistance must be maintained on file.

(7) A system of accounting must be set up by the State agency or FNSRO to facilitate reporting by the service institutions.

(8) Service institutions, if otherwise eligible, which develop food service programs for children on a school vacation at any time under a continuous school calendar may participate.

(9) Funds for start-up costs may be furnished.

(10) Advance funding is required in an amount not less than the greater of the total payment made for the same month for the previous year or 65 percent of the amount estimated by the State to be needed to reimburse institutions for meals served in that month. Advanced payments would be subtracted from payments subsequently made to participating institutions.

(11) For each fiscal year, the Department will pay to each State for its administrative costs of the Program, an amount equal to 2 percent of funds disbursed to that State for meals.

(12) Current accounting records of Program operations will be maintained by the State agency or FNSRO. They will identify funds authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. Funds reports must be submitted to FNS until all unpaid obligations have been liquidated.

(13) Reimbursement rates for the period ending March 1, 1976 are authorized as follows:

75.5¢—Lunch and Supper (+6¢ administrative cost)
42¢—Breakfast (+3¢ administrative cost)
19.75¢—Supplemental food (+1.5¢ administrative cost)

The above-mentioned rates will be adjusted annually by March 1 of each fiscal year to the nearest one-fourth cent

to reflect changes in the series for food away from home of the Consumer Price Index by the Bureau of Labor Statistics of the Department of Labor.

(14) Service of Meals. Meals served under the Program are to be served without cost and institutions may contract for furnishing of meals or administration of the Program or both.

Interested persons are invited to comment on the proposed regulations. Written views, arguments, and data postmarked no later than February 15, 1976, will be considered in the promulgation of final Summer Food Service Program for Children regulations. Comments should be submitted to William G. Boling, Manager, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, 500 12th Street, SW., Washington, D.C. 20250. Copies of all written comments received will be available for inspection by the public during normal business hours in room 560 at the foregoing address. The proposed regulations would replace the existing Part 225 of Chapter II of Title 7 of the Code of Federal Regulations, as follows:

Subpart A—General

Sec.
225.1 General purpose and scope.
225.1 Definitions.
225.3 Administration.

Subpart B—State Agency and Regional Office Provisions

225.4 State agency criteria for approval of service institutions.
225.5 Responsibilities of State agencies.
225.6 Payment to State agencies and FNSROS and use of funds.

Subpart C—Service Institution Provisions

225.7 Requirements for participation.
225.8 Meal requirements.
225.9 Food service management companies.
225.10 Reimbursement payments.
225.11 Reimbursement procedures.

Subpart D—Miscellaneous Provisions

225.12 Claims against service institutions.
225 13 Management evaluations and audits.
225.14 Prohibitions.
225:15 Other provisions.
225.16 Program information.

AUTHORITY: Sec. 10, Pub. L. 89-642, 80 Stat. 889 (42 U.S.C. 1779), sec. 3, Pub. L. 90-302, 82 Stat. 117 (42 U.S.C. 1761).

Subpart A—General

§ 225.1 General purpose and scope.

This part announces the policies and the Secretary will carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, and expand nonprofit food service programs for children in service institutions, as defined herein, during the summer months and at other approved times. Payments will be made by States to service institutions to reimburse them in connection with the costs of operating a food service program, or if any State is unable to disburse funds to any service institution in the State, payments will be made by the Department to all service institutions in the State.

§ 225.2 Definitions.

(a) "Act" means the National School Lunch Act, as amended.

(b) "Administrative costs" means operating costs related to planning, organizing, and supervising the Program (excluding interest costs).

(c) "Areas in which poor economic conditioned exist" means areas in which at least 33⅓ percent of the children are eligible for free and reduced price school meals under the National School Lunch Program and School Breakfast Program.

(d) "CND" means the Child Nutrition Division, Food and Nutrition Service of the Department.

(e) "Children" means persons 18 years of age or under.

(f) "Cost of obtaining food" means the cost of obtaining agricultural commodities and other food for consumption by children during any fiscal year. Such costs may include, in addition to the purchase price of agricultural commodities and other food, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the Program.

(g) "Continuous school calendar" means a situation in which all or part of the student body of a school or school district are on a vacation for periods of 15 continuous school days or more during the period October through April.

(h) "Department" means the U.S. Department of Agriculture.

(i) "Fiscal year" means a period of 12 months beginning with July 1, 1975 and ending with June 30, 1976, the period beginning July 1, 1976 and ending September 30, 1976 and the period of 12 calendar months beginning with October 1, 1976 and each October 1 of any calendar year thereafter and ending with September 30 of the following calendar year.

(j) "FNS" means the Food and Nutrition Service of the Department.

(k) "FNSRO" means the appropriate Food and Nutrition Service Regional Office of the Food and Nutrition Service of the Department.

(l) "Meals" means food which is served to children during their attendance at a service institution and which meets the nutritional requirements set out in this part.

(m) "Milk" means fluid types of unflavored whole milk or lowfat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meets such standards; and, in those areas of Alaska, Guam, Hawaii, American Samoa, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands, where a sufficient supply of such types of milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

(n) "OA" means the Office of Audit of the Department.

(o) "OI" means the Office of Investigation of the Department.

(p) "Operating costs" means costs of obtaining, preparing, and serving food under the Program (including administrative costs and the rental or depreciation of equipment and office space).

(q) "Private nonprofit" means tax exempt under section 501(c)(3) of the Internal Revenue Code of 1954.

(r) "Program" means the Summer Food Service Program for Children authorized by section 13 of the Act.

(s) "Reimbursement" means financial assistance paid or payable to participating service institutions for meals meeting the requirements of this part served to eligible children. The term "reimbursement" also includes financial assistance made available through advances or payment of start-up funds to service institutions.

(t) "Residential summer camp" means public or private nonprofit residential camps in which at least one-third of the children enrolled are from families meeting the State family-size income standards for free or reduced price school meals and which are operated during the months of May through September.

(u) "Secretary" means the Secretary of Agriculture.

(v) "Service institution" means a nonresidential public or private nonprofit institution or a residential summer camp that develops a food service similar to the National School Lunch Program or School Breakfast Program.

(w) "Start-up funds" means funds made available to a service institution to enable it to effectively plan a food service under this part and to establish efficient management procedures therefor.

(x) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(y) "State agency" means the State educational agency or any other State agency that has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer the program.

(z) "State educational agency" means, as the State legislature may determine, the chief State school officer (such as the State superintendent of public instruction, Commissioner of Education, or similar officer) or a board of education controlling the State department of education.

§ 225.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, the CND shall be responsible for Program administration. The Secretary shall publish proposed regulations relating to the implementation of the Program by January 1 of each fiscal year, and shall publish final regulations, guidelines, applications, and handbooks by March 1 of each fiscal year.

(b) Within the States, responsibility for the administration of the Program shall be in the State agency, except that FNSRO shall administer the Program in any State where the State agency is not permitted by law or is otherwise unable

to disburse Federal funds paid to it under the Program to any service institution in the State. References in this part to "FNSRO where applicable" are to FNSRO as the agency administering the Program within a State.

(c) Each State agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreements shall cover the operation of the Program during the period specified therein and may be extended at the option of the Department.

Subpart B—State Agency and Regional Office Provisions

§ 225.4 State agency criteria for approval of service institutions.

(a) The State agency, or FNSRO where applicable, shall use the following minimum criteria for the approval of service institutions. No service institution shall be approved unless it:

(1) Accepts final financial and administrative responsibility for total program operations at all sites at which it plans to conduct a food service;

(2) Has adequate supervisory and operational personnel for overall monitoring and management of each food service operation, including adequate personnel to visit all food service sites at least once in the first 4 weeks of operations under the Program and to promptly take such actions as are necessary to correct deficiencies found at the time of the initial visit, and thereafter to maintain a reasonable level of site monitoring. Documentation of such visits must be kept on file by the service institution;

(3) Provides a regularly scheduled organized activity or food service, for the children attending each site. The State agency, or FNSRO where applicable, shall assess the maximum number of meals to be served at each site, and the maximum number of sites that the service institution can reasonably expect to administer effectively;

(4) Agrees to maintain children on site during the food service;

(5) Certifies that all sites where it plans to conduct a food service have been visited and have the capability and the facilities for the meal service planned for the number of children anticipated to be served;

(6) Has tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1954 or is a public entity;

(7) Documents that its activity or food service serves an area in which poor economic conditions exist;

(8) Agrees to hold training sessions for its own personnel and site personnel with regard to Program duties and responsibilities.

(b) The State agency, or FNSRO where applicable, shall develop, in accordance with the requirements of this part and such other guidance as may be furnished by the Department, criteria for the approval of food service sites. The service institution must submit in addition to the application, a site information sheet for each site where a food service operation will be held. A residential summer camp must also include income information on all children enrolled in each session. As a minimum, the site information sheet shall include the following information:

(1) A description of the organized and supervised system for serving meals to attending children;

(2) A description of the arrangements, within acceptable standards prescribed by the local health authorities, for delivery and holding of meals until time of service, and, if there are excess meals, arrangements for storing them until they are served;

(3) A description of the arrangements for food service during periods of inclement weather;

(4) A description of the access to a means of communication for making daily adjustments in the number of meals delivered in accordance with the number of children attending daily at each site. A food service site need not be at the same location as an organized activity provided by the service institution.

(c) The State agency, or FNSRO where applicable, shall review available data on the areas from which the proposed sites will draw attendance, including the number of needy children from such areas in relation to the capacity of the service institution, so as to minimize the number of service institutions which may be approved in the same area.

(d) The State agency, or FNSRO where applicable, shall work closely with the service institution in developing its food service to assure that school food service facilities are utilized as fully as possible in the preparation, service and delivery of meals served as part of the Program.

(e) In approving applications, the State agency, or FNSRO where applicable, shall not approve applications for more than one meal per day unless facilities capable of holding hot and cold meals within the temperatures required by local health regulations are available at each food service site or arrangements have been made for separate meal delivery to each site within one hour of the meal service. Four hours shall elapse between each meal when a breakfast, lunch or supper are served. However, when supplemental food is served between a breakfast, lunch, or supper, only three hours need elapse between the service of such supplemental food and breakfast, lunch, or supper.

§ 225.5 Responsibilities of State agencies.

(a) *Program assistance.* Each State agency, or FNSRO where applicable, shall provide Program assistance as follows:

(1) Each State agency, shall provide consultive, technical, and managerial personnel to administer the Program and monitor performance and to measure progress towards achieving Program goals;

(2) Such assistance shall include visits to all participating service institutions which operate 25 or more sites prior to the approval of the application and visits to all service institutions which operate 10 or more sites during the first 4 weeks of operation to ensure compliance with Program regulations and with the Department's non-discrimination regulations (Part 15 of this title), issued under Title VI of the Civil Rights Act of 1964. In addition, all service institutions and 10 percent of the food service sites must be visited at least once during the duration of the Program.

(3) Documentation of such assistance shall be maintained on file by the State agency, or FNSRO where applicable.

(b) *Accounting procedures for service institutions.* Each State agency shall establish a system of accounting under which service institutions shall report the information required in this part. The system shall be such as to permit determination of the operating balances available to service institutions.

(c) *Payment of claims.* A State agency may make full or partial reimbursement upon receipt of a Claim for Reimbursement, but shall make any necessary adjustments in payments following the administrative approval of such Claim. With regard to the use of advances, if the State agency, or FNSRO where applicable, has reason to believe, through monitoring and audit activities, that a service institution will not be able to submit an adequate claim for Reimbursement, the next month's advance payment will be withheld until such a time as a valid Claim has been received.

(d) *Approval of agreements with service institutions.* An agreement with a service institution may not be approved in a subsequent fiscal year until all the Claims for Reimbursement and the information required under § 225.11 of this part for the current fiscal year have been received by such authority.

(e) *Plentiful foods.* State agencies shall provide service institutions with information on foods available in plentiful supply, including those so designated by the Department.

(f) *Records and reports.* (1) Each State agency shall submit information on Program operations on a form provided by FNS. Each State agency shall maintain current accounting records of Program operations which will adequately identify funds authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of submission of the final Financial Status Report, except that if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(2) Each State agency shall report information on the use of Program funds to FNS on a form provided by FNS. Reports shall continue to be submitted on a regular basis after the end of the fiscal year to which they pertain until all unpaid obligations have been liquidated at which time the next report made shall be marked "Final" and submission discontinued for the fiscal year.

(g) *Investigations.* Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State agencies shall maintain on file evidence of such investigations and actions. FNS or OI shall make investigations at the request of the State agency or where FNS or OI determines investigations are appropriate.

(h) *Commodity distribution information.* If the State agency is other than the agency of the State which handles the distribution of food commodities donated by the Department, a list of service institutions which are to receive food commodities shall be prepared each fiscal year by the State agency with accompanying information on the average daily number of meals to be served in such service institutions. This information shall be prepared as early as practicable each fiscal year (no later than June 1) and forwarded to the agency of the State which handles the distribution of donated commodities. The State agency shall be responsible for promptly revising the information to reflect additions or deletions of service institutions and for providing such adjustments in participation data as are determined necessary by the State agency.

(i) *Training.* The State agency, or FNSRO where applicable, shall offer training to the supervisory personnel of all service institutions approved for participation in the Program, at locations convenient to the areas of operation, prior to the opening of the Program.

(j) *FNSRO responsibilities.* FNSRO will, in the States in which it administers the Program assume all of the responsibilities of State agencies set forth in this section.

(k) *Compliance.* State agencies shall require service institutions to comply with applicable provisions of this part.

§ 225.6 Payment to State agencies and FNSROS and use of funds.

(a) For each fiscal year, no later than May 1, June 1 and July 1, the Secretary shall make available to each State by Letter of Credit an advance payment for meals to be served in that month in an amount no less than the total payment made to such State for meals served in the same calendar month of the preceding calendar year or 65 per centum of the amount estimated by the State, on the basis of approved applications, to be needed to reimburse service institutions for meals to be served in that month, whichever is the greater. Notwithstanding the above, for States which administer the Program in institutions which operate under a continuous school calendar, advance payments of 65 per centum of the amount estimated to be needed by such institutions will be made available by Letter of Credit on the first day of the month during which the food service will be conducted. The Secretary shall make available any remaining payments due no later than 60 days following receipt of valid claims. Any funds withdrawn by a State for which valid claims have not been received within 180 days shall be deducted from the next monthly advance payment unless the claimant requests a hearing with the Secretary prior to the 180th day.

(b) Federal funds made available under the Program shall be used by State agencies, or FNSRO and where applicable, to reimburse or make advance payment to service institutions in connection with meals served to children in accordance with the provisions of this part. However, with the approval of FNS, any State agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects, an amount up to 1 per centum of the funds earned in any fiscal year under the Program.

(c) For each fiscal year, the Secretary shall pay to each State agency for administrative costs incurred pursuant to this part, an amount equal to 2 per centum of the Program funds paid to that State under § 225.6: *Provided, however,* That no State which has received $50,000 or more of Program funds shall receive less than $10,000 each fiscal year for its administrative costs. Administrative expense funds paid to any State shall be used by State agencies to employ additional personnel to supervise and give technical assistance to service institutions in their initiation, expansion, and conduct of any food service for which the funds are made available. State agencies may also use these funds, in an amount approved by CND, for their general administrative expenses in connection with the Program, including travel and related expenses.

(d) The State agency shall release to FNS any Program funds which are unobligated at the end of each fiscal year. Release of funds by the State agency shall be made as soon as practicable, but in no event later than 30 days following demand by FNSRO, and shall be reflected by a related adjustment in the State agency's Letter of Credit.

Subpart C—Service Institution Provisions

§ 225.7 Requirements for participation.

(a) Service institutions shall annually make written application 30 days prior to anticipated opening date of their food service to the State agency, or FNSRO where applicable, for participation in the Program. The service institution shall serve all meals from and will make no discrimination against any child because of race, color or national origin, and a statement to this effect shall be made available to the local news media.

(b) Applications shall include information in sufficient detail to enable the State agency, or FNSRO where applicable, to determine whether the service institution is eligible to participate in the Program and extent of the need for Program payments, and shall include information on each site where food service is planned. In addition, all service institutions which plan to operate 10 or more food service sites must include a management plan for review and approval by the State agency, or FNSRO where applicable. Such a plan shall include the service institution's budget and staffing plan. Residential summer camps must also include in the applications income information for all children enrolled in each session.

(c) Service institutions selected for participation in the Program shall enter into written agreements with the State agency, or, in these States in which FNSRO administers the Program, service institutions shall enter into written agreements with the Department. Such agreements shall provide that the service institution shall:

(1) Operate a nonprofit food service and observe the limitations on the use of Program income set forth in § 225.10(e);

(2) Serve meals which meet the minimum requirements prescribed in § 225.8 during a period designated as the attendance period by the service institution;

(3) Supply meals without cost to all children at sites approved for participation in the Program;

(4) Make no discrimination against any child because of race, color, or national origin;

(5) Claim reimbursement only for the type or types of meals specified in the agreement;

(6) Submit Claims for Reimbursement in accordance with procedures established by the State agency, or FNSRO where applicable;

(7) Maintain, in the storage, preparation and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations;

(8) Purchase, in as large quantities as may be efficiently utilized in the Program, such foods designated as plentiful by the State agency, or the Department;

(9) Accept and use, in as large quantities as may be efficiently utilized in the Program, such foods as may be offered as a donation by the Department;

(10) Maintain facilities necessary for storing, preparing and serving food;

(11) Maintain a financial management system as prescribed by the State agency, or FNSRO where applicable;

(12) Upon request, make all accounts and records pertaining to the Program available to the State agency and to FNS for audit or administrative review, at a reasonable time and place. Such records shall be retained for a period of three years after the end of the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(d) Any service institution participating in the National School Lunch Program, School Breakfast Program or ticipate in the Program. *Provided, however,* That:

(1) The same children are not served in each program, (2) separate Claims for Reimbursement are maintained for each program.

(e) Service institutions approved for participation shall operate their food service in accordance with the provisions of this part and any instructions and handbooks issued by FNS or the State agency which are not inconsistent with the provisions of this part.

§ 225.8 Meal requirements.

(a) Each service institution participating in the Program shall serve one or more of the following types of meals, as provided in its approved application:

(1) Breakfast;

(2) Lunch;

(3) Supper;

(4) Supplemental food served between such other meals, except that supplemental food shall not be approved if the service institution also participates in the Special Milk Program for Children (7 CFR Part 215).

(b) Except as otherwise provided in this section and any appendices to this part, each meal served in the Program shall contain, as a minimum, the indicated food components;

(1) A breakfast shall contain:

(i) One-half pint of milk as a beverage;

(ii) One-half cup of fruit or full strength fruit or vegetable juice;

(iii) One slice of whole-grain or enriched bread; or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whicheyer is less, of whole-grain or enriched or fortified cereal, or an equivalent quantity of any combination of these foods.

(2) Lunch or supper shall contain:

(i) One-half pint of milk as a beverage.

(ii) Two ounces (edible portion as served) of lean meat, poultry or fish; or two ounces of cheese; or one egg; or one-half cup of cooked dry beans or peas; or four tablespoons of peanut butter; or an equivalent quantity of any combination of the above-listed foods.

(iii) A three-fourths cup serving consisting of two or more vegetables or fruit or both. Full-strength vegetable or fruit juice may be counted to meet not more than one-fourth cup of this requirement.

(iv) One slice of whole-grain or enriched bread, or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour.

(3) Supplemental food shall include:

(i) One-half pint of milk or 8 fluid ounces of full-strength fruit or vegetable juice or 1 cup of fruit or vegetable.

(ii) One slice of whole-grain or enriched bread, or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whichever is less, of whole-grain or enriched or fortified cereal, or an equivalent quantity of any combination of these foods.

(c) The quantities of food specified in paragraphs (b) (1) and (2) of this section are approximate amounts of food to serve 10 to 12 year-old boys and girls. Greater or lesser amounts of these foods may be served if participating children are older or younger.

(d) If emergency conditions prevent a service institution normally having a supply of milk from temporarily obtaining delivery thereof, the State agency, or FNSRO where applicable, may approve the service of breakfasts, lunches or suppers or supplemental food without milk during the emergency period.

(e) The inability of service institution to obtain a supply of milk on a continuing basis shall not bar it from participation in the Program. In such cases the State agency, or FNSRO where applicable, may approve the service of meals without milk, provided that an equivalent amount of canned, whole dry, or nonfat dry milk is used in the preparation of the components of all meals.

(f) In American Samoa, Puerto Rico, the Virgin Islands and the Trust Territory of the Pacific Islands the following variations from the meal requirements are authorized: A serving of a starchy vegetable, such as ufi, tanniers, yams, plantains, sweet potatoes, or a serving of enriched rice or enriched or whole-grain cereal products such as macaroni, dumplings or noodles may be substituted for the bread requirement.

(g) Substitutions may be made in paragraphs (a), (1), (2), and (3) and in paragraph (b) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which include recommended alternate foods.

(h) FNS may approve variations in the food components of the meals on an experimental or a continuing basis in any service institution where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

§ 225.9 Food service management companies.

(a) Any service institution may contract with a food service management company (including other commercial enterprise) for the preparation or delivery at food service sites of unitized meals or for the delivery of individual meal components. Any service institution may employ a food service management company to operate its entire food service. A service institution that so employs a food service management company shall remain responsible for seeing that the feeding operation is in conformity with its agreement with the State agency, or FNSRO where applicable. Any service institution operating a food service serving 500 children or more daily and contracting with a food service management company shall use a competitive bid procedure in the selection of any such company. Any public service institution must follow applicable State or local laws governing bid procedures. In the absence of any applicable State or local laws, any public or private service institution shall, at a minimum, adhere to the following requirements:

(1) The proposed contract must be publicly announced at least 14 days prior to the opening of the bid;

(2) The bid must be publicly opened;

(3) The bid may not specify a minimum price;

(4) The service institution shall make available to the State agency, or FNSRO where applicable, the reason for selecting the food service management company chosen.

(b) The service institution and the food service management company shall enter into a written contract which shall expressly provide that:

(1) The service institution shall provide the food service management company with a list of approved food service sites and shall update the list as needed;

(2) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the service institution will need to meet its responsibilities under this part, and shall report thereon to the service institution promptly at the end of each month;

(3) The food service management company shall have local health certification;

(4) Any federally donated commodities received by the service institution and made available to the food service management company shall enure only to the benefit of the service institution's feeding operation, and shall be utilized therein;

(5) The books and records of the food service management company pertaining to the service institution's feeding operation shall be available for a period of 3 years from the date of submission of the Final Financial Status Report for inspection and audit by representatives of the State agency, of the Department, and the United States General Accounting Office at any reasonable time and place;

(6) The requirements of § 225.8 shall be met for all meals;

(7) Health and sanitation requirements shall be met at all times;

(8) Unitized meals or meal components shall be delivered in accordance with a delivery schedule prescribed in the contract;

(9) Increases and decreases in the number of meal orders may be made by the service institution daily within a period of prior notice mutually agreed upon;

(10) No payment shall be made for meals that do not meet nutritional requirements, are spoiled or unwholesome at time of delivery, or do not otherwise meet the requirements of the contract;

(11) The food service management company's charge to the service institution shall reflect the fair wholesale market value of all federally donated food. Menus meeting the meal requirements specified in § 225.8 shall be an integral part of each contract, and remedies for nonperformance shall be stipulated in each contract.

(c) The State agency, or FNSRO where applicable, may review and approve any contract between a service institution and a food service management company.

(d) Each State agency, or FNSRO where applicable, shall notify all applicant service institutions of the contract requirements specified in this section, and such contract requirements, when applicable, shall be made part of the agreement between the State agency, or FNSRO where applicable, and the service institution.

§ 225.10 Reimbursement payments.

(a) Reimbursement payments shall be made only to service institutions operating under an agreement with the State agency or the Department, and shall be made only after execution of and in accordance with the terms of the agreement. Payments may include reimbursement in connection with meals served in accordance with provisions of the Program in the calendar month preceding the calendar month in which the agreement is executed, provided that both months are in the same fiscal year.

(b) For the period ending March 1, 1976, reimbursement to any service institution shall be whichever is the lesser: The full operating cost of the food service, or 81.5 cents for a lunch or supper, of which 6 cents may be used only for administrative costs, 45 cents for 2 breakfast, of which 3 cents may be used only for administrative costs, and 21.25 cents for supplemental food, of which 1.5 cents may be used only for administrative costs. In no event may reimbursement be made for administrative cost in excess of 6 cents for a lunch or supper, 3 cents for a breakfast or 1.5 cents for supplemental food. Reimbursement shall be made on the basis of the number of meals, by types served to children times the above rates. The last claim at the end of the service institution's food operation may be paid at a rate in excess of the aforementioned rates; *Provided, however,* That the total reimbursement paid to a service institution does not exceed the lesser of (1) rates times total meals served during the operation of the Program or (2) the full cost of the food service.

(c) The Secretary shall prescribe by March 1 of the fiscal year, by notice published in the FEDERAL REGISTER, an annual adjustment to the nearest one-fourth cent in the reimbursement rates set forth in paragraph (b) of this section, to reflect changes for the year ending January 31 in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The initial such adjustment shall reflect the change in the series for food away from home during the period January 31, 1975 to January 31, 1976.

(d) Service institutions who wish to claim only for food costs shall maintain accurate records to justify their food costs. In no instance shall the reimbursement for food cost exceed the per meal reimbursement rates, minus the amount set aside for administrative costs.

(e) Income accruing to the Program in any service institution shall be used only for Program purposes: *Provided, however,* That such income shall not be used to purchase land, to acquire or construct buildings, or to make alterations of existing buildings.

§ 225.11 Reimbursement procedures.

(a) To be entitled to reimbursement under this part, each service institution shall submit to the State agency, or FNSRO where applicable, a monthly Claim for Reimbursement. Claims for Reimbursement may be submitted more frequently, at the discretion of the State agency for FNSRO. Any Claim for Reimbursement not received by the State agency, or FNSRO where applicable, within 90 days after the close of the service institution's food service operations may be disqualified from payment, except where the State agency, or FNSRO where applicable, considers that a Claim for Reimbursement has been filed late because of circumstances beyond the control of the service institution.

(b) Service institutions which have executed an agreement may, at the discretion of the State agency, or FNSRO where applicable, receive start-up funds not earlier than 2 months before beginning food service operations. For service institutions which received Federal funds for a summer food service during the preceding calendar year, start-up funds shall not exceed 1 per centum of the amount received. For service institutions which did not receive Federal funds for a summer food service during the preceding calendar year, start-up funds shall not exceed 1 per centum of the amount estimated by the State agency, or FNSRO where applicable, to be needed for Program operations. Start-up funds shall be deducted from subsequent payments made to the service institutions for allowable administrative costs.

(c) No later than June 1, July 1, and August 1, or, in the case of service institutions which operate under a continuous school calendar, the first day of the month of operation, the State agency, or FNSRO where applicable, shall forward advance payments to each participating service institution with which it has a signed agreement: *Provided; however:* That, (1) the State agency, or FNSRO where applicable, shall not release the first month's advance to any service institution which has not certified that it has held training sessions for its own personnel and the site personnel with regard to Program duties and responsibilities; and (2) for any month in which the service institution operates for less than 2 weeks, no advance payment will be made. Each month's advance shall be computed by pro-rating the number of days of operation in the month by 65 percent of the total expenditures anticipated by the State agency, or FNSRO where applicable. If the State agency, or FNSRO where applicable, has reason to believe, through monitoring and audit activities, that a service institution will not be able to submit an adequate Claim for Reimbursement, the subsequent month's advance payment shall be withheld until such time as the State agency, or FNSRO where applicable, has received a valid claim. Any interest earned on advance or start-up funds shall accrue to the Program.

(d) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the required information for Program reports. Claims for Reimbursement shall be filed with the State agency, or FNSRO where applicable, by the 10th of the month following the month covered. Not more than 10 days of the beginning or ending month of the service institution's food service operation in a fiscal year may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceding the ending month. Claims for Reimbursement may not combine months from different fiscal years.

(e) In submitting a Claim for Reimbursement, each service institution shall certify that the Claim is true and correct and that records are available to support the Claim.

(f) In no event shall service institutions claim reimbursement under the Program for any meal for which reimbursement is requested under the National School Lunch Program (7 CFR Part 210), the School Breakfast Program (7 CFR Part 220), or the Child Care Food Program (7 CFR Part 226).

(g) Funds advanced to service institutions which are not subsequently deducted from a valid Claim for Reimbursement must be repaid to the State agency, or FNSRO where applicable.

Subpart D—Miscellaneous Provision

§ 225.12 Claims against service institutions.

(a) State agencies shall disallow any portion of a claim and recover any payments, including start-up costs, made to a service institution that was not properly payable under this part. State agencies will use their own procedure to disallow claims and recover overpayments already made.

(b) The State agency may refer to CND, through FNSRO, for determination, any action it proposes to take under this section.

(c) The State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of three years after the date of the submission of a final Financial Status Report, except that if audit findings have not been resolved the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised in the audit.

(d) If CND does not concur with the State agency's action in paying a Claim for Reimbursement or a portion of a Claim, or in failing to collect an overpayment, CND shall assert a claim

against the State agency for the amount of such Claim paid or for the overpayment. In all such cases, the State agency shall have full opportunity to submit to CND evidence or information concerning the action taken. If, in the determination of CND, the State agency's action was unwarranted, the State agency shall promptly pay to FNS the amount of the Claim or overpayment.

(e) The amounts recovered by the State agency from service institutions may be utilized, first, to make payments to service institutions for the period for which the funds were initially available, and second, to repay any State funds expended in the payment of Claims for Reimbursement under the Program not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of this part.

(f) When FNSRO administers the Program with respect to service institutions, and disallows a Claim for Reimbursement or a portion of a Claim, or makes a demand for refund of as alleged overpayment, it shall notify the service institutions of the reasons for such disallowances or demand, and the service institution shall have full opportunity to submit evidence or to resumbit a Claim for any amount disallowed or demanded in the same manner afforded in this section to service institutions with respect to which the Program is administered by the State agencies.

(g) In the event that the State agency, or FNSRO where applicable, finds that a service institution is failing to meet the meal requirements of § 225.8, the State agency, or FNSRO where applicable, need not disallow payment or collect an overpayment arising out of such failure, if the State agency, or FNSRO where applicable, takes such other action as, in its opinion, will have a corrective effect.

§ 225.13 Management evaluations and audits.

(a) Each State agency shall provide for audits at the State and service institution levels of the funds and operations of the Program. Such audits shall be made with reasonable frequency, but beginning in fiscal year 1978 once every two years. The audits shall determine the fiscal integrity of financial transactions and reports, and the compliance with applicable laws and regulations and with the administrative requirements set forth in Attachment H of Federal Management Circular 74–7 (34 CFR Part 256). Audits may be made by State agency internal auditors, by State Auditors General, by State controllers, or other comparable State audit groups, or by Certified Public Accountants or State licensed public accountants.

(b) While CA shall rely to the fullest extent feasible upon State sponsored audits, it shall, whenever considered necessary: (1) Make audits on a statewide basis, (2) perform on-site test audits, and (3) review audit reports and related working papers of audits performed by or for State agencies.

(c) State agencies shall provide FHS and OA with full opportunity to conduct management evaluations (including visits to service institutions) and audits of all operations of the State agency under this part. Each State agency shall make available its records including records of the receipt and expenditure of funds, upon a reasonable request by FNS or OA. OA shall also have the right to make audits of the records and operations of any service institution.

(d) Use of audit guides available from OA is encouraged. When these guides are utilized, OA will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(e) In making management evaluations or audits for any fiscal year, the State agency, or OA, may disregard any overpayment which does not exceed $35 or, in the case of State agency administered programs, does not exceed the amount established under State Law, regulations or procedure as a minimum amount for which claims will be made for State losses generally. No overpayment shall be disregarded, however, where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is substantial evidence of violation of criminal law or civil fraud statutes.

§ 225.14 Prohibitions.

(a) As provided by the Act, the value of assistance to children under the Program shall not be considered to be income or resources for any purposes under any Federal or State laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(b) Expenditure of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act.

§ 225.15 Other provisions.

(a) *Grant closeout procedures.* Grant closeout procedures for the Program shall be in accordance with Attachment L of Federal Management Circular 74–7 (34 CFR 256).

(b) *Termination for cause.* FNS may terminate a State agency's participation in the Program in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions of the Program. FNS shall promptly notify the State agency in writing of the termination and the reasons for the termination, together with the effective date. A State agency, or FNSRO where applicable, shall terminate a service institution's participation in the Program by written notice whenever it is determined by FNS or the State agency that the service institution has failed to comply with the conditions of the Program. When a Program has been terminated for cause, any payments made to the State agency or any recoveries by FNS from the State agency shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* FNS and the State agency may terminate the State agency's participation in the Program in whole, or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the noncancellable obligations, properly incurred by the State agency prior to termination. A State agency, or FNSRO where applicable, may terminate an institution's participation in accordance with these provisions.

(d) *State requirements.* Nothing contained in this part shall prevent a State agency from imposing additional operating requirements which are not inconsistent with the provisions of this part.

§ 225.16 Program information.

Service institutions desiring information concerning the Program shall write to the appropriate Regional office of FNS as indicated below:

(a) In the States of Connecticut, Maine, Massachuetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office; FNS; U.S. Department of Agriculture; 34 Third Avenue; Burlington, Massachusetts 01803.

(b) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; Mid-Atlantic Regional Office; FNS; U.S. Department of Agriculture; 729 Alexander Road; Princeton, New Jersey 08540.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee; Southeast Regional Office; FNS; U.S. Department of Agriculture; 1100 Spring Street, NW.; Atlanta, Georgia 30309.

(d) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office; FNS; U.S. Department of Agriculture; 536 South Clark Street; Chicago, Illinois 60605.

(e) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; West-Central Regional Office; FNS; U.S. Department of Agriculture; 1100 Commerce Street, Room 5–D–22; Dallas, Texas 75202.

(f) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, and Washington: Western Regional Office FNS; U.S. Department of Agriculture; 550 Kearny Street; Room 400; San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. National Archives Reference Services)

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

JOHN DAMGARD,
Assistant Secretary.

DECEMBER 31, 1975.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 121 and 129]

[Docket No. 15286; Notice No. 76/]

AIRCRAFT SECURITY

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 129 of the Federal Aviation Regulations to ensure that X-ray systems used by foreign air carriers for carry-on baggage inspection in the United States meet minimum guidelines and standards prescribed by the U.S. Food and Drug Administration and are operated in accordance with certain operating requirements. The FAA is also considering amending Parts 121 and 129 of those regulations to be consistent with certain provisions of the Air Transportation Security Act of 1974 (Pub. L. 93-366) that apply to air carriers and foreign air carriers in the conduct of operations governed by Parts 121 and 129.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before February 9, 1976, will be considered by the Administrator before taking action on the proposed rule. 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.

Section 129.25 provides that each foreign air carrier landing or taking off a large aircraft in the United States, in scheduled passenger operations, shall use a security program in the conduct of those operations that requires all passengers and all property intended to be carried in the aircraft cabin to be screened by weapon-detecting procedures or facilities prior to boarding, and meets the requirements prescribed in the section. Foreign air carriers are not required to use X-ray systems to effect the screening of passenger carry-on baggage and are not prohibited by Part 129 from using such systems. However, if an X-ray system is to be used in the United States by a foreign air carrier, public health and safety considerations dictate that there be adequate regulations in effect governing its use. Accordingly, it is proposed to add a new § 129.26 to Part 129 to specify requirements governing the use by foreign air carriers of X-ray systems to inspect carry-on baggage in the United States.

The requirements that are proposed for § 129.26 for the use of X-ray systems are the same as those previously adopted by the FAA in Amendment 121-117 to Part 121 of the Federal Aviation Regulations for U.S. air carriers. Amendment 121-117 became effective April 4, 1975 (40 FR 10173) and was adopted following publication of a notice of proposed rule making (Notice 74-22; 39 F.R. 22275) in accordance with a Court Order issued by the United States District Court for the District of Columbia. As more fully explained in Notice 74-22, the performance standards for X-ray systems that are proposed for new § 129.26 are based on guidelines and standards that have been adopted by the U.S. Food and Drug Administration (FDA), Department of Health, Education and Welfare to ensure the protection of public health and safety. The operating rules proposed in § 129.26 for the use of X-ray systems are also considered by the FAA to be necessary to ensure the protection of passenger carry-on items and public health and safety.

The FAA considers the environmental analysis prepared in conjunction with the adoption of Amendment 121-117 to Part 121 to be appropriate support for its conclusion that the use of an X-ray system in accordance with the requirements prescribed in § 129.26 by this proposal will not have a significant impact on the human environment. A copy of the FAA's environmental analysis prepared in conjunction with rule making involving Amendment 121-117 is on file at the FAA. Copies may be obtained by writing to the Federal Aviation Administration, Civil Aviation Security Service, Attention: ACS-200, 800 Independence Avenue, SW., Washington, D.C. 20591.

Section 204 of the Air Transportation Security Act of 1974 amended section 1111 of the Federal Aviation Act of 1958 to require that the Administrator, by regulation, require any air carrier, intrastate air carrier, or foreign air carrier to refuse to tansport: (1) any person who does not consent to a search of his person, as prescribed in section 315(a) of the Act, to determine whether he is unlawfully carrying a dangerous weapon, explosive, or other destructive substance; or (2) any property of any person who dose not consent to a search or inspection of such property to determine whether it unlawfully contains a dangerous weapon, explosive, or other destructive substance. It is proposed to implement this statutory requirement by adding a new paragraph (k) to § 121.538 and by adding a new paragraph (e) to § 129.25.

Section 203 of that Pub. L. amended § 902(1) of the Federal Aviation Act of 1958 and, among other things, included therein an exception to the prohibition against the carriage of weapons aboard aircraft operated in air transportation. The exception applies to persons transporting weapons contained in baggage not accessible to passengers in flight if the presence of such weapons has been declared to the air carrier. It is proposed to add that statutory exception to Part 129 by amending § 129.27.

Provision for the carriage of weapons aboard aircraft contained in baggage not accessible to passengers in flight and with knowledge of the operator of the aircraft was made in § 121.585(b) by Amendment 121-118 (40 FR 17551; published April 21, 1975). Accordingly, Part 121 is already consistent with the Congressional intent expressed in section 203.

(Secs. 313(a), 315, 316, 601, and 1111 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1356, 1357, 1421, and 1511), 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 Parts 121 and 129 of the Federal Aviation Regulations as follows:

1. By amending § 121.538 by adding a new paragraph (K) to read as follows:

§ 121.538 Aircraft security.

* * * * *

(k) Each certificate holder shall refuse to transport—

(1) Any person who does not consent to a search of his person in accordance with the screening system prescribed by paragraph (b) of this section; and

(2) Any property of any person who does not consent to a search or inspection of that property in accordance with the screening system prescribed by paragraph (b) of this section.

2. By adding a new paragraph (e) to § 129.25 to read as follows:

§ 129.25 Aircraft security.

* * * * *

(e) Each foreign air carrier conducting operations governed by paragraph (a) of this section shall refuse to transport—

(1) Any person who does not consent to a search of his person in accordance with the security program prescribed by paragraphs (a) and (b) of this section; and

(2) Any property of any person who does not consent to a search or inspection of such property in accordance with the security program prescribed by paragraphs (a) and (b) of this section.

3. By adding a new § 129.26 after § 129.25 to read as follows:

§ 129.26 Use of X-ray system.

(a) No foreign air carrier may use an X-ray system in the United States, to inspect carry-on baggage on items, unless:

(1) For a system manufactured prior to April 25, 1974, it meets either the guidelines issued by the Food and Drug Administration (FDA), Department of Health, Education, and Welfare and published in the FEDERAL REGISTER (38 FR 21442, August 8, 1973); or the performance standards for cabinet X-ray systems designed primarily for the inspec-

tion of carry-on baggage issued by the FDA and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974);

(2) For a system manufactured after April 24, 1974, it meets the standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the FDA and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974);

(3) A program for initial and recurrent training of operators of the system has been established, which includes training in radiation safety, the efficient use of X-ray systems, and the identification of weapons and other dangerous articles;

(4) Procedures have been established to ensure that each operator of the system will be provided with a personnel dosimeter (such as a film badge or thermo luminescent dosimeter), each dosimeter used will be evaluated at the end of each calendar month, and records of operator duty time and the results of dosimeter evaluations will be maintained by the certificate holder; and

(5) The system has the capability of distinguishing an insulated 24-gauge, solid copper wire.

(b) No foreign air carrier may use an X-ray system as specified in paragraph (a) of this section—

(1) Unless within the preceding 6 calendar months a radiation survey has been conducted which shows that the system meets the applicable performance standards in 21 CFR 1020.40 or guidelines published by the Food and Drug Administration in the FEDERAL REGISTER of August 8, 1973 (38 FR 21442);

(2) After the system is initially installed or after it has been moved from one location to another, unless a radiation survey is conducted which shows that the system meets the applicable performance standards in 21 CFR 1020.40 or guidelines published by the Food and Drug Administration in the FEDERAL REGISTER on August 8, 1973 (39 FR 21442); except that a radiation survey is not required for an X-ray system that is moved to another location, if the certificate holder shows that the system is so designed that it can be moved without altering its performance;

(3) That is not in full compliance with any defect notice or modification order issued for that system by the Food and Drug Administration, Department of Health, Education, and Welfare, unless that Administration has advised the FAA that the defect or failure to comply is not such as to create a significant risk or injury, including genetic injury, to any person; and

(4) Unless a sign is posted in a conspicuous place which notifies passengers that carry-on baggage or items are being inspected by an X-ray system and advises them to remove all X-ray and scientific film from ther carry-on baggage and items before inspection. If the X-ray system exposes any carry-on baggage or item to more than one milliroentgen of radiation during the inspection, the foreign air carrier shall post a sign which advises passengers to remove film of all kinds from their carry-on baggage and items before inspection. If requested by a passenger, his photographic equipment and film packages shall be physically inspected without exposure to an X-ray system.

4. By amending § 129.27 to read as follows:

§ 129.27 Prohibition against carriage of weapons.

(a) No person may, while on board an aircraft being operated by a foreign air carrier in the United States, carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed. This paragraph does not apply to—

(1) Officials or employees of the state of registry of the aircraft who are authorized by that state to carry arms; and

(2) Crewmembers and other persons authorized by the foreign air carrier to carry arms.

(b) No foreign air carrier may knowingly permit any passenger to carry, nor may any passenger carry, while aboard an aircraft being operated in the United States by that certificate holder, in checked baggage, a deadly or dangerous weapon, unless:

(1) The passenger has notified the certificate holder before checking the baggage that the weapon is in the baggage; and

(2) The baggage is carried in an area inaccessible to passengers.

Issued in Washington, D.C., on December 31, 1975.

RICHARD F. LALLY,
Director, Civil Aviation Security Service.

[FR Doc.76-253 Filed 1-5-76;8:45 am]

EXPORT-IMPORT BANK

[12 CFR Part 406]

BOOK-ENTRY PROCEDURES

Proposed Rulemaking

Notice is hereby given that the Export-Import Bank of the United States ("Eximbank") has under consideration rulemaking action to amend 12 CFR by establishing a new Part 406 providing for the application of book-entry procedures to securities heretofore and hereafter issued by or on behalf of Eximbank.

The proposed addition authorizes Federal Reserve Banks to issue book-entry Eximbank securities by means of entries on their records, to effect conversions between book-entry Eximbank securities and definitive Eximbank securities and to otherwise service and maintain book-entry Eximbank securities. The proposed addition also provides rules for the transfer or pledge of book-entry Eximbank securities.

Interested persons are invited to submit written comments on these proposed rules to the General Counsel, Export-Import Bank of the United States, 811 Vermont Avenue, NW., Room 947, Washington, D.C. 20571 by February 15, 1976.

These rules are proposed under authority of Section 2(a)(1) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635(a)(1)).

Part 406 is proposed to read as follows:

PART 406—BOOK-ENTRY PROCEDURES

Sec.

406.1 Definition of terms.
406.2 Authority of Reserve Banks.
406.3 Scope and effect of book-entry procedure.
406.4 Transfer or pledge.
406.5 Withdrawal of Eximbank Securities.
406.6 Delivery of Eximbank Securities.
406.7 Registered Debentures and Participation Certificates.
406.8 Servicing book-entry Eximbank securities; payment of interest, payment at maturity or upon call.

AUTHORITY: Sec. 2(a)(1), Pub. L 79-173, 59 Stat. 526, as amended, (12 U.S.C. 635(a)(1)).

§ 406.1 Definition of terms.

In this part, unless the context otherwise requires or indicates:

(a) "Eximbank" means the Export-Import Bank of the United States.

(b) "Reserve Bank" means the Federal Reserve Bank of New York (and any other Federal Reserve Bank which agrees to issue Eximbank securities in book-entry form) as fiscal agent of the United States acting on behalf of Eximbank and when indicated acting in its individual capacity.

(c) "Eximbank security" means any obligation of Eximbank issued by Eximbank under the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635 et seq.) in the form of a definitive Eximbank security or a book-entry Eximbank security.

(d) "Definitive Eximbank Security" means an Eximbank security in engraved or printed form.

(e) "Book-entry Eximbank Security" means an Eximbank security in the form of an entry made as prescribed in these regulations on the records of a Reserve Bank.

(f) "Pledge" includes a pledge of, or any other security interest in, Eximbank securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(g) "Date of call" is the date fixed in the authorizing resolution of the Board of Directors of Eximbank on which the obligor will make payment of the security before maturity in accordance with its terms.

(h) "Member bank" means any national bank, State bank, or bank or trust company which is a member of the Reserve Bank.

§ 406.2 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this part, to (a) issue book-entry eximbank securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry eximbank securities and definitive eximbank securities; (c) otherwise serv-

ice and maintain book-entry Eximbank securities; and (d) issue a confirmation of transaction in the form of written advice (serially numbered or otherwise) which specifies the amount and description of any securities, that is, loan title (or series) and maturity dates, sold or transferred, and the date of the transaction.

§ 406.3 Scope and effect of book-entry procedure.

(a) A Reserve Bank as fiscal agent of the United States acting on behalf of Eximbank may apply the book-entry procedure provided for in this part to any Eximbank securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Eximbank securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depositary with respect to such Eximbank securities.

(b) A Reserve Bank as fiscal agent of the United States acting on behalf of Eximbank shall apply the book-entry procedure to Eximbank securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Eximbank securities deposited with a Reserve Bank as fiscal agent of the United States.

(c) Any person having an interest in Eximbank securities which are deposited with a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry Eximbank securities pursuant to the provisions of this part, and in the manner and under the procedures prescribed by the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 406.4 Transfer or pledge.

(a) A transfer or pledge of book-entry Eximbank securities to a Reserve Bank (in its individual capacity or as fiscal agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this part, is effected and perfected, notwithstanding any provisions of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall (1) have the effect of a delivery in bearer form of definitive Eximbank securities; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Eximbank securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or pledge of transferable Eximbank securities, or any interest therein, which is maintained by a Reserve Bank in bearer definitive form. ity or as a fiscal agent of the United States) in a book-entry account under this part, including securities in book-entry form under § 406.3(a)(3), is effected, and a pledge is perfected, by means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Eximbank securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Eximbank securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Eximbank securities either in its individual capacity or as fiscal agent of the United States is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. Where transferable Eximbank securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or similar party, which regularly accepts in the course of its business Eximbank securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve Bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositor in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Eximbank securities or any interest therein.

(d) A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Eximbank securities into definitive Eximbank securities and deliver them in accordance with such instructions; no such conversion shall affect existing interests in such Eximbank securities.

(e) A transfer of book-entry Eximbank securities within a Reserve Bank shall be made in accordance with procedures established by the Bank not inconsistent with this part. The transfer of book-entry Eximbank securities by a Reserve Bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 406.5 Withdrawal of Eximbank securities.

(a) A depositor of book-entry Eximbank securities may withdraw them from a Reserve Bank by requesting delivery of like definitive Eximbank securities to itself or on its order to a transferee.

(b) Eximbank securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form unless otherwise specified in the authorizing resolution of the Board of Directors of Eximbank.

§ 406.6 Delivery of Eximbank securities.

A Reserve Bank which has received Eximbank securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this part by the delivery of Eximbank securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depository (other a Reserve Bank) may obtain Eximbank securities in definitive form only by causing the depositor of the Reserve

Bank to order the withdrawal thereof from the Reserve Bank.

§ 406.7 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Eximbank securities of registered Eximbank securities held by a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) on the effective date of this part for any purpose specified in § 406.3(a). Registered Eximbank securities deposited thereafter with a Reserve Bank for any purpose specified in § 406.3 shall be assigned for conversion to book-entry Eximbank securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of 31 CFR Part 306, so far as applicable, shall be to "Federal Reserve bank of _____ as fiscal agent of the United States acting on behalf of the Export-Import Bank of the United States for conversion to book-entry Eximbank securities."

§ 406.8 Servicing book-entry Eximbank securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Eximbank securities shall be charged in the Eximbank's symbol account with the Treasurer of the United States on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the same account on the date of maturity, call or advance refunding, and the redemption proceeds, principal, and interest, shall be disposed of in accordance with the depositor's instructions.

Dated: December 30, 1975.

WALTER C. SAUER,
First Vice President and Vice Chairman.

[FR Doc.76-241 Filed 1-5-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ankeny, Iowa; *Copperas Cove, Tex.;* Davis, Calif.; Emmetsburg, Ia.; Frankfort, Mich.; Hiawatha, Kans.; Howell, Mich.; Jewett, Ohio; New Lexington, Ohio; Ottawa, Ohio; Selmer, Tenn.; Yoakum, Tex.) Docket No. 20413; RM-2416, RM-2470, RM-2505, RM-2510, RM-2492, RM-2511, RM-2496, RM-2508, RM-2486, RM-2504, RM-2509, RM-2483.

1. The Commission, by the Chief, Broadcast Bureau, is reopening the above-entitled proceeding in Docket No. 20413 for the limited purpose of considering an additional FM channel assignment at Copperas Cove, Texas (pop. 10,818), as proposed in comments submitted jointly by Ted Connell and Gaylon Christi. Channel 276A was assigned in this proceeding by report and order, 40 FR 49335, adopted October 14, 1975, to Copperas Cove, as its first FM channel. Connell and Christi filed timely comments in support of the Channel 276A assignment, and in addition proposed a second FM assignment of Channel 288A to Copperas Cove. Because of an oversight, consideration of this proposal was omitted from the report and order.

2. While the Connell and Christie proposal is not strictly a counterproposal, we are dealing with it in this proceeding because it is related to broadcast service at Copperas Cove. Connell and Christie state that their proposal will comply with the Commission's minimum mileage separation requirements, and an engineering study is presented. They state that if the channel is assigned, they will either individually or through a corporation, promptly file an application for a construction permit. Also, Connell and Christie argue that the additional assignment of Channel 288A would avoid a comparative hearing with regard to Channel 276A and thereby advance the public interest.[1]

3. Furthermore, Connell and Christie have supplied demographic data to substantiate their argument that Copperas Cove can support not only one, but two FM broadcast stations. They state that Copperas Cove is located in Coryell County in the central part of Texas. They assert that the 1970 Copperas Cove population of 10,818 represents an increase of 136.9 percent from the 1960 population, and estimate the 1975 population at 17,000. Connell and Christie attribute the rapid increase in population, in the community and its county, to the proximity of Fort Hood, a U.S. Army base. In addition, Connell and Christie say that Copperas Cove has an agricultural economy of *cotton, corn, oats, and live stock,* and is near central Texas recreation areas.

4. The Connell and Christie proposal has merit, but a Commission engineering analysis indicates that such an assignment would preclude certain communities from obtaining Channel 288A or adjacent Channels 289 or 290 in future assignments. A summary of our study listing the precluded communities is attached as Appendix I. We issue this Further Notice so that the interested parties may show, if possible, that alternative FM channels are available for use in these communities.

5. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202 (b) of the Commision's rules and regulations as follows for the below named community:

City	Channel No.	
	Present	Proposed
Copperas Cove, Tex.	276A	276A, 288A

6. The Commission's authority to conduct rule making proceedings, including showings required, cut-off procedures, and filing requirements are contained in attached Appendix II and are incorporated herein.

7. Interested parties may file comments on or before February 9, 1976, and replies to such comments on or before March 1, 1976.

Adopted: December 11, 1975.

Released: December 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[1] A request for an additional assignment merely to eliminate a comparative hearing will not normally be considered a sufficient showing. Additional FM Assignments, 8 F.C.C. 2d 79 (1967).

APPENDIX I.—*Copperas Cove, Tex.; RM-2505, preclusion effects*

[If channel 228A is assigned to Copperas Cove as proposed, preclusion will occur on 3 channels: 288A, 289, and 290[

Communities precluded	Population	Amplitude modulation stations	Frequency modulation stations	Frequency modulation assignments
CHANNEL 288A PRECLUSION				
Goldthwaite	1,693	None	None	None
San Saba	2,555	KBAL (class III) D	None	210A, 244A
Killeen	35,507	KIXS (class II) D	KNCT-FM	217
			KIXS-FM	227
Cameron	5,546	KMIL (class III) D	None	269A
CHANNEL 289 PRECLUSION				
Mason	1,806	None	None	None
Llano	2,608	do	None	203A, 285A
Brady	5,557	KNEL (class IV) U	None	213A, 237A
San Saba	2,555	KBAL (class III) D	None	210A, 244A
Goldthwaite	1,693	None	None	None
Brownwood	17,368	KBWD (class III) U	KFRN-FM	257A
		KEAN (class IV) U	KOXE	268
				281, 205, 212A
Comanche	3,933	KCOM (class II) D	None	232A
Dublin	2,810	None	None	None
De Leon	2,170	do	None	None
Stephenville	9,277	KSTV (class II) D	KWWM	252A
CHANNEL 290 PRECLUSION				
San Saba	2,555	KBAL (class III) D	None	210A, 244A
Llano	2,608	None	None	203A, 285A

APPENDIX II

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the further notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited to the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* 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, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-9 Filed 1-5-76;8:45 am]

[47 CFR—Part 73]

[Docket No. 20414; RM-2452, RM-2420, RM-2396]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Harlan and Red Oak, Iowa; and Blair, Nebraska

1. On November 13, 1975, the Commission issued a Further notice of proposed rule making in this proceeding. On November 24, 1975, John W. Talbott, a party in this proceeding, filed a pleading entitled "Application for Immediate Review of Staff Action Creating Severe Prejudice to Applicant and Harm to the Public Interest and the Commission's own rules and procedures." This is a request for Commission review (pursuant to § 1.115 of the Commission's rules) of the action by the Broadcast Bureau issuing the Further notice under delegated authority. Talbott's argument is that the Commission erred in issuing the Further notice and in calling for additional submissions. Doing so is seen by Talbott as contrary to the established "cut-off" procedures employed by the Commission in rule making proceedings. He argues that the filing dates should be extended while his application for review is considered. No opposition to this request has been filed by any other party.

2. Talbott's application for review is directed to the issuance of the Further notice and its requirement for further comments. Thus, to require that the parties proceed with the filings without having first acted on the application for review would have the effect of denying the application for review without having afforded Talbott an opportunity to have the merits of his application for review examined. We are of the view that the public interest would be served by an extension of the filing dates in this proceeding while the Commission considers the application for review. Therefore, *it is ordered,* That the dates for filing comments and reply comments are extended indefinitely subject to further order of the Commission.

3. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Sections 0.281 and 1.46 of the Commission's Rules.

Adopted: December 29, 1975.

Released: December 30, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-248 Filed 1-5-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 455]

SALE OF USED MOTOR VEHICLES

Disclosure and Other Regulations

Notice of proceeding, proposed trade regulation rules, statement of reason for proposed rules, invitation to propose disputed issues of fact for consideration in public hearings, and invitation to comment on proposed rules.

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act, 15 U.S.C. 2301, 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, U.S. Code (Administrative Procedure), has initiated a proceeding for the promulgation of Trade Regulation Rules concerning the disclosure of certain material information and other regulations concerning used motor vehicles offered for sale.

Accordingly, the Commission proposes the following Trade Regulation Rules and would amend Subchapter D, Trade Regulation Rules, Chapter 1 of CFR by adding a new Part 455 as follows:

PART 455—DISCLOSURE AND OTHER REGULATIONS CONCERNING THE SALE OF USED MOTOR VEHICLES

Sec.
455.1 Definitions.
455.2 Vehicle information disclosure.
455.3 "As is" disclosure.
455.4 Prohibition of contrary oral statements.
455.5 Retention of documents.

AUTHORITY: 38 Stat. 717, as amended, 15 U.S.C. 41, et seq.

§ 455.1 Definitions.

For the purpose of this Part, the following terms and definitions shall apply:

(a) "Person" means any individual, partnership or corporation.

(b) "Used motor vehicle dealer" means any person, partnership, or corporation, or any employee or agent thereof, engaged in the business of offering for sale, sale or distribution of any used motor vehicle to the general public.

(c) "Motor vehicle" means an automobile, truck, recreational vehicle or other motorized vehicle designed to transport not more than fifteen (15) individuals upon the public roads, streets and highways.

(d) "Used motor vehicle" means a motor vehicle which is offered for sale after:

(1) A prior sale to a person who purchased the motor vehicle in good faith for a purpose other than resale; or

(2) Use of the motor vehicle as a rental, driver education, or demonstration motor vehicle, or for the personal or business transportation of the manufacturer and/or dealer or any of their employees or for any use other than the limited use necessary in moving or road testing a vehicle prior to delivery to a customer.

(e) "Warranty" means:

(1) Any written or oral affirmation of fact or promise made in connection with the sale or any used motor vehicle, which relates to nature of the material or workmanship of such used motor vehicle and affirms or promises that such material or workmanship is free of any mechanical defect or will meet any specified level of performance over any specified period of time, or

(2) Any written or oral undertaking made in connection with the sale of any used motor vehicle, to the effect that any person will refund, repair, replace or take other remedial action with respect to such used motor vehicle in the event said use motor vehicle fails to meet the specifications set forth in the undertaking, which written or oral affirmation, promise, or undertaking becomes part of the basis of the bargain between a used

motor vehicle dealer and a buyer for purposes other than resale of such used motor vehicle.

(f) "Service contract" means a contract to perform, over any period of time or for any specified mileage, services relating to the maintenance or repair (or both) of any used motor vehicle.

(g) "Mechanical defect" means any defective or damaged part of the mechanical, electrical, or hydraulic system of any used motor vehicle including, but not limited to, the motor and transmission, and any defective or damaged part of the body, chassis, suspension or other part of said used motor vehicle.

(h) "Potential purchaser" means any person other than a used motor vehicle dealer, who expresses an interest or intention to purchase a used motor vehicle. Such person shall be of at least minimum legal driving age, possess sufficient credit worthiness to purchase the used motor vehicle under consideration and have no infirmities which would bar consummation of the sales transaction.

§ 455.2 Vehicle Information Disclosure.

In connection with the offering for sale, sale or distribution of any used motor vehicle to the public, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, as amended, it is an unfair or deceptive act or practice for any used motor vehicle dealer to fail to affix to the right rear window of any used motor vehicle offered for sale a disclosure statement containing the following information in the order it appears below and in a clear, and conspicuous manner:

(a) The name, address, and chief executive officer of the used motor vehicle dealer.

(b) The make, model and year of manufacture of the used motor vehicle.

(c) The approximate odometer reading reflecting the amount of mileage the used motor vehicle has been driven.

(d) If known to the used motor vehicle dealer, the identity of any commercial or governmental entity which previously used, owned or leased the used motor vehicle and the nature of the principal prior use of such vehicle including but not limited to rental, lease, driver education, taxi and police vehicles.

(e) A description of any work (including reconditioning) performed by, or on behalf of the used motor vehicle dealer or otherwise known to such dealer and relating to any damaged or defective component (including bent frame) or condition (including flooding) of the used motor vehicle which may affect the performance or useful life of the vehicle or which exceeded one hundred dollars ($100.00) in dealer costs.

(f) A description of the extent of component coverage, allocation of costs and duration of any warranty or service contract provided with the used motor vehicle and a statement that the potential purchaser may obtain a copy of any warranty or service contract offered from the used motor vehicle dealer.

(g) If the used motor vehicle is sold without a warranty and the seller attempts to disclaim any implied waranty, the following statement shall appear:

This vehicle is sold *without* any *warranty*. The purchaser will bear the *entire expense* of repairing or correcting any defects that presently exist and/or may occur in the vehicle unless the salesperson promises *in writing* to correct such defects." [Rule 1]

§ 455.3 "As is" disclosure.

In connection with the offering for sale, sale or distribution of any used motor vehicle to the public, other than to used motor vehicle dealers, in or affecting commerce as commerce is defined in the Federal Trade Commission Act, as amended, it is an unfair or deceptive act or practice for any used motor vehicle dealer to fail to disclose, in any sales contract, or any other writing used to evidence the sale of any used motor vehicle for which no warranty, either. expressed or implied, is given, the following information in a clear, concise and conspicuous manner on the face of such document:

"AS IS

THIS USED MOTOR VEHICLE IS SOLD AS IS *WITHOUT* ANY *WARRANTY*, EITHER EXPRESSED OR IMPLIED. THE PURCHASER WILL BEAR THE *ENTIRE EXPENSE* OF REPAIRING OR CORRECTING ANY DEFECTS THAT PRESENTLY EXIST OR THAT MAY OCCUR IN THE VEHICLE.'" [Rule 2]

§ 455.4 Prohibition of contrary oral statements.

In connection with the offering for sale, sale, or distribution of any used motor vehicle in or affecting commerce as 'commerce' is defined in the Federal Trade Commission Act, as amended, it is an unfair or deceptive act or practice for any used motor vehicle dealer:

(a) To make any statements or claims, written or oral, or engage in any practices which directly or by implication contradict, mitigate, disparage or detract from any printed disclosure required by §§ 455.2 and 455.3; or

(b) To make any false, misleading or deceptive representation, directly or by implication, of the quality, performance, reliability or lack of mechanical defects of any used motor vehicle offered for sale.

(c) To make any representation, directly or by implication, of the quality, performance, reliability or lack of mechanical defects of any used motor vehicle offered for sale without possessing at the time of such representation a reasonable basis. [Rule 3]

§ 455.5 Retention of Documents.

To assure compliance with the provisions of this part, it is an unfair practice for all used motor vehicle dealers subject to such provisions to fail to retain and make available for inspection by officials of the Federal Trade Commission, upon request, true and correct copies of the written disclosures required by § 455.2 for at least three (3) years after the date on which the used motor vehicle subject to the disclosure was sold, and a copy of any sales contract, or other agreement used to consummate the sale of a used motor vehicle containing the disclosure required by § 455.3 for at least three (3) years from the date the used motor vehicle subject to the disclosure was sold." [Rule 4]

STATEMENT OF REASON FOR THE PROPOSED RULE

It is the Commission's purpose, in issuing this statement, to set forth its reasons for proposing this Trade Regulation Rule with sufficient particularity to allow informed comment. The precise format of such statements may vary from rule to rule depending on the complexity of the issues involved. In this proceeding, the Commission has determined that meaningful comment by the public will be facilitated by presenting (1) a statement describing the basic factual and legal premises underlying the Commision's determination to propose the Rule, and (2) a series of questions designed to draw to the public's attention matters which the Commission deems particularly pertinent and on which comment is especially solicited.

The Commission emphasizes that neither the statement of factual and legal premises nor the questions set out in the materials accompanying the proposed Rule should be interpreted as a designation of disputed issues of fact. Such designations shall be made by the Commission or its duly authorized presiding official pursuant to the Commission's procedures and rules of practice.

STATEMENT

The Commission has reason to believe that a substantial number of used motor vehicles, as that term is defined in the proposed rule, are offered for sale or sold to the general public with mechanical defects which affect the performance or reliability of the vehicles. Potential purchasers are not in a position to determine the mechanical condition of the used motor vehicles under consideration and dealers, who know or should know of the defects do not inform the prospective purchaser of such defects. In addition, some dealers misrepresent the mechanical performance and reliability of the vehicles they offer for sale.

The Commission also has reason to believe that used motor vehicle dealers frequently recondition the appearance of the vehicles they offer for sale. Such reconditioning, which includes body work, painting and cleaning eliminates signs of the vehicle's previous use and normal wear and tear. Because of reconditioning, consumers often make erroneous assumptions concerning the prior use and care and of the mechanical performance and reliability of the used vehicles which are offered for sale.

The Commission further has reason to believe that a substantial number of used vehicles are sold or offered for sale by dealers who do not disclose other significant information which purchasers do not know or cannot readily ascertain for themselves and which the dealers know or should know. For example, a

consumer may not be aware of certain basic facts concerning the vehicle's identification, the make, model and year in which it was manufactured. More significantly, the prior use of vehicle is frequently not disclosed. This information is important because a substantial number of used motor vehicles are offered for sale after use by governmental or commercial entities and such prior use may make a vehicle less desirable than one operated by a private party. Furthermore, dealers frequently do not disclose the mechanical work which the dealer has performed. Such information regarding prior use and mechanical repairs cannot be determined by a potential purchaser upon inspection and is likely to affect a decision to buy. In addition, the absence of the information tends to mislead the consumer regarding the condition of the vehicles which are offered for sale.

The Commission has reason to believe, too, that some dealers disclaim all warranties which would otherwise apply to the sale of used motor vehicles by operation of law while other dealers create express warranties of limited coverage and duration. The failure to provide adequate and valid descriptions of the warranties prior to the sale of the vehicles may mislead consumers regarding the dealer's obligations under such warranties. Furthermore, the Commission has reason to believe that some dealers orally represent that they will provide service even though they disclaim all warranties. Such representations may mislead consumers that the dealers are legally bound to perform such service.

The Commission believes that § 455.2 of the proposed rule is necessary to prevent deception from misrepresentations regarding the condition and reliability of used motor vehicles and regarding service which dealers provide. In addition, the disclosures required by that section and § 455.3 are necessary to remedy the unfair withholding of information essential to informed consumer purchase decisions and to prevent the future use of unfair and deceptive sales practices in connection with the sale of used motor vehicles.

The proposed rule is necessary to implement national policy regarding the protection of purchasers of used vehicles. Rules regarding warranty protection and practices are mandated by the Magnuson-Moss Warranty Federal Trade Commission Improvement Act Section 109(b).

Although the Commission has reason to believe that a substantial number of used motor vehicles are offered for sale with mechanical defects affecting the performance and reliability of such vehicles, the Commission has not determined that the inspection opportunity proposal submitted by the staff is an appropriate solution. In order to facilitate the receipt of relevant comment from interested persons on the issue of appropriate Commission action in response to the defect problem, the Commission had determined to set forth the staff's proposal in the form of subject matter issues accompanying the proposed rule. The Commission would like interested parties to comment on the staff's proposal and to consider alternative proposals if such are warranted.

The Commission has reason to believe the foregoing based on information compiled by the staff during a comprehensive industry-wide investigation.

In the course of the investigation, the Commission staff has received extensive documentary evidence bearing upon the issues and has consulted with other governmental agencies and with numerous experts, industry members and consumer representatives. In addition, the staff has conducted surveys of dealers, State Attorneys General and consumer groups; evaluated consumer complaints; and conducted a review of the literature on this subject.

The Commission has not adopted any findings or conclusions of the staff. All findings in this proceeding shall be based solely on the matter in the rulemaking record.

QUESTIONS

Interested persons are urged to consider carefully the questions accompanying the proposed rule. Although the proposed rule was drafted in specific language, the Commission retains its authority to promulgate a final rule in ways suggested by the following questions.

1. In the accompanying Statement of Reason for the proposed rule the Commission has outlined its tentative appraisal of deception and unfairness in the context of used motor vehicle sales. How prevalent are the challenged practices set forth in the Statement, and in what manner and context are such acts and practices unfair or deceptive?

2. Section 455.2 requires the posting of a disclosure statement on a window of each used motor vehicle offered for sale. Is there any particular location which would be more visible for the posting of the statement? Do any state laws restrict or prohibit the utilization of a window statement?

3. Section 455.2(d) provides for the disclosure of the identity of the prior owner and the type of prior use of any used motor vehicle offered for sale. Are vehicles formerly used by commercial or governmental entities less desirable than vehicles formerly owned by private parties? Are used motor vehicle dealers generally aware of the identity of the prior owner and the nature of the prior use? If used motor vehicle dealers have this information, is it generally disclosed to potential purchasers? If the information is not disclosed, are purchasers injured by the non-disclosure? Would disclosure of the identity of the prior user or the nature of the prior use create any warranties under state law? If dealers are not aware of the identity of prior users or the nature of the prior use, is there a feasible and inexpensive method to so inform the dealers? What are the costs of the disclosures required by this section? Are there more effective alternative methods of providing the prospective buyer with the requisite information?

4. Section 455.2(e) requires the used motor vehicle dealer to disclose certain work performed by the dealer on the used motor vehicle. Do used motor vehicle dealers generally perform work of the types designated by Section 455.2(e) on used vehicles prior to offering the vehicle for sale? If dealers do perform such work, is the work generally disclosed to potential purchasers? What types of work performed affect the performance or reliability of used motor vehicles? If dealers do not disclose such work, how are purchasers harmed, if they are harmed at all, especially if the work is properly performed? Would disclosure of work performed on the vehicle operate to create any warranty under state law? What are the costs, if any, of disclosing work performed? Are there more effective alternative methods for making disclosures regarding the performance of work by dealers?

5. Section 455.2(f) provides for used motor vehicle dealers to disclose the terms of any warranty or service contract prior to sale. To what extent are purchasers of used motor vehicles presently misinformed of the terms of the warranties or service contracts which accompany the sale of used motor vehicles? Would the disclosures required by § 455.2(f) adequately inform potential purchasers of the terms of the warranty or service contract? What are the costs of the disclosures required by section 455. (f) as presently drafted? Are there more effective alternative methods for disclosing the terms of warranties or service contracts prior to sale?

6. Sections 455.2(g) and 455.4 provide for disclosures of the effect of an "as is" sale. Do potential purchasers generally understand the meaning of the term "as is"? Do used motor vehicle dealers generally misrepresent the meaning of the term "as is" or make oral representations which are contradicted by the "as is" term? Are the "as is" disclosures as presently drafted adequate to accurately inform potential purchasers of the significance of an "as is" sale? What costs, if any, are created by the "as is" disclosures? Are there more effective alternative methods of making the "as is" disclosures?

7. To what extent do used motor vehicles offered for sale by dealers contain mechanical defects? Are dealers generally knowledgeable of defects in the used motor vehicles they offer for sale? Do dealers generally disclose to potential purchasers the existence of defects of which they are aware? Are potential purchasers generally aware of some risk of defects, to what extent is their perception of the risk accurate? How are purchasers harmed by the nondisclosure of defects by dealers?

8. Should the Commission promulgate rules similar to those recommended by the staff or other rules relating to notice of the risk of defects in used motor vehicles offered for sale and the availability of a prepurchase inspection opportunity? In this regard, should the Commission

supplement section 455 by requiring used motor vehicle dealers to provide an adequate opportunity to prospective purchasers to inspect, prior to purchase, used motor vehicles offered for sale? Should the inspection opportunity be at least eight (8) hours to enable the vehicle be inspected by anyone selected by the prospective purchaser? In order to protect used motor vehicle dealers from potential misuse of the inspection opportunity, should the dealer have an absolute right to have an employee or agent accompany the vehicle to and from the inspection site and be present during the inspection and where the prospective purchaser fails to exhibit a valid driver's license and proof of vehicle liability insurance or financial responsibility, should the dealer have an absolute right to have his employee or agent also drive the vehicle to and from the inspection site? In addition in order to insure that prospective purchasers have been afforded this inspection opportunity, should dealers be required to provide prospective purchasers with a written explanation of the duties and responsibilities of the dealer and the prospective purchaser in the event said purchaser chooses to have the vehicle inspected? Should such an explanation be set forth in a form which could be signed and dated by the purchaser? In addition, should the Commission supplement § 455.2 to include: a) A disclosure of the risk of defeats in used motor vehicles offered for sale; b) a suggestion that the prospective purchaser consider having the vehicle inspected by a mechanic prior to purchase which cost will be borne by said purchaser; and c) a statement that Federal law requires that the dealer provide the inspection opportunity?

9. The staff's inspection opportunity proposals provides potential purchasers of used motor vehicles an opportunity to obtain inspections of such vehicles prior to purchase. Would the inspection opportunity provide potential purchasers information on the existence of mechanical defects in used motor vehicles offered for sale by dealers? Are there any other benefits which would flow to the potential purchaser from the inspection opportunity? What costs could be incurred by potential purchasers who obtain prepurchase inspections? What costs, if any, could the inspection opportunity place on purchasers who do not obtain prepurchase inspection? Should the inspection opportunity be modified in any way to either increase its utility in making defect information available or to decrease any costs for potential purchasers or dealers? Are prepurchase inspections generally available from used motor vehicle dealers? Do used motor vehicle dealers currently attempt to discourage potential purchasers from obtaining a prepurchase inspection or deny an inspection opportunity? What restrictions or costs, if any, do dealers currently place on inspection opportunities? Will the inspection opportunity proposed by staff work any hardships on smaller dealers? If any hardships would be created, how should the inspection opportunity be modified to eliminate such hardships?

10. The inspection opportunity proposal does not place any limits on the extent of the inspection which may be performed during the inspection opportunity. For example, disassembly of the various components of the used vehicle would be permitted under the proposed rule. What problems, if any, does this lack of restriction create for the used motor vehicle dealer? Does the lack of restriction create costs for the used motor vehicle dealer which could be avoided by establishing limits on the inspection? What would be reasonable limits to establish on the inspection? What costs to the dealer would be avoided by such limits? What effect would the limits have on the potential purchaser's ability to obtain information on the existence of mechanical defects through a prepurchase inspection?

11. The inspection opportunity proposal allows the used vehicle dealer to require that dealer personnel drive the used motor vehicle to and from the inspection site if the potential purchaser lacks either a valid driver's license or proof of insurance. It also allows the dealer to require that dealer personnel accompany the used motor vehicle at all times. Are the restrictions set forth adequate to shield the dealer from risk during the inspection opportunity? Are there costs to the dealer from any risks created by the inspection opportunity? If there are costs, what effect do such costs have on the price of used motor vehicles? What effect do the restrictions on the inspection opportunity have on the potential purchaser's ability to obtain defect information through a prepurchase inspection? Are there more effective alternative methods of protecting dealers against risk from the inspection opportunity while preserving an opportunity for meaningful inspection?

12. The inspection opportunity proposal establishes a minimum 8 hour period for the inspection opportunity. Is an 8 hour period the minimum period sufficient for a potential purchaser to obtain a prepurchase inspection? What costs, if any, to the used motor vehicle dealer would be avoided if the minimum period were less than 8 hours? What costs, if any, would remain for the dealers?

13. Do used motor vehicle dealers generally improve the appearance of used motor vehicles prior to offering such vehicles for sale? Do potential purchasers generally associate the appearance of used motor vehicles with the vehicles' mechanical condition? Is the notice of the risk of defects presently provided by staff's proposal sufficient to apprise potential purchasers of the risk of defects assuming consumers do associate physical appearance with mechanical condition?

14. Sections 455.2, 455.3 and the inspection opportunity proposal provide for a prepurchase inspection opportunity, disclosure of vehicle information and disclosure of "as is" terms of sale. To what extent are these provisions consistent or in conflict with applicable state law? Do any of the provisions of §§ 455.2, 455.3, or the inspection opportunity proposal operate to either create or negate protections to consumers or dealers under state law?

15. Should the rule include special provisions for particular types of used motor vehicles, e.g., motorcycles or trucks?

16. Section 455.5 requires used motor vehicle dealers to retain certain documents for a three year period. What costs, if any, would be created by this requirement? If such costs would be created, how should § 455.5 be modified to reduce the costs?

17. Section 455.4 prohibits certain representations and practices in connection with the offering for sale of any used motor vehicle or the protections provided by §§ 455.2 and 455.3. Is § 455.4 adequate to protect consumers against such representations and practices?

18. In what ways should Title I of the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act, Pub. L. 93-637, and the rules promulgated thereunder be further supplemented with respect to the offering for sale or sale of used motor vehicles?

In addition to the above questions, the Commission desires, for each of the individual requirements contained in the proposed rule, comments on:

1. Any benefits which flow from any acts or practices which would be proscribed by the proposed rule;

2. Any detrimental effects which will result from the imposition of any requirement of the proposed rule; and

3. The economic effect of the proposed rule on consumers and small businesses.

The Commission wishes to know whether consumer injury associated with practices restricted by the rule or with the failure to utilize practices required by the rule, may be eliminated without eliminating the practices entirely, or without utilizing the practices required by the rule. That is, are there alternative and more desirable ways of attaining the results that the proposed rule seeks to achieve?

Invitation to Propose Issues of Fact for Consideration in Public Hearings

All interested persons are hereby given notice of opportunity to propose any disputed issues which are material and necessary to resolve. The Commission, or its duly authorized presiding official, shall, after reviewing submissions hereunder, identify any such issues in a notice which will be published in the Federal Register. Such issues shall be considered in accordance with section 18(c) of the Federal Trade Commission Act as amended by Pub. L. 93-637, and rules promulgated

thereunder. Proposals shall be accepted until March 8, 1976 by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as a "Proposal Identifying Issues of Fact—Used Motor Vehicles," and furnished when feasible and not burdensome, in five copies. The times and places of public hearings will be set forth in a notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy which may have some bearing upon the proposed rule. Written comments, other than proposals identifying issues of fact will be accepted until forty-five days before commencement of public hearings, but at least until March 23, 1976. To assure prompt consideration of a comment, it should be identified as a "Used Motor Vehicle Comment" and furnished, when feasible and not burdensome, in five copies.

Issued: December 23, 1975.

By direction of the Commission.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.76-238 Filed 1-5-76;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 THE INTERIOR

Bureau of Land Management

ALASKA

Segregation of Lands

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211214) the State of Alaska, Division of Aviation, has applied for an airport lease for land located in:

SW¼NW¼, SW¼, W½SW¼SE¼ section 14, T. 17 S., R. 47 W., Seward Meridian, lying and being in the Kvichak Recording District, Third Judicial District, State of Alaska.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT W. ARNDORFER,
Acting State Director.

[FR Doc.76-256 Filed 1-5-76;8:45 am]

NEW MEXICO

New Mexico Multiple Use Advisory Board

Notice is hereby given that the New Mexico Multiple Use Advisory Board of the Bureau of Land Management will meet at Santa Fe, New Mexico, January 21 and 22, 1976, at the Hilton Inn, 100 Sandoval Street, as follows:

Membership will be divided into four committees of three members each to study, discuss, and formulate recommendations if practicable but not necessarily as a requirement, and gather information on four broad questions chosen at the November 1975 board meeting. Meetings will be four in number, occupying one-half day each beginning at 8 a.m. January 21 and continuing until 4 p.m. each day through January 22 in sequence to be announced and posted at the meeting place at 8 a.m. January 21, 1976.

The questions posed for each committee will be as follows: How Can BLM Improve its Interagency Relationships? (Committee on Interagency Relationships); Which Lands Should Be Opened to Off-Road Vehicles? (Committee on Off-Road Vehicles); How Can The Environmental Assessment Process Be Expedited? (Committee on Environmental Assessments); and How Should BLM Approach Land Title Questions and Unauthorized Occupancy? (Committee on Land Titles).

Committees may but are not required to make recommendations to the full Board at its next regular meeting as appropriate and as previously assigned by the Board. Such recommendations may be accepted or rejected by the full Board at its discretion.

Meetings will be open to the public. Effort will be made on a space-available and time-available basis to accommodate members of the public wishing to participate in the sessions, and wishing to make written or oral statements to the committees, provided that notice of such desire and intent are communicated to the New Mexico State Director of the Bureau of Land Management not later than 4 p.m. January 20, 1976.

Written communications and requests for information on the meetings should be directed to the Office of Public Affairs, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone requests or messages on the same subjects should be directed to Mr. Doyle Kline (505) 988-6316.

Dated: December 29, 1975.

ARTHUR W. ZIMMERMAN,
State Director.

[FR Doc.76-257 Filed 1-5-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 8]

SALES PRICES FOR MILK

Sales of Certain Commodities; Monthly Sales List (Fiscal Year Ending June 30, 1976)

The CCC Monthly Sales List for the fiscal year ending June 30, 1976, published at 40 FR 30510, as amended, is further amended by revising the provisions of Section 27 entitled "Nonfat Dry Milk—Unrestricted Use Sales", published at 40 FR 58474 to read as follows: Market price, but not less than the following announced prices for spray process nonfat dry milk (NDM) in 50 pound bags:

U.S. EXTRA GRADE

PRODUCED BEFORE SEPTEMBER 1, 1974

7175 cents per pound for NDM in bags type specified in ASCS Announcement CMO-1.

71.50 cents per pound for NDM in commercial type bags.

PRODUCED SEPTEMBER 1 THROUGH DECEMBER 31, 1975

Price for NDM produced before September 1, 1974 (indicated above) *plus* 1.5 cent.

U.S. STANDARD GRADE (REGARDLESS OF AGE)

Price for Extra Grade NDM produced before September 1, 1974 (indicated above) *minus* 1.0 cent.

Sales are made under Announcement MP-14.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427))

Effective date: 2:30 p.m. (e.s.t.), November 28, 1975.

Signed at Washington, D.C. on December 30, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-310 Filed 1-2-76;12:53 pm]

Forest Service

COOPERATIVE FALL CANKERWORM SUPPRESSION IN PENNSYLVANIA—1976

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 on the 1976 Cooperative Fall Cankerworm Suppression Project in Pennsylvania, USDA-FS (Adm). NA-76-01.

The Draft Environmental Statement concerns a cooperative suppression project with the State of Pennsylvania to treat approximately 20,000 acres of high value state and private woodlands in Cameron, Elk, McKean and Potter Counties. Trichlorfon will be aerially applied, if registered, to protect forest resources from unacceptable damage by the fall cankerworm.

This Draft Statement was filed with CEQ on December 31, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, 6816 Market Street, Upper Darby, Pa. 19082.

A limited number of single copies are available upon request from Robert D. Raisch, Director, Northeastern Area State and Private Forestry, 6816 Market Street, Upper Darby, Pennsylvania 19082.

Copies of the Draft Environmental Statement for Cooperative Fall Cankerworm Suppression in Pennsylvania—1976 have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from 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 Mr. Robert D. Raisch, Area Director, Forest Service, Northeastern Area, State and Private Forestry, 6816 Market St., Upper Darby, Pa. 19082, telephone 215/596-1660. Comments must be received by March 1, 1976, in order to be considered in preparation of the Final Environmental Statement.

Dated: December 24, 1975.

W. M. DOTY,
Acting Director, Northeastern Area State and Private Forestry.

[FR Doc.76-309 Filed 1-2-76;12:52 pm]

SALINA PLANNING UNIT

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 Salina Planning Unit, Fishlake National Forest, Utah. The Forest Service report number is USDA-FS-DES (Adm) R4-76-8.

A draft environmental statement has been prepared on the proposed land use plan for the Salina Planning Unit in the Fishlake National Forest, Utah. Approximately 328,900 acres are involved and have been divided into five management areas. The plan establishes land capabilities, determines resource demands, and makes allocation of lands to resource uses and activities.

This draft environmental statement was transmitted to CEQ on December 29, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324 25th Street, Ogden, Utah 84401.

Forest Supervisor, Fishlake National Forest, 170 North Main Street, Richfield, Utah 84701.

District Forest Ranger, Loa Ranger District, Loa, Utah 84747.

District Forest Ranger, Richfield Ranger District, 55 South 1st East, Richfield, Utah 84701.

A limited number of single copies are available upon request to Forest Supervisor Ralph C. Cisco, Fishlake National Forest, 170 North Main Street, Richfield, Utah 84701.

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, and from 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 Forest Supervisor Ralph C. Cisco, Fishlake National Forest, 170 North Main Street, Richfield, Utah 84701 by February 27, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: December 29, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.76-255 Filed 1-5-76;8:45 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

First Quarterly Estimates

Pub. L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following first quarterly estimates for 1976 are published.

1. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1976 is 1,120.9 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1976 is less than 110 percent of the estimated quantity prescribed in section 2(a) of the Act.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by Section 2(a) of the Act, limitations for the calendar year 1976 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Pub. L. 88-482 at this time.

This estimate is based on the expectation that voluntary arrangements to limit imports into the United States being negotiated by the State Department will be successful. Were it not for the expected voluntary arrangements with supplying countries, the estimate of imports would have exceeded 110 percent of the estimated quantity prescribed by section 2(a) of the Act.

Done at Washington, D.C., this 31st day of December 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.76-288 Filed 1-5-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on January 15 and 16, 1976, at the National Institute of Education, 1200—19th Street NW., Washington, D.C., in Room 823. The meeting will convene at 9:30 a.m. and adjourn at 4:30 p.m. on both days.

The National Council on Educational Research is established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

This meeting will be open to the public except for the closed sessions. The tentative agenda includes:

January 15, 1976

9:30	Convene open session.
9:30–9:35	Approval of minutes of Nov. 21, 1975, meeting.
9:35–10	Director's report.
10–11	Staff briefings on followup to Sept. 18, 1975, resolutions.
11–12	Pending legislation on NIE authorization and other considerations bearing on the fiscal year 1977 budget.
12–1	Luncheon.
1–3:30	Closed session: fiscal year 1977 budget.
3:30	Recess.

January 16, 1976

9	Convene: Closed session.
9–12	Fiscal year 1977 budget.
12–2	Luncheon.
2–3:30	Open session: Review of council actions and identification of issues for further reviews.
3:30	Adjourn.

Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below.

Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least ten days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074–8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact the Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, 202–254–7900.

Dated: December 30, 1975.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

[FR Doc.76–273 Filed 1–5–76;8:45 am]

Office of Education

ARTS EDUCATION PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 409 of Pub. L. 93–380 (20 U.S.C. 1867), applications are being accepted from State and local educational agencies for Arts Education project grants.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 8, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.566. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 3, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Arts and Humanities Staff, U.S. Office of Education, 400 Maryland Avenue SW., Reporter's Building, Room 421, Washington, D.C. 20202. (Telephone: 202–245–8912 or 202–245–9097); or from the Alliance for Arts Education, John F. Kennedy Center for the Performing Arts, Washington, D.C. 20566. (Telephone: 202–245–3250 or 202–254–3437).

D. *Applicable regulations.* A proposed regulation for the Arts Education program was published in the FEDERAL REGISTER on June 30, 1975 at 40 FR 27486–27491. Subject to revision, when this proposed regulation is published as a final rule, it will govern operations of the program, including grants made under the above noted closing date. Consideration is being given to (a) including among the criteria which will be used in selecting applications (1) from local educational agencies (§ 160g.22), the extent to which special provision is made in the proposed project for provision of activities specially designed to encourage participation of handicapped children in the arts education program, (10 points) and (2) from State educational agencies (§ 160g.34), the extent to which the proposed project takes into account the special needs related to participation of handicapped children and is designed to encourage this participation (10 points); and (b) eliminating the criterion in § 160g.22(g) of the proposed regulation with respect to coordination with other programs under the Special Projects Act.

If substantive changes, other than these, are made in the final regulation affecting the preparation of applications, applicants will be afforded additional time to respond to such changes if there are less than 30 calendar days between the date of publication of the final regulation in the FEDERAL REGISTER and the above mentioned closing date.

In addition, awards under the Arts Education program will be governed by the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), and the General Provisions Regulations for the Special Projects Act (45 CFR Part 160, notice of proposed rulemaking which was published in the FEDERAL REGISTER at 40 FR 27035–27038 on June 26, 1975).

(20 U.S.C. 1867)

(Catalog of Federal Domestic Assistance No. 13.566 Arts Education Program)

Dated: December 29, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

[FR Doc.76–187 Filed 1–5–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76–110]

ARKANSAS POWER AND LIGHT CO.

Extension of Procedural Dates

DECEMBER 18, 1975.

On December 2, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 14, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, March 16, 1976.
Service of Intervenor Testimony, March 30, 1976.
Service of Company Rebuttal, April 13, 1976.
Hearing, April 27, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–218 Filed 1–5–76;8:45 am]

[Docket No. ER76–110]

ARKANSAS POWER AND LIGHT CO.

Order Denying Application for Rehearing

DECEMBER 18, 1975.

On September 8, 1975, Arkansas Power and Light Company (AP&L of Company) tendered for filing an Application for Increase in Electric Rates for service to its municipal and rural electric cooperative sale-for-resale customers. Notice of the Company's filing was issued on September 17, 1975. In response to a letter from the Commission, AP&L on October 1, 1975, supplemented its application with additional data. On October 7, 1975, we found AP&L's filing to be deficient in that its Period I test data for the period ending March 31, 1975, was not the "most recently available", as required by the Regulations. On October 15, 1975, AP&L filed an Application for Rehearing of our deficiency letter of October 7, 1975.

By order dated October 31, 1975, the Commission accepted for filing as of October 1, 1975, AP&L's filing of September 8, 1975, as supplemented by the data filed October 1, 1975, and suspended the proposed rate increase for thirty days, or until December 1, 1975, when it was permitted to become effective subject to refund. On November 14, 1975, we issued an order in response to AP&L's October 15, 1975 Application for Rehearing in which we, inter alia, vacated our October 7, 1975 deficiency letter, granted intervention to nine city and cooperatively-owned electric plants and departments[1] (Intervenors), and established hearing procedures on AP&L's proposed rate increase.

On November 21, 1975, Intervenors filed the subject Application for Rehearing of our orders of October 31 and November 14, 1975. Intervenors contend that a suspension period of five months, or at least longer than the 30 days imposed by our order, is justified in light of the data submitted with the filing, the price squeeze effect of the increase,

and alleged anticompetitive conduct of the Company. In support of their position, Intervenors state that although the Supreme Court has granted certiorari to the Commission in Conway Corporation v. F.P.C., 510 F. 2d 1264 (D.C. Cir. 1975), "that fact alone should not determine whether the Commission should take price squeeze and other competitive aspects of the proposed increase into account in determining the appropriate period of suspension." Intervenors renew their argument regarding the detrimental effect the proposed increase will have on its competitive position, and state that no explanation was given the Commission in either of the two orders as to the basis for the suspension period. Intervenors seek rehearing to ascertain what reasons support the Commission's suspension period and to request reconsideration thereof.

The statements offered in support of the Application for Rehearing renew arguments already presented by Intervenors in their initial Petition to Intervene in this docket. Our decision to suspend for 30 days was based on our review of AP&L's filing and the testimony and exhibits in support thereof. Based on such review we exercised our independent judgment in light of our expertise in this area and concluded that a 30 day suspension was sufficient to protect the public interest and the parties to this proceeding. Upon further review, we reaffirm our prior order and conclude that the 30 day suspension was proper. The period of suspension is a matter of discretion and not subject to judicial review. Municipal Light Board v. F.P.C., 450 F. 2d 1341, 1352 (1971).

Furthermore, we believe that our order of November 14, 1975, in which we stated:

> This Commission has consistently held that it must utilize a cost plus fair return standard for establishing the justness and reasonableness of the wholesale rate and does not have the authority under the Federal Power Act to set the wholesale rate predicated upon retail rates over which we have no jurisdiction. We shall therefore limit this proceeding so as to exclude consideration of the price squeeze issue. We are aware of Petitioners' reliance upon Conway Corporation v. F.P.C., 510 F. 2d 1264 (1975). However, the Court in Conway stayed its mandate pending appeal by the Commission. Accordingly, Petitioners may renew their request for consideration of the price squeeze issue when and if the Conway decision becomes final. (footnote omitted, mimeo at 5)

adequately disposed of the price squeeze arguments raised in the Petition to Intervene and The Application for Rehearing.

The Commission finds. Intervenors' application for rehearing filed November 21, 1975, in the subject docket presents no new facts or principles of law which warrant modification of our orders of October 31 and November 14, 1975.

The Commission orders. (A) Intervenors' November 21, 1975, Application for Rehearing of our orders of October 31 and November 14, 1975, is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-217 Filed 1-5-76;8:45 am]

[1] The nine parties represented are the following seven municipals: Conway Corporation, Benton Municipal Light and Water Works, Hope Water and Light Commission, City of North Little Rock, City of Osceola, City of Prescott, and City of West Memphis; and the following two cooperatives: Farmers Electric Cooperative Corporation and Mississippi County Electric Cooperative, Inc.

[Docket No. CP76-190]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Application

DECEMBER 18, 1975.

Take notice that on December 5, 1975, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, jointly Applicants, filed in Docket No. CP76-190 an aplication pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants states that pursuant to the proposed transportation and exchange agreement, Texas Eastern would receive, for the account of Columbia Gas, gas which is not expected to exceed 1,000 Mcf per day from Exxon Company, U.S.A. (Exxon), in the Lake Raccourci Field, Lafourche Parish, Louisiana, from Exxon's interest in said field. Texas Eastern would deliver an equivalent volume of natural gas to Columbia Gulf for the account of Columbia Gas at the tailgate of a gas processing plant near Venice, Plaquemines Parish, Louisiana, less adjustments for shrinkage, plant fuel, and plant and other losses.

Said deliveries would be made pursuant to a gas exchange and transportation agreement among Applicants dated October 1, 1975. It is stated that Texas Eastern has existing facilities in the Lake Raccourci area and capacity available to accept the gas dedicated to Columbia Gas and would render the proposed service on a best-efforts basis. Applicants allege that the proposed arrangements will preclude the need for a duplication of existing facilities and will assist in making contracted gas reserves available to Columbia Gas' system.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1976, 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). 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-220 Filed 1-5-76;8:45 am]

[Docket No. CP76-177]

COLORADO INTERSTATE GAS CO.

Application

DECEMBER 18, 1975.

Take notice that on December 2, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-177 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 450 horsepower compressor station in Weld County, Colorado, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 450 horsepower compressor station consisting of two 225 horsepower units near the tailgate of Amoco Production Company's (Amoco) Spindle Gasoline Plant in Weld County, Colorado, adjacent to Applicant's existing Spindle purchase meter station. Applicant estimates that the cost of the proposed facilities would be approximately $578,949.

The application states that under an existing agreement with Amoco, Applicant receives all gas delivered from the tailgate of Amoco's Spindle plant. This gas flows through Applicants 6-inch Spindle Lateral to the 22-inch Wyoming main line for transport to Denver, Colorado, for resale or for delivery to Applicant's Fort Morgan Storage Field. The contract between Applicant is said to provide that the delivery pressure from Amoco to CIG is not to exceed 600 psig and that based on the peak day design pressure of 512 psia, the 600 psig contract pressure is adequate. Applicant states that on Applicant's peak day, and during the winter season generally, there is normally no problem; however, during the off-peak period, fluctuation of gas usage in the Denver area complex and certain other operational requirements necessitate the frequent operation of Applicant's Wyoming main line at pressures considerably in excess of 600 psig. Inasmuch as when Applicant's main line pressure exceeds the 600 psig contract pressure, Amoco cannot deliver the total available volume and because a major portion of the available gas is casinghead production dependent upon oil production, downward adjustments in gas flow cannot be made without adversely affecting the producer's ability to maintain oil recovery levels. To prevent any impediment to Amoco's oil production and to assure that Applicant is able to accept all gas available from Amoco's Spindle plant, Applicant proposes herein to construct the proposed facilities.

Applicant estimates that there are approximately 18,200 Mcf per day available for delivery to CIG from the Spindle area during calendar year 1976 and that although it is anticipated that some deliverability decline will occur from existing sources; exploration and drilling activity is quite active in the area, and it is expected that additional gas will become available to partially offset the decline.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 13, 1976, 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.76-219 Filed 1-5-76;8:45 am]

[Docket No. CP76-178]

COLORADO INTERSTATE GAS CO.

Application

DECEMBER 17, 1975.

Take notice that on December 2, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-178 an application for a certificate of public convenience and necessity authorizing the construction of an additional point for the delivery of natural gas to Natural Gas Pipeline Company of America (Natural) and delivery of natural gas thereby, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it controls certain volumes of natural gas in Wheeler County, Texas, pursuant to a gas purchase agreement between itself and Amarex, Inc. (Amarex), dated February 19, 1975. Applicant states that these volumes of natural gas, estimated to average approximately 1,025 Mcf per day for the first year, are distant from Applicant's pipeline system, but are relatively close to Natural's pipeline system. Applicant therefore proposes to construct approximately 4.17 miles of 4-inch pipeline, a dehydrator and a meter setting and further proposes to reimburse Natural for the cost of facilities necessary to receive the gas. The estimated cost of the facilities that Applicant proposes to construct is said to be approximately $158,411, and the estimated cost of the facilities for which Applicant would reimburse Natural is said to be approximately $2,000.

Applicant requests that the Commission authorize the proposed construction as an additional point of delivery for natural gas to Natural under Applicant's Rate Schedule F-1. It is stated that Natural will not realize an increase in gas purchase entitlement as a result of the instant proposal; however, in applying the proposed deliveries towards Applicant's obligation to Natural, a like amount of gas will be freed for service to Applicant's other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1976, 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.76-208 Filed 1-5-76;8:45 am]

CONSERVATION-TECHNICAL ADVISORY TASK FORCE-CONSERVATION WITHIN THE GAS INDUSTRY

Meeting

Conference Room 6200; Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426; January 21, 1976, 9:30 a.m.; Presiding: Mr. Edward A. Albares, Coordinating Representative and Secretary, Federal Power Commission.

1. Call to order and introductory remarks—Mr. Edward A. Albares.

2. Introduction of technical advisory Task Force Chairman—Mr. Clifford R. Horn, Petroleum Engineer-Consultant, Liberal, Kansas and introduction of Technical Advisory Task Force Vice Chairman—Mr. Thomas E. Huzzey, West Virginia Oil & Gas Conservation Commission, Charleston, West Virginia.

3. Discussion of Task Force Work Scope and Goals—Mr. Clifford R. Horn.

4. Assignment of work to Task Force members—Mr. Clifford R. Horn.

5. Establishment of priorities and completion dates for work of the Task Force—Mr. Clifford R. Horn.

6. Selection of next meeting date.

7. Discussion of other matters.
8. Adjournment—Mr. Edward A. Albares.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-206 Filed 1-5-76;8:45 am]

CONSERVATION-TECHNICAL ADVISORY TASK FORCE-NET ENERGY COST OF COMPETITIVE ENERGY SYSTEMS

Meeting

Conference Room 5200: Federal Power Commission, Union Plaze Building, 325 North Capitol Street, NE., Washington, D.C. 20426; January 22, 1976, 8:30 a.m.; Presiding: Dr. Richard F. Hill, Coordinating Representative and Secretary, Federal Power Commission.

1. Call to order and introductory remarks—Dr. Richard F. Hill.
2. Introduction of the Technical Advisory Task Force Chairman—Dr. Robert Rosenberg, Vice President, Engineering Research, Institute of Gas Technology, Chicago, Illinois and Introduction of the Technical Advisory Task Force Vice Chairman—Dr. Carol Zarley, Kansas Geological Survey, Lawrence, Kansas.
3. Discussion of Task Force Work Scope and Goals—Dr. Robert Rosenberg.
4. Assignment of Work to Task Force Members—Dr. Robert Rosenberg.
5. Establishment of priorities and completion dates for work of the Task Force—Dr. Robert Rosenberg.
6. Selection of next meeting date.
7. Discussion of other matters.
8. Adjournment—Dr. Richard F. Hill.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-204 Filed 1-5-76;8:45 am]

[Docket No. RP75-91]

CONSOLIDATED GAS SUPPLY CORP.

Further Extension of Procedural Dates

DECEMBER 12, 1975.

On November 20, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 19, 1975, as most recently modified by notice issued August 22, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 17, 1976.
Service of Intervenor Testimony, March 9, 1976.
Service of Company Rebuttal, March 30, 1976.
Hearing, April 30, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-207 Filed 1-5-76;8:45 am]

[Docket No. ER76-151]

DELMARVA POWER AND LIGHT CO.

Order Granting Late Intervention

DECEMBER 18, 1975.

On September 29, 1975, Delmarva Power and Light Company, a utility operating and holding company, and its two wholly-owned subsidiaries, Delmarva Power and Light Company of Maryland and Delmarva Power and Light Company of Virginia (jointly, Delmarva) tendered for filing proposed changes in the intercompany Power Supply Agreement. The proposed effective date was November 1, 1975.

Notice of Delmarva's proposed rate changes was issued on October 2, 1975, with protests and petitions to intervene due on or before October 15, 1975. On October 31, 1975, we issued an order accepting Delmarva's proposed changes for filing. We suspended the effectiveness of the proposed rate schedules for ninety (90) days and set the matter for hearing.

An untimely notice of intervention was filed by the State Corporation Commission of the State of Virginia ("the State Corporation Commission") on December 8, 1975. Having reviewed said notice, we believe that the State Corporation Commission has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds. It is desirable and in the public interest to allow the State Corporation Commission to intervene in these proceedings.

The Commission orders. (A) The State Corporation Commission is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Federal Power Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-221 Filed 1-5-76;8:45 am]

[Docket No. CP75-96, etc.]

EL PASO ALASKA CO., ET AL.

Application, Supplements to Applications, and Consolidation of Proceedings

DECEMBER 17, 1975.

Take notice that on November 28, 1975, Interstate Transmission Associates (Arctic) (ITAA), Pacific Interstate Transmission Company (Pacific Interstate), 720 West Eighth Street, Los Angeles, California 90017, and Northwest Alaska Company (Northwest Alaska), 315 East Second South Street, Salt Lake City, Utah 84111, filed in Docket No. CP75-292 a fourth supplement to their application filed in that docket pursuant to Section 7(c) of the Natural Gas Act for authorization to construct and operate a gas transmission system as a part of a series of interrelated proposals to make available to markets in the lower forty-eight states gas from Alaska and northern Canada. The stated purpose of the fourth supplement is to refine the proposal set forth in the third supplement and to promulgate Applicant's election to request authorization for what has previously been presented as an alternative pipeline system. Take further notice that on November 28, 1975, Pacific Interstate filed in Docket No. CP75-249 a second supplement to its application filed in that docket pursuant to section 7(c) of the Natural Gas Act for authorization for the sale for resale of natural gas in interstate commerce to Southern California Gas Company (SoCal), which gas is to emanate from Alaska and northern Canada and is to be transported through the system of ITAA. The stated purpose of the second supplement is to set before the Commission additional supply and market data, as well as further letter agreements between Pacific Interstate and others for the transportation of the gas. Take further notice that on November 28, 1975, Northwest Pipeline Corporation (Northwest Pipeline), 315 East Second South Street, Salt Lake City, Utah 84111, filed in Docket No. CP76-174 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 200,000 Mcf of natural gas per day for the account of Pacific Interstate. These three related proposals are more fully set forth in the application and supplements to applications which are on file with the Commission and open to public inspection.

The instant filings all relate to a collective effort known as the Arctic Gas Proj-

ect pursuant to which gas from Alaska and northern Canada would be delivered into the system of ITAA at the U.S.-Canadian border. ITAA, acting as a contract carrier, would transport gas for the accounts of Pacific Interstate, Northwest Alaska, and other shippers to appropriate delivery points in the U.S.

ITAA has previously proposed in Docket No. CP74–292 to construct an 877-mile transmission system extending from Kingsgate, British Columbia, to a point near Oasis, California, for the transportation of approximately 1.1 million Mcf of gas per day. The third supplement to the application in Docket No. CP74–292 proposes an alternative pipeline system consisting of 277 miles of high pressure (1680 psia) 30-inch pipeline extending from Kingsgate to Stanfield, Oregon, and substantially paralleling the existing line of Pacific Gas Transmission Company (PGT). In this fourth supplement, ITAA proposes additionally to construct approximately 111 miles of pipeline loop between Stanfield and Rye Valley, Oregon, paralleling the existing facilities of Northwest Pipeline. ITAA specifically proposes to construct a 76-mile, 30-inch pipeline from Stanfield south to within 23.5 miles of Northwest Pipeline's Station 13 and to construct a 24.9-mile, 30-inch pipeline from Station 13 to Rye Valley. Thus, ITAA requests, in lieu of its previous proposals, authorization to construct approximately 390 miles of high pressure (1440 psig), 30-inch pipeline from Kingsgate to Rye Valley. The cost of the proposal in Docket No. CP74–292, at July 1, 1975, prices, is estimated to be $223,557,000. It is said that because the proposed pipeline is designed to operate at 1440 psig it will be compatible with the delivery pressure of the system of Canadian Artic Gas Pipeline Limited (Canadian Artic) at Kingsgate and no additional compression will be necessary between Kingsgate and Stanfield.

ITAA also files as part of its fourth supplement in Docket No. CP74–292 amended Exhibits F, F–I, G, G–II, K, L, N, O, and P, updating certain previously provided calculations, costs and maps, a revised environmental report, and an exhibit showing how the proposed system can be expanded to transport directly to southern California large volumes of gas, in excess of the presently proposed 600,000 Mcf per day, that may become available from Alaska and northern Canada.

ITAA's proposed system will initially carry 600,000 Mcf of gas per day, it is stated, of which 150,000 Mcf per day will be delivered for the account of Northwest Alaska into the Northwest Pipeline system at Spokane, Washington, and Stanfield and 450,000 Mcf per day will be delivered for the account of Pacific Interstate. Of the 450,000 Mcf per day delivered for the account of Pacific Interstate, 250,000 will be delivered to PGT at Stanfield. From Stanfield, PGT will deliver the gas to Pacific Gas and Electric Company (PG&E) at its delivery point on the California-Oregon border and PG&E will deliver thermally equivalent volumes into the system of SoCal. The remaining 200,000 Mcf per day will be delivered into the facilities of Northwest Pipeline at Stanfield, transported by Northwest Pipeline for delivery to El Paso Natural Gas Company (El Paso) at an existing interconnection at Ignacio, Colorado, then transported by El Paso for delivery to SoCal at the Arizona-California border. It is stated that Northwest Pipeline, El Paso, PGT, and PG&E will be supplied sufficient volumes to provide for the fuel required to carry out their transport obligations.

For its portion of the transportation, Northwest Pipeline states that it will charge Pacific Interstate in accordance with the then-effective transportation rate as reflected in Northwest Pipeline's FPC Gas Tariff. To effect the proposed transportation, Northwest Pipeline proposes, in Docket No. CP76–174, to small and operate six additional compressors totalling approximately 11,000 compressor horsepower at three existing compressor stations on its transmission system. These additional compressors would be located at Northwest Pipeline's Baker, Oregon, Compressor Station No. 13; Caldwell, Idaho, Compressor Station No. 12; and Mountain Home, Idaho, Compressor Station No. 11. Northwest Pipeline also proposes changes in the Kemmerer, Wyoming, Compressor Station No. 7 and the Pocatello, Idaho, Compressor Station No. 9 to allow for direction control of the gas flow. The estimated cost of the proposed facilities is said to be approximately $8,415,000 in 1975 dollars.

In its second supplement to the application in Docket No. CP75–249 Pacific Interstate includes five letter agreements covering the transportation of its gas by Canadian Arctic, ITAA, Northwest Pipeline, PGT and PG&E. Pacific Interstate also includes in its second supplement and exhibit demonstrating the feasibility of El Paso's transporting for Pacific Interstate 200,000 Mcf of gas per day. Finally, Pacific Interstate's second supplement updates, in amended Exhibit I, the estimates of SoCal's requirements, deliveries and curtailment and describes the market impact of the additional supplies expected to become available as a result of the proposed Arctic Gas Project.

On the basis of apparent common issues of fact, the application of Northwest Pipeline in Docket No. CP76–174 is consolidated for hearing with the proceedings in Docket No. CP75–96, et al.[1]

Any person desiring to be heard or to make any protest with reference to the application in Docket No. CP76–174 and/or the supplements in Docket Nos. CP74–292, and CP75–249 should on or before January 8, 1976, 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 accordancee with the Commission's rules. Persons who have heretofore filed protests, petitions to intervene in the instant dockets or in the consolidated proceeding in Docket No. CP75–96 need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–209 Filed 1–5–76;8:45 am]

[1] The proceedings in Docket Nos. CP74–292 and CP75–249 were heretofore consolidated for hearing with the proceedings in Docket No. CP75–96, et al., by order issued January 23, 1975, and by notice issued March 12, 1975, respectively.

[Docket No. CP76–187]

EL PASO NATURAL GAS CO.

Application

DECEMBER 18, 1975.

Take notice that on December 4, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76–187 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas production area facilities located on its interstate system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon facilities as are identified and described below:

A. PERMIAN BASIN AREA

1. *Jameson Area.* a. Jameson Compressor Station—2 60-horsepower Cooper Bessemer CMXD–10 compressor units, with appurtenances, located in the H&TC RR Survey, Coke County, Texas.

b. Southlake Trammel Gathering System Compressor Units—3 220-horsepower Ingersoll-Rand JVG–8 compressor units, with appurtenances, located in the T&P Survey, Nolan County, Texas.

2. *Snyder-Goldsmith Area.* a. Stanton Compressor Station—1 2,710-horsepower Solar Centaur turbine unit, with appurtenances, located in the Boyer and Cockrell Survey, Martin County, Texas.

b. Field Transmission Pipeline—Approximately 36.74 miles of 12¾-inch O.D. pipeline, with appurtenances, commencing at Applicant's Goldsmith plant in the T&P Survey, Ector County, Texas, and terminating at the 12¾-inch O.D. crossover valve in La Salle County School Land, Martin County, Texas.

3. *South Andrews–TXL Area.* a. South Andrews Field Compressor Station—5 880-horsepower. Clark HRA–8 compressor units, with appurtenances located in Andrews County, Texas.

b. South Andrews Gas Lift Service Compressor and Dehydration Facilities—7 880-horsepower Clark HRA–8, 2 330-horsepower Clark HMAB–6, 1 440-horsepower Clark HMB–8 compressor units, with appurtenances, and 1 20,000-Mcf-

per-day capacity absorption-dehydration unit, with appurtenances, located at Applicant's South Andrews Field Plant in Andrews County, Texas.

c. Emma Field Compressor Station—1 286-horsepower Waukesha F-3520, and 2 153-horsepower Climax K-75 compressor units, with appurtenances, located in the University Land Survey, Block 9, Andrews County, Texas.

d. TXL Compressor Station—3 660-horsepower Clark HRA-6 and 2 2,000-horsepower Ingersoll-Rand 412 KVS compressor units, with appurtenances, located in the 4 T&P RR Survey, Factor County, Texas.

e. TXL-to-Keyston Field Pipeline—Approximately 18.23 miles of 16-inch O.D. pipeline, with appurtenances, commencing at Applicant's TXL Plant in T&P Survey, Block 45, Ector County, Texas, and terminating at Applicant's Keystone Field Plant in P.S.L. Survey, Winkler County, Texas.

4. *Warren Tatum Area.* a. Warren Tatum Pipeline—Approximately 8.57 miles of 6⅝-inch O.D. pipeline, commencing at the Warren Tatum Plant and terminating at Applicant's Permian-San Juan mainline, all in Lea County, New Mexico.

5. *Miscellaneous Facilities.* a. Fullerton Field Plant—1 46,000-Mcf-per-day capacity purification and dehydration plant, with appurtenances, located at the Fullerton Field Plant, B.S.L. Survey, Andrews County, Texas.

b. Monument Field Plant—1 75,000-Mcf-per-day capacity remote absorber and 1 60,000-Mcf-per-day capacity glycol dehydration plant, with appurtenances, located at the Monument Field Plant in Lea County, New Mexico.

c. Keystone Mainline Station—1 675,000-Mcf-per-day capacity amine recovery plant, with appurtenances, located at the Keystone Mainline Station in P.S.L. Survey, Winkler County, Texas.

d. Dumas Field Plant—1 71,000-Mcf-per-day capacity dry-bed dehydration plant, with appurtenances, located at Applicant's Dumas Field Plant in H&T.C. Survey, Moore County, Texas.

B. San Juan Basin Area

1. *San Juan River Plant.* a. San Juan River Treating Plant—1 48,000-Mcf-per-day capacity regeneration train, with appurtenances, located at Applicant's San Juan River treating plant in San Juan County, New Mexico.

Applicant proposes to abandon these facilities due to declining production and deliverability of gas supplies. Applicant alleges that, except with respect to amine recovery plant served by the Keystone mainline station in Winkler County, Texas, Applicant's remaining facilities will be sufficient to acquire, process, compress, and transport gas expected to be available. Applicant states that amount and content of the gas at the amine recovery plant do not require amine recovery in Applicant's pipeline operations; and, therefore the facilities are not required and their former amine recovery function need not be performed elsewhere.

The application further states that the total original book cost of the facilities proposed to be abandoned is $10,074,657. The total cost of abandonment of such facilities is estimated to be approximately $1,589,050. Applicant proposes to abandon a majority of such facilities and thereafter to remove and dispose of salvable materials in the most economical manner available and to abandon the remainder of such facilities in place and to account for salvable materials as stock items pending their future use in Applicant's operations, all with consequent reductions in Applicant's cost of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1976, 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.76-222 Filed 1-5-76;8:45 am]

[Docket No. CP75-20 and CI75-116]

FLORIDA GAS TRANSMISSION CO., ET AL.

Intent To Act

December 19, 1975.

Petroleum Management, Inc. (PMI) and Skelly Oil Company on November 21, 1975, filed a motion requesting the Commission to retract its order of November 19, 1975, in the above-entitled proceedings or, alternatively, for a stay of paragraph (C) of such order. The Commission intends to issue an order on this matter in the near future. Therefore the motion shall not be deemed denied under § 1.12(e) of the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc.75-201; Filed 1-5-76;8:45 am]

[Docket No. E-9239]

INDIANA AND MICHIGAN ELECTRIC CO.

Extension of Procedural Dates

December 18, 1975.

On November 28, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 17, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 20, 1976.
Service of Intervenor Testimony, March 5, 1976.
Service of Company Rebuttal, March 19, 1976.
Hearing, April 7, 1976 (10:00 a.m., e.s.t.).

Kenneth F. Plumb,
Secretary.

[FR Doc.76-194 Filed 1-5-76;8:45 am]

[Docket Nos. RP75-104; RP75-110 and RP76-48]

LAWRENCEBURG GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Rate Change and Curtailment Plan Filing, Granting Waiver, Severing Issue, Consolidating Proceedings, and Rejecting Duplicative Filing

December 17, 1975.

On November 17, 1975, in Docket No. RP75-104 Lawrenceburg Gas Transmission Corporation (Transmission Corporation) tendered for filing; its proposed F.P.C. Gas Tariff, First Revised Volume No. 1 which would supersede its presently effective Original Volume No. 1 in its entirety; two revised service agreements; and supporting schedules in support of the filing pursuant to the Commissions' Regulations. Transmission Corporation states that the filing is in compliance with the Commission's order issued October 31, 1975, in Docket No. CP75-370, which approved certain changes in terms and conditions of sales made to its affiliate, Lawrenceburg Gas Company (Gas Company) and its parent, Cincinnati Gas & Electric Company (Cincinnati). Under the proposal, redesign of rates, terms and conditions will occur, but there will be no change in revenues over the level being collected, subject to refund in Docket No. RP75-104, as adjusted for a subsequent PGA filing.[1] Transmission Corporation requests waiver of the notice requirements to permit an effective date of November 1, 1975, for the entire filing, including the curtailment plan. Transmission Corpora-

[1] The filing also contains a revised curtailment plan filed pursuant to Ordering Paragraph (B) of the Commission's October 31, 1975, order in Docket No. CP75-370.

tion states that it is imperative that the entire filing have the same effective date.

Also, on November 17, 1975, Transmission Corporation made a filing in Docket No. RP75–110 containing only the curtailment portion of the November 17, 1975, filing in Docket No. RP75–104. Since the filing in Docket No. RP75–110 is duplicative of material contained in the Docket No. RP75–104 filing, we shall reject that filing.

The filing was noticed on December 8, 1975, with comments due on or before December 27, 1975. To date, no comments have been received.

Our review of Transmission Corporation's filing indicates that it is in substantial compliance with the Commission's October 31, 1975, order in Docket No. CP75–370. However, we note that the rate levels reflected in the revised rates are based upon costs which are subject to investigation in Docket No. RP75–104. Moreover, the proposed curtailment plan has not been shown to be just and reasonable. Therefore, the filing raises certain issues which may require development in an evidentiary proceeding. Accordingly, for good cause shown, we shall grant Transmission Corporation's request for waiver of the notice requirements and shall suspend its filing for one day until November 1, 1975, when it may become effective, subject to refund. The trial of the rate issues raised herein shall be consolidated for purposes of hearing and decision with the proceedings in Docket No. RP75–104, and the consolidated proceedings shall be governed by the procedures prescribed in that docket. The justness and reasonableness of the proposed revised curtailment plan shall be docketed in Docket No. RP76–48 severed from Docket No. RP75–104, and made subject to such procedures as the Commission may prescribe by further order in Docket No. RP76–48.

The Commission finds. Good cause exists to grant waiver of the notice requirements and to accept for filing and suspend Transmission Corporation's November 17, 1975, filing in Docket No. RP75–104.

The Commission orders. (A) For good cause shown, waiver of the Commission's notice requirements in Section 154.22 of the regulations is granted and Transmission Corporation's November 17, 1975, submittal in Docket No. RP75–104 is accepted for filing and suspended for one day until November 1, 1975, when they may become effective, subject to refund.

(B) Pursuant to the Natural Gas Act, particularly sections 4 and 5 thereof, the hearing shall be held regarding the rate issues raised in the instant filing. The trial of the rate issues raised in the instant filing is consolidated for purposes of hearing and decision with the proceedings in Docket No. RP75–104, and the consolidated proceedings are hereby made subject to the procedures prescribed in Docket No. RP75–104.

(C) The curtailment issues raised by the November 17, 1975 filing in Docket No. RP75–104 is hereby severed from said docket, re-docketed as RP76–48 and made subject to such procedures as the Commission may prescribe by further order in Docket No. RP76–48.

(D) Transmission Corporation's filing in Docket No. RP75–110 is rejected.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–210 Filed 1–5–76;8:45 am]

[Docket No. CP76–170]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

DECEMBER 17, 1975.

Take notice that on November 26, 1975, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP76–170 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas to Laclede Gas Company (Laclede), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it transports and sells natural gas to utility distributor customers for resale and its principal sales are made to Laclede and Illinois Power Company. Applicant requests authorization in the instant application to sell natural gas to Laclede in accordance with the provisions of a Special Winter Service Contract dated November 1, 1975. It is proposed that Applicant resell to Laclede a portion of the natural gas that Laclede has sold to Applicant from Laclede's interest (approximately 8 percent) in gas production from the Mills Ranch (Hunton) Field, Wheeler County, Texas. It is stated that Applicant is presently purchasing gas from seven completed wells in the field, from various producers including Laclede. Applicant states that the sales by Laclede to Applicant are being made pursuant to a certificate which was issued by the Commission on January 11, 1974 (51 FPC 169), and which terminates February 16, 1976.

The service proposed to be rendered by Applicant is a winter service and would consist of Applicant's selling to Laclede for 100 days out of a 120-day period beginning November 15 the volume of natural gas that Laclede has sold to Applicant during the prior 12-month period, subject to certain adjustments and less the volume of gas attributable to Laclede that Applicant was obligated to sell to Natural Gas Pipeline Company of America to have the remaining gas delivered to Applicant's main pipeline system. Applicant is said to receive from Natural 66⅔ percent of the gas delivered to Natural and the remaining 33⅓ percent is purchased by Natural under its transportation agreement. Laclede would be obligated to bear its proportionate share of such costs.

The total initial price of the gas proposed to be sold to Laclede is said to be (1) the purchase cost to Applicant of the gas delivered to Laclede, (2) the cost of having such gas delivered to Applicant by Natural, and (3) 60 cents per Mcf for gathering costs in the field, transportation through Applicant's system, and storage and other costs. Applicant states that no new facilities would be necessary to institute the proposed sale and that the sale would have no adverse affect on any of Applicant's existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 13, 1976, 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.76–211 Filed 1–5–76;8:45 am]

[Docket No. CP76–163]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Application

DECEMBER 18, 1975.

Take notice that on November 19, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76–163 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 15.29 miles of 30-inch loop pipeline to increase the capacity of its Louisiana

supply pipeline in Harris, Liberty and Jefferson Counties, Texas, 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 certificated capacity of its Louisiana supply pipeline, at 1,078,000 Mcf of gas per day, is insufficient to accommodate the increased deliveries of gas from certain sources of supply off-shore Louisiana and offshore Texas which are dedicated to Applicant. It is stated that part of the production from the West Cameron Block 543 and most of the production from the West Cameron Block 533 and the East Cameron Block 322 fields, offshore Louisiana, and all of the production from the West Cameron Block 28, Vermilion Block 214, Vermilion Block 321 fields, offshore Louisiana and High Island Block 23–L field, offshore Texas, is dedicated to Applicant. Applicant states that production from these sources of supply have just recently commenced or will soon commence flowing into Applicant's Louisiana supply pipeline. Applicant adds that in December 1975, its Louisiana supply line will also experience increased flow from a second production platform in the Eugene Island Block 331 field. In addition Applicant states, the capability of its Louisiana supply line to deliver certificated capacity has been affected by minor variations of input and increases in offshore volumes so that the line is presently incapable of delivering full certificated capacity to Station 302 on its system.

In order to accommodate the increased deliveries and Station 302 requirements Applicant proposed to construct and operate approximately 8.95 miles of loopline in Jefferson Parish, Louisiana, and 6.34 miles of loopline in Liberty and Harris Counties, Texas. Applicant states that the proposed facilities will increase the capacity of Applicant's onshore Louisiana supply pipeline to approximately 1,172,700 Mcf of gas per day. The estimated cost to construct the proposed facilities is $7,164,000, which will be financed through interim and permanent borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 7, 1976, 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 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 76–195 Filed 1–5–76; 8:45 am]

[Docket No. CP75–361]

NORTHERN NATURAL GAS CO.

Postponing Prehearing Conference

DECEMBER 17, 1975.

By letter filed December 16, 1975, Northern Natural Gas Company requested a postponement of the prehearing conference scheduled for December 18, 1975, by order issued December 2, 1975. The letter states that intervenor, Southwest Kansas Cooperative, supports the request. The letter also states that Staff Counsel has no objection to the postponement of the prehearing conference.

Upon consideration, notice is hereby given that the prehearing conference is postponed to January 8, 1976, at 10 a.m., e.s.t. The other dates remain unchanged.

Service of Applicant and Supporting parties Testimony, January 16, 1976.
Hearing, January 23, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–212 Filed 1–5–76;8:45 am]

[Docket No. CP76–166]

PEOPLES NATURAL GAS DIVISION OF NORTHERN NATURAL GAS CO.

Application

DECEMBER 18, 1975.

Take notice that on November 20, 1975, Peoples Natural Gas Division of Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76–166 an application for an order declaring that the construction and operation of a liquefied natural gas (LNG) liquifaction, storage and vaporization facility in Hancock County, Iowa, is not subject to the jurisdiction of the Commission or, in the alternative, for a certificate of public convenience and necessity authorizing said construction and operation pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a LNG facility in Hancock County, Iowa, with a capability of liquefying 15,000 Mcf of natural gas per day for storage in a holding tank having a net capacity of 1,500,000 Mcf. The stated maximum vaporization and send-out rate would be 50,000 Mcf per day, which rate the proposed facility is said to be capable of sustaining for 30 days. At the vaporization rate of 15,000 Mcf per day, Applicant states that the send-out would be for a period of 100 days, or the entire heating season. It is stated that the gas which would be liquefied would be normally consumed by low priority users during the summer months and that the proposed project would make such gas available to high priority users during the winter months. It is stated further that the proposed LNG facility would provide peak shaving during the winter heating season which would enable Applicant to provide service to new residential and small volume firm customers on Applicant's distribution system.

Applicant submits that the proposed facility should be declared exempt from the jurisdiction of the Commission pursuant to section 1(b) of the Natural Gas Act because it would be used by Applicant to aid and assist Applicant in the local distribution of natural gas in Iowa, Nebraska and Minnesota. The application states that the volumes of natural gas made available for liquefaction would otherwise be distributed and sold within Applicant's contract demand and that the volumes vaporized and made available by displacement by Applicant during the winter would be utilized in the various distribution systems operated by Applicant for sale and delivery to small commercial and residential customers. Applicant further states that the distribution systems, which would be served by the proposed facility are so small in size and are so scattered in the three-state area that Applicant could not feasibly construct and operate an LNG plant for any single community. Applicant submits that the fact that the plant is to be located not within a particular community, but at a point where all Applicant's distribution systems can be served should not convert what would otherwise be a facility used for local distribution into a facility used for the transportation of natural gas in interstate commerce.

Applicant estimates that the cost of the proposed facility would be approximately $28,406,350.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 9, 1976, 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.76-196 Filed 1-5-76;8:45 am]

[Docket No. ER76-285]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Order Accepting for Filing and Suspending Proposed Fuel Adjustment Clause, Establishing Procedure, and Granting Interventions

On November 21, 1975 Public Service Company of New Hampshire (PSNH) tendered for filing amendments to its contracts for resale service[1] which purport to conform the fuel clause in each contract to the requirements set forth in Commission Order No. 517, 18 CFR 35.14 (1975). PSNH's amended fuel clause would reflect a base cost of fuel of approximately 1.5c per Kwh on the basis of PSNH's fuel costs for the twelve month period ending September 30, 1975. The amendment also increases the energy charge to approximately 1.8c per Kwh to reflect the increase in the base cost of fuel as proposed over the base cost in the presently effective fuel clause. PSNH proposes a temporary surcharge for one year of 0.155c per Kwh, or approximately $1,282,571 over the year, to recover unbilled fuel costs existing as of November 30, 1975 which PSNH claims would otherwise be unrecovered due to the switch from its present two month lag between the time costs are incurred and the application of the fuel adjustment clause. PSNH requests waiver of the thirty day notice requirement to permit the proposed fuel clause to become effective December 1, 1975.

Notice of PSNH's proposal was issued on December 3, 1975 with protests, comments or petitions to intervene due on or before December 11, 1975. On November 26, 1975 a Motion to Reject, Protest and Petition to Intervene was filed by New Hampshire Electric Cooperative, Inc., the Towns of Ashland and Wolfeboro, New Hampshire and the Village Precinct of New Hampton, New Hampshire (Customers). The Customers Motion requests that waiver of the thirty day notice provision be denied; urges that the proposed fuel clause be rejected for failure to comply with the Commission's Regulations; requests rejection of the proposed surcharge; and, protests the increase. On December 11, 1975 Petitions to Intervene were filed separately by Concord Electric Company and Exeter & Hampton Electric Company (Electrics). Both Petitions request that PSNH's request for waiver of the thirty day notice requirement be denied. PSNH filed on December 11, 1975 an Answer to the Customers' Motion in which they asserted "[r]ejection in the instant proceeding without a hearing would be clearly inappropriate when the Commission still has the surcharge question before it" in Maine Public Service Company, Docket No. E-8264,[2] wherein the surcharge question is presently set for hearing and decision.

Our review of the proposed fuel adjustment clause which is the same in each of the contracts previously listed indicates that its format and the computed base fuel cost do not conform with the requirements of Order No. 517. Furthermore, it has not been shown that the proposed temporary surcharge will operate in a manner consistent with Section 35.14 of the Commission's regulations, 18 CFR 35.14 (1975). The proposed fuel clause and the temporary surcharge may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

As noted above, PSNH has requested that we waive the 30-day notice requirement of our Regulations to permit the proposed fuel clause to become effective December 1, 1975. In its "Answer" filed December 11, 1975, PSNH requests that its filing be made effective on January 1, 1976, if waiver of the notice requirement is denied. We see no reason to waive such requirement. Accordingly, we shall accept PSNH's proposals for filing and suspend their use until January 1, 1976, when they will be permitted to become effective, subject to refund, pending hearing and decision on the justness and reasonableness of the charges contained therein.

The Commission finds (1) Good cause exists to deny PSNH's request for waiver of the thirty day notice requirement.

(2) Good cause exists to accept PSNH's filing and suspend its operation until January 1, 1976, when it will be permitted to become effective, subject to refund.

(3) Gool cause exists to permit the Customers' and the Electrics' to intervene.

The Commission orders. (A) Pending hearing and decision on the lawfulness of the increased charges proposed, PSNH's amendments are hereby accepted for filing and suspended, until January 1, 1976, when they will be permitted to become effective, subject to refund.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Julge for that purpose (See Delegation of Authority, 18 CFR 3.5(d), shall preside at an initial conference in this proceeding on January 22, 1976 at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene).

(C) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

Issued December 19, 1975.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-202 Filed 1-5-76;8:45 am]

[Docket No. ID-1686]

ROBERT E. MAGUIRE

Supplemental Application

DECEMBER 18, 1975.

Take notice that on May 19, 1975, Robert E. Maguire (Applicant), Vice President, Montaup Electric Company, Boston, Massachusetts, filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director,[1] Blackstone Valley Electric Company[4] (Blackstone Valley), Public Utility.
Director,[2] Brockton Edison Company[4] (Brockton Edison), Public Utility.

[1] The contracts involved in this filing are designated as PSNH's Rate Schedules: FPC No. 24, Concord Electric Company; FPC No. 28, Town of Ashland, New Hampshire; FPC No. 29, The New Hampton Village Precinct; FPC No. 35, Exeter & Hampton Electric Company; FPC Nos. 50 and 71, New Hampshire Electric Cooperative, Inc.; FPC No. 72, Town of Wolfeboro.

[2] Order issued May 5, 1975.

[1] Elected to this position on April 8, 1975.

[2] Elected to these positions on April 16, 1975.

Director,[2] Fall River Electric Light Company [4] (Fall River), Public Utility.
Director & Vice Pres.,[3] Montaup Electric Company [4] (Montaup Electric), Public Utility.

By order dated May 15, 1973, the Comsion authorized the Applicant to hold the positions of Director of Massachusetts Electric Company and the Narragansett Electric Company. The Applicant resigned these positions December 18 and 20, 1974.

Blackstone Valley is engaged in the generation, purchase, transmission and distribution of electric energy in the entire Blackstone Valley of Rhode Island. Brockton Edison is engaged in the transmission and distribution of electric energy in the city of Brockton and 16 surrounding towns in Massachusetts. Fall River is engaged in the distribution of electric energy in the city of Fall River and neighboring towns. Montaup Electric is engaged in the generation and transmission of electric energy to Blackstone Valley, Brockton Edison and Fall River which companies own all of Montaup's outstanding securities except short-term notes representing bank borrowings. The Company also supplies electric energy to Newport Electric Corporation and Narragansett Electric Company for resale.

Any person desiring to be heard or to make any protest with reference to such application should, on or before January 8, 1976, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 C.F.R. 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 proceding 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.76-197 Filed 1-5-76;8:45 am]

[Docket No. CI66-176]

SKELLY OIL CO. (OPERATOR), ET AL.

Extension of Procedural Dates

DECEMBER 18, 1975.

On December 15, 1975, Skelly Oil Company filed a telegram requesting a postponement of the procedural dates established by the order issued December 8, 1975, in the above-designated proceeding. The telegram states that Arkansas Louisiana Gas Company has no objection to the request.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are postponed as follows:

Filing of case in chief evidence, January 15, 1976.
Hearing, February 3, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-198 Filed 1-5-76;8:45 am]

[Docket No. CP76-172]

TEXAS EASTERN TRANSMISSION CORP.

Application

DECEMBER 17, 1975.

Take notice that on November 26, 1975, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-172 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the receipt of natural gas by displacement from Algonquin Gas Transmission Company (Algonquin) and the redelivery of such gas by displacement to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Delmarva Power & Light Company (Delmarva), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Delmarva has entered into an arrangement with Algonquin LNG, Inc. (Algonquin LNG), a subsidiary of Algonquin, under which Delmarva is in the process of storing approximately 300,000 Mcf of gas in liquid form (LNG) in the tank of Algonquin LNG at Providence, Rhode Island, for use during the 1975-76 winter to supplement Delmarva's supply in its Wilmington, Delaware, service area. It is said that Delmarva has requested the assistance of Algonquin, Applicant, and Transco in having equivalent quantities of gas delivered to it during the 1975-76 winter at the rate of approximately 10,000 Mcf of gas per day beginning on or about December 1, 1975.

Applicant states that Delmarva, Algonquin, Applicant and Transco have entered into an agreement, under the terms of which Algonquin, upon the request of Delmarva, would receive from Algonquin LNG by displacement and would transport to Applicant by displacement gas equal to quantities of LNG gasified and delivered by Algonquin LNG for the account of Delmarva from Algonquin's LNG's tank and equal to the quantities Delmarva desires to have delivered to it. Applicant would receive such gas from Algonquin by displacement at Applicant's existing delivery point to Algonquin near Hanover, New Jersey, such deliveries may be made at another existing delivery point, and would transport and deliver it by displacement to Transco. Transco would receive such gas from Applicant at mutually agreeable existing exchange points in the New Jersey-Pennsylvania area and would transport and deliver it to Delmarva at existing points of delivery.

It is said that the delivery of gas to Delmarva would be interruptible and on a best efforts basis, and such deliveries would occur whenever in the opinion of Algonquin, Applicant, and Transco operating conditions on their respective pipeline systems permit such delivery; and in no event would Algonquin, Applicant, and Transco be obligated deliver more than 10 billion Btu of gas per day to Delmarva. The delivery of gas by Algonquin to Applicant and the delivery of gas by Applicant to Transco would be on an equivalent heat content basis to the quantity of gas delivered by Algonquin LNG on any given day. Deliveries of gas by Transco to Delmarva would be equivalent to the volume delivered by Applicant to Transco on any given day.

It is stated further that the quantities of gas sold by Applicant to Algonquin under Applicant's sales rate schedules shall include the volume of gas scheduled to be delivered to Delmarva on any day when deliveries are made.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1976, 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.76-213 Filed 1-5-76;8:45 am]

[Docket No. CP76-175]

TEXAS GAS TRANSMISSION CORP.

Application

DECEMBER 17, 1975.

Take notice that on November 28, 1975, Texas Gas Transmission Corporation

[3] Elected to these positions on April 15, 1975.
[4] Subsidiary of Eastern Utilities Associates.

(Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP76-175 an application pursuant to section 7(b) and (c) of the Natural Gas Act and § 157.7(g) of the Regulations thereunder [18 CFR 157.7 (g)] for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment during the twelve-month period commencing November 5, 1975, and the operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction would not exceed $3,000,000 nor would the cost of any single project exceed $500,000 which cost Applicant states would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 13, 1976, 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.76-214 Filed 1-5-76;8:45 am]

TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON CONSUMERS

Meeting

Conference Room 6200, Federal Power Commission Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426. January 16, 1976, 9:30 a.m.

Presiding: Mr. Michael C. Bachman, Coordinating Representative and Secretary Federal Power Commission.

1. Call to Order and Introductory Remarks—Mr. Michael C. Bachman.
2. Introduction of the Technical Advisory Task Force Chairman—Mr. Louis Santone, Department of Commerce, Washington, D.C., and Introduction of Technical Advisory Task Force Vice Chairman—Mr. Thomas J. Joyce, Independent Consultant, Fairfax, Virginia.
3. Discussion of Task Force Work Scope and Goals—Mr. Louis Santone.
4. Assignment of Work to Task Force Members—Mr. Louis Santone.
5. Establishment of Priorities and Completion Dates for Work to the Task Force—Mr. Louis Santone.
6. Selection of Next Meeting Date.
7. Discussion of Other Matters.
8. Adjournment—Mr. Michael C. Bachman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements wtih the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-203 Filed 1-5-76;8:45 am]

TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON TRANSMISSION, DISTRIBUTION & STORAGE

Meeting

Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, January 27, 1976, 9:30 a.m.

Presiding: Mr. Michael C. Bachman, Coordinating Representative and Secretary, Federal Power Commission.

1. Call to Order and Introductory Remarks—Mr. Michael C. Bachman.
2. Introduction of the Technical Advisory Task Force Chairman—Mr. James Amspoker, Senior Vice President, Columbia Gas Transmission Corporation, Charleston, West Virginia, and Introduction of Technical Advisory Task Force Vice Chairman—Mr. Everett Morris, Senior Vice President of Corporate Development, Public Service Electric & Gas Company, Newark, New Jersey.
3. Discussion of Task Force Work Scope and Goals—Mr. James Amspoker.
4. Assignment of Work to Task Force Members—Mr. James Amspoker.
5. Establishment of Priorities and Completion Dates for Work of the Task Force—Mr. James Amspoker.
6. Selection of Next Meeting Date.
7. Discussion of Other Matters.
8. Adjournment—Mr. Michael C. Bachman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-205 Filed 1-5-76;8:45 am]

[Docket No. CP76-179]

UNITED GAS PIPE LINE CO.

Application

DECEMBER, 18, 1975.

Take notice that on December 1, 1975, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Teras 77002, filed in Docket No. CP76-179 an application pursuant to section 7(b) of the Natural Gas Act and § 157.7 (e) of the regulations thereunder [18 CFR 157.7(e)] for permission and approval to abandon service and facilities therefor no longer required by Applicant's direct sales customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable an Applicant to act with reasonable dispatch during the twelve-month period commencing October 1, 1975, to cease service and remove direct sales measuring, regulating and related minor facilities no longer required for service to Applicant's direct sales customers. The deliveries to any one direct sale customer to be abandoned would not have exceeded 100,000 Mcf in the last year of service. No facilities or service would be abandoned by Applicant unless it has received a written request from or obtained written permission from the customer for such abandonment; except that where a request or permission cannot be obtained, Applicant would certify to the Commission that the customer has no further need for service.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1976, 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 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.76-199 Filed 1-5-76;8:45 am]

[Docket No. CP76-176]

UNITED GAS PIPE LINE CO.

Application

DECEMBER 17, 1975.

Take notice that on December 1, 1975, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP76-176 an application pursuant to section 7(c) of the Natural Gas Act for authorization to construct two farm taps for the rendition of service to two right-of-way grantors, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that in December 1960, it obtained right-of-way easements for its South Louisiana-North Louisiana pipeline from Paul Thistlewaite (Thistlewaite) and from Thistlewaite Planting Company (Thistlewaite Planting) and that in partial consideration for the granting of said easements Applicant agreed to construct taps and deliver natural gas for Thistlewaite and Thistlewaite Planting. Applicant proposes to construct two farm taps for the right-of-way grantors, both in St Landry Parish, Louisiana, at a total cost estimated to be $2,190. Deliveries of approximately 80 Mcf annually of natural gas to each consumer would be made by the local distributor, Entex, Inc. (Entex). Applicant states that the proposed service can be provided by Entex out of its authorized seasonal volumetric limitation of gas purchased from Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 16, 1976, 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.76-216 Filed 1-5-76;8:45 am]

[Docket No. RP75-30]

UNITED GAS PIPE LINE CO.

Further Extension of Procedural Dates

DECEMBER 18, 1975.

On November 11, 1975, United Gas Pipe Line Company filed a motion to extend the procedural dates fixed by order issued December 19, 1974, as most recently modified by notice issued October 22, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, March 1, 1976.

Service of Company Rebuttal, March 15, 1976.

Hearing, April 5, 1976 (10 a.m., e.s.t).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-200 Filed 1-5-76; 8:45 am]

U.S. DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

[Docket No. E-6943]

Request for Confirmation and Approval of Rate Schedule

DECEMBER 17, 1975.

Take notice that on December 9, 1975, the Department of the Interior, acting on behalf of Southwestern Power Administration (SPA) filed a request for the Federal Power Commission to confirm and approve a contract rate of compensation in the amount of $556,000 annually for the period September 30, 1975, through June 30, 1980, for the Power and Energy generated at the Narrows Dam Reservoir Project.

The Power and Energy generated at the Narrows Dam is sold under the contract dated May 11, 1960, between the United States of America and the Tex-La Electric Cooperative, Inc. (Tex-La) (Contract 14-02-0001-92), a copy of which is on file with the Commission. The contract provides that at any time after May 31, 1965, and from time to time thereafter, but not more than once every five years, the schedule of compensation for the purchase and sale of Narrows Dam Power and Energy may be reviewed and redetermined by SPA and, with the confirmation and approval of the Commission, modified, amended, or superseded.

The Rate and Rate and Repayment Study submitted with the request demonstrates that an increase in the annual rate of compensation from $465,000 to $556,000 is necessary to meet annual operating costs for the production of Power and Energy at Narrows Dam, and to repay the investment allocated to power at a 50-year rate. SPA states that the primary reason for the rate increase is that the annual cost of the operation and maintenance of the Narrows Dam allocated to power has exceeded the estimates of such cost utilized in SPA's 1970 Repayment Study, which was submitted to the Commission in support of the current rate.

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 SS 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 by January 9, 1976. 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.76-215 Filed 1-5-76;8:45 am]

[Docket No. ER76-150]

WISCONSIN PUBLIC SERVICE CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Permitting Intervention and Providing for Hearing

DECEMBER 19, 1975.

On September 25, 1975, Wisconsin Public Service Corporation (Wisconsin) tendered for filing a proposed increase in rates [1] for electric service to eight municipal customers.[2] By letters dated October 20 and November 11, 1975, the Secretary informed Wisconsin that its submittal was deficient with respect to the Commission's requirement that the

[1] See Attachment for list of designations and descriptions.

[2] The Cities of Algoma, Eagle River, New Holstein, Sturgeon Bay, Two Rivers, and the Village of Stratford, all located in Wisconsin, and the City of Stephenson and the Village of Daggett, both located in Michigan.

period for which Period I cost of service data is submitted should end no more than seven months prior to the filing date of the submittal. Wisconsin subsequently completed its filing on November 21, 1975, by submitting updated cost of service data for Period I. The proposed rates would increase revenues from jurisdictional sales and service by $1,186,277 based upon a 12-month test period ending August 31, 1975. Wisconsin proposes that the rates be made effective as of November 25, 1975, but that if suspension is ordered, it be for no more than one day.

Notice of the filing was issued on October 2, 1975, with comments, protests, or petitions to intervene due on or before October 20, 1975. On October 20, 1975, a petition to intervene[3] was filed by seven of the municipal customers.[4] The Cities contend that the proposed rate schedules may not be just, reasonable, lawful or nondiscriminatory. In particular, the Cities maintain that Wisconsin's claimed return on common equity of 15% and 10.29% on rate base are excessive, unreasonable, unlawful and discriminatory. They believe the Company's computations of cost allocations to the wholesale customers may be erroneous and result in excessive, unreasonable, unlawful and discriminatory allocations of costs to the petitioners. In addition, they claim that the proposed rates for wholesale electric services are generally higher than retail rates for large commercial and industrial service. Said difference, the Cities state, diminishes their ability to compete with the Company for retail customers and is discriminatory and anticompetitive. Finally, the Cities allege that the proposed time of day rate is inconsistent with Wisconsin's position on time of day pricing for retail customers and will put wholesale customers at a disadvantage. They aver that, whereas Wisconsin is carefully studying the application of time of day rates to its retail customers, it is precipitously imposing time of day rates on its wholesale customers, substantial numbers of whom have residential and rural customers whose liability under time of day rates requires further study. Therefore, the Cities request that they be permitted to intervene in the proceedings, that the proposed rate schedules be suspended for the maximum suspension period and that the proposed rates be investigated.

On October 31, Wisconsin filed its answer to the Cities' pleading, wherein it objected to their petition to intervene and to their request for the maximum suspension period. Wisconsin denies that the proposed rate increase and cost allocations are unreasonable, unlawful and discriminatory. Wisconsin also maintains that the Cities' contentions regarding the "price-squeeze" impact of the proposed rates are outside the jurisdiction of this Commission. With respect to time of day pricing, Wisconsin contends that the method represents a movement toward the better reflection of costs and that conditions make it possible to implement time of day pricing for wholesale customers at this time, whereas that is not the case for the Company's commercial and industrial customers.

Our review of Wisconsin's filing indicates that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, pursuant to authority vested in us by Section 205 of the Federal Power Act, we shall accept Wisconsin's submittal for filing and suspend the use thereof for two months until February 22, 1976. In addition, we shall establish hearing procedures to determine the justness and reasonableness of the changes proposed by Wisconsin.

The Commission must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have the authority under the Federal Power Act to set wholesale rates predicated upon retail rates over which we have no jurisdiction.[5] We shall therefore limit this proceeding so as to exclude consideration of the price squeeze issue. We are aware of Cities' reliance upon Conway Corporation v. F.P.C., 510 F. 2d 1264 (1975). However the court in Conway stayed its mandate pending appeal by the Commission and has subsequently granted certiorari.[6] Accordingly, Cities may renew its request for consideration of the price squeeze issue when and if the Conway decision becomes final.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties, including our Staff. Without limiting the rights of the parties, including Staff, to present such further evidence as they deem relevant and material, we hereby direct the parties and our Staff to present evidence which addresses itself to the following issues:

(1) The justness and reasonableness of the rate of return, including the claimed return on common equity of 15%, to be earned by Wisconsin from the rates and charges proposed herein;

(2) The appropriateness of the Company's computations with respect to cost allocations to the wholesale customers; and

(3) The appropriateness of Wisconsin's implementing time of day pricing for these wholesale customers at this time.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Wisconsin Public Service Corporation's filing in Docket No. ER76–150.

(2) Good cause exists to accept for filing and suspend the proposed changes in Wisconsin's rates to these wholesale customers, as hereinafter ordered.

(3) "Price-squeeze" issues should be excluded from the proceeding hereinafter established.

(4) The participation of Cities in this proceeding may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the lawfulness of the rates and charges contained in Wisconsin's instant rate filing.

(B) Pending a hearing and a decision thereon, Wisconsin's proposed changes in rates and charges, tender of which was completed on November 21, 1975, are accepted for filing and suspended for two months, the use thereof deferred until February 22, 1976, when said proposed rates and charges shall become effective, subject to refund.

(C) The Cities are hereby permitted to intervene in these proceedings, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petition to intervene, with the exclusion of price-squeeze issues; and *Provided, further,* That the admission of such intervenors shall not be considered as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference on January 14, 1976 at 10 a.m. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene).

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[3] As revised by letter dated October 20, 1975 and filed herein on October 23, 1975.

[4] The Village of Daggett, Michigan did not petition to intervene.

[5] See e.g., Virginia Electric and Power Company, Docket No. E–9147, order issued January 22, 1975. Carolina Power and Light Company, Docket No. E–8884, order issued August 26, 1974; Wisconsin Public Service Corporation, Docket No. E–8867, order issued August 23, 1974; and Pacific Gas and Electric Company, Docket No. E–7777, order issued March 14, 1974.

[6] November 11, 1975, in Docket No. 75–342.

WISCONSIN PUBLIC SERVICE CORP.

DATED: NOV. 25, 1975. FILED: NOV. 21, 1975.

Designation	*Other party*
Supp. No. 9 to rate schedule FPC No. 3 (supersedes supp. No. 8 to rate schedule FPC No. 3).	City of Algoma, Wis.
Supp. No. 8 to rate schedule FPC No. 25 (supersedes supp. No. 7 to rate schedule FPC No. 25).	Village of Daggett, Mich.
Supp. No. 8 to rate schedule FPC No. 24 (supersedes supp. No. 7 to rate schedule FPC No. 24).	City of Eagle River, Wis.
Supp. No. 9 to rate schedule FPC No. 6 (supersedes supp. No. 8 to rate schedule FPC No. 6).	City of New Holstein, Wis.
Supp. No. 8 to rate schedule FPC No. 27 (supersedes supp. No. 7 to rate schedule FPC No. 27).	City of Stephenson, Mich.
Supp. No. 9 to rate schedule FPC No. 7 (supersedes supp. No. 8 to rate schedule FPC No. 7).	Village of Stratford, Mich.
Supp. No. 10 to rate schedule FPC No. 13 (supersedes supp. No. 9 to rate schedule FPC No. 13).	Sturgeon Bay, Wis.
Supp. No. 9 to rate schedule FPC No. 9 (supersedes supp. No. 8 to rate schedule FPC No. 9).	City of Two Rivers, Wis.

[FR Doc.76-225 Filed 1-5-76;8:45 am]

[Docket No. ER76-195]

ARKANSAS-MISSOURI POWER CO.

Filing of Certificate of Concurrence to Cancellation

DECEMBER 24, 1975.

Take notice that on December 16, 1975, Middle South Services, Inc., as agent for Arkansas-Missouri Power Company, tendered for filing a certificate of concurrence by Union Electric Company to the Notice of Cancellation of Supplement No. 6 to Rate Schedule FPC No. 68, filed with the Commission by Middle South Services, Inc., as agent for Arkansas-Missouri Power Company. This notice of cancellation was dated October 23, 1975.

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, N.E., 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 January 6, 1976. 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.76-428 Filed 1-5-76;8:45 am]

[Docket No. RP76-36]

EASTERN SHORE NATURAL GAS CO.

Adjustments to Rates and Charges

DECEMBER 24, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on December 11, 1975, tendered for filing Revised Sixteenth Revised Sheet No. 3A and Revised Sixteenth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1, to become effective December 4, 1975. The above revised tariff sheets incorporate a $.077 increase in Eastern Shore's commodity charges for its Rate Schedules CD-1, CD-E, G-1, E-1, I-1, GSS-1, PS-1 and LGA. These changes were approved by the Commission in the above-captioned docket to become effective on December 4, 1975.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

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 January 7, 1976. 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.76-427 Filed 1-5-76;8:45 am]

[Docket No. RP72-134 (PGA76-6)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustments to Rates and Charges

DECEMBER 29, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on December 15, 1975, tendered for filing Seventeenth Revised Sheet No. 3A and Seventeenth Revised PGA-1 to its FOC Gas Tariff, Original Volume No. 1, to become effective January 1, 1976. The proposed change would decrease by $.016 per Mcf in the commodity charge of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, PS-1 and I-1 to reflect the equivalent decrease of Eastern Shore's sole supplier, Transcontinental Gas Pipe Line Corporation (Transco), in FPC Docket No. RP72-99.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

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 January 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, 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.76-423 Filed 1-5-76;8:45 am]

[Docket No. RP75-97]

HAMPSHIRE GAS CO.

Conference

DECEMBER 24, 1975.

Take notice that on January 6, 1976, Staff is convening an informal conference of all interested persons for the purpose of discussing the issues in the above-referenced docket in Room No. 8402, at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., at 10 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, and all of the jurisdictional customers.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-425 Filed 1-5-76;8:45 am]

[Docket Nos. RP71-125, RP75-108 (PGA No. 76-3a)]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Filing Revised Purchased Gas Cost Adjustment Reflecting Increase Costs Other Than That Portion of Emergency and Small Producer Rates in Excess of the Applicable Rate Levels Prescribed in Opinion Nos. 699-H and 742

DECEMBER 22, 1975.

Take notice that on December 12, 1975, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1 the below listed tariff sheets to be effective as indicated:

	To be effective
Second Substitute Twenty-fifth Revised Sheet No. 5.	Dec. 1, 1975
Second Substitute Original Sheet No. 5A.	Do.
Third Substitute Twenty-fifth Revised Sheet No. 5.	Dec. 2, 1975
Third Substitute Original Sheet No. 5A.	Do.

Natural states the purpose of the submittal is to file revised tariff sheets to become effective December 1, 1975, to reflect increased costs other than those increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742 and that portion of the 60-day and 180-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699–H in accordance with Ordering Paragraph (H) of the Commission's Order issued November 28, 1975, at Docket No. RP71–125 (PGA76–3). Natural states that included in the filing are Schedules A through C giving the details for the current unit adjustments to be effective December 1, 1975 and December 2, 1975. Natural states that the tariff sheets effective December 2, 1975 reflect the PGA recovery rates that were suspended by the above referenced Commission Order and were permitted to become effective December 2, 1975, subject to refund.

Natural states that the base rates on the filed tariff sheets are the alternate rates that were permitted to become effective December 1, 1975, subject to refund, by Commission Order issued November 28, 1975 at Docket No. RP75–108.

Natural states that it also filed in accordance with Ordering Paragraph (B) of the Commission's November 28 Order in PGA76–3, a list of the small producers from whom Natural is purchasing gas at rates in excess of the "130% formula" and a list of producers other than small producers from whom Natural purchased gas under 60-day emergency contracts at rates in excess of the rate levels prescribed in Opinion 699–H.

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 January 6, 1976. 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–424 Filed 1–5–76;8:45 am]

[Docket No. E–9544]

OTTER TAIL POWER CO.

Complaint Filing

DECEMBER 23, 1975.

Take notice that on November 28, 1975, the Cities of Alexandria, Barnesville, Benson, Detroit Lakes, Henning, Tyler and Warren, Minnesota (Cities) filed a complaint against Otter Tail Power Company (Otter Tail) pursuant to section 206(a) of the Federal Power Act and § 1.6 of the rules promulgated thereunder, whereby Cities petition the Commision to (1) confirm the termination of certain Special Municipal Electric Service Agreements between Otter Tail and Alexandria and Tyler which expired by their terms on October 28, 1973 and March 22, 1972 respectively, and (2) compel Otter Tail to file appropriate Notices of Termination for similar service rendered Barnesville, Benson, Detroit Lakes, Henning and Warren, as of the contractual expiration dates of their respective Special Municipal Electric Service Agreements, or, in the alternative, confirm the termination thereof pursuant to their terms.

Cities note that they have heretofore notified Otter Tail of their intent to discontinue receiving transmission firming service and other services under the expired Special Municipal Electric Service Agreements, in response to which Otter Tail indicates its intent to continue to provide such services notwithstanding the Cities' notification. Cities request that the Commission remedy Otter Tail's failure to file notices of termination or cancellation of FPC Rate Schedules Nos. 125, 135, 133, 139, 134, 116 and 140 pursuant to § 35.15 of the Commission's rules.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–422 Filed 1–5–76;8:45 am]

[Docket No. ID–1443]

PORTER E. NOBLE

Application

DECEMBER 24, 1975.

Take notice that on December 1, 1975, Porter E. Noble (Applicant) filed an application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President and Assistant Secretary	Orange and Rockland Utilities, Inc.	Public Utility
Do.	Rockland Electric Co.	Do.
Do.	Pike County Light & Power Co.	Do.

Orange and Rockland Utilities, Inc. (formerly Rockland Light and Power Company) has its principal place of business at Spring Valley, New York. The Company is engaged in the generation, distribution and sale of electric current in Rockland County and portions of Orange County and the easterly portion of Sullivan County, all in the state of New York, and owns and operates facilities for the transmission of electric energy across the New Jersey and Pennsylvania state lines to its wholly-owned subsidiary companies, Pike County Light & Power Company, Milford, Pennsylvania; and Rockland Electric Company, Ramsey, New Jersey. The Company also distributes natural gas in parts of the territory.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1976 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–426 Filed 1–5–76;8:45 am]

[DocketNo.ER76–362]

UNITED ILLUMINATING CO.

Initial Rate Schedule Filing and Request for Waiver of Prior Notice

DECEMBER 23, 1975.

Take notice that on December 15, 1975, The United Illuminating Company (Company) tendered for filing as an initial rate schedule six copies of Power Contract No. 2 With Respect to New Haven Harbor Station Unit No. 1, dated as of December 1, 1975, between The United Illuminating Company and Littleton Electric Department.

Company requests a waiver under Section 35.11 of the Commission Rules and Regulations to permit the Agreement to become effective December 1, 1975.

Company states that a copy of the rate schedule has been sent to Littleton Electric Department, the sole party receiving service thereunder.

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 January 9, 1976. 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-420 Filed 1-5-76;8:45 am]

[Docket No. ER76-361]

UNITED ILLUMINATING CO.

Initial Rate Schedule Filing and Request for Waiver of Prior Notice

DECEMBER 23, 1975.

Take notice that on December 15, 1975, The United Illuminating Company (Company) tendered for filing as an initial rate schedule six copies of Power Contract No. 3 With Respect to New Haven Harbor Station Unit No. 1, dated as of December 1, 1975, between the Company and North Attleborough Electric Department.

Company requests a waiver under Section 35.11 of the Commission Rules and Regulations to permit the Agreement to become effective December 1, 1975.

Company states that a copy of the rate schedule has been sent to North Attleborough Electric Department, the sole party receiving service thereunder.

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 Commisison's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 9, 1976. 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-421 Filed 1-5-76;8:45 am]

[Docket No. ER76-272]

UTAH POWER & LIGHT CO.

Filing of Certificate of Concurrence

DECEMBER 24, 1975.

Take notice that on December 15, 1975, Tucson Gas & Electric Company filed a Certificate of Concurrence to Utah Power & Light Company's filing of December 1, 1975 of a November 4, 1975 Interconnection Agreement and two November 4, 1975 Service Schedules, Service Schedule A-1, Emergency Assistance and Service Schedule B-1, Surplus Energy Sale between Utah Power & Light Company and Tucson Gas & Electric Company. Utah Power & Light Company's filing was noticed on December 1, 1975.

Any person desiring to be heard or to make any protest with reference to said Certificate of Concurrence should on or before January 5, 1976, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Certificate of Concurrence is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-429 Filed 1-5-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-492-DR]

WASHINGTON

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Washington, dated December 13, 1975, and amended on December 19, 1975, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1975:

The County of: Yakima.

Dated: December 22, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-243 Filed 1-5-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[75-246]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE—TASK GROUP ON LIQUEFIED GASES

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Chemical Transportation Industry Advisory Committee's Task Group on Liquefied Gas Carriers will conduct an open meeting on February 11 and 12, 1976, in Room 8240 of the NASSIF Building, 400 7th Street SW., Washington, D.C. The meeting is scheduled to begin at 9:30 a.m.

Items on the agenda are:

1. International Association of Classification Societies proposed amendments to the IMCO Gas Code.
2. Addition of new products to the Gas Code.
3. The IMCO Code for existing liquefied gas carriers.

The Chemical Transportation Industry Advisory Committee was chartered by the Commandant of the Coast Guard on July 1, 1975, to provide advice and consultation with respect to the safe water transportation of hazardous materials. Under the Committee, a task group was formed to advise the Coast Guard on revisions to the regulations for liquefied gas ships. Public members of the task group serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Commandant (G-CMC), U.S. Coast Guard, Washington, D.C. 20590.

or by calling: 202-426-1477

Dated: December 31, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-274 Filed 1-5-76;8:45 am]

[75-245]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE TASK GROUP ON LIQUEFIED GAS FACILITIES

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972 that the Chemical Transportation Industry Advisory Committee's Task Group on Liquefied Gas Facilities will conduct an open meeting on January 21 and 22, 1976, in Room 8332 of the Nassif Building, 400 7th Street, SW., Washington, D.C. The meeting of the 21st is scheduled to begin at 9:30 a.m. and is expected to last all day.

Item on the agenda is:

1. Review of working draft of proposed regulations for Liquefied Gas Facilities.

The Chemical Transportation Advisory Committee was chartered by the Commandant of the Coast Guard on 1 July 1975, to provide advice and consultation with respect to safe water transportation of hazardous materials. Public members of the committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Commandant (G-CMC), U.S. Coast Guard, Washington, D.C. 20590.

or by calling: 202-426-1477.

Dated: December 31, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-275 Filed 1-5-76;8:45 am]

Materials Transportation Bureau

TRANSPORTATION OF HAZARDOUS MATERIALS

Applications for Exemptions or Renewals

In accordance with the procedures governing the applications for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations has received applications for exemptions and renewals of exemptions, that are described below. The modes of transportation requested are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor Vehicle, 2—Rail Freight, 3—Cargo Vessel, 4—Cargo-only Aircraft, 5—Passenger-carrying Aircraft.

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6213, Trans Point Building, 2100 Second Street, SW., Washington, D.C.

Interested persons are invited to submit views or comments with respect to any one or more of the applications. Comments should refer to the application number and be submitted in tripilicate to the Docket Section Office of Hazardous Materials Operation, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on the specified comment closing date will be considered and will be available in the docket for inspection and copying, both before and after the closing date.

This notice of receipt of applications for exemptions and renewals of exemptions is published in accordance with section 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806(a)) and the Materials Transportation Bureau's regulations on this subject (49 CFR 107.109(a)), and does not represent any agency decision or other exercise of judgment concerning the merits of the petitions.

New exemptions

Application number	Applicant	Regulation(s) affected	Nature of application
75-143	Air Products and Chemicals, Allentown, Pa.	49 CFR 173.316	To allow the use of new design tank motor vehicles for liquified hydrogen (mode 1).
75-144	Thyssen Industries GMBH, Dusseldorf, Germany.	49 CFR 173.315	To allow the use of foreign manufactured portable tanks, comparable to DOT specification 51, for propane (mode 1).
75-145	Luxfer USA Ltd., Riverside, Calif.	49 CFR 173.302	To allow the use of FRP DOT SP 6438 aluminum cylinders for the shipment of compressed air (mode 1).
75-146	United States Steel Corp., McKeesport, Pa.	49 CFR 173.302	To allow the use of wire-wrapped DOT-3AA cylinders of special design for the shipment of certain compressed gases (mode 1).
75-147	Minnesota Valley Engineering, New Prague, Minn.	49 CFR 173.315	To allow the use of cargo tanks, similar to those now authorized under DOT SP 6299, except for physical size, for the transportation of liquid oxygen, pressurized (mode 1).
75-148	Ungine Kuhlmann of America, Inc., Englewood Cliffs, N.J.	49 CFR 173.314	To allow the use of foreign manufactured intermodal portable multiunit tank car tanks for the shipment of bromotrifluoromethane (modes 1, 2, 3).
75-149	Hydraulic Research, Pacoima, Calif.	49 CFR 173.304 and 178.47.	To allow the use of modified DOT 4DS cylinders for the shipment of bromotrifluoromethane, pressurized with nitrogen (mode 4).
75-150	Ruan Transport Corp., Des Moines, Iowa.	49 CFR 173.245	To allow the use of stainless steel tank motor vehicles built to non-DOT specifications, for the transportation of phosphoric acid and similar corrosive liquids (mode 1).
75-151	Chemtech Industries, Inc., St. Louis, Mo.	49 CFR 173. 265	To allow the use of DOT-111A100W2 tank cars for the shipment of hydrofluosilicic acid (mode 2).
75-152	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.245b	To allow the use of a steel portable tank of over 660 gal. capacity, for the shipment of corrosive solids (mode 2).
75-153	Tennessee Eastman Co., Kingsport, Tenn.	49 CFR 173.28 and 173.233.	To allow the reuse of non-reconditioned DOT 37A drums, and 90 foreign manufactured drums similar to the 37A for one shipment of spent nickel catalyst, a flammable solid (modes 1, 2).
75-154	Grief Brothers Corp., Union, N.J.	49 CFR pt. 173, subpart E.	To allow the use of non-DOT specification polyethylene drums having rated capacity of 55 gal., for corrosive liquids (modes 1, 2).
75-155	Mobay Chemical Corp., Pittsburgh, Pa.	49 CFR 173.346 and 173.245b.	To allow the use of foreign manufactured drums similar to the DOT 17E for poisonous liquids and corrosive solids (modes 1, 2).
75-156	Hooker Chemical Co., Niagara Falls, N.Y.	49 CFR 173.188	To allow the use of foreign drums manufactured to specifications similar to DOT 37A drums for shipment of phosphoric anhydride (mode 1).
75-157	Delta Airlines, Inc., Atlanta, Ga.	46 CFR 103.3 and 103.31.	To allow the shipment of organ transport modules, equipped with oxygen cylinders in the cabin of a passenger-carrying aircraft (mode 5).
75-158	Vulcan Containers, Inc., Hillside, Ill.	49 CFR 173.119	To allow the use of removable head 5 gal polyethylene pails for the shipment of flammable liquids (modes 1, 2).

Application number	Applicant	Regulation(s) affected	Nature of application
75-159	Trinity Industries, Inc., Dallas, Tex.	49 CFR 173.315	To allow the transportation of chlorine in DOT-51 portable tanks (modes 1, 3).
75-160	Platte Chemical Co., Greeley, Colo.	49 CFR 173.377	To allow the use of DOT specification 44D bags for shipments of certain organic phosphate compounds, dry, containing 15 percent active ingredients by weight (modes 1, 2).
75-161	Platte Chemical Co., Greeley, Colo.	49 CFR 173.28	To allow the shipment of certain liquid organic phosphates in DOT-17C and DOT-17E drums reconditioned in accordance with 173.28(m) (mode 1).
75-162	E. I. DuPont De Nemours, Wilmington, Del.	49 CFR 173.128	To allow the use of DOT-34 polyethylene containers for flammable paints (mode 1).

The closing date for filing comments on the above applications is: February 3, 1976.

Renewals

Application Number	Applicant	Regulation(s) affected	Nature of application
75-163	BASF Wyandotte Corp., Parsippany, N.J.	49 CFR 173.119 and 173.245.	To amend special permit 6756 by adding certain corrosive and flammable liquids (modes 1, 2, 3).
75-164	Alcoa, New York, N.Y.	46 CFR 146.27-100	To renew U.S. Coast Guard Permit 49-74 allowing the shipment of atomized metal powder in non-DOT specification steel drums. (mode 3).
75-165	Department of the Navy,	46 CFR 146.29-73	To renew U.S. Coast Guard permit 26-73, which waives requirements for closing hatches when loading or unloading explosives for the military (mode 3).
75-166	Chemagro, Kansas City, Mo. and FMC Corp., Philadelphia, Pa.	49 CFR 173.377	To renew special permit 5167 allowing shipments of certain organic phosphate compounds in polyvinyl film pouches overpacked in a DOT 12B box. (modes 1, 2).
75-167	Air Reduction Co., Inc., Springfield, N.J.	49 CFR 173.315	To amend special permit 6299 to authorize an additional design for cargo tanks used in cryogenic service (mode 1).
75-168	Harshaw Chemical Co., Cleveland, Ohio.	49 CFR 173.346	To renew special permit 6597 allowing the use of the DOT 34 polyethylene container for certain class B poisons (modes 1, 2).
75-169	Dow Chemical Co., Midland, Mich.	49 CFR 173.242, 173.25, 173.286.	To renew special permit 6702 allowing the shipment of chemical kits and certain corrosive material in non-DOT specification packaging (modes 1, 4).
75-170	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.273	To renew special permit 5867 with allows shipments of unstabilized sulfur trioxide in certain MC 312 cargo tanks (mode 1).
75-171	State of Alaska	14 CFR 103.7 and 103.31.	To renew special permit 6069 allowing the shipment of oxygen cylinders as part of an incubator (mode 5).
75-172	Armstrong Laboratories, West Roxbury, Mass.	49 CFR 173.306	To renew special permit 4607 allowing the shipment of nonflammable, nonpoisonous compressed gas in plastic-coated glass bottles not over 9 cubic inches capacity (modes 1, 2, 3, 4).
75-173	New England Industrial Chemical Corp., Hyde Park, Mass.	49 CFR 173.124, 14 CFR 103.9.	To renew special permit 4662 allowing the shipment of ethylene oxide in aluminum cartridges overpacked in a DOT 12B fiberboard box (modes 1, 2, 4).
75-174	Roper Plastics, Inc., Norwalk, Calif.	49 CFR 173.119 and 173.245.	To convert special permit 6758 to an exemption for shipping corrosive liquids and flammable liquids in removable head polyethylene pails (modes 1, 2, 3).
75-175	J. T. Baker Chemical Co., Phillipsburg, N.J., and Fisher Scientific Co., Fair Lawn, N.J.	49 CFR pt. 173, subpart E.	To renew special permit 5456 allowing the shipment of corrosive liquids in glass carboys not over 6.5 gal capacity overpacked in a polystyrene drum (modes 1, 2, 3).
75-176	Air Products and Chemicals, Allentown, Pa.	49 CFR 173.304 and 46 CFR 146.24-100.	To renew special permit 6184 allowing the use of a non-DOT specification portable tank for shipments of certain cryogenic materials (modes 1, 3).
75-177	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.365 and 46 CFR 146.25-200.	To renew special permit 6064 allowing the use of a non-DOT specification polybutylene multiwall bag for shipments of a certain class B poison, dry (modes 1, 3).
75-178	Allied Chemical, Morristown, N.J.	49 CFR 173.304	To renew special permit 5454 which allows the use of DOT specification cylinders not presently authorized for the shipment of sulfur hexafluoride (mode 1).
75-179	Allied Chemical, Morristown, N.J.	49 CFR 173.315	To renew special permit 1479 allowing the use of a specially designed cargo tank for transportation of liquified fluorine and mixtures thereof (mode 1).
75-180	Synthatron Corp., Edgewater, N.J.	49 CFR 173.135	To amend special permit 6543 to allow for the addition of dimethyldichlorosilane as an authorized commodity under the terms of the permit (modes 1, 2, 4).
75-181	Synthatron Corp., Edgewater, N.J.	49 CFR 173.135	To amend special permit 5038 to allow for the addition of dimethyldichlorosilane as an authorized commodity under the terms of the permit (modes 1, 2).
75-182	Eaton Corp., Washington, D.C.	49 CFR 173.302, 178.65	To renew special permit 6602 allowing the use of modified DOT specification 39 seamless steel cylinders for shipments of compressed gas (modes 1, 2, 3, 4).
75-183	Military Traffic Management Command (MTMC), Department of the Army, Washington, D.C.	46 CFR 146.29	To amend U.S. Coast Guard permit 44-74 to include Military Ocean Terminal, Sunny Point, N.C., as an authorized port under the terms of the permit (mode 3).

Application Number	Applicant	Regulation(s) affected	Nature of application
75-184	MTMC, Washington, D.C.	46 CFR 146.29-41, 146.29-100.	To renew U.S. Coast Guard permit 39-74 which allows an increase of 15 percent maximum weight per draft for shipments of explosives (mode 3).
75-185	Foote Mineral Co., Exton, Pa.	49 CFR 173.34	To renew special permit 4661 allowing visual inspection and pressure testing with hexane or nitrogen gas, for cylinders in butyl-lithium service (modes 1, 2, 3).
75-186	MTMC, Washington, D.C.	49 CFR 173.400	To renew special permit 3737 allowing shipments of munitions bearing markings that were applied prior to December 20, 1961 (modes 1, 2).
75-187	MTMC, Washington, D.C.	49 CFR 173.242	To amend special permit 7045 to allow shipments of a liquid nonhazardous material, with a liquid hazardous material, as a photographic chemical kit (modes 1, 2, 3).
75-188	Siegel Chemical Export Corp., Brooklyn, N.Y.	46 CFR 146.23-100	To renew U.S. Coast Guard permit 28-73 which waives certain stowage requirements for corrosive liquids, and corrosive solids (mode 3).
75-189	Air Products and Chemicals, Allentown, Pa.	46 CFR 146.24-100	To renew U.S. Coast Guard permit 1-75 allowing the use of non-DOT specification portable tanks for shipments of liquified nitrogen (mode 3).
75-190	Process Engineering, Inc., Plaistow, N.H.	49 CFR 173.315	To amend special permit 6113 to allow for an increase in length of tank for cryogenic materials (mode 1).
75-191	Bio-Lab, Decatur, Ga.	49 CFR 173.217	To amend special permit 6607 to allow shipments of chloride cartridges in a polystyrene overpack without overpacking in a fiberboard box (mode 1).
75-192	Law Offices of Lawrence W. Bierlein, on behalf of certain specifically identified shippers; Washington, D.C.	46 CFR Part 146	To convert U.S. Coast Guard permit 8-75 to an exemption, for waiver of certain stowage requirements for consumer products (mode 3).
75-193	Publicker Industries, Inc., Philadelphia, Pa.	49 CFR 173.315	To renew special permit 6173 which allows shipments of liquified ethylene in modified DOT 331 cargo tanks (mode 1).
75-194	Manufacturing Chemists (MCB) Norwood, Ohio	49 CFR 173.25	To renew special permit 6092 allowing the shipment of certain corrosive liquids in glass bottles not over 5 pt capacity overpacked in DOT 33A polystyrene cases, and in a fiberboard carton (modes 1, 2).
75-195	E. I. du Pont de Nemours, Wilmington, Delaware.	46 CFR 146.20-35	To renew U.S. Coast Guard permit 6-71, allowing the loading of blasting caps by use of a loading chute (mode 3).
75-196	Hooker Chemical, Niagara Falls, N.Y.	49 CFR 173.247	To renew special permit 6723 which allows the use of DOT 4BW240 cylinders for antimony pentachloride service (mode 1).
75-197	Ozark-Mahoning Co., Tulsa, Okla.	49 CFR 172.245	To renew special permit 2901 which allows the use of DOT specification cylinders for a certain corrosive liquid (modes 2, 4).
75-198	MCB, Norwood, Ohio	49 CFR pt. 173, subpart E.	To renew special permit 5526 which allows the use of DOT 1D and 1K glass carboys overpacked in a polystyrene shipping container (modes 1, 2).
75-199	Superintendence Co., Inc., New York, N.Y.	49 CFR 173.346, 173.247, 173.119, 46 CFR 146.21-100, 146.23-100.	To amend special permit 6793 to allow shipments of octyl phenol in non-DOT portable tanks as described in the permit (modes 1, 3).
75-200	Trafpak Ltd., Buckinghamshire, England.	do	To amend special permit 6793 to allow shipments of penta-chloropropene, methyl acrylate, methyl trichlorosilane, trimethylchlorosiland, dimethyldichlorosilane, phenyltrichlorosilane, and methylphenyldichlorosilane (modes 1, 3).
75-201	Bignier Schmid-Laurent, Paris, France.	49 CFR 173.141, 46 CFR 146.21-100,	To amend special permit 7005 to allow for an increase in the maximum gross weight for ethyl mercaptan in non-DOT specification portable tanks (modes 1, 3).
75-202	United States Navigation, New York, N.Y.	46 CFR 146.21-100, 146.23-100, 49 CFR pt. 173, subparts C and D.	To amend special permit 6253 to allow the shipment of acetic anhydride in non-DOT specification portable tanks (modes 1, 2, 3).
75-203	United States Navigation, New York, N.Y.	49 CFR 173.119, 173.247, 46 CFR 146.26-100 and 146.23-100.	To amend special permit 6128 to allow the shipment of acetic anhydride in non-DOT specification portable tanks (modes 1, 3).
75-204	Sea-Land Service, Inc., Elizabeth, N.J.	46 CFR 146.26-100	To amend U.S. Coast Guard letter of authorization 3-69 to include the following combustible liquids: ethylene glycol ethyl ether, ethylene glycol n-butyl ether, morpholine, propylene glycol methyl ether (mode 3).
75-205	Bio-Lab, Decatur, Ga.	49 CFR 173.217	To amend special permit 6749 to update the packaging reference because of a change in suppliers product line (modes 1, 2).
75-206	Douglas Aircraft Co., Long Beach, Calif.	49 CFR 173.108	To amend special permit 6838 to permit the use of the DOT 19B plywood box in lieu of the DOT 19A box for transportation of hand signal devices (modes 1, 4, 5).

The closing date for filing comments on the above applications for renewal is: January 23, 1976.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.76-8 Filed 1-5-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25398; Agreement C.A.B. 24277; Order 75-12-149]

AIR CARRIER AGREEMENT

Freight Credit Billing and Collection Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December, 1975. In the matter of Air Carrier Agreement concerning air freight credit billing and collection practices.

By Order 73-6-8, June 1, 1973, the Board authorized joint carrier discussions for the purpose of developing new uniform interstate and overseas air freight credit billing and collection practices. During a series of meetings ended September 28, 1973, the direct air carriers reached the subject Agreement which was filed with the Board on March 11, 1974, by the Air Transport Association (ATA) on behalf of 21 carrier parties thereto.[1] The Agreement, inter alia, provides for:

1. A new Air Freight Settlement Plan (the Plan), which initially would be mandatorily applicable to the credit billings by participating direct air carriers to, and their credit collections from, all air freight forwarders and no other shippers. After the Plan has been in operation for one year, it is to be open on a voluntary basis to other commercial shippers whose domestic scheduled air freight billings have aggregated $1 million or more in the preceeding year, or such other lower figure as the Steering Committee[2] of the Plan shall adopt.

Under the Plan:

a. Each covered forwarder/shipper would be billed directly by each carrier on a 10-day billing cycle (i.e., on the 10th, 20th, and last day of each month). These direct billings would include the details of all shipments, and a forwarder/shipper seeking adjustment or rejection of any billing would be required to do so directly with the Settlement Bank (see below).

b. Each carrier would furnish to a designated Settlement Bank (the Bank) within the next 10 days a recapitulation (Carrier Recap) of its covered credit billings to each forwarder/shipper, without shipment details. The Bank would regroup the Carrier Recaps by forwarder/shipper, and furnish each forwarder/shipper a Settlement Recap of all of the latter's carrier billings for the preceding period within 10 days of the Bank's receipt of the Carrier Recaps.

c. The forwarder/shipper would be required to pay to the Bank the total shown due on its Settlement Recap within 10 days from the date thereof, less any pending adjustments. No collective sanctions for late payment or nonpayment of amounts shown due on a Settlement Recap are embraced in the proposed Agreement, although a Shipper (forwarder) Delinquency List will be generated and distributed by the Bank for such individual carrier action as may be appropriate. A similar Shipper Delinquency List will be disseminated by the Bank on commercial shippers not covered by the Plan, based wholly on individual carrier delinquency reports to the Bank.

2. The continuation of the existing credit billing and collection agreement[3] as to all billings by carriers not electing

[1] Appendix A lists the carriers who are parties to both the existing and new Agreements.

[2] The Steering Committee is to consist of seven airline representatives, elected by the airline parties to the Agreement, who are to administer and manage the Plan.

[3] Agreement C.A.B. 6150-A32.

to become parties to the Plan, and as to billings by all carriers to shippers not covered by the Plan.[4]

Complaints in opposition to the proposed agreemnt—in whole or in part—as well as comments thereon have been received from the Air Freight Forwarders Association (AFFA),[5] National Industrial Traffic League (NITL),[6] Hawaii Air Cargo Shipper Association (HACSA),[7] Logistics Management Consultants, Inc. (LOMANCO),[8] and National Small Shipments Traffic Conference (NSSTC).[9]

The complaining forwarders dispute the need for the new Agreement and Plan; deny that there is any special credit collection problem as to forwarders; and oppose the mandatory coverage of forwarder accounts payable to direct carriers under the Plan. They assert, inter alia, that: The data submitted by the airlines on the ageing of their receivables is unreliable in that no uniform industry criteria exist for computation of such ageing; in addition, a high percentage of late billings and items in dispute may distort the data; the greater writeoffs of uncollectible receivables for forwarders as compared to other shippers appear to be attributable to certain extraordinarily large and unexplained disproportions in such writeoffs by only two or three airlines; the varying credit or writeoff practices of the airlines may account for such greater forwarder writeoffs; the confidential nature of the airline questionnaire used to develop the data makes the data of questionable value and dubious credibility; and limitation on new entry of forwarders into the industry and the growing of stability of substantial portions of the present forwarder industry should reduce the rate of forwarder failure to zero.

The forwarders argue that, as an alternative to the new Plan: the carriers should, as a first step, establish sound extension-of-credit practices; the present 10-day collection period should be extended to 30 days; and the airlines should develop and exchange delinquency lists among themselves, covering both forwarders and nonforwarders, and the forwarders (as carriers) should be permitted to participate in such exchange. The forwarders conclude, however, that the Plan, if opened to forwarders and nonforwarders alike on a voluntary basis, might have some appeal. Lastly, the forwarders state that they do not see any value in participating in the Plan as carriers.

The nonforwarder objectors variously contend that:

1. The Plan favors forwarders and discriminates against nonforwarder commercial shippers, by extending longer credit to the former; the $1-million threshold for commercial shippers is arbitrary and discriminatory, as is the one-year delay in opening the Plan to nonforwarders; and the Plan does not, but should, provide for the participation of cooperative shippers' associations.

2. The Plan does not, but should, provide for shipper exposure to and input on the criteria to be developed for implementing a nonforwarder Shipper Delinquency List; and it discriminates by providing for such a list while not providing for a similar Forwarder Delinquency List.[10]

3. The proposed Steering Committee will exclude shippers (forwarders and nonforwarders), and would thus be biased in favor of the airlines ([10]/ supra); hence, the Plan constitutes an unfair method of competition.

4. The Agreement would permit the airlines to combine and conspire with respect to the granting or denial of credit to shippers.

In response to the foregoing, ATA filed an initial answer to LOMANCO and NSSTC on April 29, 1974, and a consolidated answer to all comments on June 3, 1974. As to the mandatory application of the Plan to all forwarder billings, ATA argues that serious problems peculiar to forwarders do exist as to receivables and writeoffs, citing several corroborating references, and defends the initial forwarder-only Settlement Plan as an important step towards improvement in the industry's credit billing and collection practices. In addition, ATA cites the benefits to forwarders resulting from uniform billing and collection forms and procedures, as well as the new proposed bank procedure for billing adjustments.

As to nonforwarder shipper participation, ATA points out that the Agreement provides (after a one-year delay) for a threshold entry figure of $1 million in annual airline freight billings, or such lesser amount as shall be determined by the Steering Committee. Thus, shippers will have an opportunity to comment on this criterion as it may evolve. Earlier coverage of nonforwarder shippers, according to ATA, would complicate, delay, or even prevent effective implementation of the Plan.

ATA contends that the opposition to the nonforwarder Shipper Delinquency List is without merit and that the respondents have misread the Agreement in that: the Delinquency List will not be implemented until objective, reasonable, and uniform criteria are established for placing shippers' names on such a List; such criteria will be developed based upon, inter alia, input by shippers; in any event, the criteria and implementation will be totally subject to prior Board approval, as will any future modifications; and the Agreement's procedures for addition of shippers' names to the list and their removal therefrom already reflect careful procedures to doubly ensure accuracy and notice to all affected parties.

In Order 74–4–126, the Board requested clarification on resolving certain conflicts between the present Agreement and the proposed Plan. The ATA responds that the carriers intend to revise their present tariff rules (filed pursuant to Agreement C.A.B. 6150–A32) concurrent with the implementation of the Plan.

Upon consideration of the Agreement and the comments thereon as outlined above, the Board has decided to approve the Agreement, subject to certain conditions.

Dealing first with the general idea of a new airline Agreement in the area of domestic air freight credit billing and collection practices, the Board is convinced that a problem of sufficient magnitude exists with respect to all freight receivables, forwarder and nonforwarder alike, as to have a potentially adverse economic impact upon the carriers. It further appears that these problems are not readily susceptible to unilateral carrier action and that it would be in the public interest to approve some concerted action by the airline industry to meet or minimize this problem.

Data for 1972, even as cited by AFFA, indicate and corroborate a substantial percentage of past-due accounts and writeoffs. Thus, Attachment C to the AFFA comments, "Receivables Over 30 Days Old," indicates that 75.9% of forwarder receivables (or $7,965,459), and 42.8% of other freight open accounts (or $7,700,163) were over 30 days old. Data for calendar year 1973 corroborate the general picture of substantial delinquencies and writeoffs for both forwarder and other freight accounts.[11] The reported industry aggregate for freight

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[4] The existing Agreement calls for billing within 10 days of shipment and collection within 10 days of billing. Thus, the new Plan contemplates a longer extension of credit to covered participants (a maximum of 40 days following shipment) than does the old Agreement (a maximum of 20 days following shipment).

[5] On behalf of eight member carriers: WTC Air Freight, Air Land Freight Consolidators, Inc., LaBelle Air Freight, Inc., Profit by Air, Inc., Burlington Northern Air Freight, Inc., Shulman Air Freight, Inc., WITS Air Cargo Service, and Airborne Freight Corporation.

[6] NITL is a voluntary organization of approximately 1,800 shippers, both large and small, throughout the country.

[7] HACSA is a cooperative shippers' association in Hawaii pursuant to Part 296 of the Board's Regulations.

[8] LOMANCO represents 17 firms in the Portland, Oregon area, namely:
Atlas Hotel Supply
Atlas Sheet Metal
Central Distributors
Central Electronics Distributors
Ford Industries
Johnstone Corporation
Mitchell Lewis & Staver
Mitchell Manufacturing Co.
Omark Industries, Inc., Construction Tool Division
Peerless Division, Royal Industries
Peerless Pacific Co., ACR Division
Peerless Pacific Co., Inc.
Portland Willamette School Products, Inc.
The Independent Fitting Co.
Viking Automatic Sprinkler
Viking Automatic Sprinkler of Idaho

[9] NSSTC represents 268 members, of whom 22 are industry associations; thus, the NSSTC states it represents several thousand shippers and receivers to and from all points in the U.S.

[10] These criticisms appear to be in error, as the Plan clearly provides for (a) shipper input in the development of list criteria, as well as (b) the Settlement Bank to generate and maintain a current Forwarder Delinquency List.

[11] Data for CY 1973 is available for inspection in the office of the Director, Bureau of Accounts and Statistics.

writeoffs in 1973 of approximately $6 million is relatively small in terms of gross revenues, i.e., approximately 0.62 percent; however, in terms of potential contribution to industry freight profit, the amount is significant. Unfortunately, numerous carriers state that their write-off expenses are not separated as to freight or passenger traffic, and/or forwarder and nonforwarder freight traffic, or that a writeoff estimate is expensed in anticipation of such actions, and the actual writeoffs are not known.

Whether the true figures for delinquencies and writeoffs are precisely as set forth is not controlling, in our view, since any data of this magnitude confirm the need for carrier action. In these circumstances, and subject to the conditions noted hereinafter, the Board finds that the Agreement is not adverse to the public interest nor in violation of the Federal Aviation Act and warrants general approval for a temporary period.[12]

However, the Board does not view the new Agreement as a panacea. The data described above concerning past-due accounts, and a number of the comments received,[13] indicate that the carriers are not uniformly enforcing their present billing and collection agreement or their tariff rules calling for credit billing within 10 days of shipment and collection within 10 days of billing. This situation is not one which the Board can continue to tolerate, since long continuance of unenforced tariff rules inevitably breeds disrespect for all rules. Moreover, the situation provides a fertile environment for arbitrary discriminations among shippers, with the rules being invoked against some and ignored as to others.

The Board accordingly calls on the carriers to promptly review their existing billing and collection agreement. If the existing agreement and tariffs are indeed so far out of line with existing practices and commercial realities as to be genuinely unenforceable as they stand, the carriers should rewrite their terms so as to bring them into line with such practices and realities.[14] Otherwise, the terms of the existing agreement and tariffs should be rigorously and impartially enforced. After a reasonable period to allow review and revision, if necessary, the Board will refer to its Bureau of Enforcement for investigation and appropriate action any instances or practices coming to light involving a carrier's disregard of its tariff rules as to credit billings and collections.

Turning now to specific elements of the comments, we agree with respondents that nonforwarder commercial shippers, including cooperative shippers' associations, should not be arbitrarily excluded from the Plan. We agree with forwarder comments to the effect that the greater delinquencies are with nonforwarders, and we believe that coverage of all substantial shippers under the Plan should be made mandatory. Furthermore, if there is to be a minimum aggregate billing threshold for participation in the Plan, it should apply impartially to forwarders and nonforwarder shippers alike. The Plan should also include small forwarders and other shippers with respect to the preparation and distribution of Shipper Delinquency Lists.[15] Accordingly, the Board will disapprove the one-year delay in the applicability of the Plan to nonforwarders, and will condition the Agreement to require immediate participation by any shipper, whether forwarder or nonforwarder, who satisfies appropriate entry criteria.[16] We recognize the difficulties in setting up a new billing and collection procedure, but believe that a $250,000 entry and participation limit, at least initially, will allow the Plan to be inaugurated and tested on a manageable basis. In the long run, we will not view favorably any form of discrimination between large and small forwarders/shippers which is not shown to be absolutely necessary.[17]

Turning next to comments with respect to the initial extension of credit, it appears that carriers apply varying criteria, or, perhaps more importantly, a lack of criteria for withdrawal of credit, which may be the root of part of the problem. The Board therefore strongly urges the carriers to reconsider their credit criteria (extension and withdrawal) as an adjunct to implementation of the instant agreement. We do not infer that such criteria need to be totally uniform, or necessarily covered by carrier agreement, but rather, that sound business practice requires attention to the initial extension of credit as well as to overdue bills and appropriate follow-up. No uniform industry regime can improve the delinquency problem without individual carrier attention to their accounts. We note in this connection that the amount of overdue bills varies considerably among individual carriers.

Insofar as the complaints are concerned, however, we do not find that the Plan has been shown to be unfair or discriminatory, except in the coverage aspects discussed above. As to the nonforwarder Shipper Delinquency List, we understand that this is not to be implemented until after further discussions and submission of a supplementary Agreement to the Board for prior approval, at which time shippers and all other interested parties will have an opportunity to comment and criticize the supplementary Agreement. If the criteria developed are unfair or discriminatory, they will not be approved. The fact that carriers only will be represented on the Steering Committee is not inconsistent with other intercarrier agreements that the Board has approved, and is not inherently discriminatory, unfair, or harmful to forwarder or shipper interests, since the Board retains ultimate authority over the manner in which the Agreement is implemented or revised. Finally, we see nothing in the Agreement that supports the claim that it represents an unlawful attempt by the carriers to conspire to grant or withhold credit to forwarders/shippers. The Delinquency List for covered forwarders/shippers is to be made up on a purely objective basis by the Settlement Bank, and in any event, the Agreement does not attempt to prescribe how any participating carrier is to make use of these Lists.

Lastly, and with respect to the existing (1962) credit agreement (C.A.B. 6150–A32), the carriers were requested in Order 74–4–126 to explain how they propose to resolve conflicts (e.g., handling interline traffic, and prepaid vs. collect shipments) when only one of the interline parties participates in the new Agreement. For example, if a large forwarder covered by the new Settlement Plan ships a consignment prepaid via United to (say) Atlanta, thence via Southern[18] to destination, the freight charges would presumably be billed by United through the plan; but if the consignment is shipped with the charges to be borne by the same large forwarder at destination, Southern as the billing carrier would presumably not bill through the Plan. Again, if the shipment is prepaid, the old Agreement provides for 10

[12] Article 13.01 of the Agreement provides for implementation of the Plan approximately four months following Board approval thereof. To permit one year of operation under the Plan and review (see also fn. 15), we will condition our approval to expire with July 1, 1977.

[13] Particularly the contradictory comments of the forwarders and nonforwarder shippers, with the latter seeing the Plan as a means whereby forwarders will be granted longer extensions of credit than nonforwarders, while the forwarders see the Plan as an attempt to tighten up on the credit terms they

[14] The Board would of course expect carriers participating in the Plan to file an appropriate amendment to their present tariff.

[15] The Agreement provides for renewed carrier discussions for purposes of review at the end of the first year of the Plan. The Board will condition this Article in order to apply the conditions set forth in Ordering Paragraphs 1 through 7 of Order 73–6–8 for the same reasons as set forth therein.

[16] The Board recognizes that large commercial shippers (nonforwarders) have not had formal prior notice of the Board's intention to condition the carriers' agreement so as to require their mandatory participation. It is not the Board's desire to prejudice or adversely affect such shippers. Rather, it is our impression that such shippers will welcome the opportunity to participate in the Plan. To insure procedural fairness, however, any shipper having objections is reminded that he has the privilege to promptly file an appropriate petition for reconsideration of this Order.

[17] At any time prior to July 1, 1977, the Board will be receptive to a lowering of the specified billing figure of $250,000. If the carriers should desire to request renewal of this Agreement at a later date, the Board will expect the carriers to reduce the $250,000 entry limit, and, additionally, to open the Plan to *all* other shippers on a voluntary basis, although possibly subject to some further dollar minimum below which very-low-volume shippers would be excluded. The Board will also expect any request to renew the Agreement, as well as any failure to effect the changes noted above, to be accompanied by persuasive factual data.

[18] Southern is a party only to the 1962 Agreement, while United is a party to both old and new Agreements; thus, for small shippers not in the Plan, United would presumably continue the present 10-day Agreement and tariff rule, as would Southern for all its accounts.

days' credit by United, whereas the new Agreement provides 30 days plus. Hence the same shipper would receive differing credit periods on the same shipment, depending upon whether shipped prepaid or collect. In our view, there should be but one Agreement covering both large and small shippers, with all carriers participating. To date, the carriers have not satisfactorily indicated how they propose to resolve such conflicts; we will expect them to do so before the new Agreement is put into operation.

In summary, the Board believes an experimental program along the lines outlined here is a worthy endeavor, and we have so considered the instant Agreement. On the other hand, a temporary approval will permit a later determination based on experience of whether such an Agreement is necessary or in the public interest in the long run.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That. 1. Agreement C.A.B. No. 24277 is approved, subject to the conditions that:

(a) the deferral period set forth in Article 3.01.1, with respect to the participation of nonforwarder commercial shippers in the Plan, is disapproved; and

(b) Article 3.01.1 is further conditioned to require that coverage of the Plan shall be mandatory as to all (and only those) air freight forwarders and other commercial shippers whose annual aggregate volume of direct air carrier domestic freight billings exceeds $250,000, or such lower figure as the Steering Committee may determine; and that the Steering Committee may also set a lower figure for voluntary participation by smaller forwarders and shippers in the Plan; and

(c) Article 8.01 is conditioned to permit: (1) All U.S. certificated route air carriers engaged in interstate or overseas air transportation to engage in discussions, with respect to air freight credit billing and collection practices in interstate or overseas air transportation, for a period of 90 days beginning with March 1, 1977, provided that:

(2) An agenda of matters to be discussed shall be filed with the Board in this docket at least 5 calendar days in advance, with respect to any meeting called pursuant to this order, to be attended by only direct air carriers;

(3) An agenda of matters to be discussed shall be filed with the Board in this docket at least 15 calendar days in advance, with respect to any meeting called pursuant to this order, to be attended by both direct air carriers and shippers (including indirect air carriers);

(4) Any interested shipper (including indirect air carriers) may advise the Air Transport Association that it is interested in these discussions, and all meeting notices and agendas shall also be mailed to such interested shippers and indirect air carriers, with such notice to include an invitation to submit comments upon the agenda matters, and to request appointments for personal appearances at the carriers' meetings;

(5) The Board reserves the right to have one or more observers in attendance at all meetings of the carriers;

(6) Complete and accurate minutes shall be kept of all meetings, and a true copy thereof filed with the Board not later than 15 days (excluding Saturdays and Sundays) after the conclusion of each meeting; and

(7) Any agreements or agreements reached as a result of such discussions shall be filed with the Board in accordance with Section 412 of the Act and approved by the Board prior to being filed in tariffs or otherwise placed into effect;

2. The Board's approval of Agreement C.A.B. No. 24277 will expire with July 1, 1977; and

3. This order shall be served upon all certificated scheduled direct air carriers, all domestic air freight forwarders, and all persons participating in Docket 25398, as listed in the Certificate of Service accompanying Agreement C.A.B. No. 24277 filed in such docket.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A.—*Carrier participants in air freight credit billing and collection agreements*

[× denotes participation]

	CAB No. 6150-A32 [1]	CAB No. 24277
Airlift International, Inc	×	×
Alaska Airlines, Inc	×	×
Allegheny Airlines, Inc	×	×
Aloha Airlines, Inc		×
American Airlines, Inc	×	×
Braniff Airways, Inc	×	×
Canadian Pacific Air Lines, Ltd.	×	
Continental Air Lines, Inc	×	×
Delta Air Lines, Inc	×	×
Eastern Air Lines, Inc	×	
The Flying Tiger Line, Inc	×	
Frontier Airlines, Inc	×	×
Hawaiian Airlines, Inc		×
Hughes Air Corp., d.b.a. Hughes Airwest.		×
National Airlines, Inc	×	×
New York Airways, Inc	×	
North Central Airlines, Inc	×	×
Northwest Airlines, Inc	×	×
Ozark Air Lines, Inc	×	×
Piedmont Aviation, Inc	×	×
Southern Airways, Inc	×	
Trans Canada Air Lines	×	
Texas International Airlines, Inc.	×	×
Trans World Airlines, Inc	×	×
United Air Lines, Inc	×	×
Western Air Lines, Inc	×	×
Wien Air Alaska, Inc		×

[1] Earlier carrier participants in agreement CAB 6150-A32 who are no longer in operation have been omitted, e.g., AAXICO Airlines, Inc.

[FR Doc.76-280 Filed 1-5-76;8:45 am]

[Docket 20421, etc.; Order 75-12-150]

AMERICAN AIRLINES ET AL.

Oklahoma-Denver-Southeast Points Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of December, 1975.

By Order 75-10-135, served November 3, 1975, the Board instituted the *Oklahoma-Denver-Southeast Points Investigation,* Docket 20421, *et al.* The order provided that additional applications conforming to the scope of the proceeding, motions to consolidate, and petitions for reconsideration of Order 75-10-135 should be filed by November 24, 1975.

Applications for air service and motions to consolidate have been filed by the following carriers:

American, Docket 28535.
Braniff, Docket 28536.
Braniff, Docket 24259 (Amendment No. 1).
Continental, Docket 28514.
Delta, Docket 28541.
Eastern, Docket 28530.
Frontier, Docket 28531.
National, Docket 28525.
Northwest, Docket 28540.
Piedmont, Docket 28534.
Southern, Docket 28533.
TWA, Docket 28538.
TWA, Docket 28539.
United, Docket 28544.
Western, Docket 28527.

Petitions for reconsideration were filed by the City of Shreveport, Shreveport Chamber of Commerce, and Shreveport Airport Authority; the Utah Agencies and the Utah Department of Transportation; Braniff; and the City and Chamber of Commerce of Memphis. TWA and Delta filed petitions for clarification and/or reconsideration of the scope of the proceeding and Northwest filed a conditional petition for reconsideration. Twenty-one answers to these pleadings have been filed.

The petitions for reconsideration generally fall into three categories: (1) The inclusion of additional intermediate or coterminal points within the general area under consideration; (2) expansion of the geographical scope of the proceeding; and (3) the imposition of additional pretrial restrictions.

Shreveport and Memphis want to be included as additional intermediate points on the routes in issue, and the Utah Agencies request that Salt Lake City be designated as a coterminal point with Denver.

The request of Memphis to be designated as an intermediate point was carefully considered by the Board in Order 75-10-135 and rejected. On reconsideration, Memphis claims it is uniquely affected since it may lose service but cannot gain new service. While the termination of the Braniff-Eastern interchange is an issue and Memphis could lose its interchange service, it will not lose any carrier authority. Eastern and Delta will retain their nonstop authority in the Memphis-Atlanta market; Braniff will retain its nonstop authority in the Memphis-Denver and Memphis-Oklahoma City markets; and Delta, Eastern and Southern will continue to hold nonstop authority between Memphis and Miami. Between Memphis and Tampa, Eastern holds nonstop authority and Delta's Subpart N application is being processed (Order 75-9-95). Since the designation of Memphis as an intermediate point was fully considered by the Board in Order 75-10-135 and since no new matters have been presented on

reconsideration, we will deny Memphis' petition for reconsideration.

Salt Lake City exchanges only a fraction of the amount of traffic with the southeast points as do Denver, Tulsa, and Oklahoma City. The same is true with respect to Shreveport. As we stated in our order instituting this proceeding, if we were to include several additional cities and many others which could subsequently claim inclusion on the same criteria, it would transform a moderate-sized, manageable case into a gigantic area proceeding. We will therefore deny the petitions for reconsideration of the Utah Agencies and Shreveport.

Northwest's application in Docket 28540 to include the question of nonstop service between Seattle/Portland and Atlanta is clearly outside the scope of this case. The granting of Northwest's motion to consolidate would shift the focus of the investigation from the needs of Oklahoma and Denver to the southeast to the entirely unrelated issue of transcontinental Pacific Northwest-Southeast service. Northwest's conditional petition for reconsideration and its motion to consolidate Docket 28540 will be denied.

Braniff's petition for reconsideration seeks to impose a pretrial restriction against single-plane service between Seattle/Portland and the southwest points in issue. Alternatively, Braniff requests expansion of the issues to include the elimination of Condition 17(b) of Route 9 which prohibits Braniff from operating single-plane service between Seattle/Portland and the Florida points here in issue.

The Board dealt with the question of imposing a pretrial restriction at length in Order 75–10–135 and concluded that it would consider the evidence before deciding whether to impose such a restriction "since the evidentiary record or events occurring prior to final decision may show such a restriction to be either unduly restrictive or altogether unnecessary." Nothing has been advanced in the petitions for reconsideration to change our view. The parties will be given a full opportunity to submit evidence on the need or lack of need for a single-plane or some other type of restriction. This will give us the necessary flexibility to deal with this matter after considering the complete evidentiary record. We will therefore deny Braniff's request to impose a pretrial restriction. For reasons hereinbefore stated with respect to Northwest's application in Docket 28540, Braniff's motion to consolidate its application in Docket 24259 (Amendment No. 1) will be denied.

TWA filed a petition seeking either clarification or reconsideration of Order 75–10–135 to the extent necessary to place in issue the elimination of Condition 29 of Route 2 to enable it to operate single-plane service between Denver, Oklahoma City and Tulsa, on the one hand, and the southeast points, on the other hand, via St. Louis. It is clear from the language of Order 75–10–135 that the elimination of TWA's Condition 29 is outside the scope of this case. Ordering paragraph 3(b) specifically states that any authority granted in this case shall be in the form of a separate segment or segments except where a carrier holds "on segment authority subject to a restriction." TWA's authority between Denver, Oklahoma City and Tulsa, on the one hand, and the southeast points, on the other hand, is not "on-segment" but derives from a combination of several segments. Moreover, the expansion of the geographical scope to include St. Louis would not only detract from a consideration of the service improvement opportunities between the Oklahoma cities and the southeast but would require further expansion to include additional cities who would claim entitlement to the same treatment as St. Louis. We will therefore deny TWA's petition for reconsideration and motion to consolidate Docket 28539.[1]

Delta's petition for reconsideration or clarification regarding subsidy eligibility will be denied. Delta is free during the course of this proceeding to argue its position regarding the conditions which it believes should be attached to the granting of a certificate of any particular applicant. We will therefore not impose a pretrial restriction. We will also deny Delta's request regarding further participation by the Bureau. This matter is currently under consideration by the Board's Procedural Advisory Committee and it would be premature to consider Delta's request in this proceeding.

On the basis of the foregoing and upon consideration of all the relevant facts, the petitions for reconsideration and/or clarification of Order 75–10–135 will be denied. The following applications, insofar as they conform to the scope of this proceeding, will be consolidated: American, Docket 28535; Braniff, Docket 28536; Continental, Docket 28514; Delta, Docket 28541; Eastern, Docket 28530; Frontier, Docket 28531; National, Docket 28525; Piedmont, Docket 28534; Southern, Docket 28533; TWA, Docket 28538; United, Docket 28544; and Western, Docket 28527.[2]

The applications of Braniff in Docket 24259 (Amendment No. 1); Northwest in Docket 28540; and TWA in Docket 28539 involve issues beyond the scope of the investigation and will not be consolidated.

Accordingly, it is ordered, That 1. the petitions for reconsideration and/or clarification of Northwest Airlines, Inc.; Trans World Airlines, Inc.; Delta Air Lines, Inc.; Braniff Airways, Inc.; the City of Shreveport, the Shreveport Chamber of Commerce, and the Shreveport Airport Authority; the Utah Agencies and the Utah Department of Transportation; and the City and Chamber of Commerce of Memphis be and they hereby are denied.

2. That ordering paragraph 4 of Order 75–10–135 be and it hereby is amended to read as follows:

"4. There are hereby consolidated into said proceeding, to the extent that they conform to the scope of the issues as hereinabove stated, the following applications and petitions or the conforming portions thereof:

American, Docket 28535.
Braniff, Docket 28536.
Continental, Docket 28514.
Delta, Docket 28541.
Eastern, Docket 28530.
Frontier, 28531.
National, Docket 28525.
Piedmont, Docket 28534.
Southern, Docket 28533.
TWA, Docket 28538.
United, Docket 28544.
Western, Docket 28527.
Denver Parties, Docket 19314.
Oklahoma Parties, Docket 27286."

3. That the motions to consolidate the applications of Braniff in Docket 24259 (Amendment No. 1); Northwest in Docket 28540; and TWA in Docket 28539 be and they hereby are denied and the underlying applications of Braniff, Northwest, and TWA be and they hereby are dismissed without prejudice pursuant to Rule 12(e) of the Board's Rules of Practice.

4. That the applications of the air carriers which were previously consolidated in old paragraph 4 of Order 75–10–135 and United's application in Docket 25318 be and they hereby are dismissed.

5. That, except to the extent granted herein, all motions, petitions, and requests for relief be and they hereby are denied.

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-279 Filed 1-5-76;8:45 am]

[Docket 28672; Agreement CAB 25606 R-1 through R-4; Order 75-12-141]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Deferring Action and Establishing Procedures

Issued under delegated authority December 29, 1975. Agreements among Members of the International Air Transport Association involving Agency Matters.

There have been filed, pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended (Act), and Part 261 of the Board's Economic Regulations, four agreements among the members of the International Air Transport Association (IATA) to establish or amend certain IATA resolutions on agency matters. The Resolutions were adopted at the Reconvened Composite Traffic Conference held in Geneva on December 8–11, 1975.

[1] On December 17, 1974, St. Louis and TWA filed motions for leave to file replies to Delta's answer to the petitions for reconsideration. We will grant the motions of St. Louis and TWA and have considered their respective answers in reaching our determination herein.

[2] As a technical matter, the air carrier applications set forth in the original ordering paragraph 4 of Order 75–10–135 will be dismissed since they will be superseded by the applications set forth in revised ordering paragraph 4.

A new Special Readoption Resolution (Resolution 002z) establishes commission rates for the sale of air transportation effective February 1, 1976. A new Tour and Travel Organizers Study Resolution (Resolution 016d), would institute a study to develop recommendations to be implemented April 1, 1977, regarding (1) control of tour and group travel organizers, (2) members' in-house tours, and (3) remuneration of tour organizers. Also adopted, was a new resolution termed the Industry Incentive Scheme for Approved Agents (Resolution 815) which proposes to provide an incentive commission for approved agents as a reward for increased productivity. Resolution 860, Commission on Interline Sales, was amended to allow a member carrier an increased commission on interline sales 0.25% above the proposed Industry Incentive Scheme. The first three resolutions have an intended effective date of January 15, 1976, and the final resolution, an intended effective date of January 1, 1977.

Copies of the agreements are attached as an Appendix.[1]

The above agreements, filed on behalf of the U.S. members of IATA, were undocketed at the time of filing and were subsequently docketed (Docket 28672) by the Director, Bureau of Operating Rights pursuant to Rule 1207 of the Board's rules of practice. (14 CFR 302.1207)

In view of the likely interest in the agreements by members of the travel agency industry and others and in an effort to develop a full record in the proceeding, procedures, similar to those established by Subpart P of the Board's Rules of Practice applicable to agreements filed for prior Board approval (14 CFR 302.1601–08), are hereby established for the processing of the agreements. Therefore pursuant to authority duly delegated by the Board's Regulations (14 CFR 385.3) it has been decided to defer action on the agreements and to establish procedural guidelines applicable thereto.[2]

Accordingly, it is ordered That 1. Action be and it hereby is deferred on Agreements CAB 25606 R1 through R4;

2. The U.S. air carrier members of IATA are hereby afforded a period of 20 days from date of service of this order within which to submit (1) comments explaining the nature and purpose of the agreements and how they change any practices existing under previously approved contracts and agreements, (2) economic data and other material which the carriers desire the Board to officially notice, and (3) argument in support of approval of the agreements;

3. Within the same 20-day period any other person may file comments in support of or in opposition to the agreements;

4. Rebuttal comments will be due 10 days thereafter and may be filed by any person filing initial comments; and

5. This order will be served on IATA and its U.S. member air carriers, the American Society of Travel Agents, Inc., the Association of Retail Travel Agents, the American Automobile Association, the Association of Bank Travel Bureaus, the Travel Agents' Legal Action Committee, and the United States Departments of Justice and Transportation.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective immediately and the filing of such petitions shall not stay its effectiveness.

This order will be published in the FEDERAL REGISTER.

BRUCE E. CUNNINGHAM,
Director, Bureau of Operating Rights.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-278 Filed 1-5-76;8:45 am]

[Order 75-12-146; Docket 27573; Agreement C.A.B. 25203, R-1 through R-10, Agreement C.A.B. 25207, R-1 through R-6, Agreement C.A.B. 25281, R-9 through R-12]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of December, 1975.

By Order 75-7-88, July 17, 1975, the Board established procedural dates for the receipt of carrier justifications, comments and responses pertaining to agreements among the carrier members of the International Air Transport Association (IATA) to establish North/Central Pacific and intra-Pacific cargo rates through September 30, 1977. Minimum charges for all consignments would increase by $3 to a total of $21 for West Coast gateways, and by $4 to a total of $26 for interior U.S. points. West Coast-Tokyo under-45 kg., 45 kg., and 100 kg. general rates would remain at present levels, with a 5 cent decrease in the 300 kg. rate and a 5 cent increase in the 500 kg. rate. Other general rates from the West Coast to points beyond Tokyo would increase 4 to 10 percent based upon mileage taper. Specific commodity rates between the U.S. and the Indian subcontinent would increase 8 percent, while the other commodity rates with minimum weights under 1,000 kgs. would increase by 10 percent, and those over 1,000 kgs., 12 percent. Certain commodity rates would take lesser increases and a few such as Item 4416 (Semiconductors and other electronic components) would remain at present agreed-upon levels. Finally, present pivot weights for containerized shipments would be decreased and minimum charges for containers increased, for a net 3 to 11 percent increase in West Coast Tokyo container rates at the pivot weight. Container rates to other Asian points beyond Tokyo would be increased 6 to 21 percent at the pivot weight, and over-pivot rates would take similar increases.[1]

Statements of justification and supporting data have been submitted by the Flying Tiger Line Inc. (Tiger) and Pan American World Airways, Inc. (Pan American). Historical financial data have been submitted by Northwest Airlines, Inc. (Northwest), a U.S. non-IATA carrier which operates all-cargo services in the North/Central Pacific market but is not party to the agreement. Other comments have been received from Japan Air Lines Company, Ltd. (JAL), the State and County of Hawaii (Hawaii), and from the Puget Sound Traffic Association (PSTA). A motion "for more definite statement and other relief" has been submitted by the Western Electronics Manufacturers Association (WEMA) in connection with the agreement.

Tiger asserts that the proposed increases in minimum charges are justified because the present charges are still at 1969 levels, do not cover costs, and are significantly below comparable charges on the North Atlantic, and that the somewhat greater increase in minimum charges for interior U.S. points is justified by the recently increased prorate requirements fo the U.S. domestic carriers. Regarding the increases in general cargo rates (GCR's), Tiger contends that while there is an apparent conflict with the Board's policy statement issued prior to the Nice Conference, in fact the agreement aligns these rates much more closely with long-standing Board policy: By eliminating unproductive 200 and 400 kg. weightbreaks which produce only only 10.1 percent of GC revenue; increasing proportionals for construction of through rates to interior U.S. points to compensate for pro-rate dilution, but still producing rates less than would result from combination of the locals; reducing the 300 kg. U.S.-Tokyo rates; and increasing beyond Tokyo rates to alleviate the present differentials in yields per mile between Tokyo and other Asian points. It is further stated that the 5 cent per kg. increase in the U.S.-Tokyo rates was necessary to secure agreement. Tiger alleges further that the amend-

[1] Appendix filed as part of the original document.

[2] It is found, pursuant to § 385.6 of the Board's Regulations, that the action taken herein is governed by prior Board precedent and policy, and because the three new resolutions have an early intended effective date, immediate action is required to facilitate expedited processing. Therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately.

[1] Within the Pacific, minimum charges between Guam and the Far East would increase by 1.25 U.K. pounds ($3.26 at the official IATA exchange rate) to 5.00 U.K. pounds ($13.03), and general cargo rates would increase approximately 8 percent. Specific commodity rates would be increased by about 10 percent.

ments to the container rate structure will make container rates more available to shippers by reducing the pivot weights, and that the increases in minimum charges and over-pivot rates will more closely relate the container rates with actual cost savings.[2] The proposed increases in SCR's will, Tiger claims, reduce the spread between SCR's and general rates, particularly at Tokyo, and represents the maximum amount of restructuring the carriers could achieve in the current distressed economic atmosphere. Here the carrier goes on to cite substantial cost increases which have not been matched by corresponding revenue improvements, and alleges that the proposed structure will not result in earnings in excess of the Board's guidelines. Tiger's financial statement shows a return on investment in scheduled all-cargo operations of 13.20 percent during the year ended March 31, 1975, and forecast returns during the year ending September 30, 1976 of 9.01 percent under present rates and 11.21 percent under proposed rates. These forecasts are based on a forecast load factor of 60.9 percent which, although reflecting a decline from the 64.9 percent load factor experienced during the historical period, is nevertheless alleged to be reasonable in light of the recent addition of a third B–747 freighter to accommodate heavy eastbound traffic demand.

Pan American supports the increases and revisions to the structure generally for the same reasons set forth by Tiger; forecasts a revenue improvement of $5.6 million under the agreement, most of which will flow from specific-commodity rate increases; and forecasts a return on investment of −12.69 percent on all-cargo operations and 10.99 percent on total (freighter plus belly) cargo operations under the proposed rates. The forecast reflects a 53.0 percent load factor, an improvement over the 50.4 percent experienced during the historical period.

Northwest has submitted a statement of financial results during the historical period, but states that it is preparing its own proposal for a new North/Central Pacific cargo rate structure, and that the major modifications included in its own proposal "make it impossible to provide a Northwest forecast of any value for use in reviewing the IATA carriers' agreement." More generally, Northwest contends that the proposed IATA structure not only continues the heavy dependence on bulk specific commodity rates, but would also widen considerably the disparity between the specific commodity rates and the general-commodity container rates.

JAL defends the proposed increase in the 500 kg. GCR rate to Tokyo, as well as the other increases, as absolutely essential due to the carriers' drastic need for increased revenue; it forecasts a $7.6 million operating loss under the agreement, which, however, offers a significant improvement over the $12.5 million loss forecast under present rates. JAL states further that the exceptions were made to the GCR mileage taper in rates beyond Tokyo only to continue common-rating of Manila and Taipei; to maintain the existing Singapore-Jakarta differential; to introduce rates for Kuala Lumpur pursuant to a government requirement; and to limit increases to 10 percent so as to avoid widening the gap between general cargo and specific commodity rates.

Hawaii opposes the proposed increase in commodity rates for papayas, contending that the increased rates, if approved, will make it difficult to sell the current papaya crop, expected to be the largest on record, in Japan which is its primary market. Papayas, it is alleged, must move by air due to their perishability, and although they sell for up to $2.00 per pound in Tokyo, air freight costs already amount to twice the 17 cents per pound paid to the Hawaiian farmer, and a rate increase will seriously undermine their marketability and the profitability of growing the product. Hawaii further asserts that this traffic moves exclusively in the belly compartments of B–747 passenger aircraft, and, as Pan American is currently earning an exorbitant 30.21 percent return on investment in belly-cargo operations, no rate increase is required.

PSTA alleges that the present and proposed North/Central Pacific cargo rate structure unlawfully discriminates against Seattle, which is common-rated with Los Angeles and San Francisco, with the result that rates per mile are much higher to/from Seattle than to/from the other West Coast gateways. PSTA cites the Board's decisions in Docket 20522, Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, which found that North Atlantic rates to/from seven U.S. gateway cities must be placed on an equal per-mile basis with rates to/from New York; and also refers to Board actions relating to Philadelphia / Baltimore / Washington-Europe passenger fares and the relationships of Seattle-Europe and Vancouver-Europe fares.

WEMA states that it cannot determine whether the justifications submitted by the IATA carriers include revenues attributable to the proposed increases in commodity rates for electronic parts, which were adopted at the 1974 Ft. Lauderdale Conference and incorporated in the present agreement. Accordingly, WEMA requests that the Board direct the carriers to state whether or not their justifications and financial forecasts include the Ft. Lauderdale increases, and to submit full details relating to the revenue impact of the proposed electronic rates, as well as "the source of each figure in their justifications and complete details as to how they were derived."[3]

In a reply to Hawaii, Pan American contends that the increased commodity rates for papayas will amount to about 3.75 cents per pounds in the Hawaii-Japan market under Hawaii's own calculations, and that when the $2.00 per pound selling price of papayas in Tokyo is considered, it is evident that the proposed rate increase will have little impact on papayas' marketability. Pan American further alleges that if Hawaii-Far East traffic continues to grow at the present rate, the market will require all-cargo service which must be priced at remunerative levels, regardless of the current earnings on belly-cargo operations; and that if there is not an orderly increase in commodity rates to keep pace with costs, the carriers will be unable to offer the increased capacity when it is needed.

Pan American, in answer to PSTA, asserts that while Seattle-Far East rates would be lower than Los Angeles or San Francisco-Far East rates if they were calculated on the basis of shortest operated mileages, the historical common-rating of the three major West Coast gateways is a competitive necessity due to the differing route authorities of the various carriers serving Seattle. Lowering Seattle rates would seriously disadvantage carriers such as Pan American which may carry Seattle-Far East traffic only via Honolulu, Los Angeles or San Francisco, over which routings the mileages are substantially greater than on direct Seattle-Far East flights. Finally, Pan American notes that PSTA does not seek to terminate common-rating of West Coast gateways with respect to South Pacific service, where Seattle would be disadvantaged by application of a mileage formula.[4]

Both Tiger and Pan American have filed answers in opposition to WEMA's motion. Tiger alleges that its justification clearly indicated that the impact of the Ft. Lauderdale electronic rates is not included in its forecasts; that if the movants believe the carrier justification to be insufficient, the proper procedure is to file comments to that effect rather than to request the Board to require any

[2] Tiger contends that the higher 6 to 21 percent increases in beyond-Tokyo container rates will have a minimum impact, since the bulk of the traffic to/from these points moves on specific commodity rates, and thus the rates are only "paper" increases.

[3] WEMA also faults the carrier justifications on several specific points, and contends that the proposed increases, including electronics rates, are not justified because Pan American's high return in belly operations and its low freighter load factors indicate overcapacity, as well as failure to reflect the impact of the Pan American-TWA route exchange; that although Tiger forecasts only 9.01 percent ROI, it has enjoyed very favorable returns in recent years which should be balanced against the forecast; and that Tiger's forecast of operations also reflects overcapacity.

[4] PSTA, in a response to Pan American's answer, faults the carrier's arguments relating to competitive considerations and route authority, and alleges that the Board, in Docket 20522, rejected similar arguments with respect to Atlantic rates.

information which the movants deem relevant; and the ultimate objective is to further delay approval of the Ft. Lauderdale increases which, it is alleged, were fully justified previously.[5] Pan American states that its justification and financial forecast fully reflect the increased revenues under the proposed electronic rate increases; submits further details of the revenues derived from the carriage of this traffic; asserts that its justification fully supports the proposed increases in electronic parts and other items; and alleges that the shippers' motion should, therefore, be denied.[6]

The Board has carefully reviewed the justifications, comments and responses, and concludes that increases of the magnitude proposed are not warranted by carrier needs under economical and efficient management. It is true that carrier costs have increased significantly and that some yield improvement is required as discussed infra and in Order 75–12–145, issued concurrently herewith.[7]

It is particularly doubtful whether the carriers have done all that is possible to bring capacity into line with the present needs of the market, and to achieve load factors which will result in profitable operations. Tiger forecasts a significant decline in load factor, attributable to a 25 percent increase in capacity over the historical period due to the introduction of a third B–747F aircraft, which the carrier claims is needed to handle strong traffic demand in the eastbound direction. Although there may be, at the present time, enough of a directional traffic imbalance to require some response from the carriers, this does not mean that Tiger, which already has by far the largest market share in the North/Central Pacific, must necessarily increase its overall capacity by 25 percent. While introduction of more efficient B–747 freighters is certainly a desirable long-term goal, overall capacity must still be held in line with the actual requirements of the market, by rationalizing capacity offered on existing narrow-body equipment or other means. As stated by IATA's Director General in his report on "The State of the Air Transport Industry" delivered to the 21st Annual General Meeting of IATA, September 29–October 2, 1975:

> . . . In today's economic environment, system disequilibrium and resultant waste can no longer be tolerated by the uncoordinated introduction of new generations of aircraft. The carriers' role in the overcapacity scenario cannot be overlooked, for it is they that have the ultimate choice of whether to increase capacity. Carriers' equipment orders may reflect an anticipated increase in market share at the expense of others, and thus the sum total of individual capacity forecasts and hence equipment orders may well considerably exceed projected industry figures. . . . (IATA Review, October 1975)

As stated above, it is the carriers which have "the ultimate choice of whether to increase capacity," and the pattern of operations is, indeed, a managerial prerogative of each airline. However, the Board is not prepared to approve fare and rate increases based on load-factor forecasts which would, in effect, force the flying and shipping public to pay for capacity increases not reasonably related to the actual needs of the market. For this reason, we are adjusting Tiger's traffic forecast to maintain the 64.9 percent load factor experienced in the historical year ended March 31, 1975.

Historically, Pan American and Northwest both indicate much lower load factors in their freighter operations than Tiger (50.4 and 45.9 percent, respectively, during the historical period), with corresponding operating losses and negative returns on investment. This is partially due, however to the fact that both show healthy results in their belly-cargo operations, 30.21 percent ROI for Pan American and 12.51 percent ROI for Northwest during the historical period. Generally the Board considers both freighter and belly operations in its disposition of IATA rate agreements, but places the greater weight on the results in all-cargo operations. Pan American states in its justification, and amplifies in its answer to WEMA, that the cost allocations between passenger and freight on the basis of which belly-cargo service return is computed are unrealistic or do not provide a proper basis for costing or pricing cargo service. In this instance such difficulties are readily apparent. Faced with the absence of reliable data, particularly in the allocation of belly operating costs, the Board must rely on results in all-cargo operations. Such a reliance on all-cargo results must, however, assume that the freighters are operated in an efficient manner. Due to the disappointing freighter load factors cited above, a considerable adjustment must be made to Pan American and Northwest's historical and forecast all-cargo results before they can be considered reasonable as a basis for measuring cargo profitability. For these reasons, we have adjusted Pan American and Northwest's traffic and revenue to maintain the historical load factor level experienced by Tiger.

These adjustments to the carriers' financial statements, set forth in further detail in the Appendix, result in returns on investment of 13.20, —4.84 and —2.57 percent for Tiger, Pan American and Northwest, respectively, during the historical period (or 6.12 percent on a weighted composite basis); and 14.41, —10.66, and —2.57 percent, respectively, during the forecast period at present rates (or 7.18 percent on a composite basis).[8] It is clear, considering the U.S. carriers' composite results in accordance with the Board's policy in reviewing IATA agreements, that earnings are inadequate and some revenue improvement is required. However, it also appears that approval of the agreement as proposed would result in excess earnings. Under the Nice package now before us, the carriers would earn a composite return of 16.75 percent, well above the Board's 12 percent guideline, and accordaingly the proposed increases must be disapproved.

This figure includes a 21.98 percent return on investment for Tiger, which reflects a $7.3 million upward adjustment in Tiger's revenue to account for the increased revenue from electronic specific commodity rates that Tiger purposefully omitted from its forecast.[9] The Board fails to understand why these revenue increases were not included in Tiger's financial forecast. The procedural order directing the IATA carriers to submit economic justification clearly required them to include a forecast of financial results under the rate levels proposed in the agreement, which included increases in commodity rates for electronic parts adopted at Ft. Lauderdale.[10]

The Ft. Lauderdale increases in electronics commodity rates have already been approved by the Board, although the Board stayed its approval pending action on petitions for reconsideration by WEMA and other shippers. As noted above, Order 75–12–145, issued concurrently herewith, dismisses these petitions for reconsideration, and we have revised the carriers' forecasts to evaluate earnings under the increased electronic commodity rates with all other rates remaining at *status quo*. Under these rates, the U.S. carriers will earn a composite return on investment of 11.98 percent, well in line with the Board's 12 percent ROI guideline.[11]

As stated above, the carriers' forecasts, as adjusted by the Board, clearly indicate that earnings will be inadequate under presently effective rates and some revenue improvement is required. For the reasons set forth in our order dismissing the electronics shippers' petitions for reconsideration, and in the Nice Policy Statement, the Board believes it much more appropriate to make up this reve-

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[5] The Board approved the electronic commodity rate increases in Order 75–1–46, but stayed its approval pending action on petitions for reconsideration by WEMA and other parties. See Order 75–2–43, February 11, 1975.

[6] WEMA has filed an answer to Pan American's reply, criticizing the carriers load factor and revenue calculations.

[7] The concurrent order dismisses petitions for reconsideration of Order 75–1–46, and permits the increased electronics commodity rates to become effective. As indicated therein, the carriers will achieve a significant yield improvement from this source.

[8] In addition to adjusting Tiger's forecast load factor, the carrier's forecast yield was adjusted upward to the reported historical level to eliminate an unexplained 3.1 percent decline. The upward adjustments in load factor, traffic and revenue were balanced by corresponding upward adjustments in the carriers' traffic-related expenses. Since Northwest submitted no forecast, we have assumed the same level of operations subject to the load factor adjustment.

[9] The estimate is based on previous statements by Tiger relating to the amount of traffic, and the Board's calculation in Order 75–1–46 of the magnitude of the increase.

[10] Pan American's justification, by way of contrast, clearly includes all increased revenues which would result from approval of the Nice agreement.

[11] See Appendix filed as part of the original document.

nue deficiency by increasing low specific commodity rates such as the electronics, rather than by another general rate increase which would further burden other shippers. The data before us indicate that the rate levels already approved by the Board, including the Ft. Lauderdale electronic rate levels, will produce adequate returns at reasonable load factors, and that no further increase is required or warranted. We, therefore, conclude that the other proposed increases should be disapproved. We will, however, approve certain resolutions which do not directly impact on the rate levels.[12]

The Board also has difficulty with some specific aspects of the proposed rate structure itself. The agreement does little in the way of reducing reliance on specific commodity rates, contrary to the Board's admonitions in its Policy Statement, and with the exception of the Tokyo market, where general cargo rates were maintained at status quo at certain weightbreaks, reflects roughly the same differential between the SCR's and general rates as at present. The present spread between commodity rates and general cargo container rates would be widened in any markets, thus undermining any incentive the shipper may have to containerize. Tiger asserts that since most of the traffic in these markets moves on specific commodity rates, the container rates would have little impact and are only "paper" rates anyway. This is exactly the point: because of the large gap between SCR's and general container rates, all container rates in these markets are, in effect, "paper" rates. Rather than widening this gap, the carriers should try to reduce it and provide some incentive for containerization.

We turn now to the comments. Although the Board is disapproving all the proposed rate increases for the reasons stated above, we cannot agree with the arguments advanced by Hawaii regarding commodity rates for papayas. The Board has consistently urged the carriers to increase low specific commodity rates, and to that limited extent the Nice agreement conforms to our stated policy. Further, there is no reason to believe that the rate increases for papaya, if approved, would have such a drastic effect as Hawaii alleges. Cargo rate increases always have an impact on the shipper; but as Pan American points out, the rate increases here would have a minimal impact on the selling price and salability of the product. In any event, while the Board does not ignore the effects of freight increases on the movement of traffic, on the other hand shippers must expect to pay their fair share of the increased costs to the carriers of the services the shippers use.

The request of the Puget Sound Traffic Association raises significant questions of possible preference and prejudice to Seattle shippers and consignees vis-a-vis Los Angeles shippers and consignees. The issues raised however require further analysis and evaluation, and so as not to further delay disposition of the instant agreements, we will defer action on the disposition of PSTA's comments at this time.

Finally, the motion of WEMA for a more definite statement and other relief will be denied herein. The key point at issue, whether the Ft. Lauderdale electronics rate increases were included in the carriers' economic justifications, has already been clarified by the carrier responses to WEMA's motion. The movant's other contentions regarding the carriers' capacity projections were carefully considered by the Board in its evaluation of the carriers' forecast level of operations, and have been adequately treated through the Board's load factor adjustments discussed above.

Pursuant to sections 102, 204(a) and 412 of the Act, the Board makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25203 as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25203:			
R-1	001c	Cargo Tie-In Resolution North and Central Pacific	3/1; 1/2/3.
R-3	016b	North and Central Pacific Cargo Policy Study Group	3/1.
R-5	0022pp	JT31 (North and Central Pacific) Special Rules for Sales of Cargo Air Transportation.	3/1.
R-6	115k	Meeting Non-IATA Competition—Cargo (JT31—North and Central Pacific).	3/1.

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 2507 as indicated, are adverse to the public interest or in violation of the Act to the extent they apply in air transportation to/from Guam, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25207:			
R-1	002	Standard Revalidation Resolution	3.
R-2	022a	TC3 Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending).	3.
R-3	022uu	TC3 Special Rules for Sales of Cargo Air Transportation (New)	3.

3. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25203 as indicated, are adverse to the public interest or in violation of the Act provided that approval is subject to the conditions hereinafter stated:

Agreement CAB	IATA No.	Title	Application
25203:			
R-4	022p	JT31 (North and Central Pacific) Special Rules for Sales of Cargo Air Transportation.	3/1; 1/2/3.

Provided, that: Application of surcharges to constructed rates to/from non-specified U.S. points shall apply only to the specified portion of the through constructed rate.

Agreement CAB	IATA No.	Title	Application
25203:			
R-2	014x	Special JT31 and JT123 Cargo Construction Rule	3/1 (N/C); 1/2/3.

Provided that: Copies of all notices received and sent pursuant to Resolution 014x and copies of constructed rates shall be submitted to the Board at the time of circulation among Members.

4. It is found that the following resolutions, incorporated in Agreement C.A.B. 25203 as indicated, are adverse to the public interest and in violation of the Act to the extent they would apply directly in air transportation as defined by the Act:

Agreement CAB	IATA No.	Title	Application
25203:			
R-7	501	Minimum Charges for Cargo (North and Central Pacific)	3/1; 1/2/3.
R-8	536a	Charges for Bulk Unitization North and Central Pacific	3/1.
R-9	556a	JT31/123 General Cargo Rates North and Central Pacific	3/1; 1/2/3.
R-10	590	Specific Commodity Rates Board	3/1; 1/2/3 (N&C).
25281:			
R-9	501	Minimum Charges for Cargo (Revalidating and Amending)	2/3; 1/2/3.
R-10	535	Charges for Bulk Unitization—JT23 (Revalidating and Amending)	2/3.
R-11	555	JT23 and JT123 General Cargo Rates	2/3; 1/2/3.
R-12	590	Specific Commodity Rates Board (Revalidating and Amending)	2/3; 1/2/3.

[12] Resolutions proposing increased rates between Guam, on the one hand, and Far Eastern and European points, on the other hand, will be disapproved consistent with our actions herein relating to overall North/Central Pacific services. In addition, the Board will condition Resolution 022p (Special Rules for Sales of Cargo Air Transportation) to insure that currency-related surcharges from foreign points shall be applied only to the transpacific portion of through rates constructed to interior U.S. points.

5. It is found that the following resolutions, incorporated in Agreement C.A.B. 25207 as indicated, are adverse to the public interest and in violation of the Act to the extent they would apply in air transportation to/from Guam:

Agreement CAB	IATA No.	Title	Application
25207:			
R-4	501	Minimum Charges for Cargo (Revalidating and Amending)	3.
R-5	553	TC3 General Cargo Rates	3.
R-6	590	Specific Commodity Rates Board (Revalidating and Amending)	3.

Accordingly, *it is ordered*, That: 1. Those portions of Agreements C.A.B. 25203 and C.A.B. 25207 set forth in finding paragraphs 1 and 2 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreement C.A.B. 25203 set forth in finding paragraph 3 above be and hereby are approved subject to the conditions set forth therein;

3. Those portions of Agreements C.A.B. 25203, C.A.B. 25207, and C.A.B. 25281 set forth in finding paragraphs 4 and 5 above be and hereby are disapproved;

4. The motions of Pan American World Airways, Inc., the State and County of Hawaii, and the Puget Sound Traffic Association are hereby granted; and

5. The request of the Puget Sound Traffic Association that all published and constructed Seattle-Far East rates be required to be equal on a per-mile bases to Los Angeles-Far East rates, be and hereby is deferred; and

6. The motion of the Western Electronic Manufacturers Association for more definite statement and other relief is hereby denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-151 Filed 1-5-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from December 22 through December 24, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. February 16, 1976. The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden C. Maxwell, Coordinator of Environmental Qaulity Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D C. 20250. (202) 447-3965.

FOREST SERVICE

Draft

Bogus Basin Ski Area Expansion, Boise County, Idaho. December 22: Proposed is the expansion of the Bogus Basin Ski Area on the Boise National Forest, Boise County, Idaho. The proposal calls for the addition of 1,370 acres upon which two double chairlifts, a warming lodge, and several ski runs will be developed. The major consideration involved is the allocation of the area to the long term commitment of a winter sports area. (ELD Order No. 51849.)

Ryan Park Winter Sports Site, Medicine Bow National Forest, Carbon County, Wyo., December 23: Proposed is the allocation of 280 acres of National Forest land adjacent to Ryan Park, Wyoming for a winter sports site. The current allocation of 67 acres for a winter sports site at the nearby Ryan Park Ski Village would be terminated. Adverse effects include the loss of 10 acres of land from wood production, and an increase in the consumption of energy. (ELD Order No. 51858)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Flint Creek Power Plant—550 Megawatts, Benton County, Ark., December 23: The proposed project involves the request for guaranteed loan funds from REA for Arkansas Electric Cooperative Corporation's 50% participation in the construction of a new power plant in Benton County, Arkansas, to be known as the Flint Creek Power Plant. The proposed plant will have a gross generation capability of 550 MW and a net output of 530 MW. Approximately 650 acres of grazing land will be taken for construction purposes. (ELR Order No. 51860.)

SOIL CONSERVATION SERVICE

Draft

Upper Choptank River watershed, Delaware and Maryland, December 23: Proposed is the implementation of a watershed protection, flood prevention, and drainage project located in Queen Anne and Caroline Counties, Maryland, and Kent County, Delaware. The project will consist of land treatment measures on 45,636 acres and 280 miles of multiple-purpose channel work. Adverse effects include the reduction of wildlife habitat values by 10% and recreational hunting resources from good quality to average quality. (ELR Order No. 51855.)

Neshaminy Creek watershed, Bucks and Montgomery Counties, Pa., December 22: The proposed project is designed for watershed protection, flood prevention, water supply and recreation in Bucks and Montgomery Counties, Pennsylvania. Several project actions have been installed; those remaining include 5 floodwater retarding structures and a continuing program of land treatment. Adverse effects include the commitment of 425 acres and the periodic inundation of 813 acres. Three farms, 3 businesses, and 13 homes will be relocated. (ELR Order No. 51845.)

Goose Creek Watershed Project, Lincoln County, Wash., December 22: The proposed action consists of a project for watershed protection, flood prevention, and recreation in Lincoln County, Washington. Project plans include conservation land treatment plus a multipurpose flood control and recreation structure, work on 750 feet of channel through the town of Wilbur, and flood control for the town of Creston. Land will use be altered on 465 acres, 10.5 acres of wetland will be eliminated, and displacement of 3 farmsteads and 7 persons will occur. (ELR Order No. 51844.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314. (202) 693-6705.

Draft

Recreational Boat Harbor, Detour, Chippewa County, Mich., December 22: Proposed is the establishment of recreational and refuge harbor facilities for small craft at DeTour, Chippewa County, Michigan. Dredging and construction operations associated with the project would temporarily degrade the aquatic environment. Permanent adverse effects include the removal of some benthic organisms and degradation in water quality due to increased boat activity. (Detroit District.) (ELR Order No. 51843.)

Fox R., Wisconsin Navigation Project—Operation and Maintenance, several counties, Wisconsin, December 22: Proposed is the continued operation and maintenance of the Fox River, Wisconsin Navigation Project. Project activities include operation and maintenance of locks and guard locks, channel dredging, and control of the operation of 13 dams. Temporary increase in turbidity and the destruction of benthic organisms in the areas dredged will result. Dredge material disposal may create undesirable effects due to leaching and runoff from the disposal sites. (ELR Order No. 51850.)

Final

San Francisco Bay Area Maintenance Dredging, California, December 23: The composite statement concerns the maintenance dredging to authorized depths of 20 projects in the San Francisco Bay Area. Dredged material from at least 15 projects are disposed of at five designated aquatic sites. For the other five projects land disposal is contemplated. Adverse effects will result from benthic disruption of dredging and dredge disposal. Comments made by : AHP, EPA, FPC, DOC, HEW, DOI, USN, USDA, DOT, state and local agencies, and private groups. (ELR Order No. 51859.)

Hawaii Maintenance Dredging Activities, Hawaii, December 23: This project entails Federal Harbor maintenance dredging in the State of Hawaii, including the disposal of dredge spoil at ocean dumping sites located 3 to 5 miles offshore from the harbor entrances. Adverse impacts will be the destruction of some benthic organisms by excavation and burial, environmental stress due to silting, the assimilation of pollutants by marine organisms, and the pollution of the benthic environment. Honolulu District.) Comments made by: AHP, USDA, DOC, HEW, DOI,

USGC, EPA, state and local agencies. (ELR Order No. 51853.)

Mount Morris Flood Control Project, Livingston County, N.Y., December 23: The statement refers to the operation and maintenance of Mount Morris Dam, Lake, and Reservation. Activities include daily gage readings, periodic structural repair and landscaping, removal of floating and sunken debris and sediment. Approximately 40,000 cubic yards of sediment and debris requires removal at the present time. Adverse impacts include disruption of 2,850 acres of terrestrial habitat and water pollution from dredging activities. (Buffalo District.) Comments made by: FPC, USDA, DOC, HEW, DOI, DOT, EPA state and local agencies. (ELR Order No. 51857.)

Houston Ship Channel, Dredging, Calveston, Chambers, and Harris Counties, Tex., December 23: The statement is the revised draft of a draft is submitted to CEQ December 29, 1971. Proposed is the maintenance dredging of shoaled material from the Houston ship Channel. The channel extends 50 miles from Bolivar Roads at the lower end of Galveston Bay, across Galveston Bay and through the lower reaches of the San Jacinton River and Buffalo Bayou to the Houston turning basin. Dredge materials will be placed in leveed land disposal areas and in open bay sites resulting in increased pollution. The project will destroy benthic habitat of dredged areas. Comments made by: HEW, EPA, HUD, DOC, DOI, USCG, AHP, state and local agencies. (ELR Order No. 51856.)

ENERGY RESEARCH AND DEVELOPMENT ADMIN.

Contact: Mr. W. Herbert Pennington, Office of Assistant Administrator, E-201, ERDA, Washington, D.C. 20545. (301) 973-4241.

Final

Waste Management, Hanford Reservation, Benton County, Wash., December 22: The statement refers to ERDA's continuing waste management operations at the Hanford Reservation. Current operations consist of the treatment and storage or disposal of radioactive and non-radioactive solid, liquid, and gaseous effluents from production and research and development efforts at Hanford. The current program calls for the conversion of waste from a liquid to a salt cake form. Comments made by: USDA, NSF, FPC, HEW, DOC, DOD, DOI, EPA, DOT, state and local agencies, concerned groups and individuals. (ELR Order No. 51848.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410. (202) 755-6308.

Final

Modula Integrated Utility Systems, December 22: The statement assesses the environmental impact from installation and operation of the Modular Integrated Utility Systems in a generic sense. The impacts were evaluated by use of a hypothetical housing development and were found to be less harmful to the environment than conventional utility systems. Comments made by: USDA, COE, HEW, DOI, EPA, NASA. (ELR Order No. 51847)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240. (202) 343-3891.

GEOLOGICAL SURVEY

Draft

Cordero Mine, Mining and Reclamation Plan, Campbell County, Wyo., December 23: Proposed is the approval of a surface mining and reclamation plan, Cordero Mine, Sun Oil Company, Campbell County, Wyoming. The plan proposes to mine 337 million tons at an expected full production rate at about 12 million tons per year. Adverse impacts include the degradation of ground and surface water quantity and quality, livestock and wildlife grazing, and recreational hunting and open space qualities. (ELR Order No. 51801.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, 720 Edney Building, Chattanooga, Tennessee 37401. (615) 755-2002.

Draft

Volunteer, Tennessee 500-kV Substation, Knox County, Tenn., December 23: The proposed action is the construction and operation of a 500-161-13-kV substation in Knox County, Tennessee, and several connecting transmission lines to tie the station into TVA's existing transmission system. Adverse effects include the clearing of 150 acres with associated timber production loss, animal habitat changes, and visual impacts. (ELR Order No. 51852.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, (202) 420-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 30, Caldwell-Nampa Boulevard, Canyon County, Idaho, December 22: The proposed project is an improvement of U.S. Highway 30 between the cities of Caldwell and Nampa, known locally as Caldwell/Nampa Boulevard. The study area runs 5.7 miles from Wilson Drain to Phyllis Canal. Adverse effects include disruption of traffic circulation and increased noise, air, and water pollution, all direct results of construction. Right-of-way acquisition will total 14.83 acres. (ELR Order No. 51846.)

Route 60, Carter County, Mo., December 23: Proposed is the acquisition of limited access right-of-way for an ultimate 4 lane expressway around the southern limits of Van Buren, Missouri. The project provides for improvement of a curvilinear section of Route 60 and the replacement of the bridge over the Current River. Adverse effects include the removal of 35 houses and relocation of 90 people. (ELR Order No. 51854.)

SR 111, Appalachian Corridor "J", Van Buren and Sequatchie Counties, Tenn., December 22: The statement refers to the reconstruction of State Route 11 in Van Buren County, which is a section of Appalachian Corridor "J". The length of the proposed four-lane road is approximately 13.8 miles beginning at the Sequatchie County line, and extending northward to near the south city limits of Spencer. The project is expected to have some adverse effects in the existing natural environment by reduction of total available wildlife habitat (480 acres) and temporary siltation of streams during construction. Comments made by: DOT, ARC, USDA, DOT, TVA, COE, EPA, AHP. (ELR Order No. 51851.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-186 Filed 1-5-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 475-8]

ENVIRONMENTAL RADIATION PROTECTION FOR NUCLEAR POWER OPERATIONS

Public Hearing

On May 29, 1975, the Administrator of the Environmental Protection Agency published (40 FR 23420) proposed standards specifying environmental radiation protection requirements for normal operations of the uranium fuel cycle. That notice requested interested parties to inform the Agency if they desired to participate in a public hearing to be scheduled at a future date. Because of the favorable response from a number of parties, notice is hereby given of a public hearing to be held commencing on February 17, 1975, at 10 a.m. e.s.t. at the General Services Administration Auditorium, 18th and F Streets, NW., Washington, D.C.

This hearing is scheduled in order to provide additional opportunity for interested parties to comment and/or to provide additional information bearing on these proposed environmental radiation protection standards.

The following information sets forth the nature of the hearing and the procedures which will be followed.

1. The hearing will be a legislative-type proceeding. Technical rules of evidences such as formal discovery, subpoena and cross-examination of witnesses, testimony under oath, and similar formalities will not apply.

2. The hearing will be conducted by a seven-member Hearing Board composed of a Presiding Officer, and Agency personnel conversant with technical and other matters relevant to the proposed standards. Mr. Richard Denney, Esq., Office of General Counsel, EPA, is hereby designated Presiding Officer for the hearings.

3. The Presiding Officer is authorized to take appropriate action to control the course of the hearing, including authority to maintain order; receive written materials; dispose of procedural requests or similar matters; allocate among participants the time available for presentation; provide for consolidation of presentations, as appropriate; and hold conferences before or during the hearing for the purpose of delineating contested issues or for other purposes within the authority of the Hearing Board. Consistent with the full disclosure of the facts, duplicative, redundant, irrelevant, or otherwise unproductive testimony or questioning will not be permitted and the Presiding Officer will, on behalf of the Board, impose suitable restrictions to that end.

In addition to controlling the course of the hearing, the Hearing Board may question participants in order to produce a satisfactory record upon which the Agency may identify and evaluate the concerns of the interested public.

4. Questions may be posed to participants by other participants following the conclusion of each participant's prepared testimony, provided that such questions or requests to question a participant are submitted in writing to the Presiding Officer, and that all such questioning shall be subject to the control and discretion of the Presiding Officer. Any participant may elect to answer any such questions either orally at the hearing or subsequently before the closing of the hearing record. The date for closure of the hearing record shall be determined by the Board and announced by the Pre-

siding Officer prior to concluding the hearing.

5. Participants will reference and produce, on request of the Board, the documents on which they rely, and will provide 10 copies of their prepared testimony to the Presiding Officer prior to their appearances.

6. A transcript of the hearing will be made. The record of the hearing shall consist of the transcript and all documents received into the record by the Presiding Board Officer.

7. At the opening of the hearing the Agency will provide a summary statement of the proposed standards and of the major issues posed in comments received by the Agency to date. In addition, at that time an opportunity will be provided for participants to direct questions to a representative of the Agency for the purpose of clarifying the intent of the proposed standards or their basis.

8. Parties wishing to participate should notify the Presiding Officer at least two weeks in advance of the hearing at the address noted at the end of this notice. This notice should specify: (a) the name and address of the participant, (b) the organizational affiliation (if any), (c) the issues to be addressed and/or the questions to be asked; and (d) the amount of time desired to complete the presentation. This information will assist the Agency in scheduling and preparing for the hearing. Participants should limit their oral presentations to one half hour. Additional material may be included in written testimony for the record. However, the Presiding Officer will consider requests for longer periods of oral testimony, subject to imposition of such reasonable limits as will assure other participants a meaningful opportunity to appear.

9. Those wishing to participate, but who do not file a timely notice as specified herein, may notify the Presiding Officer before or during the hearing. Such parties shall be heard at such times as the Presiding Officer shall permit for a period of not more than fifteen (15) minutes each unless he, in his discretion, allows additional time.

The Agency is also considering the possibility of holding hearings in San Francisco or Denver. Parties interested in participating in a hearing at either of these field locations are urged to so inform the Agency, at the address listed at the end of this notice, by January 15, 1976, so that a decision can be reached on the basis of the interest expressed and communicated to interested parties prior to the commencement of this hearing in Washington, D.C.

Testimony received at this hearing will be considered by the Agency, along with written comments received in response to its previous notices concerning this rulemaking, in formulating a final rule and in revising the Agency's voluntary environmental statement. Communications regarding this hearing should be addressed to Presiding Officer, Radiation Standards for Nuclear Power, Room 635 (AW-460), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Single copies of supplementary technical materials bearing on serveral aspects of the proposed standards prepared in partial response to comments received are available upon request at this address, and will also be available at the hearing. Single copies of the proposed standard, an environmental statement, and a technical report entitled, "Environmental Analysis of the Uranium Fuel Cycle," are also available at the above address. Comments received on this proposed rule are available for inspection and copying at the Agency's Public Information Reference Unit, Room 2922, at the above location.

Dated: December 31, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.76-283 Filed 1-5-76;8:45 am]

[FRL 476-2]

SCIENCE ADVISORY BOARD ENVIRONMENTAL HEALTH ADVISORY COMMITTEE TASK GROUP ON EPIDEMIOLOGIC STUDIES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a two-day meeting of a Task Group on Epidemiologic Studies of the Science Advisory Board's Environmental Health Advisory Committee will be held on January 29 and 30, 1976 in Conference Room M-303, Environmental Research Center, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina. The meeting will start at 9 a.m. on January 29, 1976. The Environmental Research Center is located at the intersection of Highway N.C. 54 and T. W. Alexander Drive.

The purpose of the meeting will be to brief and consult the Task Group on plans for a program of epidemiologic studies relating to health effects of atmospheric pollutants.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the SAB Staff Officer, Mr. Ernst Linde, Scientist Administrator, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The telephone number is (703) 557-7720.

THOMAS D. BATH,
Staff Director, Science Advisory Board.

DECEMBER 30, 1975.

[FR Doc.76-285 Filed 1-5-76;8:45 am]

[OPP-42004A; FRL 476-1]

SOUTH CAROLINA

Approval on State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any state certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On October 28, 1975, notice was published in the FEDERAL REGISTER (40 FR 50122) of the intent of the Regional Administrator, EPA, Region IV, to approve, on a contingency basis, the South Carolina State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (South Carolina State Plan). Contingency approval was requested by the State of South Carolina pending promulgation of regulations pursuant to the South Carolina Pesticide Control Act enacted June 4, 1975. Complete copies of the South Carolina State Plan were made available for public inspection at the Agency's Region IV office in Atlanta, at the office of the Division of Regulatory and Public Service Programs, Clemson, South Carolina, and at the Agency's Technical Services Division, Federal Register Section, Office of Pesticides Programs, EPA Headquarters, Washington, D.C.

There were no comments received concerning the State Plan during the 30 day comment period.

The South Carolina State Plan will remain available for public inspection at the office of the Division of Regulatory and Public Service Programs, Barre Hall, Clemson University, Clemson, South Carolina.

It has been determined that the South Carolina State Plan will satisfy the requirements of Section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171 if proposed regulations to implement the new South Carolina Pesticide Control Act are promulgated by the Division of Regulatory and Public Service Programs. Also, South Carolina's 1975 certification programs for Aerial Pest Control (South Carolina's Category 11) and Industrial, Institutional, Structural and Health Related Pest Control (Category 7, Subcategory (a)) have been reviewed and found to meet the Agency's standards for certification of pesticide applicators, as requested in the South Carolina State Plan. Accordingly, the South Carolina State Plan is approved contingent upon promulgation of implementing regulations in acordance with and as prescribed in the South Carolina State Plan.

This contingency approval shall expire one (1) year from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the Federal Register concerning the extent to which these terms and conditions have been satisfied, and the approval status of the South Carolina State Plan as a result thereof.

Effective date. Pursuant to section 4(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the one year contingency approval granted herein to the South Carolina State Plan shall be effective immediately.

Neither the South Carolina State Plan itself nor this Agency's contingency approval of the Plan create any direct or immediate obligations on pesticide applicators or other persons in the State of South Carolina. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: December 12, 1975.

JACK E. RAVAN,
Regional Administrator,
Region IV.

[FR Doc.76-284 Filed 1-5-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

FM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to section 1.573(d) of the Commission's rules, that on February 2, 1976, the FM broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on January 30, 1976, 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 January 30, 1976. The attention of prospective applicants is directed to the fact that some contemplated proposals many not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.573(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: December 12, 1975.

Released: December 18, 1975.

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

APPENDIX

BPH-8677 New, Nampa, Idaho.
Nampa Broadcasting Co.
Req: 96.9 MHz; Channel No. 245C.
ERP: 44 kW; Haat: 2,503 ft.

BPH-9370 New, Walla Walla, Wash.
STL, Inc.
Req: 97.1 MHz; Channel No. 246C.
ERP: 50 kW; Haat: 1,330 ft.

BPH-9412 New, Port Sulphur, La.
River Bend Broadcasting Co., Inc.
Req: 106.7 MHz; Channel No. 294C.
ERP: 100 kW; Haat: 442 ft.

BPH-9438 New, Liberty, Ky.
Carlos Wesley tr/as Radio Station WKDO.
Req: 105.5 MHz; Channel No. 288A.
ERP: 3 kW; Haat: 204 ft.

BPH-9475 New, Melbourne, Fla.
First Baptist Church of Melbourne, Fla.
Req: 106.3 MHz; Channel No. 292A.
ERP: 3 kW; Haat: 212 ft.

BPH-9476 New, Sullivan, Ind.
Radio Sullivan.
Req: 95.3 MHz; Channel No. 237A.
ERP: 3 kW; Haat: 300 ft.

BPH-9536 New, Hollister, Calif.
Vernon Miller.
Req. 93.5 MHz; Channel No. 228A.
ERP: 3 kW; Haat: —216 ft.

BPH-9542 New, Shafter, Calif.
Combined Communications Broadcast Group.
Req: 97.7 MHz; Channel No. 249A.
ERP: 3 kW; Haat: 300 ft. (allocated to Wasco, Calif.)

BPH-9549 New, Anchorage, Alaska.
Christian Voice of Alaska.
Req: 100.5 MHz; Channel No. 263C.
ERP: 25 kW; Haat: 307.5 ft.

BPH-9551 New, Batesville, Ind.
Batesville Broadcasting Co.
Req: 103.9 MHz; Channel No. 280A.
ERP: 3 kW; Haat: 300 ft.

BPH-9561 New, Jensen Beach, Fla.
H L G, Inc.
Req: 107.1 MHz; Channel No. 296A.
ERP: 3 kW; Haat: 300 ft.

BPH-9563 New, Tuscaloosa, Alabama.
Radio South, Inc.
Req: 92.7 MHz; Channel No. 224A.
ERP: 1.26 kW; Haat: 430 ft.

BPH-9564 New, Weatherford, Okla.
KWEY, Inc.
Req: 97.3 MHz; Channel No. 247C.
ERP: 69.4 kW; Haat: 383 ft.

BPH-9568 New, Dodge City, Kans.
Cattle Country Broadcasting.
Req: 93.9 MHz; Channel No. 230C.
ERP: 59.5 kW; Haat: 313 Ft.

BPH-9569 New, Ridgecrest, Calif.
Space/Time Broadcasting Co.
Req: 92.7 MHz; Channel No. 224A.
ERP: 3 kW; Haat: —120 ft.

BPH-9570 New, Seward, Nebr.
Tricounty Broadcasting Co.
Req: 96.9 MHz; Channel No. 245C.
ERP: 100 kW; Haat: 610 ft.

BPH-9571 KXOA, Sacramento, Calif.
KXOA-FM, Inc.
Has: 107.9 MHz; Channel No. 300B.
ERP: 49 kW; Haat: 140 ft. (Lic.).
Req: 107.9 MHz; Channel No. 300B.
ERP: 27.4 kW; Haat: 418 ft.

BPH-9573 WIVK-FM, Knoxville, Tenn.
Dick Broadcasting Co., Inc. of Tennessee.
Has: 107.7 MHz; Channel No. 299C.
ERP: 100 kw; Haat: 390 ft. (Lic.).
Req: 107.7 MHz; Channel No. 299C.
ERP: 100 kw; Haat: 1000 ft.

BPH-9574 WFAW-FM, Fort Atkinson, Wis.
Goetz Broadcasting Corp.
Has: 107.3 MHz; Channel No. 297B.
ERP: 50 kw; Haat: 210 ft. (Lic.).
Req: 107.3 MHz; Channel No. 297B.
ERP: 50 kw; Haat: 500 ft.

BPH-9576 New, Sheridan, Wyo.
Sheridan Communications Co.
Req: 94.9 MHz; Channel No. 235C.
ERP: 25 kw; Haat: 44 ft.

BPH-9577 New, Montrose, Colo.
Woodland Broadcasting Co.
Req: 94.1 MHz; Channel No. 231C.
ERP: 32 kw; Haat: 1754 ft.

BPH-9578 New, Germantown, Tenn.
Omni Broadcasting.
Req: 94.3 MHz; Channel No. 232A.
ERP: 3 kw; Haat: 300 ft.

BPH-9579 WBZA-FM, Glens Falls, N.Y.
Pathfinder Communications Corp.
Has: 107.1 MHz; Channel No. 296A.
ERP: 3 kw; Haat: —14 ft. (Lic.).
Req: 107.1 MHz; Channel No. 296A.
ERP: .275 kw; Haat: 840 ft.

BPH-9580 New, Many, La.
WLV-TV, Inc.
Req: 107.1 MHz; Channel No. 296A.
ERP: 3 kw; Haat: 300.6 ft.

BPH-9582 New, Altoona, Pa.
Altoona Trans-Audio Corp., Inc.
Req: 104.9 MHz; Channel No. 285A.
ERP: .234 kw; Haat: 889 ft.

BPH-9583 New, Naples, Fla.
Sterling Communications Corp.
Req: 92.1 MHz; Channel No. 221A.
ERP: 3 kw; Haat: 300 ft.

BPH-9586 WNHV-FM, White River Junction, Vt.
New Hampshire-Vermont Broadcasting Corp.
Has: 95.3 MHz; Channel No. 237A.
ERP: 3 kw; Haat: —77 ft. (Lic.).
Req: 95.3 MHz; Channel No. 237A.
ERP: 3 kw; Haat: 245 ft.

BPH-9587 New, Springfield, Ill.
Group 76, Inc.
Req: 98.7 MHz; Channel No. 254B.
ERP: 50 kw; Haat: 500 ft.

BPH-9588 KPWD, Plentywood, Mont.
BCT Broadcasting, Inc.
Has: 100.1 MHz; Channel No. 261A.
ERP: .88 kw; Haat: 34 ft. (Lic.).
Req: 100.1 MHz; Channel No. 261A.
ERP: 3 kw; Haat: 34 ft.

BPH-9589 New, Valdosta, Ga.
EV-CO Broadcasters, Inc.
Req: 95.9 MHz; Channel No. 240A.
ERP: 3 kw; Haat: 300 ft.

BPH-9590 New, Starke, Fla.
Sanders Enterprises, Inc.
Req: 106.3 MHz; Channel No. 292A.
ERP: 3 kw; Haat: 120.2 ft.

BPH-9593 New, Mandan, N. Dak.
Central Dakota Enterprises, Inc.
Req: 104.9 MHz; Channel No. 285A.
ERP: 3 kw; Haat: 287 ft.

BPH-9594 New, Sparks, Nev.
Pendor Communications.
Req: 98.3 MHz; Channel No. 252A.
ERP: 1 kW; Haat: 434 ft.

BPH-9602 New, Meredith, N.H.
Lakes Region Broadcasting Corp., Inc.
Req: 105.3 MHz; Channel No. 287C.
ERP: 91 kW; Haat: 2050 ft. (Allocated to Plymouth, N.H.).

BPH-9603 New, Lampasas, Tex.
Lampasas Broadcasting Co.
Req: 99.3 MHz; Channel No. 257A.
ERP: 3 kW; Haat: 178 ft.

BPH-9609 New, Jackson, Ky.
Intermountain Broadcasting Co., Inc.
Req: 97.7 MHz; Channel No. 249A.
ERP: .580 kW; Haat: 606 ft.

BPH-9614 WOFM, Greeneville, Tenn.
Radio Greeneville, Inc.
Has: 94.9 MHz; Channel No. 235C.
ERP: 26.5 kW; Haat: 245 ft. (Lic.).
Req: 94.9 MHz; Channel No. 235C.
ERP: 100 kW; Haat: 315 ft.

BPH-9618 New, Riverton, Wyo.
Riverton Broadcasting Co., Inc.
Req: 93.5 MHz; Channel No. 228A.
ERP: 3 kW; Haat: 278 ft.

BPH-9619 New, Kenai, Alaska.
KSRM, Inc.
Req: 100.1 MHz; Channel No. 261A.
ERP: 3 kW; Haat: 193.7 ft.

BPH-9624 New, Prattville, Ala.
Fountain City Broadcasting Corp.
Req: 95.3 MHz; Channel No. 237A.
ERP: 3 kW; Haat: 300 ft.

BPH-9625 New, Eldon, Mo.
Triple K Broadcasting, Inc.
Req: 92.7 MHz; Channel No. 224A.
ERP: 2.44 kW; Haat: 303.5 ft.

BPH-9632 New, Springfield, Ill.
Midwest Broadcasting Co.
Req: 98.7 MHz; Channel No. 254B.
ERP: 50 kW; Haat: 500 ft.

BPH-9634 New, Beaverton, Oreg.
Columbia Willamette Broadcasting Co.
Req: 103.3 MHz; Channel No. 277C.
ERP: 100 kW; Haat: 940 ft. (allocated to Portland, Oreg.).

BPH-9636 New, Aberdeen, S. Dak.
Aberdeen Broadcasting Co.
Req: 94.1 MHz; Channel No. 231C.
ERP: 100 kW; Haat: 211 ft.

BPH-9638 New, Springfield, Ill.
Lincoln-Douglas Communications.
Req: 98.7 MHz; Channel No. 254B.
ERP: 50 kW; Haat: 500 ft.

BPH-9639 New, Bardstown, Ky.
Old Kentucky Home Broadcasters, Inc.
Req: 96.7 MHz; Channel No. 244A.
ERP: 3 kW; Haat: 232 ft.

BPH-9640 New, Plainwell, Mich.
Robert B. Taylor.
Req: 100.9 MHz; Channel No. 265A.
ERP: 3 kW; Haat: 300 ft. (allocated to Otsego, Mich.).

BPH-9642 New, Warrenton, Va.
Goldcup Broadcasting, Inc.
Req: 94.3 MHz; Channel No. 232A.
ERP: 3 kW; Haat: 300 ft.

BPH-9648 New, Alexandria, La.
United Communications, Inc.
Req: 93.1 MHz; Channel No. 226C.
ERP: 99.7 kW; Haat: 806 ft.

BPH-9649 New, Sonora, Tex.
Sonora Broadcasting Co., Inc.
Req: 92.1 MHz; Channel No. 221A.
ERP: 3 kW; Haat: 28 ft.

BPH-9650 New, Morton, Ill.
Morton-Washington Broadcasting Co.
Req: 102.3 MHz; Channel No. 272A.
ERP: 3 kW; Haat: 300 ft.

BPH-9657 KJLH, Compton, Calif.
John Lamar Hill.
Has: 102.3 MHz; Channel No. 272A.
ERP: 3 kW; Haat: 300 ft. (Lic.).
Req: 102.3 MHz; Channel No. 272A.
ERP: 3 kW; Haat: 300 ft.

BPH-9658 New, Marlin, Tex.
The Midwestern Broadcasting Corp.
Req: 96.7 MHz; Channel No. 244A.
ERP: 1.25 kW; Haat: 200 ft.

BPH-9663 New, Lake City, S.C.
Coastline Broadcasting Co., Inc.
Req: 100.1 MHz; Channel No. 261A.
ERP: 3 kW; Haat: 196 ft.

BPH-9664 New, Missoula, Mont.
Rex K. Jensen.
Req. 93.3 MHz; Channel No. 227C.
ERP: 45 kW; Haat: 2,480 ft.

BPH-9667 New, Cheraw, S.C.
Cheraw Broadcasting Co., Inc.
Req: 103.1 MHz; Channel No. 276A.
ERP: 3 kW; Haat: 300 ft.

BMPH-14557 KDOM-FM, Windom, Minn.
Schneider Broadcasting.
Has: 94.3 MHz; Channel No. 232A.
ERP: 3 kW; Haat: 95 ft. (CP).
Req: 94.3 MHz; Channel No. 232A.
ERP: 2.85 kW; Haat: 310 ft.

BMPH-14558 KFAT, Gilroy, Calif.
Entertainment Radio Inc.
Has: 94.3 MHz; Channel No. 232A.
ERP: .09 kW; Haat: 1,350 ft. (Lic.).
Has: 94.5 MHz; Channel No. 233B.
ERP: 4.5 kW; Haat: 1,320 ft. (CP).
Req: 94.6 MHz; Channel No. 233B.
ERP: .800 kW; Haat: 2,578 ft.

BMPH-14583 KSUE-FM, Susanville, Calif.
Radio Lassen.
Has: 92.7 MHz; Channel No. 224A.
ERP: 2.75 kW; Haat: —750 ft. (CP).
Req: 92.7 MHz; Channel No. 224A.
ERP: .160 kW; Haat: 1,050 ft.

BMPH-14600 KCHI-FM Chillicothe, Mo.
Rontedick, Inc.
Has: 103.9 MHz; Channel No. 280A.
ERP: 1.85 kW; Haat: 160 ft. (CP).
Req: 103.9 MHz; Channel No. 280A.
ERP: 1.55 kW; Haat: 400 ft.

BMPH-14602 KJNA, Jena, La.
LaSalle Broadcasters.
Has: 99.3 MHz; Channel No. 257A.
ERP: 3 kW; Haat: 73 ft. (CP).
Req. 99.3 MHz; Channel No. 257A.
ERP: 3 kW; Haat: 300 ft.

BPED-1748 New, St. Louis, Mo.
Double Helix Corp.
Req: 88.1 MHz; Channel No. 201C.
ERP: 50 kW; Haat: 980 ft. (Mutually Exclusive with Renewal of KHRU. Clayton, Mo.).

BPED-1961 New, Chicago, Ill.
Illinois Institute of Technology.
Req: 88.9 MHz; Channel No. 205D.
TPO: .01 kW; Haat: ____ ft.

BPED-2007 WNAZ-FM, Nashville, Tenn.
Trevecca Nazarene College, Inc.
Has: 88.9 MHz; Channel No. 205D.
TPO: .01 kW; Haat: ____ ft. (Lic.).
Req: 89.1 MHz; Channel No. 206A.
ERP: 1 kW; Haat: 145.6 ft.

BPED-2015 WFAM, Jacksonville, Fla.
Jones College.
Has: 91.1 MHz; Channel No. 216D.
ERP: .037 kW; Haat: 460 ft. (Lic.).
Req: 91.1 MHz; Channel No. 216A.
ERP: .925 kW; Haat: 463 ft.

BPED-2033 New, Holliston, Mass.
Holliston High School.
Req: 91.5 MHz; Channel No. 218D.
TPO: .01 kW; Hatt: ____ ft.

BPED-2034 New, San Jose, Calif.
San Jose Unified School District.
Req: 89.3 MHz; Channel No. 207D.
TPO: .01 kW; Haat: ____ ft.

BPED-2038 New, Novi, Mich.
Board of Education, Novi Community School District.
Req: 89.5 MHz; Channel No. 208D.
TPO: .01 kW; Haat: ____ ft.

BPED-2062 WNUB-FM, Northfield, Vt.
The Trustees of the Norwich University.
Has: 89.1 MHz; Channel No. 206D.
TPO: .01 kW; Haat: ____ ft. (Lic.).
Req: 89.5 MHz; Channel No. 208D.
TPO: .01 kW; Haat: ____ ft.

BPED-2070 New, Memphis, Tenn.
Memphis State University.
Req: 89.9 MHz; Channel No. 210D.
TPO: .01 kW; Haat: ____ ft.

BPED–2072 New, Fort Wayne, Ind.
The Ft. Wayne Luthern Association.
Req: 88.3 MHz; Channel No. 202D.
TPO: .01 kW; Haat: ____ ft.

BPED–2073 New, Ethete, Wyo.
The Wind River Indian Education Association.
Req: 89.7 MHz; Channel No. 209D.
TPO: .01 kW; Haat: ____ ft.

BPED–2074 New, West Des Moines, Iowa.
West Des Moines Community School District.
Req: 88.9 MHz; Channel No. 205D.
TPO: .01 kW; Haat: ____ ft.

BPED–2082 KTXT–FM, Lubbock, Tex.
Texas Tech University.
Has: 91.9 MHz; Channel No. 220D.
TPO: .01 kW; Haat: ____ ft. (Lic.).
Req: 88.1 MHz; Channel No. 201C.
ERP: 18.5 kW; Haat: 341 ft.

BPED–2086 New, Marshall, Tex.
Wiley College.
Req: 91.1 MHz; Channel No. 216D.
TPO: .01 kW; Haat: ____ ft.

BPED–2087 New, Bellaire, Ohio.
Board of Education of The Bellaire City School.
Req: 88.7 MHz; Channel No. 204D.
TPO: .01 kW; Haat: ____ ft.

BPED–2089 New, Brockton, Mass.
Massasoit Community College.
Req: 90.5 MHz; Channel No. 213D.
TPO: .01 kW; Haat: ____ ft.

BPED–2091 New, Poughkeepsie, N.Y.
Vassar College.
Req: 91.3 MHz; Channel No. 217D.
TPO: .01 kW; Haat: ____ ft.

BPED–2093 New, Kettering, Ohio.
Broadcast Workshop, Inc.
Req: 88.7 MHz; Channel No. 204D.
TPO: .01 kW; Haat: ____ ft.

BPED–2094 New, Dayton, Ohio.
Wright State University.
Req: 88.5 MHz; Channel No. 203D.
TPO: .01 kW; Haat: ____ ft.

BPED–2095 New, West Chester, Ohio.
Lakota Local School District.
Req: 89.9 MHz; Channel No. 210D.
TPO: .01 kW; Haat: ____ ft.

BPED–2097 New, Cullowhee, N.C.
Western Carolina University.
Req: 91.7 MHz; Channel No. 219D.
TPO: .01 kW; Haat: ____ ft.

BPED–2099 WSMH–FM, Lancaster, N.Y.
St. Mary's High School.
Has: 91.3 MHz; Channel No. 217D.
TPO: .01 kW; Haat: ____ ft. (Lic.).
Req: 89.9 MHz; Channel No. 210D.
TPO: .01 kW; Haat: ____ ft.

BPED–2101 New, Albuquerque, N. Mex.
Christian Broadcasting Academy, Inc.
Req: 88.3 MHz; Channel No. 202C.
ERP: 3.36 kW; Haat: −397 ft.

BPED–2102 New, Tallahassee, Fla.
Florida A & M University.
Req: 90.5 MHz; Channel No. 213D.
TPO: .01 kW; Haat: ____ ft.

BPED–2104 New, Chesterton, Ind.
Duneland School Corp.
Req: 89.1 MHz; Channel No. 206D.
TPO: .01 kW; Haat: ____ ft.

BPED–2107 WCWM, Williamsburg, Va.
The College of William & Mary in Virginia.
Has: 89.1 MHz; Channel No. 206A.
ERP: .077 kW; Haat: 125 ft (Lic.).
Req: 89.1 MHz; Channel No. 206A.
ERP: 1.59 kW; Haat: 127 ft.

BPED–2108 New, Tacoma, Wash.
University of Puget Sound.
Req: 90.1 MHz; Channel No. 211D.
TPO: .01 kW; Haat: ____ ft.

BPED–2110 New, Cottage Grove, Minn.
Independent School District No. 833.
Req: 88.1 MHz; Channel No. 201D.
TPO: .01 kW; Haat: ____ ft.

BPED–2117 New, San Antonio, Tex.
Yanaguana Radio Station Inc.
Req: 89.1 MHz; Channel No. 206C.
ERP: 78.3 kW; Haat: 421.5 ft.

BPED–2119 New, Austin, Tex.
Austin Community Radio.
Req: 88.7 MHz; Channel No. 204C.
ERP: .13 kW; Haat: 1118 ft.

BMPED–1299 KUHF, Houston, Tex.
University of Houston.
Has: 88.7 MHz; Channel No. 204C.
ERP: 12 kW; Haat: 110 ft. (Lic.).
Has: 88.7 MHz; Channel No. 204C.
ERP: 20 kW; Haat: 110 ft. (CP).
Req: 88.7 MHz; Channel No. 204C.
ERP: 27 kW; Haat: 967 ft.

BMPED–1311 WRCJ, Reading, Ohio.
Reading Community City Schools.
Has: 89.3 MHz; Channel No. 207D.
TPO: .01 kW; Haat: ____ ft. (Lic.).
Has: 89.3 MHz; Channel No. 207A.
ERP: 2 kW; Haat: 135 ft. (CP).
Req: 89.3 MHz; Channel No. 207A.
ERP: .333 kW; Haat: 125 ft.

BMPED–1330 WLYX, Memphis, Tenn.
Southwestern at Memphis.
Has: 89.3 MHz; Channel No. 207A.
ERP: 1.1 kW; Haat: 150 ft. (Lic.).
Has: 89.3 MHz; Channel No. 207A.
ERP: 2.75 kW; Haat: 195 ft. (CP).
Req: 89.3 MHz; Channel No. 207A.
ERP: 37.2 kW; Haat: 182 ft.

BMLED–99 WHLA, Lacrosse, Wis.
State of Wisconsin—Education Communications Board.
Has: 90.3 MHz; Channel No. 212C.
ERP: 57 kW; Haat: 1010 ft. (Lic.) (Holmen, Wis.).
Req: 90.3 MHz; Channel No. 212C.
ERP: 57 kW; Haat: 1010 ft. (LaCrosse, Wis.).

BMLED–100 WHWC, Menomonie, Wis.
State of Wisconsin—Education Communications Board.
Has: 88.3 MHz; Channel No. 202C.
ERP: 10 kW; Haat: 1050 ft. (Lic.) (Colfax, Wis.).
Req: 88.3 MHz; Channel No. 202C.
ERP: 10 kW; Haat: 1050 ft. (Menomonie, Wis.).

[FR Doc.76–10 Filed 1–5–76;8:45 am]

BROADCAST SERVICE WORKING GROUPS; 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Schedule of Meetings

DECEMBER 19, 1975.

Pursuant to Pub. L. 92–463, notice is hereby given that five of the Broadcast Service Working Groups for the 1979 World Administrative Radio Conference will be held during the month of January 1976 as follows:

AM BROADCASTING SERVICE GROUP

Monday, January 19, 1976—10:30 a.m.–12:30 p.m., Room 752, 1919 "M" St., NW., Washington, D.C. Chairman—D. C. Everist, FCC Liaison—Dennis Williams.

FM BROADCASTING SERVICE GROUP

Tuesday, January 13, 1976—1:30 p.m.–4:30 p.m., Room 752, 1919 "M" St., NW., Washington, D.C. Chairman—Gary Hess, FCC Liaison—Hideyuki Noguchi.

TV BROADCASTING SERVICE GROUP

Wednesday, January 14, 1976—9:30 a.m.–12 noon, Room 752, 1919 "M" St., NW., Washington, D.C. Chairman—James D. Parker, FCC Liaison—Charles H. Breig.

BROADCAST AUXILIARY SERVICE GROUP

Wednesday, January 14, 1976—1:30 p.m.–4:30 p.m., Room 752, 1919 "M" St., NW., Washington, D.C. Chairman—John Serafin, FCC Liaison—Al Jarratt.

BROADCAST SATELLITE SERVICE GROUP

Tuesday, January 27, 1976—9:30 a.m.–12 Noon, Room 752, 1919 "M" St., NW., Washington, D.C., Chairman—E. E. Reinhart, FCC Liaison—Charles H. Breig.

The Agenda for each Service Group will be the same as follows:

1. Call to order and approval of Minutes of last meeting.
2. Approval of Agenda.
3. Reports from Task Groups.
4. Review of Spectrum Requirements.
5. New Matters for Consideration.
6. Next Meeting Date and Adjournment.

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

[FR Doc.76–251 Filed 1–5–76;8:45 am]

1979 WARC CONFERENCE WORKING GROUP

Meeting

DECEMBER 29, 1975.

In preparation for the 1979 World Administrative Radio Conference (WARC), the initial meeting of the

Citizens Radio Service Working Group will be held on Tuesday and Wednesday, January 13 and 14, 1976. The meeting will begin at 10 a.m. and will be held in Room 8210 of the Commission's offices at 2025 M Street NW., Washington, D.C. The purpose of the meeting will be to formally organize the Working Group.

Members of industry and the public may participate at the Working Group level of activity. Persons desiring additional information about the meeting should contact Mr. Joseph Johnson, Chairman, CB WARC Group, Room 5114, 2025 M Street NW., Washington, D.C., 20554, Tele. 202-632-7275.

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

[FR Doc.76-249 Filed 1-5-76;8:45 am]

PRIVATE LAND MOBILE ADVISORY COMMITTEE

Meeting

DECEMBER 23, 1975.

In preparation for the 1979 World Administrative Radio Conference (WARC), the Private Land Mobile Advisory Committee, headed by Neal Pike, will hold its next meeting on January 21, 1976, in Washington, D.C. The meeting will be held in conference room 8210, Federal Communications Commission, 2025 M. Street, NW., at 1:30 p.m.

The purpose of the meeting is to prepare and approve land mobile frequency allocation recommendations. The meeting is open to the public and oral and written statements may be presented by members of the public.

The meeting will be conducted in accordance with the following agenda.

1. Call of the Agenda.
2. Preparation, review and approval of frequency allocation recommendations for Private and Land Mobile.
3. Set next meeting date.
4. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-250 Filed 1-5-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

BALTIMORE GAS & ELECTRIC CO.

Synthetic Natural Gas Feedstocks

The Federal Energy Administration (FEA) hereby gives notice that written comments will be received and a public hearing will be held on the petition of Baltimore Gas & Electric Company (BG&E), a new synthetic natural gas (SNG) manufacturer, for the assignment of a supplier and base period use of naphtha for SNG feedstock use pursuant to 10 CFR 211.29.

Volumes of SNG feedstock requested are 1,000,000 barrels of naphtha per year for the first two years starting April 1, 1976, and 2,186,000 barrels of naphtha per year thereafter. The planned SNG output of BG&E's Sollers Point SNG facility is 60 MMCF/D, with limited operation the first two years and 180 days of operation per year scheduled thereafter. The proposed supplier would be Amerada Hess Corporation. A file containing all information and data filed in conjunction with BG&E's petition, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 U.S.C. 552, will be made available for public inspection and copying beginning January 8, 1976, at the FEA Freedom of Information Library, Room 3210, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Written comments regarding BG&E's petition will be accepted and considered if filed by January 28, 1976. Any person submitting written comments with respect to BG&E's petition should comply with the requirements of § 205.23 and § 205.33 of the FEA procedural regulations, as appropriate. Comments should be submitted to the Office of Specialty Fuels and Products, Federal Energy Administration, Room 6318, 2000 M Street, NW., Washington, D.C. 20461, attention Finn Neilsen. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation "Allocation of Naphtha for BG&E's SNG Plant." Five copies should be submitted to FEA and one copy to Baltimore Gas & Electric Company, 17th Floor, Gas & Electric Building, Baltimore, Maryland 21203, attention D. Pierre G. Cameron.

FEA believes that factual disputes between interested parties respecting this petition are likely and that a public hearing on this petition will materially advance consideration of the issues involved. Therefore, a public hearing on BG&E's petition will be held beginning at 9:30 a.m., e.s.t., on January 29, 1976, in the Auditorium, Room 2105, 2000 M Street, NW., Washington, D.C., to receive comments from interested persons.

Any person who has an interest in the petition set forth above or who is a representative of a group or class of persons which has an interest in the petition, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Box FF, Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., January 22, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and give a concise summary of the proposed oral presentation and a phone number where he or she may be reached through January 27, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.s.t., January 27, 1976, and must submit 100 copies of his statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461 before 4:30 p.m., e.s.t., on January 28, 1976.

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

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Box FF, Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., January 28, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question in writing to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

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

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Additional public comment on all written and oral presentations received by January 29, 1976, will be permitted through February 13, 1976. Comments should be submitted to the Office of Specialty Fuels and products, Room 6318, 2000 M Street, NW., Washington, D.C. 20461, attention Finn Neilsen. Persons submitting comments during this additional period must send five copies to FEA and one copy each to BG&E and to all persons who participated in the public hearings or who submitted written comments. A list of such persons will be

made available at the public hearing or may be obtained after January 29, 1976 from Finn Neilsen at the address given above. Copies of all additional comments will be available for public viewing at the FEA Freedom of Information Library, Room 3210, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m.

The transcript of the public hearing will be available for public review at the Administrator's Reception Area, Room 3400, Federal Building, 12th and Penn Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m. Any person may purchase a copy of the transcript from the reporter.

MICHAEL F. BUTLER,
General Counsel.

DECEMBER 30, 1975.

[FR Doc.75-35249 Filed 12-31-75;11:11 am]

FEDERAL MARITIME COMMISSION

CRUISE LINES INTERNATIONAL ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission and is being considered for approvability under 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 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 January 26, 1976. 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:

Mr. William J. Armstrong, Acting Administrator, Cruise Lines International Association, 17 Battery Place, New York 10004.

Agreement No. 10072-1 consists of administrative rules which implement Article A dealing with Name, Purpose and Organization and Article E dealing with Travel Agents.

Notice of Filing of Agreement 10072, which will establish the Cruise Lines International Association as a conference, appeared in the FEDERAL REGISTER, Vol. 40, No. 214—Wednesday, November 5, 1975. Agreement No. 10075 has not yet been approved pursuant to Section 15 of the Shipping Act, 1916, as amended.

The administrative rules implementing Article A deal with managing committee meetings, associate member meetings, operation and maintenance expenses, notices, and statistics. The administrative rules implementing Article E deal with travel agents' remunerations, annual agency fees and joint bonding of agencies.

By Order of the Federal Maritime Commission.

Dated: December 31, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-261 Filed 1-5-76;8:45 am]

PUERTO RICO PORTS AUTHORITY AND PUERTO RICO MARITIME SHIPPING AUTHORITY

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 January 26, 1976. 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:

E. J. Sheppard, Esquire, Morgan, Lewis and Bockius, 1800 M Street NW., Washington, D.C. 20036.

Agreement No. T-3212, between Puerto Rico Ports Authority (Ports) and Puerto Rico Maritime Shipping Authority (PRMSA), provides for the eleven-year lease of Lot 9 at Puerto Nuevo, Puerto Rico. PRMSA shall use the premises as: (1) A marshalling area; and (2) reception, handling and temporary storage area. As compensation, PRMSA shall pay $4,562.99 per month as rental until November 1, 1978. For each subsequent three-year period, ground rental shall be subject to reestablishment to reflect any increases in ground rental for comparatively situated plots in the same area.

By order of the Federal Maritime Commission.

Dated: December 31, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-263 Filed 1-5-76;8:45 am]

PUERTO RICO PORTS AUTHORITY AND PUERTO RICO MARITIME SHIPPING AUTHORITY

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 January 26, 1976. 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:

E. J. Sheppard, Esquire, Morgan, Lewis and Bockius, 1800 M Street NW., Washington, D.C. 20036.

Agreement No. T-3209, between Puerto Rico Ports Authority (Ports) and Puerto Rico Maritime Shipping Authority (PRMSA), provides for the three-year lease by Ports to PRMSA of Lots A, B and D at the Port of Mayaguez. The premises shall be used as: (1) a marshalling area; and (2) reception, handling and temporary storage area. As compen-

sation, PRMSA shall pay $2,279.53 per month as rental plus utility charges.

By order of the Federal Maritime Commission.

Dated: December 31, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-262 Filed 1-5-76;8:45 am]

SECURITY FOR THE PROTECTION OF THE PUBLIC INDEMNIFICATION OF PASSENGERS FOR NONPERFORMANCE OF TRANSPORTATION

Issuance of Certificate (Performance)

Notice is hereby given that the following has been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 C.F.R. Part 540), which Certificate expires March 31, 1976.

THE PEOPLE-TO-PEOPLE HEALTH FOUNDATION, INC.
2233 WISCONSIN AVENUE, NW.
WASHINGTON, D.C. 20007

Dated: December 31, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-260 Filed 1-5-76;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

B & S COAL CO., INC.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4011-000, B & S COAL COMPANY, INC., Mine No. 21, Mine ID No. 15 02749 0, Vicco, Kentucky.
ICP Permit No. 4011-001—R-2 (Joy 14BU Loader, I.D. No. 13-1).
ICP Permit No. 4011-002—R-3 (Joy 7-B Sullivan Cutting Machine, I.D. No. 7-3)
ICP Permit No. 4011-009—R-3 (Kersey 944 Tractor, I.D. No. 10-2).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

DECEMBER 23, 1975.

[FR Doc.76-188 Filed 1-5-76;8:45 am]

NATIONAL LABOR RELATIONS BOARD

CHAIRMAN'S TASK FORCE ON THE NATIONAL LABOR RELATIONS BOARD

Invitation for Submission of Views

The Chairman's Task Force on the National Labor Relations Board (see Notice of Establishment and Certification, 40 FR 53441, November 18, 1975) is undertaking a review and evaluation of the existing structure, practices, procedures, rules and regulations for the investigation, prosecution, hearing, decision and enforcement of cases filed with the National Labor Relations Board. To assist in this review and evaluation, members of the public are invited to submit for Task Force consideration any suggestions, criticisms or comments they may wish to make concerning existing practices and procedures of the agency, or suggestions or proposals for changes or revisions to such practices or procedures. The practice or procedure which is the subject of a comment or statement should be identified by reference to the Board's Rules and Regulations, the Statements of Procedures, the N.L.R.B. Case Handling Manual, or the decisional authority which describes or is the authority for the procedure or practice. Substantive issues of statutory construction or development of law under the National Labor Relations Act, as amended, are not appropriate matters for comment, since not germane to Task Force consideration, and all such comments will be disregarded.

As the Task Force will operate in subcommittees dealing specifically with (1) representation proceedings, (2) unfair labor practice proceedings from charge through hearing, and (3) unfair labor practice proceedings post-hearing to compliance and closing of case, it is desirable that comments or statements be grouped into those three broad categories to facilitate subcommittee dissemination and consideration. An original and one copy of the statement or comment should be submitted not later than March 1, 1976, to permit consideration prior to the meeting of the Task Force to be held on April 5, 1976, including consideration of whether particular statements or comments should be amplified by personal testimony before the Task Force, time permitting. Comments and statements should be filed with Mr. Earl D. Proctor, Secretary, Chairman's Task Force on the National Labor Relations Board, National Labor Relations Board, Washington, D.C. 20570.

Dated this 30th day of December 1975 in Washington, D.C.

JOHN C. TRUESDALE,
Executive Secretary.

[FR Doc.75-259 Filed 1-5-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEES ON SAFEGUARDS FOR SPECIAL NUCLEAR MATERIAL AND SECURITY OF NUCLEAR FACILITIES

Meeting; Cancellation

The joint meeting of the Advisory Committee on Reactor Safeguards Subcommittees on Safeguards for Special Nuclear Material and Security of Nuclear Facilities scheduled for January 6, 1976 has been cancelled. Notice of the meeting was published at 40 FR 59261, Dec. 22, 1975.

Dated: January 2, 1976.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-351 Filed 1-5-76;8:45 am]

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-53, issued to Baltimore Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit 1 (the facility) located in Calvert County, Maryland. The amendment is effective as of December 30, 1975.

The amendment incorporates an exemption from the requirements of Section III.D.3 of Appendix J of 10 CFR Part 50. It changes the Technical Specifications for the facility to extend the first retest interval of approximately 50% of the containment isolation valves until the next plant shutdown and cooldown following issuance of this amendment, but no later than May 30, 1976.

The applications comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. The Commission also concluded that the

granting of the exemption from the requirements of section III.D.3 of Appendix J for the above-referenced test is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated November 18, and December 8 and 22, 1975, (2) the letter from the Director of the Nuclear Reactor Regulation to Baltimore Gas and Electric Company dated December 4, 1975, and the letter issued concurrently with this Notice, (3) Amendment No. 12 to License No. DPR-53, with Change No. 11, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd day of December, 1975.

For the Nuclear Regulatory Commission.

RICHARD D. SILVER,
Acting Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.76-230 Filed 1-5-76;8:45 am]

[Docket No. 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-30, issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of the Quad Cities Station Unit 2 (the facility) located in Rock Island County, Illinois. The amendment is effective as of its date of issuance.

This amendment increases the limit for receipt, possession, and use of uranium 235 in connection with operation of the facility from 3000 kilograms to 5000 kilograms.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 17, 1975, (2) Amendment No. 20 to License No. DPR-30, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Illinois 61265. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd day of December, 1975.

For the Nuclear Regulatory Commission.

RICHARD D. SILVER,
Operating Reactors Branch No. 2 Division of Reactor Licensing.

[FR Doc.76-231 Filed 1-5-76;8:45 am]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Provisional Operating License No. DPR-45 issued to Dairyland Power Cooperative which revised Technical Specifications for operation of the La Crosse Boiling Water Reactor, located in Vernon County, Wisconsin. The amendment becomes effective 30 days after the date of issuance.

The amendment revises the administrative control section of the Technical Specifications for the La Crosse Boiling Water Reactor.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 25, 1974, (2) Amendment No. 3 to License No. DPR-45, with Change No. 18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd day of December, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.76-232 Filed 1-5-76;8:45 am]

[Docket Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 17, 17, and 14 to Facility Operating Licenses No. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company with revised Technical Specifications for operation of the Oconee Nuclear Stations, Units 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments allow changes in the design of the Unit 3 spent fuel pool from that reviewed and approved in the operating license review and as described in the FSAR. These design changes would provide for the replacement of the existing fuel storage racks with a High Capacity Fuel Assembly Storage Rack. The modified facility would increase the fuel storage capacity of the Unit 3 spent fuel pool from 216 to 474 fuel assemblies. The amendments would revise the Technical Specifications to reflect the resultant minimum edge-to-edge spacing between adjacent fuel assemblies and would identify the resultant change in k effective.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on October 2, 1975 (40 FR 49158). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendments dated September 12, 1975; (2) Amendments No. 17, 17, and 14 to Licenses No. DPR-38, DPR-47, and DPR-55, with Changes No. 27, 22, and 14; (3) the Commission's related Safety Evaluation; (4) the Negative Declaration; and (5) the Environmental Impact Appraisal. All of these items are available for public inspection at the Commis-

sion's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

A copy of items (2), (3), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 22nd day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.76-233 Filed 1-5-76;8:45 am]

[Docket Rm-50-5]

ENVIRONMENTAL STATEMENT MIXED OXIDE FUEL

Hearing

On November 14, 1975, the Nuclear Regulatory Commission published in the FEDERAL REGISTER its final conclusions on the decisional course it would follow on the wide-scale use of mixed oxide fuel[1] in light water nuclear power reactors (40 FR 53056). It stated that, in the interest of informed decision-making, public hearings would be held on the final environmental impact statement and proposed rules regarding wide-scale use. The purpose of this notice is to provide detailed rules for the conduct of the hearings.

Background.—On February 12, 1974, the Atomic Energy Commission published a notice in the FEDERAL REGISTER that an environmental impact statement on the wide-scale use of mixed oxide fuel in light water cooled nuclear power reactors would be prepared (39 FR 5356). On August 21, 1974, notice was published in the FEDERAL REGISTER that a draft environmental impact statement had been prepared by the Atomic Energy Commission's Directorate of Licensing entitled "Generic Environmental Statement Mixed-Oxide Fuel," and comments on the draft statement were requested from interested persons (39 FR 30186). Numerous comments on the draft statement were received. On December 10, 1974, advance notice was published in the FEDERAL REGISTER that a public hearing would be held on the matter and persons interested in participation were requested to notify the Secretary of the Atomic Energy Commission (39 FR 43101).

On November 14, 1975, after consideration of public comments that were received, the Nuclear Regulatory Commission[2] ("Commission") published in the FEDERAL REGISTER its final conclusions on the decisional course it would follow on the matter of wide-scale use. The Commission directed its Staff to prepare, on an accelerated schedule, and then to circulate for written comment, a safeguards supplement to the draft environmental statement which was issued by the Atomic Energy Commission Staff in August 1974. The supplement, which should be completed in early 1976, will include an analysis of the costs and benefits of alternative safeguards programs, and a recommendation as to safeguards requirements associated with wide-scale use of mixed oxide fuel. The Commission also directed its Staff to expedite preparation of all aspects of the final environmental statement, including safety and environmental matters as well as safeguards matters. The comments on the non-safeguards portions of the draft statement will be considered and that portion of the final statement will then be prepared and issued in early 1976. The remainder of the final environmental impact statement, which should be completed in mid-1976, will include a final safeguards cost-benefit analysis and an overall cost-benefit balance.

The Commission indicated in the November 14, 1975 notice that the public will continue to be afforded the opportunity to participate in the Commission's decision on wide-scale use, not only by submission of written comments on the supplement, but also by the opportunity for participation in public hearings which will be held on both portions of the final environmental impact statement. The Commission stated that it intends that these hearings commence following issuance of the relevant portion of the final impact statement.

The Commission, as indicated in the notice, regards a decision-making proces which is both sound and expeditious to be of crucial importance and believes that both considerations can be compatibly accommodated in its public hearing procedure. The Commission stated that this accommodation will be fostered by legislative-type hearings on all relevant issues. However, the legislative-type hearings may be followed by adjudicatory-type hearings on particular issues if need for further hearings on such issues is demonstrated to the Commission.

While the basic hearing format was described in the notice, the Commission stated that further details regarding the conduct of the hearings would be set forth in a subsequent Notice of Hearing. The purpose of this notice is to set forth detailed rules for the conduct of the hearing. In developing the detailed hearing rules which follow, the Commission gave careful consideration to the comments on detailed hearing procedures that were received in response to the notices that were published in the FEDERAL REGISTER on December 10, 1974 (39 FR 43101) and May 8, 1975 (40 FR 20142).

Rules for the conduct of the hearing.

1. Scope and Purpose of Hearing. The hearing will be conducted for the purpose of aiding the Commission in its determination whether wide-scale use of mixed oxide fuel in light water nuclear power reactors should be authorized and, if so, under what conditions and implementing regulations.

As indicated in the November 14 notice, the Commission intends to issue proposed amendments to its regulations in 10 CFR Chapter 1 relating to wide-scale use of mixed oxide fuels in notices of proposed rulemaking to be published in the FEDERAL REGISTER at about the time relevant portions of the impact statement are completed in early and mid 1976. These proposed amendments will address safety, environmental, and safeguards matters associated with wide-scale use of mixed oxide fuel.[3] In addition to the usual opportunity for written public comment on these regulations, an opportunity will be afforded for consideration of them during the hearing process. The Commission intends to promulgate appropriate regulations in final form at the time of its final decision. There will be no separate hearing on these proposed rules.

2. Presiding Officer and Basic Hearing Format. (a) The identity of the members of the hearing board will be the subject of a supplemental notice that will be published in the FEDERAL REGISTER. Except as may otherwise be provided by the Commission in accordance with paragraph 11 below, the hearing will be conducted as a legislative-type hearing. The provisions of Subpart G, "Rules of General Applicability", of 10 CFR Part 2 will not be applicable except as specifically provided in this notice.

(b) A majority of the board shall constitute a quorum, if one member of the majority is qualified in the conduct of administrative proceedings.

3. Participation in the Hearing and Consolidation. (a) Persons or organizations who wish to participate in the hearing may do so in either of two ways:

(1) Limited participation—they may participate by making an oral or written statement of position on the issues. Such a limited participant may not otherwise participate in the hearing. The Commission will give due consideration to all such oral or written statements of position in making its final decision on the merits; or

(2) Full participation—they may participate in the conduct of the hearing as a full participant. Subject to the con-

[1] Fuel containing both plutonium oxide and uranium oxide.

[2] The Energy Reorganization Act of 1974 abolished the Atomic Energy Commission and transferred its regulatory functions to a new independent agency, the Nuclear Regulatory Commission.

[3] As indicated in the November 14, 1975 notice, the Commission also expects to publish proposed safeguards rules governing interim licensing of plutonium conversion and mixed-oxide fuel fabrication when the safeguards supplement to the draft impact statement is issued in early 1976. After consideration of written comments, these safeguards rules will be promulgated in final form when the last portion of the impact statement is issued in mid-1976. While the proposed rules relating to wide-scale use of mixed oxide fuel (including safeguards rules relating to wide-scale use) will be the subject of this hearing as indicated in the text above, the proposed and final interim safeguards rules will not be the subject of this hearing.

ditions and limitations set forth in this notice, full participants may obtain discovery as provided in paragraph 9. below, present direct and rebuttal testimony, suggest questions to the hearing board, file concluding statements of position for the Commission's consideration, and request cross-examination on particular issues following completion of the legislative-type hearing.

(b) The following persons or organizations who requested participation in response to the December 10, 1974, notice, are admitted as full participants in the hearing: Natural Resources Defense Council; Dr. Marvin Resnikoff; Roger O. McClellan, D.V.M.; Electrical Power Research Institute; Babcock & Wilcox; Exxon Nuclear Company, Inc.; General Electric Company; Public Interest Research Group; Atomic Industrial Forum, Inc.; United States Environmental Protection Agency; West Michigan Environmental Action Council; Westinghouse Electric Corporation; Commonwealth Edison Company; Allied-General Nuclear Services; Edison Electric Institute; American Civil Liberties Union of South Carolina; Duke Power Company; John F. Shea, III for People of the State of New York; Environmentalist, Inc., South Carolina Environmental Action, Inc., and Piedmont Organic Movement; Baltimore Gas & Electric Company; Consumers Power Company; Long Island Lighting Company; Pacific Gas & Electric Company; Philadelphia Electric Company; Public Service Electric & Gas Company; Southern California Edison Company; The Connecticut Light and Power Company; The Hartford Electric Light Company; The Northeast Nuclear Energy Company; Western Massachusetts Electric Company; Virginia Electric and Power Company; Yankee Atomic Electric Company; Carolina Power & Light Company; Boston Edison Company; San Diego Gas & Electric Company; Yankee Atomic Electric Company; Robert L. Pendergraft; Nuclear Fuel Services, Inc.; Combustion Engineering, Inc.; L. E. Priester, Jr.; South Carolina Nuclear Advisory Council; and the NRC Staff. If any of these persons or organizations wish to withdraw as a full participant or participate on a limited basis, written notice to this effect should be filed with the Secretary of the Commission on or before February 5, 1976.

(c) If any other person or organization wishes to participate as a full participant, written notice should be filed with the Secretary of the Commission on or before February 5, 1976. Such notice should indicate the name and address of the person or organization. Untimely requests to become a full participant will not be granted by the hearing board unless warranted based upon consideration of (1) the extent to which the requestor's full participation will delay the proceeding, (2) the extent to which the requestor's interest will be represented by other participants or may be served by limited participation, (3) the extent to which the requestor's full participation may reasonably be expected to contribute to informed decisionmaking, (4) whether the requestor can demonstrate good cause for failure to file on time.

(d) Any other person or organization who wishes to participate on a limited basis by making an oral statement at the hearing, is requested to notify the Secretary of the Commission on or before February 5, 1976. Oral statements will be received at the hearing subject to such limits and conditions as may be fixed by the hearing board in its discretion. Any person or organization who wishes to participate on a limited basis by filing a written statement may do so by filing the statement with the hearing board at any time prior to the conclusion of the hearing without requesting special permission of the hearing board.

(e) The hearing board may, on its own initiative or on request, order any full participants who have substantially the same interests and who raise or seek to raise substantially the same questions, to consolidate their requests for discovery, presentation of evidence, suggestion of questions to the hearing board, concluding statements of position, and requests for cross-examination on particular issues following completion of the legislative-type hearing. Consolidation may be for all purposes of the hearing, all issues of the hearing, or with respect to any one or more issues thereof. No consolidation will be ordered that would prejudice the rights of any full participant.

4. Responsibilities and Authorities of the Hearing Board. The hearing board shall have the duty to conduct a fair and impartial hearing and develop a record that will contribute to informed decisionmaking by the Commission. It shall have the power to take appropriate action to avoid unnecessary delay and maintain order, with the objective of completing the legislative-type hearings by the latter part of 1976. Within the framework of this notice, the hearing board shall have all the power necessary to these ends, including the power to:

(a) Rule on offers of proof and receive evidence;

(b) Dispose of procedural requests or similar matters;

(c) Ask questions of witnesses as provided in paragraph 5.(a);

(d) Order consolidation of full participants as provided in paragraph 3.(e);

(e) Establish an order of presentation by the full participants which, if appropriate, may provide for an order of presentation on the basis of subject matter;

(f) Hold conferences before or during the hearing for consolidation of full participants, establishing an order of presentation, or any other proper purpose;

(g) Establish reasonable time limits for the conduct of the proceeding;

(h) Entertain suggestions from full participants as to questions which the board should ask of witnesses for one or more of the other full participants as provided in paragraph 5.(a);

(i) Limit the number of witnesses for full participants whose testimony may be cumulative;

(j) Strike cumulative or irrelevant evidence of full participants;

(k) Certify questions or refer rulings to the Commission for its determination, on its own initiative, or in its discretion on request by a full participant, or on direction of the Commission;

(l) Rule on discovery matters as provided in paragraph 9;

(m) Rule on additional requests to become a limited or full participant; and

(n) Regulate the course of the hearing and the conduct of the participants.

5. Evidence and Representation. (a) All full participants will be permitted to present evidence at the hearing on matters relevant to the determination, described above, whether wide-scale use of mixed-oxide fuel in light water nuclear power reactors should be authorized and, if so, under what conditions and implementing regulations. Except as provided below, full participants' witnesses will be subject to questioning by the hearing board either orally at the hearing or in writing, or both. Questions may be addressed either to individual witnesses or to panels of witnesses. In addition, full participants may submit questions to the board which they would like to have answered by witnesses for other full participants; the board may, in its discretion, refer the questions to the witnesses for response and/or conduct its own examination of the witnesses in the subject areas. No subpoenas will be granted for attendance and testimony of witnesses or the production of evidence except upon a showing of exceptional circumstances. Any request by a full participant for a subpoena shall be in the form of a motion under paragraph 7, but shall be addressed to the Commission. The hearing board may, for good cause, receive into evidence on behalf of a full participant the written testimony of a person who is unable to appear at the hearing. In such cases, the hearing board may request (but not order) that the person respond to written questions by the board.

(b) Both portions of the draft and final environmental statement, as well as all public comments received in response to the notices of proposed rulemaking regarding wide-scale use of mixed oxide fuel, shall be received into evidence.

(c) All direct testimony on behalf of full participants shall be filed in writing 14 days in advance of the hearing, or within such greater or lesser time as may be fixed by the hearing board. The hearing board is authorized to require that rebuttal testimony on behalf of full participants be filed in writing in advance. Written testimony will be received into evidence in exhibit form.

(d) The board may, upon request, permit a qualified individual who has scientific or technical training or experience to participate in the hearing on behalf of a full participant where the board finds that this would contribute to informed decisionmaking by the Commission.

6. Hearing Location and Time; Prehearing Conference. The hearing will commence as soon as practicable after issuance of the portion of the final impact statement relating to health and safety and environmental matters. Notice of the time of the commencement of the hearing and location of the hearing and prehearing conference will be published in

the FEDERAL REGISTER. The prehearing conference will be conducted by the hearing board on February 24, 1976. The purpose of the prehearing conference will be to rule on any additional requests to become a limited or full participant and to take such other action as may be appropriate for the conduct of the hearing. In addition, a hearing schedule shall be established consistent with the above and with the Commission's objective that the legislative-type hearing be completed by the latter part of 1976. A prehearing order will be issued by the hearing board to govern the conduct of any prehearing matters and the conduct of the hearing.

7. Motions or Requests. Except as provided in paragraphs 5. and 11., all motions or requests shall be addressed to the hearing board. All written motions or requests shall be filed with the Secretary of the Commission and served on full participants to the hearing. Service shall be as provided in 10 CFR 2.712. Within 5 days after service of a written motion, or such other time as may be fixed by the hearing board, any full participant may file a written answer in support of or in opposition to the motion or request. However, the NRC staff may file such an answer within 10 days after service. Computation of time shall be as provided in 10 CFR 2.710.

8. Interlocutory Appeals; Effect of Motions, Certifications, and Referrals. No interlocutory appeal may be taken to the Commission from a ruling of the hearing board. When in the judgment of the board prompt decision is necessary to prevent detriment to the public interest or unusual delay or expense, the board may on its own initiative, or in its discretion on request by a full participant, refer the ruling or certify the question promptly to the Commission, and notify the full participants either by announcement on the hearing record or by written notice if the hearing is not in session. Unless otherwise ordered, neither the filing of a motion nor the certification of a question or referral of a ruling shall stay any aspect of the proceeding or extend the time for the performance of any act.

9. Discovery. The following rules regarding discovery shall apply:

(a) Except as provided in subparagraph (b) below, there shall be no discovery by document production or otherwise. The NRC staff will make available for public inspection and copying, in a timely fashion, documents which are not privileged and which were relied upon in the preparation of the impact statements. The documents listed in the attachment hereto are presently available for inspection and copying in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Full participants are encouraged to confer informally for the purpose of exchanging information and documents relied upon in the preparation of their testimony.

(b) Full participants seeking Commission documents[1] which they deem relevant but which have not been made publicly available for inspection and copying pursuant to subparagraph (a) may seek discovery pursuant to this paragraph. Requests for production of any such additional documents may be served on the NRC Staff without leave of the hearing board. Such production of Commission documents shall be governed by the relevant provisions of 10 CFR 2.740(c), 2.740(e), 2.744(a)-(f), and 2.744(h). Full participants' requests for interrogatories or depositions, or requests for documents from persons or organizations other than the Commission, will not be entertained unless, in exceptional circumstances, the board finds that there is compelling justification therefor. Requests for leave to undertake such additional discovery should be addressed to the board in the form of a motion under paragraph 7. However, any request for a document of the type specified in 10 CFR 2.790(a)(1) or (2) shall be immediately certified to the Commission.

(c) No discovery shall be granted once the pertinent portion of the hearing has commenced, except for good cause.

10. Filing of Documents; Docket; Transcripts; Public Notice of Hearing. Filing of documents in this proceeding by full participants shall be as provided in 10 CFR 2.701 (only proof of service on full participants need be provided). A docket for the proceeding shall be maintained as provided in 10 CFR 2.702, and the provisions of 10 CFR 2.750 and 2.751 regarding official reporter, transcript, and public nature of the hearing shall apply.

11. Requests for Additional Hearings to Permit Cross-examination. As the Commission indicated in its November 14, 1975, notice, it may be that some factual issues in this proceeding cannot be resolved adequately on the basis of a record developed in the manner provided above. If any full participant believes after completion of the legislative type hearing provided above that cross-examination on one or more factual issues is needed for a sound decision, a written request for additional hearings to permit cross-examination should be filed with the Commission within 30 days after completion of the legislative-type hearings, or within such greater or lesser time as may be fixed by the Commission. Such requests should specify with particularity the factual issue or issues as to which cross-examination is requested, the identity of the witness or witnesses involved, and demonstrate why in the full participant's view the legislative-type procedures have not proved adequate with respect to the particular issue and testimony. No such request will be granted unless the full participant making the request has participated fully in the conduct of the legislative-type hearing on the particular aspect of the testimony that is the subject of the request, including submission of relevant questions for referral or examination by the board. Other full participants may file written responses to such requests within 15 days after service, or within such greater or lesser time as may be fixed by the Commission. Should any such request be granted by the Commission, a supplemental notice of hearing which identifies the factual issue(s) and any necessary additional procedures will be issued by the Commission.

12. Certification of Record; Concluding Statements of Position. (a) Following completion of the hearing (including any hearing provided under paragraph 11.) the hearing board will certify the hearing record to the Commission for decision without rendering any decision or making any recommendations of its own with regard thereto.

(b) Within 45 days after completion of the hearing (including any hearing provided under paragraph 11.) or within such greater or lesser time as may be fixed by the Commission, the full participants shall file with the Commission a written concluding statement of position. Full participants who are only interested in one or more aspects of the proceeding may confine their concluding statements to such aspects. Concluding statements shall include appropriate citations to the transcript of record and exhibits in support thereof.

13. Oral Argument. The Commission will hear oral argument from the full participants prior to rendering its final decision on the merits. Notice of the time and place of argument and the procedures will be given later.

14. Record and Commission Decision. The hearing record shall include the transcript of testimony and exhibits, the transcript of oral statements by limited participants, written statements by limited participants, and all papers and requests filed in the proceeding. If at the conclusion of the hearing (including any hearing provided under paragraph 11.) the Commission should find it necessary for a sound decision on any disputed issues of material fact to rely on a fact or opinion not contained in the hearing record, the full participants will be advised of the substance of the fact or opinion, and afforded an appropriate opportunity to controvert it prior to the final Commission decision. The Commission may base its decision on other issues, such as issues of law or policy, on matters not contained in the hearing record without prior disclosure to the full participants, although substantial weight will be accorded to material in the hearing record.

15. Financial Assistance. The Commission is considering the question of financial assistance to participants in Commission proceedings. See "Financial Assistance to Participants in Commission proceedings, Policies Concerning Requests," 40 FR 37056 (August 25, 1975). Pending final disposition of this generic matter, no requests for financial assistance will be entertained.

Dated at Washington, D.C., this 30th day of December, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[1] Commission documents shall have the same meaning as "Record" in 10 CFR 9.3a (b).

ATTACHMENT TO NOTICE OF HEARING

1. Calculations and background material—Volume 1. O. Hill and F. Fisher—June 1974.
2. WASH 1248—Environmental Survey of Uranium Fuel Cycle—USAEC—April 1974.
3. Pu Recycle Possibilities in LWR's—Oak Ridge Operations Office.
4. Reload G and NRS–DA 11 x 11 Rod Bundles with Unpowered Rods and Bundles—Reference data for Chapter IV, Section C—D. L. Ziemann—Operating Reactors Branch—Dec. 1972.
5. WASH 1303—Tech. Report of Effects of Pu Utilization on the Performance of LWR's—AEC staff April 1974.
6. Source Terms—LWR's with Recycle Pu for GESMO model reactor—Jan. 1974.
7. Radiological Effects of Normal Operations with Recycle Pu—P. Strom and J. Kastner, Radiological Assessment Branch, Mar. 1974.
8. Calculations and Notes—population; Annual Man-Rem Dose etc. for radiation assessment—Chapter IV, Section C—Dr. P. Strom, Apr. 1974.
9. The ORNL Isotope Generation and Depletion Code—(ORIGEN)—Used for 1.15 SGR Model core and spent fuel composition.
10. Actinides and Daughters—Overriding Origen Library Data.
11. Notes and Calculations—Chapter IV, Section D Mox Fuel Fabrication—K. Black.
12. Notes and Calculations—Chapter IV, Section E Fuels Reprocessing—K. Black.
13. Calculations—Uranium Supporting Cycle Mining, Milling, Conversion, Enrichment and UO_2 Fuel Fabrication—J. E. Rothfleisch.
14. Back up data for Chapter IV—Section G—Transportation—Complete Fuel Cycle—R. Odegaarden.
15. Calculations and Reference Data for Chapter IV, Section H, Waste Management, O. Hill and G. Kligfield.
16. Work Sheets, Calculations and References for Chapter IV, Section J, Health Assessment—Recycle Pu. W. Ray.
17. Reference Materials For Chapter V—Materials and Plant Protection—G. D. Smith "Accounting for Protection of and Control of Nuclear Materials"—R. G. Page, "Report to Congress—Special Safeguards Study", Improvements needed in the Program for the Protection of Special Nuclear Material.
18. Comparative Levels of Environmental Radioactivity in Utah from Industry and Fallout—R. C. Pendleton—U. of Utah.
19. Notes and back up data for Chapters IX and X—A. T. Clark.
20. Miscellaneous notes, references, and calculations for Chapter VII—Alternatives—J. Austin.
21. Miscellaneous notes, references and calculations for Chapter XI—Cost Benefits—J. Austin.

[FR Doc.76–227 Filed 1–5–76;8:45 am]

[Docket Nos. STN 50–498 and STN 50–499]

HOUSTON LIGHTING AND POWER COMPANY, ET AL. (SOUTH TEXAS PROJECT, UNITS 1 AND 2)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Dr. Lawrence R. Quarles

Dated: December 30, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76–235 Filed 1–5–76;8:45 am]

[Docket No. 50–309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR–36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station located in Lincoln County, Maine. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the reporting requirements of the Technical Specifications for the Maine Yankee Atomic Power Station.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 13, 1974, (2) Amendment No. 17 to License No. DPR–36, with Change No. 25, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 29th day of December, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.76–236 Filed 1–5–76;8:45 am]

[Docket Number 50–287 License No. DPR–55]

OCONEE NUCLEAR STATION UNIT 3

Negative Declaration Regarding Technical Specifications

The Nuclear Regulatory Commission (the Commission) has considered the issuance of a change to the Technical Specifications of Facility Operating License No. DPR–55 for Oconee Nuclear Station located in Oconee County, South Carolina. The changes would authorize the licensee, Duke Power Company, to replace existing spent fuel storage racks having a capacity of 216 assemblies with high capacity fuel assembly storage racks having a maximum capacity of 474 assemblies.

The Commission's Division of Reactor Licensing has appraised the environmental impact of the proposed change. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action other than those impacts described in the Commission's Final Environmental Statement of March 1972 concerning the operation of Oconee Nuclear Station, Units 1, 2, and 3.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

Dated at Rockville, Maryland, this 8th day of December 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.76–234 Filed 1–5–76;8:45 am]

[Docket No. Stn 50–485]

ROCHESTER GAS AND ELECTRIC CORP. (STERLING POWER PROJECT NUCLEAR UNIT 1)

Second Special Prehearing Conference

A Second Special Prehearing Conference will be held in the above-captioned proceeding on January 13, 1976, at 10:30 a.m. local time at the Common Council Chambers, 2nd Floor, Oswego City Hall, West Oneida Street, Oswego, New York.

This Second Special Prehearing Conference will deal with matters set by the Board in Notice and Order For Special Prehearing Conference of November 13, 1975.

Dated this 29th day of December 1975 at Bethesda, Maryland.

By Order of the Atomic Safety and Licensing Board.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.76–237 Filed 1–5–76;8:45 am]

[Docket No. STN 50-385]

ROCHESTER GAS AND ELECTRIC CO.

Availability of NRC Draft Environmental Statement for Sterling Power Project Nuclear Unit No. 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed Sterling Power Project Nuclear Unit No. 1 located in Cayuga County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Oswego City Library, 120 East Second Street, Oswego, New York. The Draft Statement is also being made available at the Division of State Planning, 162 Washington Avenue, Albany, New York and the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

The Applicant's Environmental Report, as supplemented, submitted by Rochester Gas and Electric Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on January 3, 1975 (40 FR 821).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by March 1, 1976. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Oswego City Library, 120 East Second Street, Oswego, New York. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the Federal Register.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

Dated at Rockville, Maryland, this 29th day of December 1975.

For the Nuclear Regulatory Commission.

WM. H. REAGAN, Jr.,
Chief, Environmental Projects Branch 3, Division of Site Safety and Environmental Analysis.

[FR Doc.76-352 Filed 1-5-76;8:45 am]

[Docket Nos. 50-259 and 50-260]

TENNESSEE VALLEY AUTHORITY

Proposed Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-33 and DPR-52 issued to Tennessee Valley Authority (the licensee) for operation of the Browns Ferry Nuclear Plant, Units 1 and 2 (the facilities) located in Limestone County, Alabama.

These amendments would revise the Technical Specifications to add requirements that would prevent reactor startup with any immovable control rods that could have control rod drive mechanism collet housing failures.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By February 5, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of these amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. H. S. Sanger, General Counsel, 629 New Sprankle Building, Knoxville, Tennessee 37919, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see the Commission's letter to Tennessee Valley Authority dated September 29, 1975, and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 29, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. These license amendments and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd of December, 1975.

ROBERT R. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.76-107 Filed 1-5-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

FEDERAL PROCUREMENT INSTITUTE

Proposed Plan

Notice is given that the Administrator for Federal Procurement Policy, Office of Management and Budget, has distributed to the heads of executive departments and certain establishments for review and comment a draft plan for the establishment, sponsorship, and operation of the Federal Procurement Institute. The plan is designed to implement Commission on Government Procure-

ment Recommendations A–15, A–16, A–17, A–19, A–20, and A–21.

Interested persons may comment on the following plan by submitting their written views to the Administrator for Federal Procurement Policy, Room 9001, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503. Comments should be received prior to close of business on February 6, 1976.

HUGH E. WITT,
Administrator for
Federal Procurement Policy.

PLAN FOR THE OPERATION AND ORGANIZATION OF THE FEDERAL PROCUREMENT INSTITUTE

1. The primary purposes of the Federal Procurement Institute (FPI) are to develop and maintain an effective Federal Procurement work force, and to promote and conduct procurement research. It will consist of the following components (see Attachment 7 for organization chart):

(a) A Board of Advisors made up of agency officials. See Attachment 1.

(b) An Executive Agent. See Attachment 2.

(c) A Board of Visitors made up of personnel from the academic community, industry, and the business community. See Attachment 3.

(d) An FPI staff headed by a Director supported by management-level program managers. See Attachment 4.

(e) An Interagency Working Committee made up of management-level agency personnel. See Attachment 5.

(f) Interagency Specialized Work Groups made up of journeyman-level agency specialists. See Attachment 6.

2. The FPI staff will be the focal point for planning, developing, implementing, evaluating, and monitoring procurement education and training, procurement career development programs, and procurement research. This will be carried out in coordination with the agencies and with the OFPP.

3. The FPI staff will receive policy and program guidance and direction from the Board of Advisors. The operation of the FPI including the necessary logistical and administrative support will be the responsibility of the Executive Agent.

4. Membership of the Board of Advisors will be designed to give participating agencies a voice in the policies, programs and operation of the FPI.

5. The FPI will coordinate the development of standards and requirements for career development programs and education and training courses and programs that are considered necessary for developing and maintaining an effective Government-wide procurement work force.

6. The FPI will not duplicate agency programs; it will monitor, review, and evaluate agency programs and certify them if they meet the predetermined standards identified as necessary to the development and maintenance of an effective Government-wide procurement work force. This certification will identify programs and courses as being FPI approved.

7. The FPI may organize and sponsor or conduct education and training programs to meet common unmet needs and requirements of the agencies.

8. Initially, a small FPI staff will be recruited to begin coordinating with the agencies the review and evaluation of current programs to determine what improvements can be made quickly and to begin the longer-range planning of FPI programs. It is contemplated that the FPI staff will make use of agency personnel to develop and implement FPI programs throughout the Federal procurement work force.

ATTACHMENT 1; BOARD OF ADVISORS

1. Organization. (a) Members of the Board will be Assistant Secretary or equivalent. Normally these officials will be responsbile for the procurement function in their agencies.

(b) The Board will have fourteen voting members and one nonvoting member, allocated as follows:

DOD—4	DOT—1
GSA—1	At Large—2
NASA—1	VA—1
ERDA—1	OFPP—1
USDA—1	CSC—1 (nonvoting)
HEW—1	

(c) The Administrator for Federal Procurement Policy will serve as Chairman of the Advisory Board. The Board member from the Office of the Secretary of Defense will serve as Vice-Chairman.

(d) The Director of the FPI will serve as Executive Secretary of the Board.

(e) The internal organization of the Board and its operating procedures, including designation of the term of office for at large members, shall be established by the Board.

(f) Board actions will be subject to final approval by the Chairman.

2. Functions. (a) The primary function of the Board of Advisors is to provide policy and guidance to the Director of the FPI in identifying and designing programs and in establishing procedures and standards for implementation by the FPI.

(b) The Board will establish criteria for the Director and the professional staff positions of the FPI. The Director and the professional staff members will be selected by the Executive Agent in consultation with the Board.

(c) Members of the Board will identify and commit agency personnel and resources needed to develop and implement FPI programs.

(d) Members of the Board will provide the high management interest and support needed to establish and effectively maintain FPI programs in each agency and on a Government-wide basis.

(e) The Board shall meet quarterly and at such other times as may be determined necessary by the Chairman or by a majority of the Board.

ATTACHMENT 2; EXECUTIVE AGENT

1. Organization. The Office of the Secretary of Defense is designated as the Executive Agent for the Federal Procurement Institute (FPI).

2. Functions. (a) Operate the FPI in keeping with the policies issued by the Board of Advisors.

(b) Provide the staff for the FPI. The Director and professional staff members will be selected in consultation with the Board of Advisors.

(c) Provide the necessary logistical support for the FPI.

(d) Provide the necessary administrative support and guidance for the FPI.

ATTACHMENT 3; BOARD OF VISITORS

1. Organization. (a) The Board of Visitors will consist of the following members: Academic community—4 members; Business community—4 members.

(b) Selection of members will be made by the Board of Advisors.

(c) Selection of a Chairman of the Board of Visitors will be made by the members of the Board of Visitors.

2. Functions. (a) Annually review the organization, management, methods of instruction, facilities, and other aspects of the operation of the Federal Procurement Institute and provide a report to the Board of Advisors of the results of its review and evaluation, including recommendations for improvements.

(b) At the request of the Board of Advisors, the Board of Visitors will undertake special reviews and evaluations in specific problem areas.

3. Support. The Board members' expenses and other operating costs of the Board will be funded by the Executive Agent.

ATTACHMENT 4; FPI STAFF

1. Organization. (a) Organizationally, the FPI staff will be located under the Office of the Secretary of Defense. The staff will receive policy and program direction and guidance from the Board of Advisors. Operation of the FPI including logistical and administrative support are the responsibility of the Executive Agent.

(b) The Executive Agent is responsible for providing the staff. The Director and the professional staff members of the FPI will be selected in consultation with the Board of Advisors.

(c) The initial staff will consist of the following personnel: Director, 1 Supergrade Level; Deputy Director, 1; Secretaries, 2; Program Managers, 4 (Career Development, Education and Training, Research, Evaluation).

(d) The staff will be increased as FPI activities expand to encompass the functions assigned to the Institute. See Attachment 8.

2. Functions. The staff will:

(a) Carry out the policies and programs approved for FPI implementation by the Board of Advisors.

(b) Organize, coordinate, and monitor the work carried out by the Interagency Working Committee, the Interagency Specialized Work Groups, and other task forces established to assist the FPI.

(c) Be the focal point for problem identification and analysis; program planning, design and development; and program implementation and evaluation.

(d) Recommend new programs and initiatives to the Board of Advisors.

(e) Compile progress reports.

ATTACHMENT 5; INTERAGENCY WORKING COMMITTEE

1. Organization. (a) This Committee will be composed of senior level, preferably GS–15, knowledgeable and competent personnel who have managerial and technical expertise in identifying and analyzing problems and in developing and implementing programs in the specialized fields related to the Federal Procurement Institute's mission.

(b) The Committee membership of 15 will be distributed as follows:

DOD	4	DOT	1
GSA	1	VA	1
NASA	1	At Large	2
ERDA	1	CSC	1
USDA	1	OFPP	1
HEW	1		

(c) The Chairman of the Interagency Working Committee will be elected by the members of the Committee.

2. Functions. (a) The Interagency Working Committee will assist the FPI staff in implementing the policies and programs approved for FPI execution. This will include problem identification and analysis; program planning, design, and development; and program implementation and evaluation.

(b) The Committee will assist the FPI staff in organizing and coordinating the activities of the Interagency Specialized Work Groups.

(c) Committee members may be assigned as Chairmen of Interagency Specialized Work Groups.

(d) Assignment to the Interagency Working Committee is not envisioned as a full-time activity.

(e) The Committee will meet at the call of the Chairman of the Committee who will work closely with the Director of the FPI.

3. Support. Expenses incurred by the Committee members will be the responsibility of the parent agencies.

ATTACHMENT 6; INTERAGENCY SPECIALIZED WORK GROUPS

1. Organization. (a) An Interagency Specialized Work Group (ISWG) will be established for specialized fields of concern to the FPI, such as career development and procurement research. Each ISWG will be organized by the FPI staff and the Interagency Working Committee to meet specific program needs as they arise.

(b) Members of the ISWGs will normally be personnel who are actively engaged in their field at the journeyman level and will be selected on the basis of their expertise and competence.

(c) Each ISWG chairman will be selected by the Interagency Working Committee in coordination with the FPI staff.

(d) Each ISWG will have multi-agency representation appropriate to the program needs for which it is established.

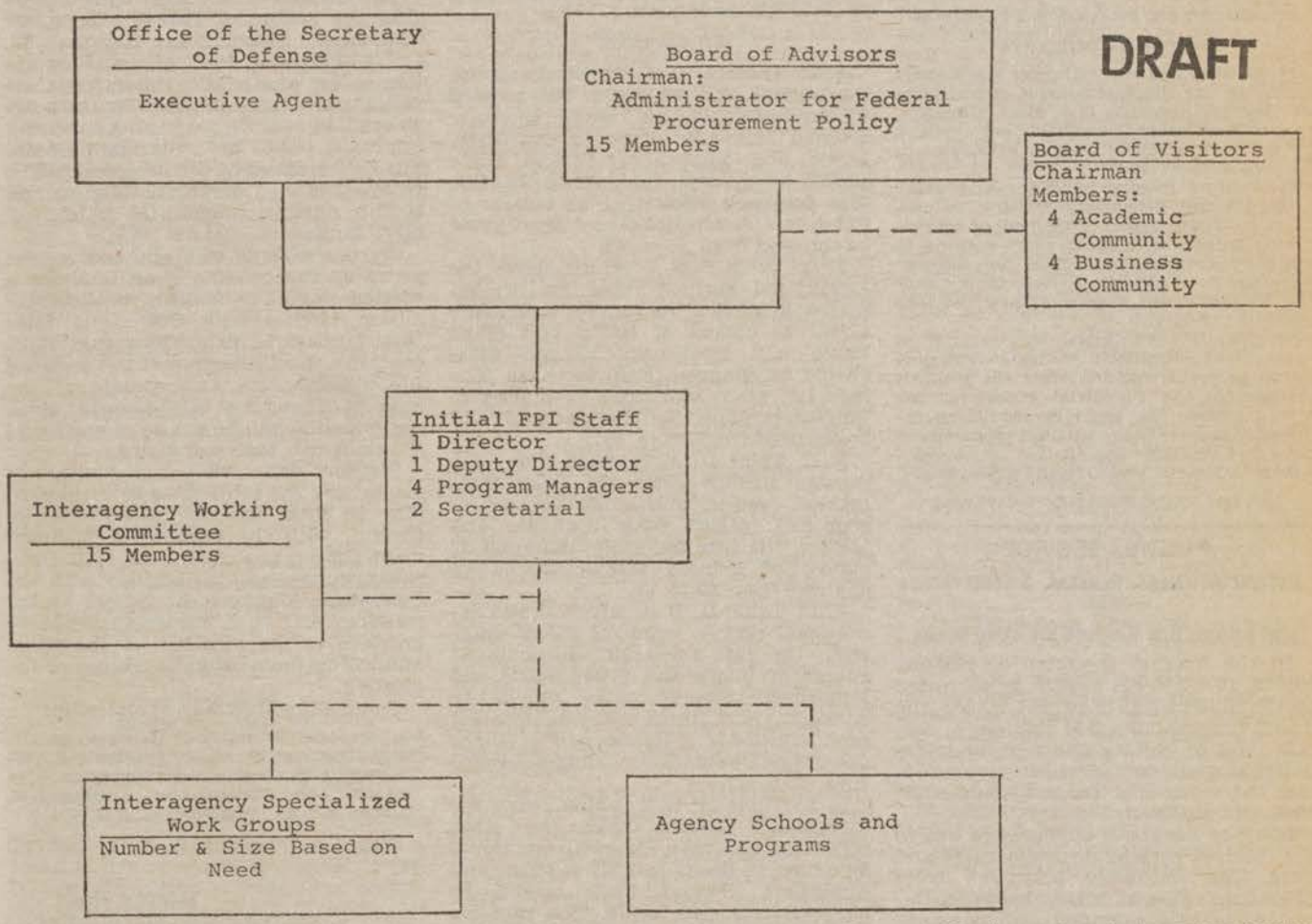
2. Functions. (a) The ISWG will work in coordination with the FPI staff.

(b) The ISWG will engage in problem identification and analysis and in the development, implementation, evaluation, and monitoring of FPI programs.

3. Support. Expenses incurred by members of the ISWGs will be the responsibility of the parent agencies.

Attachment 7

PROPOSED INITIAL FPI ORGANIZATION



ATTACHMENT 8; PLAN OF ACTION

The objective for the second half of fiscal year 1976 will be to accomplish the following:

(a) Create the FPI;

(b) Organize the Board of Advisors and have the first meeting;

(c) Organize the Interagency Working Committee; and

(d) Recruit the FPI staff.

The first year functions listed on the attached pages (Attachment 8A) will be initiated during the second half of fiscal year 1976. The following year the goal will be to identify needs and problems and start designing a plan for program development and implementation for each additional function (Attachment 8B).

Functions 1, 2, 5, 6, 7, 8, 12, 13, 14, and 15 were identified by the Commission on Government Procurement and by the task group chaired by the Civil Service Commission. The task group recommended that functions 1, 6, 7, 8, and 12 be initiated the first year. The Office of Federal Procurement Policy has added functions 3, 4, 9, 10, and 11.

ATTACHMENT 8A; PROPOSED FPI FUNCTIONS

FISCAL YEAR 1976 OBJECTIVES

1. Coordinate the identification of Government-wide procurement education and training needs and the development of comprehensive Government-wide plans to meet these needs.

2. Assist the agencies in improving the evaluation of procurement education and training conducted by the agencies and in evaluating non-Federal procurement education and training programs used by Federal agencies.

3. Assist the agencies in the development of standards for career development programs and education and training courses and programs needed to develop an effective Government-wide procurement work force.

4. Monitor and evaluate career development programs and education and training courses and programs to certify whether they meet the established standards and are therefore considered acceptable for career programs for procurement personnel.

5. Encourage colleges and universities to offer courses of instruction and, in some cases, degree programs, that prepare people for careers in the Federal procurement field; also assist the schools in developing suitable programs of study.

6. Promote, monitor, and conduct research in procurement policies and procedures to advance the state of the art in procurement through the development and application of improved business methods and techniques.

7. Collect and disseminate to Federal agencies information about education and training opportunities that meet the needs of the Federal procurement community.

8. Maintain a central repository and research library in the field of Federal procurement and grants.

9. Recommend and promote programs of the Civil Service Commission and executive agencies for recruitment, training, career development, and performance evaluation of procurement personnel.

10. Encourage State and local Governments and private sector activities to promote improvements in their procurement work force through collaboration with professional associations having objectives in common with the FPI.

11. Encourage and monitor, in cooperation with the Civil Service Commission and the procuring agencies, the development, implementation, and exchange of personnel management ideas to enhance the procurement field.

ATTACHMENT 8B; PROPOSED FPI FUNCTIONS

LONG-RANGE OBJECTIVES

12. Develop and/or administer and finance a program for the development of textbooks and learning materials (e.g., films, filmstrips, programmed learning materials, etc.) needed for the instruction of Federal employees in the procurement field.

13. Publish research findings and other literature and documents relating to procurement management in the Federal service.

14. Conduct or sponsor short courses to prepare instructors of Federal procurement personnel to effectively perform their duties and to keep them abreast of new developments in the field.

15. Operate a residential, long-term (6 to 10 months in duration), academic-type education program modeled after the resident program of the Industrial College of the Armed Forces; the program should be designed to prepare high-potential procurement personnel (military and civilian) for key positions in Federal procurement management.

[FR Doc.76-258 Filed 1-5-76;8:45 am]

POSTAL SERVICE

INTERNATIONAL POSTAL RATES AND FEES

Corrections and Revised Effective Dates

In the FEDERAL REGISTER of November 18, 1975 (40 FR 53447), as corrected on November 26, 1975 (40 FR 54886), the Postal Service published changes in certain rates of postage and fees for international mail, some of which were scheduled to become effective on December 28, 1975, and others on January 3, 1976.

Some of the above changes are tied to the level of certain domestic rates and were thus indirectly prevented from going into effect at higher levels on December 28, 1975, as announced, by reason of a December 16, 1975 order of the U.S. District Court for the District of Columbia in the case of "Associated Third Class Mail Users, et al. v. United States Postal Service, et al.," D. D.C. Civil Action No. 75-1809. The United States Court of Appeals for the District of Columbia Circuit, on December 29, 1975, in its Docket No. 75-2227, granted a stay of that part of the order of the District Court which affected some of the above mentioned changes.

Accordingly, except for a correction which appears below, the new regular surface rates to Canada and Mexico for letter mail, post and postal cards, and printed matter and small packets, which were published in tabular form in the FEDERAL REGISTER on November 18, 1975 (40 FR 53447), as corrected at 40 FR 54886, (Table I, A, 1, 2, 3), the new airmail rates to Canada and Mexico for letter mail and post and postal cards (Table I, C, 1, 2), and the new airmail rates to Canada for printed matter, matter for the blind, and small packets, and air parcel post (Table I, C, 3(i), 4(i), will be effective at 12:01 AM on December 31, 1975. Correction: In Table I, A, 3 the rate for printed matter for each additional 32 ounces reads .93. It should read .72.

Except for certain corrections which appear below, all other rates and all fees published in the Federal Register on November 18, 1975 (40 FR 53447), as corrected at 40 FR 54886, will be effective at 12:01 AM on January 3, 1976.

CORRECTIONS

1. In Table I, B, 1, which shows the exceptional surface rates for printed matter to Canada, the rate for each additional 32 ounces of Books and Sheet Music and Publishers' Second Class should be changed from .46 to .36. The rate for each additional 32 ounces of Publishers' Controlled Circulation should be changed from .55 to .43.

2. In Table I, B, 2, which shows the exceptional surface rates for printed matter to Mexico, the rate for each additional 32 ounces of Books and Sheet Music and Publishers' Second Class should be changed from .39 to .30. The rate for each additional 32 ounces of Publishers' Controlled Circulation should be changed from .55 to .43.

3. In Table II, A, 1, which shows the regular surface rates on letter mail, printed matter, and small packets to countries other than Canada and Mexico, the rate for each additional 32 ounces of Printed Matter should be changed from .93 to .72.

4. In Table II, B, 1, which shows exceptional surface rates for PUAS countries, the rate for each additional 32 ounces of Books and Sheet Music and Publishers' Second Class should be changed from .39 to .30. The rate for each additional 32 ounces of Publishers' Controlled Circulation should be changed from .55 to .43.

5. In Table II, B, 2, which shows the exceptional surface rates for other countries, the rate for each additional 32 ounces of Books and Sheet Music and Publishers' Second Class should be changed from .46 to .36. The rate for each additional 32 ounces of Publishers' Controlled Circulation should be changed from .55 to .43.

(39 USC 401, 403, 404(2), 407, 410(a))

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-35251 Filed 1-5-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH; SUBGROUP ON ROLLOVER PROTECTIVE STRUCTURES (ROPS)

Meeting

The Rollover Protective Structures (ROPS) Subgroup of the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, January 20, 1976. The meeting, which will begin at 9 a.m., will be held in Room N-3437 A and B of the Department of Labor Building, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210. The meeting will be open to the public and all interested parties are encouraged to attend.

The purpose for the meeting is to consider an update of ROPS criteria for equipment covered in Subpart W, §§ 1926.1001 and .1002, of the construction safety and health standards. Consideration will be given to criteria developed by the Society of Automotive Engineers (SAE) in its Standard J1040a. The deliberations of the subgroup will be reported to the Construction Safety and Health Advisory Committee which will meet January 21 and 22, 1976.

Persons wishing to orally address the group at the meeting should submit a written request to be heard to the Committee Management Officer no later than January 12, 1976. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. Such participation will be at the discretion of the chairman, time permitting.

Written data, views, or arguments concerning the subjects to be considered may be filed, together with 20 copies thereof, with the Committee Management Officer by January 12, 1976. Such submissions may also be filed with the Committee Management Officer at the meeting. Any such submissions will be provided to the members of the group and will be included in the record of the meeting.

Communications may be mailed to:

Jay Arnoldus, Committee Management Office, Department of Labor, Occupational Safety and Health Administration, 3rd Street and Constitution Avenue NW, Room N-3633, Washington, D.C. 20210.

Signed at Washington, D.C., this 2nd day of January 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-372 Filed 1-5-76;8:45 am]

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture Subgroup on Noise, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet in Washington, D.C. The Subgroup will meet on January 20, 1976, in Conference Room S-4215, and January 21, 1976, in Conference Room N-4437 of the Department of Labor Building, 3rd Street and Constitution Avenue, NW, Washing-

ton, D.C., at 9:00 a.m. The meetings will be open to the public and all interested parties are encouraged to attend.

The Noise Subgroup will review information received and proceed toward the development of a recommendation on noise for agriculture. The Subgroup Chairman may permit oral statements before the group by interested persons. Consequently, persons desiring to make an oral presentation should submit a written request to be heard to the Committee Management Officer by close of business January 13, 1976. The request must include the name and address of the person wishing to appear, the capacity in which he will speak, a short summary of the intended presentation, and the approximate amount of time required for the presentation. Such submissions will be provided to the Chairman for his consideration.

Communications and questions about the proceeding should be addressed to:

Ms. Jeanne C. Werner, Committee Management Officer, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-3635, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210. Phone: 202/523-8024.

All materials which have been submitted to, or developed by, the Committee and its subgroups since the beginning of its deliberations, as well as the official record of all proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 2nd day of January 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-371 Filed 1-5-76;8:45 am]

Office of the Secretary

[TA-W-211]

BORN, M. AND CO.

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-211; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on October 2, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing custom made men's suits, sportcoats and trousers at the Chicago, Illinois plant of M. Born and Company.

The notice of investigation was published in the FEDERAL REGISTER October 15, 1975 (40 FR 48417). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of M. Born and Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, 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. The average number of production workers declined 5.8 percent in 1974 as compared to 1973. The plant closed on March 14, 1975.

Sales or production, or both, have decreased absolutely. Production at the M. Born and Company, Chicago plant declined 22.7 percent in 1974 compared to 1973. Production equalled sales. All production ceased with the closing of the plant on March 14, 1975.

Increased imports contributed importantly. Imports of men's custom tailored apparel are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate data of imports of men's tailored apparel. These data show that imports of men's suits increased both absolutely and relatively in the first seven months of 1975 compared to the first seven months of 1974 and that imports of men's sportcoats increased relatively during this same period.

The evidence developed by the Department's investigation indicated that sales and production from the Chicago plant of M. Born and Company have declined at a time when major customers have indicated that they have reduced purchases from M. Born because of a decline in demand for men's customized suits, sportcoats, and trousers associated with the general economic decline in the United States.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's made-to-measure suits, sportcoats, and trousers produced at the Chicago plant of M. Born and Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 30th day of December 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-265 Filed 1-5-76;8:45 am]

[TA-W-207]

BRUCE, ROBERT

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-207: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL-CIO) on behalf of workers and former workers producing men's sweaters at Robert Bruce, Philadelphia, Pennsylvania, a subsidiary of Consolidated Foods, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 48559) on October 16, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Robert Bruce, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, 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. Employment of production workers at Robert Bruce declined 30 percent in the first nine months of 1975 compared to the first nine months of 1974. Average weekly hours for production workers declined 13 percent in the first nine months of 1975 compared to the same period in 1974.

Sales or production, or both, have decreased absolutely. Sales by Robert Bruce of sweaters produced at its Philadelphia plant declined seven percent in 1974 from 1973 and declined 20 percent in the first nine months of 1975 compared to the same period in 1974.

Increased imports contributed importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970-1974 period, imports of men's and boys' sweaters increased in both absolute and

relative terms. Imports in the first seven months of 1975 were 60 percent greater than during the same period in 1974.

Major U.S. retailers have significantly increased their purchases of imported sweaters relative to purchases of domestic sweaters in the first half of 1975. Customers of Robert Bruce indicate that imports took an increasing share of their total sweater sales in 1975. The customers cited the fact that imported sweaters often offer more intricate designs than sweaters produced domestically.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's sweaters produced by Robert Bruce contributed importantly to the total or partial separation of the workers of that firm. Separations of workers at Robert Bruce began in mid-1974. 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 prior to 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 employees of Robert Bruce, Philadelphia, Pennsylvania, who became or will become totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-272 Filed 1-5-76;8:45 am]

[TA-W-258]

COLONNA AND CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-258; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 20, 1975 in response to a worker petition received on October 20, 1975 which was filed by workers formerly producing marble slabs at Colonna and Company, Long Island City, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on October 30, 1975, (40 FR 50585). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Colonna and Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, 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. The average number of production workers declined 20 percent in the first ten months of 1975 compared to the like period in 1974. Average quarterly employment declined 11 percent in the second quarter of 1975 compared to the first quarter and 25 percent in the third quarter compared to the second.

Sales or production, or both, have decreased absolutely. Production at Colonna and Company declined 48 percent in the first ten months of 1975 compared to the first ten months of 1974. Sales declined 49 percent in the first ten months of 1975 compared to the first ten months of 1974. Sales and production in the second quarter of 1975 were 42 percent and 86 percent respectively below figures for the comparable quarter in 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at Colonna and Company increased in value from 15 million dollars in 1971 to 22 million dollars in 1974.

The ratios of imports to domestic consumption and production increased from an average of 44.8 percent and 85.5 percent, respectively for the period 1971-1973 to 52.5 percent and 110.6 percent in 1974. Imports have maintained a share of over 50 percent of U.S. consumption in the first three quarters of 1975.

Colonna and Company began to experience declines in their sales of marble slabs starting in the fourth quarter of 1974 with particularly sharp declines occurring in the second and third quarters of 1975. Production declines were even more dramatic, with production shut down from May through September 1975. In July 1975 the decision was made to decrease the size of the workforce and become a non-union shop in an attempt to improve their price competitiveness. In September 1975 it was decided that the cutting operation could not be made economical and should be permanently eliminated as soon as all remaining marble blocks were cut. Once this is completed additional layoffs are expected.

Colonna and Company experienced damaging competition from imported marble slabs beginning in the second quarter of 1975. The increased competition occurred because of a change in policy by the New York City area local of the marble setters union. Prior to 1975, marble setters had refused to set any marble that had not been sawn and fabricated by union workers in the New York City area. During the first half of 1975 the setters union gradually abandoned this rule, replacing it with a policy of setting all marble supplied to it, regardless of where it had been sawn and fabricated. In July 1975 the change was made offical by the union.

The gradual change in this rule opened Colonna and Company to competition from imports of already sawn marble slabs from which they had previously been protected. Major customers increasingly have replaced marble slabs previously purchased from Colonna and Company with lower priced marble imports. Customers had previously been excluded from the use of the cheaper imports by the marble setters rule and with its abolition they immediately switched purchasing patterns to the lower priced imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with marble slabs produced at the Colonna and Company, Long Island City, N.Y. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, and salaried workers engaged in employment related to the production of marble slabs at Colonna and Company, Long Island City, N.Y. who became totally or partially separated from employment on or after April 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of December 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-270 Filed 1-5-76;8:45 am]

[TA-W-233]

GENTRY CLOTHING CO.

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-233: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 14, 1975 in response to a worker petition received on October 14, 1975 which was filed by the Amalgamated Clothing Workers Union of America on behalf of workers formerly producing

men's suit coats, leisure suit coats and sport coats at Gentry Clothing Company, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on October 24, 1975 (40 FR 49827–8). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Gentry Clothing Company, the U.S. Department of Commerce, the Federal Reserve Board, the National Cotton Council of America, 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.

Without regard as to whether the other criteria are satisfied, the investigation reveals that the first criterion has not been met.

Gentry Clothing Company produces men's suit coats, leisure suit coats and sport coats on a contractual basis. Employment of production workers at Gentry and average weekly hours worked by those workers increased 3.1 percent and 2.5 percent, respectively, in the first nine months of 1975, compared to the like period in 1974. No involuntary separations of a permanent nature occurred during the one year period prior to the October 14, 1975 filing date of the petition. The few workers that were temporarily separated during the period from October 14, 1974 to the end of the year were recalled during January 1975. Employment rose steadily from December 1974 to September 1975, increasing 52 percent during that period.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers of Gentry Clothing Company have not become, and are not threatened with becoming totally or partially separated from employment at that firm as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-266 Filed 1-5-76;8:45 am]

[TA-W-239]

IMPERIAL CLOTHES CO.

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-239: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 14, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit and sportcoats at Imperial Clothes Company, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 49828) on October 24, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Imperial Clothes Company, the U.S. Department of Commerce, the U.S. International Trade Commission, 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.

Without regard as to whether the other criteria are satisfied, the investigation reveals that the second criterion has not been met.

Imperial Clothes Company produces men's sportcoats, suit coats, and vests on a contractual basis. Total production by the firm increased four percent in quantity and 12 percent in value in 1974 from 1973 and increased 11 percent in quantity and 66 percent in value in the first 10 months of 1975 compared to the first 10 months of 1974.

The evidence developed in the Department's investigation of Imperial Clothes Company reveals that prior to August 1974, the owners of Imperial operated a second firm in Philadelphia, Supreme Clothes Co., which also produced men's clothing under contract. With the dissolution of Supreme Clothes in August 1974, Imperial absorbed many of Supreme's operations, and most of that firm's employees. The expansion of Imperial's activities caused average quarterly production and employment at the firm to increase from the same quarter of the prior year in five consecutive quarters from the third quarter of 1974 to the third quarter of 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats, sportcoats, and vests produced at Imperial Clothes Company, Philadelphia, Pennsylvania, did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C. this 24th day of December 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-267 Filed 1-5-76;8:45 am]

[TA-W-208]

JERSEY COAT CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-208 investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on October 2, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing men's suit coats and sportcoats at the Jersey Coat Company, Egg Harbor City, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 48416) on October 15, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jersey Coat Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, 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. The average number of production workers declined 28 percent in 1975 compared to 1974. Average weekly hours in the fourth quarter of 1974 declined 24 percent compared to the fourth quarter of 1973.

Sales or production, or both, have decreased absolutely. Sales at the Jersey Coat Company, Egg Harbor City, New Jersey declined 50 percent in the first ten months of 1975 compared to the first ten months of 1974. Sales declined 20 percent in the fourth quarter of 1974 compared to the third quarter of that year.

Increased imports contributed importantly. Imports of men's and boys' suits and sportscoats like or directly competitive with coats produced at Jersey Coat Company increased from 3,562 thousand units in 1971 to 7,393 thousand units in 1973.

The ratios of imports to domestic consumption and production of men's and boys' suits and sportcoats increased from 8.5 percent and 9.3 percent, respectively in 1971 to 14.1 percent and 16.4 percent in 1974. The ratio of imports to domestic production increased from 16.4 percent in the first seven months of 1974 to 28.5 percent in the comparable period of 1975. This represents an increase of 74 percent.

The evidence developed by the Department's investigation indicates that the Jersey Coat Company had only one customer, J. Maimon and Sons, Philadelphia, Pennsylvania. From the beginning of 1974 through October 1975, the amount of suits coats and sportcoats supplied to the Jersey Coat Company from J. Maimon declined approximately 87 percent. Excess plant capacity was at first eliminated by reducing average weekly hours worked per worker but this was not enough and in January 1975 layoffs occurred.

Maimon had 100 percent of its suit and sport coats sewn by Jersey Coat and did not at anytime alter that relationship. All decreases in business with Jersey Coat were the results of reduced retail sales of Maimon's suits and sportcoats. Import competition was a prime reason for Maimon's loss of sales from 1974 to 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with suits and sportcoats produced at the Jersey Coat Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of suit and sportcoats at the Egg Harbor City plant of the Jersey Coat Company who became totally or partially separated from employment on or after December 1, 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 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-271 Filed 1-5-76;8:45 am]

[TA-W-223]

OREGON STEEL MILLS, INC.

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-223: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 10, 1975, in response to a worker petition received on October 10, 1975 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel plates at the Rivergate plant of the Oregon Steel Mills, Inc., Portland, Oregon, a Division of the Gilmore Steel Corporation, Portland, Oregon. The investigation was subsequently expanded to include former workers engaged in employment related to the production of carbon steel products including reinforcing bars at the Front Avenue plant, Portland, Oregon, of the Oregon Steel Mills Inc.

The notice of investigation was published in the FEDERAL REGISTER on October 21, 1975 (40 FR 49162). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Oregon Steel Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, 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. The average number of production workers at the Front Avenue plant declined three percent from 1973 to 1974. The plant closed in December 1974.

In the first and second quarters of 1975, the average number of production workers at the Rivergate plant increased 91 and 57 percent, respectively, compared to the same periods in 1974. In the third quarter of 1975, the average number of production workers declined two percent compared to the same period in 1974.

Sales or production, or both, have decreased absolutely. Sales at the Front Avenue plant increased 52 percent from 1973 to 1974. The plant closed in December 1974. Production at the Rivergate plant increased 52 and 30 percent respectively, in the first and second quarters of 1975 compared to the like quarters in 1974. In the third quarter of 1975 production decreased 18 percent compared to the same quarter in 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at the Rivergate plant decreased from 500.8 thousand tons in the third quarter of 1974 to 253.2 thousand tons in the third quarter of 1975.

The ratios of imports to domestic consumption and shipments of carbon steel plate decreased from 18.9 percent and 22.4 percent, respectively in the third quarter of 1974 to 14.8 percent and 16.8 percent for the same quarter in 1975.

Imports of articles like or directly competitive with those produced at the Front Avenue plant increased from 286.4 thousand tons in 1973 to 477.5 thousand tons in 1974; however, their share of the U.S. market was minor. The ratios of imports to domestic consumption and shipments increased from 5.4 percent and 5.6 percent, respectively in 1973 to 9.2 and 9.5 percent in 1974.

The evidence developed by the Department's investigation indicated that the sales, production and employment declines experienced by the Rivergate plant in the third quarter of 1975 are the result of decreased demand for carbon steel plate associated with the U.S. economic recession.

The closing of the uneconomical, labor-intensive Front Avenue plant was the direct result of management's plans to modernize and increase the capacity of their Rivergate plant and to leave the market for the products produced at their Front Avenue plant.

Major customers indicated that they either did not import carbon steel plate and reinforcing bars or that both domestic and foreign purchases were off in 1975 because of the U.S. economic recession.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel plates and reinforcing bars produced at the Rivergate and Front Avenue plants,

respectively of the Oregon Steel Mills Inc., Portland, Oregon, did not contribute importantly to the total or partial separations of the workers at such plants.

Signed at Washington, D.C. this 24th day of December 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-268 Filed 1-5-76;8:45 am]

[TA-W-302]

RICHARDS, ARTHUR, LTD.

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-302; investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 4, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits and sportcoats at the New York City plant of Arthur Richards, Ltd.

The notice of investigation was published in the FEDERAL REGISTER on November 19, 1975 (40 FR 53640). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Arthur Richards, Ltd., its customers, the Department of Commerce, the 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.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met.

Employment at Arthur Richards increased 26 percent in 1974 over 1973 and increased 5 percent in the first nine months of 1975 compared to the like period in 1974. The increased employment resulted from production of new lines of clothing by Arthur Richards.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers of Arthur Richards, Ltd. have not become, and are not threatened with becoming, totally or partially separated from employment at that firm as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of December 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-264 Filed 1-5-76;8:45 am]

[TA-W-179]

SWARTZ, T. I. AND SONS, INC.

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-179; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing men's suits and sportcoats at the S. Pulaski Street plant, Baltimore, Maryland.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 46375) on October 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of T. I. Swartz, Inc., the U.S. Department of Commerce, and the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certificate 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 19.1 percent in the first nine months of 1975 compared to the like period in 1974. Average weekly hours declined 1.6 percent in the first nine months of 1975 compared to the like period in 1974.

Sales of production, or both, have decreased absolutely. Sales of all items of men's, boys' and women's clothing and apparel at the S. Pulaski Street plant declined 3.6 percent in the first nine months of 1975 compared to the first nine months of 1974. Production of men's and boys' clothing declined 27.6 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased imports contributed importantly. Imports of men's custom tailored apparel are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate data on imports of men's tailored apparel. These data show that imports of men's suits increased both aboslutely and relatively in the first seven months of 1975 compared to the first seven months of 1974 and that imports of men's sportcoats increased relatively during this same period.

The evidence developed by the Department's investigation indicated that Swartz's production is based solely on anticipated sales to individual consumers whose purchases of men's customized suits and sportcoats have declined due to the general economic downturn in the United States.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced at the S. Pulaski Street plant, Baltimore, Maryland did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 30th day of December 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-269 Filed 1-5-76;8:45 am]

federal register

TUESDAY, JANUARY 6, 1976

PART II:

FEDERAL ELECTION COMMISSION

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ADVISORY OPINION REQUEST

Treatment of Certain Activities by Candidates for Delegate to National Nominating Conventions

FEDERAL ELECTION COMMISSION

[Notice 1975-100, AOR 1975-131]

ADVISORY OPINION REQUEST

Treatment of Certain Activities by Candidates for Delegate to National Nominating Conventions

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Request 1975-131 is published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before January 21, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C., 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Pub. L. Citations.

AOR 1975-131: Treatment of Certain Activities by Candidates for Delegate to National Nominating Conventions (Request Edited by the Commission).

GENTLEMEN: Advisory Opinion 1975-12 [40 FR 55596 (November 28, 1975)], while responsive to the request which generated it, fails to answer a number of questions with regard to certain peculiar situations which pertain to candidates for delegate to a national nominating convention. I therefore request a supplementary advisory opinion in which:

A. The situation where a candidate for Federal office (e.g. a Congressman seeking reelection) is at the same time a delegate/candidate is specifically addressed.

B. Reference is made as to whether or not his/her status as an "authorized", "pledged-but-unauthorized", or "unpledged and uncommitted" delegate/candidate has any effect peculiar to his/her additional circumstance of being a double candidate.

C. Guidelines are offered for the allocation of expenses of his/her separate candidacies one from the other, recognizing that most or all expenses may in fact work to the benefit of both of his/her candidacies, even though designed solely for one or the other.

D. Identifies, in the guidelines, how such a candidate can, if he/she is in the "pledged but unauthorized" class, and thereby limited to $1,000 total expenses for his/her delegate campaign, assure that his/her right to spend (in the case of a Congressional candidate) a total of $70,000 in that primary, and the necessity of allocating according to some formula, do not result in his/her inevitable violation, de facto, of the $1,000 limit.

* * * * *

ROBERT H. MICHEL.

Source: Honorable Robert H. Michel, House of Representatives, 2112 Rayburn House Office Building, Washington, D.C. 20515 (December 3, 1975).

Dated: December 23, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.76-3 Filed 1-5-76;8:45 am]

federal register

TUESDAY, JANUARY 6, 1976

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FOOD LABELING

Label Declaration of Ingredients Requirements

Title 21—Food and Drugs

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

[Docket No. 75N-0256]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

Food Labeling and Label Declaration of Ingredients Requirements

The Food and Drug Administration is issuing regulations governing the way in which certain food ingredients may be declared on the label. Fat and oil ingredients, which now may be declared by class names such as "vegetable oil" and "shortening," are required by the new regulations to be declared by a name that identifies the specific source of the fat or oil, such as "cottonseed oil" or "beef fat." The new regulations permit certain specified ingredients to be declared by class names; for example, milk, concentrated milk, reconstituted milk, and dry whole milk may all be declared as "milk." The new regulations also establish an alternative method for declaring the ingredients of a standardized food when that food is used as an ingredient in another food; the components of the standardized ingredient may be declared, as currently, in parentheses after the name of the standardized food, or the components of the standardized ingredient may be incorporated into the statement of ingredients in descending order of predominance in the finished food. A common or usual name for mixtures of edible fat or oil and olive oil is also being established; a statement of the percentage of olive oil present is required if the presence of olive oil is emphasized on the label. Labeling may be changed to comply with these regulations on January 6, 1976. All products initially introduced into interstate commerce on or after January 1, 1978, shall comply with these regulations.

In a notice published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20888), the Commissioner of Food and Drugs proposed regulations concerning label designation of ingredients, misleading vignettes, and a common or usual name for olive oil mixtures.

The proposals concerning misleading vignettes and class ingredient designations for corn sweeteners and sugar will be dealt with in subsequent regulations. Of the 304 comments received in response to the proposals dealt with herein, 251 supported the proposals (47 of which suggested changes); 42 opposed the proposals (with 38 suggesting changes); and 11 did not directly address proposed provisions. A summary of the comments and the Commissioner's responses are as follows:

PERCENTAGE OF CHARACTERIZING INGREDIENTS

1. On comment stated that a lawsuit has been filed against the Food and Drug Administration challenging the authority of the Commissioner to require in § 1.10(d) (21 CFR 1.10(d)) that a food label bear the percentage of a characterizing ingredient or information concerning the presence or absence of an ingredient as part of the common or usual name of a food. The comment noted that the proposal would transfer this provision from § 1.10(d) to a new § 1.8(f) (21 CFR 1.8(f)) and stated that the Food and Drug Administration should issue a notice stating that the provision is not effective pending outcome of the lawsuit.

The Commissioner states that the proposal merely to transfer this provision from § 1.10(d) to a new § 1.8(f) has no bearing on the matter contested in the referenced court action and that such a transfer is appropriate. No stay of § 1.10 (d) has been sought from the Commissioner or any court. Consequently, the provision remains effective.

2. One comment stated that proposed § 1.8(f) was not needed and should be deleted. The comment stated that inclusion of percentage information would complicate consumer identification of foods because the consumer does not normally expect such detail in a product name.

The Commissioner states that the intent of the proposal was to transfer a provision pertaining to a statement of the amount of a characterizing ingredient as a part of the common or usual name of a food from § 1.10(d) to a new § 1.8(f). This action does not create any additional labeling requirements since the requirements contained in this provision were already in existence at the time of the proposal. Transfer of the provision was proposed because § 1.10 is being revised and the provision more logically belongs in § 1.8. The Commissioner therefore concludes that this comment is irrelevant to the proposed transfer.

LABEL DECLARATION OF STANDARDIZED FOOD INGREDIENTS

3. Ten comments objected to the requirements of proposed § 1.10(b)(2). They stated that establishing a standard of identity provides a common or usual name for a standardized food used as an ingredient in other foods and that by listing such a multicomponent ingredient on the label by the common or usual name established in the standard, the manufacturer has met the requirements of section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act. These comments argued that the Food and Drug Administration is exceeding its authority in establishing a regulation defining how ingredients should be listed. They also asserted that requiring standardized ingredients to be listed in the manner proposed would be contrary to the purpose of the food standards program.

Historically, the Food and Drug Administration has maintained that all components of any multicomponent ingredient used in a nonstandardized finished food must be declared on the label of the finished food. That is, multicomponent ingredients are considered a "collection of sub-ingredients"; to meet the requirements of section 403(i)(2) of the act, each component of a multicomponent ingredient must be declared as an ingredient of the finished food, in its order of predominance as it appears in the finished food.

An exception to this rule exists in the case of standardized foods used as ingredients of other foods. Establishing a standard of identity provides a common or usual name for a standardized food that may be used, together with a statement in parentheses of optional ingredients, if any, to meet the requirements of section 403(i)(2) of the act. This interpretation of the act was made by regulation in 1938 and is now codified under § 1.10(a). Nothing in the present amendment affects the continued availability of this method of declaring standardized ingredients of nonstandardized foods.

The present amendment to the regulation simply permits use of the same format for multicomponent ingredients that have common or usual names established by regulation or that conform to a standard of identity established pursuant to the Meat and Poultry Products Inspection Acts by the U.S. Department of Agriculture. The use of this format is not required by the amendment; manufacturers may continue to declare the ingredients of such a multicomponent ingredient as they do now. In addition, the amendment provides an alternative format for ingredient labeling, which will allow the components of an ingredient that conforms to a definition and standard of identity to be listed in their order of predominance among the other ingredients of the finished food.

4. One comment stated that the method of listing ingredients as proposed in § 1.10(b)(2) is inconsistent with the statement in § 3.88 (21 CFR 3.88) and that the Food and Drug Administration does not have the authority to require a complete listing of ingredients in standardized products.

The Commissioner advises that the alternative methods of ingredient declaration provided for in § 1.10(b)(2) do not require a full listing of ingredients for all standardized products. The regulation provides two alternative methods of declaring ingredients in nonstandardized foods when those ingredients are multicomponent ingredients that also conform to a definition and standard of identity established pursuant to section 401 of the act or are the subject of a U.S. Department of Agriculture standard or a common or usual name regulation. When a food subject to a standard of identity established pursuant to section 401 of the act is used as an ingredient, alternative § 1.10(b)(2)(ii) would provide for listing of all ingredients. However, such compliance is not mandatory for there is another available labeling alternative. That option, § 1.10(b)(2)(i), requires no more information than would be required on the label of the standardized food sold separately.

5. One comment asked why the Food and Drug Administration is moving toward the full label declaration of all op-

tional ingredients, but not all ingredients in standardized foods as well as nonstandardized foods. The comment stated that the consumer would benefit more by knowing about all ingredients in standardized foods, rather than just optional ingredients, and that the fact that ingredients in a standardized food are mandatory is not helpful because consumers do not have ready access to information concerning mandatory ingredients in standardized foods.

The Commissioner agrees that there is significant consumer interest in labels of standardized foods bearing complete information on the ingredients contained in the food. However, as stated in § 3.88 (21 CFR 3.88), the Food and Drug Administration does not have legal authority to require that the label bear such information, and the Commissioner can require label declaration of optional ingredients only.

6. One comment asked why the ingredient labeling requirements being established for food ingredients that are themselves standardized foods under section 401 of the act are different from those for food ingredients that have common or usual names established under 21 CFR Part 102 or that are standardized foods under the Meat and Poultry Products Inspection Acts.

The Commissioner advises that the Federal Food, Drug, and Cosmetic Act does not grant authority to require a listing of the mandatory ingredients in a food that conforms to a standard of identity established under section 401 of the act. Because there is no similar restriction against requiring listing of ingredients for foods that have established common or usual names, or foods that conform to standards established pursuant to laws administered by the U.S. Department of Agriculture, and because the Commissioner has stated in § 3.88 that there is significant consumer interest that the labels of standardized foods bear complete information on the ingredients contained in the food, in the absence of a statutory prohibition these foods will be required to bear a complete ingredient list in the manner required by this regulation.

7. One comment stated that § 1.10(a) should be changed to make direct reference to section 403(g) of the act to make it clear that it is the intent of the Commissioner to require the same manner of label declaration of ingredients for both standardized and nonstandardized foods.

The Commissioner agrees that clarification is necessary, but he does not agree with the suggested change. This section applies to those standardized foods for which the standards require labeling pursuant to applicable regulations in 21 CFR Part 1. The final regulation has been amended to provide that this section applies to all nonstandardized foods and to foods subject to those standards that require labeling in compliance with applicable sections of 21 CFR Part 1. The requirements established by this notice, e.g., source labeling of fats and oils, do not apply to foods subject to standards of identity that do not require compliance with 21 CFR Part 1. However, such standards will be amended to so provide.

8. Two comments stated that the option of declaring ingredients contained in a standardized food used as an ingredient in another food by listing all ingredients contained in the standardized ingredient in descending order of predominance as they appear in the finished food would be impossible because manufacturers do not know the proportions of each ingredient used in the standardized food.

The Commissioner states that this method of listing ingredients is an option available to those manufacturers who know the amounts of each ingredient contained in a standardized food used as an ingredient in the manufacture of a finished food. If a manufacturer does not have this information available, he may use the alternative method contained in § 1.10(b)(2)(i).

9. One comment stated that an ingredient that is functional in the manufacture of a standardized food but that would not be functional when the standardized food is used as an ingredient in another food should not have to be declared in the ingredient statement of the finished food.

The Commissioner advises that if an ingredient that is not functional in the finished product is an incidental additive that is present in the finished food at an insignificant level, as defined in § 1.10a(a)(3) (21 CFR 1.10a(a)(3)), then the ingredient would not have to be declared in the ingredient statement of the finished food.

10. Two comments stated that the proposed ingredient listing would result in foods being labeled with ingredient statements that would be too lengthy to benefit consumers. One of these comments stated that a consumer with an allergy to a certain food ingredient should write to a food manufacturer to request a list of the manufacturer's food products that do not contain the ingredient and that this list would be more helpful to the consumer than a continuous reading of lengthy lists.

The Commissioner states that these comments are best answered by the comments from several consumers who stated that it was unreasonable to expect a consumer who wishes to purchase and consume a food product to write to the manufacturer and then to wait several weeks for a reply. These consumers expressed a strong preference for complete ingredient statements that they could examine at the point of purchase to see if the foods contain a substance to which they are allergic. Another consumer stated that it would be easier for food manufacturers to list all ingredients contained in their food products than to expect the thousands of consumers who are allergic to certain food ingredients to write to the dozens of food manufacturers whose products they may wish to purchase. One consumer who had written a letter to a manufacturer requesting the identity of the "shortening" contained in a product submitted a copy of the reply. The manufacturer's reply stated that the shortening ingredient could be either of animal origin or of vegetable origin depending on availability of supplies, a response of obviously no value. Therefore, the Commissioner concludes that ingredient statements will be required unless standards of identity exempt a particular food from this requirement.

11. One comment stated that a requirement that an ingredient statement bear names of all components of standardized ingredients might be deceptive since the listing of added vitamins present in a component might lead consumers to believe that the finished product contains a significant amount of the listed vitamin.

The Commissioner concludes that listing an ingredient such as a vitamin in accordance with either of the methods set forth in § 1.10(b)(2) will have little potential for misleading consumers, particularly since the declaration of the vitamin would be at the end or near the end of the ingredient statement, or within a parenthetical reference. Further, the Commissioner advises that in such a case the question is not whether an added substance has nutritional value; when a substance is added to a food, it must be declared. There are numerous functional additives, which happen to have nutritional value, that are declared in ingredient lists, such as ascorbic acid (vitamin C), calcium salts, and such color additives as riboflavin and beta-carotene (provitamin A). Of course, when an ingredient meets the definition of incidential additives in § 1.10a(a)(3), it does not have to be declared.

12. Three comments stated that the proposed ingredient listing would place an undue burden on food manufacturers or would be anticompetitive because a manufacturer would have to change label ingredient statements if he changed to a supplier that used a different set of optional ingredients in a standardized food.

The Commissioner agrees that requiring declaration of all optional ingredients in a standardized food that are required by the standard to be declared might in some instances reduce a manufacturer's flexibility and will sometimes result in a necessity to print new labels if a manufacturer changes suppliers of a particular ingredient. However, the Commissioner concludes that any resultant increase in prices will be negligible and he believes that the repeatedly expressed desire of consumers for more complete ingredient statements justifies the requirement of complete ingredient listings as far as is permitted by statutory authority.

LABEL DECLARATION OF INGREDIENTS

13. Two comments stated that the Food and Drug Administration does not have statutory authority to establish names for classes of food ingredients except by promulgating food standards. Another comment stated that the grouping of ingredients under ingredient class names as proposed in § 1.10(b)(3), (4), (6), (7), (8), (9), (10), (11), (12), and

(15) is contrary to existing regulatory requirements of the acts administered by the Food and Drug Administration and the U.S. Department of Agriculture. This comment, however, did not cite specific sections of those laws or specific requirements of those laws which are or would be in conflict with the provisions of the proposal.

The Commissioner advises that the Federal Food, Drug, and Cosmetic Act provides the authority to establish exemptions from ingredient declaration under section 403(j)(2) of the act. In those cases of overlapping authority with the U.S. Department of Agriculture, the ingredient class names contained in this regulation will not take precedence over any specific labeling requirements imposed by the U.S. Department of Agriculture.

14. Two comments objected to the provision permitting both fluid milk and dry milk to be declared as "milk." These comments stated that consumers place a greater value on fresh ingredients and that manufacturers using dried ingredients should not be allowed to conceal this fact.

The Commissioner is aware that some consumers prefer foods made using fresh milk or fluid skim milk as an ingredient rather than foods made using other forms of milk such as dried milk. The Commissioner advises that manufacturers using fluid milk ingredients such as milk or skim milk may declare these ingredients as "fresh milk" or "fresh skim milk" or by using other nondeceptive terms. However, since most food products made using concentrated milk or dry whole milk have the same nutritional value and the same taste as foods made using fluid milk, the Commissioner concludes that consumers will not be deceived by declaration of these ingredients by the class name "milk."

15. One comment objected to establishment of class names for dry, concentrated, and liquid forms of the same food ingredient. The comment stated that in the case of a manufacturer who may be using skim milk or nonfat dry milk, both of which would be allowed to be labeled as "skim milk," the consumer would not know whether he is paying for a large percentage of water or for nutritional solids.

The Commissioner advises that the foods that were selected for establishment of ingredient class names were chosen because they are nutritionally and functionally equivalent. For instance, an amount of water equivalent to that present in fluid skim milk would usually be added to nonfat dry milk when the two ingredients are used interchangeably in a food. Therefore, the Commissioner concludes that the proposed class names are not deceptive.

16. One comment asked if the proposed class names for milk products in this regulation could be used to describe all the milk products listed in the standard of identity for bread (21 CFR 17.1(a)(2)).

The Commissioner states that only those milk products made by removal of water and which do not contain ingredients other than those permitted in milk may be declared as "milk," and that the same considerations apply to the other dairy ingredient classes contained in this regulation. Evaporated milk may not be declared in ingredient statements as "milk," and evaporated skim milk may not be declared as "skim milk" because these milk products may contain emulsifiers and stabilizers. Sweetened condensed milk may not be declared in ingredient statements as "milk," and sweetened condensed partly skimmed milk or sweetened condensed skim milk may not be declared as "skim milk" or "nonfat milk" because these milk products contain sweeteners. Similarly, milk proteins may not be declared as "milk" in ingredient statements because milk protein does not contain the other constituents of milk such as minerals, milk fat, and flavor components. Therefore, the Commissioner concludes that only the foods listed in the various ingredient class categories may be declared in ingredient statements by their respective class names.

17. One comment stated that, because ingredients must be listed in descending order of predominance by weight, a manufacturer who on occasion uses a dry milk or dry milk product in place of a fluid milk ingredient, because of factors such as short supplies of the fluid ingredient, would be required to use different labels with different sequences of ingredient listings and a listing of water as an ingredient if he switched from use of a fluid ingredient to use of a reconstituted ingredient. It stated that the various milk and milk product ingredient classes should be changed by adding the terms "reconstituted milk," "reconstituted sweet cream buttermilk," "reconstituted cheese whey," and "reconstituted cream," as appropriate.

The Commissioner concludes that foods made using a dried or a concentrated milk product such as dried whole milk or concentrated skim milk and a quantity of water sufficient to reconstitute the milk, partially or completely, are nutritionally and functionally equivalent to foods prepared using the corresponding fluid milk product. Accordingly, it will not deceive consumers if foods made using reconstituted or partially reconstituted milk or milk products are allowed to be labeled using the appropriate ingredient class names. The Commissioner advises that the position of the class name in the ingredient statement shall be determined by the weight of the dried milk ingredient or the concentrated milk ingredient plus the weight of the quantity of water added to rehydrate the ingredient, up to the equivalent of the fluid milk ingredient. Any water added in excess of the amount of water needed to rehydrate the milk to single strength must be declared as "water" in the ingredient statement. Therefore, the final regulation has been amended to provide for declaration of reconstituted ingredients by ingredient class names and for determining the order of predominance for these ingredients.

18. Two comments stated that the ingredient name "nonfat milk" should be allowed as an alternative to the name "skim milk" in § 1.10(b)(3) of the proposal. They stated that consumers in many parts of the country have become accustomed to the name "nonfat milk" and could be confused by the substitution of the name "skim milk." The comments also pointed out that the standard of identity for skim milk (21 CFR 18.20) provides for the use of the alternate name "nonfat milk."

The Commissioner agrees with the comments and has amended § 1.10(b)(3) to include the name "nonfat milk."

19. One comment stated that the term "dry whole milk" should be substituted for the term "dried milk" in proposed § 1.10(b)(4). It stated that "dried milk" as used in the proposal refers to fluid whole milk which has been dried and that the suggested substitution would clarify the intent and avoid any confusion between "dried milk" and "nonfat dry milk."

The Commissioner agrees and has amended § 1.10(b)(4) to substitute the term "dry whole milk" for the term "dried milk."

20. One comment recommended that proposed § 1.10(b)(7) be reworded to refer to "whey" instead of "cheese whey" and to "dry whey" instead of "dried cheese whey." It did not object to ingredient declaration in collective or generic terms but suggested that use of the term "cheese whey" may be introducing a common or usual name that is inconsistent with trade usage and U.S. Department of Agriculture nomenclature. It stated that the name "whey," as opposed to "cheese whey," has been previously established (35 FR 19629; December 25, 1970) under the provisions of Title 7, Chapter I, Part 58, Subpart O—"U.S. Standards for Dry Whey."

The Commissioner agrees with this comment and has revised § 1.10(b)(7) to read as follows: "(7) Whey, concentrated whey, reconstituted whey, and dry whey may be declared as 'whey.'" The Commissioner points out, however, that this regulation does not establish common or usual names for specific whey products.

21. Following publication of the proposal, an inquiry questioned whether anhydrous butterfat could be labeled as "butter."

The Commissioner states that an error was made in proposed § 1.10(b)(9) for the class name for butteroil and anhydrous butterfat. The proposed class name should have read "butterfat" rather than "butter." The definition and standard of identity for butter was created by an Act of Congress on March 4, 1923 (42 Stat. 1500; 21 U.S.C. 321a). Only a food that meets this definition and standard of identity may be labeled as "butter" or declared in ingredient statements as "butter." Therefore, § 1.10(b)(9) has been corrected to read "(9) Butteroil and anhydrous butterfat may be declared as 'butterfat.'"

22. Two comments questioned the reason for including provision for animal feed ingredient labeling in the proposal.

The Commissioner advises that the provision for ingredient labeling of animal feed was already included in § 1.10 (21 CFR 1.10) and appears in § 1.10(b) (13) of the proposed text due to reorganization of the section. In general, the Federal Food, Drug, and Cosmetic Act and the regulations promulgated under the act do not make a distinction between animal feeds and human foods, and the label regulations for animal feed ingredients appear in the same sections as regulations for human foods. Minor revisions have been made in the regulation to make the wording consistent with section 201(x) of the act.

23. One comment opposed allowing use of the ingredient class name "vinegar" for the reason that some consumers might have allergies to apples or grapes and thus would need to avoid products made using apple or grape vinegar.

The Commissioner lacks adequate data to confirm or deny the contention that some vinegars may have allergenic properties. Because there is not sufficient information to determine that there is no difference among vinegars in allergenic properties or in their effects on finished foods, and in accord with the consumer's right to ingredient information, the Commissioner concludes that the proposed ingredient class name for vinegars should not be promulgated and has deleted it from the final regulation. The Commissioner advises that the definitions of the various vinegars which the Food and Drug Administration has used for many years are contained in Compliance Policy Guide No. 7109.04. A copy of this guide is on public display in the office of the Hearing Clerk.

24. One comment requested clarification of proposed § 1.10(b)(18) (redesignated as § 1.10(b)(15)) regarding ingredient labeling of wheat flours.

The Commissioner advises that wheat flours are required by Part 15 (21 CFR Part 15) only to declare optional ingredients. However, if a manufacturer chooses to list all ingredients contained in wheat flour, either on a package of wheat flour or in the ingredient statement of a food containing a standardized wheat flour as an ingredient, § 1.10(b)(15) is of relevance. In considering the labeling of wheat flours, the question has been raised whether the principal ingredient of wheat flour should be declared as "wheat," "partially milled wheat," perhaps as "ground, defatted, bolted wheat," or by some other designation. It was concluded that through long-standing common usage, the common or usual name for the principal ingredient in flour is the word "flour." Therefore, under § 1.10(b)(15) of the final regulation, when the principal flour ingredient is declared in a complete ingredient listing, the principal flour ingredient shall be declared by one of the names of the appropriate standardized wheat flours specified in §§ 15.1, 15.40, 15.80, and 15.100. Specifically, if one or more of the wheat flours listed in §§ 15.1, 15.10, 15.20, 15.30, 15.50, 15.60, 15.70, or 15.75 is used as an ingredient in a food and all the ingredients of the wheat flour(s) are declared, the ingredient statement on the food shall state the wheat ingredient by use of one of the following terms: "flour," "white flour," "wheat flour," or "plain flour." If the wheat flour listed in § 15.40 is used as an ingredient in a food and all the ingredients of the flour are listed, the ingredient statement shall list the wheat ingredient as "durum flour." If one or more of the wheat flours listed in §§ 15.80 or 15.90 is used as an ingredient(s) in a food and all the ingredients of the flour(s) are listed, the ingredient statement on the food shall list the wheat ingredient by use of one of the following terms: "whole wheat flour," "graham flour," or "entire wheat flour." If the wheat flour listed in § 15.100 is used as an ingredient in a food and all ingredients of the flour are listed, the ingredient statement on the food shall list the wheat ingredient as "whole durum wheat flour."

The Commissioner is amending § 1.10(b)(15) of the final regulation to delete the term "cereal flour" and to change the first phrase of the first sentence to read: "When all the ingredients of a wheat flour are declared in an ingredient statement, the principal ingredient of the flour shall be declared * * *." This change is made to clarify that the class names set forth in § 1.10(b)(15) pertain only to the wheat flours contained in Subpart A of Part 15 (21 CFR Part 15, Subpart A).

FATS AND OILS

25. One comment stated that since fats and oils have been declared in ingredient statements as "shortening," "vegetable oil," or "animal fat shortening" since 1940, these terms have become common or usual names for these substances and therefore satisfy the requirements of section 403(i)(2) of the act. Two other comments stated that the generic designations for oil ingredients have been used for decades and may have become common or usual names for these substances.

The Commissioner agrees that § 102.1(d) (21 CFR 102.1(d)) does provide for the establishment of common or usual names through common usage. The terms "shortening," "vegetable oil," or "animal fat shortening" have been permitted as terms for ingredient declaration, but the Commissioner has no information that these names are accepted by consumers generally as common or usual names for these classes of products.

Moreover, it is clear that terms such as "shortening" and "vegetable oil" are not the names used by manufacturers. Manufacturers buy and use fats and oils by names that refer to their sources and not by such collective names. It is highly doubtful that any name can be considered as having become common or usual through usage when that name is not established in the trade as the name of the ingredient.

26. One comment stated that most of the consumer letters that the Food and Drug Administration regards as showing a unanimity of opinion in favor of source labeling for fat ingredients were based on an erroneous premise and demonstrate that source labeling for fats would be misunderstood by consumers. The comment stated that most of the consumer comments filed with the Hearing Clerk as comments to the fat source labeling proposal of June 15, 1971 (36 FR 11521) were written as a result of consumers reading a newspaper article criticizing the practice of referring to coconut oil as "vegetable oil" in ingredient statements and which stated a columnist's opinion that coconut oil should be avoided to prevent heart and artery disease. The comment stated that avoidance of any single food or group of foods containing coconut oil would not result in reduction of blood cholesterol. The comment stated that the Food and Drug Administration, in its fat labeling regulations, recognizes that dietary regulation of the intake of saturated and polyunsaturated fats can be undertaken only under medical supervision.

The Commissioner concludes that fat and oil source labeling will be helpful to all persons who wish to avoid particular fats or oils in their foods. While it may not be valid for consumers to assume that avoiding a single fat or oil will prevent heart and artery disease, the Commissioner does not view the desire of consumers who wish to avoid a particular fat or oil as misguided or improper. On the contrary, consumers have the right to ingredient labeling that will allow them to avoid foods containing ingredients that they do not wish to consume.

27. Two comments stated there is no evidence of record to show that the practice of declaring all vegetable, animal, and marine fats and oils as "shortening" and other current ingredient listing practices have caused consumers to be misled. The comment stated that these labeling practices have been followed by the food industry for over 35 years and that there has been no change in the Federal Food, Drug, and Cosmetic Act that would require that they be changed.

The Commissioner does not contend that such labeling practices are necessarily misleading to consumers, but that they are not fully informative. Current fat and oil labeling practices result from interpretive exemptions provided in trade correspondences TC-62, TC-94, and TC-209 (a copy of each is on file with the Hearing Clerk). When the exemptions were issued it was contemplated that they might at some future time no longer be satisfactory, and a statement to this effect appears in each of the three items of trade correspondence. The Commissioner views the many comments that strongly favor the proposal as indicating public dissatisfaction with industry labeling practices concerning fats and oils used as ingredients in foods. Some 250 comments supporting the proposal were received from consumers, physicians, state agencies, the academic community, a consumer's organization, and other organizations. Of these, 103 were from consumers and physicians who had experienced allergic reactions to various vegetable oils, or whose children had experienced such reactions. An additional 54 comments were from consumers and physicians stating that fat and oil source

labeling is necessary to enable consumers to avoid foods made from fats or oils containing high proportions of saturated fatty acids or lacking significant proportions of polyunsaturated fatty acids for what they saw as health reasons. Therefore, the Commissioner concludes that there is adequate justification for the regulation as proposed.

28. One comment stated that the proposed ingredient labeling regulations for fats and oils may exceed statutory authority.

The Commissioner concludes that the requirement that fat(s) and/or oil(s) used as ingredients in foods must be declared in ingredient statements by the specific common or usual name of the fat(s) or oil(s) does not exceed statutory authority: Section 403(i)(2) of the act requires that the label on a food must bear the common or usual name of each ingredient contained in the food if the food is fabricated from two or more ingredients.

29. One comment stated that it would be essential to coordinate any change in fat ingredient labeling requirements with the U.S. Department of Agriculture to avoid consumer confusion, deception, and unfair competition. The comment stated that this regulation would require reclearance of all labels under the U.S. Department of Agriculture jurisdiction and would result in considerable expense to the consumer. The Commissioner advises that the changes in labeling resulting from this regulation have been coordinated with the U.S. Department of Agriculture. It was concluded that appropriate revisions can be made in any regulations that contain conflicting requirements.

30. Several physicians specializing in the treatment of allergies supported the requirement for source labeling of fats and oils and commented that specific fats and oils have caused allergic responses in their patients. Many consumers wrote stating that either they or their children are allergic to one or more specific fats or oils. By contrast, several comments stated that oils are carefully refined to remove proteinaceous materials and that it is generally recognized that proteinaceous materials are the cause of allergic responses. They pointed out that in 1969, in the findings of fact concerning peanut butter, the Commissioner concluded that the medical literature does not show that fats and oils are generally considered by allergists as foods likely to cause allergic response. These comments argued that allergenic properties of fats and oils are not adequate justification for requiring source labeling for fats and oils.

The Commissioner concludes that confirmation of actual allergenic properties in fats and oils is not necessary to justify the labeling requirements of this regulation. Allergic sensitivity to fats and oils is only one of the reasons consumers advanced for requesting specific fat and oil source labeling. Other frequently mentioned reasons were to enable consumers to choose foods containing fats or oils known to be high in polyunsaturated fatty acids or low in saturated fatty acids, religious reasons, and reasons of individual preference, in addition to their basic right to know the identity of such ingredients.

31. In opposing the proposed source labeling of fats and oils, one comment stated that the government should not support or take an official position on the controversial questions of whether there is a "need" to identify coconut oil as the fat constituent of a food product and whether the need of some people to know oil sources for allergenic reasons is valid.

The Commissioner is aware that the scientific community is not in agreement on these questions. However, this regulation is not dependent on their resolution. There is adequate justification for source labeling of fats and oils in the consumers' right to know the ingredients in their foods and in their expressed desires for such information.

32. One comment stated that if all foods were required to bear a warning statement containing a list of all foods present in the food to which a person might be allergic, e.g., "Caution—This product would be hazardous to people allergic to the following: Corn, peanuts, eggs, wheat," then there would be no need to require that ingredient statements bear the specific name of shortening ingredients.

Inasmuch as it is possible that one or more persons might be allergic to any ingredient used in foods, the Commissioner concludes that a requirement to list all potential allergens would be duplicative of the ingredient statement. The Commissioner instead urges persons who are allergic to certain foods to read ingredient statements carefully.

33. One comment stated that fat labeling in accordance with guidelines now in effect enables physicians to assist patients in the selection of dietary fats for health reasons and that source labeling for oils would add no meaningful information and might actually detract from overall consumer understanding because most of the total fats and oils consumed in the United States are naturally occurring constituents of the foods in which they are consumed, such as naturally occurring fat in meats, dairy products and eggs. Another comment stated that it is not necessary to identify by name a highly saturated fat used as an ingredient in a fabricated food because the fat in such foods comprises such a small portion of the total dietary fat intake.

The Commissioner states that while source labeling for fats and oils used in foods will not provide information on fats which occur in nonformulated foods, it will provide more information regarding fats and oils in formulated foods than is currently available. In addition, since the effect of fats and oils in the diet is the result of the total daily consumption, it is appropriate that the ingredients in foods be accurately declared so that persons who wish to avoid specific fats or oils may do so. Accordingly, the Commissioner concludes that, contrary to the opinion expressed in these comments, such labeling will make it easier for consumers to follow the advice of their physicians in controlling dietary intake of fatty acids.

34. One comment stated that one result of the fats and oils labeling regulations would be increased demand for vegetable oils with reputations for high content of polyunsaturated fatty acids. The comment stated that the regulation, by increasing demand for these vegetable oils, would drive the price of these oils up at the expense of other ingredients such as tallow, which would be in less demand.

The Commissioner advises that a trend toward increased use of those fats and oils known to contain higher proportions of polyunsaturated fatty acids has been readily visible since 1950. Any acceleration in this trend brought about by the source labeling requirement for fats and oils may be reflected in higher prices for some fats and oils. However, this increase in price will be buffered by two factors. First, as the divergence increases between the price of fats and oils containing higher proportions of polyunsaturated fatty acids and those containing lower proportions, manufacturers will shift toward the latter for use as food ingredients. Second, any shift in consumer preferences will be a long-term phenomenon, thereby allowing the market to adjust through increased production of those fats and oils with higher proportions of polyunsaturated fatty acids. An inflation impact assessment on file with the Hearing Clerk, Food and Drug Administration, elaborates on this discussion.

35. One comment stated that a source labeling requirement for fats and oils would result in causing manufacturers who presently use tallow and declare the ingredient as "shortening" to change to the use of a fat or oil with a more favorable consumer image. The comment contended that consumers would not benefit from the change in shortening ingredient since manufacturers would have to hydrogenate a vegetable oil heavily to obtain the necessary plasticity in the ingredient, with the result that the degree of saturation of the fatty acids in the hydrogenated vegetable oil would be approximately the same as in tallow.

The Commissioner advises that this regulation is intended not to influence use patterns of such ingredients but to provide accurate, fully informative labeling so that the consumer can make informed choices. If manufacturers wish to influence consumer attitudes toward a particular fat or oil, they may undertake an educational effort consistent with the requirements of § 1.18 (21 CFR 1.18).

36. Seven comments stated that the regulation should allow manufacturers who may need to change from use of one fat or oil to another to list in the ingredient statement or a warning statement each of the fats or oils that might be used. The comments stated that by being able to list all possible fats or oils that might be used in a product, manufacturers would be saved the expense of changing labels when they change fat or oil sources, and consumers who wish to avoid a particular fat or oil would be able to avoid foods labeled as possibly containing the fat or oil.

The Commissioner agrees with the comments and has revised the proposed regulation to permit fats and oils not actually present in a product to be listed in the ingredient statement as alternative ingredients. The Commissioner concludes that this revision will permit manufacturers to take advantage of changes in the prices of fats and oils without changing labels. Listing alternative ingredients is permitted only when the fats and oils are minor ingredients. The Commissioner concludes that, under such circumstances, consumers are sufficiently informed by a statement of the fats and oils that may be present. Ingredients listed but not necessarily present are required to be so identified through use of terms such as "or," "and/or" or "contains one or more of the following: * * *." Where the fats or oils are a predominant ingredient in the product, listing ingredients not actually present is not permitted. The Commissioner concludes that the potential for consumer deception in such a case is too great, as discussed more fully in paragraph 46 below.

37. A number of comments stated that requiring source labeling for fat and oil ingredients in foods would increase manufacturing costs and that cost increases would be passed on to consumers. Comments cited the following factors in support of their arguments that specific labeling of fat and oil sources would increase costs: (1) The long lead time necessary to order printed packaging materials, which would necessitate maintaining large stocks of labels with different ingredient statements for each fat or oil or for each combination of fats and/or oils that a manufacturer might have to use; (2) the expense of preparing additional printing plates and of printing smaller orders of each label; (3) the extra cost of maintaining stocks of additional labeled packaging materials or labels with different ingredient statements; (4) the loss of some labeled packaging material, which deteriorates and becomes unusable in a comparatively short time; (5) the cost of greater numbers of labels becoming obsolete; (6) added managerial expense necessary to ensure that the proper ingredient statement is used with each change in fats and oils; (7) the additional costs of storing reserve supplies of oil to permit addition of token amounts of fats or oils which have become too expensive to use due to price fluctuations in the fats and oils market, but which must be used to satisfy label ingredient statements until new labels can be obtained; (8) the possibility that manufacturers who currently use beef fat will cease using this ingredient and instead use vegetable oils with more favorable consumer images, which will cause an increase in demand and thus a price increase for these vegetable oils; and (9) the possibility of a change from palm oil as an ingredient to the use of soybean oil in all foods, which, it was said, would increase ingredient cost by $50 million (assuming an annual usage of 700 million pounds of palm oil and a price differential of 7 cents per pound between the two oils).

The costs identified in factors 1 through 6 in the above paragraph assume that label changes will repeatedly be required as changes in product formulations are made. However, if a blend of fats and/or oils is not the predominant ingredient in a product, under the regulation the individual fats and oils need not be listed in order of predominance where the manufacturer is unable to adhere to a constant pattern of use. The Commissioner concludes that most of all manufacturers of these products who must change the pattern of fats or oils used will vary the proportions in a blend of the same ingredients or will list alternative ingredients under the provisions of the revised regulations. Consequently, few label changes will be necessary.

The Commissioner also concludes that repeated label changes are not likely for products of which fats and/or oils are the predominant ingredient. During recent years the proportions of various fats and oils used industry-wide in salad and cooking oils, shortening, and margarine have been comparatively stable. Thus, while fluctuations in the price or availability of particular fats and oils may change the composition of products, experience suggests that in many cases the change will not be so significant as to alter the stated order of predominance.

The cost identified in factor 7 above, i.e., storage of fats and oils used in small amounts in a blend to avoid changing the label, would not necessarily be incurred under the revised regulation, which permits designation of alternative ingredients. Thus, storage expenses should not be significantly increased, if at all.

As stated in paragraph 34 above, a shift from use of animal fats to vegetable oils has been underway for over 2 decades. Hence, the costs identified in factor 8 above would not be a new phenomenon. Moreover, any increase in the demand for vegetable oils will bring about increased production, which will buffer adverse reactions for industry and consumers.

As for the costs identified in factor 9 above, the Commissioner has determined that, even under the most unfavorable conditions, the cost impact of a complete shift from palm oil to soybean oil would result in an ingredient cost increase of less than $32 million. This $32 million figure is highly unlikely because any shift of this magnitude would occur over the long term, i.e., a period of more than 3 years; this would allow time for adjustments in soybean oil production, which would in turn put downward pressure on soybean oil prices.

The inflation impact assessment on file with the Hearing Clerk, Food and Drug Administration, provides detailed analysis of these issues.

38. One comment stated that requiring oil source labeling would eliminate a firm's ability to test market products fried in various oils without having to obtain packaging material bearing different ingriedient statements because the firm would no longer be able to declare the various fat and oil ingredients as "shortening." The comment advocated retention of existing labeling regulations for fats and oils.

The Commissioner is aware that requiring that the common or usual name of fats or oils be declared on food package labels will in some cases limit the flexibility to which food manufacturers have grown accustomed. The Commissioner does not, however, believe this is sufficient reason to change this provision and agrees that it will be necessary to label correctly all foods being test marketed.

39. One comment stated that source labeling for fat and oil ingredients in not necessary; since consumers know that when the term "shortening" is used in ingredient statements, the food may contain animal fats, and those who wish to avoid animal fats look for a product where the term "vegetable shortening" is declared.

The Commissioner concludes that many consumers wish to know more about the fats and oils used as ingredients in foods than simply whether or not the product contains animal fat.

40. One comment stated that a declaration of the type of vegetable oil used as an ingredient in a food would falsely lead consumers to assume that there are nutritional differences between various household shortenings made from all-vegetable sources.

The Commissioner notes that no information was submitted to substantiate the conclusion in this comment, and he points out that if the conclusion were true the same result might be expected from declaration of other ingredients such as the type of carbohydrate sweeteners in sweetened foods. The Commissioner concludes that this possibility is insufficient to overcome the consumers' expressed desires to know the kinds of oils used in foods.

41. One comment stated that with the advent of nutrition labeling there is little additional advantage to the consumer in listing the names of specific fats or oils used as ingredients and that in many foods the specific type of oil added is of little consequence to the final food.

The Commissioner states that nutrition labeling and ingredient labeling have different purposes and that the one does not serve the purpose of the other. Nutrition labeling alone would not inform the consumer of the identity of fat or oil ingredients contained in a food. Therefore, the Commissioner concludes that fat and oil source labeling is advantageous to the consumer.

42. Several comments stated that certain types of products containing fat and/or oil should not be required to list all fats or oils by source. One comment said that only those foods that are represented for special dietary or nutritional use need such labeling. A second comment said that source labeling should not be required if the manufacturer of a blended fat or oil product produces a shortening with a constant degree of saturation through use of different ratios of fats and oils. Another comment stated that only foods containing fats or oils that contain low proportions of polyun-

saturated fatty acids should be required to bear the source labeling. Still other comments contended that foods containing small amounts of fat or oil do not need source labeling because small amounts of fat or oil are nutritionally insignificant.

The Commissioner states that it is appropriate that a food consisting of or containing fats or oils be labeled with an ingredient statement declaring the sources of the fats and oils contained in the product so that, if they wish, consumers may limit consumption of or avoid foods containing particular fats or oils. The Commissioner concludes that consumers have a right to know the identity of ingredients in their food and that it would unreasonably restrict the freedom of choice of persons who wish to avoid particular fats or oils to exempt any of these products from source labeling of fat and oil ingredients. Therefore, fat and oil source labeling will be required for all foods containing fats or oils, except for specific foods subject to standards of identity for which such labeling is not required.

43. One comment stated that manufacturers should not be required to cease using the term "shortening" as an ingredient declaration. The comment stated that the type of fat or oil used in a product was irrelevant since persons who are on fat-restricted diets should avoid foods containing high proportions of fats or oils regardless of the type of oil used.

The Commissioner concludes that all consumers, including those who are on a fat-restricted diet, have a right to readily available information concerning the ingredients contained in their food. Although it may be true that persons on fat-restricted diets should not eat foods containing high proportions of fats, this is not sufficient reason to deny consumers the knowledge of ingredients contained in their food.

44. One comment stated that the term "shortening" is more informative than source labeling of fats and oils would be in the ingredient statement of a pastry because the term "shortening" describes the friable characteristic of the baked goods.

The Commissioner advises that consumers apparently are more interested in determining the source of fat and oil ingredients used in foods, for health or other reasons, than in being informed indirectly that the product containing the ingredient is tender or friable. The Commissioner does not regard this comment as sufficient reason for retaining the term "shortening" in ingredient statements as the sole designation rather than requiring source labeling of fat and oil ingredients.

45. Two comments concerned the labeling of fats and oils in salad oils. One comment stated that salad and cooking oils in retail packages have been labeled with the source of the vegetable oils for many years and that there was no reason for these labeling practices to be changed. In contrast, the other comment stated that salad oil manufacturers need the flexibility to substitute fats and oils and recommended that manufacturers be allowed to label salad oils as "vegetable salad oil" without being required to declare the source of the oil.

The Commissioner advises that if current labeling identifies all the fast and oils in salad and cooking oils in their order of predominance then this regulation does not change it. If, however, source identification is currently not universally practiced, then the consumer's right and desire to have fat and oil source information is justification for changing current labeling practices.

46. The proposed regulation would require that foods in which fats and/or oils are the predominant ingredient and foods that are blends of fats and/or oils must bear a listing of the fat and/or oil ingredients in order of predominance.

Four comments stated that manufacturers of foods in which fats and/or oils are the predominant or sole ingredient are also subject to the economic pressures of variable fats and oils supplies and, therefore, must retain the flexibility to change to use of different fats and/or oils in response to variable supply situations. These comments stated that it would be an economic hardship to be required to change labels whenever it becomes necessary to vary the proportions of the various fats and oils contained in foods and that it would be necessary to pass on cost increases to consumers. One of these comments stated that order-of-predominance declaration should not be required because it would make no difference to a consumer who wishes to avoid a particular fat or oil whether that fat or oil is the predominant ingredient, and contended that declaration in order of predominance should be required only if a claim is made concerning polyunsaturated fatty acid content.

The Commissioner states that products in which fats, oils, or blends of fats and oils are the predominant or sole ingredient(s) are frequently valued by the consumer in relation to the amount of certain fats and/or oils contained in the products. Consequently, a high potential for economic deception would exist if such products were not required to list fat and oil ingredients in the order of predominance. The Commissioner is aware that many products in which fats and oils are the predominant ingredient already list these ingredients in the order of predominance and that for these products the regulation will entail no increase in costs. Since order-of-predominance labeling is necessary to prevent consumer deception in products in which fats and/or oils are the predominant or sole ingredient(s), the Commissioner concludes that such labeling should be required for these products.

In addition, the Commissioner has determined that the costs associated with label changes because of changing market conditions for fats and oils are not likely to be significant. As mentioned above, the proportion of different fats and oils used, for example, in the manufacture of salad and cooking oils, shortening, and margarine is comparatively stable and changes are not likely to alter the stated order of predominance.

47. Four comments stated that the meaning of the term "predominant ingredient" in the fats and oils labeling regulation should be defined to avoid individual definitions by manufacturers. Three of these comments stated that the meaning of "predominant" should be stated in terms of a percentage by weight of fats and oils regardless of the nature of the product.

The Commissioner agrees that it is necessary to define the term "predominant ingredient" for the reason given in the comment and that the meaning of the term should be independent of the type of product. However, to define "predominant" in terms of a percentage by weight would not in all cases correspond with the common and usual meanings of the word. For instance, if "predominant" were to be defined as "more than 50 percent," then in a case in which no single ingredient constitutes more than 50 percent of a finished food, the fats and/or oils ingredient could be the largest constituent and yet not meet the definition of "predominant." Any other numerical definition of "predominant" would be arbitrary and might not correspond to the expected meaning of the word. Since the common and ordinary meanings of the word "predominant" are "most numerous" and "outstanding," the Commissioner concludes that the proposed regulation should be changed to give these meanings to the term. Therefore, the second sentence in § 1.10(b)(14) has been changed to read "For products that are blends of fats and/or oils and for foods in which fats and/or oils are the predominant ingredient, i.e., in which the combined weight of all fat and/or oil ingredients equals or exceeds the weight of any other single ingredient, the listing of the common or usual names of such fats and/or oils in parentheses shall be in descending order of predominance."

48. One comment disagreed with the statement in the preamble of the proposal that consumers who wish to avoid a particular fat in a food would rarely, if ever, benefit by being informed that there is a greater quantity present of one kind of fat than other. This comment stated that some persons must maintain a certain ratio between polyunsaturated fatty acids and saturated fatty acids in their diets, and that a listing of the fats in order of predominance would assist these persons.

The Commissioner has carefully considered this comment. The statement to which the comment objects concerns total avoidance of a particular fat or oil. For those persons who wish to avoid a certain food, a statement of its presence is certainly the significant information. It is not necessary in these circumstances that a person know how much of a particular fat or oil he is avoiding.

Although a person who is instructed to maintain a certain ratio of polyunsaturated fatty acids to saturated fatty acids in his or her diet may benefit from knowledge of the amounts of polyun-

saturated and saturated fatty acids in a particular food, a listing of the order of predominance of fats and oils in a food would not supply enough information to benefit this person. To maintain adequately a given balance of fatty acids in a prescribed diet requires knowledge of the amount of each fat and/or oil in all foods and the proportions of polyunsaturated fatty acids and saturated fatty acids in each fat and/or oil used as an ingredient in each food. In addition, as described elsewhere in this preamble, the exemption from predominance listing applies only to those products in which the total amount of fats and/or oils does not constitute the major component of a food.

Because order-of-predominance information would not provide enough information to be of help to a person who must achieve a certain balance of polyunsaturated and saturated fatty acids in the diet and because the Commissioner concludes that many manufacturers need the flexibility to change the proportions of various fats and oils contained in their products due to changes in the relative prices of different fat and oil ingredients without having also to change labels, the Commissioner concludes that manufacturers who are unable to adhere to a constant pattern of fats and/or oils in foods due to changes in market conditions will not be required to list fat and/or oil ingredients in descending order of predominance when the fats and/or oils do not constitute the predominant ingredient of the food.

49. One comment stated that it would be nearly impossible for regulatory agencies to determine the accuracy of food ingredient statements because some of the ingredients would be present in such minute amounts.

The Commissioner concludes that through the use of inspectional and analytical techniques currently in use by the Food and Drug Administration and the various other regulatory agencies, it would rarely be "impossible" to determine accurately the quantities of ingredients present in a food.

50. The regulation states that, for a food containing fats and/or oils as a minor ingredient, a parenthetical listing of the fats or oils in an ingredient statement may be in an order other than descending order of predominance if the manufacturer, because of the use of varying mixtures, is unable to adhere to a constant pattern of fats and/or oils in the product.

Two comments stated that the word "unable" in this provision is subject to various interpretations; one stated that the word should be interpreted to allow manufacturers to vary the fat and oil combinations of their products depending upon availability and economic considerations.

The Commissioner states that the regulation will be interpreted to mean economic unavailability as well as physical unavailability. If a fat or oil ingredient listed on a label temporarily becomes too expensive or is temporarily not physically obtainable in commercial quantities, manufacturers may use the ingredient in smaller quantities than would be indicated by the order of predominance in the parenthetical statement.

51. Seven comments stated that the proposed alternative of listing all the fats and/or oils contained in a product without regard to the predominance of each fat and oil in the food would result in manufacturers listing all the fats and/or oils they would normally use and then adding only token amounts of those fats and/or oils in short supply at a particular time. Other comments stated that manufacturers would tend to list in primary order those oils that have a reputation as being high in polyunsaturates but would often actually use only small amounts of such oils if they were more expensive than fats or oils with lower proportions of polyunsaturated fatty acids. These comments stated that such practices would deceive consumers who would believe that the foods contained significant amounts of these oils and requested that the existing labeling practices for fats and oils be allowed to continue.

The Commissioner is aware that on occasion some manufacturers will find it necessary to add only small amounts of some fat and/or oil ingredients. Also, under the revised regulation, which permits a manufacturer to list alternative fats or oils, the manufacturer may list an ingredient infrequently used in the product. However, the Commissioner concludes that the adopted method of labeling food products containing fats and/or oils is the best compromise possible between the desire of consumers for specific source labeling and the desire of some food manufacturers to be allowed flexibility to substitute fats and oils in their food products without declaring the specific identity of the fats or oils on labels.

52. Several comments stated that the term "hardened" should be allowed as an alternative to the word "hydrogenated." One comment stated that the word "hardened" was less disagreeable to consumers than the word "hydrogenated."

Because of comments suggesting that the term "hardened" or, as discussed below in paragraph 53, the term "specially processed," should be used instead of the word "hydrogenated," the Commissioner has reviewed the proposed terminology. The required adjective is intended to convey the information that some or all of the double bonds in a fat or oil have been saturated through hydrogenation. The Commissioner concludes that the word "hardened" does not adequately serve this function. However, the Commissioner has considered whether other terms may be more understandable to consumers than "hydrogenated." The Commissioner concludes that the word "saturated" adequately describes the change in the fat or oil and, moreover, is considerably more familiar to consumers than the term "hydrogenated." Although "hydrogenated" has traditionally been used by the Food and Drug Administration, the increased interest in recent years in the composition of fats has made the term "saturated" better understood than "hydrogenated." Therefore, the proposed regulation has been revised to require use of the word "saturated" rather than "hydrogenated." Use of the word "saturated" as required by this regulation does not necessitate the information required by § 1.18 (21 CFR 1.18). There is no bar to manufacturers using a nondeceptive qualifying parenthetical phrase such as "partially saturated (hardened) soybean oil" to convey the information that the function of the saturation is to harden the oil.

53. Several comments stated that most vegetable and animal fats and oils have been lightly hydrogenated or partially hydrogenated during refining for such reasons as to prevent development of rancidity due to oxidation, to solidify liquid oils partially, or to change melting points of the fats. These comments stated that it would be deceptive to require that partially hydrogenated fats and oils be labeled as "hydrogenated" because many consumers, nutritionists, and physicians will think that an oil labeled as "hydrogenated" is completely saturated. One comment stated that since 1961 the vegetable oil industry has been labeling lightly hydrogenated vegetable oils as "specially processed" to indicate that the oil has been lightly hydrogenated rather than having been heavily hydrogenated as was the case prior to 1961. The comment stated that consumers might think that the nutritional value of vegetable oils has been altered if these products are no longer allowed to be labeled as having been "specially processed." These comments variously recommended that partially hydrogenated fats or oils be allowed to be labeled as "partially hydrogenated," "partially hardened," "lightly hydrogenated," or "specially processed" to inform consumers that the fats or oils are not completely saturated.

The Commissioner agrees that use of a single term would not be fully informative in cases where manufacturers use fats and oils that have not been completely hydrogenated. However, the term "specially processed," suggested by comments does not provide adequate information to the consumer. The Commissioner has revised the proposed regulation to require use of the term "partially saturated" where the fat or oil is not completely hydrogenated.

54. One comment stated that foods should be labeled with the percentage of saturation of the fat or alternatively be labeled with the source of the fat or oil and the degree of hydrogenation, if any. Another comments stated that all foods should bear information concerning cholesterol content.

The Commissioner advises that the provisions for labeling foods in relation to fat, fatty acids, and cholesterol content are found in § 1.18. The questions of declaration of percentage saturation and percentage hydrogenation were discussed in preambles to the regulations published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2132) and March 14, 1973 (38 FR 6961). Under the provisions

of § 1.18, whenever information on fatty acid content of food is provided, the amount of fatty acids in grams per serving is required to be listed for saturated and polyunsaturated fatty acids, and information may also be presented on the cholesterol content of the food. The Commissioner concludes that the situation has not changed materially since publication of § 1.18 (March 14, 1973 (38 FR 6961)), and that declaration of percentage saturation, degree of hydrogenation or cholesterol content should not be made mandatory.

55. A number of comments stated that, because of modern refining and processing methods, virtually all vegetable shortenings sold in retail packages have comparable fatty acid composition regardless of the source of the oils used. They stated that a declaration of source oils for these products would, therefore, falsely lead consumers into believing that there are significant differences among the products in fatty acid composition and functional value. By contrast, one of these comments also furnished information that in household shortenings made from all-vegetable sources the polyunsaturated fatty acid content varies from 30 percent to 50 percent and the saturated fatty acid content varies from 22 percent to 32 percent, depending on the type of vegetable oil(s) used and the degree of hydrogenation used.

The Commissioner states that his decision to require source labeling for oils used as ingredients in food is not based on considerations of whether or not significant differences exist between various vegetable oils. His decision is, instead, based on the repeatedly expressed desire of consumers for fat and oil source labeling and on the consumers' right to this information.

56. One comment asked if the terms "animal fat" and "meat fat" would be interchangeable in ingredient statements.

The Commissioner states that it might be confusing to consumers if food products were allowed to be labeled interchangeably with the terms "animal fat" and "meat fat." The term "animal fat" is more inclusive than "meat fat" inasmuch as the term "animal fat" includes milk fats such as butter, butteroil, and anhydrous butterfat. However, the Commissioner advises that the term "animal fat" may not be used by itself in ingredient statements and that this term is no interchangeable with other terms. The regulation permits the term "animal fat" to be used if the term is immediately followed by a parenthetical statement of the common or usual names of the individual fats contained in the blend of fats and/or oils, e.g., "blend of animal fats (butter, lard)."

57. One comment argued that the fact that Congress has required source labeling for fat and oil ingredients in margarine is not a precedent for the labeling of fats and oils used as ingredients in other foods. The comment stated that the fat and oil source labeling requirement was imposed on margarine in an attempt to maintain discriminatory restrictions on the sale of margarine and was not imposed for any demonstrated need for such labeling.

The Commissioner states that the fact that fat and oil source labeling is required for margarine is not the justification for requiring source labeling on other foods containing fats and/or oils as ingredients. As detailed elsewhere in this preamble, source labeling is being required because consumers have overwhelmingly requested it.

58. One comment asked whether the ingredient labeling rules would apply to margarine.

The Commissioner states that since the standard of identity for margarine (21 CFR Part 45) requires that all ingredients contained in the product be declared on the label as required by the applicable sections of Part 1 of Chapter I (21 CFR Chapter I, Part 1), and since the ingredient labeling rules of this regulation are issued under Part 1 of Chapter I, therefore, the ingredient labeling rules contained in this regulation do apply to margarine.

59. One comment asked for an interpretation of how the regulation applies to margarine when used as an ingredient in another food. The comment asked if margarine could be declared in the ingredient statement of the food as "hydrogenated vegetable margarine" or "margarine" followed by a parenthetical listing of the major fats and oils in the margarine in the order of predominance, and furnished the following examples: "hydrogenated vegetable margarine (liquid corn oil, soybean oil)" and "margarine (hydrogenated soybean oil and neutral lard)." The comment also asked if a declaration "hydrogenated soybean oil margarine" would be acceptable as a declaration when only one oil is used as an ingredient in the margarine.

The Commissioner states that this regulation permits a standardized food such as margarine, when used as an ingredient in another food, to be declared in the ingredient statement of the finished food by either of two methods. One method is by incorporating the list of the ingredients contained in the margarine into the ingredient statement of the other food in descending order of predominance without mention of the name of the standardized food (in this case without mention of the word "margarine" or "olemargarine"). The other method is by declaring the established common or usual name of the ingredient which, in the case of margarine, is the standardized name "margarine" or "oleomargarine", followed by a parenthetical listing of those ingredients required by the standard to be listed on food labels. The Commissioner states that since the name prescribed in the standard of identity for margarine is "margarine" or "oleomargarine" only these names may be used as the name for margarine in ingredient statements. In addition, a parenthetical declaration of all the ingredients contained in margarine must be included on the food label as required by the standard, not only the major fats and oils. Further, the regulation requires that the listing of a fat or oil which has been partially or completely hydrogenated must include the term "partially saturated" or "saturated," as appropriate.

60. In the preamble to the proposed regulation, the Commissioner stated his intention to rescind the opinions expressed in Trade Correspondences TC–62, TC–94, and TC–209, which were issued February 15 and 21 and March 21, 1940, respectively. TC–62 has allowed hardened fat or oil to be declared in ingredient statements as such without identifying the individual oil beyond its vegetable, animal, or marine origin. TC–94 has allowed various shortenings in fabricated foods to be declared in ingredient statements solely as "shortening" without naming each specific fat or oil when the particular shortening cannot always be predicted in advance, and it has allowed ingredients used for leavening or as yeast nutrients and dough conditioners to be declared as "leavening," "yeast nutrient," and "dough conditioner" on labels of bread. TC–209 has allowed vegetable oil used for frying potato chips to be declared in ingredient statements as "cooked or fried in vegetable oil." With the promulgation of this regulation, food labels must bear the common or usual name of the fats and/or oils used as ingredients in food. Therefore, the Commissioner is rescinding Trade Correspondences TC–62, TC–94, and TC–209 on the effective date of this regulation. The Commissioner advises that, although the deletion of the exemption for leavening, yeast nutrients, and dough conditioners was not discussed in the preamble to the proposed regulation, these exemptions are also revoked in that they are a part of TC–94, which is revoked in its entirety.

Olive Oil Mixtures

61. One comment was received in favor of the proposal to establish a common or usual name for mixtures of edible fat or oil and olive oil. No comments suggested a change in the proposal. However, the Commissioner is deleting language inadvertently included in the proposed regulation that would have required all fats and oils in the product to be listed in the common or usual name as well as in the statement of ingredients.

Effective Date

62. One comment requested that a realistic effective date be set to allow for redesigning and reprinting labels of food products affected by this regulation. The comment noted the numerous revisions all manufacturers have had to make in the last few years and requested that a date be chosen that would not place an undue burden on the process of redesigning and reprinting labels. Another comment stated that an effective date of January 1, 1977 would allow label revisions to be made at reasonable cost.

The Commissioner agrees that an unduly early effective date would burden manufacturers unnecessarily. Taking this factor into consideration, the Commis-

sioner has set an effective date of January 1, 1978. Labeling may be changed to comply with these regulations beginning on January 6, 1976. All labeling used for products initially introduced into interstate commerce on or after January 1, 1978, shall comply with these regulations.

Although a formal analysis of inflation impact is unnecessary, since publication of these regulations as a proposal preceded the requirement for inflation impact analysis, the Commissioner nevertheless has reviewed these regulations and has found no major inflation impact as defined in Executive Order 11821, OMB Circular A–107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. As indicated earlier, a copy of this inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

The Commissioner has reviewed these regulations pursuant to 21 CFR Part 6 and concludes that they will not significantly affect the quality of the human environment. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, 1047–1048 as amended, 1055 (21 U.S.C. 321(an) 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), *It is ordered,* That Title 21, Chapter I, of the Code of Federal Regulations be amended as follows:

1. Part 1 is amended:

a. By adding a new paragraph (f) to § 1.8 to read as follows:

§ 1.8 Food in package form, labeling; identity.

* * * * *

(f) A label may be required to bear the percentage(s) of a characterizing ingredient(s) or information concerning the presence or absence of an ingredient(s) or the need to add an ingredient(s) as part of the common or usual name of the food pursuant to Subpart B of Part 102 of this chapter.

b. By revising § 1.10 to read as follows:

§ 1.10 Food; labeling; designation of ingredients.

(a) Ingredients required to be declared on the label of a food, including foods that comply with standards of identity that require labeling in compliance with this Part 1, except those exempted by § 1.10a, shall be listed by common or usual name in descending order of predominance by weight on either the principal display panel or the information panel in accordance with the provisions of § 1.8d.

(b) The name of an ingredient shall be a specific name and not a collective (generic) name, except that:

(1) Spices, flavorings, colorings and chemical preservatives shall be declared according to the provisions of § 1.12.

(2) An ingredient which itself contains two or more ingredients and which has an established common or usual name, conforms to a standard established pursuant to the Meat Inspection or Poultry Products Inspection Acts by the U.S. Department of Agriculture, or conforms to a definition and standard of identity established pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, shall be designated in the statement of ingredients on the label of such food by either of the following alternatives:

(i) By declaring the established common or usual name of the ingredient followed by a parenthetical listing of all ingredients contained therein in descending order of predominance except that, if the ingredient is a food subject to a definition and standard of identity established in Subchapter B of this chapter, only the ingredients required to be declared by the definition and standard of identity need be listed; or

(ii) By incorporating into the statement of ingredients in descending order of predominance in the finished food, the common or usual name of every component of the ingredient without listing the ingredient itself.

(3) Skim milk, concentrated skim milk, reconstituted skim milk, and nonfat dry milk may be declared as "skim milk" or "nonfat milk".

(4) Milk, concentrated milk, reconstituted milk, and dry whole milk may be declared as "milk".

(5) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk or cultured buttermilk".

(6) Sweetcream buttermilk, concentrated sweetcream buttermilk, reconstituted sweetcream buttermilk, and dried sweetcream buttermilk may be declared as "buttermilk".

(7) Whey, concentrated whey, reconstituted whey, and dried whey may be declared as "whey".

(8) Cream, reconstituted cream, dried cream, and plastic cream (sometimes known as concentrated milk fat) may be declared as "cream".

(9) Butteroil and anhydrous butterfat may be declared as "butterfat".

(10) Dried whole eggs, frozen whole eggs, and liquid whole eggs may be declared as "eggs".

(11) Dried egg whites, frozen egg whites, and liquid egg whites may be declared as "egg whites".

(12) Dried egg yolks, frozen egg yolks, and liquid egg yolks may be declared as "egg yolks".

(13) A livestock or poultry feed may be declared by a collective name listed in § 1.16 if it is an animal feed within the meaning of section 201(x) of the act and meets the requirements for the use of a collective name as prescribed in § 1.16 for certain feed ingredients.

(14) Each individual fat and/or oil ingredient shall be declared by its specific common or usual name (e.g., "beef fat", "cottonseed oil") in its order of predominance in the food except that blends of fats and/or oils may be designated in their order of predominance in the food as "_____ shortening" or "blend of _____ oils", the blank to be filled in with the word "vegetable", "animal", "marine", with or without the terms "fat" or "oils", or combination of these, whichever is applicable if, immediately following the term, the common or usual name of each individual vegetable, animal, or marine fat or oil is given in parentheses, e.g., "vegetable oil shortening (soybean and cottonseed oil)". For products that are blends of fats and/or oils and for foods in which fats and/or oils constitute the predominant ingredient, i.e., in which the combined weight of all fat and/or oil ingredients equals or exceeds the weight of any other single ingredient, the listing of the common or usual names of such fats and/or oils in parentheses shall be in descending order of predominance. In all other foods in which a blend of fats and/or oils is used as an ingredient, the listing of the common or usual names in parentheses need not be in descending order of predominance if the manufacturer, because of the use of varying mixtures, is unable to adhere to a constant pattern of fats and/or oils in the product. If the fat or oil is completely hydrogenated, the name shall include the term "saturated", or if partially hydrogenated, the name shall include the term "partially saturated". Fat and/or oil ingredients not present in the product may be listed if they may sometimes be used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", "contains one or more of the following:", e.g., "vegetable oil shortening (contains one or more of the following: cottonseed oil, palm oil, soybean oil)". No fat or oil ingredient shall be listed unless actually present if the fats and/or oils constitute the predominant ingredient of the product, as defined in this paragraph (b)(14).

(15) When all the ingredients of a wheat flour are declared in an ingredient statement, the principal ingredient of the flour shall be declared by the name(s) specified in §§ 15.1, 15.40, 15.80 and 15.100 of this chapter, i.e., the first ingredient designated in the ingredient list of flour, or bromated flour, or enriched flour, or self-rising flour is "flour", "white flour", "wheat flour", or "plain flour"; the first ingredient designated in the ingredient list of durum flour is "durum floor"; the first ingredient designated in the ingredient list of whole wheat flour, or bromated whole wheat flour is "whole wheat flour", "graham flour", or "entire wheat flour"; and the first ingredient designated in the ingredient list of whole durum wheat flour is "whole durum wheat flour".

(c) When water is added to reconstitute, completely or partially, an ingredient permitted by paragraph (b) of this section to be declared by a class name, the position of the ingredient class name in the ingredient statement shall be determined by the weight of the unreconstituted ingredient plus the weight of the quantity of water added to re-

constitute that ingredient, up to the amount of water needed to reconstitute the ingredient to single strength. Any water added in excess of the amount of water needed to reconstitute the ingredient to single strength shall be declared as "water" in the ingredient statement.

c. By adding the following new section:

§ 1.10b Petitions requesting exemptions from or special requirements for label declaration of ingredients.

The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition pursuant to Part 2 of this chapter may issue a proposal to amend § 1.10 to specify the manner in which an ingredient(s) shall be declared, i.e., by specific or class name, or § 1.10a to exempt an ingredient(s) from the requirements for label declaration.

2. Part 102 is amended by adding the following new section to read as follows:

§ 102.19 Mixtures of edible fat or oil and olive oil.

The common or usual name of a mixture of edible fats and oils containing less than 100 percent and more than 0 percent olive oil shall be as follows:

(a) A descriptive name for the product meeting the requirements of § 102.1(a), e.g., "cottonseed oil and olive oil" or another descriptive phrase, and

(b) When the label bears any representation, other than in the ingredient listing, of the presence of olive oil in the mixture, the descriptive name shall be followed by a statement of the percentage of olive oil contained in the product in the manner set forth in § 102.1(b)(2).

3. Trade Correspondence No. 62, issued February 15, 1940, Trade Correspondence No. 94, issued February 21, 1940, and Trade Correspondence No. 209, issued March 21, 1940, are hereby revoked.

Effective date. Labeling may be changed to comply with these regulations on January 6, 1976. All products initially introduced into interstate commerce on or after January 1, 1978, shall comply with these regulations.

(Secs. 201(n), 403, 701(a), 52 Stat. 1041, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371 (a)).)

Dated: December 29, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76–96 Filed 1–5–76;8:45 am]

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TUESDAY, JANUARY 6, 1976

PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit

■

MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Final Regulations for Section 235 Program

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT

[Docket No. R-75-358]

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOMEOWNERSHIP AND PROJECT REHABILITATION

Final Regulations for Revised Section 235 Program

On November 7, 1975, the Department of Housing and Urban Development published a proposed rule which would amend 24 CFR Part 235 so as to establish conditions for a revised homeownership program to assist lower income families to acquire new or rehabilitated single-family homes and condominium units (40 FR 52216). This proposed program would be carried out under section 235 of the National Housing Act.

As indicated in the notice of proposed rulemaking, the revised section 235 program would be changed in significant respects from the original section 235 program which was initiated after enactment of the Housing and Urban Development Act of 1968 but suspended in January 1973. Several of these changes reflect amendments made in the authorizing statute by the Housing and Community Development Act of 1974. Most, however, were proposed as means of providing assistance to those with high prospects for successful homeownership without many of the problems that had arisen in the original program, while also effectively stimulating home construction and expanded employment opportunities.

The Department has received over 300 responses to its invitation for public comment on the proposed rule, all of which have been reviewed and carefully considered. A substantial number of comments either generally endorse reinstitution of the section 235 program or argue against this action for a variety of reasons. These comments are discussed below. Following this discussion is a summary of other more specific comments received. Department action on those comments, and changes made in the proposed rule, all listed approximately in the order in which particular subjects appear in the proposed and final rule.

General Comments on Program Desirability

In addition to many comments generally endorsing the revised program as set forth in the proposed rule, a substantial group of responses objected to reinstatement of the section 235 program. Reasons given included abuses connected with the section 235 program in the past, budget costs, and the unfairness of taxing working families to subsidize homeownership for a particular income group. Others argued that the revised program would subsidize an industry excessively characterized by inefficiency and high costs. With respect to past abuses, the Department believes that these can be very largely eliminated through the various modifications included in the revised program—many of which are discussed below—coupled with effective administration. As to industry costs and efficiency, the Department hopes that with relatively tight mortgage and price limits and adequate underwriting standards, the revised program will support industry efforts to produce economical, quality housing. Some problems of equity will necessarily remain as between those who do and do not receive assistance, but the Department believes that these are outweighed by the advantages of the revised program, including its effect in supporting the overall economic recovery. Accordingly, the Department has determined to utilize the contract authority remaining available for the section 235 program for providing assistance generally as set forth in the proposed rule, subject to a number of modifications as described below.

Specific Comments and Changes

1. *Program summary.* A new § 235.2 has been included in the regulations outlining the basic conditions applicable to the revised program.

2. *Definitions: Adjusted income.* Several comments were received suggesting that § 235.5(a) of the proposed rule be modified so as to increase the amount of income that can be excluded, in determining eligibility or subsidy, because of minor dependents. Also it was suggested that the 5 percent exclusion provided in lieu of amounts withheld be increased to correspond to current social security withholding. The exclusion for minors is that authorized in the statute and the Department does not believe that it should be increased in absence of Congressional direction. As to the 5 percent exclusion, this is an amount administratively allowed under the prior program, over and above amounts specifically authorized by statute. It has the effect of indirectly increasing income limits and potential subsidy benefits above those which are set forth in the statute and which are generally understood by the public to apply. Because the specific 5 percent allowance has been in effect for some time and was known to the Congress when income limits and other statutory changes were approved in 1974, the Department believes that it may be considered as authorized but, for reasons indicated, does not believe that it should be increased.

While no changes have been made to increase exclusions for minor dependents, or to increase the 5 percent exclusion, § 235.5(a) has been modified to clarify the types of income that will be excluded as being unusual or temporary. As proposed, § 235.5(a) provided only that unusual or temporary income "as defined by the Secretary" would be excluded in determining adjusted annual income.

3. *Definitions: Family.* Several comments on § 235.5(c) were received suggesting that the program be opened to single persons under age 62. It was argued that failure to provide for such persons amounted to discrimination on the basis of marital status. However, the authorizing statute specifically indicates that the assistance is to be provided to "families", and the definition set forth in the proposed rule reflects the concept of family which has been traditionally applied in the Department's lower income housing programs either by virtue of specific statutory direction or formal regulation. Accordingly, the Department does not believe that this definition should be modified in absence of some specific manifestation of supporting Congressional intent.

4. *Definitions: Minor.* Several comments were received suggesting that "minor" in § 235.5(e) should be defined according to State law instead of as a person under age 21. However, the Department believes that it is permissible to have a single national standard and would point out that the definition in the proposed rule allows a larger number of income exclusions and thus provides increased benefits to participating families than would result from exclusions based on State laws which typically set majority at a lower age.

5. *Definitions: Substantial rehabilitation.* The definition of substantial rehabilitation contained in § 235.5(f) has been modified to effect technical corrections.

6. *Eligible mortgagors: Income limits.* Many comments were received on the proposed income limits contained in § 235.10(a) of the proposed rule, most of which argued that a limit set at 80 percent of area median income was too low to permit the program to operate effectively. Special problems were said to exist in rural areas because of low levels of income in such areas. Also, in several cases comments were coupled with recommendations that the maximum allowable subsidy be increased so as to allow more families within the income limits to acquire homes. The Department appreciates the fact that an 80 percent of median limit may in some areas prove too low. However, the statute allows, and the proposed rule provides for, adjustments in the 80 percent limit as necessary to meet prevailing construction costs or because of unusually low median incomes in particular areas. The Department will make use of this authority and expects that it will be sufficient to permit families with a range of incomes to participate in the program.

The Department contemplates that the adjustments will be based on the incomes needed in the various housing market areas to acquire a newly constructed standard house acceptable for insurance under the program, subject however to a maximum income limit based on a specified percentage of median incomes in the area, census region, or both. Initial instructions for such adjustments are being prepared and will be provided to Departmental field offices. These instructions will be available for public inspection in those offices and at headquarters at that time. However, it is

considered premature to provide more specifically for these adjustments in the rule until such time as procedures can be tested through initial field operations.

7. *Eligibility: Asset limits, stability and adequacy of income.* Several comments were received objecting to elimination of assets limits from § 235.10. Also, comments were received from persons arguing that the requirement in § 235.10(b) that the mortgagor's projected income be expected to continue for approximately five years limited participation by those who may be unable to secure steady employment because of discrimination or would prejudice allowance for earnings of working women. Also, it was recommended that the regulation define what level of monthly income would be regarded as adequate to meet monthly payments.

With respect to asset limits, the Department believes that it is desirable to permit participation by families having some resources that will provide a cushion against unforeseen circumstances that might otherwise lead to a default. The mortgage and maximum sales price limits are believed sufficiently low as to discourage participation by families with substantial assets who would ordinarily expect homes with amenities above those likely to be provided.

A reasonable requirement for stable income over the early years of the mortgage is considered essential to minimize defaults, and the Department believes that such a requirement can be administered without discrimination. As to the "adequacy" of income, the Department believes that, while a specific standard such as set forth in regulations governing the original program may be generally valid, it is desirable to allow greater leeway for case-by-case decisions to reflect the existence of unusual family obligations or other special circumstances.

8. *Eligibility: Families owning homes.* A new paragraph (d) has been added to § 235.10 indicating that a family which already owns a standard home may purchase a new home under the revised program but will be required to sell its present home unless the mortgagor is 62 years of age or older.

9. *Counseling.* The provision in § 235.11 of the proposed rule stating that the Secretary shall provide counseling under such terms and conditions as the Secretary may determine was the subject of numerous comments. Many persons stressed the importance of counseling as a means of minimizing defaults and argued that counseling should be made a condition to loan approval or offered specific suggestions as to the types of counseling services that should be provided. It was recommended that the final regulation be more specific than the proposed regulation on the subject of counseling and that the Department provide the public with an opportunity to comment on the counseling program before it is implemented. The Department believes that it is necessary that every mortgagor be provided with basic information on homeownership responsibilities and that this can be accomplished through use of effective written materials. Accordingly, § 235.11 will require mortgagees to certify that mortgagors receive a package of written counseling materials which will be provided by the Department. In addition, the regulation will provide that mortgagors may be required to accept further counseling where it is needed and available from local agencies having requisite capabilities. These provisions will become effective with the balance of the regulation upon publication so that the revised program may be implemented without further delay.

10. *Eligible dwellings: Types generally.* Numerous comments were received relating to the provision of § 235.15 which indicate that under the revised program only newly constructed or rehabilitated single-family homes or condominium units will be eligible. It was argued that acquisition of existing homes should be assisted because of their lower costs or so as to permit greater use of the program in urban areas. Other comments urged that unsold units on which construction started before October 17, 1975, be included, that the program be extended to include two-family, or two- to four-family homes, that it include mobile homes and units in newly constructed cooperative projects. Also, it was recommended that new homes financed under a State housing agency program be eligible without the requirement for FHA insurance.

With respect to the most commonly advanced suggestion—including existing homes or homes on which construction started before October 17—the Department has determined to make no change in the proposed regulation. It believes that the limitation of the program to new and rehabilitated units is necessary to achieve maximum impact with limited funds in stimulating building activity and expanded employment. Also, exclusion of existing units avoids various problems and abuses associated with these units in the original program.

The Department also does not believe that it is generally appropriate to subsidize acquisition and rehabilitation under the program of two-family properties, particularly in view of the management skills and greater resources typically required for long-term successful operation of these properties. Mobile homes are not considered eligible under present law and a legal question also exists as to whether State financed units may be included without FHA mortgage insurance. However, State agencies may participate in the revised program as insured mortgagees just as under the original program. With respect to cooperative units, the Department is still considering a possible extension to cooperatives which, if approved, may be effected by later amendment to the regulations.

11. *Eligible dwellings: Marketability.* Because of the importance of assuring housing quality and marketability, and in view of concerns expressed in a number of comments, the Department has modified § 235.15 of the rule as proposed by adding a new paragraph (c) which specifically provides that marketability of all lots and units must be established.

12. *Rehabilitation: Calculation of value.* Comments were received which urged that rehabilitation be encouraged, but it was also suggested that rehabilitation should be limited in favor of new construction. It is the Department's belief that rehabilitation should be encouraged to the extent feasible, so that the revised program will tend to support urban conservation programs and efforts to provide housing in urban areas at lowest total cost. At the same time, however, the Department is anxious to avoid problems that have been experienced in the past in rehabilitation situations where properties have been acquired and rehabilitated at a cost that could not be supported in terms of the anticipated market. Accordingly, the Department is adding to the regulations a new § 235.16 which indicates that in the case of rehabilitation allowable value cannot exceed market value after rehabilitation.

13. *Lot size.* In order to assure that assistance under the revised program is focused on the provision of housing and stimulation of construction, and to avoid potential abuses, a new § 235.17 has been included which specifically provides that a residential lot for a home under the revised program may not exceed one acre unless more than one acre is needed to comply with local code requirements or to provide for a safe and adequate water supply or sewage disposal system.

14. *Mortgage maturities.* A substantial number of comments were received urging that §235.22(d) of the rule as proposed be modified so as to authorize maturities in excess of 30 years, thus allowing lower monthly payments as principal repayment is extended over a longer period. The Department, however, does not believe that the relatively small reduction in monthly payments resulting from a longer term is sufficient to offset the disadvantages of a higher risk due to slower amortization. Accordingly, no change has been made in § 235.22(d).

15. *Maximum mortgage amount.* The limitations on maximum mortgage amount set forth in § 235.25 and § 235.26 were the subject of numerous comments, nearly all of which argued that the limits were too low in particular areas. It was commonly contended that the limits would make the program unworkable in these areas because of the prevailing costs of construction. Concern also was expressed that the limits would result in low quality housing which might not be marketable in the future. The limits set forth in the regulation are, however, those provided in the authorizing statute, and while the Congress is considering increasing those limits, the Department sees no reason to delay implementation of the revised program. The regulation limits may prove too low in some areas. But the Department believes that it will be widely possible to provide quality housing within those limits through rehabilitation in urban areas and by making use of good planning and design, including townhouse and cluster design, while eliminating extras and amenities

that are not essential to long-term marketability. It also believes that some of the new provisions governing the revised program—particularly the limitation on concentration of subsidized units—should help assure maintenance of adequate quality standards. Further, provisions of § 235.320 permitting homes to be sold at prices equal to 120 percent of mortgage limit should provide useful flexibility.

16. *Increases in mortgage amount for families of five or more.* Sections 235.25 and 235.30 of the proposed rule both would provide that the maximum mortgage amounts otherwise allowable may be increased by $3,600 in the case of families of five or more persons. The Department believes that it is desirable to set forth more specifically the standards that will apply to such increases and accordingly has modified § 235.25 to add a new paragraph indicating that the $3,600 additional mortgage amount will be allowed only where a family requires four or more bedrooms and where the property meets certain other conditions designed to assure marketability and protect the Government against loss.

17. *Mortgagor's investment.* While some comments were received indicating the desirability of higher downpayments than in the original program, many objections were made to the specific downpayment requirements set forth in § 235.35(b) of the proposed rule. For lower priced homes, this provision in effect requires a minimum investment, which may include prepaid expenses, that is equal to at least 6 percent of the Secretary's estimate of the cost of acquisition. It was argued that this requirement was excessive, and that it would exclude too many low-income and minority families from the revised program. Particular exception was taken to the fact that the required minimum investment may be above that required for purchase of a home insured under section 203(b) of the National Housing Act and that it was above the downpayment which is specified in the authorizing statute. Apart from suggestions for lowering the minimum investment to specified amounts or percentages, several recommendations were made that labor—so-called "sweat" equity—be allowed as a means of meeting the requirement.

The Department has carefully reviewed the above comments and has decided to retain the minimum investment requirement as set forth in the proposed regulation. The required investment is lower than that usually required in the conventional market but affords substantial protection against early default and resulting loss; it should also enhance public acceptability and provide a reasonable offset to the possibility that mortgagors who have purchased with subsidy assistance may later enjoy a substantial gain upon resale, particularly if the revised program works as intended. Further, it is considered that a substantial downpayment will encourage purchasers to exercise greater care in selection, thus supporting efforts to maintain quality standards.

With respect to recommendations for allowing so-called "sweat equity", the Department considers that this is authorized under the proposed regulation but has nevertheless clarified the regulation so as specifically to authorize investment in the form of labor and to also make clear the allowability as equity of a lot on which a home is to be built.

18. *Limitation on the number of mortgages in a subdivision.* Many comments were received on the provisions of § 235.37 limiting the number and percentage of subsidized units that may be located in any subdivsiion of more than 10 homes. A number of those commenting generally endorsed the provision but others recommended that it be deleted entirely, substantially modified, or made inapplicable in various situations. Arguments were made that subsidized and unsubsidized units could not be successfully marketed together. Also, the 40 unit per subdivision limit was criticized as arbitrary, the 30 percent limit was asserted to be too low, and the reference to lots being marketed under a "common promotional scheme" was challenged as reaching situations where different builders might be operating in scattered locations within a large area or project, such as a new town. It was claimed that the limitation was inappropriate in rural areas or that the 10 unit exemption should be increased for such areas; other comments asserted that the limitation was inappropriate in urban areas, particularly where section 235 mortgagors might have higher incomes than other families in an area.

The Department believe that economic integration and dispersal of subsidized units are essential and should be retained but in modified form. One change is to eliminate the 40 unit maximum since the Department agrees that this may produce unreasonable results in particular situations. Also, the basic percentage of allowable subsidized units has been increased from 30 percent to 40 percent and the rule has been restated so that it will never be applied to reduce the number of subsidized units in any subdivision below 25; thus a subdivision of up to 25 units would be effectively exempted from the percentage rule, assuming it met other program and planning requirements. Further, the reference to common promotional scheme has been deleted and the limitation reworded in a manner which will provide Departmental field staff with reasonable leeway in applying the rule to particular developments in a manner consistent with its purpose.

In addition to establishing an overall percentage limit on subsidized units, the Department believes that in order to assure sound underwriting reasonable efforts should be made to avoid concentrations of units within subdivisions. Accordingly, the regulation will specifically provide that dispersal of subsidized units within subdivisions will be required to the extent practicable.

The Department believes that the basic 40 percent rule should apply to projects undertaken in urban areas but that special exemptions may be appropriate in the case of certain urban rehabilitation projects. Acordingly, the rule provides that waivers for such projects may be granted by the Secretary where an aggregation of subsidized units is essential to community redevelopment plans.

19. *Reservations of contract authority.* A number of comments addressed the provisions of § 235.38 providing for advance reservations of contract authority. Concern was expressed that the proposed reservations system would permit builders to tie up funds, and it was suggested that subsidy funds instead be made available on a first-come, first-serve basis. Recommendations were also made that reservations be limited to 90 days; that limits on reservations per builder be imposed; or that reservations be tied to the start of construction. The Department believes that a system which will provide builders with some advance assurance of funding is important to the objective of stimulating homebuilding activity and that it will also facilitate implementation of provisions of the law contemplating local government review of proposals for consistency with local housing plans. Accordingly, § 235.38 has been revised so that builders or developers of subdivisions or projects of 13 or more subsidized units will be required to secure advance reservations and the rule will so provide. At the same time, however, the Department recognizes that some tightening up is appropriate to prevent reservations from being held for long periods where no construction has started. Thus, the rule has been modified to provide that reservations may not be extended beyond six months unless construction has started before that time and that only one extension will be granted. Other changes have been made in § 235.38 so as to spell out in greater detail the applicable procedures for obtaining reservations, including procedures which may be followed by builders not subject to the advance reservation requirement.

20. *Housing assistance plans and local review.* Several comments were received stressing the need for consistency with local housing assistance plans or for possible amendments to those plans in light of the revised program. Amendments to Housing Assistance plans are provided for in existing regulations governing the community development block grant program, and amendments to these regulations will be published in the near future. In order to assure consistency with housing assistance plans, in accordance with section 213 (a) and (b) of the Housing and Community Development Act of 1974, and to provide for local comments in accordance with subsection (c) of that section, the rule is being amended to add a new § 235.39 setting forth section 213 procedures. These essentially parallel the statutory wording but make clear that, where the comments of a local government on an application are available when the application is submitted to HUD, they may be forwarded with the application, thus avoiding the delay involved in a subsequent HUD notification and local government response. More

detailed section 213 regulations are being developed in the Department which will apply to all programs subject to that section, and it is anticipated that these will be published in the near future.

21. *Premium structure.* The Department believes that the revised section 235 program should, so far as possible, be actuarially sound so that mortgage insurance costs are met through premiums rather than through uncompensated charges upon the insurance funds which, in effect, amount to a hidden subsidy. It believes that this approach is consistent with sound principles of budgeting and cost control. It has accordingly revised the rule to add new §§ 235.202, 235.203 and 235.204 under which the annual mortgage insurance premium will be increased from .50 percent to .70 percent. This involves no increase in costs to subsidized mortgagors, since the maximum subsidy payment is fixed to include mortgage insurance premium and since mortgagors not receiving the benefit of maximum subsidy are in no event required to pay more than 20 percent of their income towards the monthly payment, including premium. The increase would, however, affect mortgagors whose incomes increased to the point that they are able to meet the full payment without subsidy assistance.

22. *Limitation on sales price.* Several comments were received recommending that the limitation on maximum sales price established by § 235.320—120 percent of mortgage amount—be increased. The Department has not adopted this recommendation because the limit set forth in the proposed rule provides a substitute for an asset limit, as explained in item 7. above, and because it is felt that higher priced homes would be difficult to justify in a program which permits a relatively limited number of families to enjoy the benefits of homeownership with the benefit of a substantial tax supported subsidy.

23. *Level of assistance payments.* A substantial number of comments were received concerning the provisions of § 235.335 which would limit the maximum subsidy to an amount which would reduce monthly payments to those which would be required on a 5 percent interest mortgage. Some of these comments recommended that the subsidy be increased because families with incomes below 80 percent of median could not otherwise afford to purchase homes at the costs prevailing in the area; others urged that the subsidy be increased in order to permit the program to serve lower income families. Some recommended that the subsidy be increased to permit payments equal to those on a 3 percent mortgage; some recommended that payments be subsidized to a 1 percent level as under the original program.

As indicated above, the Department believes that some of the concerns reflected in the comments on this provision can be dealt with through adjustments in the maximum family income ceiling. It is recognized that the resulting program will necessarily be addressed to families in a higher income range than the original section 235 program, but the Department believes that it is reasonable to focus assistance upon those who have both a demonstrable need for assistance and sufficient income to provide some margin of flexibility in meeting unanticipated problems which may affect their capacity to maintain homeownership. Many of these are families who have been effectively priced out of the new home market in recent years and, in terms of income, stand in the same relationship to families at the time the Section 235 program was initially authorized. These higher income families will commonly have good prospects for income increases that will help offset increases in utility and other costs of homeownership.

The subsidy provided under the proposed regulation also avoids very high per unit costs involved in paying the full subsidy at present day interest rates; these costs would severely restrict the number of families that could be assisted with the funds available for commitment and greatly diminish the effectiveness of the revised program in stimulating home construction and employment.

24. *Assistance payments and handling charges.* For clarification, § 235.335 has been amended by addition of a new paragraph indicating that in calculating the monthly homeownership payments to which each mortgagor is expected to contribute at least 20 percent of his adjusted monthly income, special assessments levied by governmental bodies are to be included as "taxes", while ground rents, homeowners' association assessments or special assessments levied by nongovernmental entitles are not to be included.

25. *Mortgagor recertification of income.* Two points in the proposed recertification provisions of § 235.350 drew comment: (1) Recertification on a calendar year (rather than anniversary date) basis caused concern for the problem of larger volume lenders in spreading workload evenly rather than concentrating it around the time of filing of Federal income tax returns; and (2) examination of these tax returns by mortgagee, rather than government, personnel was seen as a threat to privacy of mortgagors.

The Department considers strict income recertification requirements to be essential to fair and proper management of the program. The final regulations provide for both strong safeguards and mortgagee flexibility in processing recertification, as follows: (1) A new requirement obligates each section 235 mortgagor to report to the mortgagee servicing the loan each increase in monthly family income (except income of minors) of $50 or more; (2) the mortgagee is permitted to obtain recertification no earlier than 60 days before and no later than 30 days after the anniversary date of the mortgage, and (3) the mortgagee is required, by a new addition to the regulations, to report to HUD any substantial difference observed between the income certified and reported by the mortgagor and the income which the mortgagor has stated was reported on the tax return (or returns when family members file separately) for the applicable period of time covered by the recertification. The requirement that the mortgagor provide a copy of his Federal income tax return to the mortgagee at the time of recertification has been eliminated. In its place is a new requirement that the mortgagor report to the mortgagee, at the time of application for assistance and at the time of each annual recertification, the amount of total income prior to adjustments reported by the mortgagor in his most recent Federal income tax return. For purposes of further verification of income, the mortgagor will also be required to agree that the Secretary may request a copy of the mortgagor's Federal income tax returns from the Internal Revenue Service.

26. *Termination, suspension and reinstatement: Servicing requirements and procedures.* Several comments were received suggesting that additional provisions be added providing for administrative hearings before a suspension or termination of payments results in foreclosure or recommending that the proposed rule be expanded to set forth forbearance and servicing requirements affecting the interests of mortgagors. The Department is currently considering whether to adopt additional regulations in the area or servicing obligations, forbearance and foreclosure procedures with respect to home mortgage programs generally.

27. *Termination of subsidy on resale.* A number of comments were received to the effect that assistance payments under the revised program should be continued upon sale of the unit to an eligible purchaser or assumptor. Under the proposed rule, payments terminate in the event of sale (§ 235.375(a)(2)). The comments argued that continuation of the payment would enhance marketability and reduce the likelihood of default in situations where a mortgagor could not otherwise find a purchaser. The Department agrees that some advantages would flow from a rule that would extend the subsidy to subsequent purchasers, but believes that marketability problems should be minimized with the dispersal requirements and through adequate design. Continuation of the subsidy does not contribute to a major purpose of the program—stimulating construction activity at the present time—and adds to the total and long-term costs of the program. Accordingly, no change has been made in the regulations.

28. *Civil rights and equal opportunity requirements.* A number of comments were received suggesting that the proposed rule be amended to specify applicable equal opportunity and related requirements. The Department has included in the provisions of § 235.38, provisions which make it clear that site selection and affirmative marketing requirements must be met in connection with requests for preliminary reservations. However, it has not sought to include specific citations to all civil rights and equal opportunity requirements because it believes that such existing general requirements apply by their terms and that specific reference or restatement might be considered to infer that

these requirements were not equally important in other programs of the Department which operate under regulations containing no comparable specific provisions or references. Applicable general requirements include regulations providing for enforcement of title VI of the Civil Rights Act of 1964 (24 CFR Part 1), Executive Order No. 11246 (24 CFR 130), section 3 of the Housing and Urban Development Act of 1968 (24 CFR Part 135), and title VII of the Civil Rights Act of 1968 (24 CFR Parts 100 and 105), and the affirmative marketing and site selection requirements set forth in subparts M and N of 24 CFR Part 200.

29. *Allocation of funds.* Comments were received suggesting that funds be set aside for State housing agencies and that procedures be developed that would tend to assure communities the funds needed for carrying out local housing plans. Also, concern was expressed that the provisions of section 213(d) of the Housing and Community Development Act of 1974 would not provide sufficient funding for non-urban areas. The Department is required to allocate funds for the revised program under 213(d) but has not yet fully completed procedures for making specific allocations. In order to permit the program to begin as early as possible, however, an initial sum of $50 million will be allocated for use by the Department's field offices using the same formula factors as have been employed in the housing assistance program authorized under section 8 of the United States Housing Act of 1937. An additional $50 million will be provided in the next 30 days. The Department is considering set asides for urban rehabilitation programs, and other specific uses, in connection with the allocation of the remaining approximately $160 million.

30. *Recapture of subsidy payments.* Several comments were submitted pointing to the possibility that mortgagors who sell their homes might realize substantial gains and suggesting that they be required to repay so much of the gain as represented subsidy paid to their benefit. One recommendation was that repayment be required in decreasing amounts, so that a smaller percentage of the gain would have to be repaid by mortgagors who occupied their homes for longer periods of time. The Department believes that, even if such a provision were authorized, effective and equitable application would be difficult. It also considers that in some circumstances a repayment requirement might lead to defaults by mortgagors who otherwise would have a strong motivation to retain or secure purchasers for their homes. Also, it is noted that the Congress earlier this year considered and rejected a similar provision in connection with proposed legislation which would have authorized Federal assistance to enable families to purchase homes with mortgages bearing below market interest rates.

The Department has determined that these proposed regulations will not have an environmental impact, as defined in HUD Handbook 1390.1. The finding of inapplicability may be inspected during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451–7th Street, S.W., Washington, D.C. 20410.

Accordingly, Title 24, Part 235, is amended by revising Subparts A, B, and C to read as follows:

Subpart A—General; Eligibility Requirements—Homes for Lower Income Families

Sec.
235.1 Incorporation by reference.
235.2 Basic program outline.
235.5 Definitions used in this subpart.
235.7 Application and commitment extension fees.
235.10 Eligible mortgagors.
235.11 Homeownership counseling.
235.15 Eligible types of dwellings.
235.16 Value of property after rehabilitation.
235.18 Lot size.
235.20 Requirements for family unit in condominium.
235.22 Mortgage provisions.
235.25 Maximum mortgage amount.
235.30 Increased maximum mortgage amount-high cost areas.
235.35 Mortgagor's investment.
235.37 Limitation on concentration of units in a subdivision.
235.38 Reservations of contract authority.
235.39 Local government comment procedures.
235.40 Late charge.
235.45 Eligibility requirements for purchaser from rehabilitation sales project.

Subpart B—Contract Rights and Obligations—Homes for Lower Income Families

235.201 Incorporation by reference.
235.202 Amount of initial MIP.
235.203 Adjustment of initial MIP.
235.204 Amount of annual MIP.
235.205 Deed in lieu of foreclosure.
235.215 Method of paying insurance benefits.
235.220 Condition of property.

SPECIAL PROVISIONS APPLICABLE ONLY TO MORTGAGES INVOLVING CONDOMINIUM UNITS

235.221 Waived title objections.
235.225 Changes in plan of apartment ownership.
235.230 Condition of multifamily structure.
235.235 Certificate or statement of condition.
235.240 Assessment of taxes.
235.245 Certificate of tax assessment.
235.250 Cancellation of property insurance.

Subpart C—Assistance Payments—Homes for Lower Income Families

235.301 Definitions.
235.305 Contract for assistance payments.
235.310 Execution of assistance payment contract.
235.315 Qualified homeowners.
235.320 Limitation of sales price.
235.325 Qualified cooperative members.
235.330 Cooperative units eligible for assistance payments.
235.335 Assistance payments and handling charges.
235.340 Time of payments.
235.345 Term of Assistance Contract.
235.350 Mortgagor's required recertification.
235.355 Mortgagor's optional recertification.
235.360 Adjustment in assistance payments.
235.365 Mortgagee records.
235.370 Effect of assignment of mortgage with an assistance payment contract.
Sec.
235.375 Termination, suspension, or reinstatement of the assistance payments contract.
235.499 Effect of amendments.

AUTHORITY: Sec. 211, 52 Stat. 23, as amended, sec. 235, 82 Stat. 477, as amended; 12 U.S.C. 1715b, 1715z.

Subpart A—Eligibility Requirements—Homes for Lower Income Families

§ 235.1 Incorporation by reference.

(a) All of the provisions of Subpart A, Part 203 of this chapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under section—203 of the National Housing Act apply to mortgages insured under section 235(i) of the National Housing Act, except the following provisions:

Sec.
203.12 Application and commitment extension fees.
203.16 Certificate and contract regarding use of dwelling for transient or hotel purposes.
203.17 Mortgage provisions.
203.18 Maximum mortgage amounts.
203.19 Mortgagor's minimum investment.
203.25 Late charge.
203.28 Economic soundness of project.
203.29 Eligible mortgages in Alaska, Guam, or Hawaii.
203.33 Relationship of income to mortgage payments.
203.36 Certificate and contract regarding use of dwelling for transient or hotel purposes.
203.38 Location of dwelling.
203.42 Rental properties.
203.43 Eligibility of miscellaneous type mortgages.
203.44 Eligibility of open-end advances.
203.50 through 203.102 Insured home improvement loans.

(b) For the purposes of this subpart, all references in Part 203 of this chapter to section 203 of the Act shall be construed to refer to section 235 of the Act.

§ 235.2 Basic program outline.

This Part authorizes assistance to aid lower income families to acquire homeownership. After January 5, 1976, that assistance shall be granted only under subparts, A, B and C in accordance with the following basic conditions as further described in those subparts.

(a) Assistance will be in the form of monthly payments by the Secretary to the mortgagee to reduce interest costs on an insured market rate home mortgage to as low as five percent if the homeowner cannot afford the mortgage payment with 20 percent of his income.

(b) The amount of subsidy will vary according to the income of each homeowner and the total amount of the mortgage payment at the market rate of interest. Family income and mortgage limits are established for eligibility in each locality.

(c) Assistance will be limited to mortgagors who purchase for occupancy new or substantially rehabilitated single family or condominium units.

(d) The mortgagor must have paid in cash or its equivalent the greater of (1) 3 percent of the first $25,000 of acquisi-

tion cost plus 10 percent of the acquisition cost in excess of $25,000; or (2) 6 percent of the total acquisition cost, which may include payment of items of prepaid expenses.

(e) Assistance payments will be terminated upon the sale of the property.

§ 235.5 Definitions used in this subpart.

As used in this subpart, the following terms shall have the meaning indicated:

(a) "Adjusted annual income" means the annual family income remaining after making certain exclusions from gross annual income. The following items shall be excluded, in the order listed, from family gross annual income:

(1) 5 percent of such gross annual income, in lieu of amounts to be withheld (social security, retirement, health insurance, etc.) regardless of the actual amount of such withholdings;

(2) Any unusual income or temporary income, such as overtime pay which will be discontinued, income of a secondary wage earner which will terminate, unemployment compensation which does not occur regularly, or other income of a temporary nature which will be or has been discontinued.

(3) The income of each minor in the family who is living with such family, plus the sum of $300 for each such minor.

(b) "Displaced family" means a family displaced from an urban renewal area, or as a result of a governmental action, or as a result of a major disaster as determined by the President.

(c) "Family" means (1) two or more persons related by blood, marriage, or operation of law, who occupy the same unit; (2) a handicapped person who has a physical impairment which is expected to be of continued duration which substantially impedes his ability to live independently, and which would be improved by more suitable housing; or (3) a single person, 62 years of age or older.

(d) "Gross annual income" means the total income, before taxes and other deductions, received by all members of the mortgagor's household. There shall be included in this total income all wages, social security payments, retirement benefits, military and veteran's disability payments, unemployment benefits, welfare benefits, interest and dividend payments, and such other income items as the Secretary considers appropriate.

(e) "Minor" means a person under the age of 21. As used in this subpart, minor shall not include a mortgagor or his or her spouse.

(f) "Substantial rehabilitation" means the improvement of a unit in substandard condition to a decent, safe and sanitary level, meeting FHA's standards for mortgage insurance. Units are in substandard condition when, while they may be structurally sound, they do not provide safe and adequate shelter, and in their present condition endanger the health, safety, or well-being of the occupants. Such housing has one or more defects, or a combination of potential defects in sufficient number or extent to require considerable repair or rebuilding, or is of inadequate original construction. The defects are either so critical or so widespread that the structure should be extensively repaired. The estimated cost of the rehabilitation should normally not be less than 25 percent of the value of the property (including land) after rehabilitation. The rehabilitation should be of such scope that, when completed, all the components in the house are operable and should not be anticipated to require any work or major expense over and above normal maintenance for the first one-fourth to one-third of the mortgage term.

§ 235.7 Application and commitment extension fees.

All of the provisions of § 203.12 of this chapter, concerning application and commitment extension fees, apply to mortgages insured under this part, except that the mortgagee shall not be required to pay an application or a commitment extension fee where the dwelling or family unit involved is being released from a project mortgage which is insured at the time of the release under one of the parts of this chapter.

§ 235.10 Eligible mortgagors.

(a) To be eligible under this subpart, the mortgagor shall have an adjusted annual income which shall not exceed at the time of initial occupancy 80 percent of the median income for the area, with adjustments for smaller and larger families, as determined by the Secretary, except that the Secretary may establish income ceilings which are higher based upon the Secretary's determination that such higher ceilings are necessary because of prevailing levels of construction costs, unusually low median family incomes or such other factors as the Secretary may deem to be necessary to carry out the purposes of this part. The percentage of median income for smaller and larger families shall be as follows:

Persons per family:	*Percent of Median Family Income*
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100

(b) In addition to the income limitations set forth in paragraph (a) of this section, a mortgagor must establish that his income is and will be adequate to meet his portion of the periodic payments required in the mortgage submitted for insurance. Only that part of the mortgagor's income which can be expected to continue for approximately the first five years of the mortgage term will be considered effective income for the purpose of determining the adequacy of the mortgagor's income.

(c) The mortgagor shall agree to recertify, on a form prescribed by the Secretary, as to occupancy, employment, family composition and income whenever one of the following events takes place:

(1) Annually, no earlier than 60 days before and no later than 30 days after the anniversary date of the mortgage or at such other anniversary date as set by the Secretary;

(2) No more than 30 days after;

(i) The mortgagor or any adult (21 years or older) member of the family residing in the household changes or begins employment which results in an increase in the family income reported in the original application for assistance or the most recent recertification.

(ii) The gross family income (except income of minors) increases at least $50 per month.

(3) At such other times as the Secretary may require.

(d) Assistance payments may be used to assist a family owning a standard home to purchase a new home, but a family already owning a home must sell its present property and may not rent that property out to another and occupy the subsidized unit.

§ 235.11 Homeownership Counseling.

The Secretary will make available a counseling information package to mortgagees, reservation recipients and sellers participating in this program, who will be required to distribute the package to potential purchasers. Material will include information on home purchase procedures, property maintenance, and other homeownership responsibilities. A certification by the reservation recipient, seller or mortgagee that the prospective homeowner has received the counseling information package must accompany each application for a firm commitment. In addition, some field office jurisdictions are served by HUD approved agencies offering counseling. Where such counseling is available and if the applicant has never owned a home, or where in the opinion of the Secretary the applicant will benefit from counseling, successful completion of homeownership counseling may be required before the Secretary will endorse the loan.

§ 235.15 Eligible Types of Dwellings.

(a) With respect to mortgages approved for insurance prior to January 1, 1976, the mortgage shall involve one of the following types of dwellings:

(1) A single family dwelling, concerning which the application for insurance is approved by the Secretary prior to the beginning of construction or prior to the beginning of rehabilitation.

(2) A two-family dwelling, one of the units of which is to be occupied by the owner, which is approved by the Secretary prior to the beginning of substantial rehabilitation.

(3) A one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project) which is released from a multifamily project, the construction or substantial rehabilitation of which shall have been completed not more than 2 years prior to the filing of the application for assistance payments under Subpart C of this Part. The

family unit shall have had no previous occupant other than the mortgagor.

(4) An existing single family dwelling or a family unit in an existing condominium project which meets such standards as the Secretary may prescribe and which is to be occupied by a mortgagor of one of the following types:

(i) A displaced family.

(ii) A family that has been occupying low rent public housing.

(iii) A family with five or more minor persons.

(5) A family unit in an existing project which is released from a multifamily project covered by a mortgage insured pursuant to § 236.1 et seq. or which is released from a multifamily project in which the housing owner has been receiving rent supplement payments pursuant to § 5.1 et seq. of this title.

(6) An existing single family dwelling or a family unit in an existing condominium project concerning which assistance payments have been made on behalf of the previous owner of the dwelling or family unit, if the previous owner was the mortgagor under a mortgage insured pursuant to § 235.45.

(7) An existing single family dwelling or a family unit in an existing condominium project which meets such standards as the Secretary prescribes and concerning which an application for assistance payments is filed pursuant to § 235.301 et seq. and approved prior to July 1, 1971.

(b) With respect to mortgages approved for insurance under this Part on and after January 5, 1976, the mortgage shall involve only the types of dwellings identified in paragraphs (a)(1) or (a)(3) of this section, the construction or rehabilitation of which shall have begun after October 17, 1975.

(c) The marketability of all lots or units to be developed or rehabilitated must be established.

§ 235.16 Value of property after rehabilitation.

Value after rehabilitation will be based upon the market data approach utilizing similarly rehabilitated property sales data. The value of a rehabilitated property will be the lesser of the following:

(a) Value before rehabilitation ("as is") plus the cost of rehabilitation.

(b) Acquisition cost plus the cost of rehabilitation.

(c) Market value after rehabilitation.

A property rehabilitated and offered as security for a subsidized mortgage must be fully marketable in the neighborhood without the benefit of the subsidy.

§ 235.18 Lot size.

Homeownership assistance payments may not be used to permit acquisition of land in excess of requirements for an adequate residential site, even though the cost of land may be cheaper in outlying areas. Accordingly, lots for use under the program authorized by this Part shall not exceed one acre unless more than one acre is needed to comply with local code requirements or to provide for a safe and adequate water supply and sewage disposal system.

§ 235.20 Requirements for family unit in condominium.

Where the dwelling involved is a one-family unit in a condominium project, the following additional requirements shall be met:

(a) Family unit eligibility. The family unit must be located in a project which has been financed with a mortgage which is or has been insured under any of the FHA-multifamily housing programs other than sections 213(a) (1) and (2) of the National Housing Act: *Provided,* That, this FHA mortgage financing rule does not apply to projects involving 11 or less units nor to existing public housing units concerning which there has been established a condominium which meets such standards as the Secretary may prescribe and for which the mortgagor qualifies as a family occupying low-rent public housing.

(b) Plan of apartment ownership. The project in which the family unit is located shall have been committed to a plan of apartment ownership by enabling deed, deed of constitution, public deed, or other recorded instrument which has been approved by the Secretary and which is certified by the mortgagee as acceptable and binding within the jurisdiction where the project is located.

(c) Certificate by mortgagee. The mortgagee shall certify as to each of the following:

(1) That the individual deed for the family unit to be covered by an FHA-insured mortgage complies with all legal requirements of the jurisdiction and that ownership thereunder is subject to the plan of apartment ownership.

(2) That the mortgagor has good and marketable title to the family unit subject only to the mortgage which is a valid first lien on the property.

(3) That the family unit is assessed and subject to assessment for taxes pertaining to the unit.

(d) FHA controls for consumer and public interest. The Secretary may require the execution of a regulatory agreement which shall be made applicable to any association of owners and to any subsequent owner of a family unit. The Secretary may impose such additional conditions and provisions as he deems necessary for the protection of the consumer and public interest.

(e) Mortgage covenant concerning common expenses and assessments. The mortgage shall contain a covenant by the mortgagor to pay the allocated share of the common expenses or assessments and charges by the Association of Owners as provided in the Plan of Apartment Ownership and a provision approved by the Secretary by which the regulatory agreement is incorporated in and made a part of the mortgage.

(f) Definition of term "assessment". As used in the mortgage, the term "assessment", except where it refers to assessments and charges by the Association of Owners, shall mean special assessments by State or local governmental agencies, districts or other public taxing or assessing bodies.

§ 235.22 Mortgage provisions.

(a) Mortgage form. The mortgage shall be executed upon a form approved by the Secretary for use in the jurisdiction in which the property covered by the mortgage is situated and shall be a first lien upon property that conforms with property standards prescribed by the Secretary. The entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

(b) Mortgage multiples. The mortgage shall involve a principal obligation in multiples of $50.

(c) Payments. The mortgage shall:

(1) Come due on the first of the month.

(2) Have an amortization period of either 10, 15, 20, 25, or 30 years, by providing for either 120, 180, 240, 300 or 360 monthly amortization payments.

(d) Maturity. (1) The mortgage shall provide for complete amortization not to exceed 30 years from the date of the beginning of amortization of the mortgage.

(2) No mortgage shall have a maturity exceeding three-quarters of the Secretary's estimate of the remaining economic life of the building improvements. If this limitation results in a term of less than 15, 20, 25, or 30 years the term shall be adjusted to the next lower multiple of 5 years.

§ 235.25 Maximum mortgage amount.

(a) A mortgage shall not exceed the following:

(1) $21,600 for a single-family dwelling or a one-family unit in a condominium project, except that such amount may be increased to $25,200 in the case of a family with five or more persons in accordance with subsection b of this section.

(2) $28,000 for a two-family dwelling, except that no commitments to insure a mortgage on a two-family dwelling shall be issued under this part after January 1, 1976.

(b) Where a family of five or more persons requires a minimum of four bedrooms and it is found that adequate housing within the basic mortgage limits is not available in the area, the Secretary may approve an additional mortgage amount, up to $3,600, where value supports the higher amount. The property must contain four or more bedrooms complying with applicable HUD–FHA standards for bedrooms. Partially finished attic or basement space, large closets and other enclosed area shall not be counted as bedrooms. In addition, the property must meet other applicable underwriting standards.

§ 235.30 Increased maximum mortgage amount—high cost areas.

In any geographical area where the Secretary finds cost levels so require, the Secretary may increase the dollar amount limitations set forth in § 235.25

to an amount not to exceed the following:

(a) $25,200 for a single-family dwelling or a one-family unit in a condominium project, except that such amount may be increased to $28,800 in the case of a family with five or more persons where the conditions set forth in § 235.25(b) are met.

(b) $36,000 for a two-family dwelling, except that no commitments to insure a mortgage on a two-family dwelling shall be issued under this part after January 1, 1976.

§ 235.35 Mortgagor's investment.

(a) With respect to the mortgages approved for insurance under this part prior to January 5, 1976, the mortgagor shall have paid, at the time the mortgage is insured, on account of the property, in cash or its equivalent, at least an amount equal to 3 percent of the Secretary's estimate of the cost of acquisition.

(b) With respect to mortgages approved for insurance under this Part on and after January 5, 1976, the mortgagor shall have paid, at the time the mortgage is insured, on account of the property, in cash or its equivalent, the higher of (1) an amount equal to 3 percent of the first $25,000 of the Secretary's estimate of the cost of acquisition and 10 percent of such estimate in excess of $25,000, or (2) an amount equal to 6 percent of the Secretary's estimate of the cost of acquisition, which amount may include the cost of such prepaid expenses as taxes, hazard and mortgage insurance premiums and such other expenses paid, at closing as may be approved by the Secretary.

(c) The mortgagor may make a larger investment than required under paragraph (b) of this section to reduce the mortgage amount or to purchase a property on which the estimate of value and selling price do not exceed the limits specified in § 235.320.

(d) A purchaser can contribute the full value of his labor toward the required downpayment, or to reduce the mortgage, or both, if arrangements are made with the builder according to procedures prescribed by the Secretary. If a purchaser owns the lot on which the dwelling is to be built, an amount equivalent to his equity in the lot based on the FHA appraised value (or actual purchase price if acquired within the past six months), less any indebtedness against the property, may be applied toward the required downpayment, or to reduce the mortgage, or both.

§ 235.37 Limitation on concentration of units in a subdivision.

(a) No subdivision or substantially contiguous group of subdivisions, which constitute or will constitute a single residential area, shall have over 40 percent of the homes assisted under this Part. The 40 percent rule shall not be applied to limit the number of subsidized units below 25 in any single residential area. The 40 percent ratio is applicable to the relationship of section 235 applications to the sum of vacant lots plus built upon lots within a residential land development tract under centralized control. In defining residential areas for purposes of this paragraph, the Secretary will exercise appropriate discretion in order to meet the objective of limiting the concentration of subsidized units but not unduly restricting efficient and good subdivision planning and land utilization. Further, within a single residential area to assure sound underwriting which requires an assurance of a future market for resales without subsidy, the Secretary will limit, to the extent practicable, the percentage of subsidized units in a block or contiguous group of blocks to 40 percent.

(b) After January 5, 1975, no mortgage shall be approved for insurance under this Part in any subdivision which was specifically developed for the program as authorized under this Part prior to such date and which contains 40 percent or more housing units currently insured and receiving assistance under such prior program. The existence of a small portion of assisted loans in an existing subdivision will not make that subdivision ineligible under the new program. The burden of developing information to show that a subdivision has less than 40 percent of the units receiving assistance is on the sponsor. Only 40 percent of the remaining lots will be eligible for assistance.

(c) Each condominium regime must meet the 40 percent criterion as set forth in paragraph (a) of this section with the same exception that the rule shall not be applied to limit the number of subsidized units below 25 in any single condominium regime. The Secretary will not permit condominium proposals which should be treated as single regimes to be broken into several regimes in order to provide higher concentrations of subsidized units.

(d) The 40 percent limitation and exception as set forth in paragraph (a) shall be applied to rehabilitation proposals. The 40 percent limitation in rehabilitation may, however, be waived by the Secretary where a sound proposal is involved and where an aggregation of subsidized units is essential to a community sponsored overall redevelopment plan.

§ 235.38 Reservations of contract authority.

(a) The Secretary will not issue conditional commitments to insure mortgages and to make interest reduction payments pursuant to this Part. However, conditional commitments to insure mortgages issued under Part 203, Part 221, Subpart A, and Part 234, Subpart A of this chapter will be considered to be conditional commitments to insure under this Part upon request by the mortgagee accompanied by submission of an application for firm commitment to insure under this Part for an eligible mortgagor subject to the availability of contract authority for interest reduction payments under Subpart C of this Part and subject to any limitations on eligibility set forth in this Subpart.

(b) Preliminary reservations of contract authority may be issued by the Secretary to a builder or seller specifically identified for use in connection with commitments or a group of commitments for insurance of mortgages in a particular subdivision or project subject to the limitations in § 235.37 or for a specific home not in a subdivision. A builder or seller who wants to be certain that funds will be available to assist buyers should submit a request to the Secretary for a preliminary reservation of contract authority. If contract authority is available, it will be reserved if the project in which the units will be located, meets project selection, affirmative marketing, environmental, underwriting, feasibility and other applicable requirements. A preliminary reservation is an advance commitment that contract authority will be available for assistance payments when homes are sold to families who qualify for assistance. Except as provided in paragraph (b), there is no requirement that builders or sellers obtain preliminary reservations, but if a preliminary reservation is not requested there is no assurance that assistance funds will be available when completed units are to be sold to eligible families.

(c) Builders or developers of subdivisions, condominiums or substantial rehabilitation projects involving 13 or more subsidized units must apply for preliminary reservations. Application for preliminary reservations may be made as early as the developer desires but not before filing of the request for subdivision approval or other appropriate application. Builders or developers of smaller (12 or less units) subdivisions, may also apply for preliminary reservations.

(d) If a request for a preliminary reservation is approved, either for the amount requested or for an amount determined by the Secretary, the Secretary will reserve the contract authority. The reservation is a commitment by the Government that the contract authority for the transaction has been reserved.

(e) A preliminary reservation will expire six months after the date of issue. If construction has started the reservation may be extended for one additional six month period. Preliminary reservations will also expire if the conditional commitment for mortgage insurance with which the reservations are connected expires will expire on the date of the firm commitment if the mortgage has not yet been insured under this part.

(f) Builders and developers not required to apply in accordance with paragraph (c) may apply for Section 235 assistance through applications under this Part for convertible conditional commitments for new construction or substantial rehabilitation. A convertible commitment, when issued, represents a binding obligation on the Government to execute the assistance payment contract (by insuring the mortgage) provided all applicable requirements are met. The

obligation to execute the assistance payment contract will expire within six months of the issue date of the commitment, but can be extended one six months period if construction or substantial rehabilitation has been started.

(g) Builders or developers may also apply for assistance by requesting conversion of an outstanding conditional commitment to a firm commitment where there has been no reservation or obligation of contract authority.

§ 235.39 Local government comment procedures.

(a) With respect to any request for a preliminary reservation involving 13 or more units in a locality with an approved housing assistance plan, the following procedures must be followed: Within 10 working days of the receipt of such a request, the Secretary shall, for purposes of compliance with Section 213 of the Housing and Community Development Act of 1974, forward a copy of the request to the chief executive officer of the unit of general local government in which the assisted housing is to be located, requesting comments and objections, if any. The unit of general local government shall have 30 days from receipt of the letter and copy of the request to object or otherwise submit comments as the response to the Secretary. Alternatively, the individual or organization making the request for a preliminary reservation may include with the request a statement of "no objection" or other comment from the unit of general local government, obtained in advance by the individual or organization. The unit of local government may object to the request on the grounds that it is inconsistent with the housing assistance plan. If such an objection is filed, the Secretary may not approve the request unless the Secretary determines that the request is consistent with the housing assistance plan. If the Secretary determines that the request is consistent with the plan, the Secretary shall notify the chief executive officer of the unit of general local government giving his reasons therefor in writing. If the Secretary concurs with the objection of the unit of local government, the Secretary shall so notify the individual or organization making the request for a preliminary reservation, stating the reasons therefor in writing.

(b) With respect to a request for a preliminary reservation involving 13 or more units in a locality that does not have an approved housing assistance plan, assistance under this Part may not be approved unless the Secretary determines that there is a need for such assistance, taking into consideration any applicable State housing plan, and that there is or will be in the area public facilities and services adequate to serve the housing assisted. Within 10 working days of receipt of such a request, the Secretary will forward a copy of the request to the chief executive officer of the unit of general local government in which the proposed assisted housing will be located with a letter requesting comments on matters relevant to the determination required in this paragraph. The unit of general local government shall have 30 days from receipt of the letter and copy of the reservation request to submit any comments it wishes to make to the Secretary. Any relevant comments received will be considered in connection with the Secretary's determination. As in the case of requests subject to paragraph (a), of this section, individuals or organizations submitting reservation requests subject to the provisions of this paragraph (b) of this section may satisfy the comment requirement of this section by obtaining a statement of the local government on the application in advance and submitting that statement with the reservation request to the Secretary.

§ 235.40 Late charge.

A late charge may be collected by the mortgagee for each payment more than 15 days in arrears, but such charge shall not exceed 2 cents for each dollar of the mortgagor's share of the monthly payment. Such charge shall be separately billed to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment. Such charge shall not be included in the assistance payment.

§ 235.45 Eligibility requirements for purchaser from rehabilitation sales project.

(a) Except as provided in this section, all of the provisions of this subpart shall apply to the insurance under section 235(j)(4) of the National Housing Act of a mortgage financing the purchase by a lower income person from a rehabilitation sales project of a single or two-family dwelling or a family unit in a condominium project. The rehabilitation sales project shall be financed with a mortgage insured under either section 221(h)(1) of the National Housing Act or section 235(j)(2) of such Act, provided that no applications for project mortgage insurance under such sections will be accepted after October 17, 1975.

(b) The mortgagee shall not be required to pay an application or commitment extension fee.

(c) The mortgage shall comply with each of the following requirements:

(1) It shall involve a principal obligation in an amount not exceeding that portion of the unpaid balance of the project mortgage which is allocable to the dwelling or family unit being purchased.

(2) It shall bear interest at the maximum rate permitted under § 203.20 at the time the commitment for insurance was issued for the project mortgage.

(3) It shall be limited to the term of the project mortgage remaining at the time of the purchase.

(d) The purchase price of the dwelling or family unit shall equal that portion of the unpaid balance of the project mortgage which is allocable to the dwelling or family unit plus such additional amount, not less than $200, as the Secretary may determine to be reasonable. This additional amount may be paid in cash or its equivalent, and may be applied in whole or in part toward closing costs. It shall be paid by the mortgagor in lieu of the minimum investment prescribed in § 235.35.

§ 235.45 Eligibility requirements for purchaser from rehabilitation sales project.

(a) Except as provided in this section, all of the provisions of this subpart shall apply to the insurance under setcion 235(j)(4) of the National Housing Act of a mortgage financing the purchase by a lower income person from a rehabilitation sales project of a single or two-family dwelling or a family unit in a condominium project. The rehabilitation sales project shall be financed with a mortgage insured under either section 221(h)(1) of the National Housing Act or section 235(j)(2) of such Act, provided that no applications for project mortgage insurance under such sections will be accepted after October 17, 1975.

(b) The mortgagee shall not be required to pay an application or commitment extension fee.

(c) The mortgage shall comply with each of the following requirements:

(1) It shall involve a principal obligation in an amount not exceeding that portion of the unpaid balance of the project mortgage which is allocable to the dwelling or family unit being purchased.

(2) It shall bear interest at the maximum rate permitted under § 203.20 at the time the commitment for insurance was issued for the project mortgage.

(3) It shall be limited to the term of the project mortgage remaining at the time of the purchase.

(d) The purchase price of the dwelling or family unit shall equal that portion of the unpaid balance of the project mortgage which is allocable to the dwelling or family unit plus such additional amount, not less than $200, as the Secretary may determine to be reasonable. This additional amount may be paid in cash or its equivalent, and may be applied in whole or in part toward closing costs. It shall be paid by the mortgagor in lieu of the minimum investment prescribed in § 235.35.

(e) The mortgagor shall be required to have an annual income within the limits prescribed by the Secretary, but the asset limits prescribed for mortgagors under mortgages insured pursuant to §§ 235.1 through 235.40 shall not be applicable.

Subpart B—Contract Rights and Obligations—Homes for Lower Income Families

§ 235.201 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 203 of this chapter covering mortgages insured under Section 203 of the National Housing Act apply to mortgages insured under Section 235 of the National Housing Act, except the following provisions:

Sec.
203.265 Amount of initial MIP.
203.268 Adjustment of initial MIP.
203.275 Amount of annual MIP.

Sec.
203.305 Open-end advance subject to open-end charge.
203.306 Method of payment of open-end charge.
203.307 Calculation, amount, and due date of open-end charge.
203.308 Duration of open-end charge.
203.309 Pro rata payment of open-end charge.
203.357 Deed in lieu of foreclosure.
203.379 Adjustment for fire, flood, earthquake, or tornado damage.
203.380 Certificate of property condition.
203.389 Waived title objections.
203.400 Method of payment.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Rights and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.426 Inapplicability to housing in older, declining urban areas.
203.440 Through 203.495 insured home improvement loans.

(b) The term "property" or "each family dwelling unit" as used in §§ 203.251 through 203.435 of this chapter (Part 203, Subpart B) shall, when used in connection with a family unit in a condominium, be construed to include a "one-family unit and the undivided interest in the common areas and facilities."

§ 235.202 Amount of initial MIP.

(a) With respect to mortgages approved for insurance under this Part prior to January 5, 1976, the initial MIP shall be in an amount equal to one-half percent of the average outstanding principal obligation for the first year of amortization under the mortgage, without taking into account delinquent payments or prepayments.

(b) With respect to mortgages approved for insurance under this Part on and after January 5, 1976, the initial MIP shall be in an amount equal to seven-tenths of one percent of the average outstanding principal obligation for the first year of amortization under the mortgage, without taking into account delinquent payments or prepayments.

§ 235.203 Adjustment of initial MIP.

(a) With respect to mortgages approved for insurance under this Part prior to January 5, 1976, regardless of whether the period covered by the initial MIP is more or less than one year, payment shall be made to the Secretary on account of the initial MIP in an amount equal to one-half percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than one-half percent or more than one percent of the outstanding principal balance, without taking into account delinquencies or prepayments, the initial MIP shall be adjusted to accord with the prescribed limitations. If such payment is within the prescribed limitations no adjustment shall be made and the amount of the payment shall be paid to the Secretary as the initial MIP.

(b) With respect to mortgages approved for insurance under this Part on and after January 5, 1976, regardless of whether the period covered by the initial MIP is more or less than one year, payment shall be made to the Secretary on account of the initial MIP in an amount equal to seven-tenths of one percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than seven-tenths of one percent or more than one percent of the outstanding principal balance, without taking into account delinquencies or prepayments, the initial MIP shall be adjusted to accord with the prescribed limitations. If such payment is within the prescribed limitations no adjustment shall be made and the amount of the payment shall be paid to the Secretary as the initial MIP.

§ 235.204 Amount of annual MIP.

(a) With respect to mortgages approved for insurance under this Part prior to January 5, 1976, after payment of the initial MIP an annual MIP shall be paid in an amount equal to one-half percent of the average outstanding principal obligation for the 12-month period preceding the date on which the premium becomes payable, without taking into account delinquent payments or prepayments.

(b) With respect to mortgages approved for insurance under this Part on and after January 5, 1976, after payment of the initial MIP an annual MIP shall be paid in an amount equal to seven-tenths of one percent of the average outstanding principal obligation for the 12-month period preceding the date on which the premium becomes payable, without taking into account delinquent payments or prepayments.

§ 235.205 Deed in lieu of foreclosure.

All of the provisions of § 203.357 of this chapter relating to the acceptance of a deed in lieu of foreclosure shall apply to mortgages insured under this part, except that where a family unit in condominium is involved, the deed in lieu of foreclosure may be accepted only if the mortgagee establishes to the satisfaction of the Secretary that there are no unpaid assessments owed to the association or cooperative of owners.

§ 235.215 Method of paying insurance benefits.

If the application for insurance benefits is acceptable to the Secretary, the insurance claim shall be paid in cash, unless the mortgagee files a written request with the application for payment in debentures. If such a request is made, the claim shall be paid in debentures issued in multiples of $50, with any balance less than $50 to be paid in cash.

§ 235.220 Condition of property.

All of the provisions of § 203.379 relating to the adjustment of the insurance claim for fire, flood, earthquake or tornado damage and all of the provisions of section 203.380 requiring the mortgagee to certify as to the condition of the property shall apply to mortgages insured under this subpart with the exception of mortgages involving condominium units. Sections 235.230 and 235.235 contain the comparable provisions applicable to mortgages involving condominium units.

SPECIAL PROVISIONS APPLICABLE ONLY TO MORTGAGES INVOLVING CONDOMINIUM UNITS

§ 235.221 Waived title objections.

(a) General provisions. All of the provisions of § 203.389 of this chapter (relating to the waiver by the Secretary of objections to title) shall apply to mortgages insured under this subpart, with the exception of mortgages involving condominium units.

(b) Provisions applicable to condominiums. Where the mortgage involves a condominium unit, the Secretary shall not object to title by reason of the following matters:

(1) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(2) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(3) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any improvements on the subject property.

(4) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(5) Customary buildings or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

§ 235.225 Changes in plan of apartment ownership.

The mortgagee shall notify the Secretary of any change in the plan of apartment ownership and in the administration of the property. Such notification shall be given either at the time of the conveyance of the property or at the time of the assignment of the mortgage. Any change in such plan shall require approval by the Secretary.

§ 235.230 Condition of multifamily structure.

(a) When a family unit is conveyed or a mortgage is assigned to the Secretary, the family unit and the common areas and facilities (including restricted common areas and facilities) designated for the particular unit shall be undamaged by fire, earthquake, tornado, or boiler explosion. If the property has been damaged, either of the following actions shall be taken:

(1) The property may be repaired prior to its conveyance or prior to the assignment of the mortgage to the Secretary.

(2) With the prior approval of the Secretary, the property may be conveyed or the mortgage assigned to the Secretary without repairing the damage. In such instances, the Secretary shall deduct from the insurance benefits either his estimate of the decrease in value of the family unit or the amount of any insurance recovery received by the mortgagee, whichever amount is the greater.

(b) If the property has been damaged by fire and such property was not covered by fire insurance at the time of the damage, the mortgagee may convey the property or assign the mortgage to the Secretary without deduction from the insurance benefits for any loss occasioned by such fire if the following conditions are met:

(1) The property shall have been covered by fire insurance at the time the mortgage was insured.

(2) The fire insurance company shall have later canceled or refused to renew the policy.

(3) The mortgagee shall have notified the Secretary within 30 days (or within such further time as the Secretary may approve) of the cancellation of the fire insurance or of the refusal of the insuring company to renew the fire insurance. This notification shall have been accompanied by a certification of the mortgagee that diligent efforts were made, but it was unable to obtain fire insurance coverage at reasonably competitive rates and that it will continue its efforts to obtain adequate fire insurance coverage at competitive rates.

§ 235.235 Certificate or statement of condition.

(a) At the time of conveyance of the property or assignment of the mortgage to the Secretary, the mortgagee shall, as of the date of the filing for record of the deed or assignment, either:

(1) Certify that the conditions of § 235.230(a) have been met; or

(2) Submit a statement describing any such damage that may still exist.

(b) In the absence of evidence to the contrary, the mortgagee's certificate or its statement as to damage shall be accepted by the Secretary as establishing the condition of the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit.

§ 235.240 Assessment of taxes.

When a family unit is conveyed to the Secretary or a mortgage is assigned to the Secretary, the unit shall be assessed and subject to assessment for taxes pertaining only to that unit.

§ 235.245 Certificate of tax assessment.

The mortgagee shall certify, as of the date of filing for record of the deed or assignment of the mortgage to the Secretary, that the family unit is assessed and subject to assessment for taxes pertaining to that unit.

§ 235.250 Cancellation of property insurance.

The provisions of § 203.382, relating to the cancellation of hazard insurance upon filing for record of the deed to the Secretary, are incorporated by reference and shall apply to hazard insurance policies carried solely for the family unit.

Subpart C—Assistance Payments—Homes for Lower Income Families

§ 235.301 Definitions.

The definitions contained in § 235.5 shall apply to this subpart. In addition the term "assistance payment" means that portion of a homeowner's or cooperative member's monthly mortgage payment which the Secretary becomes obligated to pay under an assistance payment contract.

§ 235.305 Contract for assistance payments.

This subpart shall constitute the contract between the mortgagee and the Secretary for assistance payments pursuant to section 235(b) of the National Housing Act.

§ 235.310 Execution of assistance payment contract.

(a) Homeowners. The issuance of a mortgage insurance certificate pursuant to § 235.1 et seq. shall also constitute the execution of the assistance payment contract with respect to the mortgage being insured.

(b) Cooperative members. The issuance of a certificate approving an application filed on behalf of a cooperative member shall constitute the execution of the assistance payment contract with respect to member named in the certificate.

§ 235.315 Qualified homeowners.

To qualify for assistance payments, the homeowner's income at the time of application for assistance, shall be within the limitations provided in § 235.10, and the homeowner shall be a mortgagor under a mortgage insured or to be issued pursuant to Subparts A and B to this part.

§ 235.320 Limitation of sales price.

To qualify for assistance payments, the homeowner shall not have paid in connection with the purchase of the property with respect to which assistance payments are to be made more than the Secretary's estimate of value of such property, nor shall the purchase price exceed 120 percent of the mortgage amount established pursuant to § 235.25 or § 235.30, whichever is applicable.

§ 235.325 Qualified cooperative members.

To qualify for assistance payments the cooperative member's income, at the time of application for assistance, shall be within the limitations provided in § 235.10 and the cooperative member shall be one of the following:

(a) A member of a cooperative association which operates a housing project which has been constructed or substantially rehabilitated not more than two years prior to the filing of the application for assistance payments and which is financed with a mortgage insured under §§ 213.1 through 213.280 of this chapter. The dwelling unit occupied by the cooperative member shall have had no previous occupant.

(b) A member of a cooperative association which operates an existing housing project financed with a mortgage insured under §§ 213.1 through 213.280 of this chapter, if such member has acquired membership and occupancy rights from one who was receiving assistance payments.

(c) A member of a cooperative association which operates an existing housing project financed with a mortgage insured under §§ 213.1 through 213.280 of this chapter, if such member meets one of the following qualifications:

(1) The member shall qualify as a displaced family.

(2) The member's family shall include five or more minor persons.

(3) The member's family shall have been occupying low-rent public housing at the time the application for assistance payments is filed.

(d) A member of a cooperative association which operates a housing project which is financed under a State or local program providing assistance through loans, loan insurance or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section.

§ 235.330 Cooperative unit eligible for assistance payments.

The maximum amount of the mortgage attributed to the dwelling unit of the cooperative member shall not exceed $21,600 except that such amount may be increased to $25,200 in the case of a family of five or more persons. These amounts may be increased to $25,200 and $28,800 respectively, in any geographical area where the Secretary finds cost levels so require.

§ 235.335 Assistance payments and handling charges.

(a) The assistance payment on behalf of a mortgagor shall be the lesser of the following:

(1) The difference between 20 percent of the homeowner's or cooperative member's adjusted monthly income and the required monthly payment under the mortgage for principal, interest, taxes, insurance, and mortgage insurance premium.

(2) (i) With respect to mortgages approved for insurance under this Part by the Secretary before January 5, 1976, the difference between the required monthly payment under the mortgage for principal, interest, and mortgage insurance premium and the monthly payment which would be required for principal and interest if the mortgage bore an interest rate of 1 percent.

(ii) With respect to mortgages approved for insurance under this Part by the Secretary on or after January 5, 1976, the difference between the required monthly payment under the mortgage for principal, interest, and mortgage insurance premium and the monthly payment which would be required for principal and interest if the mortgage bore an interest rate of 5 percent.

(b) The assistance payment on behalf of a cooperative member shall be in an amount computed by using the formula prescribed in paragraph (a) of this section and applying the cooperative member's proportionate share of the obligation under the project mortgage to the items set forth in the formula.

(c) In addition to the assistance payment referred to in paragraphs (a) and (b) of this section, the mortgagee shall be entitled to the monthly payment of an amount the Secretary deems sufficient to reimburse the mortgagee for its expense in handling the mortgage.

(d) Special assessments levied by a governmental body are to be included under the term "taxes" as a part of the total monthly payment. However, ground rents, assessments of a homeowners' association, and special assessments levied by persons or private organizations are not to be included.

§ 235.340 Time of payments.

The assistance payment shall be due on the first day of each month and shall be paid upon the receipt of a billing, on a form prescribed by the Secretary, from the mortgagee or its authorized agent.

§ 235.345 Term of Assistance Contract.

(a) Homeowners. The term of the assistance payment contract shall begin on the date of disbursement of mortgage proceeds as shown on the commitment for insurance and shall continue until the contract is terminated pursuant to § 235.375.

(b) Cooperative members. The term of the assistance payment contract shall begin on the date of issuance of a certificate approving an application filed on behalf of a cooperative member and shall continue until the contract is terminated pursuant to § 235.375.

§ 235.350 Mortgagors required recertification.

(a) The mortgagee shall obtain from the homeowner (or from the cooperative association on behalf of the cooperative member), on a form prescribed by the Secretary a recertification as to occupancy, employment, family composition and income whenever one of the following events takes place:

(1) Annually, no earlier than 60 days before and no later than 30 days after the anniversary date of the mortgage or at such other anniversary date as set by the Secretary;

(2) No more than 30 days after the mortgagee is notified by the mortgagor or learns from any source:

(i) That the mortgagor or any adult (21 years or older) member of the family residing in the household changes or begins employment which results in an increase in the family income reported in the original application for assistance or the most recent recertification.

(ii) That the gross family income (excluding income of minors) has increased at least $50 per month (except in the case of mortgagor under a mortgage insured before January 5, 1976).

(3) At such other times as the Secretary may require.

(b) With respect to mortgages insured under this Part after January 5, 1976, the mortgagee shall obtain from the applicant-homeowner at the time application is made for assistance and at the time of annual recertification required under paragraph (a)(1) of this section, on a form provided by the Secretary, a statement of the aggregate amounts of total income prior to adjustments reported for all family members (other than minors) by the applicant-homeowner in his most recent federal income tax return, if he is required to file such a return. If separate returns are filed by separate members of the family, the total income prior to adjustments included in all such returns (except returns of minors) shall be reported. If the income so reported is more than 25 percent above the income reported on the recertification the mortgagee shall obtain from the homeowner a new recertification or a written explanation of the difference in income reported on the two forms.

(c) Mortgagors who fail to disclose their actual income in accordance with the requirements of this Part will be required to reimburse the Secretary for all overpayments made on their behalf.

(d) Each mortgagor must provide a letter on a form prescribed by the Secretary authorizing the Internal Revenue Service to release Federal Income Tax returns for the most recent three years to the Secretary on request.

§ 235.355 Mortgagor's optional recertification.

Upon request of the mortgagor or cooperative member the mortgagee shall accept recertification whenever the mortgagor, his or her spouse or an adult (21 years or older) member of the family changes or loses employment which results in a decrease in the family income reported in the most recent certification or recertification. This recertification shall be on a form prescribed by the Secretary.

§ 235.360 Adjustment in assistance payments.

The mortgagee shall make appropriate adjustments in the amount of the requested assistance payments to reflect changes in family income reported in any required or optional recertification of the homeowner or cooperative member. The adjustment shall not be retroactive except at the discretion of the Secretary. The adjustment shall apply only to assistance payments beginning with the payment due no earlier than the first day of the month following and no later than the first day of the second month following the date the mortgagor's recertification is received by the mortgagee.

§ 235.365 Mortgagee records.

The mortgagee shall maintain such records as the Secretary may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Secretary, and the annual recertifications of financial status from the homeowner or mortgagor. Such records shall be kept on file for a period of time and in a manner prescribed by the Secretary and shall be available, when requested, for review and inspection by the Secretary or the Comptroller General of the United States.

§ 235.370 Effect of assignment of mortgage with an assistance payment contract.

Where a mortgage covered by an assistance payment contract is sold to another approved mortgagee, the buyer shall succeed to all the rights and become bound by all the obligations of the seller under such contract.

§ 235.375 Termination, suspension, or reinstatement of the assistance payments contract.

(a) Termination. The assistance payments contract shall be terminated when any of the following events occurs:

(1) The contract of mortgage insurance is terminated, except when the mortgage has been assigned to the Secretary.

(2) The homeowner or cooperative member ceases to occupy the property, except in the following instances:

(i) Where the property is purchased by a homeowner who assumes the mortgage obligation under a mortgage insured prior to January 5, 1976, and who meets the income and asset requirements prescribed by the Secretary.

(ii) Where the cooperative member transfers his membership and occupancy rights to a new member who meets the income and asset requirements prescribed by the Secretary.

(3) When the assistance payments contract has been suspended for a period of 3 years without reinstatement.

(b) Suspension. The assistance payments contract shall be suspended when any one of the following events occurs:

(1) The mortgagee determines that the mortgagor or cooperative member ceases to qualify for the benefits of assistance payments by reason of his income increasing to an amount enabling him to pay the full monthly mortgage payment by using 20 percent of the family income.

(2) Foreclosure is instituted.

(3) The mortgagee is unable to obtain from the homeowner (or from the cooperative association on behalf of the cooperative member) a required recertification of occupancy, employment, income, and family composition.

(4) At such other times as the Secretary may require.

(c) Effect of termination or suspension. Upon termination or suspension of the assistance payments contract, the payment due on the first day of the month in which the termination or suspension occurs shall be the last payment to which the mortgagee shall be entitled; except that, in the case of a sus-

pended contract, payment may be resumed after the contract is reinstated pursuant to paragraph (e) of this section.

(d) Noneffect on mortgage insurance contract. The termination or suspension of the assistance payments contract, where the mortgage insurance contract is not simultaneously terminated, shall have no effect on the mortgage insurance contract.

(e) Reinstatement. Where the assistance payments contracts is suspended, it may be reinstated by the Secretary at his discretion and on such conditions as he may prescribe.

§ 235.499 Effect of amendments.

The regulations in this subpart may be amended by the Secretary at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interest of a mortgagee under an existing contract for assistance payments. The effective date of these regulations is January 5, 1976.

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

Issued at Washington, D.C. on December 31, 1975.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

[FR Doc.76–174 Filed 1–5–76;8:45 am]

federal register

TUESDAY, JANUARY 6, 1976

PART V:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

PRIVACY ACT OF 1974

Systems of Records

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE PRIVACY ACT OF 1974 Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Public Law 930579) as prescribed in 5 U.S.C. 552a(e)(4), the following notice of systems of records that are maintained by the Department of Health, Education, and Welfare is published as set forth below. Any omissions due to oversight will be published at a later date.

Prior to the final adoption of the porposed routine uses for new or corrected notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before Feb. 4, 1976.

Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 330 Independence Ave., S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 4513, at the above address.

The following listing includes notices of systems of records which were inadvertently omitted from the groups of notices published on August 27, 1975, Part II, Section I, pp. 38391038683; September 22, 1975, Part IV, pp. 4370003711 and October 1, 1975, Part III, pp. 45348045415. In addition, it includes a number of corrections to notices previously published. In the corrected notices additional routine uses can be ascertained by comparing the routine uses of the corrected notices with those previously published in the **Federal Register** issues cited above.

Pursuant to the Privacy Act of 1974, Public Law 930579, the Department of Health, Education, and Welfare published for public comment notices of systems of records including routine uses as described above. Interested persons were given 30 days to submit written comments or suggestions concerning the system notices and their routine uses. No public comment was received with respect to these system notices and routine uses, therefore wxcept where modified by this submission, these notices of systems of records, including their routine uses, are adopted.

The Department, at the recommendation of the Office of Management and Budget, published on October 24, 1975, Part III, page 49886, a routine use which may be used for disclosure in response to congressional inquiries for all of the Department's systems of records. Five public comments were received on this proposed routine use—one was not relevant and the other four requested that additional organizations other than Congress should be given the same routine use treatment. The Privacy Act, however, does not allow this additional latitude, therefore, the special congressional routine use is adopted as published in the **Federal Register**.

Dated: December 19, 1975. John Ottina, **Assistant Secretary for Administration and Management.**

Systems not previously published as Notices of Systems of Record:

RO1-ARD-1

System name: MBTA Prepaid Pass Program Participants. Hew-RO1-ARD.

Security classification: None.

System location:

DHEW, Office of ARD for Administration and Management
Room 1503, JFK Federal Building
Boston, Massachusetts 02203

Categories of individuals covered by the system: Any DHEW employee who is participating in the MBTA Pass Program.

Categories of records in the system: Name, Department, SSN, Credit Union Account Number, Type of Plan, Sex, Signature of Employee, and Pass Number.

Authority for maintenance of the system: Executive Order 011491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as basis of requesting MBTA Pass and as a control of Pass numbers in case of replacement by Massachusetts Bay Transportation Authority, Forrest Hills Station, Boston, Massachusetts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Storage--3x5 cards in file box.

Retrievability: Retrievability--By name.

Safeguards: Safeguards--Office doors locked during non-working hours.

Retention and disposal: Retentioon and Disposal--Kept as long as employee is a participant in the Program. Cancellation cards are kept for six months after month cancelled; then destroyed.

System manager(s) and address:

Secretary to ARD for Administration and Management
DHEW, Room 1503, JFK Federal Building
Boston, Massachusetts 02203

Notification procedure: Address: Same as above. Identifying Information: Name, Social Security Number.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Supplied by employee.

Systems exempted from certain provisions of the act: None.

OHD RSA 1

System name: Mailing keys. HEW/OHD/RSA.

Security classification: None.

System location:

Mailing Distribution Unit, Division of Printing
Room G320 North Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: State vocational rehabilitation agencies (general and blind), rehabilitation facilities, persons interested in statistics, persons interested in the deaf.

Categories of records in the system: Name of agency or individual, and address.

Authority for maintenance of the system: The Rehabilitation Act of 1973 (P.L. 93-112) and the Rehabilitation Amendments of 1974 (P.L. 93-516).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: IBM Master Cards are stored in file drawers.

Retrievability: These IBM cards are filed by key number, City and State and Zip Code.

Safeguards: Only authorized persons allowed access.

Retention and disposal: Maintained as long as necessary and then destroyed.

System manager(s) and address:

Director, Administrative Services, RSA
Room 3122, MES Building
330 C Street, S.W.
Washington, D.C. 20201

Notification procedure: System Manager. Address same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: From agencies or individuals themselves.

Systems exempted from certain provisions of the act: None.

OHD RSA 2

System name: Correspondence Files. HEW/OHD/RSA.

Security classification: None.

System location:

Room 5114, MES Building
330 C Street, S. W.
Washington, D. C. 20201

Categories of individuals covered by the system: Members of Congress, The White House, departments and agencies of Federal, State and local government, private voluntary groups and the general public.

Categories of records in the system: Name and address of individuals submitting correspondence, responses and exchanges of information associated with the Federal-State vocational rehabilitation program.

Authority for maintenance of the system: The Rehabilitation Act of 1973 (P.L. 93-112) and the Rehabilitation Amendments of 1974 (P.L. 93-516).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file cabinets.

Retrievability: Congressional correspondence filed by name of Congressman. Other correspondence filed in alphabetical order by name of signer.

Safeguards: Access to authorized indivuals only.

Retention and disposal: Inquiry records are maintained five years and sent to the Federal Records Disposal Center.

System manager(s) and address:

Commissioner of Rehabilitation Services
Room 5114, MES Building
330 C Street, S. W.
Washington, D. C. 20201

Notification procedure: Inquirer should provide name and address.

Record access procedures:

Commissioner of Rehabilitation Services
Room 5114, MES Building
330 C Street, S. W.
Washington, D. C. 20201

Contesting record procedures: Same as above.

Record source categories: Incoming correspondence, responses and material provided by individual.

Systems exempted from certain provisions of the act: None.

E OE EDI 1

System name: Indian Education Field Readers.

Security classification: None.

System location:

Room 3662, EOB-3
7th and D Streets, S.W.
Washington, D.C. 20202

Room 3514, ROB-3
7th and D Streets, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Indians with expertise in Indian education.

Categories of records in the system: Names, addresses, telephone numbers, educational and professional background information of individuals who have submitted such information to the Office of Indian Education.

Authority for maintenance of the system: 5 USC 301, 44 USC 3101, or 44 USC 3102.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in paper file folders, filed in standard file cabinets.

Retrievability: Records are indexed by individual name. Records are available to OIE staff for use in selecting field readers to review applications submitted for funding of grants.

Safeguards: Direct access is restricted to authorized OIE staff. The records are kept in locked file cabinets.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address:

Director, Division of Local Educational Agency Assistance
Room 3662, ROB-3
7th and D Streets, S.W.
Washington, D. C. 20202
Director, Division of Special Projects and Programs
Room 3514, ROB-3
7th and D Streets, S.W.
Washington, D. C. 20202

Notification procedure: System managers (see above) will respond to inquirers. The individual inquiring is required to provide (1) the system i.d.; (2) the system name; (3) his or her name and address.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual data subjects. Records are furnished on a voluntary basis.

Systems exempted from certain provisions of the act: None.

E OE EDP 21

System name: Women in Executive Positions in Higher Education.

Security classification: None.

System location:

Room 4682
GSA-Regional Office Building 03
Washington, D. C. 20202

Categories of individuals covered by the system: Possible consultants and position applicants.

Categories of records in the system: Records include: vitae on all women who qualify for positions in or concerning higher education.

Authority for maintenance of the system: Title IX, Education Amendments of 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For routine uses set forth in Appendix B to 45 Code of Federal Regulation, Part 5b. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy in standard file cabinets.

Retrievability: Records are indexed by name and by academic field and are available only to specifically designated staff.

Safeguards: Access is restricted to authorized OE Staff.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address:

Director, College and University Unit
400 Maryland Avenue, S. W.
Washington, D. C. 20202

Notification procedure: Contact System Manager.

Record access procedures: Contact System Manager.

Contesting record procedures: Contact System Manager.

Record source categories: Information is obtained directly from individuals wishing to be included in the Directory.

Systems exempted from certain provisions of the act: None.

E OE R 4

System name: Vocational Education Exemplary Programs & Personnel Development Panelists HEW-E.

Security classification: None

System location:

26 Federal Plaza - Room 3953
New York, New York 10007

Categories of individuals covered by the system: Review panelist.

Categories of records in the system: Name, address, telephone number, brief description of panelist's qualifications.

Authority for maintenance of the system: PL 90-576; 20 USC 1241-1391; 82 Stat. 1064-1091 PL 90-35; 20 USC 1119c et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Persons selected to serve on review panel to evaluate and recommend proposals for grant awards. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files maintained in standard file cabinets.

Retrievability: Name and address of panelists kept in Review Panel file folder.

Safeguards: None special.

Retention and disposal: Files maintained as long as authorizing laws remain in effect.

System manager(s) and address:

Asst. Regional Commissioner, OAE
U.S. Office of Education, DHEW, Region II
26 Federal Plaza, Room 3953

New York, New York 10007

Notification procedure: System Manger (see above) will respond to inquiries.

Record access procedures: Per request to System Manager.

Contesting record procedures: System Manger.

Record source categories: Individual on whom record is maintained. State Education Departments. BOAE, USOE, Washington, DC.

Systems exempted from certain provisions of the act: None.

E OE R 5

System name: Institutional Application to Participate in Federal Student Financial Aid Programs Regional Review Panel HEW-E.

Security classification: None.

System location:

26 Federal Plaza, Rm. 3954
New York, New York 10007

Categories of individuals covered by the system: Practicing Financial Aid Officers and other Experts in the field of Student Financial Aid.

Categories of records in the system: Field Reader Contracts, Vitas and Travel Vouchers.

Authority for maintenance of the system: Higher Education Act of 1965, as amended 20 USC 1070b-3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Convene for purposes of review of applications submitted by post-secondary institutions and submitting recommendations to the Regional Office. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files maintained in standard file cabinet.

Retrievability: Name. By authorized Program Officers.

Safeguards: Stored in locked room.

Retention and disposal: Destroyed at the end of two (2) year panelists service cycle.

System manager(s) and address:

Senior Program Officer, Student Financial Aid
U.S. Office of Education
26 Federal Plaza
New York, NY 10007

Notification procedure: System manager (see above) will respond to inquirers.

Record access procedures: (See above).

Contesting record procedures: System Manager.

Record source categories: Educational Institutions.

Systems exempted from certain provisions of the act: None.

FDA 0013.00

System name: Employee Conduct Investigative Records - HEW/FDA/HFA.

Security classification: None.

System location:

Policy Management Staff, FDA
Room 10-90, 5600 Fishers Lane
Rockville, MD 20852

Categories of individuals covered by the system: Employees or former employees, or special Government employees of FDA who are alleged to have violated FDA or Departmental regulations and/or Federal statutes.

Categories of records in the system: This system includes records relating to correspondence concerning an individual's employment status or conduct while employed by FDA. Examples of these records include: correspondence from employees, Members of Congress, and members of the public alleging misconduct by an official of FDA. It also contains reports of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; Title 18, U.S.C. (e.g., 18 U.S.C. 201, 203, 205, 207, 208, 209, 1905); 21 U.S.C. 331; 28 U.S.C. 535(b); 44 U.S.C. 3101; E.O. 10450 and 11222; 45 CFR Part 73.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to the Department of Juscie or State or local law enforcement agencies, in connection with a violation or potential violation of law, and in connection with requests for legal advice. Disclosure may be made during administrative or judical proceedings. Disclosure may be made to other Government agencies (e.g., General Services Administration, Civil Service Commission, Consumer Product Safety Commission, Securities and Exchange Commission, Department of Treasury, etc.) as necessary to report apparent violations of law. Disclosure may be made to authorized investigative offices of other Federal and State agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or suspected violation of the law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: Alphabetical by name. Used within FDA for providing management with information needed to take action on complaints or alleged violations. May be referred to Office of Investigations and Security, Office of the Secretary, HEW, and disclosures may be made by that office.

Safeguards: Records are maintained in locked file cabinets within a locked file room or in a safe within a secured area.

Retention and disposal: Records are retained until death of subject individual.

System manager(s) and address:

Director, Policy Mangement Staff
HFA-20, Room 10-90
Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20852

Notification procedure:

FDA Privacy Coordinator (HF-50)
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20852

Record access procedures: Same as notification procedure (some material is exempt from access and contest).

Contesting record procedures: Same as notification procedure (some material is exempt from access and contest).

Record source categories: Information in this system of records is obtained from FDA personnel and records, subjects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

Systems exempted from certain provisions of the act: This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H), and (f)) the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or investigatory material that would reveal confidential sources compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information.

FDA 0014.00

System name: Service Contractor Employee Investigative Records. HEW/FOA/HFA.

Security classification: None.

System location:

Policy Management Staff, FDA
Room 10-90
5600 Fishers Lane
Rockville, MD 20852

Categories of individuals covered by the system: Employees of service contractors who must have access to FDA secured areas or FDA file material; employees of contractors who provide janitorial, guard and maintenance services for FDA facilties.

Categories of records in the system: This system includes records of pre-employment checks of individuals who will have access to

FDA facilities during security hours and correspondence concerning an individual's employment status or conduct while having such access. Examples of such correspondence include Reports of Investigations to resolve allegations of misconduct or of violations of law, with related exhibits of statements, affidavits or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutues referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; Title 18, U.S.C. (e.g., 18 U.S.C. 1905); 21 U.S.C. 331; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure of these records may be made to the contractors. Disclosure may be made to the Departement of Justice or State or local law enforcement agencies, in connection with actual or potential violation of law, and in connection with requests for legal advice. Disclosure may be made during administrative or judical proceedings. Disclosure may be made to other agencies (i.e., General Services Administration, Civil Service Commission, Consumer Product Safety Commission, Securities and Exchange Commission, Department of Treasury, etc.) as necessary to report apparent violations of law. Disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or suspected violation of the law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, in folders, in file cabinets.

Retrievability: Alphabetical by name. Used by the Food and Drug Administration to determine if the employees of service contractors shall have access to FDA facilities. Used within FDA for providing management with information to take action on complaints or alleged violations. May be referred to the Office of Investigations and Security, Office of the Secretary, HEW, and disclosures may be made by that Office.

Safeguards: Records are maintained in locked file cabinets within a locked file room or in a safe within a secured area.

Retention and disposal: Records are retained until death of subject individual.

System manager(s) and address:

Director, Policy Management Staff
HFA-20, Room 10-90
Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20852

Notification procedure:

FDA Privacy Coordinator (HF-50)
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20852

Record access procedures: Same as notification procedures (some material is exempt from access and contest).

Contesting record procedures: Same as notification procedure (some material is exempt from access and contest).

Record source categories: Information in this system of records is obtained from industrial, employment and police records, subjects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

Systems exempted from certain provisions of the act: This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H), and (f)) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or investigatory material that would reveal confidential sources compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information.

NIH DAS 0018.00

System name: Clinical Center Consultant Agreements. HEW/NIH/DAS.

Security classification: None.

System location:

Building 31, Room 1C02, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Medical Consultants under contract with the NIH Clinical Center.

Categories of records in the system: Contract Administration Data.

Authority for maintenance of the system: 42 USC 241 (d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Official business record maintenance of contractual agreements of those individuals who are providing consultative medical services to the NIH Clinical Center. Used by procurement & financial personnel.

Safeguards: Locked cabinets.

Retention and disposal: Years at NIH: 2. Years at FRC: 4.

System manager(s) and address:

Director, DAS
Building 31, Room 1C02, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

NIH NIGMS 0029.00

System name: Personal Services Contractors. HEW/NIH/NIGMS.

Security classification: None.

System location:

Building 31, Room 4A24, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Individuals under contract with NIGMS.

Categories of records in the system: Work qualifications, description of services to be performed.

Authority for maintenance of the system: 42 USC 241(d), 289e.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name of contractor. Record of agreed upon services, reference by institute staff in monitoring contractor's performance.

Safeguards: Locked file cabinet.

Retention and disposal: Years at NIH: 3.

System manager(s) and address:

Administrative Officer
Building 31, Room 4A24, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individual.

Systems exempted from certain provisions of the act: None.

NIH NIAID 0175.00

System name: Curricula Vitae. HEW/NIH/NIAID

Security classification: None.

System location:

Building 31, Room 7A10, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Consultants and Clinical Investigators under NIAID Investigational New Drug Applications.

Categories of records in the system: Curriculum vitae.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in books.

Retrievability: Retrieved by name. Used by NIAID staff for appointment of consultants and filing in Investigational New Drug Application.

Safeguards: Limited access to authorized personnel.

Retention and disposal: Years at NIH: indefinite.

System manager(s) and address:

Chief, Infectious Disease Branch
Building 31, Room 7A10, NIH
900 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures:

Chief, Of. of Research Reporting & Public Response
Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20014

Contesting record procedures: Same as above.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

NIH NIAID 0182.00

System name: Infectious Disease Branch. HEW/NIH/NIAID.

Security classification: None.

System location:

Building 31, Room 7A10, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Medical consultants under contract with NIAID.

Categories of records in the system: Administrative files, biographical data.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in card files.

Retrievability: Retrieved by name. Used by NIAID staff to prepare travel orders, professional services contracts, and honorarium forms.

Safeguards: Limited access.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Chief, Infectious Disease Branch
Building 31, 7A10, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures:

Chief, Of. of Research Reporting & Public Response
Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20014

Contesting record procedures: Same as above.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

NIH NIAID 0183.00

System name: US-Japan Program. HEW/NIH/NIAID.

Security classification: None.

System location:

Building 31, Room 1B62, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Panel Members of the U.S.-Japan Cooperative Medical Science Program.

Categories of records in the system: Letters of appointment, curriculum vitae & correspondence.

Authority for maintenance of the system: 42 USC 241(d) 289a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Used by NIAID staff in administration of program and for preparing correspondence with panel members.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 2.

System manager(s) and address:

Administrative Assistant
Building 31, Room 1B62, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures:

Chief, Of. of Research Reporting & Public Response
Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20014

Contesting record procedures: Same as above.

Record source categories: Panel members.

Systems exempted from certain provisions of the act: None.

NIH NCI 0253.00

System name: DCCR Professional Services Contracts. HEW/NIH/NCI.

Security classification: None.

System location:

Blair Building, Room 7A07, NIH
8300 Colesville Road
Silver Spring, MD 20910

Categories of individuals covered by the system: Individuals under contract with the Division of Cancer Control and Rehabilitation.

Categories of records in the system: Professional Services Contracts.

Authority for maintenance of the system: 42 USC 241(d), 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Used by staff for general administrative purposes in compliance with program requirements.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 5.

System manager(s) and address:

Chief, Offiice of Committee & Review Activities
Blair Building, Room 7A07, NIH
8300 Colesville Road
Silver Spring, MD 20910

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: None specified.

Systems exempted from certain provisions of the act: None.

NIH NCI 0254.00

System name: DCT Professional Services Contracts. HEW/NIH/NCI.

Security classification: None.

System location:

Building 31, Room 6A09, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Individuals under contract with the Division of Cancer Treatment.

Categories of records in the system: Professional Services Contracts.

Authority for maintenance of the system: 42 USC 241(d), 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Used by staff for general administrative purposes in compliance with program requirements.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 5.

System manager(s) and address:

Administrative Officer, DCT
Building 31, Room 3A50, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: None specified.

Systems exempted from certain provisions of the act: None.

NIH NCI 0255.00

System name: OD Professional Services Contracts: HEW/NIH/NCI.

Security classification: None.

System location:

Building 31, Room 3A22, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Individuals under contract with office of the Director, NCI.

Categories of records in the system: Professional Service Contracts.

Authority for maintenance of the system: 42 USC 241(d), 281.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Used by staff for general administrative purposes in compliance with program requirements.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 5.

System manager(s) and address:

Administrative Officer
Building 31, Room 11A29, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: None specified.

Systems exempted from certain provisions of the act: None.

NIH FIC 0301.00

System name: Grants: Senior International Fellowships Program. DHEW/NIH/FIC.

Security classification: None.

System location:

Bldg. 31,Room 2B58, NIH
9000 Rockville Pike
Bethesda, MD, 20014

Categories of individuals covered by the system: Applicants for Senior International Fellowships.

Categories of records in the system: Employment and education histories, references.

Authority for maintenance of the system: 42 U.S.C. 242 e.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Each fellow's home institution receives a notice of award and funding for the fellowship. Awards are listed annually in NIH International Awards for Biomedical Research and Research Training.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders; magnetic tapes.

Retrievability: These fellowships are available to outstanding faculty members in mid career from U.S. schools of medicine, osteopathy, dentistry, and public health for study abroad. Applications are submitted to DRG, which also performs primary review. FIC performs secondary review and awards fellowships. Necessary information is made available to OFM for payment of awards. Retrievable by name and fellowship number.

Safeguards: Access limited to program personnel.

Retention and disposal: Number of years held at NIH: 1. Number of years held at Federal Records Center before disposal: 5.

System manager(s) and address:

Chief, Scholars & Fellowships Branch
Bldg. 31, Room 2B58
9000 Rockville Pike
Bethesda, Md. 20014

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information obtained from applicants and persons supplying recommendations through DRG.

Systems exempted from certain provisions of the act: None.

NIH DRR 0302.00

System name: Contracts: Administration. DHEW/NIH/DRR.

Security classification: None.

System location:

Building 31, Room 5B-05, NIH
9000 Rockville Pike
Bethesda, MD. 20014

Categories of individuals covered by the system: Principal Investigators, Project Officers, & Contract Specialist.

Categories of records in the system: Contract Management Records.

Authority for maintenance of the system: 42 U.S.C. 241 (g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be used to respond to congressional inquiries. See also Appendix B of the Departmental Regulations (45CFR, Part 5b), item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Used by DRR staff for management of contracts. Retrieved by name.

Safeguards: Limited access.

Retention and disposal: Number of years held at NIH: 1.

System manager(s) and address:

Executive Officer, DRR
Bldg. 31, Room 5B-05
9000 Rockville Pike
Bethesda, Md. 20014

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual, review panels, audit agency, other Federal contracting agencies.

Systems exempted from certain provisions of the act: None.

The following Notices of Systems of Record have been changed primarily within the paragraph indicated:

System Identification:
Old:
SRS PLS
Federal Parent Locator System HEW SRS
NEW:

OCSE PLS 1.01

System name: Federal Parent Locator System. HEW OCSE.

Security classification: None.

System location:

Office of Child Support Enforcement
Department of Health, Education, and Welfare
330 C. Street, S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: Records are maintained on parents being sought for the purpose of enforcing support obligations against such a parent.

Categories of records in the system: Name, Social Security Number, case identification number, local identification number, Sate originating request, type of case (AFDC or non-AFDC), Federal department sent request, data sent to Federal departments and Federal departments responses.

Authority for maintenance of the system: Public Law 93-647.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The State agency uses the address information provided by the Federal Parent Locator Service to locate absent parents owing support money to their families.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: PLS records are maintained on disk and magnetic tape. The record is defined as a request for address information.

Retrievability: System records can be accessed by either a State assigned case identification number or Social Security Number.

Safeguards: All requests must be certified by the State IV-D Agency that the request is for the purpose of enforcing child support, that information will only be released to State officials and that the information will be safeguarded. All personnel, Federal employees and contractor, are required to take a non-disclosure of information oath. All input documents will be inventoried and accounted for. All inputs and outputs will be stored in a locked receptacle in a locked room. All outputs will be labeled 'For Official Use Only.' Operations control will be vested under a single system manager. Every State using the system will be verified via user ID's. All data files will be protected by passwords. Remote users have 'write only' system access capabilities. They cannot read any master file.

Retention and disposal: Records are maintained active as long as the request remains outstanding. When address information is returned, the request only (no address information) is stored on a history tape.

System manager(s) and address:

Director, Office of Child Support Enforcement
Department of Health, Education, and Welfare
330 C. Street, S.W.
Washington, D.C. 20201

Notification procedure:

Office of Child Support Enforcement
Department of Health, Education, and Welfare
330 C. Street, S.W.
Washington, D.C. 20201
The Social Security Number and the name of the individual should be provided as identifying information.

Record access procedures: Individuals have no access to the system. They must go to the State Child Support Enforcement Agency. If a Statewide locator fails then the State locator service requests information from the Parent Locator Service. Information requests are submitted to:

Federal Parent Locator Service
Office of Child Support Enforcement
330 C. Street S.W.
Washington, D.C. 20201

Contesting record procedures: Same as above.

Record source categories: All information originates from State Parent Locator Services having an Approved State Plan.

System Name:
Old:
Office of Research, Demonstrations and Manpower Resources Project Reviewers. HEW OHD AOA ORD.
New:

OHD AOA ORD 1.01

System name: Manpower Resources Contractual Services for Reviewing and Evaluating ORD-MR Projects HEW OHD AOA ORD.

Security classification: None.

System location:

Room 3139 Donohoe Building
400 - 6th Street, S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: Professionals with expertise who review and evaluate research, demonstrations and training proposals.

Categories of records in the system: Name, address, and professional background of individual.

Authority for maintenance of the system: Older Americans Act, 1965, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in paper folders in standard file cabinets.

Retrievability: Indexed by name, used by ORDMR staff to select reviews. Folders are available to Division Chiefs responsible for setting up review panels.

Safeguards: Direct access is restricted to authorized ORDMR staff, records are kept in locked file cabinets.

Retention and disposal: The list will be reviewed periodically, prior to establishing review periods. Persons not used will be deleted from files.

System manager(s) and address:

Director, ORDMR Office
Room 3139, Donohoe Building
400 - 6th Street, S.W.
Washington, D.C. 20201

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The individual and/or professional directories.

Systems exempted from certain provisions of the act: None.

Old:
American College Testing Service National Samples of 1972-73 High School Juniors. HEW E.
New:

E OE EDF 2.01

System name: American College Testing Career Planning Program, Grade 11. HEW E

Security classification: None.

System location:

P.O. Box 168
Iowa City, Iowa 52240
and
111 Prospect Street
New Haven, Connecticut 06520

Categories of individuals covered by the system: Individuals included in 1972-73 American College Testing Career Planning National Sample of High School Juniors.

Categories of records in the system: Name, address, high school attended, education, marital status, labor force status, and college (if any) attended.

Authority for maintenance of the system: Section 417 of the General Education Provisions Act as amended (20 USC 1226c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use 9 in appendix B of the Departmental Regulations (45 CRF 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The data are stored on magnetic tape which is locked in a metal filing cabinet.

Retrievability: Data indexed by name, address, and high school. Data are used by authorized agency personnel in the design and administration of a follow-up survey and in statistical analyses.

Safeguards: Tapes and coded list are kept in a locked room. Access is restricted to authorized personnel only. Exception: Subject to disclosure requirements of Privacy Act.

Retention and disposal: List of names will be kept indefinitely for purposes of future follow-up surveys.

System manager(s) and address:

ACT Follow-up Project Manager
U.S. Office of Education
Room 4079, 400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: Written inquiries must be made to the system manager at the address above and must include the inquirer's name, address, high school attended, dates of previous correspondence (if any) and the system ID number and name.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Information is obtained from questionnaires completed by high school principals and parents. All data are furnished on a voluntary basis.

Systems exempted from certain provisions of the act: None.

Old:

Death and Disability Claims in the Health Professions Student Loan Program. HEW HRA BHM.

New:

HRA BHM 0022.01

System name: Disability Claims in the Health Professions Student Loan Program--HEW/HRA/BHM.

Security classification: None.

System location:

Building 31
9000 Rockville Pike
Bethesda, Maryland 20014

Categories of individuals covered by the system: Applicants for cancellation due to disability - medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, veterinary medicine.

Categories of records in the system: Application and related data, correspondence and payment determinations.

Authority for maintenance of the system: Public Health Service Act Section 741(42 U.S.C. 294a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File - Medical records returned to school for audit purposes.

Retrievability: Determination of validity of claim. Retrievable by name.

Safeguards: Access by authorized personnel only; general building security.

Retention and disposal: Number of years held at HRA: Indefinite.

System manager(s) and address:

Chief
Operations Section
9000 Rockville Pike
Bethesda, Maryland 20014

Notification procedure: Same as above

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Medical records.

Old:

Vital Statistics for all Births, Deaths, Fetal Deaths, Marriages and Divorces Occurring in the United States During Each Year. HEW HRA NCHS.

New:

HRA NCHS 0035.01

System name: Vital Statistics for births, deaths, fetal deaths, marriages and divorces occurring in the United States during each year. HEW/HRA/NCHS.

Security classification: None.

System location:

Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Individuals who are born and their parents; individuals who die; individuals who are married or divorced; and parents experiencing fetal deaths.

Categories of records in the system: The records include microfilm images of State records or machine-readable data prepared by the State from records collected under the laws of each State for births, deaths, fetal deaths, marriages and divorces. The records contain the demographic characteristics of individuals associated with each event. In addition, the birth records include information on the characteristics of each live birth, the health status of the infant, and socioeconomic characteristics of the parents. The death records contain medical information relating to cause of death and to socioeconomic characteristics of the deceased; the fetal death record contains medical information relating to cause of death and socioeconomic characteristics of the parents. Marriages and divorces include demographic and socioeconomic characteristics of both parties to the event and legal information regarding the event.

Periodically the National Center for Health Statistics conducts followback surveys, collecting information on random samples of births and deaths through mail questionnaires. The followback surveys are designed primarily to expand the scope of data that can be collected from the national registration system, to make the registration system more responsive to changing needs for data, and to evaluate the quality of data collected on the birth and death records. The content of questionnaires for the followback surveys varies. Past surveys have collected information on such topics as hospital utilization in the last year of life, smoking habits of the deceased, health status of infants, and pregnancy and employment histories of mothers.

Authority for maintenance of the system: Public Health Service Act Section 306(h) (42 USC 242 k).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The processed data are disseminated for public use in forms that do not permit identification of individuals, such as published statistical tables, special unpublished tabulations, and public use computer tapes, which carry no individual identifiers. They are used by members of Congress and their staffs, other executive branch agencies, State and city governments, public and private research institutions, life insurance companies, faculty and students of universities, physicians, workers in health information, newspaper reporters and feature writers, etc. The findings are used to make determinations on needs for legislation, appropriations, and programs in the health field; to pinpoint health problems, measure progress of national health programs, and make population estimates; for epidemiological studies, marketing research, sociological studies, and studies of the family; and for other research directed at understanding our society.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are transferred onto magnetic tapes without name and address information and are maintained on magnetic tapes for an indefinite period.

Retrievability: The State file number is assigned to each record on magnetic tape linking it to the original certificate on file in the State vital statistics office. Data from the microfilm copies of certificates of births, deaths, fetal deaths, marriages and divorces submitted by some States are transferred to magnetic tape in coded form (without names or addresses) and are merged with the machine-readable data tapes furnished by States providing data through the Cooperative Health Statistics System. The tape is used for statistical purposes only. These uses include the preparation of aggregated data in the form of statistical tables for publication, analysis, and interpretation, to meet the legislative mandates of Public Law 93-353, i.e., to determine the extent and nature of illness and disability of the population of the U.S., including life expectancy and levels of infant and maternal mortality, environmental and other health hazards, trends in family formation, growth, and dissolution, and other related matters. Users consist of health planners, statisticians, epidemiologists, demographers, and others concerned with the problems of health, health care, and health hazards.

Safeguards: All employees of NCHS, as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individual information. Only employees of NCHS or employees of contractors who have signed similar affidavits are permitted access to the magnetic tapes containing the certificate numbers or to the files containing the microfilm copies of the certificates. The certificate numbers of the individual records and the geographic code identification of cities with less than 250,000 population are removed before the data tapes are released for public use. No identifying number appears on the public use tape that would link a record on that tape to any individual, to the NCHS master tape, to the microfilm file, or to the original certificate on the State vital statistics office.

Retention and disposal: The microfilm copies of the records are retained in office files of NCHS until the process of conversion to magnetic tape and verification of information is completed. The death records are sent to the Federal Records Center ten years after tabulation for deaths occurring during the three-year period surrounding census years and one year after tabulation for other years. They are held until disposed of, 15 years after tabulation for deaths of the censal years, and five years after tabulation for other years. Records of births, fetal deaths, marriages, and divorces are disposed of two years after tabulation. The questionnaires for the followback surveys are destroyed after conversion to magnetic tape, tabulation, and analyses have been completed.

System manager(s) and address:

Director
National Center for Health Statistics, HRA
5600 Fishers Lane
Rockville, Maryland 20852

Notification procedure: None.

Record access procedures: None.

Contesting record procedures: None.

Record source categories: None.

Systems exempted from certain provisions of the act: With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d), (e)(4)(G), (H), and (I) and (f), in accordance with the provision of subsection 552a(k)(4) of the Privacy Act of 1974. The reason that the system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records.

Security classification:

E NIE EWG 01.01

System name: Pilot Test of Occupational Exploration Program--HEW E.

Security classification: None.

System location:

1960 Kenney Road
Columbus, Ohio 43221

Categories of individuals covered by the system: Students and teachers, grades 7, 8, 9, participating in pilot test of Occupational Exploration Program.

Categories of records in the system: Age; sex; grade level; survey of interests; information test scores; opinions about the program.

Authority for maintenance of the system: Section 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for services and analysis of records by authorized personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained on cards in standard filing containers.

Retrievability: Records are indexed by assigned I.D. number and are used for monitoring progress of project/product development and for research development and evaluation of educational program.

Safeguards: Building security personnel screening limits access to authorized personnel only. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: Records kept for two years after end of project.

System manager(s) and address:

Associate Director for Education and Work
National Institute of Education
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Self-reported information from teachers and students.

Systems exempted from certain provisions of the act: None.

System Location:

OS ASPE 6.01

System name: Seattle/Denver Income Maintenance Experiments. HEW/OS/ASPE

Security classification: None.

System location:

Stanford Research Institute
333 Ravenswood Avenue
Menlo Park, California 94025

Seattle Project Office
Stanford Research Institute
660 Dextor Horton Building
710 Second Avenue
Seattle, Washington 98104

Denver Project Office
Stanford Research Institute
Room 210, Patterson Building
555 17th Street
Denver, Colorado 80202

Mathematica, Inc.
Princeton Station Office Park
P.O. Box 2392
Princeton, New Jersey 08540

Mathmatica,Inc.
Lowman Building
107 Cherry Street
Seattle, Washington 98104

Mathmatica, Inc.
1755 Glenarn Place
Room 100
Denver, Colorado 80202

Seattle Community College
United Pacific Building
1000 Second Avenue
Seattle, Washington 98104

Denver Community College
First Floor, Room 120
1115 Broadway
Denver, Colorado 80203

Categories of individuals covered by the system: Low and middle income families and individuals particpating in the Seattle/Denver Income Maintenance Experiments. In addition a sample of suppliers of day care in Seattle and Denver.

Categories of records in the system: Family information includes demographic characteristics, education and training, family composition, expenditure patterns, assets and debts, leisure time activities, labor force participation, job history and employment patterns, income, and benefit records, residential mobility, fertility, health, day care, social participation, time horizons and planning, housing, attitudes toward work, and a variety of other aspects of life such as famil life, government and welfare. For suppliers of day care, the information included in the files consist of characteristics and cost of services supplied.

Authority for maintenance of the system: Social Security Act, Section 1110.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Stanford Research In-

stitute and its subcontractors: Certain records are used for administration of the experiment and to determine eligibility. Program administration data in individually identifable form is also used in conjunction with data derived from questionnaires and interviews in order to undertake analysis of individual and family responses to income maintenance and manpower programs and in the conduct of other social science research. Day care information is used to analyze the characteristics and supply of alternative forms of day care. Records without individual identifiers are used for the statistical analysis of individual and family responses to the experiment. Individually identifiable records are used only for program administration or to correct or verify errors or suspected errors in statistical work tapes. Records are transferred between the research contractors Stanford Research Institute (and its subcontractors) Mathematica, Incorporated and the Seattle and Denver Community Colleges, for the purpose of carrying out the research and operational tasks of the experiment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records with individually identifiable information include personal interview forms, self-administered interview forms and the participant's administrative file. In addition to the paper copy of these records, the information contained therein has been transferred to magnetic tape.

Retrievability: Information listed above under storage is retrievable by name and address of the individual and family, by Social Security Number and by the assigned control number. Assistant Secretary for Planning and Evaluation: A copy of the master data tape with analytic identifiers only will be transferred to the office of the Assistant Secretary for Planning and Evaluation

Safeguards: All individually identifiable source documents (e.g., questionnaires) and data files are stored in physically secure areas with access controlled by a senior research staff member, who is authorized to permit access for routine uses (e.g., verification or correction of records in the statistical analysis files). Access to individually identifiable records is limited to contractor personnel carrying out the experiment and to DHEW project monitoring staff.

Retention and disposal: All personally identifiable information will be maintained for the life of the experiment and for a period thereafter that is necessary to verify the accuracy of the data. When verification is complete, all individual identifiers will be removed from the data files.

System manager(s) and address:

Assistant Secretary for Planning and Evaluation
U.S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Project Officer:
Director, office of Income Security Policy
Office of the Assistant Secretary for Planning and Evaluation
U.S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Notification procedure: Individuals requesting notice as to whether the system of records contains information pertaining to them should write to the project officer (see above) indicating his or her name(s), current address as well as names and addresses used from January 1, 1970 to the present.

Record access procedures: Individuals who have established that the system of records contains information relating to them, may inspect and copy those records at the contractor's site offices in Seattle or Denver. An individual who wishes to inspect such records should submit a written request to the project officer indicating his or her desire to inspect and or copy the records.

Contesting record procedures: Through the project officer (see above).

Record source categories: Information contained in the system or records was obtained through personal interviews conducted by Mathematica, Inc. and by the Seattle and Denver Community Colleges, and from self-administered forms provided and collected by Mathematica Inc. In addition certain information on the individual participants was collected from records of the Internal Revenue Service, and from Washington and Colorado State and local welfare, employment and housing agencies.

NIH OD 0300.01

System name: Grants: Research, Research Training, Fellowship and Construction Applications and Awards. HEW/NIH/OD.

Security classification: None.

System location: See Appendix I.

Categories of individuals covered by the system: Grant applicants and Grantees, and Reviewers.

Categories of records in the system: Grant Applications and review history, awards, financial records and progress reports and correspondence.

Authority for maintenance of the system: 42 USC 241(c), (d), 276, 281, 287, 288, 289(a), (d), (e), (i), 289(k-2) 58 Stat. 691 (repealed).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information sent to Science Information Exchange for dissemination of science info; to Cognizant Audit Agency & GAO for auditing; to Dept. of Justice as required for litigation; to Professional, Scientific Organizations; Individuals Educational Institution; for dissemination of information and used to respond to Congressional Inquiries. See also Appendix B of the Departmental Regulations (45 CFR, Part 5b) items 9, 101, 102.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders, on computer tapes and discs, cards and in notebooks.

Retrievability: Retrieved by name and grant number. Use: By staff for review, award, and administration, of grants.

Safeguards: Access limited to authorized personnel.

Retention and disposal: Years at NIH: 1 year after close out except for Construction Grants which are retained for 3 years after close-out. Years at FRC: 5 years except for National Research Service Awards, 9 years and Construction Awards, 12 years.

System manager(s) and address: See Appendix II.

Notification procedure: See Appendix III.

Record access procedures: See Appendix IV.

Contesting record procedures: Same as System Manager.

Record source categories: Information submitted by applicant, supplemented by outside reviewers and internal staff.

Systems exempted from certain provisions of the act: None.

Appendix I System Location

National Cancer Institute
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 837, 10A15, 8A18, 805, 855, 809, 848

National Heart and Lung Institute
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 5A15

National Library of Medicine
Federal Building
7550 Rockville Pike
Bethesda, MD 20014
Room 916A

National Institute of Allergy and Infectious Diseases
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 722

National Institute of Arthritis, Metabolism, and Digestive Diseases
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 621

National Institute of Child Health and Human Development
Landow Building

7910 Woodmont Avenue
Bethesda, MD 20014
Room A621

National Institute on Aging
Landow Building
7910 Woodmont Avenue
Bethesda, MD 20014
Room A621

National Institute of Dental Research
Westwood Building
5333 Westbard AVenue
Bethesda, MD 20016
Room 510

National Institute of Environmental Health Sciences
Building 12
Research Triangle Park, North Carolina 27709
Room 1213

National Institute of General Medical Sciences
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 938

National Institute of Neurological and Communicative Disorders and Stroke
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 748

National Eye Institute
Building 31
9000 Rockville Pike
Bethesda, MD 20014
Room 6A47

Division of Research Resources
Building 31
9000 Rockville Pike
Bethesda, MD 20014
Room 5B05

Regional Federal Records Center

Appendix II System Manager and Address

National Cancer Institute

Chief, Program Analysis & Evaluation Branch
Room 837, Westwood Building

Fellowships Officer (Fellowship and Research Career Awards)
Room 10A15, Westwood Building

Chief, Grants Administration Branch
Room 8A18, Westwood Building

Grants Technical Assistant (Institutional Research Fellowships)
Room 805, 855, Westwood Building

Referral Officer (Applications Referrals, Site Visits and Conference Grants)
Room 809, Westwood Building

Program Director for Review Activities
Room 805, Westwood Building

Executive Secretary, DCRRC (Center Grant Application)
Room 809, Westwood Building

Associate Director for Research Programs
Room 848, Westwood Building

Review Activities Program Director (Research Grant Applications)
Room 809, Westwood Building

National Heart and Lung Institute
Administrative Officer, DEA
Room 5A15, Westwood Building

National Library of Medicine
Associate Director for Extramural Programs
Room 816A, Federal Building

National Institute of Allergy and Infectious Diseases
Administrative Officer, NIAID
Room 707, Westwood Building

National Institute of Arthritis, Metabolism, and Digestive Diseases
Technical Information Specialist
Room 726A, Westwood Building

National Institute of Child Health and Human Development
Chief, Office of Grants & Contracts
Room A621, Landow Building

National Institute on Aging
Grants Management Officer
Room A621, Landow Building

National Institute of Dental Research
Grants Management Officer, NIDR
Room 510, Westwood Building

National Institute of Environmental Health Sciences
Grants Management Officer
Room 1213, Building 12

National Institute of General Medical Sciences
Grants Management Officer, NIGMS
Room 938, Westwood Building

National Institute of Neurological and Communicative Disorders and Stroke
Grants Officer, Extramural Programs
Room 738, Westwood Building

National Eye Institute
Ass. Dir. for Extramural & Collaborative Programs
Room 6A04, Building 31

Division of Research Resources
Executive Officer, DRR
Room 5B05, Building 31

Appendix III Notification Procedures

National Cancer Institute
Chief, Grants Administration Branch
Room 8A18, Westwood Building

National Heart and Lung Institute
Privacy Act Coordinator, NHLI
Room 5A50, Building 31

National Library of Medicine
See Appendix II.

National Institute of Allergy and Infectious Diseases
See Appendix II.

National Institute of Arthritis, Metabolism, and Digestive Diseases
Administrative Assistant
Room 9A35, Building 31

National Institute of Child Health and Human Development
See Appendix II.

National Institute on Aging
See Appendix II.

National Institute of Dental Research
See Appendix II.

National Institute of Environmental Health Sciences
See Appendix II.

National Institute of General Medical Sciences
See Appendix II.

National Institute of Neurological and Communicative Disorders and Stroke
See Appendix II.

National Eye Institute
See Appendix II.

Division of Research Resources
See Appendix II.

Appendix IV Record Access Procedures

National Cancer Institute
Chief, Grants Administration Branch
Room 8A18, Westwood Building

National Heart and Lung Institute
See Appendix III.

National Library of Medicine
See Appendix II.

National Institute of Allergy and Infectious Diseases
Chief, Of. of Research Reporting & Public Response
Room 7A32, Building 31

National Institute of Arthritis, Metabolism, and Digestive Diseases
See Appendix III.

National Institute of Child Health and Human Development
See Appendix II.

National Institute on Aging
See Appendix II.

National Institute of Dental Research
Personnel Officer, NIDR
Room 2C23, Building 31

National Institute of Environmental Health Sciences
See Appendix II.

National Institute of General Medical Sciences
Research Reports Officer
Room 909, Westwood Building

National Institute of Neurological and Communicative Disorders and Stroke
Head, Administration Mgmt. Section
Room 8A47, Building 31

National Eye Institute
Administrative Officer
Room 6A31, Building 31

Division of Research Resources
See Appendix II.

Categories of individuals covered by the system:

E ASE NC 231.01

System name: Operation Follow-Up, The National Longitudinal Study of the High School Class of 1972. HEW E.

Security classification: None.

System location:

P.O. Box 12194
Research Triangle Park, North Carolina 27709

Room G-721, HEW North
330 Independence Avenue, SW
Washington, D.C. 20201

Room 3066, 400 Maryland Avenue, SW
Washington, D.C. 20202

Categories of individuals covered by the system: Members of the High school Class of 1972 who volunteered to participate in the National Longitudinal Study. Respondents have completed survey forms as high school seniors and on several occasions since their graduation from high school.

Categories of records in the system: Name, address, high school, family income, employment history, postsecondary education, aspirations, career plans and other data, updated periodically over the last four years.

Authority for maintenance of the system: 20 U.S.C. 1221e-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to contractors for data gathering, processing, and analysis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data are stored on computer tapes and disks, microfilm, and paper files.

Retrievability: Data are stored by 6 digit code assigned by NCES. In order to retrieve data by identifier, three different tapes must be used. These are three physically separate files which may only be used by the authorized agency or contractor personnel. Individual identifiers are associated with data only for purposes of data gathering, matching new data with old, establishing sample composition, and authenticating data collections or obtaining missing data. Data are collected for statistical purposes only, and not for the determination of any individual's benefits or entitlements.

Safeguards: The microfilm is stored under locked file. The tapes must be used in conjunction with a program to decrypt names and addresses. There is restricted access to computer facilities and information. Computer tapes not found at the computation facility are kept in locked storage. Data are available to authorized agency and contractual personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Identifiers will be kept until completion of the last survey.

System manager(s) and address:

Project Director
National Longitudinal Study of the High School Class of 1972
Room 3066, FOB-6
400 Maryland Avenue, SW,
Washington, D.C. 20202

Notification procedure: System Manager (see above) will respond to inquirers. Persons making the requests should state their full name, 6 digit NLS ID number, address, high school attended, and the name of system.

Record access procedures: Same as above.

Contesting record procedures: Contact System Manager.

Record source categories: Data were collected voluntarily from individuals through questionnaires and personal interviews. Additional data were collected from high school records.

Systems exempted from certain provisions of the act: None.

E ASE NC 232.01

System name: Concept 71, The National Longitudinal Study of the High School Class of 1972. HEW E.

Security classification: None.

System location:

P.O. Box 12194
Research Triangle Park, North Carolina 27709

Room G-721, HEW North
330 Independence Avenue, SW
Washington, D.C. 20201

Room 3066, 400 Maryland Avenue, SW
Washington, D.C. 20202

Categories of individuals covered by the system: Members of the High School Class of 1971 who volunteered to participate in the National Longitudinal Study. Respondents have completed survey forms as high school seniors and on several occasions since their graduation from high school.

Categories of records in the system: Name, address, social security number, high school, family income, employment history, post-secondary education, aspirations, career plans and other data, updated periodically over the last four years.

Authority for maintenance of the system: 20 U.S.C. 1221e-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to contractors for data gathering, processing, and analysis.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data are stored on computer tapes and disks, microfilm, and paper files.

Retrievability: Data are stored by 6 digit code assigned by NCES. In order to retrieve data by identifier, three different tapes must be used. These are three physically separate files which may be used only by the authorized agency or contractor personnel. Individual identifiers are associated with data only for purposes of data gathering, matching new data with old, establishing sample composition, and authenticating data collections or obtaining missing data. Data are collected for statistical purposes only, and not for the determination of any individual's benefits or entitlements.

Safeguards: The microfilm is stored under locked file. The tapes must be used in conjunction with a program to decrypt names and addresses. There is restricted access to computer facilities and information. Computer tapes not found at the computation facility are kept in locked storage. Data are available only to authorized agency and contractual personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Identifiers will be kept until completion of the last survey.

System manager(s) and address:

Project Director
National Longitudinal Study of the High School Class of 1972
Room 3066, FOB-6
400 Maryland Avenue, SW
Washington, D.C. 20202

Notification procedure: System Manager (see above) will respond to inquirers. Persons making the requests should state their full name, 6 digit NLS ID number, address, high school attended, and the name of system.

Record access procedures: Same as above.

Contesting record procedures: Contact System Manager.

Record source categories: Data were collected voluntarily from individuals through questionnaires and personal interviews. Additional data were collected from high school records.

Systems exempted from certain provisions of the act: None.

E OE EDA 2

System name: Teacher Corps Corpsmember Profile. HEW E.

Security classification: None.

System location:

Room 4031, FOB06
400 Maryland Avenue SW
Washington, D.C. 20202

Categories of individuals covered by the system: People selected by local panels to be interns and team leaders in Teacher Corps projects.

Categories of records in the system: A profile sheet from each project grantee is maintained which lists each selectee by name and includes for each basic demographic data such as age, marital status, dependents, educational level, etc.

Authority for maintenance of the system: 20 U.S. Code, Sections 1101 through 1107a, especially Section 1103 which defines criteria for membership in Teacher Corps.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Teacher Corps projects who may be considering accepting the member on transfer. To State Departments of Education who may be verifying data when the member is under consideration for teacher certification. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The profile sheets are kept in a file cabinet.

Retrievability: Names of members are arranged alphabetically on sheets which are filed alphabetically by state. National office staff review the data to ascertain if local selections of corpsmembers meet federal criteria for membership and conform to the recruitment goals of the local project. The data on corpsmembers may also be referred to by national staff if local project officials request assistance in dealing with questions or problems relating to corpsmembers.

Safeguards: Direct access is limited to Teacher Corps staff. Access to room in which file cabinet is maintained is limited during non-working hours to those with keys to the room. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: The profile sheets are held for the two year length of a Teacher Corps project and for two years beyond that; a total of four years. Disposal is through regular refuse services.

System manager(s) and address:

Chief, Management Branch, Teacher Corps
U.S. Office of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Notification procedure: System manager (see above) will respond to inquiries. Requesters should indicate their name and address; the name of the Teacher Corps project in which they were enrolled as a corpsmember and the date of that enrollment.

Record access procedures: See above.

Contesting record procedures: See above.

Record source categories: Teacher Corps project grantee secures the data from the corpsmember through application forms and interviews.

Categories of records in the system:

OS ASAM PT 03.02

System name: Conflict of Interest Records System. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel Offices of the Department (See Applicants for Employment Records, HEW System 1) or levels of approving officials to be identified by those Personnel Offices.

Categories of individuals covered by the system: Incumbents of Department positions the duties of which are of such a nature that incumbent's financial interests, debts, ownership of real property or outside employment may come in conflict with the incumbent's official duties.

Categories of records in the system: The Conflict of Interest Records System consists of a variety of records relating to an employee's financial interest, conduct and outside activities. In addition to the name of the employee, SSN, position title, grade, salary, pay plan, and employing organization, the system includes information about outside employment and financial interests, creditors, interests in real property, outside compensation and related information.

Authority for maintenance of the system: Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records may be used: a) by the Civil Service Commission in carrying out its functions; b) In accordance with Appendix B of the Departmental regulations (45 CFR Part 5b), Item 1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Conflict of Interest Records are maintained in file folders.

Retrievability: Records are retrievable by name. They are used for the purpose of determining whether an employee's financial interest, conduct or outside activities is in conflict with the employee's duties as a Federal official. They also may be used for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for other purposes compatible with the intent for which the records system was created.

Safeguards: These records are treated as Personnel-Confidential and made available only to persons specifically authorized to receive them.

Retention and disposal: Information in this records system is disposed of 2 years after the employee leaves a position in which a

statement is required or two years after the employee leaves the Department, whichever is earlier, in the case of regular employees. Information for consultants is disposed of five years after termination of consulting services.

System manager(s) and address: Personnel Office of the Department shown in Appendix 1 to Applicants for Employment Record, HEW System 1.

Notification procedure: For incumbents who are in position under the Executive Schedule; Office of the Secretary Staff Office Heads; or Regional Directors:

Deputy Assistant Secretary for Personnel and Training
Office of Personnel and Training
Department of Health, Education, and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

For incumbents of other positions included in this records system, the Personnel Officer shown in Appendix 1 to Applicants for Employment Records, HEW System OS-ASAM-PT-1, who services the organizational units in which the individual is employed. The individual should indicate name, position title, grade and series, and organization in which located.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials or other persons such as trustee, attorney, accountant, relative.

E OE EDH 101.01

System name: Interpreters of the Deaf, National Advisory Committee on the Handicapped. HEW E.

Security classification: None.

System location:

Room 2604 ROB 3
7th and D Streets, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Interpreters of the Deaf used by the National Advisory Committee on the Handicapped (NACH) and the National Advisory Committee on Education of the Deaf or might be used by the NACH.

Categories of records in the system: Name, address, social security number (for pay purposes), phone number, correspondence, background information, requisition of services.

Authority for maintenance of the system: Section 12(b) of the Federal Advisory Committee Act (P.L. 92-463).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: System is maintained in paper files and stored in file cabinet.

Retrievability: This system is accessed by area of expertise and then by name. The NACH staff uses this system to obtain the necessary interpreters for the deaf person(s) on the NACH while attending NACH meetings or representing NACH.

Safeguards: System is available only to Bureau or NACH staff briefed on use of system. 'Exception: Subject to disclosure requirements of Privacy Act.'

Retention and disposal: Continuing records, updated periodically.

System manager(s) and address:

Executive Secretary
National Advisory Committee on the Handicapped
Bureau of Education for the Handicapped
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: System manager (see above) will respond to inquiries. Requestor should provide name, address, system I.D. and system name.

Record access procedures: Contact System Manager.

Contesting record procedures: Contact System Manager.

Record source categories: Individual data subject himself (interview by phone) and by other interpreters of the deaf.

Systems exempted from certain provisions of the act: None.

SSA HI 0275.01

System name: Supplementary Medical Insurance Premiums (Buy-In) Master Record--HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Health insurance beneficiaries whose supplementary medical insurance benefit and/or hospital insurance benefit premiums are paid by a third-party: a State welfare agency, the Civil Service Commission, or a private organization.

Categories of records in the system: Beneficiary's name, health insurance claim number, date of birth, sex, amount of premium liability, date agency first became liable for HIB (Health Insurance Benefit) or SMIB (Supplemental Medical Insurance Benefit) premiums, last month of agency premium liability, agency identification numbers, Civil Service annuity number for Civil Service Commission recipients.

Authority for maintenance of the system: Sections 1840(d) and 1843 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Group paying organizations submit listings, punched cards, or taped records each month to the Bureau of Data Processing, Social Security Administration, adding or deleting individuals covered under the agreement. Where the individual is entitled to Medicare and becomes entitled to supplemental security income benefits, the Social Security Administration, for several States, automatically adds the record to State buy-in rolls. The Third-Party Master file is updated monthly. Incoming records are screened for eligibility against the Health Insurance Master Record or the Master Beneficiary Record and then passed to the third-party premium billing operation. Agency billing transactions are exchanged by either magnetic tape, teleprocessing, listings, or punchcards. Notices are also generated and mailed to beneficiaries to inform them of the effective date of the payment by the third-party organization. Remittances from third-party payers are mailed to the Bureau of Data Processing and are handled manually. The third-party system also annotates (directly or indirectly) the Railroad Retirement Board records and the supplementary security income records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, microfilm.

Retrievability: The system is indexed by health insurance claim number.

Safeguards: Only authorized personnel have direct access to information in the third-Party Master Record. In addition, all personnel are advised that this information is confidential.

Retention and disposal: Tape records are retained for 90 days, filed for 1 year, then erased. Correspondence files are retained for 1 year, then discarded. Monthly microfilm records are destroyed after 1 year.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for system records should be addressed to Social Security Administration, Bureau of Health Insurance, Division of Systems, Beneficiary Procedures Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Record access procedures: The individual can obtain information on the procedures for gaining access to records from the most convenient social security office or from the Social Security Administration, Bureau of Health Insurance, Division of Systems, Beneficiary Procedures Branch, Baltimore, Md. 21235.

Contesting record procedures: Same as Access.

Record source categories: The identifying information contained in these records is obtained from third-party agencies, the Master Beneficiary Recorde and the Health Insurance Master Record.

Authority for maintenance of the system:

OS ASAM DOSP 1.01

System name: Employee Housing Service. HEW/OS/ASAM/DOSP

Security classification: None.

System location:

Employee Relations Branch
Room 1528, HEW North Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: HEW employees in the southwest area of Washington.

Categories of records in the system: This system consists of a variety of records relating to employees who have requested assistance with housing problems. These records may contain information about an individual relating to name; birth date; home address; telephone number; social security number; place of employment; marital status; number of children in the family; income; and other information which may relate to past and present housing and living situation.

Authority for maintenance of the system: 5 USC 1302; 5 USC 4118; 5 USC 4308; 5 USC 4506; Executive Order 10561.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by any combination of name, property location, type of case, or other suitable identification. Information in these records is used to assist employees in locating new housing, in resolving problems they may have with landlords, or in other situations which relate to their abode.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Retained during the period of employment of the individual. Destroyed when an individual resigns, transfers, or is separated from the Federal Service.

System manager(s) and address:

Chief, Employee Relations Branch
Room 1528, HEW North Building
330 Independence Avenue, S. W.
Washington, D. C. 20201

Notification procedure: For information concerning the existence of and access to records pertaining to them, individuals should contact: Systems Manager listed above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records either comes from the individual to whom it applies, is derived from information he supplied, or is provided by other Government agencies, community services, or real estate firms.

OS ASAM FE 1.01

System name: Departmental Parking Control Policy. HEW/OS/ASAM/FE

Security classification: None.

System location:

Director, Office of Facilities Engineering and Property Management
Room 3025 North Building
DHEW/Office of the Secretary
330 Independence Ave., S.W.
Washington, D.C. 20201
Offices of Manager for Parking Control at DHEW facilities where DHEW parking is provided.

Categories of individuals covered by the system: All DHEW employees as well as any carpool member utilizing DHEW parking facilities.

Categories of records in the system: This system includes the following information on all persons applying for a parking permit: Name, office room number, office phone number, agency, home address, and automobile license number.

Authority for maintenance of the system: 63 Stat. 377;41 CFR 101-20.111

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in binders in file cabinets.

Retrievability: Records are filed alphabetically. The purpose of the Departmental Parking Policy is to provide standards for apportionment and assignment of parking spaces on Department-managed and Department-controlled property and on property assigned to the Department by GSA or any other Agency and to allocate and check parking spaces assigned to government vehicles, visitors, handicapped personnel, key personnel, car-pools, and others.

Safeguards: Access to and use of these records are limited to personnel whose official duties require such access.

Retention and disposal: Superseded policy materials are maintained by the Director, Office of Facilities Engineering and Property Management for historical purposes; Records at other DHEW locations are maintained until the Parking Control purpose has been met, and the records are then destroyed.

System manager(s) and address:

Director, Office of Facilities Engineering and Property Management
Room 3025 North Building
DHEW/Office of the Secretary
330 Independence Avenue, S.W.
Washington, D. C. 20201

Notification procedure: Access to these records may be obtained by request in writing to:

Office of Manager for Parking Control at DHEW facility where DHEW parking is provided.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system comes from reports from OS Staff, POC's and Regions, GSA-Federal Management circulars and Federal Property Management Regulations.

Systems exempted from certain provisions of the act: None.

E OE EDP 14.01

System name: Readers for Higher Education Personnel Training Programs.

Security classification: None.

System location:

Room 4674, G.S.A. Regional Office Bldg. 03
7th & D Sts., S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Readers actually used and prospective readers.

Categories of records in the system: Records include names of readers, address, position, university or other affiliation, reimbursement information, and general correspondence.

Authority for maintenance of the system: Title V, Part E of the Higher Education Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the routine uses set forth in Appendix B of 45CFR Part b5. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy in standard file cabinet.

Retrievability: Records are accessed by individual name by program officials for purposes of selecting, appointing and corresponding with readers.

Safeguards: Only program officials are authorized to have access to files. Exception: Subject to the disclosure requirements of Privacy Act.

Retention and disposal: The file is a revolving one. Names are added continually and deleted at periodic intervals as individuals express no interest in being retained for this purpose.

System manager(s) and address:

Director, Division of Training and Facilities
Bureau of Postsecondary Education, USOE
400 Maryland Avenue
Washington, D.C. 20202

Notification procedure: Contact system manager.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Reader lists are derived from individuals themselves, colleagues in the field, and from associations. Information on readers selected comes directly from the readers.

Systems exempted from certain provisions of the act: None.

ADAMHA OA 0031.01

System name: Record of Visiting Fellows - HEW/ADAMHA/OA.

Security classification: None.

System location:

Alcohol, Drug Abuse, and Mental Health Administration
Division of Personnel Management
5600 Fishers Lane, Parklawn Building
Rockville, Md. 20852

Categories of individuals covered by the system: Individuals undergoing training - not employees.

Categories of records in the system: Personal information including name, address, date and place of birth, education, qualifications for training.

Authority for maintenance of the system: 42 USC 241 and 42 U.S.C. 4821-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: CSC for program evaluation purposes; GAO for fund disbursement determinations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Records are used to refer candidates to selecting officials and to locate Fellow after placement.

Safeguards: Kept in locked file accessible only to authorized individuals.

Retention and disposal: Retained for three years after completion of fellowship.

System manager(s) and address:

Director
Division of Personnel Management, ADAMHA
5600 Fishers Lane
Rockville, Md. 20852

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Fellowship applicant.

Systems exempted from certain provisions of the act: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

OS ASAM FERPA 1.01

System name: Family Educational Rights and Privacy Act--School Recordkeeping Practices Correspondence and Complaint System. HEW/OS/ASAM/FERPA.

Security classification: None.

System location:

Room 5643 North Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: Individuals who have made inquiries or who have filed complaints alleging violations of the provisions of the Family Educational Rights and Privacy Act of 1974; and those who have commented to the Department on its proposed rules and practices.

Categories of records in the system: Name and address of individuals submitting correspondence, responses and exchanges of material associated with investigations of complaints.

Authority for maintenance of the system: The Family Educational Rights and Privacy Act of 1974 (20 USC 123g(g)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To members of Congress who inquire on behalf of a constituent; to an educational agency or institution against which a complaint has been made. See Appendix B of Departmental Regulations, (45 CFR Part 5b), Items: 01,3,8, 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard-copy filed in standard file cabinets.

Retrievability: For the most part records are indexed by name of individual signing incoming correspondence; when indexed chronologically, or by organization, they are cross-indexed by name of individual signer. Records are available to FERPA staff involved in correspondence and investigative processes, including members of the Office of General Counsel. Occasionally, personnel with special expertise in other program areas may be given records for the purpose of assisting FERPA staff in resolution of issues.

Safeguards: Direct access is restricted to authorized FERPA staff; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room.

Retention and disposal: Inquiry records are maintained three years; complaint and investigative records are maintained five years past date of case closing.

System manager(s) and address:

Head, FERPA Office
Room 5643, North Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

Notification procedure: System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

Record access procedures: Same as Above.

Contesting record procedures: Same as Above.

Record source categories: Incoming correspondence, responses and material obtained during course of any investigation.

Systems exempted from certain provisions of the act: None.

OS ASAM IS 1.01

System name: Investigatory Material Compiled for Security and Suitability Purposes System, HEW/OS/ASAM/IS

Security classification: None for the system; however, a portion of the records within the system are classified at the level of Confidential, Secret, and Top Secret.

System location:

Office of Investigations and Security
Room 4524, North Building
U.S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201
Regional Federal Record Center

Categories of individuals covered by the system: Applicants, employees, former employees and others doing business with the Department.

Categories of records in the system: Security investigations case index card file.

Authority for maintenance of the system: Executive Orders 10450 and 11652.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix B Departmental Regulations (45 CFR Part 5b) Items 1,4,5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in security type safes or lock bar file cabinets with manipulation proof combination locks.

Retrievability: The records are alphabetically indexed by name and date of birth of the individual subject of the file or by organization in the case of some grant or contract cases. Access within HEW is limited to the Secretary, the Under Secretary, and on a need-to-know basis other officials having the program management responsibility.

Safeguards: Direct access is restricted to authorized Office of Investigations and Security staff. Access to the safes in which the records are stored is limited to those Office of Investigations and Security employees with appropriate security clearances and the lock combination.

Retention and disposal: Security investigative records on individuals who occupy sensitive positions are maintained during the term of their employment. Other security investigative records are maintained for three to five years after which the records are retired to the Federal Records Center.

System manager(s) and address:

Director, Office of Investigations and Security
Room 4524, North Building
U.S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Notification procedure: System Manager; for general inquiries, name, date of birth, and employment or other affiliation with the Department.

Record access procedures: Contact Systems Manager.

Contesting record procedures: Contact Systems Manager.

Record source categories: Federal, state or local agencies maintaining civil, criminal, suitability, or other relevant enforcement information or other pertinent information, correspondence and material or data obtained during the course of the conduct of the investigations.

Systems exempted from certain provisions of the act: Specific exemptions (k) (5) for investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), (I), and (F). Reference the Federal Register Vol.40, No. 173,9-5-75, pg. 41141.

OS ASAM IS 2.01

System name: Investigatory Material Compiled for Law Enforcement Purposes System, HEW/OS/ASAM/IS

Security classification: None.

System location:

Office of Investigations and Security
Room 4524, North Building
U.S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: Employees, former employees, grantees, subgrantees, contractors, subcontractors, and others doing business with the Department.

Categories of records in the system: Criminal investigations case index card file.

Authority for maintenance of the system: Title 28 U.S.C. 535(b); Title 18 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,4,5.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in security type safes or lock bar file cabinets with manipulation proof combination locks.

Retrievability: The records are alphabetically indexed by name and date of birth of the individual subject of the file or by organization in the case of some grant or contract cases. Access within HEW is limited to the Secretary, the Under Secretary, and on a need-to-know basis other officials having the program management responsibility.

Safeguards: Direct access is restricted to authorized Office of Investigations and Security staff. Access to the safes in which the records are stored is limited to those Office of Investigations and Security employees with appropriate security clearances and the lock combination.

Retention and disposal: Investigative records compiled for law enforcement purposes are maintained for five years after all prosecutive and administrative action is completed.

System manager(s) and address:

Director, Office of Investigations and Security
Room 4524, North Building
U.S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Notification procedure: System Manager; for general inquiries, name, date of birth, and employment or other affiliation with the Department.

Record access procedures: Contact Systems Manager.

Contesting record procedures: Contact Systems Manager.

Record source categories: Federal, state or local agencies maintaining civil, criminal, suitability, or other relevant enforcement information or other pertinent information, correspondence and material or data obtained during the course of the conduct of the investigations.

Systems exempted from certain provisions of the act: General exemption (j) (2) records maintained of information compiled for the purpose of a criminal investigation including reports of informants and investigators associated with an identifiable individual, from all subsections of the Privacy Act of 1974, except subsections(b); (c)(1), and (c)(2); (e)(4)(A) through (F); (e)(6),(e)(7), (e)(9), (e)(10), and (e)(11); and (i). Reference the Federal Register Vol. 40, No. 173, 9-5-75, pg. 41141.

OS ASAM PT 01.02

System name: Applicants for Employment Records. HEW/OS/ASAM/PT.

Security classification: None.

System location: This system is located in personnel offices and other offices of the Department authorized to receive applications for employment. See Personnel Appendix 1.

Categories of individuals covered by the system: Persons who have applied for Federal employment or are employed in the Federal service.

Categories of records in the system: These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions and offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service; veteran preference, birthplace; birth date; social security number; and home address of persons who have applied for Federal employment or are employed in the Federal service; and correspondence related thereto. These records may also include information concerning the date of application, qualification status, employment consideration, priority grouping, and other information relating to the consideration of the individual for employment.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, 3302, Executive Order 10577.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be used: 1) to respond to requests for information from the Civil Service Commission, Members of Congress, or other inquirers from outside the Department, to the extent their request is compatible with the purpose for which the records are maintained; 2) to other federal agencies for Suitability checks; 3) See Appendix B Departmental Regulations (45 CFR Part 5b), Items 01,3,4,6,8.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, microfiche, cards, lists, and forms.

Retrievability: Records are indexed by any combination of name, birth date, social security number and identification number. Records are used to refer applicants to officials of the Department for placement in positions for which applicant has applied and is qualified.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Destroy 2 years after date application or correspondence is filed, or incorporate in official personnel folder when applicant enters on duty as a Department employee.

System manager(s) and address: Personnel Officers of the Department. See Personnel Appendix 1.

Notification procedure: Personnel office to which application is made (see Personnel Appendix 1). Individual should provide name, date of birth, social security number, approximate date of record and title of position for which application was made.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records is provided by the individual to whom it applies; is derived from information he or she supplied; or is obtained from vouchers supplied by references.

Systems exempted from certain provisions of the act: None.

Appendix 1

Personnel Offices in Department of Health, Education, and Welfare

Department Staff Personnel Office:

Deputy Assistant Secretary for Personnel and Training
Office of Personnel and Training
Assistant Secretary for Administration and Management,
Office of the Secretary
Department of Health, Education, and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Headquarters Personnel Offices:

Personnel Officer
Division of OS Personnel
Office of the Secretary
Department of Health, Education, and Welfare
Room 4361 - 4th Floor
330 Independence Avenue, S. W.
Washington, D. C. 20201

Personnel Officer
Personnel and Training Division
Office of Education
Department of Health, Education, and Welfare
Room 1087 - FOB06
400 Maryland Avenue, S. W.
Washington, D. C. 20202

Personnel Officer
Personnel Division
National Institue of Education
Department of Health, Education, and Welfare
Room 821 - Marsh Building
1832 M Street, N. W.
Washington, D. C. 20208

Personnel Officer
Divison of Personnel
Social and Rehabilitation Service
Department of Health, Education, and Welfare
Room 2068
330 C Stree, S. W.
Washington, D. C. 20201

Personnel Officer
Office of Human Development
Department of Health, Education, and Welfare
Room 3742 - Donohoe Building
400 6th Street, S. W.
Washington, D. C. 20024

Personnel Director
Office of Personnel Management
Public Health Service
Department of Health, Education, and Welfare
Room 18A-55 - Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Director
Division of Personnel Management
Alcohol, Drug Abuse, and Mental Health Administration
Department of Health, Education, and Welfare
Room 12105 - Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Personnel Officer
Saint Elizabeths Hospital
Department of Health, Education, and Welfare
Room 120 - E Building
2700 Martin Luther King Avenue, S. E.
Washington, D. C. 20032

Personnel Director
Division of Personnel Managmeent
National Institutes of Health
Department of Health, Education, and Welfare
Room 21 - Building 1
9000 Rockville Pike
Bethesda, Maryland 20014

Personnel Officer
Personnel Office
National Library of Medicine
Department of Health, Education, and Welfare
8600 Wisconsin Avenue
Bethesda, Maryland 20014

Chief
Personnel Management Branch
National Cancer Institute
Department of Health, Education, and Welfare
Room 3A32 - Building 31
9000 Rockville Pike
Bethesda, Maryland 20014

Chief
Personnel Management Branch
National Heart and Lung Institute
Department of Health, Education, and Welfare
Room 5A32 - Building 31
9000 Rockville Pike
Bethesda, Maryland 20014

Director
Personnel Management
Health Resources Administration
Department of Health, Education, and Welfare
Room 10A-30 - Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Director
Office of Personnel
Health Services Administration
Department of Health, Education, and Welfare
Room 14A-30 - Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Personnel Director
Food and Drug Administration
Department of Health, Education, and Welfare
Room 10-85 - Parklawn Building HFA-400
5600 Fishers Lane
Rockville, Maryland 20852

Personnel Officer
Bureau of Health Resources Development
Department of Health, Education, and Welfare
Room 3C19 - Building 31
9000 Rockville Pike
Bethesda, Maryland 20014

Personnel Officer
Office of the Assistant Secretary for Health
Department of Health, Education, and Welfare
Room 5077 - 5th Floor
330 Independence Avenue, S. W.
Washington, D. C. 20202

Regional Personnel Offices:

Regional Personnel Officer
Regional Personnel Office I
Department of Health, Education, and Welfare
John F. Kennedy Federal Building
Government Center - Room 1503

Boston, Massachusetts 02203

Regional Personnel Officer
Regional Personnel Office II
Department of Health, Education, and Welfare
Federal Building
26 Federal Plaza
New York, New York 10007

Regional Personnel Officer
Regional Personnel Office III
Department of Health, Education, and Welfare
3535 Market Street, Room 9460
Philadelphia, Pennsylvania 19101

Regional Personnel Officer
Regional Personnel Office IV
Department of Health, Education, and Welfare
Room 415
50 Seventh Street, N. E.
Atlanta, Georgia 30323

Regional Personnel Officer
Regional Personnel Office V
Department of Health, Education, and Welfare
31st Floor
300 S. Wacker Drive
Chicago, Illinois 60606

Regional Personnel Officer
Regional Personnel Office VI
Department of Health, Education, and Welfare
14th Floor
1114 Commerce Street
Dallas, Texas 75202

Regional Personnel Officer
Regional Personnel Office VII
Department of Health, Education, and Welfare
Room 468
601 E. 12th Street
Kansas City, Missouri 64106

Regional Personnel Officer
Regional Personnel Office VIII
Department of Health, Education, and Welfare
Room 1103
Federal Office Building
1961 Stout Street
Denver, Colorado 80202

Regional Personnel Officer
Regional Personnel Office IX
Department of Health, Education, and Welfare
50 Fulton Street
San Francisco, California 94102

Regional Personnel Officer
Regional Personnel Office X
Department of Health, Education, and Welfare
Arcade Plaza
1321 Second Aveneu, M/S 627
Seattle, Washington 98101

Chief, Personnel Office
Cleveland Branch Office
Region V
Department of Health, Education, and Welfare
14725 Detroit Avenue, Room 250
Cleveland, Ohio 44107

Other Servicing Personnel Offices:

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Deparmtent of Health, Education, and Welfare
Carville, Louisiana 70721

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
440 Avenue N.
Galveston, Texas 77550

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
1131 14th Avenue South
Seattle, Washington 98114

Personnel Officer
U. S. Public Health Service Hospital
Office of Personnel
Department of Health, Education, and Welfare
Bay and Vanderbilt Streets
Staten Island, New York 10304

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
15th Avenue and Lake Street
San Francisco, California 94118

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
77 Warren Street
Boston, Massachusetts 02135

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
210 State Street
New Orleans, Louisiana 70118

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
6500 Hampton Boulevard
Larchmont
Norfolk, Virginia 23508

Personnel Officer
U.S. Public Health Service Hospital
Personnel Management Branch
Department of Health, Education, and Welfare
3100 Wyman Park Drive
Baltimore, Maryland 21211

Personnel Officer
Indian Health Service
Personnel Management Branch
Department of Health, Education, and Welfare
P.O. Box 2143
Billings, Montana 59101

Personnel Officer
U. S. Public Health Service Hospital
Personnel Section
Department of Health, Education, and Welfare
4005 Federal Office Building
500 Gold Avenue, S. W.
Albuquerque, New Mexico 87101

Personnel Officer
Indian Health Service
Personnel Management Branch
Deparmten of Health, Education, and Welfare
405 Citizens Building
115 4th Avenue, S. E.
Aberdeen, South Dakota 57401

Personnel Officer
Indian Health Service
Personnel Managment Branch

Department of Health, Education, and Welfare
801 East Indian School Road
Phoenix, Arizona 85014

Personnel Officer
Indian Health Service
Personnel Branch
Department of Health, Education, and Welfare
388 Old Post Office and Courthouse
Oklahoma City, Oklahoma 73102

Personnel Officer
Alaska Area Office
Indian Health Service
Department of Health, Education, and Welfare
P. O. Box 7-741
Anchorage, Alaska 99501

Personnel Officer
Indian Health Area Office
Office of Personnel
Department of Health, Education, and Welfare
Room 200
921 S. W. Washington Street
Portland, Oregon 97205

Personnel Officer
Indian Health Service
Office of Personnel
Department of Health, Education, and Welfare
P. O. Box G
Window Rock, Arizona 86515

Personnel Officer
Division of Personnel
Social Security Administration
Department of Health, Education, and Welfare
Room G-2208, West High Rise Building
6401 Security Boulevard
Baltimore, Maryland 21235

Personnel Officer
Bureau of Hearings and Appeals
Social Security Administration
Department of Health, Education, and Welfare
Room 306, Webb Building
4040 B. Fairfax Drive
Arlington, Virginia 22203

Chief, Personnel Branch
Mid-Atlantic Program Center
Social Security Administration
Department of Health, Education, and Welfare
P. O. Box 12837
Philadelphia, Pennsylvania 19108

Chief, Personnel Branch
Northeastern Program Center
Social Security Administration
Department of Health, Education, and Welfare
P. O. Box 100
San Francisco, Califronia 94101

Chief, Personnel Branch
Southeastern Program Center
Social Security Administration
Department of Health, Education, and Welfare
2001 12th Avenue, North
Birmingham, Alabama 35285

96-05 Horace Harding Expressway
Flushing, New York 11368

Chief, Personnel Branch
Western Program Center
Social Security Administration
Department of Health, Education, and Welfare
Chief, Personnel Branch
Great Lakes Program Center
Social Security Administration
Department of Health, Education, and Welfare
165 North Canal Street
Chicago, Illinois 60606

Chief, Personnel Branch
Mid-America Program Center
Social Security Administration
Department of Health, Education, and Welfare
Room 1466, Federal Office Building
601 East 12th Street
Kansas City, Missouri 64106

Personnel Officer
Albuquerque Data Operations Center
Social Security Administration
Department of Health , Education, and Welfare
P. O. Box 4429, Station 'A'
Albuquerque, New Mexico 87106

Personnel Director
Personnel Management Office
Center for Disease Control
Department of Health, Education, and Welfare
Building 1, Room 153A
1600 Clifton Road, N. E.
Atlanta, Georgia 30333

Personnel Officer
Addiction Research Center
National Institute of Drug Abuse
Department of Health, Education, and Welfare
P. O. Box 12390
Lexington, Kentucky 40511

Personnel Officer
National Institute for Occupational Safety and Health
Department of Health, Education, and Welfare
Room 540
U. S. Post Office and Courthouse
5th and Walnut Street
Cincinnati, Ohio 45202

Personnel Officer
National Institute of Environmental Sciences
Department of Health, Education, and Welfare
P. O. Box 12233
Research Triangle Park, North Carolina 27709

OS ASAM PT 02.02

System name: Complaints and Inquiries Records - Miscellaneous. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel offices shown in (See Application for Employment Records, HEW System OS-ASAM-PT-1) Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices, in which employees are employed.

Categories of individuals covered by the system: Current Federal employees of the Department.

Categories of records in the system: This system consists of records relating to correspondence concerning an individual's employment status or conduct while employed by the Department. Examples of these records include: correspondence from employees, Members of Congress, and members of the public alleging misconduct by an employee of the Department, miscellaneous complaints not covered by the Department's formal or informal grievance procedure, informal complaints handled by labor union officials, and miscellaneous debt correspondence received from creditors.

Authority for maintenance of the system: Executive Orders 11222, 10561 and 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used: a) In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01, 5; b) by the Civil Service Commission in carrying out its functions; c) to respond to Members of Congress and members of the public with regard to complaints or inquiries presented by them; d) In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Item 3; e) In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Item 8.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in folders and index cards.

Retrievability: Records are filed by name. Records are used to take action on and respond to a complaint about a DHEW employee; to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies; and for other purposes compatible with the intent for which the records system was created.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Information in this system of records is disposed of 6 months after transfer or separation of employee.

System manager(s) and address: Personnel Officers shown in Appendix 1 to Applicants for Employment Records, HEW System OS-ASAM-PT-1 who service organizational units in which individuals are employed.

Notification procedure: Operating officials in organizational unit in which employee is employed or personnel offices shown as systems managers in Appendix 1 Applicants for Employment Records, HEW System 1. Individuals should provide name, organization in which employed, and date of birth.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is obtained: 1) directly from the individual, or 2) derived from information supplied by the individual, or 3) from information supplied by members of the public, other employees, Members of Congress, Department management officials, or 4) from police and court records relevant to the complaint about the employee.

OS ASAM PT 04.02

System name: Discrimination Complaints Records System. HEW/OS/ASAM/PT.

Security classification: None.

System location:

Office of Equal Employment Opportunity, DHEW
330 Independence Avenue, S. W.
Washington, D. C. 20201
Offices of designated EEO Officers in Principal Operating Components, Office of the Secretary, Health Agencies, Education Agencies and Regional Offices. See Personnel Appendix 1 for exact locations.

Categories of individuals covered by the system: Individuals or organizations which have consulted an EEO Counselor or have filed a complaint alleging discrimination on the basis of race, color, religion, sex, national origin or age, because of a determination or decision made by a Department official.

Categories of records in the system: This system of records contains information or documents concerning pre-complaint processing and discrimination complaints. The records consist of counselors' reports, the initial complaints, letters or notices to the individual or organization, record of hearings when conducted, materials placed into the record to support or refute the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Executive Order 11478, P. L. 92-261 and P. L. 93-259.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance;
b. To refer to CSC in connection with an appeal or review;
c. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,4,5,7,8.
d. To provide information to a Federal agency, in response to its request, in connection with the hiring or retention 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 on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals or organizations on whom they are maintained. They may be used: to adjudicate an appeal, complaint, or grievance; to provide a basis for a corrective action related to the discrimination situation; as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; and to locate specific individuals for personnel research or other personnel management functions.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: The records are maintained up to two years after final disposition, after which time, they will be destroyed in accordance with CSC guidelines.

System manager(s) and address: See Personnel Appendix 1 for General Coordinator and appropriate Immediate System Manager.

Notification procedure: Individuals and organizations which have filed complaints or appeals are aware of that fact and have provided a copy of the record. They may, however, write the appropriate immediate system manager indicated above, or the general coordinator if the immediate system manager is unknown, regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide their name, date of birth, agency in which employed or agency in which the complaint arose if different from employing agency, the approximate date, and the kind of action taken, when making inquiries about records.

Record access procedures: Same as Systems Manager.

Contesting record procedures: Individuals and organizations which have appealed a decision or determination made about conditions existing in the Department have already been provided a copy of the record. The contest, amendment, or correction of an appeal record is permitted during the prosecution of the appeal or complaint by the individual to whom the record pertains. However, after the appeal or complaint case has been closed, the inquirer may gain access to, or contest the official copy of the appeal or complaint record by writing the appropriate immediate system manager indicated above, or the general coordinator if the immediate system manager is unknown.

Record source categories:

a. Individual to whom the record pertains
b. Department or other officials
c. Affidavits or statements from employees
d. Testimonies of witnesses
e. Official documents relating to the appeal or complaint
f. Correspondence from specific organizations or persons.

Personnel Appendix 1

List of Locations and System Managers for EEO Matters

Department of Health Education and Welfare (General Coordinator)

Director, Equal Employment Opportunity Staff
Room 4766
330 Independence Avenue, S.W.
Washington, D.C. 20201

Immediate Locations and System Managers

Office of the Secretary, Washington
EEO Officer, OS
Room 2038
330 C Street, S.W.
Washington, D.C. 20201

Regional Offices of the Secretary

REGION I

EEO Officer
Room 1500
JFK Federal Building
Boston, Massachusetts 02203

REGION II

EEO Officer
Room 3838-D
26 Federal Plaza
New York, New York 10007

REGION III

EEO Officer
Room 9200
3535 Market Street
Philadelphia, Pennsylvania 19101

REGION IV

EEO Officer
Room 404
50 Seventh Street, N.E.
Atlanta, Georgia 30323

REGION V

EEO Officer
Room, 35th Floor
300 S. Wacker Drive
Chicago, Illinois 60606

REGION VI

EEO Officer
Room 904
1114 Commerce Street
Dallas, Texas 75202

REGION VII

EEO Officer
Room 616D
601 East 12th Street
Kansas City, Missouri 64106

REGION VIII

EEO Officer
Room 10001
1961 Stout Street
Denver, Colorado 80202

REGION IX

EEO Officer
Room 413
50 Fulton Street
San Francisco, California 94102

REGION X

EEO Officer
Room 6068, Arcade Bldg.
1322 Second Avenue
Seattle, Washington 98101

Principal Operating Components and Agencies

Social Security Administration

EEO Officer
Room 739, Administration Bldg.
6401 Security Boulevard
Baltimore, Maryland 21235

Social and Rehabilitation Service

EEO Officer
Room 3413
330 C Street, S.W.
Washington, D.C. 20201

Office of Education

EEO Officer
Room 2117
400 Maryland Avenue, S.W.
Washington, D.C. 20202

National Institute of Education

EEO Officer
Room 717
1200 19th Street, N.W.
Washington, D.C. 20208

Assistant Secretary for Health

EEO Officer
Room 18-07, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

Health Resources Administration

EEO Officer
Room 10-22, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

Health Services Administration

EEO Officer
Room 14-18, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

Food and Drug Administration

EEO Officer
Room 16-B-07, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

Alcohol, Drug Abuse & Mental Health Administration

EEO Officer
Room 17-C-20, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20208

National Institutes of Health

EEO Officer
Room 2-B-40, Bldg. 31
NIH, Bethesda
Bethesda, Maryland 20014

Center for Disease Control

EEO Officer
Room 2405, Bldg. 1
1600 Clifton Road, N.E.
Atlanta, Georgia 30333

OS ASAM PT 05.01

System name: Employee Alcoholism, Drug Abuse and Emotional Problem Counselling and Referral Records. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel offices shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1, Appendix 1 and designated offices performing counselling functions for employees in organizational units serviced by those personnel offices.

Categories of individuals covered by the system: Department employees who have been counselled for work adjustment, personal or emotional health problems which may be related to the misuse of alcohol or drugs.

Categories of records in the system: This system contains records on employees who have been counselled for work adjustment, personal or emotional problems. Examples of information which may be found in this record system include the employee's name, SSN, date of birth, grade, job series, job title, leave record, service com-

putation date, home address, home phone number, supervisor's name, name and address of the individual's personal physician, social history, educational background, and performance appraisals. Other documents which may also be found in the counselor's file could include copies of admonishments and reprimands received by the employee and a record of the supervisor's referral (if the employee was referred by the supervisor).

Authority for maintenance of the system: Public Laws 79-659, 91-616, 92-255 and 93-282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Employee records are maintained in file folders and on index cards.

Retrievability: Records are retrievable by name or by case number cross indexed with the employee's name. The records are used by counsellors to document the employee's progress in coping with their problem and for referring employees to appropriate community resources equipped to handle the employee's specific problem. Information from these records may also be used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained.

Safeguards: During the employment of the individual, records are maintained in confidential files separate from the Official Personnel Folder and are located in lockable metal containers or in secured rooms with access limited to those whose official duties require access. Disclosure of the contents of these records is restricted by the provisions of Public Laws 92-255 and 93-282. Under the provisions of these laws, the contents of the records may only be divulged to: 1) the individual to whom the record pertains, or 2) a representative designated by the individual in writing as authorized to receive the record, or 3) a court in response to a court order for the records, or 4) medical personnel to meet a bonafide medical emergency. All other disclosures are prohibited and the person making the unauthorized disclosure would be subject to a

500 fine.

Retention and disposal: Counselling records may be maintained for as long as the employee continues to visit the counsellor. The records are destroyed upon separation or transfer of the employee or when the employee has ceased contact with the counsellor for two years.

System manager(s) and address: Personnel Officers shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1, Personnel Appendix 1.

Notification procedure: Same as above. Individual should provide name, grade, organization in which employed and date of birth.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is: 1) supplied directly by the individual, or 2) supplied by a member of the individual's family, or 3) derived from information supplied by the individual, or 4) supplied by sources to whom the employee has been referred for assistance, or 5) supplied by Department officials.

OS ASAM PT 06.01

System name: Employee Appraisal Program Records. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel offices shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1 Appendix 1 and operating offices in organizational units serviced by those personnel offices.

Categories of individuals covered by the system: Current Federal employees of the Department.

Categories of records in the system: This system contains information which includes employee's name, SSN, employing organization, grade, title, series, and materials relating to the evaluations of employee's performance. For purposes of the annual performance rating required by law and for promotion consideration purposes.

Authority for maintenance of the system: 5 U.S.C. 4302, 5 U.S.C. 3301, 5 U.S.C. 3302, Executive Order 10577.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

1. By the Civil Service Commission in carrying out its functions.
2. In accordance with Items 1,3,4,7,8 of Appendix B of the Departmental Regulations (45 CFR, Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, on magnetic tape, and on punch cards.

Retrievability: Records are retrievable by name or social security number. They may be used as a basis for reduction-in-force, adverse actions, decisions regarding retention of employees during probationary period, recognition, promotions, reassignments and other personnel actions compatible with the purpose for which the record was collected.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Employee appriasals are destroyed after two years or when replaced by a new appraisal, whichever is earlier, except that copies of unsatisfactory and outstanding performance ratings and any related papers are filed on the permanent side of the Official Personnel Folder.

System manager(s) and address: Personnel Officers shown in Applicants for Employment Records, HEW System 1, Appendix 1.

Notification procedure: Same as above. Employee should provide name, social security number and organization in which employed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is provided by the individual, derived from information supplied by the individual or supplied by Department officials.

OS ASAM PT 07.01

System name: Executive Development Records System. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel offices shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1 Appendix 1.

Categories of individuals covered by the system: All supergrade employees (GS-16-18) and equivalents, incumbents of managerial positions and employees in grade GS-13-15 designated as high potential employees.

Categories of records in the system: The Executive Development Records System consists of a variety of records relating to an employee's participation in the Executive Development Program. In addition to the employee's name, the system contains the employee's title, grade and salary, Social Security Account Number, organization in which employed, date of entry into the Executive Development Program, training needs while participating in the program, individual's development plan, basis for participation in the Executive Development Program.

Authority for maintenance of the system: 5 U.S.C. 4101 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records is used:

a. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,5,7,8.
b. By the Civil Service Commission in the performance of its functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system of records is maintained in file folders, magnetic tape, punch cards, and forms.

Retrievability: Records are indexed by name and Social Security Account Number. Records are used by operating officials in carrying out their personnel management responsibilities. They may be used by those officials in connection with promotions, transfer or reassignment of the individual and as base for preparing management, budgetary or statistical reports to support organizational planning or manpower utilization studies.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Information is retained in the master file for as long as the individual is participating in the program. Upon completing the program, the individual's record is maintained in an inactive file for 5 years.

System manager(s) and address: Heads of personnel offices which service the organizational unit in which the individual is employed. See Applicants for Employment Records, HEW System OS-ASAM-PT-1 Appendix 1.

Notification procedure: Same as Above. Individuals should include their name, grade, title, and organization when contacting the system manager.

Record access procedures: System manager.

Contesting record procedures: System manager.

Record source categories: Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials.

OS ASAM PT 08.01

System name: Federal Employees Occupational Health Program Records. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel offices shown in Applicants for Employment Records, HEW System 1, Appendix 1 and designated offices performing occupational health services for employees in organizations serviced by those personnel offices.

Categories of individuals covered by the system: Current Federal employees of the Department.

Categories of records in the system: This system consists of a variety of records relating to an employee's participation in the Federal Occupational Health Program. Examples of information which may be included in this system are the employee's name, SSN, date of birth, weight, height, medical history, blood type, nature of injury or complaint, type of treatment/medication received, examination findings, and laboratory results.

Authority for maintenance of the system: 5 U.S.C. 7901 et. seq., P. L. 79-658.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records may be used:

1. By authorized medical personnel in connection with the performance of their official duties.
2. By the Civil Service Commission in connection with the performance of its functions.
3. By the Department of Labor in connection with a claim filed by an employee for compensation for a job-related injury or disease.
4. By private contractors engaged in providing medical services under Federal contract.
5. In accordance with Items 1,3,4,5,7,8 of the Departmental Regulations (45 CFR part 5b), Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders, punch cards and data tape.

Retrievability: Records are retrievable by name, date of birth, and SSN. They are used to document an employee's visit to a health unit and contain information such as a summary of the nature of a complaint, a record of the employee's participation in a voluntary screening program, a record of an employee's participation in a voluntary blood donor program, and a record of any treatment administered by the health unit. Information from this system may be used by Department officials in connection with fitness for duty examinations and for preparing statistical or summary reports about the employee participation in the Federal Occupational Health Program.

Safeguards: During the employment of the individual, medical records are maintained in files separate from the Official Personnel Folder and are located in lockable metal containers or in secured rooms with access limited to those whose official duties require access.

Retention and disposal: A medical record is maintained for as long as employed. If the medical record is deemed to be of long term value, it is combined with the employee's Official Personnel Folder upon separation of the employee and forwarded to the National Personnel Records Center, St. Louis, Missouri. Other medical records of no historic value or if of no value in documenting employee health activities are destroyed upon separation of the employee.

System manager(s) and address: Personnel Officers shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1, Appendix 1. who service organizational units in which the individual is employed.

Notification procedure: Same as above. The individual should include name, SSN, title and organization.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by the medical officer or nurse providing treatment or medication, or 4) supplied by the individual's private physician.

OS ASAM PT 09.02

System name: Grievances Filed Under the Informal Grievance Procedures. HEW/OS/ASAM/PT.

Security classification: None.

System location: Offices of the immediate supervisors and the first officials within the Department excluding the immediate supervisor, with line authority to decide on the matter grieved. Such offices are located within the organizational units serviced by personnel offices shown in Applicants For Employment Records, HEW System OS-ASAM-PT-1, Appendix 1.

Categories of individuals covered by the system: Department employees individually or as a group who have requested personal relief in a matter of concern or dissatisfaction which is subject to the control of Department management.

Categories of records in the system: Information or documents relating to the grievance and personal relief sought; documented materials used in consideration of the grievance, and correspondence related to disposition of the grievance.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, 3302; Executive Order 10577.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records may be used:

a. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,5,8.
b. By the Civil Service Commission in carrying out its functions.
c. To respond to requests from Members of Congress.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders, binders and index cards.

Retrievability: Records are indexed by name of individual filing the grievance. Records are used to consider and resolve informal grievances and to provide background data to further consideration of grievances if later pursued through formal grievance procedures.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are maintained for 6 months to 2 years or upon separation, or transfer of the employee, whichever is sooner, at which time they are destroyed.

System manager(s) and address: Heads of personnel offices which service organizational units in which employees who submit informal grievances are located. See Applicants for Employment Records, HEW, System OS-ASAM-PT-1, Appendix 1.

Notification procedure: Individuals who have filed grievances are aware of that fact and have been provided information in writing concerning the disposition of the grievance. They may contact the official who signed the written notice, or the System Manager indicated above. They should provide their name, organization in which employed and date of birth and approximate date of the filing of the informal grievance.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials.

OS ASAM PT 10.02

System name: Grievance Records Filed Under Procedures Established by Labor-Management Negotiations. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel offices shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1 Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices.

Categories of individuals covered by the system: Current Federal employees of the Department covered by a collective bargaining agreement.

Categories of records in the system: This system of records consists of a variety of records relating to an employee's grievance filed under procedures established by labor-management negotiations. Examples of information which may be included in this system of records are the employee's name, SSN, grade, job title, testimony of witnesses, material placed into the record to support the decision, the arbitrator's decision, the arbitrator's report, and a record of an appeal to the Federal Labor Relations Council.

Authority for maintenance of the system: Executive Order 11491 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be released to:

1. The Civil Service Commission in carrying out its functions.
2. In accordance with Departmental Regulations, (45 CFR Part 5b), Appendix B. See Items 01,3,4,5,7,8.
7. The Department of Labor.
8. The Federal Labor Relations Council.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are retrievable by name. They are used to make a determination on and to document a decision made on a grievance filed by an employee under the negotiated grievance procedures. Information from this system may be used by Department officials for preparing statistical, summary or management reports.

Safeguards: Records maintained by management are stored in secured rooms with access limited to those whose official duties require access.

Retention and disposal: As negotiated by the local parties to the contract.

System manager(s) and address: Personnel Officers shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1 Appendix 1 who service the organizational unit in which the individual is employed.

Notification procedure: Same as above. Individuals should include their name, grade, title and organizational unit when contacting the system manager.

Record access procedures: Same as above

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by testimony of witnesses, or 4) supplied by union officials, or 5) supplied by Department officials.

Systems exempted from certain provisions of the act: None.

OS ASAM PT 11.01

System name: DHEW Motor Vehicle Operator Records. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel offices of the Department shown in Applicants For Employment Records, HEW System OS-ASAM-PT-1, Appendix 1. Issuing Officers for Motor Vehicle Operator Identification Cards within the organizations serviced by the above personnel offices.

Categories of individuals covered by the system: All Department employees who are required to operate motor vehicles regularly or incidentally in carrying out their official duties.

Categories of records in the system: The DHEW Motor Vehicle Operator Records system consists of a variety of records related to the issuance of a Government Motor Vehicle Operator's permit. In addition to the name of the employee, the system includes information about the employee's birthplace, SSN, employing organization, number of years driven, type of vehicles operated, current driver's license number, state issuing driver's license, date license expires, restrictions. on state license, sex, date of birth, color of hair, color of eyes, weight, height, record of arrests, and record of accidents. These records also include expiration dates of Motor Vehicle Operator permit, any limitations imposed on its use and the results of the annual review of each driving record.

Authority for maintenance of the system: 40 U.S.C. 471.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records may be used:

a. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01, 3, 5, 7, 8.
b. By the Civil Service Commission in carrying out its functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in Official Personnel Folder and in file folders and index cards.

Retrievability: Records are retrievable by name. Information is used as a basis for issuing a SF-46 'U. S. Government Motor Vehicle Operator's Identification Card' and evaluating its use. It may also be used for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions.

Safeguards: Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: A record is retained for as long as the employee has an active Federal Motor Vehicle Operator Permit, and for two years after the permit becomes inactive or upon separation from the Department, whichever is earlier. At that time the record is destroyed.

System manager(s) and address: Personnel Officers of the Department shown in Applicants for Employment Records, HEW, System OS-ASAM-PT-1, Appendix 1.

Notification procedure: Issuing officers in organizational units in which employed or systems managers shown above. Individual should provide name and organization in which employed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information contained in this system of records is obtained: 1) from information supplied by the individual, or 2) derived from information supplied by the individual, or 3) from information supplied by officials of the DHEW.

Systems exempted from certain provisions of the act: None.

OS ASAM PT 12.02

System name: Pay, Leave and Attendance Records. HEW/OS/ASAM/PT.

Security classification: None.

System location:

Division of Central Payroll
Department of Health, Education, and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Payroll Liaison Representatives. See Personnel Appendix 1.
Timekeepers in organizational units serviced by Payroll Liaison Representatives shown in Personnel Appendix 1, HEW, System OS-ASAM-PT-1.

Categories of individuals covered by the system: All paid employees of the Department of Health, Education, and Welfare including PHS Commissioned Corps Personnel.

Categories of records in the system: The Pay and Leave Records system consists of a variety of records relating to pay and leave determinations made about each employee of the Department of Health, Education, and Welfare. In addition to the name of the employee, the system includes information such as the employee's date of birth, social security number, home address, grade or rank, employing organization, timekeeper number, salary, Civil Service

Commission retirement fund contributions, pay plan, number of hours workedn annual and sick leave accrual rate and usage, annual and sick leave balance, FICA withholdings, Federal, state and city tax withholdings, Federal Employees Government Life Insurance withholdings, Federal Employees Health Benefits withholdings, garnishment documents, savings allotments, union and management association dues withholdings allotments, savings bonds allotments, and combined Federal Campaign allotments; for Commissioned Corps personnel information such as the allotments; for Commissioned Corps personnel information such as the following is included: years of service, payroll number, base pay, incentive pay, hazardous pay, allowances and Servicemen's Group Life Insurance.

Authority for maintenance of the system: 5 U.S.C. 5501 et. seq., 5525 et. seq., 6301 et. seq.; 42 U.S.C. 201 et.seq.; and P.L. 90-83.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records is used or may be used:

a. To prepare W-2 Forms to submit to the Internal Revenue Service, state and city revenue departments for the purposes of informing them of the employee's earned income and amount of Federal, state and city taxes withheld, if any.
b. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,5,7,8.
c. By the Civil Service Commission in the performance of its functions.
d. By the Department of Labor to make compensation determination in connection with a claim filed by the employee for compensation on account of a job-connected injury or disease.
e. To respond to court orders for garnishment of an employee's pay for alimony or child support.
f. To respond to orders from IRS for garnishment of an employee's pay for Federal income tax purposes.
g. To the Department of Treasury for the purposes of preparing and issuing employee salary and compensation checks and U.S. Savings Bonds.
h. By state offices of unemployment compensation in connection with claims filed by former DHEW employees for unemployment compensation.
i. To provide pertinent information to other Federal agencies in connection with the transfer or the potential transfer of an employee from one agency to another.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, microfilm, punch cards and forms.

Retrievability: Records are maintained by pay period and are retrievable by name, SSN and Timekeeper number within each pay period. They are used to insure that each employee receives the proper pay and allowances; that proper deductions and authorized allotments are made from the employee's salary; that the employee is credited and charged with the proper amount of sick and annual leave. Records are also used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies, and for other purposes compatible with the intent for which the records system was created.

Safeguards: Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: A record (continuously updated) is maintained on the data disc for as long as employed. Source document microfilm records are kept 4 years then destroyed. Time card microfilm is kept 5 years then destroyed. Data file microfilm is kept 6 years then destroyed.

System manager(s) and address:

Director, Division of Central Payroll
P. O. Box 1825
Washington, D. C. 20013

Notification procedure: Same as System Manager. Also may contact Payroll Liaison Representatives in Personnel Appendix 1. Provide name, social security number, timekeeper number and pay period about which inquiring.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by timekeepers and other Department officials.

Systems exempted from certain provisions of the act: None.

Personnel Appendix 1

Divison of Central Payroll Liaison Officers

OS
TK RANGE
00010 - 00497

Payroll Liaison Officer
Office of the Secretary
Room 4309 - HEW North Bldg.
330 Independence Avenue, S. W.
Washington, D. C. 20201

OE
TK RANGE
04000 - 04999

Payroll Liaison Officer
Office of Education
Room 3092 - E, FOB 06
400 Maryland Ave., S. W.
Washington, D. C. 20202

NIE
TK RANGE
06000 - 06999

Payroll Liaison Officer
National Institute of Education
Room 821 - Marsh Bldg.
1832 M Street, N. W.
Washington, D. C. 20208

SRS

Payroll Liaison Officer
Social and Rehabilitation Service
Room 1219 - HEW South Bldg.
330 C Street, S. W.
Washington, D. C. 20201

Social Security Administration Headquarters

SSA HQ
TK RANGE
80000 - 89999

Payroll Liaison Officer
SSA Headquarters
Room 1M10, Annex Bldg.
6401 Security Blvd.
Baltimore, Maryland 21235

SSA HQ

Payroll Liaison Officer
BRSI Financial Mgmt. Branch
Room 237, West Bldg.
6401 Security Blvd.
Baltimore, Maryland 21235

SSA
TK RANGE
00620 - 00624

Payroll Liaison Officer
Universal Bldg., Room 93
1875 Connecticut Ave., N. W.
Washington, D. C. 20009

Social Security Administration Program Centers

MID ATLANTIC
MATPC
TK RANGE
20000 - 20499

Payroll Liaison Officer
SSA, HEW Program Center
P. O. Box 12807
Philadelphia, Pennsylvania 19108

NORTH EASTERN
NEPC
TK RANGE
20500 - 20499

Payroll Liaison Officer
SSA Program Center
9605 Horace Harding Expressway
Flushing, New York 11368

SOUTH EASTERN
SEPC
TK RANGE
40000 - 40999

Payroll Liaison Officer
Birmingham Program Center
P. O. Box 1031
Birmingham, Alabama 35201

GREAT LAKES
GLPC
TK RANGE
50000 - 50999

Payroll Liaison Officer
Chicago Program Center
165 North Canal Street
Chicago, Illinios 60606

MID-AMERICAN
MAMPC
TK RANGE
60000 - 60999

Payroll Liaison Officer
601 East 12th Street - Room 1459
Kansas City, Missouri 64106

WESTERN
WPC
TK RANGE
70000 - 70999

Payroll Liaison Officer
San Francisco Program Center
P. O. Box 2000
Richmond, California 94802

Boston
TK RANGE
26086 - 27707

Payroll Liaison Officer
John F. Kennedy Federal Bldg.
SSA
Government Center
Boston, Massachusetts 02203

New York
TK RANGE
27800 - 28435

Payroll Liaison Officer
26 Federal Plaza
Room 737
New York, New York 10007

Philadelphia
TK RANGE
31675 - 32146

Payroll Liaison Officer
P. O. Box 8788
Philadelphia, Pennsylvania 19101

Atlanta
TK RANGE
47115 - 47365

Payroll Liaison Officer
Room 226, Peachtree-Seventh Bldg.
50 7th Street, N. W.
Atlanta, Georgia 30323

Cleveland
TK RANGE
56408 - 56675

Payroll Liaison Officer
Room 100
14725 Detroit Ave.
Cleveland, Ohion 44107

Chicago
TK RANGE
55535 - 56359

Payroll Liaison Officer
SSA Admin. BDOO
300 South Wacker Drive
Chicago, Illinois 60606

Kansas City
TK RANGE
65765 - 66030

Payroll Liaison Officer
Regional Representatives
DHEW SSA
601 E. 12th Street
Kansas City, Missouri 64106

Dallas
TK RANGE
67366 - 67780

Payroll Liaison Officer
DHEW SSA BDOO
Room 624
1114 Commerce Street
Dallas, Texas 75202

Denver
TK RANGE
69100 - 69230

Payroll Liaison Officer
Federal Office Bldg.
19th and Stout Streets
Denver, Colorado 80202

Seattle
TK RANGE
79505 - 79559

Payroll Liaison Officer
DHEW Regional Representatives BDOO
RFK Plaza Bldg.
Seattle, Washington, 98101

San Francisco

Payroll Liaison Officer
DHEW Personnel
50 Fulton Street
San Francisco, California 94102

Baltimore

Payroll Liaison Officer
SSA

Room 245 - Altmeyer Bldg.
6401 Security Blvd.
Baltimore, Maryland 21235

BHA
TK RANGE

Payroll Liaison Officer
Room 335 - Webb Bldg.
801 N. Randolph Street
Arlington, Virginia 22203

Regional Offices

Boston

Payroll Liaison Officer
HEW Personnel
Room 1503
JFK Federal Bldg
Boston, Massachusetts 02203

New York

Payroll Liaison Officer
Room 937
26 Federal Plaza
New York, New York 10007

Philadelphia

Payroll Liaison Officer
Financial Management
P. O. Box 13716
Philadelphia, Pennsylvania 19101

Atlanta

Payroll Liaison Officer
Room 404
50 7th Street, N. E.
Atlanta, Georgia 30323

Chicago

Payroll Liaison Officer
DHEW Personnel
300 S. Wacker Drive
Chicago, Illinois 60606

Dallas

Payroll Liaison Officer
Region VI Personnel Office
DHEW, Room 1410
1114 Commerce Street
Dallas, Texas 75202

Kansas

Payroll Liaison Officer
Office of Regional Directors, DHEW
601 East 12th Street
Kansas City, Missouri 64106

Denver

Payroll Liaison Officer
Room 9019
Federal Office Bldg.
19th and Stout Street
Denver, Colorado 80202

San Francisco

Payroll Liaison Officer
DHEW Personnel
50 Fulton Street
San Francisco, California 94102

Seattle

Payroll Liaison Officer
Regional Personnel Office
RFK Plaza Bldg., MS 627
Seattle, Washington 98101

Cleveland

Payroll Liaison Officer
Room 500
14600 Detroit Ave.
Cleveland, Ohio 44107

Black Lung

Payroll Liaison Officer
Room 423
P. O. Box 2518
Washington, D. C.

Data Operations Center

Payroll Liaison Officer
Room 423
P. O. Box 2518
Washington, D. C.

Data Operations Center

Payroll Liaison Officer
Data Operations Center
P. O. Box 2247
Albuquerque, New Mexico 87103

U. S. Public Health Service Hospitals

San Francisco
TK RANGE
72000 - 72284

Payroll Liaison Officer
USPHS Hospital
15th and Lake Street
San Francisco, California 94118

Seattle
TK RANGE
73000 - 73300

Payroll Liaison Officer
USPHS Hospital
P. O. Box 3145
Seattle, Washington 98114

Staten Island
TK RANGE
23300 - 23840

Payroll Liaison Officer
USPHS Hospital
Bay and Vanderbilt Street
Staten Island, New York 10304

Saint Elizabeths
TK RANGE
08010 - 08910

Payroll Liaison Officer
St. Elizabeths Hospital
Room 120, E Bldg.
2700 Martin Luther King Ave., S.E.
Washington, D. C. 20032

Baltimore
TK RANGE
24500 - 24610

Payroll Liaison Officer
USPHS Hospital
3100 Wyman Park Drive
Baltimore, Maryland 21211

Boston
TK RANGE
23005 - 23250

Payroll Liaison Officer
USPHS Hospital
77 Warren Street
Boston, Massachusetts 02135

Carville
TK RANGE
46500 - 46710

Payroll Liaison Officer
USPHS Hospital
Carville, Louisiana 70721

Galveston
TK RANGE
62000 - 62100

Payroll Liaison Officer
USPHS Hospital
4400 Avenue N.
Galveston, Texas 77550

New Orleans
TK RANGE
46000 - 46415

Payroll Liaison Officer
USPHS Hospital
210 State Street
New Orleans, Louisiana 70118

Norfolk
TK RANGE
24900 - 25155

Payroll Liaison Officer
USPHS Hospital
6500 Hampton Blvd.
Norfolk, Virginia 23508

Indian Health Service

Aberdeen
TK RANGE
53400 - 53490

Payroll Liaison Officer
PHS Indian Health Service
Room 300 - Citizens Bldg.
Aberdeen, South Dakota 57401

Albuquerque
TK RANGE
62700 - 63325

Payroll Liaison Officer
Albuquerque Indian Health Service
Federal Office Bldg. and U. S. Courthouse
Room 4006
500 Gold Avenue
Albuquerque, New Mexico 87101

Anchorage
TK RANGE
74005 - 75450

Payroll Liaison Officer
Alaska Native Medical Center
P. O. Box 7-741
Anchorage, Alaska 99501

Billings
TK RANGE
53900 - 54155

Payroll Liaison Officer
Indian Health Area Office
P. O. Box 2134
Billings, Montana 59103

Oklahoma
TK RANGE
63400 - 63985

Payroll Liaison Officer
Oklahoma City Area
Indian Health Service
388 Old Post Office and Courthouse Bldg.
Oklahoma City, Oklahoma 73102

Saratoga
TK RANGE
63917

Payroll Liaison Officer
Indian Health Service
1970 Main Street
Saratoga, Florida 33577

Phoenix
TK RANGE
73501 - 73519
73521 - 73952

Payroll Liaison Officer
Phoenix Area Indian Health
801 E. Indian Medical Center
Phoenix, Arizona 85021

Phoenix
TK RANGE
73520

Payroll Liaison Officer
Phoenix Indian Medical Center
4212 No. 16th Street
Phoenix, Arizona 85016

Tucson

Payroll Liaison Officer
IHS - HPSC
P. O. Box 11340
Tucson, Arizona 85734

Public Health Service

CDC
TK RANGE
45000 - 45600
74005 - 74085

Payroll Liaison Officer
Center for Disease Control
Financial Management
1600 Clifton Road, N. E.
Atlanta, GEorgia 30330

NIH
TK RANGE
10010 - 16571

Payroll Liaison Officer
National Institutes of Health
Room B1B, Bldg. 11
9000 Rockville Pike
Bethesda, Maryland 20014

FDA
TK RANGE
09000 - 09934

Payroll Liaison Officer
FDA Payroll Liaison Section
Accounting Branch
HFA - 120, Room 11-82, Parklawn Bldg.
5600 Fishers Lane

Rockville, Maryland 20852

NIOSH (CDC)
TK RANGE
03500 - 03579
03600 - 03608
52936 - 52949
52930 - 52935
69120

Payroll Liaison Officer
DHEW, CDC, NIOSH
Financial Mgmt. Branch
Parklawn Bldg.
DANAC 3 - 32 F
5600 Fishers Lane
Rockville, Maryland 20852

NIH

Payroll Liaison Officer
National Institute of Environmental Health Sciences, NIH
P. O. Box 12233
Research Triangle Park
North Carolina 27709

HSMHA
TK RANGE
02000 - 03878

Payroll Liaison Officer
HSMHA (Parklawn)
Room 1649 - Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

NIMH
TK Range
03900 - 03999
52000 - 52120

Payroll Liaison Officer
NIMH
Room 1399 - Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20852

DHEW HSA FHPS
TK RANGE
03400 - 03420

Payroll Liaison Officer
Administrative Asst.
6525 Belcrest Road
West Hyattsville, Maryland 20782

OS ASAM PT 14.01

System name: Special Employment Programs. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel Offices shown in Applicants for Employment Records, HEW, System OS-ASAM-PT-1, Appendix 1 and operating offices in organizational units, serviced by those personnel offices, in which employees are employed.

Categories of individuals covered by the system: Current Federal employees of the Department who are participating in special employment programs.

Categories of records in the system: This system consists of a variety of records relating to an employee's participation in special employment programs such as the Upward Mobility College, START, STRIDE, ACCESS, Worker Trainee Opportunity, Junior Fellows, Management Intern, Personnel Intern and the HEW Fellows Program. Examples of information which this records system may contain include the employee's name, SSN, program enrolled in, employing agency, grade, job title, job series, sex, date of birth, status, educational background, handicap code, application for employment, position description, assignment evaluations, Veterans preference, job counselling records, and letters of reference and recommendations.

Authority for maintenance of the system: 5 U.S.C. 1301, 3301, and 7151 et. seq., Executive Order 11813.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be used:

1. By the Civil Service Commission in carrying out its functions.
2. In accordance with Items 1,3,4,5,7,8, of the Departmental Regulations, (45 CFR Part 5b), Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system of records is maintained in file folders, data tape and punch cards.

Retrievability: Records are retrievable by name and SSN. Records are used by personnel offices and operating officials to monitor the progress of the individual in the special program, for career planning, and for taking personnel actions.

Safeguards: Access and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Information in these records is retained for as long as the individual participates in a special employment program. Upon completing the program, the individual's record is maintained in an inactive file for 2 years, then destroyed.

System manager(s) and address: Personnel Officers shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1, Appendix 1, who service organizational units in which the participant is employed.

Notification procedure: Same as above. Individuals should include their name, SSN, grade, title and organization when contacting the system manager.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department officials.

Systems exempted from certain provisions of the act: None.

OS ASAM PT 15.02

System name: Suitability for Employment Records. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel Offices shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1, Appendix 1.

Categories of individuals covered by the system: Federal employees of the Department, and applicants for employment.

Categories of records in the system: This system consists of a variety of records relating to an individual's suitability for employment in terms of character, reputation and fitness, including letters of reference, responses to pre-employment inquiries, National Agency Checks and Inquiries material received from the Civil Service Commission relating to non-sensitive positions, qualifications and character investigations, and other information which may relate to the suitability of the individual for the position.

Authority for maintenance of the system: 5 U.S.C. 3301, 3302, 7301,; Executive Order 10577; Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. By the Civil Service Commission in carrying out its functions.
b. By other Federal agencies having an interest for employment purposes and a need to evaluate qualifications, and suitability.
c. In accordance with Appendix B, Departmental Regulations (45 CFR Part 5b) Items 01,3,4,8.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by any combination of name, birth date, Social Security Number, or identification number. Information in these records is used by designated appointing and selecting authorities to determine an individual's suitability for employment by consideration of factors present in such records.

Safeguards: Records are maintained in confidential files separate from the Official Personnel Folder and are located in lockable

metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: NACI information is retained during the period of employment with the Department and upon transfer or separation of employee, is returned to the Civil Service Commission. Other records are retained during the period of employment or for two years whichever is earlier. After that time they are destroyed.

System manager(s) and address: Heads of personnel offices which service organizational units in which individual is employed or in which she applied for employment. See Applicants For Employment Records, HEW, System OS-ASAM-PT-1 Appendix 1.

Notification procedure: Same as above. Individuals should indicate name, Social Security Number, date of birth, and organization in which employed, or to which they applied for employment.

Record access procedures: Current Department employees or applicants should contact the appropriate system manager shown above. Former Department employees who are employed by the Federal Government who wish to gain access or contest the records maintained on them while employed by the Department should contact the appropriate official of their current employing agency in accordance with the appropriate records system notice of that agency. Former Department employees who have separated from Federal service should direct a request to:

National Personnel Records Center
General Services Administration
111 Winnebago Street
St. Louis, Missouri 63118

Contesting record procedures: Same as above.

Record source categories: Information contained in the system is obtained from the categories of sources:

Applications and other personnel and security forms furnished by the individual.
Information furnished by other Federal agencies.
Information provided by sources such as, employers, schools, references, former employers.

Systems exempted from certain provisions of the act: Individuals will be provided information from the above record system except when in accordance with the provisions of 5 U.S.C. 552a(k)(5); 1. disclosure of such information would reveal the identity of a source who furnished information to the Government under a express promise that the identity of the source would be held in confidence, or 2. if the information was obtained prior to the effective date of Section 3, P. L. 93-579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence. (F.R. 38409, August 27,1975).

OS ASAM PT 16.02

System name: Training Manpower Information System. HEW/OS/ASAM/PT.

Security classification: None.

System location:

Department of Health, Education, and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Categories of individuals covered by the system: All employees who receive training in a course which was more than 8 hours in length and which was authorized under the authority of the Government Employees Training Act.

Categories of records in the system: The Training Management Information System consists of a variety of records relating to training received by an employee. In addition to the name of the employee, the system includes information about the employee's Social Security Account Number, position title, grade, salary, pay plan, series, tenure, years of continuous service, hours of prior non-government training, nature of training taken, cost of training and dates of training.

Authority for maintenance of the system: 5 U.S.C. 4101 et. seq.; Executive Order 11348.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records is used:

a. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3,5,7,8.
b. By the Civil Service Commission in carrying out its functions.
c. To other Federal agencies or private organizations to authorize training.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data tape.

Retrievability: Records are indexed by any combination of name, birth date, SSN or transaction number. Information is used to maintain a history of training of the individual during his employment with the Department, as a basis for determining future training needs of the individual, for evaluating the Department's training program, for auditing and budgetary planning purposes and for related analytical and operational personnel management functions.

Safeguards: The information is available only to authorized personnel. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Retained in the data file until separation of employee from the Department. Training records are retained indefinitely in the Official Personnel Folder.

System manager(s) and address:

Deputy Assistant Secretary for Personnel and Training
Office of Personnel and Training
Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D. C. 20201

Notification procedure: Contact the Deputy Assistant Secretary for Personnel and Training for information. The individual should indicate name, position title, grade and series and organization in which located.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of record is: 1) supplied directly by the individual, or 2) derived from information supplied by the individual, or 3) supplied by Department or by source of training officials.

Systems exempted from certain provisions of the act: None.

OS ASAM PT 17.02

System name: Volunteer EEO Support Personnel Records. HEW/OS/ASAM/PT.

Security classification: None.

System location:

Office of Equal Employment Opportunity, DHEW
330 Independence Avenue, S. W.
Washington, D. C. 20201
Offices of the designated EEO Officers in Principal Operating Components, Office of the Secretary, Health Agencies, Education Agencies and Regional Offices. See Discrimination Complaints Records System, HEW System OS-ASAM-PT-4 Appendix 01 for exact locations.

Categories of individuals covered by the system: Individuals who have volunteered or have been proposed for duty as EEO Counsellors and discrimination complaint investigators on a part-time basis.

Categories of records in the system: This system of records contains information or documents concerning personal characteristics of EEO counsellors and investigators. The records consists of the name and other identifying data, title, location, training received, information concerning qualifying background, case assignments, and evaluations of EEO counsellors and investigators serving on a part-time basis, and related information.

Authority for maintenance of the system: Executive Order 11478, P. L. 92-261, P. L. 93-259.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

a. To provide resource to another Federal agency, in response to its request for loan of investigators or counsellors.
b. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b), Items 01,3,4,7,8.
c. By the Civil Service Commission in carrying out its functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained. They may be used: for identification, location and determination of availability of volunteer counsellors and investigators for assignment to counsel complaints and to investigate complaints; to respond to inquiries regarding availability of counsellor resources or determination regarding location and the jurisdictional propriety of an investigator resource; for determing training needs of EEO counsellors and investigators; to provide information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; and to locate specific individuals for personnel research or other personnel management functions.

Safeguards: Access to and use of these records are limited to those persons whose official duties require access.

Retention and disposal: The records are maintained up to one year after volunteer has terminated his services, at which time they are destroyed.

System manager(s) and address: See Discrimination Complaints Records System, HEW System OS-ASAM-PT-4, Appendix1 for General Coordinator and appropriate Immediate System Manager.

Notification procedure: Individuals who have volunteered or been proposed as counsellors or investigators are aware of that fact and the information contained in the record. They may, however, write the immediate system manager or coordinator indicated above regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide to the immediate system manager or coordinator, their name, agency in which they were proposed or served when making inquiries about records.

Record access procedures: Individuals who have been certified as counsellors or investigators on a part-time basis have either provided the information themselves or are aware of the information. The inquirer, who has been certified as a counselor or investigator may gain access to or contest the official record by writing the immediate system manager or coordinator indicated above.

Contesting record procedures: Contact Systems Manager.

Record source categories:

a. Individuals to whom the record pertains
b. Department or other officials
c. Official documents relating to appointments and case assignments as counselors and investigators
d. Correspondence for specific persons or organizations
e. Formal reports submitted by the individual in the performance of official volunteer work.

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None.

OS ASAM SM 1.01

System name: Safety Management Information System (DHEW Accident, Injury and Illness Reporting System). HEW/OS/ASAM/SM

Security classification: None.

System location: At Departmental Regional and Headquarters facilities (see Appendix 1).

Categories of individuals covered by the system:

1. DHEW Employees, including both civilian and commissioned corps personnel, who are involved in an accident which arises out of and in the course of their employment whether occurring on HEW premises or not and results in:
a. A fatality.
b. Lost workdays beyond the day in which the accident occurred.
c. Nonfatal injuries which result in transfer to another job, termination of employment, medical treatment other than first aid, loss of consciousness or restriction of work or motion.
d. A possible tort claim.
e. A claim for compensation.
f. Property damage in excess of
50.00.
g. Interrupts or interferes with the orderly progress of work of other employees.
h. Radiation over exposure.
i. Biological exposure resulting in lost time or accidental release of biologicals where the public may be over-exposed.
2. Visting scientists, contractor personnel, hospitalized patients, out-patients, employees of other Federal agencies, state or local governments or members of the public who suffer injury, illness or property damage on or in HEW premises or as a result of HEW activities.

Categories of records in the system: This system consists of a variety of information and supporting documentation resulting from the reporting and investigation of accidents which have resulted in injury, illness, property damage or the interruption or interference with the orderly progress of work. The records contain information about individuals involved in or experiencing accidents including but not limited to the severity of the injury, whether consciousness was lost, the type of injury, culmination of any injury, days lost from work if any, the nature of the injury, illness or disease, the body part affected, causal factors, weather factors, agency of accident, whether unsafe mechanical, physical, or personal acts or factors were involved, the accidents area of origin and if fire was involved, the type and form of materials involved. Property damage (both public and private) is noted through the property sequency number, who owned the property involved, property damaged and actual or estimated monetary loss, the HEW installation number if appropriate and the year of manufacture or construction if appropriate. Identifiers relating to a particular accident include the organization, case number assigned, date and time of occurrence, state or territory, site, type and classification of accident, estimated amount of tort claims if appropriate, name of individual(s) involved, the social security number, sex, age, grade series and level, CSC series, address, other Departments notified of accident, duty status, activity at time of accident and time on duty before accident. Management's evaluation and corrective action taken or proposed is also noted.

Authority for maintenance of the system: Section 19 of the Occupational Safety and Health Act of 1970 (PL 91-596); 5 U.S.C. 7902; 29 CFR Part 1960; Executive Order No. 11807

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

a. See Appendix B, Departmental Regulations (45 CFR Part 5b) Items 01,5
b. To request from a Federal, state, local agency or private sources information relevant to the investigation of an accident and/or corrective action.
c. To respond to an inquiry from a member of Congress made on behalf of a constituent.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are or may be maintained on magnetic tapes, punchcards, lists, forms, discs, computer storage, in file folders, binders and index cards.

Retrievability:

1. At the Departmental level, the system is completely computerized with no other records normally maintained or retained in the Office of Safety Management. While individual identifiers such as name, case number, and social security number are within the computer storage banks, special programming could be required to extract individual records. Normal output consists of statistical reports and surveys including those required by the Department of Labor and Statistical Analysis in support of the Departmental occupational safety and health program for dissemination to the Principal Operating Components, Regions and Staff Offices.
2. The Principal Operating Components of the Department, their sub-components, Regional Offices and Staff Offices may maintain original or copies of the accident reports and supporting documentation by name, social security number, case number or cross reference.
3. Establish a written record of the causes of accidents.
4. Provide information to initiate and support corrective or preventive action.
5. Provide statistical information relating to accidents resulting in occupational injuries, illnesses, and/or property damage.
6. Provide management with information with which to evaluate the effectiveness of safety management programs.
7. Provide the means for complying with the reporting requirements of Section 19 of the Occupational Safety and Health Act of 1970 and such other reporting requirements as may be required by legislative or regulative requirements.

8. Provide such other summary descriptive statistics and analytical studies as necessary in support of the function for which the records are collected and maintained including general requests for statistical information without personal identification of individuals.
9. Information in these records is used by or may be disclosed to: a. The Office of Safety Management, Office of the Secretary, DHEW in the review of accident experience data to determine the adequacy of corrective actions, the effect of codes, standards and guides, the consolidation, summarization and dissemination of accident experience data throughout DHEW and other Government Departments and agencies as needed or required. b. The supervisor, administrative officer or other official initiating an accident report, including each succeeding reviewing official in the chain of command through which the report passes to insure that corrective action, as needed and appropriate, is taken. c. Appropriately appointed Safety Directors, Officers, or others with safety responsibilities within the Department in the assembling, analyzing, summarizing and disseminating data concerning the accident experience in their areas of responsibility and the initiation of appropriate corrective action.

Safeguards: Access to and use of these records is made available to those personnel having a legitimate need for the information (those whose duties require review or access) including inspecting or evaluating personnel. Records, which under the law, may not be disclosed such as information pertinent to national security or trade secrets are maintained separately, adequately safeguarded and released only in accordance with the law. When there is doubt regarding the release of information, the matter will be referred, in advance of release, to the Office of the General Counsel, DHEW.

Retention and disposal: All accident reports, records, logs, and other information relating to an accident are retained by the Principal Operating Components and their agencies, the Regional Offices and the Office of the Secretary for at least five years following the end of the calendar year in which the accident occurred. Specific occupational safety and health standards (such as the standards covering the handling of carcinogenic chemicals) may be required to be kept for up to twenty years. Records may be retained indefinitely.

System manager(s) and address:

Director
Office of Safety Management
Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Notification procedure: Individuals wishing to inquire whether this system of records contains information about them should address their inquiries to one of the following as appropriate; with the exception of the Food and Drug Administration, contact:

FDA Privacy Coordinator
Food and Drug Administration
5600 Fishers Lane
Rockville, Md. 20852

1. If employed or formerly employed in DHEW Regional Office, the Regional Occupational Safety and Health Manager of the Region involved (see list and addresses under appendix).
2. If employed or formerly employed in a DHEW Principal Operating Component or sub-agency, a staff office or the Office of the Secretary, the Occupational Safety and Health Manager of the component where employed (see list and addresses under appendix). Individuals requesting information about this system of records should provide their full name, social security number, name and address of office and agency in which currently or formerly employed and the accident(s) case number if known.

Record access procedures: Individuals wishing to gain access to or contest their records should contact the following in person or writing as appropriate; with the exception of Food and Drug Administration, See 'Notification' above. 1. If employed or formerly employed in a DHEW Regional Office, the Regional Occupational Safety and Health Manager of the Region involved (see list and addresses under appendix). 2. If employed or formerly employed in a DHEW Principal Operating Component or sub-agency, a staff office or the Office of the Secretary, the Occupational Safety and Health Manager of the component were employed. (see list and addresses under appendix). Individuals requesting informtion in this system of records should provide their full name, social security number, case number if known, time and brief description of the accident in which they were involved and the name and address of office in which employed.

Contesting record procedures: Same as above.

Record source categories: The information in this system is obtained from the following sources: 1) the individual to whom the record pertains; 2) witnesses to the accident; 3) investigating officials (Federal, state, local); 4) medical personnel seeing the individual as a result of the accident; 5) supervisory personnel; 6) reviewing officials; 7) personnel offices; 8) investigative material furnished by Federal, state, or local agencies; 9) on site observations.

Appendix

Region I:
DHEW Regional Safety and Occupational Health Manager
John F. Kennedy Federal Building - Room 1503
Government Center
Boston, Massachusetts 02203

Regional II:
DHEW Regional Safety and Occupational Health Manager
Federal Building - Room 3835
26 Federal Plaza
New York, New York 10007

Regional III:
DHEW Regional Safety and Occupational Health Manager
3535 Market Street
Philadelphia, Pennsylvania 19101

Regional IV:
DHEW Regional Safety and Occupational Health Manager
50 7th Street, N.E. - Room 447
Atlanta, Georgia 30323

Regional V:
DHEW Regional Safety and Occupational Health Manager
300 South Wacker Drive - 35th Floor
Chicago, Illinois 60606

Regional VI:
DHEW Regional Safety and Occupational Health Manager
1114 Commerce Street - Room 1025
Dallas, Texas 75202

Regional VII:
DHEW Regional Safety and Occupational Health Manager
601 East 12th Street - Room 566
Kansas City, Missouri 64106

Regional VIII:
DHEW Regional Safety and Occupational Health Manager
1961 Stout Street - Room 11037
Denver, Colorado 80202

Regional IX:
DHEW Regional Safety and Occupational Health Manager
Federal Office Building - Room 8
50 Fulton Street
San Francisco, California 94102

Regional X:
DHEW Regional Safety and Occupational Health Manager
Arcade Plaza - Room 6003
1321 Second Avenue
Seattle, Washington 98101

Office of Education:
Safety Officer
FOB 06 - Room 1175
400 Maryland Avenue, S.W.
Washington, D.C.

National Institute of Education:
Safety Officer

1200 19th Street, N.W.
Washington, D.C. 20208

Social and Rehabilitaition Service:
Safety Officer
Room 4228 - Switzer Building
300 C Street, S.W.
Washington, D.C. 20201

Social Security Administration:
Director, Occupational Health Management
Room 3205 Annex
6401 Security Boulevard
Baltimore, Maryland 21235

Office of the Secretary, DHEW
Safety Officer
Room 4440 - North Building
Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Public Health Service:
Director, Division of Health Facilities Planning
Room 18-42 - Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Alcohol, Drug Abuse, and Mental Health Administration:
Safety Officer
Room 6-105 - Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Center for Disease Control:
Chief, Office of Biosafety
Building 8 - Room 232
1600 Clifton Road, N.E.
Atlanta, Georgia 30333

Food and Drug Administration
Safety and Occupational Health Manager
Room 10-71 - Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Health Resources Administration:
Safety Officer
Room 10A-19 - Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

National Institutes of Health:
Associate Director, Environmental Health and Safety, Division of Research Sciences
Room 4051 - Building 12A
9000 Rockville Pike
Bethesda, Maryland 20014

OS OCR HSS 07.01

System name: New Orleans Louisiana Review, HEW OS-OCR-HSS.

Security classification: None.

System location: See Appendix 1 To Case Following System HEW, OS, OCR-01.

Categories of individuals covered by the system: Physicians in New Orleans referring patients to hospitals.

Categories of records in the system: Individual physician's name and address.

Authority for maintenance of the system: Title VI of the Civil Rights Act of 1964 (42 USC 2000d, 45 CRF Part 80), under court order.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Departmental Regulations (45 CFR Part 5b) Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards in Room 3756 HEW North.

Retrievability: Card file known only to project manager.

Safeguards: Card file known only to project manager.

Retention and disposal: Indeterminate.

System manager(s) and address:

Assistant Director (Administration and Management)
Office for Civil Rights
330 Independence Avenue, S.W.
Room 3557 - North Building
Washington, D.C. 20201

Notification procedure: System Manager (above).

Record access procedures: System Manager (above).

Contesting record procedures: System Manager (above).

Record source categories: Data were provided by New Orleans, Louisiana Hospitals.

Systems exempted from certain provisions of the act: None.

R RD OLTC 1.01

System name: Complaint Files on Nursing Homes. HEW R RD OLTC

Security classification: None.

System location:

Region I, Office of Regional Director
John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

Regional IX, Office of Regional Director
Federal Office Building
50 Fulton Street
San Francisco, California 94102

Categories of individuals covered by the system: Persons who make complaints on nursing homes certified under Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act.

Categories of records in the system: Correspondence from complainant, copies of HEW response, or notation of refferal to relevant State agency.

Authority for maintenance of the system: Titles XVIII and XIX, Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Item 05.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Indexed alphabetically by name of complainant. Used by staffs of the Office of Long Term Care Standards and Enforcement to answer correspondence, to check on complaints, and to initiate corrective action as necessary. Statistical information submitted to SSA, Baltimore.

Safeguards: Authorized personnel only.

Retention and disposal: Retained two years or until complaint file closed, whichever is longer. Destroyed by shredding or incinerating.

System manager(s) and address: Director, OLTCSE at the address given under location.

Notification procedure: Same as above. Individual should contact Regional Office serving State in which nursing home about which a complaint was filed is located.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Letters from complainants, state agencies handling follow-up, staff investigative reports on nursing home.

RO3 ASD 102.01

System name: Claims for Damage, Injury, or Death. HEW/RO3/ASD

Security classification: None.

System location:

Department of Health, Education, and Welfare
Regional III
Room 3300
3535 Market Street
Philadelphia, PA.. 19104

Categories of individuals covered by the system: Federal employees and non-Federally employed individuals submitting claims

for financial remuneration due to damage, injury or death which are Government related.

Categories of records in the system: 1. Personal information about claimant: name, address, age, marital status, name and address of spouse, insurance coverage. 2. Data relative to incident generating claim: date, time and place of occurrence. Type of incident (property damage, personal injury). Name of witnesses and other information relating to the case.

Authority for maintenance of the system: E.O. 11807, 11654, P.L. 91-596, Section 19(a), Section 7902, Title 5 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To claimant's insurance representative and/or legal counsel. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Item 1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the name of the individual claimant. Records may be accessed by Regional Claims Officer and Office of General Counsel.

Safeguards: Maintained in a locked metal cabinet.

Retention and disposal: Records are destroyed after a five (5) year retention period.

System manager(s) and address:

Director, Administrative Services Division
DHEW/Regional III
Room 3300
3535 Market Street
Philadelphia, PA. 19104

Notification procedure: For inquiries: system manager and address as above. Identification needed. For retrieval: name, relationship to claim/claimant.

Record access procedures: Contact System Manager.

Contesting record procedures: Contact System Manager.

Record source categories: Claimant, investigative reports and statement of witnesses.

Systems exempted from certain provisions of the act: None.

E NIE EWG 08.01

System name: Opportunities Industrialization Center of America, Urban Career Education Center (UCEC) Program Data Storage and Retrieval System--HEW E.

Security classification: None.

System location:

62-64 W. Harvey Street
Philadelphia, PA 19144

Categories of individuals covered by the system: Students and parents participating in UCEC program.

Categories of records in the system: Students records, overall UCEC program data, program statistical data.

Authority for maintenance of the system: Section 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for services and analysis of records by authorized personnel. To evaluation contractor for creation of systems of records for project and product evaluation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in student folders within the program records filing system.

Retrievability: Records can be retrieved by student name and are used for (1) program review and assessment by UCEC management and/or administration, (2) monitoring and recording student progress, problems, and other data, and (3) statistical analysis and report of program effectiveness.

Safeguards: Access restricted to counseling and administrative personnel and protected by locks. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: Upon graduation or termination, original student records are transferred back to the Feeder Schools from which the students come; copies of the original records are maintained at UCEC for a period of five years after which they are destroyed via burning; other records are destroyed after a period of five years of inception; pertinent other student record data are transferred to the Philadelphia School District to be transferred to microfilm by School District officials.

System manager(s) and address:

Associate Director for Education and Work
National Institute of Education
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in the system comes from various sources in cooperation with the program - OICs/A and UCEC Administration, instructional, career and counseling departments, employers of students and graduates, colleges attended by graduates, skills training centers and technical schools, student formalized assessments, school district coordinator, parents, feeder schools, recruitment team and external evaluators.

Systems exempted from certain provisions of the act: None.

E NIE EWG 10.01

System name: Mountain-Plains Education and Economic Development Program--HEW E.

Security classification: None.

System location: Raw data (hard copy) are kept in various locations at the project site while computerized files are with three subcontractors to the project:

Controller's office, Building 816
Research Services, Buildings 810, 816, 814
Career Guidance Office and Counseling Office, Building 810
Glasgow Air Force Base
Glasgow, Montana

53 West Broadway
Butte, Montana

Computer Center
Montana State University
Bozeman, Montana

KemData Laboratories
Harve, Montana

Categories of individuals covered by the system: Individuals are members of rural disadvantaged families from the states of North Dakota, South Dakota, Nebraska, Wyoming, Montana and Idaho who are participant student or control families in the Mountain-Plains Education and Economic Development Program.

Categories of records in the system: Family background, work history, educational background, locational history, legal history, medical history, indebtedness, social agency reports, standard test scores (WRAT, GATB, CTBS, OVIS, etc.), in-take pre-tests for diagnostic/prescriptive purposes (home management, consumer education, occupational preparation, etc.), student planmaking, attendance and progress monitoring records (student work plan, student progress records, student time cards, etc.), employer evaluation of students.

Authority for maintenance of the system: Section 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for services and analysis of records by authorized personnel. To evaluation contractors for creation of system of system of records for product and project evaluation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in standard filing containers and computer tape, disc and cards in the various locations.

Retrievability: Student families are identified by a family code number assigned by Mountain-Plains and are retrievable from either of the computer service locations enumerated only on this basis. On-center data used for student progress monitoring and/or student accounting is endorsed by family ID number assigned by Mountain-Plains. Individual test scores are indexed by curriculum numbers

and are not retrievable by individual except as noted above for family progress monitoring. Records are retrieved (1) for monitoring progress of projects/product development, (2) for statistical research or reporting purposes only and not used in whole or in part for conveying information to external sources about an identifiable individual, (3) for research development and evaluation of educational materials, project and programs, (4) for student diagnosis and prescription into program components, (5) for purposes of calculation of student stipend, (6) for purposes of monitoring student progress, (7) for purposes of determining student validation of program components, (8) for transfer to NIE contractor for third-party evaluation.

Safeguards: Access to computer files limited to authorized personnel only. Treatment of raw data and project files governed by administrative policies and procedures of the Project to restrict access and disclosure of information. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: Records will be maintained for research and project management purposes indefinitely.

System manager(s) and address:

Associate Director for Education and Work
National Institute of Education
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Pre-program and post-program information of the type described above concerning family background, work history, educational history, etc., are gathered primarily through personal interview with applicant. Information is solicited from current or previous employers, social action agencies, legal entities or law enforcement offices, physicians and/or credit bureaus. Sources of in-program data such as attendance records, test scores, progress records, etc., are regular Mountain-Plains reporting procedures.

Systems exempted from certain provisions of the act: None.

E OE EDP 02.01

System name: Migration and Refugee Assistance Act of 1962--United States Loan Program for Cuban Students. HEW E.

Security classification: None.

System location:

7th & D Streets, S.W. Room 4007
Washington, D.C. 20202

Categories of individuals covered by the system: Cuban refugees who have borrowed money under the program to finance their education at eligible institutions of higher education.

Categories of records in the system: (1) All individual student files contain the following personal data: name, address, institution, OE ID No.; sex, date of birth, marital status, dependents; place of birth, immigration status, Social Security number; name and address of parents and relatives; employment record for past five years; educational pursuits, career objective; financial information (relatives); date of separation, total amount borrowed; repayment schedule, collections, deferments, cancellations; (2) Additional information on those who request a postponement of repayment on ground of hardship: place of employment, income; regular expenses, lists of debts giving name and address of creditor, nature of indebtedness, total cost, balance owed, frequency of payment and amount of each payment; (3) Additional information on those who request cancellation of loan on ground of permanent and total disability: nature of disability, date symptoms first appeared; name, address of doctor or hospital providing examination(s) and treatment; history of disability, present condition, diagnosis, treatment, progress, prognosis.

Authority for maintenance of the system: Migration and Refugee Assistance Act of 1962, Section 2, Public Law 87-510 (22 U.S.C. 2601).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractor providing billing and collection services for purposes of maintaining accurate and current records of participating students; to students who request a record of their account; to Internal Revenue Service and Immigration and Naturalization Service for purposes of skip-tracing lost borrowers; and to the General Accounting Office or the Department of Justice for legal action against delinquent borrowers and for the routine uses set forth in Appendix B to 45 Code of Federal Regulations Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard-copy filed in a lektriever and standard (locked) filed cabinets.

Retrievability: Records are indexed by individual name and OE identification number. Records are available to DSSSP staff involved in correspondence with Cuban refugee borrowers, contractor personnel if necessary and members of the Office of General Counsel. Records are available to Public Health Service for determinations on requests for medical postponement of repayment of loan or permanent and total disability.

Safeguards: Direct access is restricted to authorized program officials and contractor personnel. Physically safeguarded by use of lektriever and standard file cabinets which are locked during nonworking hours. Exception: Subject to disclosure requirements of Privacy Act.

Retention and disposal: Records maintained indefinitely.

System manager(s) and address:

Director, Division of Student Support and Special Programs
Room 4007, GSA - Regional Office Building
7th & D Streets, S.W.
Washington, D.C. 20202

Notification procedure: System manager (see above) will respond to inquiries. Inquiries must contain system identification number and system name; name and address of borrower concerned; and date of previous correspondence, if any.

Record access procedures: Contact system manager.

Contesting record procedures: Contact system manager.

Record source categories: Original information is submitted by the institution's program director who obtains it directly from the individual students; additional information in the case of requests for hardship postponements or cancellations on the grounds of total and permanent disability is obtained from the student, a doctor and/or a hospital; and if a borrower dies before completion of repayment, proof of death is obtained from appropriate source.

HSA BMS 0001.02

System name: Division of Federal Employee Health, Employee Health Records HEW/HSA/BMS.

Security classification: None.

System location: See Appendix and Regional Federal Records Center.

Categories of individuals covered by the system: Federal employees enrolled in PHS/DFEH Health Units.

Categories of records in the system: Health records.

Authority for maintenance of the system: 5 USC 7901, 5 USC 8101, OMB Circular No. A-72.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: Access to those files of persons claiming compensation benefits due to personal injury while on the job. Certain records may be disclosed to medical laboratories, medical consultants, or computer processing firms under a service contract agreement. In the event of a change in sponsorship of a PHS/DFEH health care unit or in a case of mass transfer of employees covered by a PHS/DFEH health care unit to one served by a non-departmental organization, the health records will be transferred to the custodianship of the new organization. Users: U. S. Department of Labor, Office of Worker's Compensation Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders.

Retrievability: Purpose: employees are provided occupational health services (on a voluntary basis). The data resulting from these services are included in the employee health records. Users: physicians, nurses, other health professionals. Retrievability: alphabetically by last name.

Safeguards: Stored in locked cabinets; access limited to authorized personnel.

Retention and disposal: Number of years held at HSA - Period of service or 6 years if inactive. How destroyed: shredded and disposed if inactive more than 6 years.

System manager(s) and address:

Director, Division of Federal Employee Health
FCB 03, 6525 Belcrest Road
Hyattsville, Maryland 20782

Notification procedure: Same as above. Individuals must provide treatment location.

Record access procedures: See appendix.

Contesting record procedures: See appendix.

Record source categories: Data resulting from the clinical and preventive services offered by the PHS/DFEH Health Unit and data obtained from individual.

Systems exempted from certain provisions of the act: None.

Appendix Location and Access

Washington, D.C. area
Medical Officer in Charge
PHS/DFEH Health Unit
Energy Research and Development Administration
Room A-075
Germantown, Maryland 20767

Nurse in Charge
PHS/DFEH Health Unit
Brown Building, Room 559
1200 - 19th Street, NW
Washington, D.C. 20036

Medical Officer in Charge
PHS/DFEH Health Unit
Bureau of Engraving & Printing
Room 320
14th and C Streets, SW
Washington, D.C. 20226

Nurse in Charge
PHS/DFEH Health Unit
Capitol Mall North Building
Room 325
500 N. Capitol Street, NW
Washington, D.C. 20549

Nurse in Charge
PHS/DFEH Health Unit
Columbia Plaza Bldg., Rm. 4061
2401 E Street, NW
Washington, D.C. 20506

Nurse in Charge
PHS/DFEH Health Unit
E Street Building, Rm. 908
1201 E Street, NW
Washington, D.C. 20226

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Bldg. 06, Rm. A-039
400 Maryland Avenue, SW
Washington, D.C. 20202

Nurse in Charge
PHS/DFEH Health Unit
FOB 07, New Executive Office Bldg.
Room 6101
726 Jackson Place, NW
Washington, D.C. 20503

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Bldg. 08, Room 1010
200 C Street, SW
Washington, D.C. 20204

Nurse in Charge
PHS/DFEH Health Unit
Franconia Warehouse, Bldg. A
Federal Supply Service, GSA
Springfield, Virginia 22150

Nurse in Charge
PHS/DFEH Health Unit
Franklin Square North Building
Room 824
1325 K Street, NW
Washington, D.C. 20225

Medical Officer in Charge
PHS/DFEH Health Unit
General Accounting Office Building
Room 1455
441 G Street, NW
Washington, D.C. 20548

Nurse in Charge
PHS/DFEH Health Unit
GSA Main Building, Rm. 1008
18th and F Streets, NW
Washington, D.C. 20405

Nurse in Charge
PHS/DFEH Health Unit
GSA Region III Building, Rm. 4114
7th and D Streets, SW
Washington, D.C. 20407

Medical Officer in Charge
PHS/DFEH Health Unit
HEW-North Building, Rm. 1165-A
4th Street & Independence Avenue, SW
Washington, D.C. 20201

Medical Officer in Charge
PHS/DFEH Health Unit
HEW-Switzer Bldg., Rm. 3050
4th and C Streets, SW
Washington, D.C. 20201

Medical Officer in Charge
PHS/DFEH Health Unit
Dept. of Housing & Urban Development
Room 7239
7th and D Streets, SW
Washington, D.C. 20410

Nurse in Charge
PHS/DFEH Health Unit
Imperial Building, Room 202
1441 L Street, NW
Washington, D.C. 20416

Medical Officer in Charge
PHS/DFEH Health Unit
Internal Revenue Service Bldg.
Room 1302
12th and Constitution Avenue, NW
Washington, D.C. 20224

Nurse in Charge
PHS/DFEH Health Unit
Justice Department Main Bldg.
Room 1410
10th and Constitution Avenue, NW
Washington, D.C. 20530

Nurse in Charge
PHS/DFEH Health Unit
U.S. Customs Service Bldg., Rm. 5126
14th and Constitution Avenue, NW
Washington, D.C. 20210

Nurse in Charge
PHS/DFEH Health Unit
810 Vermont Avenue, NW
Washington, D.C. 20420

Nurse in Charge
PHS/DFEH Health Unit

Liberty Loan Building, Room 546
(Check Claims Division)
401 - 14th Street, SW
Washington, D.C. 20226

Nurse in Charge
PHS/DFEH Health Unit
'M' Street 02 Building (F.C.C.)
Room 529
1919 'M' Street, NW
Washington, D.C. 20554

Nurse in Charge
'M' Street Building
Room 2121
2000 'M' Street, NW
Washington, D.C. 20461

Nurse in Charge
PHS/DFEH Health Unit
Maiatico Building, Room 1220
806 Connecticut Avenue, NW
Washington, D.C. 20525

Nurse in Charge
PHS/DFEH Health Unit
Matomic Building (USIA)
Room 433
1717 H Street, NW
Washington, D.C. 20547

Nurse in Charge
PHS/DFEH Health Unit
National Archives & Records Service
Room G-2
8th and Pennsylvania Avenue, NW
Washington, D.C. 20408

Nurse in Charge
PHS/DFEH Health Unit
National Labor Relations Board Bldg.
Room 360
1717 Pennsylvania Avenue, NW
Washington, D.C. 20570

Nurse in Charge
PHS/DFEH Health Unit
National Technical Information Service
Room 1225
5285 Port Royal Road
Springfield, Virginia 22161

Nurse in Charge
PHS/DFEH Health Unit
Northwestern Federal Bldg., Rm. 700
1405 'I' Street, NW
Washington, D.C. 20537

Nurse in Charge
PHS/DFEH Health Unit
One McPherson Square Bldg., Rm. 1040
1425 K Street, NW
Washington, D.C. 20525

Medical Officer in Charge
PHS/DFEH Health Unit
Parklawn Building, Room 5B-16
5600 Fishers Lane
Rockville, Maryland 20852

Nurse in Charge
PHS/DFEH Health Unit
Patrick Henry Bldg., Room 5509
601 D Street, NW
Washington, D.C. 20213

Medical Officer in Charge
PHS/DFEH Health Unit
Phillips Building, Room P-132
7920 Norfolk Avenue
Bethesda, Maryland 20545

Nurse in Charge
PHS/DFEH Health Unit
Public Debt Bldg., Room 709
13th and C Streets, SW
Washington, D.C. 20226
Nurse in Charge
PHS/DFEH Health Unit
Rock-Wall Building, Room 729
11400 Rockville Pike
Rockville, Maryland 20852

Nurse in Charge
PHS/DFEH Health Unit
Thomas Circle - South Building
Room 605
1121 Vermont Avenue, NW
Washington, D.C. 20425

Nurse in Charge
PHS/DFEH Health Unit
Todd Building, Room 803
550 - 11th Street, NW
Washington, D.C. 20530

Nurse in Charge
PHS/DFEH Health Unit
Treasury Dept. - Main Building
Room 1445
15th and Pennsylvania Avenue, NW
Washington, D.C. 20220

Nurse in Charge
PHS/DFEH Health Unit
Twinpark Building 01, Suite 142
12720 Twinbrook Parkway
Rockville, Maryland 20852

Nurse in Charge
PHS/DFEH Health Unit
Union Center Plaza, Room 3101
825 North Capitol Street, NE
Washington, D.C. 20426

Nurse in Charge
PHS/DFEH Health Unit
Universal Building North
Room 540 (CAB Mail Room)
1875 Connecticut Avenue, NW
Washington, D.C. 20428

Nurse in Charge
PHS/DFEH Health Unit
U.S. Tax Court Bldg., Room G-64
400 Second Street, NW
Washington, D.C. 20217

Nurse in Charge
PHS/DFEH Health Unit
Washington National Records Center
Room 126
Washington, D.C. 20409

California

Nurse in Charge
PHS/DFEH Health Unit
Federal Building and Courthouse
Room 2304
1130 O Street
Fresno, California 93721

Medical Officer in Charge
PHS/DFEH Health Unit
New Federal Building, Room 5008
300 N. Los Angeles Street
Los Angeles, California 90012

Medical Officer in Charge
PHS/DFEH Health Unit
U.S. Courthouse, Room 1005

312 N. Spring Street
Los Angeles, California 90012

Nurse in Charge
PHS/DFEH Health Unit
U.S. Courthouse and Federal Bldg.
Room 6515
650 Capitol Mall
Sacramento, California 95814

Nurse in Charge
PHS/DFEH Health Unit
FOB-Cottage Way, Room E-1720
2800 Cottage Way
Sacramento, California 95825

Medical Officer in Charge
PHS/DFEH Health Unit
New Federal Building
Room 5210, Box 36115
450 Golden Gate Avenue
San Francisco, California 94102

Nurse in Charge
PHS/DFEH Health Unit
Tishman Building, 32nd Floor
525 Market Street
San Francisco, California 94105

Nurse in Charge
PHS/DFEH Health Unit
Appraisers Stores Building
Room 1123
630 Sansome Street
San Francisco, California 94111

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 40
50 Fulton Street
San Francisco, California 94102

Nurse in Charge
PHS/DFEH Health Unit
Federal Building & Custom House
Room 1519
300 South Ferry Street
Terminal Island
San Pedro, California 90731

Colorado

Medical Officer in Charge
PHS/DFEH Health Unit
Denver Federal Center
Building 040
Denver, Colorado 80225

Medical Officer in Charge
PHS/DFEH Health Unit
Denver Federal Center
Building 025
Denver, Colorado 80225

Nurse in Charge
PHS/DFEH Health Unit
Federal Building & U.S. Courthouse
Room 8028
1961 Stout Street
Denver, Colorado 80202

Connecticut

Nurse in Charge
PHS/DFEH Health Unit
Federal Building and U.S. Courthouse
Room G-1
450 Main Street
Hartford, Connecticut 06103

Florida

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 1310
51 S.W. First Avenue
Miami, Florida 33130

Georgia

Medical Officer in Charge
PHS/DFEH Health Unit
Peachtree-7th Street Bldg., Rm. 517
50 - 7th Street, NE
Atlanta, Georgia 30323

Medical Officer in Charge
PHS/DFEH Health Unit
Room 535
730 Peachtree Street, NE
Atlanta, Georgia 30308

Medical Officer in Charge
PHS/DFEH Health Unit
Room 218
1371 Peachtree Street, NE
Atlanta, Georgia 30309

Medical Officer in Charge
PHS/DFEH Health Unit
Room 910
1720 Peachtree Street, NW
Atlanta, Georgia 30309

Medical Officer in Charge
PHS/DFEH Health Unit
Room 155
1776 Peachtree Street, NW
Atlanta, Georgia 30309

Nurse in Charge
PHS/DFEH Health Unit
DCASR - Room 311
3100 Maple Drive, NE
Atlanta, Georgia 30305

Illinois

Medical Officer in Charge
PHS/DFEH Health Unit
Everett McKinley Dirksen Building
Room 1419
219 South Dearborn Street
Chicago, Illinois 60604

Nurse in Charge
PHS/DFEH Health Unit
Federal Building - Room 187
536 South Clark Street
Chicago, Illinois 60605

Nurse in Charge
PHS/DFEH Health Unit
Wacker Building, Room 2046
300 South Wacker Drive
Chicago, Illinois 60606

Iowa

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 711
210 Walnut Street
Des Moines, Iowa 50309

Kentucky

Nurse in Charge
PHS/DFEH Health Unit
P.O. Box 267
Covington, Kentucky 41012

Massachusetts

Nurse in Charge
PHS/DFEH Health Unit
Post Office & Court House Building
Room 1805
Boston, Massachusetts 02109

Medical Officer in Charge
PHS/DFEH Health Unit
John F. Kennedy Building, Room E-120
Government Square
Boston, Massachusetts 02203

Nurse in Charge
PHS/DFEH Health Unit
Waltham Federal Center
424 Trapelo Road
Waltham, Massachusetts 02154

Michigan

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building and U.S. Courthouse, Rm. 1050
231 W. Lafayette Street
Detroit, Michigan 48226

Minnesota

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Rm. 248
Fort Snelling, Minnesota 55111

Nurse in Charge
PHS/DFEH Health Unit
Federal Building & U.S. Courthouse
Room 167
316 Robert Street
St. Paul, Minnesota 55101

Missouri

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Office Building, Rm. 1211
911 Walnut Street
Kansas City, Missouri 64106

Nurse in Charge
PHS/DFEH Health Unit
Federal Building (GSA)
Corridor 16, Sub-basement
1500 East Bannister Road
Kansas City, Missouri 64131

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Building, Room 901
601 E. 12th Street
Kansas City, Missouri 64106

Nurse in Charge
PHS/DFEH Health Unit
Tucker Building
Basement Floor, Room 2
103 W. 10th Street
Rolla, Missouri 65401

Nurse in Charge
PHS/DFEH Health Unit
210 North 12th Boulevard Building
Room 1045
210 North 12th Boulevard
St. Louis, Missouri 63101

Nebraska

Nurse in Charge
PHS/DFEH Health Unit
Federal Building, Room 8408
215 N. 17th Street
Omaha, Nebraska 68102

New Jersey

Nurse in Charge
PHS/DFEH Health Unit
Building T-2
Belle Mead Depot
Belle Mead, New Jersey 08502

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 905
970 Broad Street
Newark, New Jersey 07102

New Mexico

Nurse in Charge
PHS/DFEH Health Unit
Federal Building & U.S. Courthouse
Room 5206
500 Gold Avenue, SW
Alburquerque, New Mexico 87101

New York

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Building, 8th Floor
29th Street and Third Avenue
Brooklyn, New York 11232

Nurse in Charge
PHS/DFEH Health Unit
Federal Building, Room 915
111 W. Huron Street
Buffalo, New York 14202

Nurse in Charge
PHS/DFEH Health Unit
Astor Plaza Building
Room 3210
1515 Broadway
New York, New York 10036

Medical Officer in Charge
PHS/DFEH Health Unit
U.S. Customs Court & Federal Bldg.
Foley Square
26 Federal Plaza
New York, New York 10007

North Carolina

Nurse in Charge
PHS/DFEH Health Unit
Building D, Room 100
Environmental Protection Agency
Research Triangle Park, North Carolina 27711

Ohio

Nurse in Charge
PHS/DFEH Health Unit
National Environmental Research Center
Room SB-47
4676 Columbia Parkway
Cincinnati, Ohio 45268

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 1515
550 Main Street
Cincinnati, Ohio 45202

Nurse in Charge
PHS/DFEH Health Unit
Environmental Control Administration

Room 411
5555 Ridge Road
Cincinnati, Ohio 45268

Nurse in Charge
PHS/DFEH Health Unit
Federal Building, Room 517
234 Summit Street
Toledo, Ohio 43604

Pennsylvania

Nurse in Charge
PHS/DFEH Health Unit
U.S. Customs House & Federal Building
Room 111
2nd and Chestnut Streets
Philadelphia, Pennsylvania 19106

Nurse in Charge
PHS/DFEH Health Unit
William J. Green, Jr. Federal Bldg.
Room 4306/4310
600 Arch Street
Philadelphia, Pennsylvania 19106

Nurse in Charge
PHS/DFEH Health Unit
Gateway Building, Room 1320
3535 Market Street
Philadelphia, Pennsylvania 19104

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building
12th Floor
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222

Texas

Medical Officer in Charge
PHS/DFEH Health Unit
Room 1106
1100 Commerce Street
Dallas, Texas 75202

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Building, Room 13A25
819 Taylor Street at 10th
Fort Worth, Texas 76102

Medical Officer in Charge
PHS/DFEH Health Unit
Federal Center
P.O. Box 6567
Fort Worth, Texas 76115

Utah

Nurse in Charge
PHS/DFEH Health Unit
Federal Office Building, Room 3103
125 South State Street
Salt Lake City, Utah 84138

Washington

Nurse in Charge
PHS/DFEH Health Unit
Arcade Plaza Building, Room 5051
1321 Second Avenue
Seattle, Washington 98101

Nurse in Charge
PHS/DFEH Health Unit
Federal Center South Building
Room 184
4735 E. Marginal Way
Seattle, Washington 98134

Nurse in Charge
PHS/DFEH Health Unit
New Federal Building, Room 570
915 Second Avenue
Seattle, Washington 98104

Wisconsin

Nurse in Charge
PHS/DFEH Health Unit
Federal Building & U.S. Courthouse
Room 420
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

HSA BMS 0003.01

System name: Contract Physicians and Consultants HEW/HSA/BMS.

Security classification: None.

System location:

6525 Belcrest Road, Room 1100, Presidential Building
Hyattsville, Maryland 20782
and 9 USPH Hospitals per appendix

Categories of individuals covered by the system: Contract Physicians and Consultants.

Categories of records in the system: Duplicate of original contract and personal data qualifications.

Authority for maintenance of the system: Public Health Service Act Sections 321, 322 (42 U.S.C. 248, 249).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix B of the Departmental Regulations (45 CFR, Part 5b) item (5), (7) and (100).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders.

Retrievability: Purpose: contract compliance, statistical information required by Headquarters, Branch and Service Chiefs. Users: BMS Headquarters Staff, Branch and Service Chiefs. Retrievability: name and contract number

Safeguards: Limited access to Branch and Service Chiefs only.

Retention and disposal: Number of years held at HSA - 1-3 years dependent upon renewal. Number of years held at Federal Records Center before disposal - copy not held. How destroyed: shredded.

System manager(s) and address:

Chief, General Services Branch
HEW/HSA/Bureau of Medical Services
6525 Belcrest Road, Room 1100
Hyattsville, Maryland 20782

Notification procedure:

Director, Bureau of Medical Services, Att:
Chief, General Services Branch
6525 Belcrest Road, Room 1100, Presidential Building
Hyattsville, Maryland 20782
and List as under location

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Physicians/consultants.

Systems exempted from certain provisions of the act: None.

Appendix

Director, USPHS Hospital, attn:
General Supply Officer
3100 Wyman Park Drive
Baltimore, Maryland 21211

Director, USPHS Hospital, attn:
General Supply Officer
77 Warren Street
Boston (Brighton), Mass. 02135

Director, USPHS Hospital, attn:
General Supply Officer
Carville, Louisiana 70721

Director, USPHS Hospital, attn:
General Supply Officer
4400 Avenue N
Galveston, Texas 77550

Director, USPHS Hospital, attn:
Office Services Manager
210 State Street
New Orleans, Louisiana 70118

Director, USPHS Hospital, attn:
Supply Officer
6500 Hampton Boulevard
Norfolk, Virginia 23508

Director, USPHS Hospital, attn:
General Services Officer
15th Avenue and Lake Street
San Francisco, California 94118

Director, USPHS Hospital, attn:
General Supply Officer
1131 14th Avenue, S.
Seattle, Washington 98114

Director, USPHS Hospital, attn:
Supply Management Officer
Bay & Vanderbilt Streets
Staten Island, N.Y. 10304

HSA BMS 0007.03

System name: Patients Medical Record System PHS Hospitals/Clinics HEW/HSA/BMS.

Security classification: None.

System location: See appendices 1 and 2 and Regional Federal Records Center.

Categories of individuals covered by the system: Individuals examined/treated at Public Health Service Hospitals and Clinics.

Categories of records in the system: Medical examination, diagnostic and treatment data, information for proof of eligibility, social data, disease registers, treatment logs, statistical summaries, correspondence.

Authority for maintenance of the system: Public Health Service Act, Section 321 (42 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: Reporting results of medical examination, care and treatment; billing third parties for care of patient; reporting as required by state law, e.g., birth, death, communicable diseases, violent injuries, etc.; litigation in protection of the government; research study: health care evaluation program; education of health professionals; contractors for duplication by a non-HEW or private duplication service for distribution to multiple users and for automating data. Users: any community health organization, or government agency, private physicians and/or company which had requested or arranged for an examination, treatment or care of an individual by the Bureau of Medical Services may upon request, be furnished clinical information regarding such examination, treatment or care. Army, Navy, Air Force for reports of uniformed service personnel and their dependents examination/treatment; Coast Guard for reports of uniformed service personnel and their dependents; Coast Guard for reports of American seamen found to be suffering from conditions that render them hazardous to themselves or to others aboard ship; NOAA for reports of uniformed service and other personnel of that agency. INS for reports of aliens examined and treated for and in behalf of that agency. Department of Justice for investigation or litigation in protection of the government. Bureau of Prisons for reports of examination and treatment of patients examined and/or treated for and on behalf of the BP. Department of Health or other agency of a state or its subdivision for reports required under state law or regulation. Professional Standards Review Organization of the area of the facility, U.S. Department of Labor, Office of Workers Compensation Programs, for persons claiming compensation benefits due to personal injury while employed by the government. Qualified research personnel with a research protocol approved by the Director, Division of Hospitals and Clinics, when no identification data are abstracted or when participating in an approved disease register. Accreditation and health education program agencies. Health professions students serving an affiliation at the institution. Non-agency physicians or laboratories for continued care of the patient. Veterans Administration to assist uniformed service personnel, retirees and veterans obtain medical care or benefits.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape, punch cards, microfilm.

Retrievability: Purpose: communication for patient care by health care team and related personnel. Administrative use for facility management and medical care evaluation, by medical and related staff, administrative staff of the facility. Educational uses to educate and train medical and allied health personnel. Research, study of disease cause, treatment and methods of care delivery. Users: health care team, other medical and allied medical personnel. Medical and allied health students. Administrative personnel for determination of eligibility for care and facility management. Reports of examination/treatment of individuals at request of DHEW-OP, CPOD. Reports of adverse drug reaction and medical device malfunction to FDA. Recover cost of care - PHS Claims Officer. Retrievability: indexed by name, register number, number control register, disease and operation, uniformed services service number which is the social security number. (Permission has been requested from the Department for the continued use in this system of the SSN as a use within Sec. 7 (a)(2)(B) of the Privacy Act.)

Safeguards: Locked storage area, personnel training and instruction, PHS Policy on release of information, job description responsibility for individual employees.

Retention and disposal: Numbers of years held at HSA (since 1970) - 5 years after last activity. Number of years held at Federal Record Center before disposal - 50 years active duty uniformed service personnel, 25 years all others. Microfilmed records prior to 1970 - permanent. How destroyed: According to FRC policy.

System manager(s) and address:

Director, Division of Hospitals and Clinics
Federal Center Building 03, 6525 Belcrest Road
Hyattsville, Maryland 20782

Notification procedure: Same as system location. Not including Regional Federal Records Centers. Individual must contact appropriate facility directly.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Individual, health care personnel, other hospitals and physicians, employers, social agencies, maritime unions, shipping companies.

Systems exempted from certain provisions of the act: None.

Appendix 1

Director, USPHS Hospital
3100 Wyman Park Drive
Baltimore, Maryland 21211

Director, USPHS Hospital
77 Warren Street
Boston (Brighton), Massachusetts 02135

Director, USPHS Hospital
4400 Avenue N
Galveston, Texas 77550

Director, USPHS Hospital
210 State Street
New Orleans, Louisiana 70118

Director, USPHS Hospital
6500 Hampton Boulevard
Larchmont
Norfolk, Virginia 23508

Director, USPHS Hospital
15th Avenue and Lake Street
San Francisco, California 94118

Director, USPHS Hospital
Box 3145 or
1132 14th Avenue South
Seattle, Washington 98114

Director, USPHS Hospital
Bay and Vanderbilt Streets
Staten Island, New York 10304

Director, USPHS Hospital
Carville, Louisiana 70721

Appendix 2

Director
USPHS Outpatient Clinic
Annette Island, Alaska 99920

Director
USPHS Outpatient Clinic
1600 Clifton Road, N.E.
Atlanta, Georgia 30333

Director
USPHS Outpatient Clinic
Balboa Heights, C.Z.

Director
USPHS Outpatient Clinic
50 High Street, R. 609
Buffalo, New York 14203

Director
USPHS Outpatient Clinic
214 Federal Building
334 Meeting Street
Charleston, S. C. 29403

Director
USPHS Outpatient Clinic
P. O. Box 8
Charlotte Amalie, V. I. 00802

Director
USPHS Outpatient Clinic
1439 S. Michigan Avenue
Chicago, Illinois 60605

Director
USPHS Outpatient Clinic
P. O. and Courthouse Building
5th and Walnut Street
Cincinnati, Ohio 45202

Director
USPHS Outpatient Clinic
New P. O. Building, West 216 3rd Street and Prospect Ave.
Cleveland, Ohio 44115

Director
USPHS Outpatient Clinic
14700 Riverside Drive
Detroit, Michigan 48215

Director
USPHS Outpatient Clinic
Box 1410 or
591 Ala Moana Boulevard
Honolulu, Hawaii 96807

Director
USPHS Outpatient Clinic
204 U. S. Customs Building
701 San Jacinto Street
Houston, Texas 77002

Director
USPHS Outpatient Clinic
Box 4788 or 328 Federal Building
311 West Monroe Street
Jacksonville, Florida 32201

Director
USPHS Outpatient Clinic
P. O. Box 890
Juneau, Alaska 99801

Director
USPHS Outpatient Clinic
969 Madison Avenue
Memphis, Tennessee 38104

Director
USPHS Outpatient Clinic
51 S. W. 1st Avenue, Room 712
Miami, Florida 33130

Director
USPHS Outpatient Clinic
125 Federal Building
Mobile, Alabama 36602

Director
USPHS Outpatient Clinic
245 West Houston Street
New York, New York 10014

Director
USPHS Outpatient Clinic
Room 700
US Customs House
2nd & Chestnut Sts
Philadelphia, Penna. 19106

Director
USPHS Outpatient Clinic
U. S. Post Office and Courthouse
7th and Grant Streets
Pittsburgh, Penna. 15219

Director
USPHS Outpatient Clinic
209 Federal Office Building
5th Street and Austin Avenue
Port Arthur, Texas 77640

Director
USPHS Outpatient Clinic
331 Veranda Street
Portland, Maine 04103

Director
USPHS Outpatient Clinic
220 Courthouse
Broadway and Main Street
Portland, Oregon 97205

Director
USPHS Outpatient Clinic
1520 Market Street
St. Louis, Missouri 63103

Director
USPHS Outpatient Clinic
2105 Fifth Avenue
San Diego, California 92101

Director
USPHS Outpatient Clinic
Box 3788
San Juan, Puerto Rico 00904

Director
USPHS Outpatient Clinic
Box 831
San Pedro, California 90733

Director
USPHS Outpatient Clinic
P. O. Box 9625
Savannah, Georgia 31402

Director
USPHS Outpatient Clinic

P. O. Box 1611
Tampa, Florida 33601

Director
USPHS Outpatient Clinic
HEW South Building
Washington, D. C. 20201

HSA BMS 0008.01

System name: Emergency Non-PHS Treatment Authorization File HEW/HSA/BMS.

Security classification: None.

System location: See Appendices 1 and 2 to Patients Medical Record System PHS Hospitals/Clinics System

Categories of individuals covered by the system: Individuals who are eligible for emergency care paid for by the Public Health Service at non-Service medical facilities and have had such care.

Categories of records in the system: Eligibility information and reasons for emergency care.

Authority for maintenance of the system: Public Health Service Act, Section 321 (42 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: Proof of eligibility to authorize medical care of primary beneficiaries. Users: Non-PHS providers of medical care. Insurance companies for third party reimbursement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Document files.

Retrievability: Purpose: to determine eligibility for medical care by the PHS; used to document expenditure of public funds; review and evaluation of medical care. Users: DHEW administrative officials; DHEW physicians or other DHEW health care professionals. Financial officers of the Division of Hospitals and Clinics, BMS. Retrievability: name.

Safeguards: Retained in files of authorized administrative personnel only.

Retention and disposal: Number of years held at HSA - indefinite.

System manager(s) and address:

Director, Division of Hospitals and Clinics
FCB 03, 6525 Belcrest Road
Hyattsville, Maryland 20782

Notification procedure: Same as system location. Individual must contact appropriate treatment facility directly.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Individual or someone acting in his behalf, and providers of medical care.

Systems exempted from certain provisions of the act: None.

HSA BMS 0009.01

System name: Cooperative Research Studies System: Pyelonephritis HEW/HSA/BMS.

Security classification: None.

System location: Appendix 1 to Patients Medical Record System PHS Hospitals/Clinics System.

Categories of individuals covered by the system: Patients at Public Health Service Hospitals who have agreed to participate in the project.

Categories of records in the system: Medical data.

Authority for maintenance of the system: Public Health Service Act, Section 321 (42 U.S.R. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Users: qualified research personnel with approved research protocol. Contractor for automating, compiling and analysis of data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents, magnetic tape, punch cards.

Retrievability: Purpose: medical research. Users: qualified research personnel Retrievability: study number, name, hospital register number.

Safeguards: Locked files, access to study number control limited to research project personnel.

Retention and disposal: Retained for life of research project.

System manager(s) and address:

Director, Division of Hospitals and Clinics
Federal Center Building 0 3, 6525 Belcrest Road
Hyattsville, Maryland 20782

Notification procedure: Same as above, giving treatment location.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Individual and medical care system.

Systems exempted from certain provisions of the act: None.

HSA BMS 0010.01

System name: Cooperative Research Studies System: Essential Hypertension HEW/HSA/BMS.

Security classification: None.

System location: System location: Appendix 1 to Patients Medical Record System PHS Hospitals/Clinics System.

Categories of individuals covered by the system: Patients at Public Health Service Hospitals who have agreed to participate in the project.

Categories of records in the system: Medical data.

Authority for maintenance of the system: Public Health Service Act, Section 321 (43 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: research. Users: qualified research personnel with approved research protocol. Contractor for automation, compiling and analyzing data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents, magnetic tape, punch cards.

Retrievability: Purpose: medical research. Users: qualified research personnel. Retrievability: study number, name, hospital register number.

Safeguards: Locked file. Access to study number control and record limited to research project personnel.

Retention and disposal: Retained for the life of the study project.

System manager(s) and address:

Director, Division of Hospitals and Clinics
Federal Center Building 0 3, 6525 Belcrest Road
Hyattsville, Maryland 20782

Notification procedure: Same as above. Individuals must provide treatment location.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Individual and medical care system.

SSA HA 1075.01

System name: Panel Listings for Vocational Experts and Medical Advisors HEW SSA.

Security classification: None.

System location: All Hearing Offices (See Appendix G).

Categories of individuals covered by the system: Vocational Experts and Medical Advisors.

Categories of records in the system: A list of all Vocational Experts and Medical Advisors under contract to the Bureau of Hearings and Appeals who are within the area serviced by the hearing office. In addition a folder is kept for each expert containing a copy of their contract, qualifications, correspondence, travel orders, and invoices.

Authority for maintenance of the system: Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See 45 CFR, Part 5b.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folder.

Retrievability: Alphabetically - enables the presiding officer to select the needed expert on a rotational basis for utilization in individual cases.

Safeguards: Limited access to SSA officers; limited employee access to need to know.

Retention and disposal: Indefinitely.

System manager(s) and address:

Director
Bureau of Hearings and Appeals, Room 503
801 North Randolph Street
Arlington, Virginia 22203

Notification procedure:

Social Security Administration
Bureau of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Record access procedures: Written request to above address.

Contesting record procedures: Same.

Record source categories: Vocational Experts and Medical Advisors.

SSA HI CAR 0175.02

System name: Carrier Medicare Claims Records HEW SSA.

Security classification: None.

System location: Carriers, under contract to Social Security Administration (See Appendix C, section 4).

Categories of individuals covered by the system: Recipients of Part B (Supplementary Medical) Medicare benefits.

Categories of records in the system: Request for Payment; Provider Billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier; Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to physicians and other suppliers of Part B Medicare services.

Authority for maintenance of the system: Sections 1842 and 1874 of title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The record is prepared by the beneficiary and is used by the carriers to determine amount of and entitlement to Part B benefits. The bills are retained by the carriers. The record is also used to update the Part B Physician/Supplier

25,000 listing. Disclosures of physician's customary charge data are made to state audit agencies in order to ascertain the correctness of Title XIX charges and payments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained on paper.

Retrievability: System is indexed by health insurance claim number.

Safeguards: Unauthorized personnel are denied access to the records area. Disclosure is limited.

Retention and disposal: Close out at the end of the calendar year in which paid, two additional years, transferred to Federal Records Center and destroy after another six years.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for system records should be addressed to the most convenient social security office or to Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Record access procedures: The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

Contesting record procedures: Same.

Record source categories: The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

SSA MA AAP 0175.01

System name: Criminal Investigations File HEW SSA.

Security classification: None.

System location:

Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Records maintained pertain predominantly to those persons alleged to be in violation of either personnel regulations or criminal provisions of the Social Security Act.

Categories of records in the system: Case control log - Records incoming date and source for all cases received. This log is cross indexed to the branch number assigned to each case. Development worksheet - Each case is indexed to annotate current case status by date. Criminal investigation case file - Provides reports of contracts, exhibits, related memorandum, and final report.

Authority for maintenance of the system: Sections 206, 208, 221, 222, 1106, 1107, 1631, 1632, 1633, 1816, 1842, 1872, 1874, 1876, and 1877 of the Social Security Act and sections 413 and 427 of the Federal Coal Mine Health and Safety Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Investigation case file - Documents contacts with other agencies, officials, and third parties potentially having information bearing on the issue under investigation. Routinely provides documented case history for use by the investigator to prepare for further legal proceedings and for dissemination to the requesting bureau. (Cross-reference; 45 CFR,Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Case numbers are assigned chronologically to indicate the nature of the case. Case control log - Predominantly provides a cross index of incoming requests to branch case numbers for administrative purposes. Development worksheet - Each investigator indicates the current status of the case for branch management to ascertain further developments and to establish chain of custody.

Safeguards: The file cabinets and the office where these records are maintained are closely supervised during business hours and locked during non-business hours. In addition, two combination safes storing sensitive evidence are supervised directly by the branch chief. All records are prepared manually on Social Security Administration forms, when possible, and signed or initialed by the investigator.

Retention and disposal: All records are maintained indefinitely. The Handbook for Investigators issued for the use of branch personnel continues to remain current.

System manager(s) and address:

Branch Chief, Investigations Branch
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him by requesting such information in writing from the systems manager.

Record access procedures: Per 5 United States Code 552a (k)(2), the records in this system are exempt from access by the individual named in the records. However, access to information which is a matter of public record or documents furnished by the individual will be permitted.

Contesting record procedures: Same.

Record source categories: Information is selected from a broad range of categories including public records, Federal and State agencies, employer records, hospital files, and public contacts.

Systems exempted from certain provisions of the act: Exemption of this system to the access provisions is claimed under section (k)(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for program (law) enforcement or law enforcement in anticipation of a criminal proceeding. (See Page 47413 of Part V of the Federal Register, Vol. 40, No. 196, Wednesday, October 8, 1975).

SSA MA EO 0175.02

System name: Employee Housing Request Files HEW SSA.

Security classification: None.

System location:

Special Staff for Equal Opportunity, Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: SSA employees who have requested housing counseling services.

Categories of records in the system: This system of records contains the employee's name, home address, position, grade, work location, work telephone number, housing assistance requested and assistance given.

Authority for maintenance of the system: Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Statistical data furnished to U.S. Dept. of Housing and Urban Development.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by the employee's name. Information is used by housing counselors to assist employee in finding suitable housing.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are maintained for 1 year and then destroyed.

System manager(s) and address:

Director, Special Staff for Equal Opportunity
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Contact the System Manager and provide name, clerk number or other identifier, and place of SSA employment or former employment.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Information provided by the employee.

SSA MA HR 0175.01

System name: Personnel Research and Test Validation Records HEW SSA.

Security classification: None.

System location:

Office of Management and Administration, SSA
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: SSA employees.

Categories of records in the system: These records include education and employment history, test scores, responses to test items and questionnaires, interview data and ratings of supervisors regarding the individuals to whom the records pertain.

Authority for maintenance of the system: Title 5, U.S. Code Sec. 3301, Sec. 1303.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use includes the exchange of personnel records between SSA and the Civil Service Commission for personnel research purposes and the use of personal identifier such as employee name to identify employees included in research studies that extend over a period of time (longitudinal studies). These records may be also used as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act. (See also 45 CFR, Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, on punched cards, microfiche, computer tape, and computer storage.

Retrievability: Records are maintained by project. Personal information can be retrieved by name or personal identifier (such as social security number) only for certain research projects such as those that involve longitudinal studies. Confidential and/or protected information such as ratings and test materials will not be disclosed. Data are collected on a project by project basis and are used for the construction, analysis and validation of written tests; for research on personnel measurement and selection methods and techniques and research on personnel management practices such as performance evaluation or productivity. No personnel decisions are made in the use of these research records. Many data are collected under conditions assuring their confidentiality. This confidentiality will be protected. Personal information in this system of records is used by the Personnel Measurement and Research Branch in its research activities.

Safeguards: Records are kept in locked files or locked room, and access is limited to research staff.

Retention and disposal: Indefinite.

System manager(s) and address:

Assistant Commissioner, Office of Human Relations
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Write to the Chief, Personnel Measurement and Research Branch and provide name, name of system, identifier where required, and place of SSA employment or former employment.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Individual SSA employees, supervisors, assessment center assessors or data from SSA personnel files and records.

Systems exempted from certain provisions of the act: Under the provisions of 5 USC 552, Sec. K (6), which provides for exempting 'testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process,' we exempt from disclosure all Social Security Administration merit promotion tests and proposed tests, including all alternate forms of such tests and proposed tests.

SSA MA HR 0375.01

System name: Debtors, Credit Counseling and Consumer Protection HEW SSA.

Security classification: None.

System location:

Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Employees of SSA headquarters who request services or employees about whom the administration receives written inquiries because of employees' alleged delinquency in paying taxes and just debts.

Categories of records in the system: Form SSA-3048:

Employee's name
Social Security Number
Telephone extension
Bureau, branch
Grade
Area of service
Nature of request including personal information as to finances that the employee voluntarily provides
Disposition, including employee's stated intentions
Record of letters or tax forms sent as replies and referrals made to community organizations
Copies of letters from employees to consumer agencies
Letters from creditors or their representatives and copies of our
replies
Copies of tax levies against employees.

Authority for maintenance of the system: Title 45 Public Welfare, Part 73.735-702 Standards of Conduct HEW Federal Personnel Manual, 735-4-10.B1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Consumer Credit Counseling Service, creditors, and firms or organizations involved in consumer complaints with employee's permission and in employee's presence; Justice Department, Secret Service, and U.S. Attorney (See also 45 CFR, Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Alphabetically by name. These files are also used by staff members of Employee Relations Branch for work processing, perspective in counseling and possible disciplinary action when indicated.

Safeguards: Locked steel file cabinets.

Retention and disposal: Routine cases destroyed by shredding after period of one year except for tax review which are kept indefinitely. Ongoing cases in which there is indepth counseling may be kept up to three years from date of last contact.

System manager(s) and address:

Director of Personnel
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries should be addressed to the Employees Relations Branch, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, and should include the individual's name.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Information obtained from employee, creditors, IRS, State Tax Division of various States. SSA Computer Printout 7887 Part I 'Locator' used to find telephone extension of employees.

SSA MA OF 0475.02

System name: General Criminal Investigation Files HEW SSA.

Security classification: None.

System location:

Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Reported violators of Federal and State criminal laws on Social Security Administration property.

Categories of records in the system: Investigative efforts to resolve reported crimes and evidence obtained for judicial prosecution.

Authority for maintenance of the system: Section 535 of Title 28, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To facilitate the investigation and solution of crimes and the prosecution of offenders. Disclosures are routinely made to the Justice Department. (See 45 CFR, Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Heavy-weight Kraft file folders in fireproof, locked, steel cabinets.

Retrievability: Indexed alphabetically by names of subject of investigation.

Safeguards: Access limited in storage area to Protective Security Section only.

Retention and disposal: Seven years, then shredded.

System manager(s) and address:

Chief
Protective Security Section
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him by sending a request in writing to the Systems Manager. The request should contain full name, date of birth, as well as work location in the Social Security Administration.

Record access procedures: Per 5 U.S.C. 552a(k)(2), the records in this system are exempt from access by the individual named in the records. However, access to information which is a matter of public record or documents furnished by the individual will be permitted.

Contesting record procedures: Same.

Record source categories: Information in files comes from interviews of persons believed knowledgeable about crimes under investigation who furnish relevant facts which can serve to identify possible violators and secure the conviction of the guilty.

Systems exempted from certain provisions of the act: Exemption of this system to the access provisions is claimed under section (k)(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for law enforcement in anticipation of a criminal proceeding. (See page 47413 of Federal Register of 10/8/75, Vol. 40, No. 196, Part V).

SSA MA QA 0175.01

System name: Supplemental Security Income Quality Assurance System HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Randomly selected individuals who have applied to the Social Security Administration for supplemental security income benefits and those who were transferred from State welfare rolls for Aid to the Aged, Blind, and Disabled to the rolls of supplemental security income beneficiaries.

Categories of records in the system: Quality Assurance data base, selected case file, contingency sample master file, quality assurances universe file, designated case file, designated case transmission file, designated case extract file, sample control list, and Federal fiscal liability control file. These records may contain: social security number, State and county of residence, type of claim, information regarding Federal or State administered supplementation payments, social security claim numbers, living arrangements and family composition, income information, sex, race, resources, third party contacts, and indications of processing errors.

Authority for maintenance of the system: Sections 205(a), 1631(d), and 1631(e) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Quality Assurance data base is used for accumulating and tabulating data to determine the accuracy of the eligibility status of beneficiaries and of benefit amounts paid under the supplemental security income program. It is also used to calculate the Federal fiscal liability case and gross dollar error rates for State supplement funds administered by the Social Security Administration. Other categories of records provide data necessary to complete the data base and to provide information to the Social Security Administration's Quality Assurance Field Staffs needed to review cases in order to obtain information on the quality of work accomplished in the supplementary security income program. Contact is had with members of the community, and local, State, and Federal agencies in order to determine the accuracy of the case decisions. (See also 45 CFR, Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: In sequence by social security number.

Safeguards: Tapes are stored in tape vault in Electronic Data Processing Operations Branch or in protected storage racks. The entire area is secured by guarded entrances, with admission limited to authorized personnel.

Retention and disposal: The Quality Assurance data base is retained indefinitely. Other records are erased after 3 to 6 months.

System manager(s) and address:

Director, Office of Quality Assurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Requests may be forwarded to the Director, Division of Quality Review, Office of Quality Assurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Record access procedures: Access should be requested from the Director, Division of Quality Review, at the address listed under 'System Manager,' or from the Program Review Officer serving the individual's State of residence (See Appendix D-3).

Contesting record procedures: Same.

Record source categories: Information in the supplemental security income quality assurance system is furnished by applicants for and beneficiaries of supplemental security income, representative payees of such individuals (where appropriate), Social Security Administration offices, other Federal and State agencies, and (with prior written permission of the applicant or beneficiary) from private sources.

SSA MA QA 0375.02

System name: Quality Assurance Casefile.

Security classification: None.

System location: Twenty-five (25) field offices located throughout the United States (See Appendix D-4).

Categories of individuals covered by the system: Applicant/Beneficiary--An individual who filed a prescribed application for SSI benefits/ an aged, blind, or disabled person who meets the SSI requirement.

Categories of records in the system: The Quality Assurance Casefile contains information from SSA records and information obtained by Qaulity Assurance Specialists from SSI beneficiaries and from collateral sources. This information relates to the sampled beneficiary's eligibility for SSI payments and to his payment amount. The information is used in conjunction with similar information obtained on a random basis nationwide to determine the effectiveness of SSA's administration of the SSI program and to whether or not policies and procedures relating to his program are being administered in a correct and uniform manner.

Authority for maintenance of the system: Sections 1631(d)(1) and 1631(e)(1)(B) of title XVI of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in a file may be used to contact third-party sources to verify the beneficiary's statements, and to locate the beneficiary when his whereabouts are unknown. Disclosures are also made to State Welfare Departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manilla folder.

Retrievability: The Quality Assurance Casefiles can be retrieved if social security number, name, and address are known.

Safeguards: The casefiles are stored in the Quality Assurance Field Offices that have jurisdictional responsibility for the review of the selected SSI sample case either in locked cabinets and/or locked rooms or in space serviced by GSA guards.

Retention and disposal: The Quality Assurance Casefile is retained 18 months after the month the case was selected for QA sample case review.

System manager(s) and address:

Director
Office of Quality Assurance
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Requests may be forwarded to the Program Review Officers (See Appendix D-3).

Contesting record procedures: Same.

Record source categories: Information in the Supplemental Security Income Quality Assurance System is furnished by applicants for and beneficiaries of Supplemental Security Income, representative payees of such individuals (where appropriate), Social Security Administration offices, and other Federal and State agencies, and (with prior written permission of the applicant or beneficiary) from private sources, such as banks, landlords, etc.

SSA PO RSI 0275.02

System name: Master Beneficiary Record HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All social security beneficiaries currently entitled to receive retirement, survivors, disability, and special minimum social security benefits; records for beneficiaries whose entitlement has been terminated because of a termination event as defined in the Social Security Act; and denied and disallowed cases.

Categories of records in the system: The master beneficiary data contains data applicable to all beneficiaries maintained on the record within a particular account and reflects the social security number under which benefits are awarded, the primary insurance amount (insured) or quarters of coverage required and earned (uninsured); provides information regarding benefit computation, insured status, use of railroad or military credits, and information for statistical and control purposes; contains the effective date of onset of disability for disability cases or date and proof of death for death cases; contains information pertinent to all beneficiaries receiving payment on the record and the name and address (including ZIP Code) of the payee, the servicing social security district office code and the amount of the monthly check payable; reflects any special status of a payment being made; contains statistical and identifying information for each individual on the record such as the beneficiary subscript, beneficiary name, date of birth, date of entitlement, sex, race, and benefit payment status; contains information for those beneficiaries enrolled in the health or supplemental medical insurance provision of the Social Security Act; contains information relating to annual reports of earnings, representative payee data, and cross-reference data pertinent to any other account on which the beneficiary may be entitled to benefits; and a chronological sequence of payment history for each beneficiary. The records may be in the following form: Master Beneficiary Record Computer File; Online Data Base (Query and Response); Various Microform Files as follows: Master File - a master record in account number order, Alpha File - an alphabetic list of beneficiaries, Transaction File - monthly supplement (accretions, deletions, and changes) to the master file, in account number order, Offline Query and Response, Treasury Payment Tape Files and Related Transaction Files, Various One-Time Work Tape Files used in computer sorting of records and in subsystems processing of the master beneficiary record. After use they are returned to stock, Payment Reference Listing.

Authority for maintenance of the system: Payment of benefits is directed by the following sections: Sections 202a-i, 223, 226, 228, and 1611 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses for disclosure may be to:

a. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security programs when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

b. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

c. A person (or persons) on the rolls when a claim is filed by another individual which is adverse to the person on the rolls:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.

d. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verfication services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.
e. The United States Postal Service for investigating alleged forgery or theft of social security checks.
f. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.
g. The Department of State and the Veterans' Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.
h. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.
i. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).
j. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.
k. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earning.
l. The Civil Service Commission for the study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.
m. State social security administrators for administration of agreements pursuant to section 218 (State and local).
n. State Welfare Departments for administering Sections 205(c)(2) (B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes and for determining a recipient's eligibility under the AFDC and Medicaid programs.
o. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure. (See also 45 CFR, Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, microfilm, and paper.

Retrievability: Based on social security number on magnetic tape, microfilm readers and printers, listings, and online computer terminals. Master beneficiary record data are used by a broad range of social security employees for responding to inquiries, generating followups on beneficiary reporting events, computer exception processing, statistical studies, conversion of benefits, and to generate payment records for Treasury. Data are channelled from this system to State Welfare Departments, with consent of the individual, for Aid to Families with Dependent Children program purposes; and data are received from the States regarding health insurance third party premium payment/buy-in information.

Safeguards: Magnetic tape and microfilm files are protected through standard security measures used for all of the Social Security Administration's computer records. Paper records are subject to the same safeguards as all other information in the Social Security Administration relating to claims and beneficiary records--limited access to social security offices, limited employee access to need to know; all employees receive instruction in Social Security Administration confidentiality rules in an initial orientation.

Retention and disposal: Magnetic tape records are retained up to 90 days; the majority of magnetic tape reels are erased and returned to stock after processing is completed. Microfilm is disposed of by shredding after periodic replacement of a complete file. Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder, in which case they are retained therein indefinitely (see notices for claims folders and post-adjudicative records of applicants and beneficiaries for social security benefits).

System manager(s) and address:

Director
Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Contact the most convenient social security office (see Appendix F). The social security claim number (social security number plus alphabetic symbols), and name and address must be furnished with proper identification.

Record access procedures: Contact may be in person, or in writing to the most convenient social security office.

Contesting record procedures: Same.

Record source categories: The information for the master beneficiary record comes primarily from the claims folder and/or is furnished by the beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given the Social Security Administration by the beneficiary; from States regarding health insurance buy-in cases.

SSA PO RSI 0975.02

System name: Program Integrity Case Files HEW SSA.

Security classification: None.

System location:

Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235
and its program centers (see Appendix A)

Bureau of Disability Insurance
Baltimore, Maryland 21241
its regional office locations (see Appendix B)

Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235
or the Health Insurance Regional Office locations (see Appendix C)

Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235
or the Supplemental Security Income Regional Office locations (see Appendix D)

Categories of individuals covered by the system: Persons suspected of having violated the criminal provisions of the Social Security Act where substantial basis for criminal prosecution exists, and defendants in criminal prosecution cases.

Categories of records in the system: Information maintained in each record includes the identity of the suspect, the nature of the alleged offense, documentation of the investigation into the alleged offense, and the disposition of the case by the Social Security Administration or the United States Attorney.

Authority for maintenance of the system: Sections 206, 208, 221, 222, 1106, 1107, 1631(d)(3), 1632, 1633, 1816, 1842, 1872, 1874, 1876, 1877 of the Social Security Act, and sections 413 and 427 of the Federal Coal Mine Health and Safety Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Material in this system of records is routinely used by SSA staff to determine if a violation of the penal provisions of the Social Security Act or related provisions of the United States Code has been committed. If so, such material is used as the basis for referral of the case to the Department of Justice for consideration of prosecution, and is disclosed to that agency. The material is also used to determine the direction of investigation of potential fraud situations, which includes contact with third parties for the purpose of establishing or negating a violation. Some such information is disclosed to States Attorneys in connection with the administration of State programs involving the Social Security Administration. Cases involving fraudulent tax returns or forgery of social security checks are disclosed to the Treasury Department. (See also 45 CFR, Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual system, records maintained in manila folders and stored in filing cabinets.

Retrievability: Records are indexed and retrieved by social security number or by name of the subject of the investigation. The information in this record system pertains to suspected violations

and fraud investigations. Cases may move through several levels of the Social Security Administration organization at the district, regional and/or central office locations during the course of documenting a suspected fraudulent situation.

Safeguards: Records are maintained in locked filing cabinets and are accessed only by employees with a job-related need for the information.

Retention and disposal: Records may be retained 3 - 6 years after final disposition of the case. At the end of the retention period, the records are destroyed by shredding. (Supplemental security income cases are scheduled for 6 year retention, all others 3 years; once experience has been gained with the former types of case, it may be possible to reduce it to 3 years.)

System manager(s) and address:

Director
Office of Quality Assurance
6401 Security Boulevard
Baltimore, Maryland 21235

Director
Bureau of Disability Insurance
Baltimore, Maryland 21241

Director
Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Assistant Commissioner
Office of Quality Assurance
Office of Management and Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: An individual can determine if this system contains a record pertaining to him by requesting such information in writing from the appropriate program center for retirement and survivors cases (see Appendix A); Bureau of Disability Insurance for disability, black lung, or Supplemental Security Income disabled or blind cases; the appropriate Health Insurance Regional Offices for health insurance cases (see Appendix C); or the appropriate Quality Assurance Field Staff for supplemental security income cases (see Appendix D). The request should include the individual's name and social security number, any social security number on which he has filed for or received benefits, the type of such claim, and current claim status.

Record access procedures: Per 5 United States Code 522a (k)(2), the records in this system are exempt from access by the individual named in the records. However, access to information which is a matter of public record or documents furnished by the individual will be permitted.

Contesting record procedures: Same.

Record source categories: The information contained in this record system is the result of criminal investigation and may be derived from such sources as the suspect, witnesses, or Social Security Administration employees with a knowledge of the case.

Systems exempted from certain provisions of the act: Exemption of this system to the access provisions is claimed under section k(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for program (law) enforcement in anticipation of a criminal proceeding. (See page 47413 of Federal Register of 10/8/75, Vol. 40, No. 196,Part V).

SSA PO SSI 0775.01

System name: Overpayment File (Supplemental Security Income) HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Any supplemental security income payment recipient having a potential supplemental security income overpayment.

Categories of records in the system: The Supplemental Security Income Overpayment File contains data regarding eligibility, citizenship, residence, eligibility for other benefits, alcoholism and drug addiction data (if applicable), income data, resources, payment amounts, overpayment amounts, and living arrangements for all persons who have applied for supplemental security income payments.

Authority for maintenance of the system: Sections 1602 and 1631(b) of Title XVI of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Supplemental Security Overpayment File is used to maintain a historical record of overpayment data for all supplemental security income recipients, and in processing bills to the respective States for their share of supplemental security income overpayments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Magnetic tape is accessed by social security number. Within the Social Security Administration, the file is used to alert the social security district offices of potentially overpaid supplemental security income recipients.

Safeguards: The magnetic tape records are protected through standard security measures used for all computer records housed within the Social Security Administration--limited access to computer facilities by specific authorization.

Retention and disposal: The Supplemental Security Income Overpayment File is retained for an indefinite period.

System manager(s) and address:

Director
Bureau of Supplemental Security Income
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Contact the Systems Manager and provide name, social security number, identify the systems name, and pertinent information about your case.

Record access procedures: Write the Systems Manager.

Contesting record procedures: Same.

Record source categories: The data contained within the supplemental security income overpayment file is derived from the supplemental security income master record which, for the most part, is provided by applicants for supplemental security income payments.

SSA PO SSI 0875.01

System name: Supplemental Security Income File of Refunds HEW SSA.

Security classification: None.

System location:

Bureau of Supplemental Security Income
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: This file contains refund records for any aged, blind, or disabled individual who was overpaid or not entitled.

Categories of records in the system: This file contains information about refunds sent in by persons who were overpaid or not entitled to Supplemental Security Income payments they received. Specific information is name of individual, social security number, date of refund, and amount of refund.

Authority for maintenance of the system: Sections 1602, 1611, and 1631 of Title XVI of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The file is established after the money received has been recorded and deposited in the Federal Reserve Bank. The money refunded is broken down into Federal share and State share for accounting purposes. The information is input to the electronic system to be matched against the same information being entered by district offices. This serves as an audit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The source document is filed in standard filing cabinets by bank deposit schedule number. The cross reference listing, in social security number sequence, by month is maintained in binders. Punchcards used to prepare the listings and to input the information to the system are stored in card trays. The manual file is maintained in social security number sequence so that inquiries and refunds from district offices can be answered.

Retrievability: Listings referenced by social security number.

Safeguards: Information is only furnished to other Social Security Administration components with limited access by employees on a need-to-know basis.

Retention and disposal: The source documents and listings are being held indefinitely. Eventually they will be retired to the Federal Record Center. Punch cards are destroyed by shredding after all exceptions have been resolved.

System manager(s) and address:

Director, Bureau of Supplemental Security Income
Social Security Administration
6401 Security Boulevard
BAltimore, Maryland 21235

Notification procedure: Contact the Systems Manager and provide name, social security number, the systems name, and pertinent information about your case.

Record access procedures: Write the Systems Manager.

Contesting record procedures: Same.

Record source categories: The receipt form completed by an employee in the social security district office plus the actual check, money order, etc., used to remit the money. /*

Retrievability:

E ASE FIP 4.01

System name: Support for Improvement of Postsecondary Education; Field Readers to Review Proposals for FIPSE.

Security classification: None.

System location:

Fund for the Improvement of Postsecondary Education
Room 3141, 400 Maryland Avenue, S. W.
Washington, D. C. 20202

Categories of individuals covered by the system: Individuals with backgrounds and experience in postsecondary education.

Categories of records in the system: Resumes indicating name, position, work experience, and general personnel information.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For uses 1 through 8 in Appendix B of the Departmental Regulations (45 Code of Federal Regulations 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in cabinet.

Retrievability: The file is organized by individuals who have read for FIPSE by year, program and name; and by individuals who request to read for FIPSE by name.

Safeguards: Administrative use by authorized agency personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Information is retained until the individual requests deletion from files.

System manager(s) and address:

Deputy Director, FIPSE
Room 3141, 400 Maryland Avenue, S. W.
Washington, D. C. 20202

Notification procedure: System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

Record access procedures: Contact system manager, listed above.

Contesting record procedures: Same as above.

Record source categories: Information forwarded to FIPSE by individuals interested in serving as field readers; information obtained by contacting individuals with specific expertise in postsecondary education.

Systems exempted from certain provisions of the act: None.

E OE EDS 1.01

System name: Migrant Student Record Transfer System (MSRTS). HEW E.

Security classification: None.

System location:

State Department of Education
Arch Ford Education Building
Little Rock, Arkansas 72201

Categories of individuals covered by the system: Serves migratory children of migratory agricultural workers or of migratory fishermen.

Categories of records in the system: There are two records which are maintained for each student. They are: 1) school record and 2) medical record. The school record has four main areas of information: (a) personnel key data -- name, age, birthplace, home base city, and state; (b) school data; (c) health data; (d) academic and testing data. The medical record has three main areas of information: (a) personnel key data -- (see above); (b) health data; (c) in-depth medical followup data.

Authority for maintenance of the system: P.L. 93-380, Section 122(a)(1)(A) and (B) of the Elementary and Secondary Education Act of 1965, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Local educational agencies or any other agency approved by the Chief State School Officer to operate Title I migrant program to assist in knowing the background and experiences of migrant children in the academic and health field for proper placement and programming. For uses 1, 3,5,7, 8, and 9 in Appendix B of the Departmental Regulations (45 Code of Federal Regulations 56). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is recorded on a computer disc and stored in the computer.

Retrievability: The data are indexed by student name, birth date, sex and student identification number. If student identification number is not known, data can be retrieved by student name, birth date, and sex.

Safeguards: Technical: code used daily by terminal operators; code used by schools (ID numbers); only coded schools are allowed to receive information; student ID numbers are assigned only by the computer center; a log is kept on all personnel entering and leaving computer room; only the terminal operator at each terminal site (142) has knowledge of the telephone number needed for computer communications.

Safeguards passed by State directors in Washington, D.C., December 3, 1969. The unanimous resolution reads as follows: 'The Migrant Records Data Center of Little Rock, Arkansas, by request, will make available to State educational agencies data on individual migrant children plus summary data that may be appropriate in connection with the educational program for such children. In accordance with State laws, educational agencies will be responsible for safeguarding the information received to protect the personal privacy of the children whose records are stored in the Data Center.

The Migrant Records Data Center, upon request through the respective State educational departments, will make available to local educational agencies data on individual migrant children and summary data as may be appropriate to be used in connection with the educational program for such children.

Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: (Data missing).

System manager(s) and address:

Chief, Migrant Branch
Division of Education for the Disadvantaged
U.S. Office of Education
Washington, D.C. 20202

Notification procedure: System manager (see above) will respond to inquirers. Only school with verified ID codes can request this information. To ascertain if a person is on the system the person would have to: 1) state nature of their request to the SEA; 2) be directed to a certified migrant program school; and 3) give his first, last, and middle name, sex, date of birth, and his migrant student identification number if known to him. The certified school official will then request the information if any through the terminal operator assigned to that school.

Record access procedures: Contact system manager above.

Contesting record procedures: Contact system manager above.

Record source categories: All information on the MSRTS must come from school officials who enroll the child. Terminal operators and system personnel in Arkansas are not allowed to alter this information. School personnel such as teachers, nurses, aides, counselors, principals, and recruiters are the main sources of information. Additional information from personal interviews with parents or guardians is also obtained. At the time of recruitment, the system's purposes are explained to the parent or guardian and permission by written signatures is obtained to enroll such children in the program and transfer system.

Systems exempted from certain provisions of the act: None.

OASH OAM 0004.01

System name: PHS Commissioned Corps Training Files and Materials. HEW/OASH/OAM.

Security classification: None.

System location:

Office of the Director, Commissioned Personnel Operations Division
Office of Personnel Management/OAM/PHS
Room 41-15, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Commissioned Officers in the Public Health Service.

Categories of records in the system: Education Allowance Material for overseas education of officers' children; applications for continued professional training; applications for Commissioned Officers Student Training and Extern Program (COSTEP); and correspondence relating to the above.

Authority for maintenance of the system: Public Health Service Act Section 201 et seq. (42 U.S.C. 202 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records kept in metal file cabinets.

Retrievability: By officer's name in alphabetical order and SSN. (Permission has been requested from the Department for the continued use in this system of the SSN as a use within Sec. 7(a)(2)(B) of the Privacy Act.) Used by HEW employees who process these records for the purposes of eligibility review, record maintenance, budgetary estimates, and statistical data.

Safeguards: Building Guard Force.

Retention and disposal: Files retained in permanent PHS Commissioned Corps files and transferred to Official Personnel Folder when employee becomes inactive. Files maintained permanently within PHS.

System manager(s) and address: Director, Commissioned Personnel Operations Division (See Systems Location above).

Notification procedure: Write System Manager.

Record access procedures: Contact the System Manager shown above.

Contesting record procedures: Contact System Manager shown above.

Record source categories: From officers concerned and from official personnel folders.

Systems exempted from certain provisions of the act: None.

OASH OAM 0005.01

System name: PHS Commissioned Corps Officer Board Proceedings. HEW/OASH/OAM.

Security classification: None.

System location:

Office of the Director, Commissioned Personnel Operations Division
Office of Personnel Management/OAM/PHS
Room 4A-15, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Commissioned Officers and applicants to the Commissioned Corps of the Public Health Service.

Categories of records in the system: Commissioned Officers Awards Board files consisting of nominations, citations and related documents. Records of board proceedings relating to appointment, promotion, retirement, and special pay (variable Incentive Continuation Pay) and supportive material.

Authority for maintenance of the system: Public Health Service Act Section 201 et seq. (42 U.S.C. 202 et seq.); 5 USC 4501.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Metal file cabinets.

Retrievability: Alphabetical files by names of persons and SSN. (Permission has been requested from the Department for the continued use in this system of the SSN as a use within Sec. 7(a)(2)(B) of the Privacy Act.) Used by HEW employees who process or participate in Board actions which recommend or decide on appropriate actions in the categories listed.

Safeguards: Building guard force.

Retention and disposal: Indefinitely retained.

System manager(s) and address: Director, Commissioned Personnel Operations Division (See System Location above).

Notification procedure: Write System Manager.

Record access procedures: Contact the System Manager shown above.

Contesting record procedures: Contact the System Manager shown above.

Record source categories: From individuals themselves or their service records, including efficiency and progress reports, and from supervisors.

Systems exempted from certain provisions of the act: None.

OASH OAM 0006.01

System name: PHS Commissioned Officer Grievance, Equal Employment Opportunity and Disciplinary Files. HEW/OASH/OAM.

Security classification: None.

System location:

Office of the Director, Commissioned Personnel Operations Division
Office of Personnel Management/OAM/PHS
Room 4A-15, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Commissioned officers in the Public Health Service.

Categories of records in the system: Files concerning grievances filed by or against commissioned officers; adverse actions taken against commissioned officers; EEO complaints filed by commissioned officers; involuntary retirements and separations of commissed officers; and correspondece relating thereto.

Authority for maintenance of the system: Public Health Services Act Section 201 et seq. (42 U.S.C. 202 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked metal cabinet.

Retrievability: Alphabetically by officer's name and SSN. (Permission has been requested from the Department for the continued use in this system of the SSN as a use within Sec. 7(a)(2)(B) of the Privacy Act.) Used by HEW officials who decide or process grievances, Equal Employment Opportunity complaints or disciplinary actions or who assist those who do so.

Safeguards: Locked cabinet in area under building guard surveillance.

Retention and disposal: Grievance files destroyed after two years. Others kept indefinitely.

System manager(s) and address: Director, Commissioned Personnel Operations Division (See System Location above).

Notification procedure: Write System Manager.

Record access procedures: Contact the System Manager shown above.

Contesting record procedures: Contact the System Manager.

Record source categories: From the individuals themselves, from reports of investigations by Commissioned Personnel Operations Division, and from reports of review boards.

Systems exempted from certain provisions of the act: None.

HRA BHM 0007.01

System name: Public Health Service Scholarship Program HEW/HRA/BHM.

Security classification: None.

System location:

Bldg 31
9000 Rockville Pk.
Bethesda, Md 20014
Div of Computer Research & Tech.
Bldg 12
Bethesda, Md 20014
and Regional Federal Records Center

Categories of individuals covered by the system: Students - Health Professionals as specified in 42 CFR 62: 1) Applicants, 2) Recipients.

Categories of records in the system: Application and associated forms; recipient records also contain progress reports, payroll forms, deferment and placement data.

Authority for maintenance of the system: P.L. 92-585.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets; ADP - Tapes.

Retrievability: The records in this system are used in the following manner: 1) Application - for the selection process by HRA and HSA 2) Recipient - Payroll, tuition and fees, tracking, deferment, defaults, & placement by HRA, HSA, central payroll and PHS claims office. Retrievability: Name, Award No., University, Social Security No. (Permission has been requested from the department for the continued use in this system of the SSN as a use within Sec. 7(a)(2)(B) of the Privacy Act.)

Safeguards: Locking file units have been requested. (Lektriever 200).

Retention and disposal: Number of years held at HRA: 12. Number of years held at Federal Record Center before disposal: 3. How destroyed: shredder (non-selected applicant files destroyed: after six months from deadline due date).

System manager(s) and address:

Chief, Scholarship Section, Student Assistance Staff
9000 Rockville, Pike
Bethesda, Md 20014

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories:

Evaluation forms from school faculty - requested by student applicant
Educational Institution attended
Internship and/or residency training site
HSA and CPOD, OPM/H

Systems exempted from certain provisions of the act: None.

SSA EA PI 0175.02

System name: Automated Controlled Correspondence Extraction System HEW SSA.

Security classification: None.

System location:

Office of Public Inquiries
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Records are maintained for individuals who forward a request for information directly to the Commissioner of the Social Security Administration and for individuals whose requests to members of Congress, the President, etc. are forwarded to the Commissioner for response.

Categories of records in the system: Information is maintained in the system solely to aid in the control of correspondence through the various processing steps. Information in the records includes the following: name of individual involved, social security number (if given), name of third party inquirer (if present), Congressman's name (if a congressional inquiry), address-to-code (official to whom inquiry is directed), signature code (indicates more than one inquiry about an individual), subject matter code, location information (component within the Social Security Administration that received the inquiry and date of receipt), and response information (type and date of Social Security Administration response).

Authority for maintenance of the system: Sections 205(a) and 1631 of the Social Security Act, and Section 413 of the Federal Coal Mine Health and Safety Act (Black Lung).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on magnetic tape and computer discs.

Retrievability: The system is indexed by both name and by computer identification number, which are cross-referred. It is used to control processing of correspondence within the Social Security Administration, and to provide management information regarding the correspondence process.

Safeguards: Records are safeguarded by limiting access to specific system terminals located in correspondence processing areas. The limited amount of identifying data (name, social security number, and subject matter code) contained in any given record does not warrant elaborate safeguards.

Retention and disposal: Records are maintained on-line in the system from the time of control until 13 months after the final response is released. The records are then maintained on magnetic tape for an additional 24 months before being erased.

System manager(s) and address:

Assistant Commissioner for Public Inquiries
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure:

Chief, Office of Public Information Analysis Staff
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Identifying information should include the name of the person inquired
about, the person to whom the inquiry was sent, and the date of the inquiry.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Inquiries directed to the Commissioner of Social Security Administration from members of the public.

SSA HI 0175.02

System name: Health Insurance Master Record--HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Records are maintained on the following categories: Individuals age 65 or over who currently are, or have been, entitled to health insurance benefits under Title XVIII of the Social Security Act; individuals under age 65 who have been entitled for not less than 24 consecutive months to disability benefits under Title II of the Act or under the railroad retirement system; and the spouse or dependent children of a person fully insured under social security who has chronic renal disease.

Categories of records in the system: The system contains information on enrollment, entitlement, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

Authority for maintenance of the system: Section 1814 and 1833 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Health Insurance Master Record is updated daily from the Health Insurance Daily Master File, which ultimately creates the Carrier Alphabetic State List (BEST List). The Health Insurance Master Record is also used to update the Health Insurance Utilization Microfilm and the Chronic Renal Disease Beneficiary History File. Data from this system is disclosed to the Railroad Retirement Board, Group Prepayment Practice Plans, and Health Maintenance Organizations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained on paper listings, microfilm, magnetic tape, disc and punchcards.

Retrievability: System is indexed by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing.

Safeguards: Unauthorized personnel are denied access to the records area. Disclosure is limited to routine use.

Retention and disposal: Records are closed out at the end of the calendar year in which paid, held 2 additional years, transferred to the Federal Records Center, and destroyed after another 6 years.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for system records should be addressed to the most convenient social security office or to the Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Record access procedures: The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from SSA, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

Contesting record procedures: Same.

Record source categories: The data contained in these records is furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual; the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

SSA PO RSI 1275.02

System name: Litigation Activity File HEW SSA.

Security classification: None.

System location:

Bureau of Retirement and Survivors Insurance
Program Policy
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Plaintiffs who have filed court actions against the Secretary of HEW.

Categories of records in the system: Basically, the file is used as a reference and control vehicle for analysts involved in litigation activity. The records contain documentation regarding the various activities carried on by the Division of Entitlement concerning specific litigation cases. For example, documentation includes copies of suggested replies to interrogatories and factual summaries, copies of memoranda to implement court decisions, requests for information from Office of General Counsel and in response to the Office of General Counsel's requests for information, etc. Also included is documentation regarding telephone calls, personal contacts, and letters concerning routine activity on a particular litigation case.

Authority for maintenance of the system: Section 205(g) of the Social Security Act, 42 U.S.C. 402(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored in file cabinets.

Retrievability: File maintained in alphabetical order by plaintiff's last name, and is used by analysts working with the Office of the General Counsel and the reviewing offices for maintaining knowledge of the status of individual court cases.

Safeguards: Limited access based on need to know.

Retention and disposal: Files are maintained until all final actions are completed. After final actions are completed, files are destroyed by shredding.

System manager(s) and address:

Director
Bureau of Retirement and Survivors Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Contact the systems manager in writing, and provide name, social security number, return address, and system name.

Record access procedures: By mail direct or through authorized representative.

Contesting record procedures: An individual, upon review, may contest any portion of the record maintained about him by writing to the systems manager, identifying the system, and providing his return address, the portion of the record contested, and the reason therefor.

Record source categories: Information is recorded from the complaint received from the Office of General Counsel and other correspondence, decisions, recommendations, etc.

System Manager(s) and address:

OS ASPE 2.01

System name: Panel Study of Income Dynamics (Annual National Sample of Heads of households); also known as the Michigan Longitudinal Study. HEW/OS/ASPE

Security classification: None.

System location:

Institute for Social Research
University of Michigan
Ann Arbor, Michigan 48106

Categories of individuals covered by the system: A national sample of approximately 5,000 heads of household with information relating to all household members.

Categories of records in the system: Information included in the household records includes demographic characteristics, sources and amounts of income, amount and kind of work, education of household head and of family, changes in family composition through the years, residential mobility, attitudes toward self, work and life style. Information on the above characteristics is gathered on an annual basis (beginning in 1968).

Authority for maintenance of the system: 42 U.S.C. 2825.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Institute for Social Research (ISR): Data are used for statistical analysis of individual and family changes in economic status through time. Additional research topics such as residential mobility, family breakup, labor supply, etc. are also addressed. Information with individual identifiers is used only for purposes of validation of the data. This validation is performed only by personnel of the Institute for Social Research, University of Michigan.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: When questionnaires are first received by ISR, cover sheets containing individual identifiers are separated from the questionnaires. Potential future linkage of the two is maintained via a number common to the two sets of information. Information from the questionnaires is transferred to one magnetic tape, names and addresses from the cover sheets are transferred to another tape.

Retrievability: Information on the cover sheets and questionaires for each individual could be put back together through use of the identification number common to the two sets of information. Similarily, the name and address tape contains a number for each family which corresponds to the number for that family on the analytic tape. Use of data, without individual identifiers, is open to any member of the public. The Office of the Assistant Secretary for Planning and Evaluation conducts analysis of the data in non-individually identifiable form for purposes similar to those of the Institute for Social Research.

Safeguards: The two sets of paper (cover sheets and qustionnaires) are stored separately, as are the two tapes. The cover sheets and questionnaires are stored in locked cabinets or in restricted access areas. As mentioned, names and addresses are stored separately from the information associated with that name and address. The names and addresses, whether on the cover sheets or on magnetic tape, are not released outside of the Institute for Social Research. Access to the numbers associated with each name and address (which could link the names and addresses to the information derived from the questionnaires) are used only to validate information or link information from the same persons from one year to the next and only with specific permission of the Project Director at the Institute for Social Research.

Retention and disposal: It is anticipated that the cover sheets and the name and address tape will be kept while field work is continuing and for three years thereafter or until it is clear that no further validation of the data will be necessary. At that time, both the cover sheets and the name and address tape will be destroyed.

System manager(s) and address:

Assistant Secretary for Planning and Evalaution
U.S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Project Officer (HEW)
Director, Office of Income Security Policy
Office of the Assistant Secretary for Planning and Evaluation
U.S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Notification procedure: Individuals requesting notice as to whether the system of records contains information pertaining to them should write to the ISR project officer (see below) indicating his or her name, current address and other addresses used since December 31, 1967.

Project Officer at the Institute for Social Research:
Dr. James N. Morgan, Program Director
Institute for Social Research
University of Michigan
Ann Arbor, Michgian 48106

Record access procedures: Individuals who through the notification procedure set out above, have established that the system of records contains information pertaining to them, may inspect and copy those portions of the records pertaining to them by contacting Institute for Social research project officer.

Contesting record procedures: Through Project Officer at ISR (see above).

Record source categories: Information is obtained by personal interview conducted in the home for each of the first five years and by telephone for each subsequent year.

E ASE FIP 5.01

System name: Support for Improvement of Postsecondary Education Contract to the National Radio Institute (NRI) to Develop a Prospectus for Correspondence Study.

Security classification: None.

System location:

National Radio Institute
3939 Wisconsin Avenue, N. W.
Washington, D. C. 20016

Categories of individuals covered by the system: Current students, graduates, and dropouts of NRI.

Categories of records in the system: Reasons for enrolling in NRI programs, completing or discontinuing NRI programs and overall evaluation of NRI programs.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For uses 1 through 8 in Appendix B of the Departmental Regulations (45 Code of Federal Regulations 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in cabinet.

Retrievability: Files arranged according to current students, graduates, and dropouts.

Safeguards: Administrative use by authorized personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Information retained until completion of project.

System manager(s) and address:

Deputy Director, FIPSE
Room 3141, 400 Maryland Avenue, S.W.
Washington, D. C. 20202

Notification procedure: System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

Record access procedures: Contact systems manager, listed above.

Contesting record procedures: Same as above.

Record source categories: Information provided on questionnaires completed by current students, dropouts, and graduates of NRI.

Systems exempted from certain provisions of the act: None.

E ASE FIP 6.01

System name: Support for Improvement of Postsecondary Education Contract to Heald Colleges to Develop a Model Prospectus for Potential Students.

Security classification: None.

System location:

Heald Colleges
Central Administrative Offices
1255 Post Street
San Francisco, California 94109

Categories of individuals covered by the system: 1974 Graduates of Heald Colleges; current Heald students; sample of high school students in the region.

Categories of records in the system: Program of study, job and salary range for Heald Graduates; evaluations of programs for current Heald students, and opinions of prospectus for high school students.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For uses 1 through 8 in Appendix B of the Departmental Regulations (45 Code of Federal Regulations 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files in corporate market at Heald Colleges.

Retrievability: Files organized according to Heald graduates, current students and sample for opinion survey.

Safeguards: Administrative use by authorized personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Information retained until completion of project.

System manager(s) and address:

Deputy Director, FIPSE
Room 3141, 400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

Record access procedures: Contact system manager, listed above.

Contesting record procedures: Same as above.

Record source categories: Survey of 1974 graduates of Heald; interviews and surveys of current students at Heald and sample of high school students.

Systems exempted from certain provisions of the act: None.

E ASE FIP 7.01

System name: Support for Improvement of Postsecondary Education Contract to Formative Evaluation Research Associates to Evaluate Women's Programs at Four Types of Postsecondary Institutions.

Security classification: None.

System location:

Formative Evaluation Research Associates
1130 Hill Street
Ann Arbor, Michigan

Categories of individuals covered by the system: Current and former participants in women's programs administrators of such programs and other administrators at 4 types of postsecondary institutions that have initiated such programs within the last 4 years.

Categories of records in the system: Participant's views on the strengths, weaknesses and outcomes of the program.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For uses 1 through 8 in Appendix B of the Departmental Regulations (45 Code of Federal Regulations 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in cabinet.

Retrievability: Files arranged according to current students, graduates and drop outs.

Safeguards: Administrative use by authorized personnel. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Information retained until completion of project.

System manager(s) and address:

Deputy Director, FIPSE
Room 3141, 400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: System manager; for general inquiries, name and date of previous correspondence, if known; for complaint investigative material, name and any I.D. number assigned. Address is same as above.

Record access procedures: Contact system manager, listed above.

Contesting record procedures: Same as above.

Record source categories: Information provided by current and former participants in women's programs at the 4 institutions selected through interviews, telephone calls and questionnaires.

Systems exempted from certain provisions of the act: None.

E NIE FPG 03.01

System name: ATS-6 Participant Panel. HEW E.

Security classification: None.

System location:

Room 245A
Skytop, Merrill Lane
Syracuse, New York 13210

Categories of individuals covered by the system: Teachers, principals and school administrators who have taken part in the ATS-6 Demonstration Project from Alaska, Appalachia and the Rocky Mountain States since May, 1974.

Categories of records in the system: The records include name, address, school and responses to questionnaires indicating knowledge and opinions regarding the ATS-6 Demonstration Project.

Authority for maintenance of the system: Sec. 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for services and analysis of the records by authorized personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on hard-copy and on magnetic tape and are stored in locked file cabinets when not in use.

Retrievability: The records are indexed by coded I.D. numbers, and in this form are available to NIE/FPG and its contractors for analysis. The code which is indexed by name and by I.D. number is available only for introducing new data into the records and for the preparation of questionnaire mailings.

Safeguards: The code and data files are locked in separate locked cabinets, and access is limited to authorized personnel. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: The hard-copy records and the code will be maintained only until July, 1976, and will be destroyed by fire. The magnetic tape without names will be transferred to NIE/FPG and retained indefinitely.

System manager(s) and address:

Chief, Assessment of Innovative Development Division
Room 632
1200 19th Street N.W.
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, and must include inquirer's name, address, dates of previous correspondence, the system name and ID. number.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The records are being compiled from questionnaires voluntarily returned by the participants.

Systems exempted from certain provisions of the act: None.

E OE EDM 12.01

System name: Record of advances of funds for employees traveling for the Office of Education -- (SF-1038, Application and Account for Advance of Funds). HEW E.

Security classification: None.

System location:

Room 3105, Federal Office Building
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Employees of the Office of Education (including consultants) who have requested advances of funds for travel on official business.

Categories of records in the system: Name, social security number, home and/or business address, amount of travel advance requested, amount actually paid, and unliquidated balance, if any.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For audit by U.S. General Accounting Office (GAO). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in card format and are stored in file cabinets.

Retrievability: Records are indexed by name of individual requesting advance of funds. Records are available to employees of the Finance Division, Office of Education in performance of accounting functions and to the individual to whom funds were advanced.

Safeguards: Direct access is restricted to authorized agency staff in performance of official duties. Maintained in locked file cabinets. Exception: Subject to disclosure requirements of the Privacy Act.

Retention and disposal: Retained four years or until audit by the U.S. General Accounting Office, whichever is earlier. Disposed of by maceration.

System manager(s) and address:

Director, Finance Division
U.S. Office of Education
Room 3105, Federal Office Building
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Notification procedure: System Manager (see above) will respond to inquiries.

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Travelers who complete Form OE 1038. (see system name, above).

Systems exempted from certain provisions of the act: None.

ADAMHA NIMH 0023.01

System name: Saint Elizabeths Hospital General Medical/Clinical Records System and Related Indexes--HEW/ADAMHA/NIMH.

Security classification: None.

System location: This is a widely decentralized system of records. The medical/clinical records of active patients on the rolls of the Hospital, which were written after July 1, 1973, are located in the specific division where an individual patient is residing or, in the case of outpatients, at the location of the specific outpatient clinic where they receive treatment. The medical/clinicalrecords of active patients who were admitted to Saint Elizabeths Hospital prior to July 1, 1973, and which were written prior to that date, are located

in A Building, Room 121 and in the basement of that building, with duplicate copies of those records located in the clinical division where the patient resided or was served as an outpatient. The medical/clinical records of discharged or deceased patients are located in A Building, Room 121 and the basement of that building, and inactive records older than four years are stored in the Federal Records Center in Suitland, Maryland. In addition to the medical/clinical records themselves, SEH maintains numerous card files which contain limited information relating to identification of past and present patients taken from the medical/clinical record and used for management and monitoring purposes. These card files are located throughout the Hospital. Records are located at Saint Elizabeths Hospital, Washington, D.C. 20032, and Federal Records Center, Suitland, Maryland.

Categories of individuals covered by the system: All past and present patients of Saint Elizabeths Hospital.

Categories of records in the system: Inpatient and outpatient psychiatric medical/clinical records. The medical/clinical record contains identifying data (name, date and place of birth, age, sex, race, marital status, legal category, social security number, leave and residential status, admission and discharge dates, identification of relatives and Hospital identification number) and medical/clinical information (physician's admission note, results of physical examinations, descriptions of patient's present and past physical and mental health, diagnosis, prognosis, consultant's opinions, social history, treatment plan, results of diagnostic tests and procedures, notes of patient's response to treatment, progress notes, nurses notes, incident reports, and reports or notes of others who contributed to a patient's treatment and/or social work efforts, and correspondence with Saint Elizabeths Hospital concerning such a patient.

Authority for maintenance of the system: 24 USC 161, et seq.; 21 DC Code 562.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To facilitate treatment of patient when admitted to other facilities; to send records to new physicians.

2. To be used by personnel who are not employees of the hospital for accreditation or licensure of the hospital.

3. To be used as impersonal documents (i.e. with personal identifiers removed) to facilitate teaching programs and scientific research, to further knowledge in the area of diagnosis and treatment.

4. To prepare reports to a referring source such as a physician or a court; to give out to authorized parties, who have legitimate interests in the patient, who are not an employeed by or connected with Saint Elizabeths Hospital.

5. To help satisfy a patient's medicolegal needs.

6. To be disclosed to Professional Standards Review Organizations for health care evaluation.

7. To volunteers on a need-to-know basis participating in the treatment process at St. Elizabeths Hospital.

8. Appendix B of DHEW Regulations, items 100, 101, 102, and 103, 45 CFR 5(b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

1. At Division level (Active Patients) - File folders with general medical record and correspondence file are kept in metal file cabinets. Index cards, monitoring cards, kardex and addressograph plates are kept in their appropriate containers.

2. At Administration level (Discharged and Deceased Patients) - Clinical and correspondence records are filed in separate coded folders with unit numbering system. Patients index - 3x5 card file of all patients hospitalized or treated at SEH in a Kardveyer; Diagnostic Indexes - a 5x7 separate index card file stored in a Visu-Triver.

Retrievability:

Data to be retrieved by patient's name and hospital number.

Purposes of the system are:

1. To document a patient's illness, chief complaint, history, physical examination, diagnostic test and procedure reports, to plan treatment either as an inpatient or an outpatient.

2. To promote continuity of care for follow-up of treatment; for reference upon future treatment and care.

3. To provide basis for reports mandatory under Federal and local laws.

4. In some instances, to provide as a basis for action in the course of employee discipline or competence determination proceedings.

5. To transact hospital business in filing insurance claims, verification of patient's competency, disability, or retirement benefits, verification of leave status and residence.

6. To serve as a basis for hospital administrative planning and evaluation of its programs.

7. To serve as impersonal documents for the hospital staff continuing education and studies.

8. To be used by hospital staff for assessment of the quality of treatment, for medical audit and utilization review.

9. To be used for the legal defense of the hospital and its staff in cases where a claim is based on patient's mental or physical conditions and arising from the patient's treatment at Saint Elizabeths Hospital.

10. To be used for statistical reports, monthly analysis of clinical division services, monthly, quarterly, annual reports.

11. To serve as a basis for reports to accrediting agencies, Joint Commission on Accreditation of Hospitals, American Hospital Association, American Psychiatric Association, Medicare Licensure, etc.

12. Indexes based on the medical/clinical record are routinely used for: (a) speedy identification and location of specific patients; (b) monitoring the completeness of patient records, particularly those discharged or deceased; (c) to monitor the changing status of patients either in terms of transfers within the Hospital or outside the Hospital; (d) easy identification of basic demographic data used for statistical and/or research purposes; and, (e) quick review of current treatment regimen in some cases.

Safeguards:

1. Available only to properly trained and screened personnel.

2. Access limited to authorized individuals only. Enforced by Security personnel. Room are locked when unoccupied.

Retention and disposal: The official psychiatric, medical, and correspondence records are kept in their original forms indefinitely. Nurses' notes are destroyed after the statute of limitation in the District of Columbia for medical records has expired (except for patients who are minors) at which time they are burned or shredded.

System manager(s) and address:

I. Primary (Administration)

Superintendent
Room 105, Administration Building
Saint Elizabeths Hospital
Washington, D.C. 20032

Chief, Medical Records Librarian
Administration Building
Saint Elizabeths Hospital
Washington, D.C. 20032

II. Secondary (Division Level)

Director
Area D Community Mental Health Center
Dix Building

Director
East Side Division
East Side 7

Director
Forensic Division
John Howard Pavilion

Director
Godding Division
Godding 6

Director
Haydon Division
Geriatric Building

Director
Nichols Division
Nichols Building

Director
Mental Health Program for the Deaf
L Building

Director
Medicine and Surgery Branch
W W Eldridge Bldg.

Director
O'Malley Division
Q Building

Director
Richardson Division
P Building

Clinical Director
William A. White Division
William A. White Building

Notification procedure: A patient or former patient may have access to his/her record upon written request, with notarized signature if request is made by mail or with suitable proof of identity if request is made in person, directed to, as appropriate:

Active Patients:
Privacy Act Coordinator
Office of the Director (Division where person receives treatment; see list under 'System Manager')
Saint Elizabeths Hospital
Washington, D.C. 20032

Discharged Patients:
Privacy Act Coordinator
Office of Medical Records Branch
A Building
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided when requesting access: (a) full name; (b) for discharged patients, approximate dates of enrollment at Saint Elizabeths Hospital; (c) if possible, the patient's hospital number; (d) the nature of the material desired.

Record access procedures:

Receptionist - Information Desk
Administration Building
Saint Elizabeths Hospital
Washington, D.C. 20032

Contesting record procedures: Same as Notification.

Record source categories: Medical records are a compilation of sociological, medical, clinical and historical data of a patient. They are a complete report of an illness resulting in an accumulation of a large amount of information about a patient. The information recorded was given by the patient, his/her relatives, or other third persons interested in the patient, from existing records used as reference, from clinical tests (different departments such as lab, X-ray, EEG, etc.), physicians, psychiatrists, nurses, social workers, other therapists who entered their observations and assessments by means of progress notes, reports, etc.

Systems exempted from certain provisions of the act: None.

HSA IHS 0018.01

System name: Unofficial Vital Records System. HEW/HSA/IHS.

Security classification: None.

System location: Indian Health Service Area and Program Offices.

Categories of individuals covered by the system: American Indians and Alaskan Natives.

Categories of records in the system: Birth information.

Authority for maintenance of the system: Public Health Service Act Section 321 (42 U.S.C. 258, 2001 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in file cases.

Retrievability: Purpose: Used in health care program development and evaluation. Users: Authorized agency personnel. Retrievability: Indexed by calendar year of event.

Safeguards: Locked areas.

Retention and disposal: Number of years held at IHS: Varies by IHS area from 1 year to indefinite. How destroyed: Burned or shredded.

System manager(s) and address: See Appendix.

Notification procedure: Name and address of person to be notified: See Appendix

Record access procedures: See Appendix.

Contesting record procedures: See Appendix.

Record source categories: State Health Departments (Vital Statistics).

Systems exempted from certain provisions of the act: None.

Appendix

Director
Aberdeen Area Indian Health Service
Federal Building
115 Fourth Avenue, S. E.
Aberdeen, South Dakota 57401
Attn: Chief, Maternal and Child Health Branch

Director
Albuquerque Area Indian Health Service
Room 4005, Federal Office Building
500 Gold Avenue, S.W.
Albuquerque, New Mexico 87101
Attn: Chief, Program Analysis & Statistics Br.

Director
Alaska Area Native Health Service
P.O. Box 7-741
Anchorage, Alaska 99510
Attn: Chief, Office of Systems Development

Director
Billings Area Indian Health Service
P.O. Box 2143
Billings, Montana 59103
Attn: Chief, Program Analysis & Statistics Br.

Director
Navajo Area Indian Health Service
P.O. Box G
Window Rock, Arizona 86415
Attn: Chief, Maternal and Child Health Br.

Director
Oklahoma City Area Indian Health Service
388 Old Post Office and Court House Bldg.
Oklahoma City, Oklahoma 73102
Attn: Chief, Program Analysis & Statistics Br.

Director
Phoenix Area Indian Health Service
801 East Indian School Road
Phoenix, Arizona 85014
Attn: Director, Office of Program Planning

Director
Portland Area Indian Health Service
Room 200 - Pittock Block
921 S.W. Washington Street
Portland, Oregon 97205
Attn: Chief, Program Planning & Statistics

Program Director
United Southeastern Tribes
Indian Health Service
Oak Towers Bldg.
1102 Kermit Drive
Nashville, Tenn. 37217
Attn: Privacy Act Coordinator

Director
Office of Research and Development
Indian Health Service
P.O. Box 11340
Tucson, Arizona 85734
Attn: Chief, Program Analysis & Statistics Br.

NIH NIAID 0177.01

System name: Clinical Research: Catalog of Clinical Specimens. HEW/NIH/NIAID.

Security classification: None.

System location:

Building 7, Room 301 and Room 202, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Patients, volunteers, laboratory personnel in the National Institute of Allergy and Infectious Diseases.

Categories of records in the system: Clinical specimens, attendant data and laboratory results.

Authority for maintenance of the system: 42 USC 241, 289a, 289c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. Certain infectious diseases are reported to State Government as required by law. Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center. See also Appendix B of the Departmental Regulations (45 CFR, Part 5b) item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored in data books.

Retrievability: They are retrieved by name, patient or study number. NIH Uses: Used by NIAID staff for diagnostic and epidemiologic studies.

Safeguards: Limited access.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Chief, Respiratory Viruses Section
Building 7, Room 301, NIH
9000 Rockville Pike
Bethesda, MD 20014

Chief, Hepatitus Virus Section
Building 7, Room 202, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures:

Chief, ORR and PR, NIAID
Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20014

Contesting record procedures: Same as above.

Record source categories: Hospital records, field study records and records from collaborating scientists.

SSA HI CAR 0275.01

System name: Medicare Benefit Check Records HEW SSA.

Security classification: None.

System location: Intermediaries and carriers (see Appendix C, Sections 3 and 4).

Categories of individuals covered by the system: Beneficiaries, physicians, and providers of services under Medicare.

Categories of records in the system: Cancelled checks that have been paid to beneficiaries, physicians and providers of services under Medicare.

Authority for maintenance of the system: Sections 1816, 1842, and 1874 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The cancelled checks are retained by the carriers and intermediaries to establish that payment has been made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cancelled check files.

Retrievability: Indexed by health insurance claim number.

Safeguards: The file area is closed to unauthorized personnel.

Retention and disposal: Closed out at the end of the calendar year in which paid or voided, held 1 additional year and transferred to Federal Records Center. Destroyed after 5 years retention there.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Blvd.
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for cancelled or voided check information should be directed to the most convenient social security office (see Appendix F), or to the carrier or intermediary who made the payment.

Record access procedures: The individual can obtain information on the procedures for gaining access to and contesting these records from the most convenient social security office.

Contesting record procedures: Same.

Record source categories: The checks originate in the offices of the carriers and intermediaries to which they are returned after having been negotiated.

SSA HI CAR 0375.01

System name: Review and Fair Hearing Case Files-- Supplementary Medical Insurance Program HEW SSA.

Security classification: None.

System location: Carriers (see Appendix C, Section 4).

Categories of individuals covered by the system: Beneficiary, physician, provider or other supplier of service who is dissatisfied with the carrier's determination denying a request for payment, or with the amount of the payment, or with the length of time being taken to process the claim for payment.

Categories of records in the system: Claimants' requests for review, relevant written statements or evidence, notices of adverse informal review decisions, requests for hearings to protest adverse decisions, hearings proceedings, hearings officers' final decisions and comparable papers.

Authority for maintenance of the system: Sections 1812 and 1842 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used to document and support the request for a review of the action taken by the carrier in responding to a request for payment by a beneficiary, physician, provider or other supplier of service under the supplementary medical insurance program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file cabinets.

Retrievability: The records are indexed by health insurance claim number.

Safeguards: Disclosure of records is limited to routine uses. The files are closed to unauthorized personnel.

Retention and disposal: Records are closed out at the end of the calendar year in which the action (reconsideration, hearing, court review) is completed, held 2 more years, transferred to Federal Records Center and destroyed after another 6 years.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Blvd.
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for records should be directed to the most convenient social security office or to the Social Security Administration, Bureau of Health Insurance, Reconsideration Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: The information contained in these records is furnished by the beneficiary requesting reconsideration or his authorized representative and from the reviewing authority.

SSA HI CAR 0475.01

System name: Explanation of Medicare Benefit Records HEW SSA.

Security classification: None.

System location: Intermediaries (see Appendix C, Section 3; carriers see Appendix C, Section 4).

Categories of individuals covered by the system: All recipients of Medicare services and supplies.

Categories of records in the system: Medicare hospital insurance benefits record; Part B home health benefits record; Medicare hospital insurance benefits record. These are notices of utilization and explanation of Medicare benefits. They also advise beneficiaries of remaining hospital insurance benefits and the hospital and supplementary medical deductible status.

Authority for maintenance of the system: Sections 205, 226, 1811, and 1832 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Copies of forms sent to beneficiaries are retained in file cabinets.

Retrievability: The records are indexed by health insurance number. These records are used to advise the beneficiary of the payments made on his or her behalf and where applicable, the benefits remaining.

Safeguards: Disclosure of records is limited. The file area is closed to unauthorized personnel.

Retention and disposal: Close out at the end of the year in which the benefit was paid or denied; held 1 year, transferred to the Federal Records Center where record is destroyed after 5 years.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Blvd.
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for system records should be addressed to the most convenient social security office (see Appendix F), or to the carrier or intermediary who issued the notice.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: The identifying information is furnished by the beneficiary when requesting payment; the medical procedures are furnished by the physician or provider and the amount of payment and remaining benefits are furnished by the intermediary or carrier.

SSA HI 0875.01

System name: Hospital Insurance Open Admission Item File (Statistics) HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: All persons who have applied for hospital services under Part A of Medicare.

Categories of records in the system: Limited demographic data.

Authority for maintenance of the system: Section 1875 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records are stored on magnetic tape.

Retrievability: All records are indexed by social security number.

Safeguards: All magnetic tape files are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

Retention and disposal: There are no plans for the destruction of these records.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Blvd.
Baltimore, Maryland 21235

Notification procedure: For purposes of access, write the systems manager; he will require system name and social security number and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Inpatient Hospital and Extended Care Admission and Billing (Form SSA-1453) and Home Health Agency Report and Billing (Form SSA-1487).

SSA HI 0975.01

System name: Payment Record File of Supplementary Medical (Medicare) Enrollees (Statistics) HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Supplemental medical (Medicare) enrollees who have met the deductible in any calendar year and have supplemental medical reimbursement, beginning July 1, 1966.

Categories of records in the system: Beneficiary demographic characteristics, physician and supplier billing information, including charges and amount reimbursed; physician characteristics.

Authority for maintenance of the system: Section 1875 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records are stored on magnetic tape.

Retrievability: All records are indexed by health insurance claim number. They are recorded in segments based on month they were processed.

Safeguards: All magnetic tape files are retained in security storage areas accessible only to authorized persons within the Bureau of Data Processing. Data are accessible only to individuals within the Division of Health Insurance Studies. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

Retention and disposal: Records are retained with identifiers as long as needed for purposes of program research.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Blvd.
Baltimore, Maryland 21235

Notification procedure: For purposes of access, write to the systems manager; he will require name of system, health insurance

claim number, and for verification purposes, name (woman's maiden name if applicable), social security number, address, date of birth and sex, and to ascertain whether the individual's record is in the system, year Part B deductible was met.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Medicare enrollment; Medicare payment record.

SSA HI 1075.01

System name: Chronic Renal Disease Beneficiary History File HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard (magnetic tape)
Baltimore, Maryland 21235
Office of Research and Statistics
1500 Woodlawn Drive (hard copy)
Baltimore, Maryland 21241

Categories of individuals covered by the system: All individuals with identified end-stage renal disease with Medicare coverage.

Categories of records in the system: Health and supplemental medical Medicare billing information, including charges and amounts reimbursed; physician characteristics; demographic data on beneficiaries; medical data.

Authority for maintenance of the system: Section 1875 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records stored on magnetic tape with a hard copy back-up also available.

Retrievability: All records are indexed by social security number.

Safeguards: All magnetic tape files are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. Data are accessible only to individuals within the Division of Health Insurance Studies, and hard copy records are stored in secure areas with access limited to authorized individuals.

Retention and disposal: Records are retained with identifiers as long as needed for purposes of program research.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Blvd.
Baltimore, Maryland 21235

Notification procedure: For purposes of access, write the systems manager; he will require name of system, health insurance claim number, and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex, and to ascertain whether the individual's record is in the system, date (month and year) on which treatment costs were first reimbursed under Medicare.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: Master beneficiary record; Medicare enrollment records; Medicare bill records; Medicare payment records.

SSA PO SSI 1375.01

System name: Supplemental Security Income Audit Trail Microfiche.

Security classification: None.

System location: Bureau of Data Processing, Supplemental Security Income Payment Record Data Branch.

Categories of individuals covered by the system: This file contains a record for each aged, blind and disabled individual who has applied for supplemental security income payments.

Categories of records in the system: This file contains data regarding eligibility, citizenship, residence, eligibility for other benefits, alcoholism or drug addiction date (if applicable), income data, resources, payment amounts and living arrangements for all persons who have applied for supplemental security income payments. In addition, changes which are subsequently received which have an effect on any of the above categories are also maintained within this record.

Authority for maintenance of the system: Sections 1602 and 1631 of Title XVI of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfiche.

Retrievability: The microfiche is indexed by social security number. The Supplemental Security Income Audit Trail Microfiche is used to provide complete historical data for each Supplemental Security Income master record. This data includes transactions which effectuate changes to the Supplemental Security Income master record.

Safeguards: The microfiche records are protected through standard security measures used for all microfiche records housed within the Social Security Administration.

Retention and disposal: The Supplemental Security Income Audit Trail Microfiche is retained for an indefinite period.

System manager(s) and address:

Director, Bureau of Supplemental Security Income
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries should be addressed to the system manager, and should include the individual's full name and social security number.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: The information contained within the Supplemental Security Income Audit Trail Microfiche is derived from the Supplemental Security Income master record which for the most part, is obtained from the applicant for Supplemental Security Income payments.

Notification procedure:

OS ASPE 3.01

System name: Massachusetts Sample Survey of Developmentally Disabled Persons. HEW/OS/ASPE

Security classification: None.

System location:

Florence Heller School (Study Manager)
Brandeis University
351 South Street
Waltham, Massachusetts 02154

Categories of individuals covered by the system: Forty-eight community-based developmentally disabled persons in the state of Massachusetts, including children with learning disabilities.

Categories of records in the system: Information on individuals includes family income, name, address, telephone number. This information is associated with information on the cost of providing educational and maintenance services.

Authority for maintenance of the system: 42 U.S.C. 2825.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Massachusetts Department of Mental Health: Information gathered by the Study Manager and merged into the master data tape is transferred to the Massachusetts Department of Mental Health for purposes of program administration and cost projection. Study Manager: The study manager integrated individually identifiable data and associated cost data into a master analytic and educational services for the State.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original questionnaires are pre-printed, hand-completed forms. Information from these questionnaires are transferred by the Study Manger to magnetic data tape.

Retrievability: Individually identifiable information on the original questionnaires may be retrieved by name, address, name of parent or guardian, and by telephone number. Individually identifiable information included on the magnetic tape is retrievable by use of a

linking code maintained by the Study Manager. Information in non-identifiable form is transferred to the U.S. Department of Health, Education, and Welfare for purposes of the analysis of costs associated with providing care and other services.

Safeguards: Original questionnaires are retained in locked files, accessible by project staff under supervision of the principal investigator. Access to records is strictly controlled and allowed only for purposes of verification of data. Individual information on the magnetic tape may only be accessed through use of the linking code.

Retention and disposal: Information in individually identifiable form will be retained only for purposes of extraction and verification of the pertinent data. All individually identifiable information will be destroyed as soon as verification is completed. It is anticipated that destruction of individual identifiers will be accomplished prior to 1 January 1977.

System manager(s) and address:

Assistant Secretary for Planning and Evaluation
U.S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Project Officer:
Director, Office of Social Services/Human Development
Office of the Assistant Secretary for Planning and Evaluation
U. S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Notification procedure: Individuals requesting notification as to whether the system of records contains information pertaining to them may write to the Principal Investigator (see below). The request for notification should include the current name and address of the individual, as well as other names and addresses used between the periods 1 January 1975 and 1 March 1975.

Principal Investigator:
Kenneth Jones
Florence Heller School
Brandeis University
351 South Street
Waltham, Massachusetts 02154

Record access procedures: Individuals who have established that the system of records contains individually identifiable information pertaining to them may inspect and copy that information at Brandeis University, Waltham Massachusetts. The individual desiring access to his or her record should write to the Principal Investigator (see above), indicating a desire to inspect his or her record.

Contesting record procedures: Through the DHEW Project Officer.

Record source categories: Information contained in the system of records was obtained from interviews with parents or guardians and from state school system records.

OS ASPE 7.01

System name: Study of Selected Women in the Health Professions Schools. HEW/OS/ASPE

Security classification: None.

System location:

Urban and Rural Systems Associates
Pier One and one-half
San Francisco, California 94111

Categories of individuals covered by the system: Approximately 1, 000 students, administrators, faculty, interns and residents in the health professions.

Categories of records in the system: Personnally related narratives and perceptions of individual experiences of women in health professions schools, including retrospective information on students' experiences leading up to admission to the school.

Authority for maintenance of the system: Public Health Service Act, Section 513, Section 845, Section 799A

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contractor will aggregate individual data for purposes of preliminary identification of critical variables and attitudes influencing the professional career choices of women who have been admitted to health professions schools.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Sound on tape.

Retrievability: Individually identifiable information may be obtained by listening to the recorded tapes.

Safeguards: The tapes are kept in locked cabinets and access is limited to persons involved in transcription and analysis.

Retention and disposal: Individual identifiers will be deleted from the tapes as soon as the data collection and data verification efforts are complete. The stripping of individual identifiers will occur prior to 1 January 1977.

System manager(s) and address:

Assistant Secretary for Planning and Evaluation
U.S. Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Project Officer:
Director, Office of Special Concerns
Office of the Assistant Secretary for Planning and Evaluation
U.S. Department of Health Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Notification procedure: Individuals requesting notice as to whether the system of records contains information pertaiing to them should write to the Contractor's Project Officer (see below), indicating his or her name, current address, addresses used during the period from 1 January 1974 to 31 December 1975, along with the names of the health professions schools attended, or with which the individual was otherwised associated.

Contractor's Project Officer:
Bea Levine
Urban and Rural Systems Associates
Pier One and one-half
San Francisco, California 94111

Record access procedures: Individuals who have established that the system of records contains information relating to them, may inspect and copy such record by contacting the Contractor's Project Officer (see above).

Contesting record procedures: Through DHEW Project Officer (see above).

Record source categories: Personal interviews recorded on magnetic tape and conducted by contractor personnel.

OS ES 2.01

System name: Secretary's Official Files. HEW/OS/ES

Security classification: None.

System location:

Room 5239 - North
330 Independence Aveneu S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: Individuals who have contacted the Secretary or the Under Secretary or who have been contacted in writing by them.

Categories of records in the system: Hard copies of documents signed or initialed by teh Secretary or the Under Secretary.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard copy filed in standard file cabinets.

Retrievability: Records are indexed by subject, name and organization. Records are available to the staff of the Executive Secretariat for reference purposes in staffing out issues of concern to the Secretary or the Under Secretary.

Safeguards: Direct access is limited to the staff of the Executive Secretariat. Access is limited during non-working hours to individuals with keys to the file room.

Retention and disposal: Records are maintained for two years and are then sent to the National Archives.

System manager(s) and address:

Executive Secretary to the Department
Room 5239 - North
330 Independence Avenue, S.W.
Washington, D.C. 20201

Notification procedure: Inquirires should be addressed to the system manager at the above address. The inquirer should indicate the subject matter of the issue involved, the date of the subject documents, and the author and/or addressees.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Records are derived from documents signed or initialed by the Secretary or the Under Secretary.

OASH OPI 0001.01

System name: Assistant Secretary for Health Correspondence Control System HEW/OASH/OPI

Security classification: None.

System location:

Public Health Service
Room 17B08
5600 Fishers Lane
Rockville, Md. 20852

Categories of individuals covered by the system: Individuals who have contacted the Assistant Secretary for Health or have been contacted in writing by him.

Categories of records in the system: Hard copies of the Assistant Secretary for Health's correspondence and computer printout and tape control system records of that correspondence.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Correspondence records maintained in hard copy; control records maintained on computer printout, tape, and disc.

Retrievability: Hard copy records indexed alphabetically by name and date of outgoing correspondence and also by subject. Detailed cross-referencing on computer. Used for internal reference purposes only.

Safeguards: Records are available only to the staff of the Assistant Secretary for Health and are maintained in file cabinets in a secure location. Access to computer system limited to specific individuals through use of passwords.

Retention and disposal: Hard copy records are retired to Archives after two years; control records are maintained indefinitely.

System manager(s) and address: Executive Secretary, Public Health Service (address as above).

Notification procedure: Inquiries should indicate the name of the individual with whom the Assistant Secretary for Health corresponded, the date of the incoming correspondence and the date of the outgoing correspondence. Inquiries should be addressed to the Executive Secretary at the address above,

Record access procedures: Executive Secretary (at above address).

Contesting record procedures: Executive Secretary (at above address).

Record source categories: Records are derived from incoming correspondence and the outgoing correspondence of the Assistant Secretary for Health.

Systems exempted from certain provisions of the act: None.

Record access procedures:

SSA HA 0375.01

System name: Presiding Officer File HEW SSA.

Security classification: None.

System location: All hearing offices (See Appendix G).

Categories of individuals covered by the system: Claimant - Social Security and Black Lung.

Categories of records in the system: File established in the hearing office of hearing actions taken on each particular case.

Authority for maintenance of the system: Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folder.

Retrievability: Alphabetical. As a reference to indicate actions taken in a particular case at the hearing level, in order to permit the presiding officer or staff to reply to future correspondence.

Safeguards: Limited access to Social Security Administration offices; limited employee access to need to know.

Retention and disposal: File is destroyed two years after final action was taken.

System manager(s) and address:

Director, Bureau of Hearings and Appeals
Room 503
801 North Randolph Street
Arlington, Virginia 22203

Notification procedure:

Social Security Administration
Bureau of Hearings and Appeals
801 North Randolph Street
Arlington, Virginia 22203

Record access procedures: Written request to above address, providing name and address of individual.

Contesting record procedures: Same.

Record source categories: Claimant, representative, appropriate members of the public, Social Security Administration and other government, State and local agencies.

Record source categories:

OHD DDO RO7.01

System name: Developmental Disabilites Complaints and Correspondence Files HEW OHD DDO RO7.

Security classification: None.

System location:

Room 564
601 East 12th Street
Kansas City, Missouri 64106

Categories of individuals covered by the system: Individuals who have made inquiries regarding complaints or requested information regarding services from Developmental Disabilities program; and those who have commented to the Department on its proposed rules and practices.

Categories of records in the system: Name and address of individuals submitting correspondence, responses and exchanges of material associated with investigations of complaints or relaying information to appropriate State or local Developmental Disabilities agencies.

Authority for maintenance of the system: Developmental Disabilities Services and Construction Act (P.L. 91-517).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To members of Congress who inquire on behalf of a constitutent; to a State or local agency or institution against which a complaint has been made; See Departmental Regulations, (45 CFR Part 5b) Appendix B Items 1,8.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard-copy filed in standard file cabinets.

Retrievability: For the most part records are indexed according to State and within each State by alphabetical name of inquirer. Records are available to DDA staff involved in correspondence and investigative processes, including members of the Office of General Counsel. Occasionally, personnel with special expertise in other programmatic areas or responsible persons at State or local agencies may be given records for the purpose of assisting DDA staff in resolution of issues.

Safeguards: Direct access is restricted to authorized DDA staff; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room.

Retention and disposal: Inquiry records are maintained three years; complaint and investigative records are maintained five years past date of case closing.

System manager(s) and address:

Director, Developmental Disabilities Office
601 East 12th Street, 5th Floor
Kansas City, Missouri 64106

Notification procedure: System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Incoming correspondence, responses and material obtained during course of any investigation, individuals themselves.

Systems exempted from certain provisions of the act: None.

OHD OCD CB 2.01

System name: Children Today Mailing List HEW OHD OCD CB.

Security classification: None.

System location:

Room 4109
400 - 6rh Street, S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: Subscribers and contributors to Children Today

Categories of records in the system: Names and addresses of subscribers and contributors.

Authority for maintenance of the system: Childrens' Bureau Act of 1912.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Addressograph plates, paper files.

Retrievability: Indexed alphabetically.

Safeguards: Available to authroized persons only.

Retention and disposal: Records are retained indefinitely, names removed by request.

System manager(s) and address:

Publications Coordinator
Room 4109
400 - 6th Street, S.W.
Washington, D. C.

Notification procedure: Same as above; written requests only.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Incoming correspondence, telephone calls, individuals themselves.

Systems exempted from certain provisions of the act: None.

OHD OCD CB 3.01

System name: Education for Parenthood Mailing List. HEW OHD OCD CB.

Security classification: None.

System location:

Room 5155
400 - 6th Street, S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: Individuals interested in the Education for Parenthood programs.

Categories of records in the system: Names, title, addresses.

Authority for maintenance of the system: 42 USC 626.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Addressograph plates, paper files.

Retrievability: Indexed alphabetically.

Safeguards: Available only to authorized persons.

Retention and disposal: Names kept on file indefinitely. May be removed by request.

System manager(s) and address:

Program Planning Specialist
Room 5155
400 - 6th Street, S.W.
Washington, D.C. 20201

Notification procedure: Same as above; written requests only.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Grant files, letters, telephone calls, individuals themselves.

Systems exempted from certain provisions of the act: None.

OHD OCD CB 4.01

System name: National Center on Child Abuse and Neglect Mailing list. HEW OHD OCD CB.

Security classification: None.

System location:

Room 5863
400 - 6th Street, S.W.
Washington, D. C. 20201

Categories of individuals covered by the system: Persons interested in the National Centers publications, interested in making grant applications, project directors, social workers and others interested in information on child abuse and neglect.

Categories of records in the system: Names, titles, addresses.

Authority for maintenance of the system: PL 93-247, The Child Abuse Prevention and Treatment Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Addressograph plates, paper files.

Retrievability: Indexed alphabetically. Various categories of institutions, agencies, organizations are cross-indexed.

Safeguards: Available only to authorized personnel.

Retention and disposal: Names are kept indefinitely; may be removed on request.

System manager(s) and address:

Administrative Assistant
Room 5564
400 - 6th Street, S.W.
Washington, D.C.

Notification procedure: See above; written requests only.

Record access procedures: See above.

Contesting record procedures: See above.

Record source categories: Grant applications, letters, telephone calls, other OCD mailing lists, individuals themselves.

Systems exempted from certain provisions of the act: None.

OHD OCD CB 5.01

System name: National Center for Child Advocacy Mailing list. HEW OHD OCD CB.

Security classification: None.

System location:

Room 5819
400 - 6th Street, S.W.
Washington, D. C. 20201

Categories of individuals covered by the system: Persons interested in Child Advocacy activities including social workers, foster parents, juvenile court judges, Community Coordinated Child Care program directors, various Federal staff and members of the general public who have requested information.

Categories of records in the system: Names, titles, addresses.

Authority for maintenance of the system: Childrens' Bureau Act of 1912.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Addressograph plate, paper file.

Retrievability: Indexed alphabetically cross-indexed by area of subject interest.

Safeguards: Available only to authorized personnel.

Retention and disposal: Names kept on file indefinitely; may be removed on request.

System manager(s) and address:

Chief, NCCA
Room 5819

400 - 6th Street, S.W.
Washington, D. C. 20201

Notification procedure: See above; written requests only.

Record access procedures: See above.

Contesting record procedures: See above.

Record source categories: Other OCD mailing lists grant applications, letters, telephone calls, individuals themselves.

OHD OCD IX 1

System name: OCD Project Staff Lists HEW-OHD-CCD-IX

Security classification: None.

System location:

Room 113, Federal Office Building
50 Fulton Street
San Francisco, Calif. 94102
and at Regional Federal Records Centers

Categories of individuals covered by the system: Directors and staff of Child Abuse and Neglect, Handicapped Cluster Head Start, Head Start, Head Start Supplementary Training, and Home Start programs and Parent Child Centers, and State Regional Training Offices in Region IX.

Categories of records in the system: Name, business address, business telephone number, biographies, employees with salaries above certain level.

Authority for maintenance of the system: Community Services Act of 1974 (42 USC 2701).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The files are routinely used externally in handling inquiries from members of Congress; used in handling inquiries from other federal agencies; used as a resource by consultants contracted by OCD; used in handling inquiries from general public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders in standard legal-sized file cabinets.

Retrievability: The files are indexed alphabetically. Records are available to OCD staff involved in correspondence and funding processes, including staff members with DHEW, i.e.: General Counsel.

Safeguards: Direct access is restricted to OHD personnel; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room.

Retention and disposal: Files are maintained three fiscal years and are removed to the Federal Records Disposal Center thereafter.

System manager(s) and address:

Director, OCD, Region IX
Room 117
50 Fulton Street
San Francisco, CA 94102

Notification procedure: System Manager; upon written, telephone, or personal request, the public may make appointments to view requested data.

Record access procedures: See above.

Contesting record procedures: See above.

Record source categories: Incoming correspondence, responses, and materials obtained during course of program, Individuals themselves.

Systems exempted from certain provisions of the act: None.

OHD OCD IX 2.01

System name: Parent Council Advisory Members HEW-OHD-OCD-IX-2

Security classification: None.

System location:

Room 113, Federal Office Building
50 Fulton Street
San Francisco, CA 94102

Categories of individuals covered by the system: Directors, Consultants, Staff, Board & Committee Members.

Categories of records in the system: Name, Business & Home Address, Business & Home Telephone Numbers, Title, Biographies, Employees with salaries above certain level.

Authority for maintenance of the system: Community Services Act of 1974 (42 USC 2701).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The files are routinely used externally in handling inquiries from members of Congress; used in handling inquiries from other federal agencies; used as a resource by consultants contacted by OCD; used in handling inquiries from general public and Parent Council Advisory grantees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders in standard legal-size file cabinets.

Retrievability: The files are indexed alphabetically. Records are available to OCD staff involved in correspondence and funding processes, including staff members within DHEW, i.e.: General Counsel.

Safeguards: Director access is restricted to OHD personnel; access to room in whic file cabinets are maintained is limited during non-working hours to those with keys to room.

Retention and disposal: Files are maintained three fiscal years and are removed to the Federal Records Disposal Center thereafter.

System manager(s) and address:

Director, OCD, Region IX
Room 117
50 Fulton Street
San Francisco, CA 94102

Notification procedure: System manager; upon written telephone, or personnel request, the public may make appointments to view requested data.

Record access procedures: See above.

Contesting record procedures: See above.

Record source categories: Incoming correspondence, responses, and materials obtained during course of Parent Council Advisory programs, individuals themselves.

Systems exempted from certain provisions of the act: None.

OHD ONAP 1.01

System name: Mailing list for ONAP publications. OHD-ONAP

Security classification: None.

System location:

Room 4152 Donohoe Building
400 - 6th St., S.W.
Washington, D.C. 20201

Categories of individuals covered by the system: Individuals who request information on Native American Programs.

Categories of records in the system: Name and address of individuals or organizations who request information

Authority for maintenance of the system: P.L. 93-644 'Headstart, Economic Opportunity, and Community Partnership Act, 1974', Title VIII-Native American Programs.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The addresses are kept in card index file box.

Retrievability: Indexed by individual or organizational name.

Safeguards: Access to authorized personnel only.

Retention and disposal: List will be permanent mailing list.

System manager(s) and address:

Public Information Officer
Room 4829 Donohoe Bldg.
400 - 6th St., S.W.
Washington, D.C. 20201

Notification procedure: System manager address same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Incoming correspondence, individuals themselves.

Systems exempted from certain provisions of the act: None.

OHD ORS R10.01

System name: Office of Rehabilitation Services Mailing Lists. OHD-ORS-R10

Security classification: None.

System location:

Department of Health, Education and Welfare
Office of Rehabilitation Services
Room 1001, Arcade Plaza Building
1321 Second Avenue
Seattle, Washington 98101

Categories of individuals covered by the system: Providers of rehabilitation services in Region X individuals who have requested that they receive program information, grantees, grant applicants.

Categories of records in the system: Name, address, title, phone numbers.

Authority for maintenance of the system: P.L. 93-112.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card files.

Retrievability: Indexed by name. Used by ORS staff to disseminate program information.

Safeguards: Access by authorized personnel only.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director, Office of Rehabilitation Services
OHD, DHEW, M.S. 137
Arcarde Plaza Building
1321 Second Avenue
Seattle, Washington 98101

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals themselves, from grant applications.

Systems exempted from certain provisions of the act: None.

Systems exempted from certain provisions of the act:

HRA NCHS 0017.01

System name: Health and Demographic surveys conducted in random samples of the U.S. population. HEW/HRA/NCHS.

Security classification: None.

System location:

Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Individuals and members of households selected by random sampling techniques to be representative of the civilian noninstitutionalized population of the United States.

Categories of records in the system: Statistical records containing information on: (1) the incidence of illness and accidental injuries, prevalence of diseases and impairments, the extent of disability, the utilization and cost of health care services, and other health characteristics of individuals obtained in one-time household interviews; or (2) the dietary intake, biochemical test data, body measurements, X-rays, and clinical measurements of individuals obtained in single-visit health examinations; or (3) marital and child bearing history and intended future births, the use of prenatal care, and the family planning practices of individual women obtained by interview. Demographic and socioeconomic characteristics such as age, marital status, education, occupation, and family income are also obtained for individuals in this system of statistical records.

Authority for maintenance of the system: Public Health Service Act Section 306(b)(1)(42 U.S.C. 242k).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The data are disseminated for purposes of statistical research and analysis outside HEW in forms which do not permit the identification of individuals, such as publications of statistical tables, specially requested tabulations, and public use computer tapes. These are communicated to interested persons outside HEW, such as members of Congress and their staffs, other executive branch agencies, universities, States, cities, private foundations, etc. The findings are used by demographers, sociologists, health statisticians, epidemiologists, other scholars and concerned citizens, to evaluate health matters, make determinations on needs for legislation, appropriations, new service programs, and the like. Data collection, processing, and analysis are from time to time conducted for NCHS by private contractors, under guarantees by the contractors of confidentiality.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are transferred onto magnetic tapes without name and address information and are maintained on magnetic tapes for an indefinite period.

Retrievability: A serial number tied to the selection process of successively smaller geographic areas is assigned to each record on magnetic tape. This serial number also appears on the original record. Each magnetic tape containing records in this system has a unique identification number and title. Original survey records are reviewed for accuracy, edited, and data (without personal identifiers such as name or SSN) are transferred to magnetic tape. Then the original records are stored at the Federal Records Center. The tape is used for statistical purposes only. These uses include the preparation of aggregated data in the form of statistical tables for publication, analysis, and interpretation, to meet the legislative mandates of P.L. 93-353, to determine levels of illness and disability and their effects on the population, the use of health care facilities, trends in family formation and dissolution, and the like. Users consist of health planners, statisticians, epidemiologists, demographers, and others concerned with the problems of health and health care.

Safeguards: All employees of NCHS, as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individual information. Since the magnetic tapes have no name and address information, users of the tape could only identify specific individuals by relating the serial number on the tape to the original record. Only employees of NCHS are permitted access to the magnetic tapes with the serial numbers described above or to the files containing the original records. Magnetic tapes with serial numbers of individual records removed are made available for public use.

Retention and disposal: The original records are retained in office files of NCHS until the process of conversion to magnetic tape and verification of information is completed. This process is completed within approximately nine months. The original records are then sent to the Federal Records Center where they are stored for 5 years for interview survey records and 10 years for examination records. Microfilm copies of examination records are retained at the Federal Records Center for 40 years.

System manager(s) and address:

Director
National Center for Health Statistics, HRA
5600 Fishers Lane
Rockville, Maryland 20852

Notification procedure: None.

Record access procedures: None.

Contesting record procedures: None.

Record source categories: None.

Systems exempted from certain provisions of the act: With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d), (e)(4)(G), (H), and (I) and (f), in accordance with the provision of subsection 552a(k)(4) of the Privacy Act of 1974. The reason this system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records.

Revisions of a number of paragraphs to the following Notices of Systems of Record:

OS ASAM PT 18.01

System name: Unfair Labor Practice Records. HEW/OS/ASAM/PT.

Security classification: None.

System location: Personnel Offices of the Department shown in (See Application for Employment Records, HEW System OS-ASAM-1, Appendix 1 and offices of operating officials in organizational units serviced by those Personnel Offices.

Categories of individuals covered by the system: Current HEW employees and union officials.

Categories of records in the system: This system of records consists of a variety of records relating to an unfair labor practice charge. Examples of information which may be included in this system are the employee's name, Social Security Number, grade,

job title, employment history and a variety of work and personnel records associated with the charges and required under proceedings established by Executive Order 11491 and Department of Labor Regulations.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be released to:

1. The Department of Labor.
2. In accordance with Items 1,3,4,5,7,8, of Departmental Regulations, (45 CFR Part 5b), Appendix B.
3. The Federal Labor Relations Council.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are retrievable by name. They are used to make a determination on and to document a decision made on an unfair labor practice charge filed by an employee or union official. Information from this system may be used by Department officials for preparing statistical summary or management reports.

Safeguards: When not in use by authorized persons, these records are stored in lockable metal file cabinets. Access to and use of these records are limited to personnel who have a need for the records in performance of official duties.

Retention and disposal: The case files are maintained as long as they may be pertinent for purposes of precedent or as management information devices. When no longer useful for such purposes, they are destroyed.

System manager(s) and address: Personnel Officer shown in Appendix 1 of OS-ASAM-PT-1 who services th organizational unit in which the individual is employed.

Notification procedure: Contact the systems manager and provide name, approximate date of record, the unfair labor practice charge as specified by the complainant, and management component in which the charge was filed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information in this system of records is:

1. Supplied directly by the individual, or
2. Derived from information supplied by the individual, or
3. Supplied by testimony of witnesses, or
4. Supplied by union officials, or
5. Supplied by Department officials.

Systems exempted from certain provisions of the act: None.

OS ASC 1.01

System name: Accounting records of Payments to Individuals from Agency and Regional Financial Management and Disbursing Offices. HEW OS ASC 1.

Security classification: None.

System location: See appendix 1.

Categories of individuals covered by the system: Persons authorized to travel on official HEW business; persons awarded an HEW grant, contract or loan; persons authorized emergency salary advances; and consultants furnishing administrative and miscellaneous services.

Categories of records in the system: Name, identification number, address, purpose of payment, accounting classification and amount paid.

Authority for maintenance of the system: Budget and Accounting Act of 1950 (PL 81-784).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Treasury Department for check preparation; to members of Congress on behalf of a constituent or concerning a federal financial assistance program; See Departmental Regulations (45 CFR Part 5b), Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy documents are manually filed at agency and regional office sites; and on disc pack and magnetic tape at central computer sites.

Retrievability: This varies according to the particular operating accounting system within the Agency and Regional Office. Usually the hard copy document is filed by name within accounting classification. Computer records may be indexed by social security number and voucher number. Intra-departmental uses and transfers concern the validation and certification for payment, and for HEW internal audits.

Safeguards: Minimum safeguards to insure integrity of records, and that required to provide protection against loss by accident of carelessness; these records are classified as public information and are available through the Freedom of Information Act.

Retention and disposal: Records are purged from automated files once the accounting purpose has been served; printed copy and manual documents are retained and disposed of in accord with General Accounting Office principles and standards.

System manager(s) and address: See appendix 2.

Notification procedure: Inquiries are to be made, either in writing or in person, to the organizations listed under 'Location' in appendix 1,with the exception of Food and Drug Administration contact:

FDA Privacy Coordinator (HF-50)
Food and Drug Administration
5600 Fishers Lane
Rockville, Md. 20852

Give name and social security number, purpose of payment (travel, grant, etc.) and, if possible, the agency accounting classification.

Record access procedures: Same as in 'Notification'. See above.

Contesting record procedures: Same as in 'Notification'. See above.

Record source categories: Travel vouchers submitted by the individual; grant, contract or loan award document; consultant invoice of services rendered; and application for travel advance.

Systems exempted from certain provisions of the act: None.

Appendix 1 Location

Payments to Individuals records are located at the following HEW Regional Offices:

Regional Office 01
John F. Kennedy Federal Bldg.
Government Center
Boston, MA 02203

Regional Office 02
26 Federal Plaza
New York, NY 10007

Regional Office 03
Post Office Box 12900
Philadelphia, PA 19108

Regional Office 04
50 Seventh Street, N.E.
Atlanta, GA 30323

Regional Office 05
Room 712
433 West Van Buren Street
Chicago, IL 60607

Regional Office 06
1114 Commerce Street
Dallas, TX 75202

Regional Office 07
Federal Office Bldg.
601 East 12th Street
Kansas City, MO 64106

Regional Office 08
19th & Stout Streets
Denver, CO 80202

Regional Office 09
50 Fulton Street
San Francisco, CA 94102

Regional Office 010
Arcade Plaza Bldg.
1319 Second Avenue
Seattle, WA 98101

Payments to Individuals records are located at the following HEW Agency Headquarters and Field Offices:

Office of the Secretary (to include Office of Human Resources records)
Div. of Accounting Operations
Washington, DC 20201

Office of Education
Accounting Operations Section
Federal Office Bldg. 06
Washington, DC 20202

National Institute of Education
Finance Division, Room 710
1200 14th Street N.W.
Washington, DC 20208

Health Services Adm.
Office of Fiscal Services
Parklawn Bldg.
5600 Fishers Lane
Rockville, Md. 20852

Health Services Adm.
U.S. Public Health Service Hospital
77 Warrent Street Brighton
Boston, MA 02135

Heatlh Services Adm.
U.S. Public Health Service Hospital
Bay and Vanderbilt Streets - Stapleton
Staten Island, NY 10304

Health Services Adm.
U.S. Public Health Service Hospital
3100 Wyman Park Drive
Baltimore, MD 21211

Health Services Adm.
U.S. Public Health Service Hospital
6500 Hampton Boulevard - Larchmont
Norfolk, VA 23508

Health Services Adm.
Addiction Research Center
Leestown Pike - Box 2000
Lexington, KY 40501

Health Services Adm.
U.S. Public Health Service Hospital
Carville, LA 70721

Health Services Adm.
U.S. Public Health Service Hospital
210 State Street
New Orleans, LA 70118

Health Services Adm.
U.S. Public Health Service Hospital
4400 45th Avenue North
Galveston, TX 77550

Health Services Adm.
PHS Indian Health Area Office
Federal Office Bldg., & U.S. Court House
500 Gold Avenue, S.W.
Albuquerque, NM 87101

Health Services Adm.
PHS Indian Health Area Office
338 Post Office & Court House Bldg.
Oklahoma City, OK 73102

Health Services Adm.
Aberdeen Area Office
Indian Health Service
Federal Bldg.
Aberdeen, SD 57401

Health Services Adm.
03 At 7th West Central Avenue
Post Office Box 2143
Billings, MT 59103

Health Services Adm.
U.S. Public Health Service Hospital
15th Avenue & Lake Street
San Francisco, CA 94118

Health Services Adm
PHS Indian Health Area Office
801 East Indian School Road
Phoenix, AZ 85014

Health Services Adm.
U.S. Public Health Service Hospital
1131 14th Avenue, South
Post Office Box 3145
Seattle, WA 98114

Health Services Adm.
Alaska Area Native Health Service
Post Office Box 7-741
Anchorage, AK 99510

Public Health Service
Center for Disease Control
1600 Clifton Road
Atlanta, GA 30333

Public Health Service
Nat'l Institute for Occupational Safety & Health, CDC
532 U.S. Post Office & Courthouse Bldg.
Cincinnati, OH 45202

Food and Drug Adm.
HFA-120
5600 Fishers Lane
Rockville, MD 20852

Food and Drug Adm.
880 W. Peachtree St., N.W.
Atlanta, GA 30309

Food and Drug Adm
585 Commercial Street
Boston, MA 02109

Food and Drug Adm.
599 Delaware Avenue
Buffalo, NY 14202

Food and Drug Adm.
Room 700 - Federal Office Bldg.
850 3rd Avenue (At 30th Street)
Brooklyn, NY 11232

Food and Drug Adm.
20 Evergreen Pl.
East Orange, N.J. 07018

Food and Drug Adm.
Room 1204, U.S. Customhouse
2nd & Chestnut Streets
Philadelphia, PA 19106

Food and Drug Adm.
900 Madison Avenue
Baltimore, MD 21201

Food and Drug Adm.
P.O. Box S-4427
San Juan, P.R. 00905

Food and Drug Adm.
Room 1222 Main Post Office Bldg.

433 West Van Buren Street
Chicago, IL 60607

Food and Drug Adm.
1560 East Jefferson Avenue
Detroit, MI 48207

Food and Drug Adm.
1141 Central Parkway
Cincinnati, OH 45202

Food and Drug Adm.
240 Hennepin Avenue
Minneapolis, MN 55401

Food and Drug Adm.
3032 Bryan Street
Dallas, TX 75204

Food and Drug Adm.
Room 222 U.S. Customhouse Building
423 Canal Street
New Orleans, LA 70130

Food and Drug Adm.
National Center for Toxicological Research
Jefferson, AR 72079

Food and Drug Adm.
1009 Cherry Street
Kansas City, Mo. 64106

Food and Drug Adm.
Room 1002 U.S. Courthouse & Customhouse Building
1114 Market Street
St. Louis, MO 63101

Food and Drug Adm.
Room 573 New Customhouse Building
721 19th Street
Denver, CO 80202

Food and Drug Adm.
Room 518 Federal Office Building
50 Fulton Street
San Francisco, CA 94102

Food and Drug Adm.
1521 West Pico Boulevard
Los Angeles, CA 90015

Food and Drug Adm.
5003 Federal Office Bldg.
909 First Avenue
Seattle, WA 98174

National Institutes of Health
Operations Accounting and Federal Assistance Accounting Branches
Bldg. 31, Room B1B58
9000 Rockville Pike
Bethesda, MD 20014

National Institutes of Health
Rocky Mountain Laboratory
Hamilton, MT 59840

National Institutes of Health
Public Health Hospital
15th Avenue & Lake Street
San Francisco, CA 94118

Alcohol, Drug Abuse, & Mental Health Administration
Saint Elizabeths Hospital
Finance Office, Administration Bldg.
Washington, DC 20032

Social Security Administration
Administration, Program and Fiscal Operations Offices
1227 Annex Social Security Bldg.
Baltimore, MD 21235

Social Security Administration
Bureau of Supplemental Security Income
4-M-5 Annex Bldg.
Baltimore, Md. 21235

Social Security Administration
Bureau of Disability Payments
1506 Woodlawn Drive 1J2
Baltimore, MD 21241

Social Security Administration
Northeastern Program Center
96-05 Horace Harding Expressway
Flushing, NY 11368

Social Security Administration
Midatlantic Program Center
401 North Broad Street
Philadelphia, PA 19108

Social Security Administration
Southeastern Program Center
225 Third Avenue North
Birmingham, AL 35285

Social Security Administration
Great Lakes Program Center
165 North Canal Street
Chicago, IL 60606

Social Security Administration
MidAmerica Program Center
601 East 12th Street
Kansas City, MO 64106

Social Security Administration
Western Program Center
Post Office Box 100
San Francisco, CA 94101

Social and Rehabilitation Service
Room 1219 HEW South Building
330 C Street, S.W.
Washington, DC 20201

Appendix 2 System Manager

Departmental principles and standards concerning the system of records are the responsibility of:

Department of Health, Education and Welfare
Assistant Secretary, Comptroller
Office of the Secretary
Room 5760 HEW-N
Washington, DC 20201

Operational responsibilities are as follows:

For Payments to Individual records at Departmental and Regional Offices:

DHEW, Office of Secretary and Regional Offices

Office of Secretary
Deputy Assistant Secretary, Finance
Room 3700 HEW-N
Washington, DC 20201

For Payments to Individual records at Principal Operating Component Offices:

Education (OE, NIE, ASE)

Office of Education (For OE and ASE)
Deputy Commissioner for Management
Room 4169 FOB-6
Washington, DC 20201

National Institute of Education
Associate Director for Administration and Management
Room 639 Brown Building
1200 14th Street, N.W.
Washington, DC 20208

Health (HSA, CDC, FDA, NIH, ADAMHA, HRA, ASH)

Public Health Service
Director, Division of Financial Management
Room 18-17, Parklawn Building
5600 Fishers Lane
Rockville, MD 20852

Social Security Administration

Social Security Administration
Director, Office of Financial Management
Room 840 Annex Social Security Bldg.
Baltimore, MD 21235

Office of Human Development

Office of Human Development
Director, Office of Administration and Management
Room 1107 Donohoe Building
400 6th Street, S.W.
Washington, DC 20201

Social and Rehabilitation Service

Social and Rehabilitation Service
Assistant Administrator for Financial Management
Room 5082, HEW-S
330 C Street, S.W.
Washington, DC 20201

OS ASC 2.01

System name: Central Registry of Individuals Doing Business With HEW. HEW OS ASC 2.

Security classification: None.

System location:

Division of Financial Operations and Fiscal Procedures
Room 3628B HEW-N
330 Independence Avenue, S.W.
Washington, DC 20201

Categories of individuals covered by the system: Individuals who are the recipients of Federal Domestic Assistance Grants, or of contracts awarded by HEW.

Categories of records in the system: An index of names, addresses and identification number (SSN) of the individual doing business with HEW. No other personally identifiable data are maintained. The index is termed public information since data relative to Federal Domestic Assistance and Contracts are public information.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Departmental Regulations (45 CFR Part 5b), Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy code booklets are manually filed at agency and regional office sites; and on disc pack and magnetic tape at central computer sites.

Retrievability: Record may be found in the Code Book by either name or social security number; record in disc pack and on magnetic tape is indexed by social security number. The Code Book provides a listing of data processing numbers for grant, contract and financial transactions. These numbers are used to access the name and address of the individual in the Automated Library (Central Registry). The information is used for check preparation, reports, mailings, etc.

Safeguards: Minimum safeguards to insure integrity of records, and that required to provide protection against loss by accident or carelessness.

Retention and disposal: Records are purged from the automated file each two years; only persons actively dealing with HEW remain on file. Code Books are replaced each year. Inactive books are destroyed.

System manager(s) and address:

Deputy Assistant Secretary, Finance
Deparment of HEW, Office of the Secretary
Room 3700, HEW-N
330 Independence Avenue, S.W.
Washington, DC 20201

Notification procedure: Inquiries are to be made, either in writing or in person, to the organization listed under 'location'.

Give name and social security number.

Record access procedures: Same as in 'Notification'.

Contesting record procedures: Same as in 'Notification'.

Record source categories: Grant and Contract documents. Names, social security numbers and addresses are provided by the individual when applying for a grant or contract from the Department.

OS IATF 1.01

System name: Indochina Refugee and Sponsor System HEW-OS-IATF.

Security classification: None.

System location:

Room 912 - Universal North Building
1875 Connecticut Avenue, N.W.
Washington, D.C.
and at IBM Computer Center and Resettlement Camps (see Appendix 1).

Categories of individuals covered by the system: Individuals who are refugees from Indochina as defined in the authorizing legislation and individuals who offer to sponsor or assist refugees.

Categories of records in the system: Names and addresses of individuals (who offer by letter or telephone to sponsor or assist refugees) with details of the offer; e.g., persons to be sponsored, size of group, employment opportunities, housing availability. Names of refugees, IATF ID Numbers, INS Alien Number, Age, Sex, English-speaking capability, Education, Occupational skills, Health status, and Administrative data (e.g., arrival date, camp assignment, location in camp).

Authority for maintenance of the system: The Indochina Migration and Refugee Assistance Act of 1975 (P.L. 94-23).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To members of Congress on behalf of their constituents; to State and local governments for social services activities; to State employment services to assist in obtaining employment for refugees; and to Volags (Volunteer Resettlement Agencies under contract to IATF), State and local governments acting in the capacity of a Volag under contract to IATF; as listed in Departmental Regulations (45 CFR Part 5b), Appendix B, items 1, 3, 4, 5, 6, 8, 9.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in electromagnetic form (disk) in a dedicated IBM 370/158 computer located at 11141 Georgia Ave., Wheaton, Md. Hard copy (printouts) are maintained at Universal North Building (address above), and at IATF Resettlement Centers located at Camp Pendleton, California; Fort Chaffee, Ark.; and Indiantown Gap Military Reservation, Penna. Administrative processing information in addition to that contained in the computerized file is maintained at the four Resettlement Centers.

Retrievability: Records concerning refugees are indexed by name and cross indexed by A (Alien) number. Records concerning sponsors are indexed by name. The Inter Agency Task Force is composed of representatives of the following: Department of State; Department of Health, Education and Welfare; Department of Labor; Department of Justice; and Department of Defense. Records are available to IATF staff and, on a need to know basis, to the staffs of their respective agencies who assist in the care, maintenance, processing, and relocation of refugees.

Safeguards: Direct access is restricted to the IATF staff specified above. Hardcopy and folders are maintained in limited access space. Direct access to the computer site is restricted to authorized operating personnel. After normal hours access is by electronic key. CRTs are restricted to authorized staff and CRTs are equipped with key locks.

Retention and disposal: Authorization for the program terminates on June 30, 1976; IATF will maintain records until that date, or until work is completed, whichever comes first, at which time another component of DHEW will maintain these records.

System manager(s) and address:

Director,
Inter-agency Task Force
Room 912 - Universal North Building
1875 Connecticut Avenue, N.W.
Washington, D.C.

Notification procedure: Systems Manager - use mailing address as follows:

Inter-agency Task Force
Department of State
Washington, D.C. 20520

Record access procedures: Systems Manager.

Contesting record procedures: Systems Manager.

Record source categories: Incoming correspondence and telephone calls in the case of sponsors and interviews in the case of refugees.

Systems exempted from certain provisions of the act: None.

Appendix 1 System Location

11141 Georgia Avenue
Wheaton, Maryland

Camp Pendleton, California

Fort Chaffee, Arkansas

Indiantown Gap Military Reservation, Pennsylvania

OS SP DCMO 1.01

System name: Federal Advisory Committee Membership Files, HEW OS - SP-DCMO

Security classification: None.

System location: System location is determined by nature of advisory committee. See Appendix 1.

Categories of individuals covered by the system: Individuals who have been or are presently members of or are being considered for membership on advisory committees within the jurisdiction of the Department of Health, Education, and Welfare. Additionally the system of records contains information about members of the public who have requested that they receive various publications through the inclusion of their names and addresses on various mailing lists.

Categories of records in the system: Information maintained on those individuals who have requested participation on mailing lists is limited to name and mailing address. Information maintained on individuals who are past, present, or recommended members of advisory committees subject to this notice consists of one or more of the following: name, title, sex, place and date of birth, home address, business address, organizational affiliation, phone number, degrees held, general educational background, ethnic background, resume, curriculum vitae, dates of term on advisory committee, status on advisory committee, reason for leaving advisory committee, previous or current membership on other advisory committees, special qualifications of the individual for the advisory committee membership, source who recommended the individual for membership on advisory committee and miscellaneous correspondence. Additionally, memoranda justifying the individual's selection are included in the file in cases in which the individual has served repetitively on advisory committees, has not had a one-year break in service on advisory committees, or where various statutory or other requirements for advisory committee membership cannot be met.

Authority for maintenance of the system: Federal Advisory Committee Act (5 U.S.C. App. I et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Annual Report to the President; administrative reports to OMB and GSA; routine publication of rosters of members of advisory committees; routine public dissemination on request or through mailings, press releases, or Federal Register publication; In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01,3.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard-copy filed in file cabinets, on index cards, on magnetic tape, or in computer storage.

Retrievability: For the most part records are maintained in an alphabetical index by name of the individual. Certain files are based on other factors, e.g. Advisory Committee name, with a cross index based on an alphabetical listing of individuals. Certain other records are retrievable by individually identifiable computer identification codes. Certain of the mailing lists which are maintained are indexed by ZIP Code and within zone by alphabetical listing by name of the individual. Records from the system are available to the staffs of the respective Advisory Committees, the Committee Management Officers, the Departmental Committee Management Officer and other Departmental staff on a need-to-know basis. Uses include special administrative reports; quarterly alphabetical listings of past, present, and recommended members of Advisory Committees; computer lists of vacancies, acceptances, separations, active members, statistical reports by sex, youth, geographic location, etc; documentation of nominations; and other administrative needs.

Safeguards: Direct access to records is restricted to authorized personnel through locked files, rooms, and buildings as well as building pass and security guard sign-in systems. Certain facilities are also protected by closed circuit television systems. Computer systems are secured through locked magnetic tape libraries as well as lockword-password computer access systems.

Retention and disposal: Retention is variable from one year to permanent retention depending upon the type of record, e.g., names of former members of advisory committees are retained permanently. Certain records are disposed of by referral to the Federal Records Center. Others are disposed of as trash by the system manager or office of security depending upon the confidentiality of the information contained on the record.

System manager(s) and address: See Appendix 1. Federal Advisory Committee Membership Files.

Notification procedure: Same as above with the exception of Food and Drug Administration, contact:

FDA Privacy Coordinator (HF-50)
Food and Drug Administration
5600 Fishers Lane
Rockville, Md. 20852 Verification of identification of individuals inquiring as to information contained in this System of Record shall be in accordance with the procedures outlined in regulations published by the Department of Health, Education, and Welfare to implement the Privacy Act.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The vast majority of information contained in records on individuals is obtained directly from the individual. Other information in the form of references and recommendations is obtained from other private individuals, program personnel, biographical reference books, private organizations, former employers, regional offices of DHEW, Members of Congress, and other government sources.

Appendix Number 1 Federal Advisory Committee Membership Files

Department of Health, Education, and Weflare
Department Committee Management Officer
Departmental Policy Coordinator
Room 4036N
330 Independence Avenue, S.W.
Washington, D.C. 20201

Alcohol, Drug Abuse, and Mental Health Administration
Office of the Administrator
Committee Management Officer
Room 13-103
5600 Fishers Lane
Rockville, Maryland 20852

Center for Disease Control
Committee Management Officer
Management Analysis Branch
Room 211
255 E. Paces Ferry Road, N.E.
Atlanta, Georgia 30305

Department of Health, Education, and Welfare
Office of the Secretary

Office of Administration
Committee Management Officer
Room 4311N
330 Independence Avenue, S.W.
Washington, D.C. 20201

Food and Drug Administration
Office of Science
Committee Management Office
Room 7-83
5600 Fishers Lane
Rockville, Maryland 20852

Health Resources Adminstration and
Health Services Administration
Division of Management Services
Committee Management Officer
Room 10-A-25
5600 Fishers Lane
Rockville, Maryland 20852

National Institutes of Health
Committee Management Officer
National Institutes of Health,
Building 01, Room 303
Bethesda, Maryland 20014

Office of Education
Office of Management
Committee Management Officer
Committee Management Staff
Room 4156
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Social Security Administration
OMA, Management Policy and Programs Branch
Committee Management Officer
Room 4-R-22, Operations Building
6401 Security Boulevard
Woodlawn, Maryland 21235

E NIE EWG 09.01

System name: Follow-Up Study of Mountain-Plains Participant and Control Group Families--HEW E.

Security classification: None.

System location:

55 Wheeler Street
Cambridge, MA 02138

185 Alewife Brook Parkway
Cambridge, MA 02138

770 Brookfield Road
Ottawa, Ontario
Canada K1V 6J5

Categories of individuals covered by the system: Members of households who have agreed to participate in the Follow-Up Study: Evaluation of the Mountain-Plains Education & Economic Development program, Inc.

Categories of records in the system: Types of information in system are: (1) demographic characteristics of household members; (2) information on the individual's participation in the Mountain-Plains Education & Economic Development Program, Inc.; (3) family economic and financial information; (4) employment and work histories of the man and the woman of the household; (5) attitudinal measurements on the man and the woman in the household; (6) housing conditions information; and (7) name and address.

Authority for maintenance of the system: Section 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for services and analysis of records by authorized personnel. To Mountain Plains Program for statistical research, development and evaluation of the program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in standard storage recepticles for each of four media (1) interview schedules used to collect the data, (2) punched cards, (3) magnetic tape, and (4) disc.

Retrievability: The system is indexed by identification number and name of the head of the household, and will be used for (1) statistical research and reporting purposes only, and not used in whole or in part in making any determination about an identifiable individual; (2) assessing the success of the Mountain-Plains Education & Economic Development Program, Inc.; (3) transfer, in individually identifiable form, to the Mountain-Plains Education & Economic Development Program, Inc. for purposes of statistical research, development, and evaluation of the Program, and not for use in whole or in part in making any determination about an identifiable individual; and (4) location, for the purpose of conducting the next interview, of individual families.

Safeguards: Safeguards to insure the security and confidentiality of the records vary with the medium on which they are stored: (1) Interview schedules: all staff involved in the data collection, data encoding, and data collection process have been advised of rigid procedures to insure the confidentiality of the data. Completed interview schedules are secured under lock and key, and are accessible only by necessary staff under the supervision of the Director of Data Collection and Processing or the Project Director; (2) Punched cards: punched cards are secured under lock and key and are accessible only by analysis staff under the supervision of the Project Director; (3) Magnetic tapes: magnetic tapes are secured under lock and key and are accessible only by analysis staff under the supervision of the Project Director; (4) Disc: the records stored on disc constitute a link file which is the only part of the system on a machine which enables the information stored on punched cards and magnetic tape to be identified by individual. These records, which contain respondents' names and identification numbers are stored in Canada on secured files protected from unauthorized access by two levels of passwords. Any access to the account is controlled by an account password known only to the Project Director. Audits of use of this password are available on 4-hour notice in the event of suspected tampering. In addition, individual files are read-protected by file-specific passwords within the account. The file passwords may be changed arbitrarily to prevent unauthorized reading should the old password be accidentally discovered.

Retention and disposal: The records are retained for various lengths of time and disposed of differently, depending upon the medium on which they are maintained: (1) Interview schedules: will be retained until 1 December 1976, at which time they will be shredded; (2) Punched cards: will be retained until 1 December 1976, at which time they will be shredded; (3) Magnetic tapes: will have all identification stripped as of 1 December 1976, but will be retained indefinitely for research purposes; (4) Disc: will be erased as of 1 October 1976. Exception: subject to disclosure requirements of the Privacy Act.

System manager(s) and address:

Associate Director for Education and Work
National Institute of Education
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, address above, and must include inquirer's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The information maintained in this system of records is obtained from three sources: (1) personal interviews with the individuals, conducted by staff of the Mountain-Plains Education & Economic Development Program, Inc.; (2) the records of the Registrar of the Mountain-Plains Education & Economic Development Program, Inc.; (3) personal interviews with the individuals conducted by contractor's interviewers.

Systems exempted from certain provisions of the act: None.

E NIE EWG 17.01

System name: Career Education Project Client Information Data Base. HEW E.

Security classification: None.

System location:

800 Howard Building
10 Dorrance Street
Providence, Rhode Island 02903

Computer Laboratory
Crosby Drive
Bedford, MA 01730

Thirteenth floor
888 Seventh Avenue
New York, NY 10019

Categories of individuals covered by the system: Adult men and women who have contacted the Career Counseling Service of the Career Education Project from October 2, 1973, through June 30, 1975. (Persons over 16, not working full-time or not attending school on a full-time basis.)

Categories of records in the system: This information system maintains data related to a client's demographic characteristics and career-related expectations and plans; the counseling process, the client's decisions and actions at the end of counseling, subsequent education and work experiences of the client, and the client's evaluation of the counseling service.

Authority for maintenance of the system: Section 405(e)(1) of The General Education Provision Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for services and analysis of the records by authorized personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data are stored on the original data collection forms, punch cards, magnetic tapes and discs, and audio tapes for 40 in-depth interviews.

Retrievability: Data are retrieved from the Counseling file by reference to an identification number assigned by the Research and Evaluation Component. Data from the computer file is also retrieved by the identification number. The indexing file connecting names and addresses to identification numbers is stored in a locked file and maintained by the file control person at the Providence location, and by the principal investigator at the New York City location. Individually identifiable client files are used by the Counseling staff at Providence as an integral part of the career counseling process, and by the researchers in New York City to evaluate the effectiveness of the Counseling program. Data from these client files are used by qualified Research and Evaluation staff at Providence to code and analyze responses and prepare data for computer processing, and by authorized research personnel in New York City for stratification and drawing of samples, for locating individual former project clients to conduct the follow-up interviews on which the evaluation is based.

Safeguards: At the Providence location, counseling files, audio tapes and punch cards are stored in locked cabinets within the Research and Evaluation Component. Requests for use of original client files must be made by qualified staff to the file control person. At the New York City location, the hard-copy list of names and addresses are locked in the files of the principal investigator and are accessible only to qualified research staff as authorized by the principal investigator. At neither site, (New York City and Providence) do computer data files contain personal identifiers. Retrievability of data from computer files requires knowledge of appropriate password and authority to access computer, both of which are controlled by senior research staff. The Project has obtained release statements for audio taping from the 40 individuals involved in the in-depth interviews.

Retention and disposal: All data stored in the Counselor files at Providence including original records, interviews, and audio tapes will be maintained by the Project through October 28, 1975, the end of the contract period. All data stored in the computer will be purged after copies have been made on magnetic tape. Prior to the end of the contract period, NIE and EDC will make decisions regarding final disposal of all files. The New York location will deliver to the NIE system manager all data, original, punch cards, and tape form, that pertains to the evaluation project on or before the project termination date, June 30, 1976.

System manager(s) and address:

Associate Director for Education and Work
National Institute of Education
Washington, D.C. 20208

Notification procedure: Written inquiries must be made to the system manager, address above, and must include inquiror's name, address, dates of previous correspondence, the assigned system I.D. number and system name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Data are collected from the client directly during the counseling process and in follow-up interviews.

Systems exempted from certain provisions of the act: None.

E NIE PSG 2.01

System name: Responsiveness Project: Community Demands and School District Response File. HEW E.

Security classification: None.

System location:

1472 Kincaid, Room 034
Eugene, Oregon 97401

Categories of individuals covered by the system: School board members, school administrators, students, teachers, and members of the public from the eleven school districts in the study, who have spoken at school board or school administration meetings or who have expressed opinions on school matters to school board members or school administrators.

Categories of records in the system: The following data are collected on school officials: position sex, race, statements, voting behavior, opinion on topics, perceptions of others' opinions and reactions, future action on topic. For students, teachers, and members of the public, the following data are collected: occupation, sex, race, organizational affiliation, statements, opinion on topics, perceptions of others' opinions and reactions, previous action on topic, future action on topic.

Authority for maintenance of the system: Section 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To members of Congress who inquire on behalf of a constitutent; to an educational agency or institution against which a complaint has been made; pursuant to a request under the Freedom of Information Act for information where it is in the public interest to disclose information which is otherwise exempt from mandatory disclosure; to the Department of Justice for possible legal action; to the Department of Justice for Freedom of Information consultations; to whomever for suitability checks; under subpoena by administrative agencies such as IRS, Civil Rights Commission, etc.; disclosure to unions where required under the union contract; to administrators in the school districts in the study's sample to inform them of findings in their own districts and to enable them to conduct their own evaluation and research about how they make decisions, how they relate to their constituents, what percentage of their time they spend on certain topics, or whatever uses they choose for the data; to members of other research projects sponsored by NIE. (Note: Each district will receive only its own raw data, not the data collected in the other districts in the sample.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original field records are kept on printed forms in files; the analysis file will be maintained on punch cards and magnetic tape.

Retrievability: Names appear in the original field records; the analysis file is indexed by identification numbers, which correspond to the names appearing in the records. Those who have access to this data include: all staff members of the Responsiveness project; all research associates and administrative staff in the Center for Educational Policy and Management; Members of other research projects sponsored by NIE; and NIE staff members. Responsiveness project staff members will use the data for purposes of research analysis and for statistical uses, e.g., aggregate data analysis involving comparisons with other data sets. Other CEPM staff, other research project staff, and NIE staff will use the data for purposes of statistical analysis only. The data are not used in any way for determination of an individual's benefits or entitlements.

Safeguards: Direct access is restricted to project staff. Data are maintained in private offices which are locked at night. Exception: Subject to disclosure requirements of Privacy Act.

Retention and disposal: There are no plans to destroy these data. They will be stored on computer cards in locked file cabinets. Project personnel will keep all data indefinitely, as they envision many future uses.

System manager(s) and address:

Director of Program Operations
Group on School Capacity for Problem Solving
Room 815, 1200 19th Street, NW

National Institute of Education
Washington, D.C. 20208

Notification procedure: Inquiries must be made in writing to the system manager (address above) and must include the inquirer's name and address; dates of previous correspondence, if known; and the assigned system I.D. number and name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information has been collected from observation of meetings and interviews with meeting participants and school officials.

Systems exempted from certain provisions of the act: None.

E NIE PSG 3.01

System name: Responsiveness Project: Case Study Data File. HEW E.

Security classification: None.

System location:

1472 Kincaid, Room 034
Eugene, Oregon 97401

Categories of individuals covered by the system: School board members and school district administrators in the eleven districts participating in the study.

Categories of records in the system: Job descriptions and biographical information from the school board members and school district administrators participating in the study.

Authority for maintenance of the system: Section 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To members of Congress who inquire on behalf of a constituent; to an educational agency or institution against which a complaint has been made; pursuant to a request under the Freedom of Information Act for information where it is in the public interest to disclose information which is otherwise exempt from mandatory disclosure; to the Department of Justice for possible legal action; to the Department of Justice for Freedom of Information consultations; to whomever for suitability checks; under subpoena by administrative agencies such as IRS, Civil Rights Commission, etc.; disclosure to unions where required under the union contract; to administrators in the school districts in the study's sample to inform them of findings in their own districts and to enable them to conduct their own evaluation and research about how they make decisions, how they relate to their constituents, what percentage of their time they spend on certain topics, or whatever uses they choose for the data; to members of other research projects sponsored by NIE. (Note: Each district will receive only its own raw data, not the data collected in the other districts in the sample.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard-copy filed in standard file cabinets.

Retrievability: Records are identified and indexed by the names of the persons who are the subjects of the case studies. Those who have access to this data include: all staff members of the Responsiveness project; all research associates and administrative staff in the Center for Educational Policy and Management; members of other research projects sponsored by NIE; and NIE staff members. Responsiveness project staff members will use the data for purposes of research analysis and for statistical uses, e.g., aggregate data analysis involving comparisons with other data sets. Other CEPM staff, other research project staff, and NIE staff will use the data for purposes of statistical analysis only.

Safeguards: Access to data is restricted to project personnel. Data are maintained in private offices which are locked at night. The data are not used in any way for determination of an individual's benefit or entitlements. Exception: Subject to disclosure requirements of Privacy Act.

Retention and disposal: There are no plans to destroy these data. They will be stored on computer cards in locked file cabinets. Project personnel will keep all data indefinitely, as they envision many future Research uses.

System manager(s) and address:

Director of Program Operations
Group on School Capacity for Problem Solving
Room 815, 1200 19th Street, NW
National Institute of Education
Washington, D.C. 20208

Notification procedure: Inquiries must be made in writing to the system manager (address above) and must include the inquirer's name and address; dates of previous correspondence, if known; and the assigned system I.D. number and name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information has been collected from school district files and from school board members and school administrators.

Systems exempted from certain provisions of the act: None.

E NIE PSG 5.01

System name: Research Data on Organizational Change Projects in Urban Schools and On Users of the Data. HEW E.

Security classification: None.

System location: See Appendix 1.

Categories of individuals covered by the system: Faculty, staff, parents, students, administrators at building and district levels, staff in consulting agencies assisting schools, members of community organizations related to schools, other individuals related to the schools and education in the six cities where the nine target projects are located: New York, Louisville, Minneapolis, San Jose, Los Angeles, and Washington, D.C. Staff members of the National Institute of Education. Thirty-three schools in these cities are involved, for a period from 1974 through 1978 at least and possibly longer. Also, the same populations in up to two dozen schools to which research results will be disseminated and the impact of those results studied, from 1976 to 1979. The first dissemination sites are in Oakland, California, and Chicago, Illinois.

Categories of records in the system: Name, background facts, observations of activity in education projects being studied, opinions and attitudes related to education projects and education generally.

Authority for maintenance of the system: Section 405(e)(1) of the General Education Provisions Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No personally identifiable data is released outside the Department, except to contractors for services and analysis of the records by authorized personnel as appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original field observations are prepared in triplicate. One copy remains in file cabinets at the field office. Another copy is stored in file cabinets at any one of three supervisory offices. A third copy is transmitted to the central office in Chicago where some data is extracted and entered into a computer data system, and the copy is filed in cabinet storage. The data for the computer system are stored on magnetic tape at the university computer center.

Retrievability: Names and associated observations are entered on field data forms though the project in later years will attempt to enter ID numbers rather than names directly on the original field data forms. Field data forms are maintained in chronological or topical order in all locations where hard copy is stored. The computer data system replaces all individual and other names with identification numbers. Lists of names and their associated identification numbers are maintained at each field and supervisory office and at the central office. Those who have access to the field data forms and the lists of names include authorized members of the research staff only. Unidentified data only, is available to other research and administrative staff at Center for New Schools and Center for Education Policy and Management, other researchers elsewhere, and NIE staff. Access to the data would in all cases be for research analysis, preparation of materials for dissemination, or inspection of the progress of the research. The data are not used in any way for determination of any individual's benefits or entitlements.

Safeguards: Direct access to unidentified data is restricted, and access to data and the master list of names and identification numbers is further restricted only to certain authorized members of the research staff. Lists of names are maintained in locked storage. Field data forms at supervisory offices and central offices are maintained in offices locked at night, accessible only to project staff with keys. Computer tapes are maintained in locked offices. A master computer file of names and identifying numbers is main-

tained separate from the data file, and requires additional identification for access. Exception: Subject to disclosure requirements of Privacy Act.

Retention and disposal: Field data forms and computer tapes are maintained indefinitely.

System manager(s) and address:

Director of Program Operations
Group on School Capacity for Problem Solving
Room 815, 1200 19th Street, NW
National Institute of Education
Washington, D.C. 20208

Notification procedure: Inquiries must be made in writing to the system manager (address above) and must include the inquirer's name and address; dates of previous correspondence, if known; and the assigned system I.D. number and name.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: From individuals listed under 'category of individual' through interview, questionnaire, other written instruments, and direct observation by research staff; also from inspection of school building or system records, review of other documentary sources. Participants in projects being studied are aware of the data-gathering and the purpose of the research.

Systems exempted from certain provisions of the act: None.

Appendix number 1

Locations

Suite 1800
59 East Van Buren
Chicago, Illinois 60605

1472 Kincaid Street, Room 034
Eugene, Oregon 97401

5640 Ellis Avenue
Chicago, Illinois 60637

Apartment 19B
515 W. 59th Street
New York, New York 10019

1729 S. Highland Avenue
Los Angeles, California 90019

4 Chapelwood Drive
New Albany, Indiana 47150

1024 Warfield Avenue
Oakland, California 94610

1572 41st Street, S.E.
Washington, D.C. 20020

230 Riverside Drive, Apartment 6N
New York, New York 10025

8 Peter Cooper Road, Apartment 8A
New York, New York 10010

349 Beach 57th Street
Arverne, New York 11692

286 South 2nd Street, Apartment 6D
Brooklyn, New York 11211

947 17th Avenue, Apartment 4
Minneapolis, Minnesota 55414

E OE EDM 01.01

System name: Guaranteed Student Loan Program – Compliance Files. HEW E.

Security classification: None.

System location:

Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Student borrowers and loan applicants, personnel of GSLP, regional offices, participating schools, and lenders, who are involved in complaints or allegations of program irregularities, noncompliance, or misconduct.

Categories of records in the system: Contains written documentation of the alleged or proven act(s) of misconduct including name, address, social security and claim numbers (if appropriate) of the complainant, name of the student borrower, school or lender, and the results of investigative action, prosecution or non-prosecution intent and results.

Authority for maintenance of the system: Higher Education Act of 1965, Title IV-B, as amended (20 U.S.C. 1071-1087-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To schools and lenders for investigative activities. For uses 1,3,4,5,6,8 and 103 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard-copy filed in standard file cabinets.

Retrievability: The records are filed and indexed alphabetically by name and address. Intradepartmental users of these records are the HEW Office of General Counsel (OGC), HEW Office of Investigations and Security (OIS), and the OE Regional Offices (OERO). OGC usage is for the purpose of providing background data in obtaining legal rulings and opinions. OIS usage is for the purpose of obtaining documentation necessary for the investigation. OERO usage is for the purpose of coordinating actions between various regional offices.

Safeguards: Direct access is restricted to authorized GSLP staff; file cabinets are locked. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Records are maintained three years; compliance and investigative records are maintained five years past date of case closing. Destroyed by maceration.

System manager(s) and address:

Associate Commissioner
Office of Guaranteed Student Loans
Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Notification procedure: System manager; for general inquiries, name and date of previous correspondence, if known; for compliance/investigative material, name and any I.D. number assigned. Address is same as above.

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Incoming correspondence, responses and material obtained during course of any investigation.

Systems exempted from certain provisions of the act: None.

E OE EDM 02.01

System name: Guaranteed Student Loan Program--Student Complaint Files. HEW E.

Security classification: None.

System location:

Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Student borrowers and applicants for student loans in the Guaranteed Student Loan Program who have made complaints or allegations of irregularities by schools or lenders.

Categories of records in the system: Contains written documentation of student complaints including name, address, social security and claim numbers (if appropriate) of the complainant, name of school and lender, and the results of investigative action.

Authority for maintenance of the system: Higher Education Act of 1965, Title IV-B, as amended (20 U.S.C. 1071-1087-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To schools and lenders for investigative activities. For uses 1,3,5,6,8 and 103 in Appendix B of the Departmental Regulations (45 CFR) Part 5b). Regulations (45 Code of Federal Regulations Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard-copy filed in standard file cabinets.

Retrievability: The records are filed and indexed alphabetically by name and address. Authorized intradepartmental employees review action taken.

Safeguards: Direct access is restricted to authorized GSLP staff; file cabinets are locked. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Records are maintained three years; complaint and investigative records are maintained five years past date of case closing. Destroyed by maceration.

System manager(s) and address:

Associate Commissioner
Office of Guaranteed Student Loans
Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Notification procedure: System manager; for general inquiries, name and date of previous correspondence, if known; for complaint/investigative material, name and any I.D. number assigned. Address is same as above.

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Incoming correspondence, responses and material obtained during course of any investigation.

E OE EDM 03.01

System name: Guaranteed Student Loan Program--Defaulted Loans Submitted to General Accounting Office. HEW E.

Security classification: None.

System location:

Room 4636, GSA-Regional Office Building
7th and D Street, S.W.
Washington, D. C. 20202

Room 5471, 441 G Street, N.W.
Washington, D.C. 20548

Categories of individuals covered by the system: Student borrowers for whom defaulted claims have been paid on Federal Insured Student Loans and subsequently submitted to General Accounting Office (GAO) for further action.

Categories of records in the system: Contains borrower's name, demographic background, educational and lender information, family financial information, credit data, and collection history.

Authority for maintenance of the system: Higher Education Act of 1965, Title IV-B, as amended (20 U.S.C. 1071-1087-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on microfilm filed in standard file cabinets.

Retrievability: Data indexed by name and date. Data utilized by collection staff to compile GSLP statistics and management reports; to implement write-off of files transferred to GAO; to provide additional information in response to GAO/Justice Department inquiries.

Safeguards: Direct access is restricted to authorized GSLP staff; file cabinets are locked. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Held indefinitely.

System manager(s) and address:

Director, Division of Operational Support
Office of Guaranteed Student Loans
Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Notification procedure: System manager; for general inquiries, name and date of previous correspondence if known; for defaulted loans submitted to General Accounting Office, name, social security number and any I.D. number assigned. Address is same as above.

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Information is obtained from applications, correspondence and reports from borrowers and their families, lenders, schools, employers, credit agencies, and governmental agencies.

Systems exempted from certain provisions of the act: None

E OE EDM 04.01

System name: Guaranteed Student Loan Program -- Lender's Report. HEW E.

Security classification: None.

System location:

Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

5700 Thurston Ave.
Virginia Beach, VA 23455

Categories of individuals covered by the system: Student borrowers who have applied for educational loans under the Guaranteed Student Loan Program.

Categories of records in the system: Contains written documentation of application including demographic background, loan and educational status, name of guarantor and lender and data on credit and family.

Authority for maintenance of the system: Higher Education Act of 1965, as amended (20 U.S.C. 1071-1087-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for updating computer records and correction of errors. For uses 1,3,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard-copy filed in standard records cartons.

Retrievability: Records are indexed by borrower's name. Used by GLSP personnel either to retrieve needed information on an individual, a school, a lender or as part of a random statistical sampling or review.

Safeguards: Direct access is restricted to authorized GLSP staff and contract employees; stored in records cartons in rooms locked during non-business hours. Exceptions: subject to disclosure requirements of Privacy Act.

Retention and disposal: Records of individual loans are destroyed three years after final repayment of loan. Destroyed by maceration.

System manager(s) and address:

Director, Division of Operational Support
Office of Guaranteed Student Loans
Room 4636, GSA-Regional Office Building
7th & D Streets, S.W.
Washington, D.C. 20202

Notification procedure: System manager for all inquiries, name and social security number. Address is same as above.

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Incoming application forms from guaranteed agencies and private non-profit profit agencies approved by the Commissioner. Information supplied by student, student's family and lender.

Systems exempted from certain provisions of the act: None.

E OE EDM 06.01

System name: Guaranteed Student Loan Program--Paid Claims File. HEW E.

Security classification: None.

System location:

Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Categories of individuals covered by the system: Student borrowers for whom claims have been paid on Federal Insured Student Loans.

Categories of records in the system: Contains borrower's name, demographic background, educational and lender information, family financial information, credit data, loan data, legal documents, medical reports, and collection history.

Authority for maintenance of the system: Higher Education Act of 1965, Title IV-B as amended (20 U.S.C. 1071-1087-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update records and correct errors; to state guarantee agencies requesting student borrower information; and for uses 1,3, 4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard-copy filed in standard file cabinets and lektriever.

Retrievability: Data indexed by name. Claims classified into special categories: bankruptcies; death; disabilities; repurchases by lenders; paid-in-full; and defaulted claims. Defaulted claims are separated into sub-categories: skip files, suspension files, foreign files, forbearance files, and prison files. Data utilized to compile GSLP statistics and management reports for system manager; used by collection staff to collect monies owed to U.S. Government and to perform post-audits on paid claims; to provide data to the Office of Investigations and Security in cases of possible fraud and irregularities; and to provide data to compliance staff associated with violation of the laws.

Safeguards: Direct access is restricted to authorized GSLP staff; file cabinets and lektriever are locked. Exception: subject to disclosure requirements of Privacy Act.

Retention and disposal: Records destroyed by maceration after microfilming; microfilm maintained three years after repayment or cancellation of loan, and destroyed by chemical processing.

System manager(s) and address:

Director, Division of Operational Support
Office of Guaranteed Student Loans
Room 4636, Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Notification procedure: Systems manager; for general inquiries, name and date of previous correspondence, if known; for paid claim, name, social security number and any I.D. number assigned. Address is same as above.

Record access procedures: Same as above

Contesting record procedures: Contact system manager, above.

Record source categories: Information is obtained from applications, correspondence and reports from borrowers and their families, acquaintances, lenders, schools, employers, credit agencies, and governmental agencies.

Systems exempted from certain provisions of the act: None.

E OE EDM 07.01

System name: Guaranteed Student Loan Program--Claims and Collections Master File. HEW E.

Security classification: None.

System location:

5185 MacArthur Blvd.
Washington, D.C. 20016

115 Evergreen Heights Dr.
Pittsburgh, PA 15229

Categories of individuals covered by the system: Defaulted student borrowers for whom the claims have been paid on Federal Insured Student Loans.

Categories of records in the system: Contains names, social security numbers, addresses of defaulted borrowers. Contains claim numbers, amounts of claim to include interest and lender/school identifications.

Authority for maintenance of the system: Higher Education Act of 1965, Title IV-B, as amended, (20 U.S.C. 1071-1087-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update files and correct errors; to state guarantee agencies requesting student borrower information; and for uses 1,3, 4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The file is maintained on magnetic tape/disk packs in a library room area at the above named locations.

Retrievability: The file is indexed by social security number. Data are utilized to provide OGSL program staff with statistical and managerial reports; to provide the DHEW - Office of General Counsel and the DHEW - Office of Investigations and Security with data in possible cases of fraud or irregularities. Other uses by OGSL staff are to identify student borrowers indebted to the U.S. Government who have defaulted on their student loan; reimburse lending institution for claim against a guaranteed student loan; generate and maintain financial records for OE Finance Division; maintain accounting records of collection activity for borrowers repaying loans to U.S. Government; generate managerial and statistical reports; determine a borrower's default status; verify payments applied toward defaulted student loans; update file and correct errors.

Safeguards: OGSL screening of authorized contractual personnel. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director, Program Systems Division
Office of Guaranteed Student Loans
Room 4636, GSA-Regional Office Building
7th and D Street, S.W.
Washington, D.C. 20202

Notification procedure: Contact system manager for general inquiries supplying name, social security number and date of birth (at the above address).

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

Systems exempted from certain provisions of the act: None.

E OE EDM 08.01

System name: Guaranteed Student Loan Program--Collection Letters. HEW E.

Security classification: None.

System location:

5185 MacArthur Blvd.
Washington, D.C. 20016

115 Evergreen Heights Dr.
Pittsburgh, PA 15229

Categories of individuals covered by the system: Defaultcd student borrowers for whom claims have been paid on Federal Insured Student Loans.

Categories of records in the system: Contains names, social security numbers, addresses of defaulted borrowers. Contains claim numbers, amounts of claim to include interest and lender/school identifications.

Authority for maintenance of the system: Higher Education Act of 1975, Title IV-B, as amended, (20 U.S.C. 1071-1087-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible re-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update records and correct errors; to state guarantee agencies requesting student borrower information; and for uses 1,3, 4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The file is maintained on magnetic tape/disk packs in a library room area at the above named locations.

Retrievability: The file is indexed by social security number. Data are utilized to provide OGSL program staff with statistical and managerial reports; to provide the DHEW - Office of General Counsel and the DHEW - Office of Investigations and Security with data in possible cases of fraud or irregularities. Other uses by OGSL staff are to identify defaulted claims in delinquent status; to contact defaulted borrowers to encourage repayment of claim disbursed by U.S. Government; to take follow-up action on delinquent defaulted accounts; to update records and correct errors.

Safeguards: OGSL screening of authorized contractual personnel. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director, Program Systems Division
Office of Guaranteed Student Loans
Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Notification procedure: Contact system manager for general inquiries supplying name, date of birth and social security number (at the above address).

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, acquaintances, lenders, schools, medical reports, employers, credit agencies, and federal and state governmental agencies.

Systems exempted from certain provisions of the act: None.

E OE EDM 09.01

System name: Guaranteed Student Loan Program--Inactive Loan Control Master File. HEW E.

Security classification: None.

System location:

5185 MacArthur Blvd.
Washington, D.C. 20016

115 Evergreen Heights Dr.
Pittsburgh, PA 15229

Categories of individuals covered by the system: Students having participated in Guaranteed Student Loan Program and purged from primary Loan Control Master File.

Categories of records in the system: Contains name, social security number, demographic background, educational status, loan status and family financial information of individual for whom the record was maintained.

Authority for maintenance of the system: Higher Education Act of 1965, Title IV-B, as amended, (20 U.S.C. 1071-1087-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for issuance of collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to requesting student borrower information; and for uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The file is maintained on magnetic tape/disk packs in a library room area at the above named locations.

Retrievability: The file is indexed by social security number. Data are utilized to provide OGSL program staff with statistical and managerial reports. Other uses by OGSL staff are to obtain loan data on former student loan borrowers; update records and correct errors.

Safeguards: OGSL screening of authorized contractual personnel. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director, Program Systems Division
Office of Guaranteed Student Loans
Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Notification procedure: Contact system manager for general inquiries supplying name, date of birth, and social security number (at the above address).

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, acquaintances,

lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

Systems exempted from certain provisions of the act: None.

E OE EDM 10.01

System name: Guaranteed Student Loan Program--Loan Control Master File. HEW E.

Security classification: None.

System location:

5185 MacArthur Blvd.
Washington, D.C. 20016

115 Evergreen Heights Dr.
Pittsburgh, PA 15229

Categories of individuals covered by the system: Students applying for guaranteed student loans or having received educational loans under the provisions of the Guaranteed Student Loan Program.

Categories of records in the system: Contains name, social security number, demographic background, educational status, loan status and family financial information of individual for whom the record is maintained. Contains lender and school identification.

Authority for maintenance of the system: Higher Education Act of 1965, Title IV-B, as amended, (20 U.S.C. 1071-1087-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To schools and lenders for loan status information and record reconciliation; to borrowers and applicants for status of loan applications; to contractors for updating program records and processing documents; to State Guarantee Agencies for loan status information. To an educational agency or lending institution against which a complaint has been made; and for uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The file is maintained on magnetic tape/disk packs in a library room area at the above named location.

Retrievability: The file is indexed by social security number. Data are utilized to provide OGSL program staff with statistical and managerial reports. Other uses by OGSL staff are to identify students participating in the Guaranteed Student Loan Program; determine eligibility of loan application; reflect eligibility for interest benefits; determine loan status of borrower; compute insurance premium for Federally Insured Loans; compile and generate managerial and statistical reports; research records for inquiry responses; reflect interest rates for individual loans; update file and correct errors.

Safeguards: OGSL screening of authorized contractual personnel. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director, Program Systems Division
Office of Guaranteed Student Loans
Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Notification procedure: Contact system manager for general inquiries supplying name with date of birth, and social security number (at the above address).

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

Systems exempted from certain provisions of the act: None.

E OE EDM 11.01

System name: Guaranteed Student Loan Program--Pre Claims Assistance. HEW E.

Security classification: None.

System location:

5000 Arlington Centre Blvd.
Columbus, Ohio 43220

115 Evergreen Heights Dr.
Pittsburgh, PA 15229

Categories of individuals covered by the system: Students reported by lending institutions to be delinquent on their educational loans.

Categories of records in the system: Contains name of student, social security number, address, amount of outstanding loans including interest. Name and address of parent or nearest relative, record of actions taken.

Authority for maintenance of the system: Higher Education Act of 1965, Title IV-B, as amended, (20 U.S.C. 1071-1087-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To contractors for issuance fo collection letters; to credit company contractors for skip tracing, in-file history information, assets and ability to pay; to Internal Revenue Service for last known address; to Postal Service for last known address; to General Accounting Office for possible pre-litigation collection service and audit; to Department of Justice for possible legal action; to Federal Bureau of Investigation in performance of investigation into possible fraud cases; to State Department of Motor Vehicles for last known address; to State Bureau of Vital Statistics for verification of death; to mortgage companies for credit checks; to educational agencies or institutions against which a complaint has been made; to other lenders in the program making inquiries about the defaulted students who may have been denied additional loans; to other Federal agencies requesting information as to the repayment history of the defaulted account; to the State Department for last known address abroad; to contractors to update records and correct errors; to State Guarantee Agencies requesting student borrower information; and for uses 1,3,4,5,6,8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b). Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The file is maintained on magnetic tape/disk packs in a library room area at the above named locations.

Retrievability: The file is indexed by social security number. Data are utilized to provide OGSL program staff with statistical and managerial reports; to provide the DHEW - Office of Investigations and Security with data in possible cases of fraud or irregularities. Other uses by OGSL staff are to identify delinquent borrowers; locate and contact delinquent borrowers; maintain current address of delinquent borrowers; assist lending institutions in having delinquent borrowers commence repayment of educational loan; update records and correct errors.

Safeguards: OGSL screening of authorized contractual personnel. Exception: subject to disclosure requirements of the Privacy Act.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director, Program Systems Division
Office of Guaranteed Student Loans
Room 4636, GSA-Regional Office Building
7th and D Streets, S.W.
Washington, D.C. 20202

Notification procedure: Contact system manager for general inquiries supplying name with date of birth and social security number (at the above address).

Record access procedures: Same as above.

Contesting record procedures: Contact system manager, above.

Record source categories: Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

Systems exempted from certain provisions of the act: None.

E OE EDS 8.01

System name: Field Readers File for HEA, II-B (Library Research and Demonstration and Training Programs). HEW E.

Security classification: None.

System location:

Room 5913, Regional Office Bldg. 3
7th & D Streets, S. W.

Washington, D.C. 20202

Categories of individuals covered by the system: Individuals who are professionals with a high degree of specialization in various aspects of library education.

Categories of records in the system: Names, addresses, social security numbers, business address, telephone number, present and previous employment, highest academic degree, and publications

Authority for maintenance of the system: Sec. 201, 221-223, Title II-B of the Higher Education Act of 1965 as amended by P. L. 92-318, (20 U.S.C. 1031-1034).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Appendix B of the Departmental regulations (45 Code of Federal Regulation part 5b) No. 1, 3, 5, 6, 8, 9, 100-103. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard-copy filed in standard file cabinets.

Retrievability: Records are indexed by name of individual. Records are utilized by agency staff involved in the selection of individuals to review proposals submitted under the various agency programs; and by proper agency staff to reimburse these individuals for services rendered and to control expenditures.

Safeguards: Above records are secured in locked files of the Division of Library Programs of the Office of Libraries and Learning Resources. Access is limited to authorized OE staff. Subject to disclosure requirements of the Privacy Act.

Retention and disposal: Above records are maintained on a permanent basis.

System manager(s) and address:

Chief, Library Education and Postsecondary Resources Branch
Room 5929, ROB-3
7th and D Streets, S. W.
Washington, D. C. 20202

Chief, Library Research and Demonstration Branch
Room 5909, ROB-3
7th & D Streets, S. W.
Washington, D. C. 20202

Director, OLLR
Room 5901, ROB-3
7th & D Streets, S. W.
Washington, D.C. 20202

Notification procedure: System manager(s) (See above) will respond to inquirers. Request for information should include: 1) system name, 2) name and address of the individual inquiring about his/her record.

Record access procedures: See above.

Contesting record procedures: Contact System manager above.

Record source categories: Information obtained on a voluntary basis directly from individuals listed in the system of records.

Systems exempted from certain provisions of the act: None.

OASH OAM 0002.01

System name: PHS Commissioned Officer Personnel Data System. HEW/OASH/OAM

Security classification: None.

System location:

Office of the Director, Commissioned Personnel Operations Division
Office of Personnel Management/OAM/PHS
Room 4A-15, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Commissioned Officers and applicants to the Commissioned Corps of the Public Health Service.

Categories of records in the system: ADP tapes covering training, personnel actions; payroll, applicant and officer qualifications and similar personnel data.

Authority for maintenance of the system: Public Health Service Act Section 201 et seq (42 U.S.C. 202 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from these records may be transmitted for official purposes; to provide information to the Civil Service Commission for the preparation of statistical reports and studies; to U.S. Congress; to Office of Management and Budget for budgetary o management oversight purposes; and to those prospective employers, financial institutions, Federal agencies and departments to which information may be provided from the records system entitled 'PHS Commissioned Corps General Personnel Files and Records', for the same purposes stated there. In addition, a promotion and seniority listing, containing promotion, pay, retirement, etc., credit dates is published and distributed annually to all officers and certain management personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Variously on disc, mag-tape, and hard copy reports.

Retrievability: Alphabetically by name, Social Security number, and Public Health Service serial number. (Permission has been requested from the Department for the continued use in this system of the SSN as a use within Sec. 7(a)(2)(B) of the Privacy Act.) Used by HEW employees who process personnel operations.

Safeguards: ADP requires password access, physical systems are in restricted areas with building guard protection.

Retention and disposal: Indefinite retention.

System manager(s) and address: Director, Commissioned Personnel Operations Division (see above address).

Notification procedure: Write System Manager.

Record access procedures: Contact the System Manager shown above.

Contesting record procedures: Contact the System Manager shown above.

Record source categories: From individual officers and applicants; and from personnel files.

Systems exempted from certain provisions of the act: None.

OASH OAM 0003.01

System name: PHS Commissioned Corps Medical Records. HEW/OASH/OAM.

Security classification: None.

System location:

Office of the Director, Commissioned Personnel Operations Division
Office of Personnel Management/OAM/PHS
Room 4A-15, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Commissioned Officers; applicants to the Commissioned Corps; deceased active duty officers; retired officers; annuitants from the Commissioned Corps of the Public Health Service.

Categories of records in the system: Medical files and records on officers and applicants to the Commissioned Corps; death case files and supporting documents; and correspondence relating to the above.

Authority for maintenance of the system: Public Health Service Act 201 et seq. (42 U.S.C. 202 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provided to Veterans Administration in event of post-service claims or continued medical care while still on active duty. These records or information therefrom may also be provided to Department of Defense to assure continuity of medical care. Copies of medical and personnel records may be provided to Department of Justice, Department of Transportation, Department of State, Environmental Protection Agency and other agencies covering Commissioned Officers assigned to those agencies. Copies of medical records may be provided to private physicians in emergency situations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Locked Lektriever and Conserv-a-Files
Official Personnel Folders of Officers
Federal Records Center

Retrievability: By name of officer or applicant listed alphabetically. Death case file used in social security processing. (Permission has been requested from the Department for the continued use in this system of the SSN as a use within Sec. 7(a)(2)(B) of the Privacy Act.) Used by HEW employees who make eligibility decisions; adjudications of entitlements; budgetary estimates; statistical data; and provide continuity of care between medical facilities.

Safeguards: Locked containers and building guard system.

Retention and disposal: Medical records retained indefinitely; non-selected applicant files destroyed after five years.

System manager(s) and address: Director, Commissioned Personnel Operations Division (See Systems Location above).

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager named above. Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name and address of office in which currently or formerly employed in the Federal service, and annuity account number, if any has been assigned.

Record access procedures: Contact the System Manager named above.

Contesting record procedures: Contact System Manager named above.

Record source categories: From individual officers, applicants, private and governmental physicians, hospitals and clinics; investigative reports; official personnel folder; death certificates and reports of death; from survivors and executors of estates and other Commissioned Corps officials.

Systems exempted from certain provisions of the act: None.

OASH OAM 0007.01

System name: PHS Commissioned Corps General Personal Files and Records. HEW/OASH/OAM.

Security classification: None.

System location:

Office of the Director, Commissioned Personnel Operations Division
Office of Personnel Management/OAM/PHS
Room 4A-15, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Commissioned Officers, former Commissioned Officers, applicants to the Commissioned Corps of the Public Health Service.

Categories of records in the system: Official Personnel Folders; Service Records Cards (summarizing personnel actions); Commissioned Officer leave records; file records of non-appointed applicants; Commissioned Officer Residency Deferment Program (CORD) files containing application forms and related documents; Selection Systems applications; identification and privilege card records; recommendations regarding payment of leprosy duty pay; and correspondence relating to the above.

Authority for maintenance of the system: Public Health Service Act Section 201 et seq. (42 U.S.C. 202 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Limited information provided prospective employers upon inquiry. Employment confirmations provided FHA and financial institutions. DOD may obtain access in event of national emergency. VA may obtain information in event of past employment claim. Bureau of Prisons (Department of Justice), Coast Guard (Department of Transportation), and Environmental Protection Agency may obtain copies of personnel documents relating to Commissioned Officers on assignment to those agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records kept in secured area. Derogatory information kept in locked safe.

Retrievability: Alphabetically indexed by name of person and SSN. (Permission has been requested from the Department for the continued use in this system of the SSN as a use within Sec. 7(a)(2)(B) of the Privacy Act.) Used by HEW officials who conduct personnel operations for the Commissioned Corps.

Safeguards: Secured area, safes, and building guard force.

Retention and disposal: Applicant files destroyed after two years if not used; leave records destroyed five years after separation; other files retained indefinitely. Identification and privilege cards and records disposed of when officer is no longer entitled to use.

System manager(s) and address: Director, Commissioned Personnel Operations Division. (See System Location above.).

Notification procedure: Write only System Manager.

Record access procedures: Contact the System Manager shown above.

Contesting record procedures: Contact System Manager.

Record source categories: Information furnished by subject, references, reports of supervisors and other officials; personal actions; and doctors.

Systems exempted from certain provisions of the act: None.

OASH OAM 0008.01

System name: PHS Commissioned Corps Unofficial Personnel Files, Leave, Identification and Privilege Card Records in Operating Program Offices and Field Stations.

Security classification: None.

System location: Operating Offices of the Department at the level of the individual's employment.

Categories of individuals covered by the system: Commissioned Officers, former Commissioned Officers, and their dependents, assigned to the subject installation.

Categories of records in the system: Duplicates of personnel actions and leave records maintained in station files for individuals assigned to subject installation. Identification and privilege card records, and correspondence relating to above.

Authority for maintenance of the system: Public Health Service Act Subsection 201, et. seq., (42 USC 202 et. seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records kept in secured area.

Retrievability: Alphabetically indexed by name of person and SSN. (Permission has been requested from the Department for the continued use in this system of the SSN as a use within Sec. 7(a)(2)(B) of the Privacy Act.). Used by HEW officials who conduct personnel operations for the Commissioned Corps.

Safeguards: Records kept in secured area, safes, and building guard force.

Retention and disposal: Station personnel files destroyed after two years if not used; leave records destroyed five years after separation; other files retained indefinitely. Identification and privilege cards and records disposed of when officer is no longer entitled to use.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records kept in secured area.

System manager(s) and address: Administrative Officers where individual is employed.

Notification procedure: Individuals should contact their supervisors or the administrative offices of the organizational unit in which employed regarding records pertaining to them.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information furnished by reports of supervisors and other officials, personnel actions, and the individual.

ADAMHA NIMH 0027.02

System name: Maryland Psychiatric Case Register-HEW/ADAMHA/NIMH.

Security classification: None.

System location:

Division of Biometry and Epidemiology
NIMH
and
Parklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Persons who received care in psychiatric facilities in Maryland, and Maryland re-

sidents who received care in psychiatric facilities in the District of Columbia during the period July 1, 1961 - June 30, 1968.

Categories of records in the system: Information contained on admission, termination, and patient movement forms reported to Maryland Department of Mental Hygiene, including demographic, social, and psychiatric data pertaining to diagnosis, nature of problem and type of treatment. Also, death data (e.g., cause) from Baltimore and State of Maryland death certificate records. Period covered: July 1, 1961 - June 30, 1968.

Authority for maintenance of the system: Public Health Service Act Sections 301, 433(a), 455(42 U.S.C. 241, 289k, 289k-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Authorized representatives of agencies and organizations to process data for epidemiologic and service utilization research studies and analyses based on data contained within the register or by relating or matching of register data to information from other data systems; develop methodological techniques. Results of studies and analyses appear only in group data form.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tapes, punch cards, computer printouts.

Retrievability: By register identification number, name. The records are currently being used to develop grouped statistical data relating to: (1) social security earnings; (2) information collected in a special 1963 population census of the residents of Washington County, Maryland; (3) information from the Baltimore public school system; and (4) information from Prince Georges and Montgomery Counties' Family Service Agencies in Maryland.

Safeguards: Only authorized research and computer staff have acces to files.

Retention and disposal: No new patients are to be added to system which will be maintained indefinitely for research and analysis purposes.

System manager(s) and address:

Chief, Applied Biometrics Research Branch
Division of Biometry and Epidemiology
National Institute of Mental Health
5600 Fishers Lane
Rockville, Maryland 20852

Notification procedure: None.

Record access procedures: None.

Contesting record procedures: None.

Record source categories: Forms submitted by psychiatric facilities to Maryland Department of Mental Hygiene, and Maryland death certificate records. Also from (1) Social Security Administration aggregate data; (2) The Johns Hopkins University (Washington County (Md.) Census Data); (3) Baltimore Public School System; and (4) Family Service Agencies of Prince Georges and Montgomery Counties (Md.).

Systems exempted from certain provisions of the act: An exemption from notification access and contest as a statistical record system under Section 3 (f)(k)(4) of the Privacy Act has been granted.

HRA NCHSR 0003.01

System name: National Center for Health Services Research Contract Records System HEW/HRA/NCHSR.

Security classification: None.

System location:

National Center for Health Services Research
5600 Fishers Lane
Rockville, Md. 20852

Categories of individuals covered by the system: Scientific and management personnel of profit-making and non-profit or academic institutions contracting with NCHSR.

Categories of records in the system: Contract files containing biographical information including Social Security number and financial information on principal scientific personnel involved.

Authority for maintenance of the system: Public Health Service Act Sections 304,305,308 and 1205 (42 U.S.C. 242b, 242c, 242m and 300d-4).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and computer tape.

Retrievability: Retrievable by name. Administration and oversight - NCHSR personnel. Evaluation - NCHSR personnel and scientific consultants. These are professional services contracts to perform agency functions.

Safeguards: Access to authorized personnel; general building security.

Retention and disposal: Number of Years held at HRA: Indefinite.

System manager(s) and address:

Chief, Contracts Liaison Branch, NCHSR
Room 15-16, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Contract Proposals.

Systems exempted from certain provisions of the act: None.

HSA BMS 0004.01

System name: Federal Employee Occupational Health Data System HEW/HSA/BMS.

Security classification: None.

System location:

FCB 03, Room 330
6525 Belcrest Road
W.Hyattsville, Maryland 20782

Categories of individuals covered by the system: Federal employees enrolled in PHS/DFEH Health Units. (See appendix to Division of Federal Employee Health (DEFH) Employee Health Records System to determine covered employees).

Categories of records in the system: Health Records.

Authority for maintenance of the system: 5 USC 7901, 5 USC 8101, OMB Circular No. A-72.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: access to files of those persons claiming compensation benefits due to personal injury while on the job. Users: U.S. Department of Labor, Officer of Worker's Compensation Program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, and disc.

Retrievability: Purpose: The system is designed to provide improved information to DFEH management while simultaneously reducing the administrative workload on the medical professionals in the health units. Users: physicians, nurses, other health professionals. Retrievability: by SSN. (Permission has been requested from the Department for the continued use in this system of the SSN as a use within Sec 7 (a)(2)(B) of the Privacy Act.)

Safeguards: Access to information limited to authorized DFEH personnel.

Retention and disposal: Number of years held at HSA - Indefinitely or until 6 years after record becomes inactive. Purged from computer and stored on computer tape for a period of 6 years after file becomes inactive.

System manager(s) and address:

Director
Division of Federal Employee Health
FCB 03 6526 Belcrest Road
Hyattsville, Maryland 20782

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Data resulting from the clinical and preventive services offered by the PHS/DFEH Health Units and data obtained from individual.

Systems exempted from certain provisions of the act: None.

HSA BMS 0024.01

System name: PHS Clinical Affiliation Trainee Records. HEW/HSA/BMS.

Security classification: None.

System location: See Appendices 1 and 2 to Patients Medical Record System PHS Hospital/Clinic System.

Categories of individuals covered by the system: Students serving clinical affiliation (non-employees of PHS Hospitals and Clinics).

Categories of records in the system: Supervisor evaluations and educational records.

Authority for maintenance of the system: Public Health Service Act Sec. 321 (42 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: Provide evaluation of trainees progress in affiliation, professional reference. Users: Educational program staff at education site, prospective employers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Purpose: Communication between educational and supervisory staff for evaluation of trainee. Users: Director of Education at facility, Work and Staff Supervisors, Administration personnel. Retrievability: Alphabetically by last name.

Safeguards: Stored in locked files, access limited to authorized personnel.

Retention and disposal: Number of years held at HSA - indefinitely. How destroyed - shredded.

System manager(s) and address:

Director
Division of Hospitals and Clinics
FCB 03, 6525 Belcrest Road
Hyattsville, Maryland 20782

Notification procedure: Same as system location, not including Federal Records Centers. Individual must contact appropriate facility directly.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Individual, Clinical Supervisors and administrative personnel of facility.

Systems exempted from certain provisions of the act: None.

SSA EA PI 0175.02

System name: Automated Controlled Correspondence Extraction System HEW SSA.

Security classification: None.

System location:

Office of Public Inquiries
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Records are maintained for individuals who forward a request for information directly to the Commissioner of the Social Security Administration and for individuals whose requests to members of Congress, the President, etc. are forwarded to the Commissioner for response.

Categories of records in the system: Information is maintained in the system solely to aid in the control of correspondence through the various processing steps. Information in the records includes the following: name of individual involved, social security number (if given), name of third party inquirer (if present), Congressman's name (if a congressional inquiry), address-to-code (official to whom inquiry is directed), signature code (indicates more than one inquiry about an individual), subject matter code, location information (component within the Social Security Administration that received the inquiry and date of receipt), and response information (type and date of Social Security Administration response).

Authority for maintenance of the system: Sections 205(a) and 1631 of the Social Security Act, and Section 413 of the Federal Coal Mine Health and Safety Act (Black Lung).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on magnetic tape and computer discs.

Retrievability: The system is indexed by both name and by computer identification number, which are cross-referred. It is used to control processing of correspondence within the Social Security Administration, and to provide management information regarding the correspondence process.

Safeguards: Records are safeguarded by limiting access to specific system terminals located in correspondence processing areas. The limited amount of identifying data (name, social security number, and subject matter code) contained in any given record does not warrant elaborate safeguards.

Retention and disposal: Records are maintained on-line in the system from the time of control until 13 months after the final response is released. The records are then maintained on magnetic tape for an additional 24 months before being erased.

System manager(s) and address:

Assistant Commissioner for Public Inquiries
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure:

Chief, Office of Public Information Analysis Staff
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Identifying information should include the name of the person inquired
about, the person to whom the inquiry was sent, and the date of the inquiry.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Inquiries directed to the Commissioner of Social Security Administration from members of the public.

SSA HI 0175.02

System name: Health Insurance Master Record--HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Records are maintained on the following categories: Individuals age 65 or over who currently are, or have been, entitled to health insurance benefits under Title XVIII of the Social Security Act; individuals under age 65 who have been entitled for not less than 24 consecutive months to disability benefits under Title II of the Act or under the railroad retirement system; and the spouse or dependent children of a person fully insured under social security who has chronic renal disease.

Categories of records in the system: The system contains information on enrollment, entitlement, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

Authority for maintenance of the system: Section 1814 and 1833 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Health Insurance Master Record is updated daily from the Health Insurance Daily Master File, which ultimately creates the Carrier Alphabetic State List (BEST List). The Health Insurance Master Record is also used to update the Health Insurance Utilization Microfilm and the Chronic Renal Disease Beneficiary History File. Data from this system is disclosed to the Railroad Retirement Board, Group Prepayment Practice Plans, and Health Maintenance Organizations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained on paper listings, microfilm, magnetic tape, disc and punchcards.

Retrievability: System is indexed by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing.

Safeguards: Unauthorized personnel are denied access to the records area. Disclosure is limited to routine use.

Retention and disposal: Records are closed out at the end of the calendar year in which paid, held 2 additional years, transferred to the Federal Records Center, and destroyed after another 6 years.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for system records should be addressed to the most convenient social security office or to the Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Record access procedures: The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from SSA, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

Contesting record procedures: Same.

Record source categories: The data contained in these records is furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual; the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

SSA HI 0375.01

System name: Group Health Plan System HEW SSA.

Security classification: None.

System location:

Bureau of Data Processing
6401 Security Boulevard
Baltimore, Maryland 21235

Categories of individuals covered by the system: Recipients of Part A (Hospital Insurance) and Part B (supplementary medical) Medicare services.

Categories of records in the system: The system contains information about a beneficiary's health insurance entitlement and supplementary medical benefits usage.

Authority for maintenance of the system: Sections 1866 and 1876 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Group health plans notify the Social Security Administration, usually on a monthly basis, of new members to be added to the membership roll or of terminations to be deleted from the roll. The Group Health Plan operation passes records of these changes to the health insurance master record for checking eligibility to health insurance. Once eligibility is confirmed, the Group Health Plan operation records the changes on the Group Health Plan master file. On a monthly basis, the operation prepares a listing of all transactions submitted by each plan, indicating those accepted, rejected, or held pending for further processing. The listing is mailed to the plans for reconciling (or adjusting) member records. Once a month the Group Health Plan system sends a tape record of active members to the health insurance master file update operation which posts prorata credits to the member's health insurance master record. Any changes to group health plan member records noted in the health insurance master file (e.g., death terminations) are relayed back to the Group Health Plan system for updating of the Group Health Plan master record. These items are shown on the monthly listing of transactions provided to the plans.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and paper listing.

Retrievability: The system is indexed by health insurance claim number.

Safeguards: Only authorized personnel have direct access to information in the Group Health Plan system. In addition, Group Health Plan personnel are advised that information is confidential.

Retention and disposal: Health insurance materials used to support the accuracy of the charge per service billed by the plan are retained for 3 years, then destroyed.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for system records should be addressed to the Social Security Administration, Bureau of Health Insurance, Division of Direct Reimbursement, Group Practice Prepayment Plan Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number as shown on social security records.

Record access procedures: Same.

Contesting record procedures: Same.

Record source categories: The identifying information contained in these records is obtained from the group health plans (which obtained the data from the individual concerned).

SSA HI 0575.01

System name: Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program HEW SSA.

Security classification: None.

System location:

Social Security Administration
Bureau of Health Insurance
Division of Special Operations, Reconsideration Branch
Baltimore, Maryland 21235

Categories of individuals covered by the system: Individuals dissatisfied with an initial determination as to the amount of benefits payable on the beneficiary's behalf under the hospital insurance program who have filed either an expressed or implied request for reconsideration.

Categories of records in the system: Reconsideration development and case summary; Part A - review action; complaint sheet; HA-501, Request for Hearing; SSA-561 Request for Reconsideration; and comparable forms and evidence furnished by beneficiaries or their representatives, intermediary action, correspondence, Social Security Administration determination, Administrative Law Judges' decisions, original bills, Appeals Council decisions and related correspondence.

Authority for maintenance of the system: Sections 1812, 1814, and 1816 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this set of records is to document and support the beneficiary's request for reconsideration, and where applicable, a hearing and possible court review. It also documents the action taken by the Social Security Administration in these actions and is used to update the Central Office records, reconsideration hearings, appeals and court cases which are maintained on magnetic tape.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file cabinets.

Retrievability: The system is indexed by health insurance claim number.

Safeguards: The file is closed to unauthorized personnel. Disclosure of records is limited to routine uses.

Retention and disposal: Records are placed in inactive file when final action is taken on the case and closed out at the end of the calendar year in which final action was taken. They are held 2 additional years, transferred to the Federal Records Center and destroyed after 5 years.

System manager(s) and address: Director, Bureau of Health Insurance.

Notification procedure: Inquiries and requests for system records should be addressed to the Social Security Administration, Bureau of Health Insurance, Reconsideration Branch. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Record access procedures: The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from the Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235

Contesting record procedures: Same.

Record source categories: The information contained in these records is furnished by the beneficiary, his representative, or other person requesting a review of the claim and from the reviewing authority (the supplementary health insurance carrier).

SSA HI 0675.02

System name: Medicare Beneficiary Correspondence Files HEW SSA.

Security classification: None.

System location:

Social Security Administration
Bureau of Health Insurance (or Bureau of Data Processing)
Baltimore, Maryland 21235

All Health Insurance Regional Offices (see Appendix C, Section 2).
Intermediaries and carriers (see Appendix C, Sections 3 and 4).

Categories of individuals covered by the system: Beneficiaries and others who correspond with the Social Security Administration, Bureau of Data Processing or Bureau of Health Insurance, and/or its carriers and intermediaries.

Categories of records in the system: Correspondence containing inquiries, complaints, or suggestions received by the Social Security Administration district offices, Central Office, regional offices, intermediaries, and carriers.

Authority for maintenance of the system: Section 1872 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No routine uses for disclosure.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file cabinets.

Retrievability: The system is indexed by health insurance claim number. If the correspondent has not furnished his claim number, the correspondence is filed alphabetically, using the last name of the correspondent. It is used to control correspondence in connection with Medicare.

Safeguards: The file area is closed to unauthorized personnel.

Retention and disposal: Correspondence is destroyed 1 year after the close of the year in which the records are dated; except where records are required to document a specific claim, reconsideration, appeal, or similar case, the files are treated in accordance with the instructions for the specific file.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and request for records should be directed to the same address as that with which the correspondence was initiated.

Record access procedures: The individual can obtain information on the procedures for gaining access to and contesting records from the Social Security Administration, Bureau of Data Processing, or Bureau of Health Insurance, (Health Insurance Inquiries Branch) Baltimore, Maryland 21235.

Contesting record procedures: Same.

Record source categories: The initial correspondence in these records is prepared by the beneficiary or other inquiries; the response is prepared by the appropriate Social Security Administration component.

SSA HI CAR 0175.02

System name: Carrier Medicare Claims Records HEW SSA.

Security classification: None.

System location: Carriers, under contract to Social Security Administration (See Appendix C, section 4).

Categories of individuals covered by the system: Recipients of Part B (Supplementary Medical) Medicare benefits.

Categories of records in the system: Request for Payment; Provider Billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier; Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to physicians and other suppliers of Part B Medicare services.

Authority for maintenance of the system: Sections 1842 and 1874 of title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The record is prepared by the beneficiary and is used by the carriers to determine amount of and entitlement to Part B benefits. The bills are retained by the carriers. The record is also used to update the Part B Physician/Supplier

25,000 listing. Disclosures of physician's customary charge data are made to state audit agencies in order to ascertain the correctness of Title XIX charges and payments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained on paper.

Retrievability: System is indexed by health insurance claim number.

Safeguards: Unauthorized personnel are denied access to the records area. Disclosure is limited.

Retention and disposal: Close out at the end of the calendar year in which paid, two additional years, transferred to Federal Records Center and destroy after another six years.

System manager(s) and address:

Director, Bureau of Health Insurance
6401 Security Boulevard
Baltimore, Maryland 21235

Notification procedure: Inquiries and requests for system records should be addressed to the most convenient social security office or to Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Record access procedures: The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

Contesting record procedures: Same.

Record source categories: The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment. /*

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