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37561–37757

federal register

TUESDAY, SEPTEMBER 7, 1976



highlights

PART I:

MILITARY ASSISTANCE FOR TURKEY
Presidential determination 37561

AIR QUALITY
EPA publishes guidelines for local and state agencies on use of Pollutant Standards Index (PSI) 37660

SPECIAL CENSUS
Commerce/Census sets out tabulated results; August, 1976 37634

ALIENS AND IMMIGRANTS
State provides exemption to labor certification requirement for an alien coming to U.S. to engage in business of a continuing nature; effective 10–7–76 37574
Justice/INS exempts labor certificate requisite of an alien investing at least $40,000 in enterprise in U.S.; effective 10–7–76 37565
State proposes rule pertaining to ineligibility for visas of an alien likely to become public charge; comments by 10–15–76 37591

NONDISCRIMINATION
ERDA publishes rules for hearing proceedings; effective 9–7–76; comments by 11–1–76 37566

STRIPPER WELL CRUDE OIL
FEA solicits comments by 9–21–76 for hearing on 9–22–76 on proposal to exempt first sale price under the mandatory allocation program 37599

FREEDOM OF INFORMATION
Interior publishes list of administrative manuals exempt from the quarterly index publication requirement 37633
GSA/NARS proposes revisions to schedule of fees for reproduction services; comments by 10–8–76 37607

INFANT AND JUNIOR FOODS
HEW/FDA proposes establishment of "common or usual name" and percentage declaration of ingredients (2 documents); comments by 11–8–76 ..... 37593, 37595

BRANCH LINE ACCOUNTING SYSTEM
ICC solicits comments by 9–28–76 concerning proposed system for rail freight lines scheduled for abandonment 37603

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

ICC—Common carriers; special or chartered party service..... 27837; 7–7–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS
HEW/OE adopts final rule for grants to States for acquisition of materials ... 37575

POULTRY-RELIGIOUS DIETARY EXEMPTION
USDA/APHIS proposes rules regarding application procedures, permit grants and labeling requirements; comments by 11–8–76 ... 37592

ENERGY CONSERVATION
FTC gives notice of delay on proposing labeling rule on certain consumer products ... 37677

OCS OIL AND GAS OPERATIONS—GULF OF MEXICO
Interior/GS issues notice on requirements for pollution control and waste disposal; effective 10–1–76 ... 37614
Interior/GS publishes notice on requirements for platforms, structures, and associated equipment; effective 10–1–76 ... 37616

FISHERY CONSERVATION
Commerce/NOAA gives notice of intention to prepare assessments for fisheries for which foreign nations are expected to make vessel permit application to fish ... 37639

SHIPBOARD STATIONS
FCC exempts newly constructed cargo vessels of certain tonnage from radio provisions during sea trials; effective 11–7–76 ... 37581

ELECTRIC UTILITIES
FPC extends comment period to 9–29–76 for proposed new financial reporting form ... 37603

MIGRATORY BIRD HUNTING
Interior/FWS adopts final frameworks for 1976–77 late hunting seasons on certain game; effective 9–7–76 ... 37582

PENDING LEGAL PROCEEDINGS
CFTC proposes to require contract markets to notify Commission of material litigation; comments by 9–30–76 ... 37597

HISTORIC PLACES NATIONAL REGISTER
Interior/NPS publishes additions, deletions and corrections ... 37623
Interior/NPS publishes notification of pending nominations; comments by 9–17–76 ... 37632

AMENDED MEETING—
Interior: Committee on Enhanced Recovery Techniques for Oil and Gas in the United States, Subgroups, National Petroleum Council, 9–14 thru 9–17–76 ... 37633

CORRECTED MEETING—
Commerce/DIBA: Electronic Instrumentation Technical Advisory Committee, 9–28–76 ... 37634

CANCELLED HEARING—
FEA: Proposal on test procedures for room air conditioners in the Energy Conservation Program, 9–10–76 ... 37603

MEETINGS—
Administrative Conference of the United States, 9–17–76 ... 37659
Commerce/DIBA: Telecommunications Equipment Technical Advisory Committee, 10–1–76 ... 37636
NBS: Federal Information Processing Standards Coordinating and Advisory Committee, 10–7–76 ... 37639
NOAA: Caribbean Regional Fishery Management Council, 9–28 and 9–29–76 ... 37640
Mid-Atlantic Regional Fishery Management Council, 9–28–76 ... 37640
DOD/AF: USAF Scientific Advisory Board Electronic Systems Division Advisory Group, 9–30 thru 10–1–76 ... 37611
FEA: Voluntary Agreement and Plan of Action to Implement the International Energy Program, 9–14 thru 9–16–76 ... 37653
Voluntary Agreement and Plan of Action to Implement the International Energy Program, 9–22 and 9–23–76 ... 37653
HEW/OE: Women's Educational Programs Advisory Council, 9–20 thru 9–22–76 ... 37658
Labor/FCCPO: Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs, 9–22–76 ... 37683
NASA: Space Processing Payload Advisory Subcommittee, 9–23 and 9–24–76 ... 37677
National Commission on New Technological Uses of Copyrighted Works, 9–16 and 9–17–76 ... 37678
NFAH/NEA: Museum Advisory Panel, 9–23 and 9–24–76 ... 37678

PART II:
PRIVACY ACT OF 1974
CIA issues notice of systems of records ... 37691

PART III:
PRIVACY ACT OF 1974
VA issues notice of systems of records ... 37717

contents

THE PRESIDENT

Memorandums
Turkey; military assistance ... 37561

EXECUTIVE AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Notices
Meetings:
Committee on Judicial Review ... 37659

AGRICULTURE DEPARTMENT
See Animal and Plant Health Inspection Service; Forest Service.

AIR FORCE DEPARTMENT
Notices
Meetings:
USAF Scientific Advisory Board ... 37611

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Proposed Rules
Poultry inspection, mandatory:
Religious dietary laws; exemptions based on ... 37592

ARTS AND HUMANITIES, NATIONAL FOUNDATION
Notices
Meetings:
Museum Advisory Panel ... 37678

CENSUS BUREAU

Notices

Population censuses, special; results, August 1976 ... 37634

CENTRAL INTELLIGENCE AGENCY

Notices

Privacy Act; systems of records ... 37691

CIVIL AERONAUTICS BOARD

Notices

National Environmental Policy Act; preparation of environmental impact statements ... 37660

Hearings, etc.:

Air Traffic Conference of America ... 37660

Transmeridian Air Cargo Ltd ... 37660

CIVIL SERVICE COMMISSION

Rules

Excepted service:

Housing and Urban Development Department ... 37565

Interior Department ... 37565

COMMERCE DEPARTMENT

See Census Bureau; Domestic and International Business Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

COMMODITY FUTURES TRADING COMMISSION

Proposed Rules

Commodity Exchange Act regulations:

Exchanges designated as contract markets; required notification of pending legal proceedings ... 37597

COPYRIGHTED WORKS, NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES

Notices

Meeting ... 37678

CUSTOMS SERVICE

Notices

Trade name recordation applications:

Offspring Fashions, Inc ... 37609

DEFENSE DEPARTMENT

See Air Force Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Meetings:

Electronic Instrumentation Technical Advisory Committee ... 37634

Telecommunications Equipment Technical Advisory Committee ... 37636

Scientific articles; duty free entry:

Food and Drug Administration, et al ... 37634

National Radio Astronomy Observatory Associated Universities, Inc ... 37635

State University of New York at Buffalo, et al ... 37635

University of California ... 37636

University of Cincinnati et al ... 37637

University of Tennessee ... 37637

William Marsh Rice University et al ... 37638

Wistar Institute ... 37639

EDUCATION OFFICE

Rules

Libraries:

Resources, textbooks, etc.; financial assistance ... 37575

Notices

Meetings:

Women's Educational Programs Advisory Council ... 37658

Title I audit appeal; application acceptance (2 documents) ... 37658, 37659

EMPLOYEE BENEFITS SECURITY OFFICE

Rules

Reporting and disclosure requirements; correction ... 37575

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules

Sanction proceedings; nondiscrimination in employment by Government contractors; hearing rules ... 37566

Notices

Equal employment opportunity; proposed sanctions:

Kerr Glass Co ... 37671

Owens-Illinois Inc ... 37672

ENVIRONMENTAL PROTECTION AGENCY

Notices

Air pollutant control; pollutant standards index for local and state agencies ... 37660

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:

Piper ... 37571

Control areas ... 37571

FEDERAL COMMUNICATIONS COMMISSION

Rules

FM broadcast stations; table of assignments:

Colorado ... 37580

Maryland ... 37581

Nevada ... 37580

Maritime services, land and shipboard stations:

Cargo vessels, new, 1600 gross tons and upwards; exemption from radiotelegraph and radio direction finding provisions ... 37581

Offshore radio telecommunications service; correction ... 37580

Notices

Satellite communications services; applications accepted for filing ... 37672

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

Notices

Meetings:

Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs ... 37683

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster areas:

Minnesota ... 37659

FEDERAL ENERGY ADMINISTRATION

Proposed Rules

Energy conservation program, appliances; hearing cancellation ... 37603

Petroleum allocation and price regulations, mandatory:

Crude oil, domestic, stripper well; first sale price exemption and modified treatment; hearing ... 37599

Notices

Appeals and application for exception, etc.; cases filed with Exceptions and Appeals Office:

Decisions and orders issued (3 documents) ... 37643, 37648, 37650

List of applicants (2 documents) ... 37641, 37642

Environmental review documents; compilation available for public review ... 37652

Meetings:

Group of Reporting Companies, International Energy Agency ... 37653

Industry Advisory Board, International Energy Agency ... 37653

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood Insurance Program, National; flood elevation determinations, etc.:

New Jersey (2 documents) ... 37574, 37575

FEDERAL MARITIME COMMISSION

Notices

Freight forwarder licenses:

Arthur J. Giammetta ... 37653

J. T. Steeb & Co., Inc ... 37656

Tyson Shipping ... 37657

Oil pollution; certificates of financial responsibility ... 37654

Agreements filed, etc.:

Board of Commissioners of the Port of New Orleans, et al. and Seatrain International, S.A ... 37653

City of Long Beach and Pacific Maritime Services, Inc ... 37655

Delta Steamship Lines, Inc. and Empresa Lineas Maritimas Argentinas, S.A ... 37655

I.T.O. Corp. of Baltimore, et al ... 37656

FEDERAL POWER COMMISSION

Proposed Rules

Electric utilities:
Statements and reports (schedules); Form 164; extension of time ---- 37603

Notices

Hearings, etc.:
Cities Service Gas Co ---- 37672
Columbia Gulf Transmission Co. and Columbia Gas Transmission Corp ---- 37672
Gulf States Utilities Co ---- 37673
Kansas Gas and Electric Co ---- 37675
Michigan Wisconsin Pipe Line Co ---- 37675
Nantahala Power and Light Co ---- 37675
Utah Power & Light Co ---- 37676
Washington Water Power Co ---- 37676
West Penn Power Co ---- 37676

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
Andrex Industries Corp. et al ---- 37572
Hertz Corp ---- 37573

Notices

Energy efficiency labeling rules; delay of proposal ---- 37677

FISH AND WILDLIFE SERVICE

Rules

Hunting:
Salyer, J. Clark, National Wildlife Refuge, N. Dak. (2 documents) ---- 37589, 37590
Migratory bird hunting:
Seasons, limits, and shooting hours establishment ---- 37582

FOOD AND DRUG ADMINISTRATION

Proposed Rules

Food labeling:
Infant foods; percentage declaration of ingredients ---- 37595
Infant and junior foods; common or usual name ---- 37593

Notices

GRAS status, petitions:
Chlorine spray on beef carcasses ---- 37658
Sodium sulfate in sanitizing formulations ---- 37657
Tetrapotassium pyrophosphate for use in food ---- 37657
Thamnidium elegans mold for use in aging of meat ---- 37657

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
Bienville National Forest, Miss ---- 37633
Homochitto National Forest, Miss ---- 37634

GENERAL SERVICES ADMINISTRATION

See also National Archives and Records Service.

Rules

Property management:
Federal ---- ~~37525~~ 37515

Notices

Property management regulations, temporary:
Authority delegation to Defense Department Secretary ---- 37677

GEOLOGICAL SURVEY

Notices

Outer Continental Shelf; oil and gas development:
Gulf of Mexico (2 documents) ---- 37614, 37616

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Disaster Assistance Administration; Federal Insurance Administration.

Notices

Authority delegations:
Assistant Regional Administrator for Equal Opportunity (Region VII) ---- 37659
Regional Administrators, et al ---- 37659

IMMIGRATION AND NATURALIZATION SERVICE

Rules

Immigration regulations:
Aliens; labor certification requirement exemption ---- 37565

INDIAN AFFAIRS BUREAU

Proposed Rules

Electric power systems, operation and maintenance charges:
Colorado River, Ariz ---- 37605

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

Freedom of information; indexes, administrative staff manuals ---- 37633
Meetings:
Committee on Enhanced Recovery Techniques for oil and gas; National Petroleum Council; change ---- 37633

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders; various companies:
Wolfeboro Railroad Co ---- 37582

Proposed Rules

Accounts, uniform system:
Rail carriers ---- 37603

Notices

Hearing assignments ---- 37689
Revision to the uniform system of accounts for railroads; notification of future meetings ---- 37689

JUSTICE DEPARTMENT

See Immigration and Naturalization Service; National Institute of Corrections.

LABOR DEPARTMENT

See also Employee Benefits Security Office; Federal Contract Compliance Programs Office; Occupational Safety and Health Administration.

Notices

Employee Welfare and Pension Benefit Plans Advisory Council; vacancies announcement; request for nominations ---- 37684
Adjustment assistance:
Barry Knitting Mills ---- 37685
Clover Knitting Mills ---- 37685
Crescent Knitting Mills ---- 37686
Eastern Knitting Mills ---- 37686
London Knitting Mills ---- 37686
Majestic Sweater Mills, Inc ---- 37687
Mode Knitting Mills ---- 37687
Richline Knitting Mills ---- 37687
Robert Bruce Mfg., Inc ---- 37688
Soowal Knitting Mills, Inc ---- 37688
Wexler Knitting Mills ---- 37688
Wilshire Knitting Mills ---- 37689

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
Wyoming ---- 37614

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests ---- 37681

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Meetings:
Space Processing Payload Advisory Subcommittee ---- 37677

NATIONAL ARCHIVES AND RECORDS SERVICE

Proposed Rules

Freedom of information; reproduction fees, records location and use ---- 37607

NATIONAL BUREAU OF STANDARDS

Notices

Meetings:
Federal Information Processing Standards Coordinating and Advisory Committee ---- 37639

NATIONAL INSTITUTE OF CORRECTIONS

Notices

Advisory Board Bylaws; publication ---- 37612

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Fishery conservation and management; preliminary plans/assessments ---- 37639

Meetings:
Caribbean Regional Fishery Management Council 37640
Mid-Atlantic Regional Fishery Management Council 37640

NATIONAL PARK SERVICE

Notices

Historic Places National Register; additions, deletions, corrections .. 37623
Historic Places National Register; notification of pending nominations 37632
National park system; review of management policies 37622

NUCLEAR REGULATORY COMMISSION

Proposed Rules

Practice rules; written testimony service 37605

Notices

Applications, etc.:
Carolina Power & Light Co 37678
Georgia Power Co 37678
Gulf States Utilities Co 37678
Indiana and Michigan Electric Co., et al 37679
Metropolitan Edison Co., et al .. 37679
Nuclear Fuel Services, Inc 37679
Stone & Webster Engineering Corp., et al 37680
Tennessee Valley Authority 37680
Vermont Yankee Nuclear Power Corp. (3 documents) .. 37680, 37681

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

National Advisory Committee on Occupational Safety and Health; appointment of members 37684
State plans; development and enforcement, etc.:
Iowa 37683

OHIO RIVER BASIN COMMISSION

Notices

Big Sandy-Guyandotte River Basin Comprehensive Coordinated Joint Plan; availability of report 37682

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc 37682
Pacific Stock Exchange Inc 37683

STATE DEPARTMENT

Rules

Visas:
Immigrant; aliens ineligible ... 37574

Proposed Rules

Visas:
Immigrants; ineligible classes, public charges 37591

Notices

Art objects, importation:
Tutankhaum Collection, Egypt .. 37609

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See also Customs Service.

Notices

Antidumping:
Certain portland hydraulic cement, from Mexico 37609
Authority delegations:
Deputy Assistant Secretary (Operations) et al 37609
Director, Office of Revenue Sharing 37610
Notes, Treasury:
Series C–1981 37611
Series E–1980 37611
Series E–1981 37611

VETERANS ADMINISTRATION

Notices

Privacy Act of 1974; system of records 37717

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 22997, June 8, 1976)

RESERVATIONS: JANET SOREY, 523–5282

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

MEMORANDUMS:
August 27, 1976 37561

5 CFR

213 (2 documents) 37565

8 CFR

212 37565

9 CFR

PROPOSED RULES:
381 37592

10 CFR

705 37566

PROPOSED RULES:
2 37605
211 37599
212 37599
430 37603

14 CFR

39 37571
71 37571

16 CFR

13 (2 documents) 37572, 37573

17 CFR

PROPOSED RULES:
1 37597

18 CFR

PROPOSED RULES:
141 37603

21 CFR

PROPOSED RULES:
102 37593
125 37595

22 CFR

42 37574

PROPOSED RULES:
42 37591

24 CFR

1916 (2 documents) 37574, 37575

25 CFR

PROPOSED RULES:
231 37605

29 CFR

2520 37575

41 CFR

101–25 37575

PROPOSED RULES:
105–61 37607

45 CFR

117 37575

47 CFR

1 37580
21 37580
73 (3 documents) 37580, 37581
83 37581

49 CFR

1033 37582

PROPOSED RULES:
1201 37603

50 CFR

20 37582
32 (2 documents) 37589, 37590

CUMULATIVE LIST OF PARTS AFFECTED DURING SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR

PROPOSED RULES:

440 37134

3 CFR

PROCLAMATIONS:

4452 37089

EXECUTIVE ORDERS:

11883 (Amended by 11934) 37083
11906 (See 11934) 37083
11934 37083
11935 37301

MEMORANDUMS:

August 27, 1976 37561
August 28, 1976 37787

LETTERS:

September 2, 1976 37303

4 CFR

414 37091

5 CFR

7 37301
213 37565

7 CFR

16 37091
25 36791
107 37305
244 37305
411 36792
908 37091
910 37305
931 36795
993 37306
1011 36795
1033 36806
1090 36795
1101 36795
1205 37092
1421 36807
1822 37307

PROPOSED RULES:

918 37337
932 36821
948 36821
1205 37337
1801 37340
1823 37340

8 CFR

212 37565

9 CFR

73 37307
76 37308
79 37308

PROPOSED RULES:

113 37338
381 37592
445 37452
447 37452

10 CFR

211 37308
212 ..... 37309, 37311
705 37566

10 CFR—Continued

PROPOSED RULES:

2 37605
209 37128
211 37599
212 ..... 37130, 37599
430 37603
700 36823

12 CFR

201 36807
561 37313

13 CFR

309 36808

14 CFR

39 ..... 37092–37096, 37571
71 37097–37101
73 ..... 37101, 37571
97 37101
152 37102
298 37313

PROPOSED RULES:

71 37120
372a 37342
378a 37342

16 CFR

13 ..... 37572, 37573
1704 37102

PROPOSED RULES:

2 36823
3 36823
1028 37120
1704 37124

17 CFR

PROPOSED RULES:

1 37597

18 CFR

PROPOSED RULES:

2 36823
141 ..... 36823, 36926, 37232, 37603

19 CFR

159 37103

21 CFR

11 36810
546 37103
558 36810

PROPOSED RULES:

102 37593
125 37595
807 37458
809 37458

22 CFR

42 37574

PROPOSED RULES:

42 37591

24 CFR

570 36898
1914 37314
1916 ..... 37112–37114, 37574, 37575
1917 37315

24 CFR—Continued

PROPOSED RULES:

205 37226
207 37226
213 37226
221 37226
231 37226
232 37226
241 37226
242 37226
244 37226

25 CFR

PROPOSED RULES:

221 37117
231 37605

28 CFR

2 37316

29 CFR

1601 37104
2520 37575

31 CFR

PROPOSED RULES:

210 37117

32A CFR

634 37331

33 CFR

3 37104

PROPOSED RULES:

1 37118
117 ..... 37118, 37119

40 CFR

2 36902
30 36918
40 36918
52 36810
55 36810
60 36918
61 36918
79 36918
125 36918
167 36918
169 36918
180 36918

PROPOSED RULES:

52 ..... 37343, 37344
133 37222

41 CFR

101–25 37575

PROPOSED RULES:

4–1 37104
51–1 37343
51–3 37343
51–4 37343
105–61 37607

42 CFR

51b 36814

45 CFR

117 37575
175 36872

45 CFR—Continued
PROPOSED RULES:
121f 36822
250 37341

46 CFR
PROPOSED RULES:
30 37119

47 CFR
1 ..... 36814, 37580
21 37580
68 37105
73 ..... 36815, 37332, 37580, 37581
74 37334
81 37335
83 ..... 36819, 37335, 37581

47 CFR—Continued
PROPOSED RULES:
73 37344–37349

49 CFR
172 37114
173 37114
571 37115
1033 ..... 36820, 37336, 37582
PROPOSED RULES:
1056 37350
1201 37603

50 CFR
20 ..... 37106, 37582
26 37106
32 ..... 36820, 37106–37112, 37589, 37590
33 37112

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
36787–37088	Sept. 1
37089–37300	2
37301–37560	3
37561–37757	7

presidential documents

Title 3—The President

Memorandum of August 27, 1976

Determination Under Section 620(x) of the Foreign Assistance Act of 1961, as Amended, To Permit the Sale of Certain Specified Defense Articles and Defense Services to the Government of Turkey

[Presidential Determination No. TQ 3]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, August 27, 1976.

Pursuant to the authority vested in me by section 620(x) of the Foreign Assistance Act of 1961, as amended, (the Act), I hereby:

(a) Determine that the defense articles and defense services specified in the attached list are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization, and

(b) Suspend the provisions of section 620(x) of the Act and of section 3(c) of the Arms Export Control Act, as amended, for the fiscal year 1976 and the period beginning July 1, 1976, and ending September 30, 1976, in order that such defense articles and defense services may be sold to Turkey and Turkish procurement of such defense articles and defense services may be financed under the authority of the Arms Export Control Act, as amended, within the limitations specified in section 620(x) of the Act.

This determination and the attached list of defense articles and defense services shall be published in the FEDERAL REGISTER.

Gerald R. Ford

STATEMENT OF PROPOSED SALES

Item Description	Estimated Dollar Value	U.S Armed Forces	Date LOA expected to be Issued
GROUND FORCES COMMAND			
A. Spare Parts for:			
(1) Helicopter & aircraft	$2,000,000	Army	Aug 1976
(2) Tank, Armored Personnel Carrier, and Self-Propelled Howitzer	3,000,000	"	"
(3) Weapons & Optical Materiel and Related Items	1,980,000	"	"
(4) Wheeled Vehicles, including engines & assemblies	6,000,000	"	"
(5) Engineer Equipment	100,000	"	"
(6) Signal Equipment	100,000	"	"
B. Training & Publications:			
(1) Training	50,000	"	"
(2) Publications	20,000	"	"
C. TOW Weapons & Ammunition:			
*(1) 2 TOW Companies with 12 Launchers each and the Required Support Equipment, Spare Parts and 2 additional Launchers	3,000,000	"	Sept 1976
*(2) TOW ammunition	3,000,000	"	"
GROUND ELECTRONIC SURVEILLANCE COMMAND			
A. Electronic Warfare Equipment Spare Parts	200,000	"	Aug 1976
*B. High Performance Electronic Warfare Equipment	300,000	"	Sept 1976
AIR FORCES COMMAND			
**A. 40 F/RF-4E Aircraft (Long-lead Items)	64,400,000	Air Force	Sept 1976
B. Aircraft Spares, Electronics	1,500,000	"	Aug 1976
C. Aircraft Spares, Expendable	5,750,000	"	"
D. Aircraft Spares, Repairable	4,800,000	"	"
E. Helicopter Spare Parts	100,000	"	"
F. Tactical Air Navigation, Ground Control Approach, and Ground Radio Spares	1,000,000	"	"
G. Radar Spares	800,000	"	"
H. Technical Publications	250,000	"	"
I. Time Change Technical Order (Includes Class IV modifications	700,000	"	"
J. Engine Overhaul (J-57, J-79, J-85, T-33, T-56, J-69 & J-33 Engines	3,000,000	"	"

(a) Letter of offer to sell defense articles and/or defense services.

Item Description	Estimated Dollar Value	U.S. Armed Forces	Date LOA expected to be Issued
K. Aerospace Ground Equipment (AGE) Spares	$450,000	Air Force	Aug 1976
L. Photo Spares	100,000	"	"
M. Film Requirement	100,000	"	"
N. Maverick Air-to-Ground Missile (AGM-65) Spares	50,000	"	"
O. Electro-Optical Guided Bomb System Spares	50,000	"	"
P. Guided Bomb System Spares	50,000	"	"
Q. Cartridge Activated Devices/ Propellant Activated Devices Items	150,000	"	Sept 1976
R. U.S. Origin Equipment (AGE)	3,580,000	"	"
S. Weapon Systems Technicians (Contract Engineer Technical Services)	500,000	"	Aug 1976
T. Precision Test Equipment for Precision Measuring Equipment Laboratory	400,000	"	"
U. Training	420,000	"	"
NAVAL FORCES			
A. Ordnance Equipment and Ammunition	4,000,000	Navy	"
*B. On-Line Crypto Equipment	785,000	"	Sept 1976
**C. 300 Sparrow Air-to-Air Missiles (AIM-7) - Long-lead Items	9,500,000	"	"
D. Training	1,164,000	"	Aug 1976
E. Ship/Maritime Patrol Aircraft Rebuild	720,000	"	"
*F. Explosive Ordnance Disposal/ Underwater Demolition Team Equipment (for Specific Air Services and Sensor Application Teams)	506,000	"	Sept 1976
G. Laboratory for Weapons Systems	340,000	"	Aug 1976
H. Equipment Repair	80,000	"	"
I. S2E Catalog and Documentation	5,000	"	"

* Items qualifying as significant combat equipment on the U.S. Munitions List.

** Items requiring congressional review under section 36(b) of Arms Export Control Act, as amended.

[FR Doc.76-26296 Filed 9-3-76;10:17 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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect title changes in the following two positions: (1) From Special Assistant to the Assistant Secretary for Consumer Affairs and Regulatory Functions to Director, Office of Program Development and Evaluation; (2) from Deputy Assistant to the Secretary for Programs for the Elderly and Handicapped to Deputy Departmental Adviser for Elderly and Handicapped Policy.

Effective on September 7, 1976, §§ 213.3384(a)(38) and (a)(54) are amended as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(38) Two Special Assistants to the Assistant Secretary for Consumer Affairs and Regulatory Functions and one Director, Office of Program Development and Evaluation.

* * * * *

(54) One Deputy Departmental Adviser for Elderly and Handicapped Policy.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-25994 Filed 9-3-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Assistant to the Secretary is excepted under Schedule C.

Effective on September 7, 1976, § 213.3312(a)(45) is added as set out below:

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(45) One Assistant to the Secretary.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-25995 Filed 9-3-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Exemption From Labor Certification Requirement

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER of March 10, 1976 (41 FR 10231) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) in which there was set forth the proposed amendment to 8 CFR 212.8(b)(4) pertaining to the exemption of certain aliens from the labor certification requirement of section 212(a)(14) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(14)). In the notice, it was proposed to amend the monetary investment requirement by increasing the amount of money required to be invested to $50,000, and by further requiring that the alien beneficiary of the investor exemption would be the principal manager of an enterprise which would employ persons in the United States other than the alien, his spouse and children.

Several representations were received from the public in opposition to the proposed amendment and they have been carefully considered.

A number of representations maintained that promulgation of the proposed rule was contrary to the letter and spirit of section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)); several representations contended that the amount proposed to be invested was far too high for the stated purpose, and would preclude all but the wealthiest aliens from qualifying for the exemption and coming to the United States to establish businesses; other representations criticized the requirement that the alien be the principal manager of the enterprise on the grounds it was unclear and could be interpreted to preclude formation of business partnerships and corporations; and finally a number of representations criticized the requirement that the enterprise employ persons in the United States other than the alien, his spouse and children, and the absence of a "savings clause" to apply to applications filed prior to the effective date of this amendment.

Implementation of the proposed rule would not be contrary to the provisions of section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)). Section 212(a)(14) of the Act was enacted to safeguard the American economy and labor market from job competition and from adverse working standards as a consequence of immigrant workers entering the labor market. There is no requirement in the statute that any nonpreference alien be exempted from the labor certification requirement of section 212(a)(14). Even though certain exemptions have been provided by regulation, it is the obligation of the Service, in permitting the exemptions, to ensure that they do not violate the intent of the labor certification requirement by permitting a situation to develop where the beneficiaries of such exemption provisions would in fact be in job competition with American workers. The stringent requirements of the investor exemption regulation have been prescribed in furtherance of this mandate.

It was proposed to increase the amount of the required capital investment because the present $10,000 amount is no longer a substantial investment given the economic conditions and spiraling inflation recently experienced in this country. Further, the $10,000 amount has been found to be susceptible to fraudulent schemes and as such, has provided a means whereby the requirements of the labor certification provision can be evaded. However, upon consideration of the representations, it has been decided to reduce the $50,000 proposed investment amount to $40,000. The latter amount is sufficient to insure adequate protection from fraudulent schemes and substantial enough to provide for reasonable expectation of business success of the enterprise in which the alien is making his investment, thus minimizing the likelihood that it might fail and place the alien in job competition with United States workers.

The proposed requirement that the alien be the principal manager of the enterprise has been modified to require that he be "a principal manager". This change will eliminate the lack of clarity pointed out in some representations, and remove any possible barrier to the formation of partnerships or corporations by alien investors. It will also ensure that the alien investor will have managerial prerogatives and responsibilities in the enterprise in which he is investing.

Some representations were critical of the provision in the proposed regulation which requires that the enterprise will employ persons in the United States other than the alien, his spouse and children. The proposed language of that provision has been modified to read that the enterprise will employ "a person or persons in the United States who are United States citizens or aliens lawfully ad-

mitted for permanent residence, exclusive of the alien, his spouse and children". This change has been made for clarification purposes only. No change is to be made in the basic requirement because the investor exemption was never intended to apply to an alien who was making an investment in an enterprise which would provide only a means of livelihood for himself and his family in competition with citizens and permanent resident aliens having similar investments in like enterprises in this country. The words "a person" have been added because the requirement as proposed could have been construed to preclude an enterprise employing only one person from qualifying. The requirement that the person or persons to be employed will be United States citizens or permanent resident aliens has been added in order to specify that the persons who will be employed by the alien in the enterprise are to be permanent members of the American labor forces.

The effective date of this regulation is October 7, 1976. Forms I–526 properly filed before the effective date shall be processed in accordance with this regulation as it existed prior to the effective date of this amendment.

In the light of the foregoing, the following amendment is hereby prescribed to 8 CFR 212.8(b)(4), and as amended the paragraph reads as follows:

§ 212.8 Certification requirement of section 212(a)(14).

* * * * *

(b) *Aliens not required to obtain labor certifications.* * * * (4) an alien who establishes on Form I–526 that he has invested, or is actively in the process of investing, capital totaling at least $40,000 in an enterprise in the United States of which he will be a principal manager and that the enterprise will employ a person or persons in the United States who are United States citizens or aliens lawfully admitted for permanent residence, exclusive of the alien, his spouse and children. A copy of a document submitted in support of Form I–526 may be accepted though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103.)

The basis and purpose of this regulation is to increase the amount of money required to be invested by an alien seeking the investor exemption to a more realistic level considering the economic conditions in this country and to prevent the possibility of fraudulent schemes and insure that the investor exemption does not become a means of circumventing the normal labor certification procedure for skilled and unskilled labor set forth in section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)). The regulation also clarifies the requirement of the investor exemption regulation that the alien investor have managerial prerogatives and responsibilities in the enterprise in which he is investing and that the enterprise to be established not provide only a livelihood for himself and his family in competition with citizens and permanent resident aliens having similar investments in like enterprises in this country.

Effective date: The amendment contained in this order shall become effective October 7, 1976.

Dated: August 31, 1976.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.76–25998 Filed 9–3–76;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 705—HEARING RULES FOR SANCTION PROCEEDINGS UNDER EXECUTIVE ORDER 11246 (NONDISCRIMINATION IN EMPLOYMENT BY GOVERNMENT CONTRACTORS)

Pursuant to the authority vested in the Administrator by section 105(a) of the Energy Reorganization Act of 1974, Pub. L. 93–438, and in accordance with Executive Order 11246 (Nondiscrimination in Employment by Government Contractors), and rules, regulations and orders thereunder, the following new Part 705, 10 CFR, entitled "Hearing Rules for Sanction Proceedings under Executive Order 11246 (Nondiscrimination in Employment by Government Contractors)" is published as a document subject to codification.

These procedural rules are applicable to proceedings for the imposition of sanctions under section 209(a) (5), and (6) of Executive Order 11246, for violation of that Executive Order and the rules, regulations, and orders thereunder.

Because this new Part 705 is a statement of ERDA procedures, the provisions of 5 U.S.C. 553 requiring advance notice of proposed rulemaking and opportunity for public participation do not apply.

These regulations have been submitted to and approved by the Director, Office of Federal Contract Compliance Programs, Department of Labor.

Although these regulations become effective on September 7, 1976, interested persons who desire to submit written comments or suggestions for consideration in connection with such regulation should send them on or before November 1, 1976, to the General Counsel, Energy Research and Development Administration, Washington, D.C. 20545.

Effective date: September 7, 1976.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

A new Part 705 is added to Chapter III, Title 10 CFR to read as follows:

GENERAL INFORMATION

Sec.
705.1 Authority.
705.2 Scope of rules.
705.3 Waiver, modification.
705.4 Definitions.

APPEARANCE AND PRACTICE

Sec.
705.5 Participation by party.
705.6 Participation by interested persons.

FORM AND FILING OF DOCUMENTS

705.7 Form.
705.8 Filing; service.

TIME

705.9 Computation.

PREHEARING PROCEDURES

705.10 Notice of proposed cancellation, termination or ineligibility.
705.11 Answer to notice.
705.12 Notice of hearing.
705.13 Amendments.
705.14 Production of documents and things and entry upon land for inspection and other purposes.
705.15 Motions.
705.16 Disposition of motions.
705.17 Depositions upon oral examination.
705.18 Prehearing conference.

DESIGNATION AND RESPONSIBILITIES OF HEARING OFFICER

705.19 Designation.
705.20 Authority and responsibilities.

HEARING PROCEDURES

705.21 Evidentiary purpose.
705.22 Appearances.
705.23 Appearance of witnesses.
705.24 Evidence.
705.25 Testimony.
705.26 Exhibits.
705.27 Admissions as to facts and documents.
705.28 Objections.
705.29 Exceptions to rulings of hearing officer not necessary.
705.30 Official notice.
705.31 Offer of proof.
705.32 Interlocutory appeals.
705.33 Ex parte communications.

THE RECORD

705.34 Official transcript.
705.35 Record for decision.

POST HEARING PROCEDURES

705.36 Proposed findings of fact and conclusions.
705.37 Record for recommended decision.
705.38 Recommended decision.
705.39 Exceptions to recommended decisions.
705.40 Record.
705.41 Final decision.
705.42 Approval of Administrator's decision by Director, Office of Federal Contract Compliance Programs.

AUTHORITY: Pub. L. sec. 105(a), 93–483, 88 Stat. 1238, (42 U.S.C. 5815); E.O. 11246, sec. 209(a); 41 CFR 60–1.26(b).

GENERAL INFORMATION

§ 705.1 Authority.

These rules of procedures supplement, and are established pursuant to, the provisions of 41 CFR 60–1.26(b).

§ 705.2 Scope of rules.

These rules govern the practice and procedure for proceedings conducted by the Energy Research and Development Administration with respect to the imposition of sanctions under section 209 (a) (5) and (6) of Executive Order 11246, for violations of Executive Order 11246, and rules, regulations, and orders thereunder.

§ 705.3 Waiver, modification.

Upon notice to all parties, the hearing officer, or the Administrator may, with respect to matters pending before him, modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will thereby be served.

§ 705.4 Definitions.

(a) "Administration" means the Energy Research and Development Administration.

(b) "Administrator" means the Administrator of the Energy Research and Development Administration or his designee.

(c) "Director of OEO" means the Director of the Office of Equal Opportunity, Energy Research and Development Administration, who has been designated to prosecute all actions under this part and 41 CFR 60–1.26(b) in the name of the Administrator.

(d) "General Counsel" means the General Counsel of the Energy Research and Development Administration.

(e) "Hearing Officer" means a person designated by the Administrator to conduct hearings pursuant to section 208(b) of Executive Order 11246, as amended, and 41 CFR 60–1.26(b).

(f) "Party" means a respondent; the Director of the Office of Equal Opportunity, Energy Research and Development Administration, and any person or organization participating in a proceeding pursuant to § 705.6(a) of these rules.

(g) "Respondent" means a person or organization against whom sanctions are proposed because of alleged violations of Executive Order 11246, and the rules, regulations, and orders thereunder.

APPEARANCE AND PRACTICE

§ 705.5 Participation by a party.

A party may appear in person, or by counsel, and participate fully, pursuant to the procedures set forth in these rules, in any proceeding held pursuant to these rules.

§ 705.6 Participation by interested persons.

(a)(1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final decision could directly and adversely affect them or the class they represent.

(3) Any person or organization wishing to participate as a party under this paragraph shall file and serve upon the hearing officer and all parties a petition within 14 days after the notice of hearing has been published in the FEDERAL REGISTER. Such petition shall concisely state: (i) Petitioner's interest in the proceeding, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses.

(4) The hearing officer shall promptly determine whether there are objections to the petition. He shall then determine whether each petitioner has the requisite interest in the proceedings, as defined in subparagraphs (1) and (2) of this paragraph, and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the hearing officer may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners; provided that the representative of a labor organization qualifying to participate under subparagraph (1) of this paragraph must be permitted to participate as a party. The hearing officer shall give each petitioner written notice of the decision on his petition, and shall serve such notice on each party. If the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae.

(b)(1) Any other person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the hearing. Such petition shall concisely state (i) the petitioner's interest in the hearing, (ii) who will represent the petitioner, and (iii) the issues on which petitioner intends to present argument. The hearing officer shall grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation will not unduly delay the proceedings and may contribute materially to the proper disposition of the issues. The hearing officer shall give the petitioner written notice of his decision on the petition, and shall serve such notice on each party. If the petition is denied, the hearing officer shall briefly state the grounds for such denial.

(2) An amicus curiae is not a party but may participate as provided in this paragraph. An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the hearing officer. He may submit a written statement of position to the hearing officer prior to the beginning of a hearing, and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and shall serve a copy on each party.

FORM AND FILING OF DOCUMENTS

§ 705.7 Form.

Documents filed pursuant to a proceeding herein shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall indicate the party or amicus filing, and the title, if any, and address of the signatory. Copies need not be signed, but the name of the person signing the original shall be indicated.

§ 705.8 Filing; service.

(a) *Manner of filing.* All documents submitted in a proceeding shall be filed, and served on all parties. The original and three copies of each document shall be submitted for filing. Filings shall be made with the hearing clerk at the address stated in the notice, during regular business hours. With respect to exhibits and transcripts of testimony, only originals need be filed.

(b) *Manner of service.* Service upon any party shall be made by the party filing the document or pleading by delivering a copy or mailing a copy to the last known address: *Provided, however,* That the notice of hearing shall be sent by registered mail, return receipt requested, pursuant to 41 CFR 60–1.26(a)(1).

(c) *Upon whom served.* All papers shall be served upon counsel of record and upon parties not represented by counsel.

(d) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be prima facie proof of service.

TIME

§ 705.9 Computation.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

PREHEARING PROCEDURES

§ 705.10 Notice of proposed cancellation, termination or ineligibility.

Proceedings are commenced by the mailing of a written notice of proposed cancellation, termination, or ineligibility to the last known address of the respondent by registered mail, return receipt requested. The notice signed by the Director of OEO, shall contain a concise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the imposition of sanctions, an enumeration of the sanctions being requested, and a citation of the provisions of the order and regulations pursuant to which the requested action may be taken. The notice shall also indicate that respondent may request a hearing on the matters alleged.

§ 705.11 Answer to notice of proposed cancellation, termination or ineligibility.

(a) Within fourteen (14) days from receipt of the notice, respondent may file with the hearing officer, or if no hearing officer has been designated, with the Director of OEO, an answer to the notice and may request a hearing. The request for a hearing shall be included as a separate paragraph of the answer.

(b) The answer shall admit or deny specifically and in detail the matters set forth in each allegation of the notice unless respondent is without knowledge, in

which case the answer shall so state, and the statement shall be deemed a denial. Matters alleged as affirmative defenses shall be separately stated and numbered.

(c) If respondent fails to file an answer, request a hearing, or otherwise formally contest the allegations in the notice within the 14-day period following receipt of the notice, the matters alleged in the notice are deemed admitted and respondent's opportunity for hearing is deemed waived. The Director of OEO with the approval of the Director of the Office of Federal Contract Compliance Programs may then cancel, suspend or terminate any one or more contracts or subcontracts, or parts thereof, held by respondent, and/or enter an order declaring such contractor or subcontractor ineligible for further contracts, subcontracts, or extensions or other modification of existing contracts, until the contractor or subcontractor has satisfied the Secretary of Labor that it has established and will carry out personnel and employment policies and practices in compliance with the order.

§ 705.12 Notice of hearing.

In response to respondent's request for a hearing, a notice of hearing shall be sent to the respondent as provided in § 705.8(a). Such notice shall contain a statement describing the nature of the hearing and the legal authority under which the proceedings are to be held; and setting the time and place of the hearing, or indicating that the time and place will be set by subsequent notice issued by the hearing officer.

§ 705.13 Amendments.

The Administration may amend its notice of proposed cancellation, termination, or ineligibility once as a matter of course before an answer is filed, and respondent may amend its answer once as matter of course not later than 15 days after it is filed. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing officer. An amended notice shall be answered within 10 days of its service, or within the time for filing an answer to the original notice, whichever period is longer, unless the hearing officer orders otherwise.

§ 705.14 Production of documents and things and entry upon land for inspection and other purposes.

(a) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party or someone acting on his behalf, to inspect, and copy any unprivileged documents, phonorecords, and other compilations which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 7 days after the service of the request. The response shall state, with respect to each item that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

§ 705.15 Motions.

Motions and petitions shall state the relief sought, the authority relied upon, and the facts alleged. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the hearing officer may require that they be reduced to writing and filed and served on all parties. Within 7 days after a written motion or petition is served, or such other time period as the hearing officer, or Administrator, may fix, any party may file a response to a motion or petition. An immediate oral response may be made to an oral motion.

§ 705.16 Disposition of motions.

The hearing officer may not grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately. Rulings by the hearing officer shall not be appealed prior to the transfer of the case to the Administrator, but shall be considered by the Administrator when the case is transferred to him for decision. (See also § 705.32.)

§ 705.17 Depositions upon oral examinations.

(a) *Depositions; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination for the purposes of discovery and/or the perpetuation of testimony. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(b) *Production of witnesses; obligation of parties; objections.* It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the hearing officer, or with the Administrator, if no hearing officer has been assigned, an objection within 3 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(c) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, the officer designated to take the deposition shall permit each party to examine and cross-examine the witness under oath upon any unprivileged matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the hearing officer of the hearing officer rules that there was valid justification for the witness' failure or refusal to answer the question: *Provided that,* The examining party shall note on the record during the deposition the question which the deponent has failed, or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(d) *Subscription; certification; filing.* The testimony shall be reduced to typewriting by the officer taking the deposition or under his direction, and shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him and that the deposition is a true record of the testimony and

exhibits given by the witness, and that said officer is not, of counsel or attorney to any of the parties, or interested in the proceeding. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver any original copy of the transcript, together with his certificate, in person or by mail to the hearing officer, or to the Administrator, if no hearing officer has been assigned. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges therefor, unless distribution is restricted by order of the hearing officer for good cause shown.

(e) *Rulings on admissibility; use of deposition.* Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reasons which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the hearing officer, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the hearing officer finds: (i) That the witness is dead; or (ii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iii) that the party offering the deposition has been unable to procure the attendance of the witness by notice; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(4) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(f) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 705.18 Prehearing conference.

(a) Within 14 days after the notice of hearing has been issued, the hearing officer shall establish a date for the prehearing conference to include all parties and petitioners for status as a party whose petition has not yet been ruled on. Written notice of the prehearing conference shall be sent to all participants in the conference. At the prehearing conference the following matters shall be considered:

(1) Simplification and delineation of the issues to be heard;

(2) Stipulations, admissions of fact and of contents and authenticity of documents;

(3) Limitation of number of witnesses, particularly the avoidance of duplicate expert witnesses, and exchange of expert witness lists;

(4) Scheduling dates for the exchange of witness lists (except as provided in subparagraph (3) of this paragraph) and exhibits;

(5) Offers of settlement;

(6) Scheduling of such additional prehearing conferences as may be considered necessary; and

(7) Such other matters as may tend to expedite the disposition of the proceedings.

(b) The record shall show the matters disposed of by order and/or the matters disposed of by agreement in the prehearing conference. The subsequent course of the proceeding shall be controlled by such action.

Designation and Responsibilities of Hearing Officer

§ 705.19 Designation.

Hearings shall be held before a hearing officer designated by the Administrator. After service of a notice designating a hearing officer to preside, and until such officer makes his decision as provided in § 705.38, motions and petitions shall be submitted to the hearing officer. In the case of the death, illness, disqualification, or unavailability of the designated hearing officer, another hearing officer may be designated to take his place.

§ 705.20 Authority and responsibilities.

The hearing officer shall propose findings and conclusions to the Administrator on the basis of the record before him. In order to do so, he shall have the duty to conduct a fair and impartial hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(a) Hold conferences, including prehearing conferences, to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(b) Require parties to state their position with respect to the various issues in the proceeding.

(c) Direct the parties to exchange their evidentiary exhibits, witness lists, and a narrative summary of their expected testimony prior to the hearing. Where good cause exists, the parties should be afforded the right at any time to amend, by deletion or supplementation, their evidentiary exhibit and witness lists.

(d) Rule on motions, and other procedural items on matters pending before him.

(e) Regulate the course of the hearing and conduct of counsel therein.

(f) Establish rules for media coverage of the proceedings.

(g) Examine witnesses.

(h) Receive, rule on, exclude, or limit evidence at any stage of the proceeding.

(i) Fix time limits for submission of written documents in matters before him.

(j) Take any action authorized by these rules.

(k) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(1) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(2) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(3) Expelling any party or person from further participation in the hearing.

(l) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(m) Recommend whether the respondent is in current violation of Executive Order 11246, as amended, and applicable rules, regulations, and orders, as well as the nature of whatever corrective action may be necessary to bring the respondent into compliance with the equal employment opportunity clause;

(n) Recommend to the Administrator the adoption of a consent order agreed to by the parties in settlement of the issues in a proceeding.

(o) Take any action authorized by these rules.

Hearing Procedures

§ 705.21 Evidentiary purpose.

(a) The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. A hearing for the reception of evidence will be held only in case issues of fact must be resolved in order to determine whether respondent has failed to comply with one or more applicable requirements of Executive Order 11246, and rules, regulations, and orders thereunder.

(b) At any time after the expiration of 14 days from the commencement of the action or after service of a motion for summary judgment by the Respondent, the Director of OEO may move the hearing examiner with or without supporting affidavits for a summary judgment in his favor upon all claims or any part thereof.

(c) The respondent may, at any time after commencement of the action, move the hearing examiner with or without

supporting affidavits for a summary judgment in his favor as to all claims or any part thereof.

(d) Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the Director or respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(e) In case it appears from respondent's answer to the notice of hearing, from his failure timely to answer, or from his admissions or stipulations, that there are no matters of material fact in dispute, the hearing officer may enter an order so finding, vacating the hearing date, and fixing the time for filing briefs under § 705.36. Thereafter the proceedings shall go to conclusion in accordance with §§ 705.36 through 705.42. Within 10 days of its issuance, an order vacating the hearing date may be appealed to the Administrator, and the Administrator shall affirm, modify, or set aside such order within 28 days thereafter.

§ 705.22 Appearances.

(a) *Representation.* The parties or other persons or organizations participating pursuant to § 705.6 have the right to be represented by counsel.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's recommended decision and to file exceptions to it.

§ 705.23 Appearance of witnesses.

(a) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice setting forth the time, date and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the hearing officer and additional copies shall be served upon the opposing parties.

(b) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(c) The party or prospective witness may file an objection within 3 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

§ 705.24 Evidence.

Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded from the record of a hearing. Hearsay evidence shall not be inadmissible as such.

§ 705.25 Testimony.

Testimony shall be given orally by witnesses at the hearing, but may, in the discretion of the hearing officer, be prepared in writing and served on all parties to the hearing. A witness shall be available for cross-examination, and, at the discretion of the hearing officer, may be cross-examined without regard to the scope of direct examination as to any matter which is material to the proceeding.

§ 705.26 Exhibits.

Proposed exhibits shall be exchanged at a prehearing conference, or otherwise prior to the hearing, if the hearing officer so requires. Proposed exhibits not so exchanged may be denied admission as evidence. The authenticity of all proposed exhibits will be deemed admitted unless written objection thereto is filed, or unless good cause is shown for failure to file such written objection.

§ 705.27 Admissions as to facts and documents.

Not later than 15 days prior to the date of the hearing except for good cause shown, or not later than 15 days prior to such earlier date as the hearing officer may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period designated in the request (not less than 10 days after service thereof) the party to whom the request is directed serves upon the requesting party a sworn statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 705.28 Objections.

Objections to evidence shall be timely, and shall briefly state the ground relied upon.

§ 705.29 Exceptions to rulings of hearing officer not necessary.

Exceptions to rulings of the hearing officer are unnecessary. It is sufficient that a party, at the time the ruling of the hearing officer is sought, makes known the action which he desires the hearing officer to take, or his objection to an action taken, and the grounds therefor.

§ 705.30 Official notice.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof. Official notice may also be taken of other matters, at the discretion of the hearing officer: *Provided*, That where official notice is taken or requested to be taken of a fact not appearing in the evidence of record, any party, on timely request, shall be permitted to show the contrary.

§ 705.31 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing officer excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 705.32 Interlocutory appeals.

Appeals shall not be made of any ruling of the hearing officer except following the entire hearing and the hearing officer's recommended findings, conclusions, and decision.

§ 705.33 Ex parte communications.

The hearing officer shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision, except as witness or counsel in the proceeding.

THE RECORD

§ 705.34 Official transcript.

The Administrator will designate the official reporter for all hearings. The official transcripts of testimony and argument, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing clerk. Transcripts may be obtained from the official reporter by the parties and the public at rates not to exceed the applicable rates fixed by the contract between the Administration and the reporter. Upon notice to all parties, the hearing officer may authorize such corrections to the transcript as are necessary to accurately reflect the testimony.

§ 705.35 Record for decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, except the correspondence section of the docket, including rulings and the recommended

findings, conclusions, and decision, shall constitute the record for decision.

POST HEARING PROCEDURES

§ 705.36 Proposed findings of fact and conclusions.

Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief with the hearing officer. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the hearing officer. Requests for additional time in which to file a brief shall be made to the hearing officer, in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the hearing officer.

§ 705.37 Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

§ 705.38 Recommended decision.

Within 30 days after the filing of briefs, or, if the parties elect not to file such documents, not more than 30 days after the close of the hearing, the hearing officer shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision, to the Administrator for his decision. The recommended findings, conclusions, and decisions shall be served on all parties and amici to the proceeding.

§ 705.39 Exceptions to recommended decisions.

Within 14 days after receipt of the hearing officer's recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 10 days of their receipt by said parties. All exceptions and responses shall be filed with the Administrator. Service of such briefs or exceptions and responses thereto shall be made simultaneously on all parties to the proceeding, and a certificate of service shall be furnished to the Administrator. Requests to the Administrator for additional time in which to file exceptions and responses thereto shall be in writing and copies thereof shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due. Documents filed with the Administrator shall be addressed to the Administrator in care of the General Counsel.

§ 705.40 Record.

After expiration of the time for filing briefs and exceptions, the Administrator shall make a final decision on the basis of the record before him. The record shall consist of the record for recommended decision, the rulings and recommended decision of the hearing officer, and the exceptions and briefs filed subsequent to the hearing officer's decision.

§ 705.41 Final decision.

After expiration of the time for filing, the Administrator shall make a final decision on the basis of the record for decision, and upon consideration of any exceptions and briefs filed subsequent to the hearing. A copy of the decision of the Administrator shall be served on all parties and amici to the proceeding.

§ 705.42 Approval of Administrator's decision by Director, Office of Federal Contract Compliance Programs.

No decision of the Administrator shall become final without the approval of the Director of the Office of Federal Contract Compliance Programs.

[FR Doc.76-25984 Filed 9-3-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-SO-77; Amdt. 39-2709]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-28-235, PA-32, and PA-32R Series Airplanes

There have been reports of internal fuel transfer in the fuel selector valves on certain PA-28-235, PA-32-260, PA-32-300 and PA-32R-300 airplanes that could result in fuel leakage or fuel mismanagement. Since this condition is likely to exist in other airplanes of the same type design, an airworthiness directive is being issued to require a fuel system check and fuel valve replacement, if necessary, on certain PA-28-235, PA-32-300, PA-32-260 and PA-32R-300 airplanes.

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:

PIPER AIRCRAFT CORPORATION. Applies to PA-28-235, serial numbers 28-10001 through 28-7610157, equipped with Airborne fuel valve 1-H65-2, Piper part number 492 259; PA-32-260 serial numbers 32-1 through 32-7600020 equipped with Airborne fuel valve Model 1-H65-2, Piper part number 492 259; PA-32-300 serial numbers 32-40000 through 32-7640109 equipped with Airborne fuel valve Model 1-H65-2, Piper part number 492 259; PA-32R-300 serial numbers 32R-7680001 through 32R-7680423 equipped with Airborne fuel valve Model 1-H65-3, Piper part number 492 262; certificated in all categories.

Compliance required within the next ten hours' time in service after the effective date of this AD, unless already accomplished.

To prevent fuel valve inner port leakage, accomplish the following:

I. Perform the following checks:

1. Fill all fuel tanks to capacity.

2. Actuate the fuel selector valve quick drain handle a minimum of three (3) times. Insure that the handle is actuated through its full travel and release slowly each time.

3. Start engine and run at a 1000 R.P.M. setting with electric fuel pump on.

4. Place fuel selector valve in the OFF position.

5. Continue to run the engine at 1000 R.P.M. until fuel has been exhausted and not to exceed the seven (7) minute duration.

If fuel exhaustion occurs and the engine quits within the seven (7) minute running period, make an appropriate log book entry.

The checks required by this AD may be performed by the pilot. For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's maintenance record, see FAR 91.173.

II. If the engine continues to run for the full seven (7) minute period, replace the fuel selector valve with the appropriate serviceable fuel valve and repeat Paragraph I.

An equivalent means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Piper Service Bulletin No. 519 also pertains to this same subject.

This amendment becomes effective September 10, 1976.

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

Issued in East Point, Ga., on August 24, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-25996 Filed 9-3-76;8:45 am]

[Airspace Docket No. 75-EA-62]

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

Alteration of Pittsburgh Terminal Control Area

On March 15, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 10915) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Pittsburgh, Pa., Terminal Control Area (TCA) by redefining certain lateral boundaries and floor altitudes in the vicinity of Pittsburgh, Pa.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Six comments were received. Three of the commenters interposed no objections to the proposal. One commenter did not object to the proposal but suggested that the airspace lying between the proposed east and southeast Area C extensions be included as a part of these proposed extensions. Another commenter believed the proposal would create more hazardous conditions between low flying jets and traffic operating in the Herron Airport traffic patterns. He stated that jets approach-

ing Greater Pittsburgh Airport have flown over the Herron Airport at 2,500 feet MSL to see local wind conditions with local aircraft in the traffic pattern at 2,000 feet MSL. Also, the commenter expressed opposition because he felt the proposal would create an inconvenience by requiring circumnavigation of the TCA. Additionally, the commenter suggested changing arrival procedures to ensure that aircraft would be contained in presently designated TCA airspace rather than altering the TCA. Another commenter objected to the proposed southeast Area C extension and proposed this area remain as is from 4,000 to 8,000 feet so as not to infringe on his free navigation inbound and outbound to the east of Campbell Airport.

We do not concur with the suggestion to include the airspace lying between the proposed Area C east and southeast extensions as part of the proposed extensions. This action would include additional TCA airspace that is not presently required to protect IFR turbojet arrivals and departures at Greater Pittsburgh Airport. While we agree that the proposal would provide for easier charting definition, we could not justify the additional TCA airspace.

The statement concerning the proposed TCA changes that would "create a more hazardous condition" assumes a hazardous condition exists. It is assumed the low flying jets referred to were operating VFR and were probably not air carrier type aircraft. The present TCA floor over the Herron Airport is 4,000 feet MSL and is the minimum altitude an IFR aircraft would descend to. Air carrier jets are required to operate IFR unless in direct communication with the tower in a terminal area and radar advisories are issued. If any turbojets are, in fact, operating VFR, the rules of "see and be seen" would continue to prevail. It is unlikely that a pilot en route to Greater Pittsburgh Airport would descend to 2,500 feet MSL to observe wind conditions at Herron Airport when wind data is available from the Greater Pittsburgh Tower. Under IFR conditions, the tower contains turbojets in TCA airspace by procedural means pending alteration of the TCA. As far as circumnavigation of the TCA is concerned the rules for TCA operations are clear. The pilot has the choice of circumnavigating the TCA or, with proper airborne equipment, may obtain a clearance through the TCA.

The instrument arrival procedures to Greater Pittsburgh Airport represent an optimum in complying with the "Keep 'em High" program, noise considerations and vertical descents dictated by glide slope angles associated with the various instrument landing systems (ILSs) serving the Airport. Thus, it is not feasible to change the arrival procedures to conform to the old TCA configuration.

In reference to the objection to the southeast extension, this airspace represents the minimum TCA airspace required to encompass instrument arrivals predicated on new procedures which are to be based on the Runway 32 ILS presently under construction. The southeast TCA extension may infringe on ingress/egress to Campbell Airport. However, pilots using Campbell Airport may circumnavigate the TCA or obtain clearance through the TCA as appropriate. Aircraft operating IFR to and from Campbell Airport will be provided prescribed separation by the Greater Pittsburgh Tower.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

In § 71.401(b) (41 FR 639) the Pittsburgh, Pa., TCA is amended to read as follows:

§ 71.401 [Amended]

Primary Airport

Greater Pittsburgh Airport (Lat. 40°29'37" N., Long. 80°13'54" W.)

Boundaries. (Based on Lat. 40°29'12" N., Long. 80°14'03" W.)

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Pittsburgh, Pa. (Greater Pittsburgh) Control Zone.

Area B. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL within a 10-mile radius of Lat. 40°29'12" N., Long. 80°14'03" W., excluding Area A.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL between the 10-mile and 12.5-mile radii of Lat. 40°29'12" N., Long. 80°14'03" W., extending from the 076° bearing clockwise to the 106° bearing excluding Areas A and B; between the 10-mile and 12-mile radii of Lat. 40°29'12" N., Long. 80°14'03" W., extending from the 117° bearing clockwise to the 147° bearing excluding Areas A and B; between the 10-mile and 14-mile radii of Lat. 40°29'12" N., Long. 80°14'03" W., extending from the 259° bearing clockwise to the 288° bearing excluding Areas A and B.

Area D. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of Lat. 40°29'12" N., Long. 80°14'03" W., and between the 20-mile and 30-mile radii of Lat. 40°29'12" N., Long. 80°14'03" W., extending from the 076° bearing clockwise to the 106° bearing and from the 259° bearing clockwise to the 288° bearing; excluding Areas A, B and C.

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

Issued in Washington, D.C. on August 31, 1976.

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

[FR Doc.76-25997 Filed 9-3-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2831]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Andrex Industries Corporation, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.30 Composition of goods; 13.30–100 Wool Products Labeling Act; § 13.45 Content; § 13.73 Formal regulatory and statutory requirements; 13.73–70 Wool Products Labeling Act; § 13.200 Sample, offer or order conformance; § 13.205 Scientific or other relevant facts; § 13.245 Specifications or standards conformance. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; 13.1108–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition; 13.1185–90 Wool Products Labeling Act; § 13.1200 Content; § 13.1212 Formal regulatory and statutory requirements; 13.1212–90 Wool Products Labeling Act; § 13.1320 Scientific or other relevant facts; § 13.330 Specifications or standards conformance. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition; 13.590–90 Wool Products Labeling Act; § 13.1605 Content; § 13.1623 Formal regulatory and statutory requirements; 13.1623–90 Wool Products Labeling Act; § 13.1735 Sample, offer, or order conformance; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; 13.1845–80 Wool Products Labeling Act; § 13.1850 Content; § 13.1852 Formal regulatory and statutory requirements; 13.1852–80 Wool Products Labeling Act; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1982 Guarantee-statutory; 13.1982–90 Wool Products Labeling Act. Subpart—Using misleading name—Goods: § 13.2280 Composition; 13.2280–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68)

In the Matter of Andrex Industries Corp., a corporation, and Stephen Gottdiener, individually and as an officer of said corporation.

Consent order requiring a New York City manufacturer and seller of fabrics, among other things to cease misbranding and mislabeling wool products; misrepresenting the wool and other fiber content of their fabrics and requires respondents to notify their customers that the fabrics they purchased were misbranded. The order further prohibits respondents from using the term "Angorama" in connection with products not substantially composed of "Angora" fibers.

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

ORDER

It is ordered, That respondents Andrex Industries Corp., a corporation, its successors and assigns, and its officers, and Stephen Gottdiener, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or any other device, in connection with

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

the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to securely affix labels to samples, swatches or specimens of wool products, used to promote or effect the sale of such wool products, showing in words and figures plainly legible all the information required to be disclosed by Section 4(a)(2) of the Wood Products Labeling Act of 1939.

It is further ordered That respondents Andrex Industries Corp., a corporation, its successors and assigns, and its officers, and Stephen Gottdiener, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, or other device in connection with manufacturing, advertising, offering for sale, sale, or distribution of fabrics in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Using the word "Angorama" or any word of similar import on sample cards or in any other manner in connection with any product that is not composed substantially of fibers entitled to be designated as "angora". *Provided, however,* That this order shall not be construed as prohibiting use of the word "Angorama" in connection with a product composed in substantial part of fibers entitled to be designated "angora" if such word is accompanied by a clear and conspicuous statement of the percentage by weight of the fibers contained therein.

2. Misrepresenting the amount or character of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, unless heretofore complied with, That respondents notify each of their customers that purchased the wool products which gave rise to this complaint of the fact that United States government tests have shown that such products were misbranded.

It is further ordered That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered That the individual respondent named herein promptly notify the Commission of each change in business or employment status, which includes discontinuance of his present business or employment and each affiliation with a new business or employment, for ten (10) years following the effective date of this order. Such notices shall include respondent's current business address and a description of the business or employment in which he is engaged as well as a description of his duties and responsibilities. The expiration of the notice provision of this paragraph shall not affect any other obligations arising under this order.

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

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

The Decision and Order was issued by the Commission August 11, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-26016 Filed 9-3-76;8:45 am]

[Docket C-2833]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hertz Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.35 Condition of goods; § 13.90 History of product or offering; § 13.175 Quality of product or service; § 13.195 Safety; 13.195-60 Product; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-10 Accurate. Subpart—Misrepresenting oneself and goods—Goods; § 13.1595 Condition of goods; § 13.1650 History of product; § 13.1715 Quality; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1854 History of products; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts.

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

In the Matter of The Hertz Corporation, a corporation. Consent order requiring a New York City dealer in used motor vehicles, among other things to cease misrepresenting and/or failing to disclose material facts relating to the history of used motor vehicles offered for sale by respondent. Further, respondent is required to keep accurate repair records, and to advise prospective customers of their right to inspect these records; and, additionally, a statement as to the availability of repair records for inspection must be conspicuously disclosed on sales contracts and receipts.

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

ORDER

For purposes of this order, the following definitions shall apply:

(a) The term "used motor vehicle" refers to any used motor vehicle offered for sale to the public by respondent.

(b) The term "major damage" refers to that degree of damage sustained by a used motor vehicle which may adversely affect either the vehicle's safety or performance, whether or not such damage has been repaired.

(c) The term "repair records" refers to any and all written statements in regard to the repair of any damage sustained by a used motor vehicle.

It is ordered That respondent The Hertz Corporation, a corporation, its successors and assigns and its officers, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, and repair of used motor vehicles, or any other products or services, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, directly or indirectly, orally or in writing, that used motor vehicles are not-so-used or describing them by any other such term or terms of similar import and meaning or misrepresenting in any manner the condition of any used motor vehicle.

2. Failing to disclose clearly and conspicuously, in any advertisement for the sale of each specifically identified used motor vehicle:

(a) The prior use of each such used motor vehicle (e.g. rental);

(b) The extent of such use (e.g. mileage); and

(c) Any major damage sustained by such used motor vehicle and known to respondent.

3. Failing to maintain repair records or true copies thereof, for each used motor vehicle at the retail outlet where such used motor vehicle is offered for sale.

4. Failing to disclose in all oral solicitations for the sale of used motor vehicles that the repair records for each such used motor vehicle will be furnished to prospective purchasers for perusal upon their request prior to the consummation of sale of such used motor vehicle.

5. Failing to furnish any prospective purhaser of used motor vehicles with the repair records for any such used motor vehicle subsequent to the purchaser's request to peruse such records prior to the consummation of sale of such used motor vehicle.

6. Failing to furnish all purchasers of used motor vehicles with a copy of any contract or receipt pertaining to the sale of such used motor vehicle which contains or has superimposed in immediate proximity to the space reserved in the contract for the signature of the purchaser or on the front page of any receipt if a contract is not used and in bold faced type of a minimum size of 10 points, a clear and conspicuous statement in the following form:

"YOU, THE PURCHASER, MAY INSPECT, PRIOR TO PURCHASE, THE REPAIR RECORDS OF THIS OR ANY OTHER USED MOTOR VEHICLE OFFERED FOR SALE TO THE PUBLIC BY HERTZ."

7. Misrepresenting or disparaging, directly or indirectly, orally or in writing,

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

the purchaser's opportunity to peruse the repair records for any used motor vehicle prior to the consummation of sale of such used motor vehicle.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent shall forthwith deliver a copy of this order to cease and desist to all present and future personnel engaged in any aspect of preparation, creation, or placing of advertising and in the offering for sale, or sale, of any used motor vehicle, and that the respondent secure a signed statement acknowledging receipt of said order from each such person.

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

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

The Decision and Order was issued by the Commission August 11, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-26017 Filed 9-3-76;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Departmental Reg. 108.727]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Ineligible Classes of Immigrants

On March 10, 1976 the Department published for comments (41 FR 10230) a proposed amendment of paragraph (a) (14) (ii) (*d*) of § 42.91 of Title 22 of the Code of Federal Regulations which provides an exemption to the labor certification requirement of section 212 (a) (14) of the Immigration and Nationality Act of 1952, as amended, for an alien coming to the United States to engage in business of a continuing nature rather than to enter the skilled or unskilled labor market. Consideration has been given to the written comments which were received from twenty-seven persons in response to the proposal.

The Department is satisfied from a review of statistical data compiled by reliable government and banking institutions, which was presented by several persons responding to this proposal, that a substantial number of business enterprises can be undertaken with capital investments of $40,000 and with high probabilities of success. The minimum capital investment which will qualify an alien investor for the exemption is accordingly being reduced from $50,000 to $40,000. Other comments have induced the Department to require an alien investor applicant to show only that he will be a principal manager of the enterprise in which he is investing rather than the principal manager of the enterprise. A change has been made in the third requirement of the amendment which, as originally proposed, required an applicant for the investor exemption to establish that he would employ persons in the United States other than himself, his spouse and children. It was not intended to prohibit his employment or the employment of his wife and children but it was intended that other persons in the United States would be employed as well. In the absence of any legislative action on the general policy questions which are the subject of this exemption and not having received any persuasive arguments in opposition to this third requirement, the Department is adopting this requirement, with a clarifying change in language, as a reasonable requirement by which the applicant for the investor exemption can establish the prospective viability of his enterprise. Several writers also expressed a view, with which the Department agrees, that this condition precedent to the granting of the exemption is a reasonable one in the absence of any legislative action to provide investors with an exemption to the labor certification provisions. Finally, an amendment has been made in the final regulation to provide for the continued processing under the previous regulatory provision of all cases submitted to a consular officer prior to the effective date of this regulation.

Paragraph (a) (14) (ii) (*d*) of § 42.91 of Title 22 of the Code of Federal Regulations is amended to read:

§ 42.91 Aliens ineligible to receive a visa.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.*

* * * * *

(14) * * *

(ii) * * *

(*d*) An alien who establishes by documentary evidence, received by a consular officer after the effective date of this subparagraph, that he is seeking to enter the United States for the purpose of engaging in an enterprise in which he has invested, or is actively in the process of investing, capital totaling at least $40,000, in which enterprise he will be a principal manager, and that the enterprise will employ persons in the United States who are United States citizens or aliens lawfully admitted for permanent residence, exclusive of the alien, his spouse and children.

* * * * *

Effective date: This amendment will become effective October 7, 1976.

(Sec. 104, 66 Stat. 174 (8 U.S.C. 1104))

Dated: August 23, 1976.

For the Secretary of State.

ROBERT T. HENNEMEYER,
Acting Administrator, Bureau of Security and Consular Affairs.

[FR Doc.76-25991 Filed 9-3-76;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1101]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the Borough of Sea Bright, New Jersey

On May 5, 1976, at 41 FR 18510, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the Borough of Sea Bright, New Jersey. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of April 23, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 345317A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Sea Bright Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Borough of Sea Bright, New Jersey map.

(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.)

Issued: August 17, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-26022 Filed 9-3-76;8:45 am]

[Docket No. FI-1100]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the Borough of Point Pleasant, New Jersey

On May 5, 1976, at 41 FR 18509, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the Borough of Point Pleasant, New Jersey. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of April 9, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 345313A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Point Pleasant Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Borough of Point Pleasant, New Jersey map.

(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)

Issued: August 17, 1976.

R. W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76-26021 Filed 9-3-76;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

Reporting and Disclosure Requirements; Correction

In FR Doc. 76–11859 appearing at page 16957 in the FEDERAL REGISTER of April 23, 1976, paragraph (a) of § 2520.104–b–30 appearing on page 16966 is corrected in line nine of that paragraph by adding the term "plan description," after the word "description,".

Dated: August 31, 1976.

JAMES D. HUTCHINSON,
Administrator for Pension and Welfare Benefit Programs.

[FR Doc.76-26039 Filed 9-1-76;12:18 pm]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-191]

PART 101–25—GENERAL

Subpart 101–25.49—Illustrations of Forms

INSTRUCTIONS FOR PREPARATION OF GSA FORM 1473, SUPPLY ACTIVITY REPORT

Section 101–25.4902–1473–1(c) is revised for clarity by stating that the value of all acquisitions from Federal Supply Schedule contracts is to be included under the columnar caption "Other Government Sources" in part II of GSA Form 1473, Supply Activity Report.

Section 101–25.4902–1473–1(c) is revised to provide updated instructions.

NOTE.—The instructions in § 101–25.4902–1473–1 are filed as part of the original document.

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

Effective date: This regulation is effective September 7, 1976.

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: August 26, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-26062 Filed 9-3-76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 117—FINANCIAL ASSISTANCE FOR SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

Final Regulation

Notice of proposed rulemaking was published in the FEDERAL REGISTER on February 17, 1976 (41 FR 7112) setting forth regulations for the School Library Resources, Textbooks, and Other Instructional Materials Program authorized by Title II of the Elementary and Secondary Education Act, as amended (20 U.S.C. 821–827). Pursuant to section 503 of the Education Amendments of 1972 (Pub. L. 92–318), a hearing was held in Washington, D.C. on March 18, 1976 on the proposed rules. No one attended the hearing to give testimony. Three letters of comment were received and the writers' suggestions were considered. No changes in the regulation, however, were deemed appropriate as a result of the comments.

A. *Summary of comments.* The following written comments were received by the Office of Education regarding the proposed regulation. After a summary of each comment, a response is set forth stating the reason why no change is deemed necessary.

1. *Comment.* One commenter suggested that all references to "school library" in the regulation be changed to "school media center" to reflect more accurately current developments in thinking and usage.

Response. No change has been made in the regulation. The term "school library" is used throughout the statute, and Congressional amendments would be required to make the changes suggested. Officials from the Office of Education and State and local agencies verify, however, that materials acquired under this program have been used to implement a "school media center" concept.

2. *Comment.* A commenter suggested that the definition of "private elementary and secondary schools" in § 117.1 be amended to delete the words "or profit" so that only nonprofit elementary and secondary schools be included in the definition.

Response. No change has been made in the regulation. Section 201(a) of the Act requires the Commissioner to "carry out a program for making grants for the school library resources, textbooks and other printed and published materials for the use of children and teachers in public and private elementary and secondary schools." The Act does not limit the program to nonprofit schools. The definition in the regulation neither expands nor limits the coverage of the Act; rather, it clarifies that the term "private elementary and secondary schools" includes both profit and nonprofit schools.

3. *Comment.* One commenter suggested that coordination between the programs

carried out under Title II of the Elementary and Secondary Education Act of 1965 and the Library Services and Construction Act be strengthened by adding a provision for joint planning in areas of mutual concern between the agencies administering the two programs.

Response. No change in the regulation is deemed necessary. Section 117.6(g) of the regulation already provides that annual program plans include development of criteria to ensure such coordination, as appropriate.

4. *Comment.* One commenter suggested that the regulation make clear the propriety of sharing materials acquired with Title II funds through network and cooperative programs in which resources are shared with public, academic, and other libraries, particularly when such programs are assisted by funds from the Library Services and Construction Act.

Response. There is no change in the regulation. Section 203(a)(2) of the Act limits the use of Title II funds to the acquisition of school library resources, textbooks, and other instructional materials for the use of children and teachers in public and private elementary and secondary schools. The sharing of materials through networks and cooperative programs, except those among elementary and secondary public and private schools, is beyond the purposes of the statute.

B. *Adoption of regulations.* After consideration of all comments, the Commissioner hereby adopts the proposed regulation which was published in the FEDERAL REGISTER on February 17, 1976. The regulation is set forth below.

C. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.480, School Library Resources, Textbooks, and Other Instructional Materials.)

Dated: August 2, 1976.

WILLIAM F. PIERCE,
Acting U.S.
Commissioner of Education.

Approved: August 25, 1976.

WILLIAM A. MORRILL,
Acting Secretary of Health,
Education, and Welfare.

Subpart A—General

Sec.
117.1 Definitions.
117.2 General provisions regulations.

Subpart B—Annual Program Plan of Department Plan—General Provisions

117.5 Annual program plan or Department conditions.
117.6 Annual program plan assurances.

Subpart C—Availability of Materials

117.8 Approval of instructional materials.
117.9 Title and control of instructional materials.
117.10 Accessibility of instructional materials.
117.11 Charge for use.
117.12 Inventory.
117.13 Religious worship or instruction.

Subpart D—Availability of Funds

117.19 Allotment of funds.
117.20 Acquisition of instructional materials.
117.21 Administration of the annual program plan.
117.22 Relation to public library system.
117.23 Administration by Departments.

Subpart E—State Administration

117.35 Advisory committees.
117.36 Financial interest prohibited.
117.37 Administrative review and evaluation.

Subpart F—Payment Procedures

117.43 Reallotment.

AUTHORITY: Secs. 201–207 of Pub. L. 89–10 as amended (20 U.S.C. 821–827), unless otherwise noted.

Subpart A—General

§ 117.1 Definitions.

As used in this part:

"Act" means the Elementary and Secondary Education Act of 1965, Public Law 89–10, as amended, (20 U.S.C. 821–827).

"Children" means those persons who are in attendance in schools of the State which provide elementary and secondary education and which comply with State compulsory attendance laws or are otherwise recognized by some procedure customarily used in the State. The age limits are the permissible ages for attendance at the public elementary and secondary schools of the State, but the term "children" does not include persons enrolled in adult education courses or in courses beyond grade 12.

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementry or secondary schools. It also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Private elementary and secondary schools" means nonprofit or profit schools which provide elementary and secondary education as determined under State law, but not to the extent that they provide education beyond grade 12, and which are controlled by other than a public authority or public officials but which either comply with the State compulsory attendance laws or are otherwise recognized by some procedure customarily used in the State.

"School library resources, textbooks, and other printed and published instructional materials" means: (a) "School library resources" are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes; processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and published materials of a similar nature made by any method now developed or hereafter to be developed, and which are processed and organized for use by elementary and secondary school children and teachers; (b) "textbooks" are books, reusable workbooks, or manuals, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each student in such class or group; (c) "other printed and published instructional materials" are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes; processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and published materials of a similar nature made by any method now developed or hereafter to be developed, and which are not processed and organized for use by elementary or secondary school children and teachers. Such "school library resources, textbooks, and other printed and published instructional materials" include those materials which are suitable for and are to be used by children and teachers in elementary or secondary schools and which with reasonable care and use may be expected to last more than one year. The definition does not include furniture or equipment.

"Standards" means those measures (established by the State agency or the Department of the Interior or the Department of Defense for administration of title II of the Act or established by other authoritative groups or individuals and accepted for such administration) which are used for making determinations of the adequacy, quality, and quantity of school library resources, textbooks, and other printed and published instructional materials to be made available for the use of children and teachers in elementary and secondary schools.

"State" means, in addition to the several States in the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"Teacher" means a person who is engaged in carrying out the instructional program of an elementary or secondary school, including a principal, guidance counselor, school librarian, or other member of the instructional or supervisory staff.

(20 U.S.C. 821–827)

§ 117.2 General provisions regulations.

Assistance under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 821)

Subpart B—Annual Program or Department Plan—General Provisions

§ 117.5 Annual program plan or Department conditions.

(a) *Purpose.* A basic condition for the grant of Federal funds to a State or for the payment of funds under title II of the Act to the Departments of Interior or Defense is a plan which meets the requirements of title II of the Act in providing a program under which funds so granted or paid will be expended solely for the acquisition of school library resources, textbooks, and other printed and published instructional materials and the administration of the plan.

(b) *Effect of an annual program plan.* The annual program plan, when approved by the Commissioner, shall constitute the basis on which Federal grants will be made to a State and the basis for determining the propriety of the expenditures of those funds.

(c) *Effect of a Department plan.* A plan submitted by the Department of the Interior or by the Department of Defense, when approved by the Commissioner, shall constitute the basis on which payments will be made to those Departments under title II of the Act and the basis for determining the propriety of the expenditures of these funds by such Departments.

(d) *Program and operational procedures.* The administration of the program shall be kept in conformity with the approved plan, the regulations in this part, and title II of the Act. A description of the program and operational procedures shall be recorded and made available to the public upon request. Whenever there is any material change in the content or administration of the program, or when there has been any material change in pertinent State law or in the organization, policies, or operations of the State agency affecting the program under the plan, the procedures shall be appropriately amended.

(e) *Submission.* A plan shall be submitted to the Commissioner by a duly authorized officer of the State agency, or by the Departments of the Interior or Defense. The plan shall give the official name of the agency which will administer the plan and shall indicate the official or officials authorized to submit plan material. The plan shall designate the officer or officers who will receive and provide for the custody of all funds to be expended, and authorize expenditures of such funds.

(f) *Certificate of the State Attorney General or other appropriate State legal officer.* The annual program plan shall also include as an attachment a certification by the appropriate State legal officer that the State agency named in the plan is the agency having authority, either directly or through arrangements with other State or local public agencies, to administer the plan; and that the State has authority under State law to carry out the plan.

(g) *Approval by the Commissioner.* The Commissioner will approve each plan which he determines meets the applicable requirements of title II of the Act and regulations in this part, and will notify the applicant of the granting, conditioning, or withholding of approval in each such case. However, no final action with respect thereto, other than one of approval, will be taken by the Commissioner unless he first notifies the applicant of his proposed action and in connection therewith affords the applicant a reasonable opportunity for a hearing on whether the affected plan meets such requirements.

(h) *Ineligibility to participate.* Whenever the Commissioner, after reasonable notice and opportunity for a hearing, finds: (1) That the plan fails to comply with the requirements of title II of the Act and the regulations in this part; or (2) That in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner will notify the applicant that said applicant will not be regarded as eligible to participate in the program under title II of the Act until the Commissioner is satisfied that there is no longer any such failure to comply.

(20 U.S.C. 823)

§ 117.6 Annual program plan assurances.

Each annual program plan shall contain assurances:

(a) *Sole agency for administration.* That the State agency shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for the administration of the plan.

(20 U.S.C. 823(a)(1))

(b) *Description of program.* That the State agency has developed in writing a program under which funds paid to the State from its allotment under title II of the Act will be expended solely (1) for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in the State and (2) not in excess of 5 percent of the amount paid to the State under title II of the Act or $50,000, whichever is greater, for administration of the annual program plan, including (i) the development and revision of standards relating to school library resources, textbooks, and other printed and published instructional materials furnished for the use of children and teachers in the public elementary and secondary schools of the State, and (ii) the distribution and control by a local educational agency of such school library resources, textbooks, and other printed and published instructional materials in carrying out the plan for the use of children and teachers in public and private elementary and secondary schools in the State.

(20 U.S.C. 823(a)(2))

(c) *Criteria for allocation of school library resources, textbooks, and other printed and published instructional materials.* That the State agency has developed the criteria used in determining the need and the proportions of the allocation to be used for school library resources, textbooks, and other printed and published instructional materials provided under title II of the Act among the children and teachers in the elementary and secondary schools, which criteria shall incorporate the provisions of paragraphs (d) and (e) of this section.

(20 U.S.C. 823(a)(3))

(d) *Relative need.* That the criteria shall, on the basis of a comparative analysis and the application of standards, as defined in § 117.1, establish the relative need, as determined from time to time, of children and teachers for school library resources, textbooks, and other printed and published instructional materials to be provided under the plan. Such criteria shall include priorities for the provision of such materials on the basis of several factors such as the requirements of elementary and secondary instruction, quality and quantity of such materials now available, requirements of children and teachers in special or exemplary instructional programs, the cultural or linguistic needs of children or teachers, the degree of economic need, and the degree of previous and current financial efforts for providing such materials in relation to financial ability. The distribution of such resources, textbooks, and materials for children and teachers solely on a per capita basis does not satisfy this provision.

(20 U.S.C. 823(a)(3)(A))

(e) *Equitable basis.* That the criteria established under an annual program plan shall provide for the allocation of school library resources, textbooks, and other printed and published instructional materials in such a way as to provide assurance that, to the extent consistent with State law, such resources, textbooks, and materials are provided on an equitable basis for the use of children and teachers in private elementary and secondary schools in the State. However, said equitable provision shall not be effectuated by means of transfer of funds to private schools or purchase by them of such resources, textbooks, and materials.

(20 U.S.C. 823(a)(3)(B))

(f) *Methods and terms of availability of materials.* That the State agency has developed the methods and terms by which the school library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act will be made available for the use of children and teachers in the elementary and secondary schools. With respect to children and teachers in private schools, the State agency shall provide that (1) such resources, textbooks, and materials are to be made available to children and teachers and not to institutions; (2) such resources,

textbooks, and materials are to be made available on a loan basis only; (3) a public agency will retain title to, and control and administration of the use of, such resources, textbooks, and materials; and (4) books and materials must not supplant those being provided children but must supplement library resources, textbooks, and other instructional materials to assure that the legislation will furnish increased opportunities for learning. (See also §§ 117.8 and 117.9)

(20 U.S.C. 823)

(g) *Coordination with public library programs.* That the State agency has developed criteria to ensure that there will be appropriate coordination at both State and local levels between the program carrier out under title II of the Act with respect to school library resources and any program carried out under the Library Services and Construction Act (20 U.S.C. ch. 16) in order to secure the effective and efficient use of Federal funds and to avoid duplication of effort.

(20 U.S.C. 823(a)(3)(C))

(h) *Criteria for selection of school library resources, textbooks, and other instructional materials.* That the State agency has developed the specific educational and other criteria to be used (1) in selecting the school library resources, textbooks, and other printed and published instructional materials to be made available to children and teachers under title II of the Act and (2) as the basis for determining the proportions of the allotment for each fiscal year which will be spent for the acquisition of (i) school library resources, (ii) textbooks, and (iii) other printed and published instructional materials. The ultimate responsibility for the selection under these criteria of all school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in a State shall be that of the State agency or a local educational agency. If proportions for the three categories of materials are changed significantly, the program and operational procedures should be so amended in accordance with the provisions of § 117.5 (d). (See also § 117.8.)

(20 U.S.C. 823)

(i) *Equal consideration for needs for materials for occupational education.* That the State agency has developed the specific educational and other criteria to be used in allocating school library resources, textbooks, and other instructional materials so as to give consideration to the needs of children and teachers in elementary and secondary schools for such resources, textbooks, and materials utilized for instruction, orientation, or guidance and counseling in occupational education equal to the consideration given to the requirements of such children and teachers for materials to be used to meet other educational, motivational, and recreational needs.

(20 U.S.C. 823(a)(3)(D))

Programs, criteria, methods and terms, policies and procedures required by § 117.6(b), (c), (d), (e), (f), (h), and (i) must be set forth in the plan itself or be incorporated therein by reference as a separate existing and identified document available for inspection by the Commissioner.

(20 U.S.C. 823; 42 U.S.C. 4231, 4233)

Subpart C—Availability of Materials

§ 117.8 Approval of instructional materials.

School library resources, textbooks, and other printed and published instructional materials acquired under the provisions of title II of the Act must be limited to those which have been approved by an appropriate State agency or local educational agency or other public agency for use, or those which are used, in a public elementary or secondary school of that State.

(20 U.S.C. 825)

§ 117.9 Title and control of instructional materials.

Title to, and control and administration of the use of, school library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act shall vest only in a public agency or in the United States. School library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act shall be made available to children and teachers in elementary and secondary schools on a loan basis only and there will be a proper accounting of such resources, textbooks, and materials. The public agency shall provide for the control, recall, and replacement of such resources, textbooks, and materials. The public agency having control shall impose responsibility upon the children and teachers who borrow such resources, textbooks, and materials for loss, damage, failure to return when required, or other violations of the terms and conditions of the loan which is comparable to that imposed upon borrowers of similar items purchased with funds derived from other sources.

(20 U.S.C. 823)

§ 117.10 Accessibility of instructional materials.

Unless such action is prohibited by State law, school library resources, textbooks, and other printed and published instructional materials acquired with funds under title II of the Act shall be made available for the use of children and teachers in private elementary and secondary schools on an equitable basis. Catalogs or list of instructional materials acquired under the annual program plan or such other system or systems as may be approved by the Commissioner which will assure the reasonable accessibility and availability of instructional materials to children and teachers in both public and private schools shall be maintained. Such catalogs or lists may be limited in content, for example, to instructional materials designed for children with special needs or to instructional materials supporting particular areas of curriculum and which are not otherwise generally available to the affected children and teachers. Such catalogs or lists or other systems may be maintained on the basis of such limited and defined geographical areas as may be appropriate to assure distribution of materials on a feasible basis. Another method may be the use of a central depository system. The circulation of such instructional materials shall be subject to such restrictions as may be required to maintain an equitable distribution thereof among the children and teachers. Loan terms should be based on educational principles of service to instructional programs so that the children and teachers for whom the school library resources, textbooks, and other printed and published instructional materials are selected will not be deprived of their use when needed.

(20 U.S.C. 823)

§ 117.11 Charge for use.

No charge may be levied against children and teachers for the use of any school library resources, textbooks, and other printed and published instructional materials acquired under title II of the Act.

(20 U.S.C. 823)

§ 117.12 Inventory.

The public agency and the Departments of Interior and Defense in which title to school library resources, textbooks, and other printed and published instructional material is vested shall indicate ownership by appropriate marking of each item in a permanent manner and shall maintain an inventory record of such items, revised annually. The inventory records shall be maintained for the useful life of such items. The methods for inventorying and maintaining records of such materials employed by the public agency retaining title shall be subject to the approval of the State agency administering the plan. Inventory records of such materials shall be compiled and maintained by the public agency retaining title and actual administrative control through the use of publicly employed personnel. The methods of inventorying shall include appropriate provisions for substantiating the inventories by onsite inspection. The State agency shall establish a policy for removing items from inventory by procedures consistent with established State or local public agency policies relative to loss, obsolescence, or rate of deterioration of such resources, textbooks, and materials.

(20 U.S.C. 823)

§ 117.13 Religious worship or instruction.

In accordance with § 100b.59 of this chapter, no payments under this part may be made for the acquisition of school library resources, textbooks, or other instructional materials to be uti-

lized for religious worship or instruction.

(20 U.S.C. 885)

Subpart D—Availability of Funds

§ 117.19 Allotment of funds.

(a) *State allotment.* The Federal Government will pay from each State's allotment amounts equal to the sums expended by the State under an approved annual program plan for (1) the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in the State; and (2) the administration of the plan. In no case will the amount paid for administration of the plan for any fiscal year exceed 5 percent of the amount paid to the State under title II of the Act, or $50,000, whichever is greater.

(b) *Reduction in State allotment.* In any State which has an approved annual program plan and in which no State agency is authorized by law to provide school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in any one or more elementary or secondary schools in that State, the Commissioner will arrange to provide on an equitable basis such resources, textbooks, and other materials for the use of these children and teachers. In such an event, the Commissioner will pay the cost thereof for any fiscal year out of the State's allotment.

(c) *Allotments to the Departments of the Interior and Defense.* Such amount shall be allotted to the Secretary of the Interior as is necessary to provide school library resources, textbooks, and other printed and published materials for the use of children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior and to the Secretary of Defense such amount as is necessary for such provision for children and teachers in the overseas dependent schools of the Department of Defense.

(20 U.S.C. 822, 823, 824)

§ 117.20 Acquisition of instructional materials.

Acquisition of school library resources, textbooks, and other printed and published instructional materials with financial participation under title II of the Act—notwithstanding the definition of "acquisition" set forth in § 100.1 of this chapter—includes the necessary and essential cost of ordering, processing, and cataloging of such resources and delivery of them to the initial place at which they are made available for use. Funds under title II of the Act are not available for the rebinding or repairs of such resources, textbooks, or materials.

(20 U.S.C. 823)

§ 117.21 Administration of the annual program plan.

Functions. Funds allotted to States under title II of the Act are available, up to the limits specified in § 117.19 for the administration of the annual program plan. Of the funds so made available for administration of the plan, appropriate amounts shall be allocated to local educational agencies for responsibilities assigned to them by the State agency for making accessible loaned materials in accordance with § 117.10. The administration of the plan involves functions such as:

(a) The development of short- and long-term policy for making school library resources, textbooks, and other printed and published instructional materials available for the use of children and teachers in the elementary and secondary schools of the State;

(b) The development, revision, dissemination, and evaluation of standards relating to the selection, acquisition, and use of school library resources, textbooks, and other printed and published instructional materials;

(c) State supervisory services and evaluation of programs for the acquisition and use of school library resources, textbooks, and other printed and published instructional materials;

(d) Inventorying of acquisitions made under title II of the Act and the maintaining of other requisite records;

(e) The control of loaned materials in accordance with § 117.10; and

(f) The rendering of such reports as the Commissioner may require.

(20 U.S.C. 823, 1231c(b))

§ 117.22 Relation to public library system.

Federal funds made available under title II of the Act shall not be used to supplant or duplicate, unnecessarily, functions of the public library system of the State.

(20 U.S.C. 823)

§ 117.23 Administration by Departments.

An amount not to exceed 5 percent of the funds made available respectively to the Department of the Interior and the Department of Defense shall be made available to each Department for administration in a manner consistent with § 117.21.

(20 U.S.C. 822)

Subpart E—State Administration

§ 117.35 Advisory committees.

If State advisory committees are used with respect to one or more aspects of the annual program plan, the State agency shall establish policies for the establishment of the committees for the qualification and selection of members, for the establishment of the duties of members and of the committees, and for the payment of committee expenses, if any.

(20 U.S.C. 823)

§ 117.36 Financial interest prohibited.

Administrative decisions under § 100b.-250 of this chapter include, but are not limited to, the making of a contract for the acquisition of school library resources, textbooks, or other printed and published instructional materials under such a project, or the granting or withholding of approval of the acquisition or use of such resources, textbooks, or materials. State agencies shall take such action as is necessary to avoid preferential treatment on the basis of authorship or other personal interests in relation to the sale or distribution of such resources textbooks, or materials.

(20 U.S.C. 1232c(b)(1))

§ 117.37 Administrative review and evaluation.

The State agency and the Departments of the Interior and Defense shall provide for administrative review and evaluation of their programs and operations under title II of the Act at least annually. Such evaluation shall be made in relation to the criteria used for equitable distribution and the identifying and serving of needs and will include the review, redefinition, and refinement of meaningful standards as to adequacy, quality, and quantity of school library resources, textbooks, and other printed and published instructional materials which are selected and distributed, and the effectiveness in making such resources, textbooks, and materials available for the use of children and teachers in elementary and secondary schools. The State agency shall include a report of such administrative review and evaluation in the annual report of the State agency.

(20 U.S.C. 823)

Subpart F—Payment Procedures

§ 117.43 Reallotment.

(a) *In general.* The amount of any State allotment under title II of the Act for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment, from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under title II of the Act for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced.

(b) *Statements of anticipated need.* In order to provide a basis for reallotment by the Commissioner under title II of the Act, each State agency administering a program under title II of the Act shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. Such further information as the Commissioner may request for the purpose of making reallotments shall be reflected in such statements.

(20 U.S.C. 822)

[FR Doc.76-26083 Filed 9-3-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20368; FCC 76-748; RM-1985]

PART 1—PRACTICE AND PROCEDURE

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Offshore Radio Telecommunications Service; Correction

AUGUST 30, 1976.

In the Report and Order in the above-entitled matter, FCC 76-748, adopted July 30, 1976, released August 9, 1976, and published in the FEDERAL REGISTER at 41 FR 33883, the following correction is made as follows:

In Part I—Practice and Procedure, § 1.1113(f) should read: § 1.1113(j); and in Subpart L, § 21.1001, the limitations in frequencies 489.225—492.225, and 489.-250—492.290 are changed from "7" to "6".

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-26090 Filed 9-3-76;8:45 am]

[Docket No. 20734; RM-2586]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations; Henderson, Nev.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Henderson, Nevada)

1. The Commission has under consideration its Notice of Proposed Rule Making[1] in the above-captioned proceeding which invited comments on a proposal to assign Channel 263 to Henderson, Nevada, as a third FM assignment to the community. The Notice was issued in response to a "Petition for Rule Making" submitted by KTOO Broadcasting Company, Inc. (KTOO), licensee of day-time-only AM Station KVOV, Henderson, which requested the assignment described above. In addition to the petition itself, KTOO submitted a "Supplement to Petition for Rule Making," "Comments in Support of Petition for Rule Making," and "Comments in Support of Rule Making." No opposition to the proposal has been filed.

2. Information concerning the community of Henderson was set forth in the Notice and need not be reiterated here.

3. In the Notice we requested the petitioner and other interested parties to address the issue of whether or not the public interest warrants a divergence from our established channel assignment policies.[2] Responding to the Notice, KTOO noted that there was "not even a remote possibility that any other community might ultimately be deprived of service as a result of the assignment of Channel 263 to Henderson." Further, KTOO urged that our "population criteria" were flexible guidelines, not immutable standards, and that the guidelines should not bar the requested assignment.[3] Finally, the petitioner urged that Henderson's recent level of rapid growth would soon justify the requested assignment and that such an assignment would be consistent with the statutory mandate to assure a "fair . . . and equitable distribution of radio services."[4]

4. Preclusion would occur on Channel 263 and six adjacent channels. Of the four significant communities (Las Vegas, Boulder City, Nevada, St. George, Utah, and Cedar City, Utah) that lie within the areas of preclusion created by the proposed assignment, only Boulder City (pop. 5,223) is presently without a local AM or FM facility and there are at least ten alternate channels available for use at that community. Although the potential preclusion affects large land areas, the impact on future availability of FM services is insignificant since a considerable number of alternate channels are available for use in all precluded areas.

5. We are of the opinion that in this particular circumstance the assignment should be made even though the proposal does not accord in all respects with our channel assignment policies. The petitioner, by noting the "myriad" of alternate channels available for use in the area, has, in our opinion, demonstrated the existence of special circumstances which, in this instance, justify the assignment. Were we to refrain from making the assignment, the channel would lie fallow and unused, a result that is inconsistent with the "efficient" use of the available radio spectrum. KTOO's expressed intention to proceed, and the opportunity to increase the diversity of listening opportunities without detrimentally affecting the future interests of other communities, further persuades us that the assignment would enhance the public interest. We do wish to note that our action here is based upon the special circumstances present in this proceeding, namely the over abundance of alternate channels available for assignment in the area. The action we are taking should not be construed as precedent in less exceptional situations.

6. Accordingly, it is ordered, That the "Petition for Rule Making" submitted by KTOO Broadcasting Company, Inc., seeking the assignment of Channel 263 to Henderson, Nevada is granted.

7. It is further ordered, That effective October 12, 1976, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) IS AMENDED to read as follows:

City:	*Channel No.*
Henderson, Nevada	231, 238, 263

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: August 27, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-26087 Filed 9-3-76;8:45 am]

[Docket No. 20786; RM-2591]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations; Pueblo, Colo.

In the Matter of Amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations. (Pueblo, Colorado)

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted April 19, 1976, 41 FR 17787, inviting comments on a proposal to assign FM Channel 296A to Pueblo, Colorado. This proceeding was instituted on the basis of a petition filed by KAPI, Inc. (petitioner), licensee of daytime-only Station KAPI, Pueblo. Supporting comments were filed by petitioner. No oppositions were filed.

2. Pueblo, a city of 97,453 population[1] is the seat of Pueblo County (pop. 118,-238). Petitioner points out that Pueblo's population has grown more than 10% in the last five years and recent estimates place the population at 108,000 in 1975. Our assignment guidelines indicate that communities with populations of 100,000 or 250,000 may be assigned from four to six FM commercial channels. Pueblo presently has three full-time AM stations, three daytime-only AM stations and four Class C FM stations (Channels 250, 255, 260 and 264).

3. We are told that Pueblo is the home of the new University of Southern Colorado and the Southern Colorado State College Belmont Campus, and that it is the center of a large number of civic and cultural activities. Petitioner adds that Pueblo is an increasingly important economic region and industrial center with approximately 55,000 workers. It points out that almost one-third (40,750 persons) of the population of Pueblo County is Spanish surnamed, and all signs indicate continued growth in coming years. Its AM station (KAPI) is a Spanish language station. Petitioner states that the proposed operation would bring a much needed first nighttime Spanish language broadcast service to the sizable Spanish-speaking community in Pueblo and its environs.

4. Channel 296A can be assigned to Pueblo without disturbing any existing assignments and is in compliance with the mileage separation requirements of

[1] 41 FR 11029 (1976).

[2] *Further Notice of Proposed Rule Making*, Docket No. 14185, adopted July 25, 1962 (FCC 62-867) and incorporated by reference in para. 25 of the *Third Report Memorandum Opinion and Order*, 40 F.C.C. 747 (1963).

[3] KTOO also questioned the continued adherence to our "population criteria" which, it notes, were developed some 16 years ago. In light of disposition of this proceeding we need not address that issue at this time.

[4] 47 U.S.C. 307(b).

[1] All population figures are taken from the 1970 U.S. Census unless otherwise indicated.

the rules. At least one more FM channel is available for assignment to all but one of the communities with populations greater than 1,000 persons located within the area of preclusion. The exception is Colorado Springs (pop. 136,060), which presently has five occupied FM Class C assignments. As to intermixture of a Class A with Class C channels in Pueblo, petitioner states, in supporting comments, that (1) no Class C FM channel is available for assignment to Pueblo and (2) it has made a considered business judgment that operation in Pueblo of a Spanish language Class A station is economically feasible.

5. Although the requested assignment would intermix a Class A with Class C channels the petitioner has expressed his conviction that a new Class A FM station can exist and prosper in the Pueblo, Colorado, marketplace. Under our assignment criteria, Pueblo has a population the size of which would warrant its being assigned a fifth FM channel. After consideration of the pertinent facts in this proceeding, we are of the view that the subject proposal has merit and that its adoption would serve the public interest.

6. Authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules and Regulations.

7. Accordingly, it is ordered, That effective October 12, 1976, the Table of FM Assignments (Section 73.202(b)) is amended with respect to the city listed below as follows:

City:	*Channel No.*
Pueblo, Colo	250, 255, 260, 264, 296A

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

Adopted: August 27, 1976.

Released: August 31, 1976.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-26086 Filed 9-3-76;8:45 am]

[Docket No. 20796; RM-2619]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations; Salisbury, Md.

In the Matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Salisbury, Maryland).

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted May 5, 1976, 41 FR 20176, inviting comments on a proposal to assign either Channel 288A or Channel 296A to Salisbury, Maryland, as its second FM assignment. The current proceeding was instituted by James J. Jester (Jester), requesting the assignment of Channel 296A. There were no oppositions to the proposal. Supporting comments were filed by petitioner and Salisbury Broadcasting Co., licensee of Station WJDY, Salisbury, Maryland.

2. Salisbury, Maryland (pop. 15,252),[1] the seat of Wicomico County (pop. 54,236), is located approximately 170 kilometers (106 miles) southeast of Baltimore, Maryland, 190 kilometers (118 miles) east of Washington, D.C., and 213 kilometers (132 miles) north of Norfolk, Virginia. It is presently served by AM Station WJDY, licensed to Salisbury Broadcasting Co., and by two AM–FM combinations, WBOC and WBOC–FM, Channel 284, Ocean City–Salisbury,[2] licensed to WBOC, Inc., and WICO and WICO-FM, Channel 232A, Salisbury, licensed to Delmarva Broadcasting Co.

3. In his comments, Jester has reaffirmed his intention to apply for either Channel 288A or 296A, if either is assigned herein, and, if authorized, will seek broadcast authority for the operation of a station. Salisbury Broadcasting Co., in supporting comments, stated that it had no objections to the assignment of either Channel 288A or 296A. It adds that it will most probably apply for a construction permit for whichever channel is assigned.

4. Jester describes Salisbury as a retail trade center for a nine-county area. The community is said to have a diversified manufacturing base. Wicomico County is reported to have 19,700 households with a 1974 retail trade estimate of $236,626,000.

5. The preclusion on Channel 296A would occur only on the proposed channel. If Channel 296A were to be assigned to Salisbury, five communities with populations greater than 1,000 persons would be precluded of future assignment on this channel. All of these communities have at least one other channel available for assignment with the exception of Denton, Maryland (pop. 1,561). Denton presently has no local aural service, and Channel 296A is the last channel available to that community. However, Channel 288A is also available for assignment to Salisbury, leaving Channel 296A for Denton.

6. Since (a) Channel 296A is available for Denton if the need should arise, (b) one or more channels are available for the remaining communities in the precluded area, and (c) a demand has been shown for use of one of the proposed channels, we believe it would be in the public interest to assign Channel 288A to Salisbury, Maryland.

7. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and in § 0.281 of the Commission's Rules.

8. In view of the foregoing, it is ordered, That effective October 12, 1976, the FM Table of Assignments is amended to read as follows:

City:	*Channel No.*
Salisbury, Md	232A, 288A

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

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: August 27, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-26085 Filed 9-3-76;8:45 am]

[1] All population figures cited are taken from the 1970 U.S. Census.

[2] Channel 284 is assigned to Ocean City, Maryland, but it is used by Station WBOC–FM with dual-city identification as an Ocean City-Salisbury station.

[Docket No. 20662; FCC 76-782]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Cargo Vessels of the United States; Exemption From Certain Radiotelegraph Provisions

In the Matter of Amendment of Part 83 to provide an exemption to newly constructed United States Cargo vessels of 1600 gross tons and upwards from the radiotelegraph and radio direction-finding provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated on sea trials, not more than 150 nautical miles from the nearest land.

1. The Commission released a Notice of Proposed Rule Making in the above captioned matter on October 24, 1975, which appeared in the FEDERAL REGISTER of November 3, 1975, (40 FR 51059). The dates for filing comments and reply comments have passed.

2. The only comments were filed by Gulf Radiotelephone and Electronics, Inc. (GULF). GULF stated that the continuous watch on 2182 kHz may be misinterpreted and should read "a continuous watch is maintained on 2182 kHz during sea trials when not communicating on another frequency." We agree that the watch requirement for sea trials should be identical to the radiotelephone watch for vessels subject to Title III, Part II of the Communications Act of 1934, as amended, and the Appendix will be revised. The comments of GULF concerning the dedicated watch receiver and auto alarm are being considered in another docket.[1]

3. In view of the foregoing, and for the reasons stated in the Notice of Proposed Rule Making a general exemption to newly constructed vessels during sea trials should be provided.

4. Authority for the rule amendments are contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. It is ordered, That Part 83 of the Commission's rules is amended effective October 7, 1976, as set forth below.

[1] Docket No. 20274, released November 23, 1975, In the Matter of, Intergovernmental Maritime Consultative Organization: Preparation of Recommended Operational Standards applicable to equipment mandatorily fitted aboard vessels subject to the Safety of Life at Sea Convention.

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

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 24, 1976.

Released: August 31, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 83.480 is amended by designating the existing paragraph as paragraph (a) and adding new paragraphs (b) and (c) as follows:

§ 83.480 General exemptions.

(a) All U.S. passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, are exempt from the radiotelegraph provisions of Title III, Part II of the Communications Act, provided that the vessels are navigated not more than 100 nautical miles from the nearest land and are equipped with a radiotelephone installation fully complying with the provisions of Title III, Part III of the Communications Act and the Commission's rules and regulations made pursuant thereto, including the requirements with respect to certificates, operators and listening watches.

(b) All newly constructed U.S. cargo vessels of 1600 gross tons and upwards, are exempt from the radiotelepgraph and radio direction-finding provisions of Title III, Part II of the Communications Act when navigated on sea trials, not more than 150 nautical miles from the nearest land; Provided, That:

(1) The vessel is equipped with a radiotelephone capable of operation on 2182 kHz and equipped with a radiotelephone alarm signal generator. The vessel may carry an additional portable radiotelephone, located in the wheelhouse, equipped with a radiotelephone alarm signal generator to satisfy the radiotelephone alarm signal generator requirement;

(2) The radio direction-finding apparatus is calibrated during the sea trials;

(3) A continuous watch is maintained on 2182 kHz whenever such station is not being used for authorized traffic during the sea trials; and

(4) The local FCC, Engineer in Charge is advised of the dates and routes of the sea trials.

(c) These exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

[FR Doc.76-26089 Filed 9-3-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1229; Amdt. No. 1]

PART 1033—CAR SERVICE

Wolfeboro Rail Road Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 31st day of August, 1976.

Upon further consideration of Service Order No. 1229 (41 FR 5823), and good cause appearing therefor:

It is ordered, That Service Order No. 1229 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1229 Wolfeboro Rail Road Company authorized to operate over certain tracks owned by the State of New Hampshire.

* * * * *

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., August 31, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love. Member Lewis R. Teeple not participating.

H. GORDON HOMME, Jr.,
Acting Secretary.

[FR Doc.76-26098 Filed 9-3-76;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Final Regulations Frameworks for 1976–77 Late Hunting Seasons on Certain Migratory Game Birds in the Contiguous United States, and Amendment to 50 CFR 20.105(d)(3)

On page 34273 of the FEDERAL REGISTER of August 13, 1976, (41 FR 27382) there was published a notice of Supplemental Proposed Rulemaking to amend Part 20 of Title 50, Code of Federal Regulations. Included in that notice were "Proposed Regulations Frameworks for 1976–77 Late Hunting Seasons on Certain Migratory Game Birds," which prescribed season lengths, shooting hours, bag and possession limits, and outside dates within which States could select seasons for hunting waterfowl, coots, and gallinules; cranes in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and common snipe in the Pacific Flyway. Interested persons were given until August 23, 1976, to submit written comments, suggestions, or objections regarding the proposed amendments.

This final rulemaking is the ninth in a series of proposed and final rulemaking documents for migratory bird hunting regulations. It deals specifically with final regulations frameworks from which States may select open seasons for hunting migratory birds in the contiguous United States during the 1976–77 season, and with an amendment to 50 CFR 20.105(d)(3) to correct and clarify Canada goose regulations in Wisconsin.

The first notice of proposed rulemaking in the series dealt with the establishment of open hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in the contiguous United States, Alaska, and Hawaii and was published in the FEDERAL REGISTER on March 3, 1976 (41 FR 9177) with a comment period ending May 1, 1976. The second notice of proposed rulemaking in the series dealt with the establishment of hunting seasons daily bag and possession limits, and shooting hours for the 1976–77 season in Puerto Rico and the Virgin Islands and was published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19341), with a comment period ending June 26, 1976. The third notice in the series consisted of supplemental proposed rulemaking dealing with proposed early season frameworks and proposed Canada goose regulations in Wisconsin, and was pub-

lished in the FEDERAL REGISTER on July 2, 1976 (41 FR 27382), with a 15-day comment period ending July 17, 1976. In addition to the above, notice of availability was published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27987) relative to a black duck environmental assessment. Similar notice was given in the first notice of proposed rulemaking (41 FR 9177; March 3, 1976) about the availability of an environmental assessment covering the canvasback and the redhead. The fourth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in Puerto Rico and the Virgin Islands during the 1976–77 season and was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29387). The fifth notice in the series consisted of final rulemaking amending § 20.101 of 50 CFR Part 20 to reflect seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands for the 1976–77 season and was published in the FEDERAL REGISTER on July 22, 1976 (41 FR 30119). The sixth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in the contiguous United States, Alaska and Hawaii during the 1976–77 season and was published in the FEDERAL REGISTER on July 28, 1076 (41 FR 31383). The seventh notice in the series consisted of amendments to Subpart K of 50 CFR Part 20 to set open hunting seasons, certain closed areas shooting hours and bag and possession limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasons; for sea ducks in certain defined areas of the Atlantic Flyway; for Canada goose hunting in Wisconsin; and for waterfowl, coots, snipe, and cranes in Alaska. The eighth notice in the series consisted of supplemental proposed rulemaking dealing with proposed late season frameworks further described in the opening paragraph of this document and was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34273), with a comment period ending August 23, 1976.

In this connection, the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

The Annual Regulations Conference for Migratory Shore and Upland Game Birds convened on June 22, 1976, in accordance with the notice published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20901). The purposes of this meeting were for the Committee to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1976–77 hunting season. This meeting was open to the public and statements by interested persons were received.

The Waterfowl Regulations Public Hearing was held on August 5, 1976, in accordance with the notice published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27988). The purpose of the hearing was to review U.S. Fish and Wildlife Service staff recommendations for hunting regulations governing the taking of waterfowl and other species of migratory birds for which framework regulations had not been finalized. This hearing was open to the public and statements by interested persons were received.

REVIEW OF PUBLIC COMMENTS AND SERVICE RESPONSES TO SAME

In response to the August 13, 1976, FEDERAL REGISTER publication of supplemental proposed rulemaking containing "Proposed Regulations Frameworks for 1976–77 Late Hunting Seasons on Certain Migratory Game Birds" (41 FR 34273), 13 comments had been received as of August 23, 1976. These comments represented the views of 7 States, 4 organizations, and 2 individuals, as follows.

New York Zoning Proposal. One comment was received in opposition to the zoning option for New York unless a 10-day penalty is applied to each zone.

Response. Previous experimental zoning seasons in Massachusetts suggest that a 10-day penalty in each zone would depress harvest rates to such an extent that little information could be gained on the development of techniques for the use of zoning is as a management tool. Five-day penalties have been prescribed for two of New York's proposed zones to allow a more sensitive measure of the effects of the zoning option on harvest.

Michigan Zoning Proposal. Two comments were received criticizing the absence of a zoning option for Michigan this year. Reference was made to the absence of waterfowl on Michigan's Upper Peninsula by opening day.

Response. Zoning proposals for several States in the Mississippi Flyway, including Michigan, were developed and forwarded by the Mississippi Flyway Council to the Service for review. The Service deemed it advisable to postpone action on these proposals for the 1976–77 season pending further review and discussion with the Mississippi Flyway Council in regard to developing criteria and guidelines for experimental zoning, which would be applicable throughout the flyway. This was discussed at the August meeting of the Mississippi Flyway Council and concurrence reached. To facilitate this approach, the Council appointed a committee to work with the Service in developing criteria and guidelines for zoning proposals in the Flyway.

Point System. One comment was received in opposition to the continuation of the point system as a regulatory option on the basis of the unenforceability of the hunter's daily bag limit due to reordering.

Response. The Service believes that the point system is a valid and useful regulatory tool. It has a high degree of acceptability among State fish and game departments and hunters because it permits more nearly optimal bag limits to be established at the species level, and facilitates shifting hunting pressure from heavily harvested to more lightly harvested species. Also, since it permits hunters to identify ducks after they are bagged rather than before, the possibility of unintentional violation is greatly reduced. The Service recognizes that reordering occurs to some degree when conditions permit. However, field observations indicate that the opportunity to reorder occurs in only a small proportion of daily hunts. Nevertheless, the Service is considering, in consultation with the Flyway Councils and other interested parties, various ways to alleviate the reordering problem, with a view to proposing for public review and comment in the near future new language to describe how bag limits may be determined under the point system. The Service is of the view that insufficient time is available to thoroughly review and evaluate such language changes and provide adequate time for public comment prior to the beginning of the 1976–77 hunting season.

Experimental Use of the Proposed Point System Modification. One State requested that it be considered as an experimental area in which to test an alternative point system tallying method.

Response. This request was considered by the Service prior to the final rulemaking. It was deemed advisable for reasons discussed above to defer action until the 1977–78 hunting season.

Framework Opening Day. One State in the Mississippi Flyway requested that the frameworks be changed to permit the opening of the waterfowl season on the Wednesday closest to October 1 instead of October 1.

Response. By general agreement with the Flyway Councils, season framework dates and other aspects of the regulations not requiring annual changes are discussed and decisions reached early in the year. The Service believes it desirable to maintain this procedure unless unusual or critical circumstances arise. The Service also feels that there should be opportunity for other States in the Flyway to comment on such changes. For these reasons, it is deemed advisable to defer action on the proposal at this time. Further consideration can be given to it prior to the 1977–78 season.

Canvasback/Redhead. The 1976–77 proposed rulemaking offered States the opportunity to modify their canvasback/redhead area closure boundaries. Proposed modifications were submitted by three States. One Mississippi Flyway State requested that the area closure provision be discontinued for that State, and another State requested a daily bag limit of one canvasback and one redhead. One Atlantic Flyway State requested that the canvasback/redhead season be opened flywaywide or remain closed in all Flyway States as in 1975–76.

Response. The area closure modifications proposed by three States were judged to be acceptable since they met the criterion that no more than 20 percent of the estimated canvasback/redhead harvest would be composed of canvasbacks. Descriptions of the modified area closure boundaries appear in the

final rulemaking below. The Service believes that discontinuation of the area closure provision is not advisable at this time because of possible conflicts with the attainment of population goals for these species. The area closure provision was implemented in the Atlantic Flyway this year following four years of closed seasons on canvasbacks and redheads. States where closed areas would be located were consulted prior to the final rulemaking. In view of the current status of both species, continuation of a flywaywide closed season throughout the Atlantic Flyway is not believed to be an essential management action. Closed-area modifications were also accepted through consultation with two additional States in the Mississippi Flyway.

Mallard Hen Restriction. One State questioned the advisability of a one-hen mallard restriction in a total mallard bag limit of three in the Mississippi Flyway as a means of shifting harvest toward drakes and away from hens. Supporting data submitted indicated that a similar regulation in that State (in 1973 with a 4 mallard daily bag limit) resulted in only a .5 percent difference in the harvest of drake mallards compared to harvests in the preceding eight years without hen restrictions.

Response. The data presented warrant serious consideration. However, the Service feels that more than one year's data with the one-hen mallard restriction should be collected before reaching conclusions about the usefulness of the restriction. The one-hen mallard restriction has the endorsement of the Mississippi Flyway Council, and the restriction will be in effect flywaywide this year. The results of this broader application may permit more positive conclusions about its usefulness in protecting mallard hens.

Goose Possession Limits. One comment was received to the effect that possession limits for geese in the Central Flyway should be the same as present possession limits for ducks to eliminate the confusion between duck and goose possession limits that now exists. In addition, since the request would make the possession limit twice the daily limit, extended hunting trips could be taken without fear of violating the possession limit.

Response. Possession limits for ducks and geese are developed independently because the management requirements of the two groups differ. It is believed that most hunters understand this difference and the Service has no evidence that it is a source of confusion. Our purpose in this instance is to better control the harvest rate on geese in the Central Flyway.

South Dakota Goose Regulations. Comments to the proposed restriction to 1 bird in possession in addition to a two-week reduction in season length in certain South Dakota counties alleged that the proposals were more restrictive than necessary, and should not be imposed without further documentation of need.

Response. After reviewing and evaluating these comments, the Service concurs in this viewpoint. Consequently, it is determined that for the 1976–77 season the possession limit may be retained at 2 birds but the proposed reduction of two weeks in season length will be retained. In conjunction with this, the Service and the State of South Dakota will jointly conduct a data gathering program to obtain further information on harvest levels of the Western Prairie Population of Canada geese with a view to determining what additional restrictions, if any, may be necessary.

Comments on the Service's regulations proposals are available for public inspection during normal business hours at the Service's Office of Migratory Bird Management, Fish and Wildlife Service, Room 2257, U.S. Department of the Interior, 18th and C Streets, NW, Washington, D.C.

Correction and Clarification for Canada Goose Regulations in Wisconsin

Correction and clarification are needed to provisions for Wisconsin Canada geese shown in the early-season regulations published in the Federal Register on August 12, 1976 (41 FR 34041) and in the proposed late-season framework published in the Federal Register on August 13, 1976 (41 FR 34273). The early-season regulations show a possession limit of 1 Canada goose and the proposed late-season framework shows a possession limit of 2 Canada geese. The intent was to provide a possession limit of 1 Canada goose in the Horicon Zone and 2 Canada geese elsewhere in Wisconsin. The paragraph covering framework provisions for Canada geese in Wisconsin is modified in the final frameworks to reflect this intent.

Consequently, it is necessary to correct and clarify the wording in § 20.105 (d) (3) to reflect the intent referred to above by deleting the present ambiguous daily bag and possession limits and in their place adding the following:

Daily bag limit statewide	1
Possession limits	1 in the horicon zone; 2 elsewhere.

Compliance with Section 7 of the Endangered Species Act of 1973

Section 7 of this Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act." Consequently, the Service reviewed all migratory bird regulations being contemplated this year and concluded that none of the proposals, if implemented, would jeopardize any population of birds designated as endangered under the Act. As in the past, hunting regulations this year are designed to remove or alleviate chances of conflict between seasons for migratory game birds and the protection of endangered species. Examples of such consideration include closures of designated areas in the Aleutian Islands and California to the taking of Canada geese for the protection of the Aleutian Canada goose (*Branta canadensis leucopareia*); closures in Puerto Rico for protection of the Plain pigeon (*Columba inornata wetmorei*) and Puerto Rican parrot (*Amazona vittata*); no open season for any species of rails in the Pacific Flyway for the protection of the California, light-footed, and Yuma clapper rails, (*Rallus longirostris spp.*); the setting of lesser sandhill crane seasons in the Central Flyway to alleviate risks to the whooping crane (*Grus americana*), and the display of informational and warning posters on public hunting areas relative to the protected status of the peregrine falcon (*Falco peregrinus*) and all other raptors.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Fish and Wildlife Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the above-mentioned proposed rulemaking was published, the Service established what it believed was the longest period possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States would have insufficient time to select their season dates, shooting hours and bag limits; to communicate those selections to the Service; and finally to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

After due consideration of the comments received, the U.S. Fish and Wildlife Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), prescribes below the final late season frameworks, setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and special closures, from which State conservation agency officials may select open season dates. Upon receipt of season selections from State officials, the Service will publish in the Federal Register final rulemaking amending certain sections of Subpart K of 50 CFR 20 to reflect seasons, limits and shooting hours for the contiguous United States for the 1976–77 season.

Effective date: Final rulemaking on the frameworks for selecting open season dates for hunting certain migratory game birds in the contiguous United States becomes effective on September 7, 1976.

Dated: September 1, 1976.

Lynn A. Greenwalt,
Director, U.S. Fish and Wildlife Service.

FINAL REGULATIONS FRAMEWORKS FOR 1976–77 LATE HUNTING SEASONS ON CERTAIN MIGRATORY GAME BIRDS

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved final frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl, coots, and gallinules; cranes in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and common snipe in the Pacific Flyway. Frameworks are summarized below. States may be more restrictive in selecting season regulations, but may not exceed the framework provisions.

GENERAL

States may split their season for ducks or geese into two segments of equal or unequal lengths. Exceptions are noted in appropriate sections.

Shooting hours in all States, on all species, and for all seasons are ½ hour before sunrise until sunset, except that September teal season shooting hours are sunrise to sunset.

States in the Atlantic, Mississippi, and Central Flyways selecting neither a September teal season nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

States in the Atlantic, Mississippi and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must fall between October 1, 1976, and January 31, 1977, in the Atlantic and Mississippi Flyways, and between October 2, 1976, and January 31, 1977, in the Central Flyway, all dates inclusive.

2. The season must fall outside the open season for any other ducks except sea ducks.

3. The season must be limited to areas mutually agreed upon between the State and the Service prior to September 3, and

4. These areas must be described and delineated in State hunting regulations.

OR

As an alternative, States in the Atlantic, Mississippi, and Central Flyways, except those selecting a point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed above. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

Selection of the point system for any State entirely within a flyway must be on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area. New York may not select the point system within the Upstate zoning option.

States in the Atlantic, Mississippi, and Central Flyways are reminded that if they did not select their rail, woodcock, snipe, gallinule, and sea duck seasons in July, they should do so at the time they make their waterfowl selections.

Frameworks for open seasons and season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

ATLANTIC FLYWAY

Between October 1, 1976, and January 20, 1977, States in this Flyway may hold open seasons on ducks, coots, and mergansers of: (a) 45 days, with basic daily bag and possession limits of 4 and 8 ducks, respectively, of which no more than 2 in the daily bag and 4 in possession may be black ducks; or (b) 45 days, with basic daily bag and possession limits of 5 and 10 ducks, respectively, of which no more than 1 in the daily bag and 2 in possession may be black ducks. Under either Option (a) or (b), a 50-day season may be selected provided the season is opened on a Wednesday with shooting hours beginning at noon, local time, on opening day. If the 50-day season is split, each segment must open on a Wednesday with shooting hours beginning at noon, local time, on opening day.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system, canvasbacks count 100 points each and redheads count 70 points each, except in closed areas. Areas closed to canvasback and redhead hunting are:

New York—Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls; all waters of Lake Cayuga.

New Jersey—Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland, Virginia and North Carolina—Those portions of each State lying east of U.S. Highway 1.

Under conventional and point system options, the daily bag and possession limits may not include more than 2 and 4 wood ducks, respectively.

The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

The daily bag and possession limits of coots are 15 and 30, respectively.

The Lake Champlain area of New York State must follow the waterfowl seasons, daily bag and possession limits, and shooting hours selected by Vermont. This area includes that part of New York State lying east and north of a boundary running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.

In lieu of a special scaup season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scaup season elsewhere.

The State of New York may, for the Long Island Area, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

Upstate New York (excluding the Lake Champlain area) may be divided into three zones (West, North, South) on an experimental basis for the purpose of setting separate waterfowl seasons. Option (a) or (b) for seasons and bag limits is applicable to the zones in the Upstate area within the Flyway framework; only conventional regulations may be selected. The West Zone will be permitted the full number of days offered under Options (a) or (b), with or without the Wednesday opening with shooting hours beginning at noon, local time, on opening day. In addition, a split season without penalty may be selected in the West Zone. The North Zone and the South Zone must take a 5-day reduction in season length under either option, with or without the Wednesday opening with shooting hours beginning at noon, local time, on opening day. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus birds, if offered, shall be applicable to the Upstate zones, but the 16-day special scaup season will not be allowed.

The zones are defined as follows:

The West Zone is that portion of Upstate New York lying west of a line commencing at a point at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The North and South Zones are bordered on the west by the boundary described above and are separated from each other as follows:

Starting at the intersection of Interstate Highway 81 and New York Route 49 and extending easterly along Route 49 to its junction with Route 8 in the City of Utica, then southerly along Route 8 to its intersection with U.S. Highway 20 in the hamlet of Bridgewater, then easterly along U.S. Highway 20 to the Massachusetts border.

As an alternative to conventional bag limits for ducks, a 45-day season with a point-system bag limit may be selected by States in the Atlantic Flyway during the framework dates prescribed. A 50-day season may be selected provided the season is opened on a Wednesday with shooting hours beginning at noon, local time, on opening day. If the 50-day season is split, each segment must open on a Wednesday with shooting hours beginning at noon, local time, on opening day. Point values for species and sexes taken are as follows: in Florida only, the fulvous tree duck counts 100 points each;

in all States the canvasback counts 100 points each (except in closed areas); the female mallard, black duck, mottled duck, wood duck, redhead (except in closed areas) and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, pintail, gadwall, shoveler, scaup, sea ducks, and mergansers (except hooded) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

In any State in the Atlantic Flyway selecting both point-system regulations and a special sea duck season, sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck open season falling outside the point-system season, regular sea duck daily bag and possession limits of 7 and 14 sea ducks, respectively, apply.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Between October 1, 1976, and January 20, 1977, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, New Jersey, Delaware, Maryland, and Virginia (excluding those portions of the Cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. North Carolina, South Carolina, and those portions of the Cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the above framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively.

The season is closed on Canada geese in Florida and Georgia.

Between October 1, 1976, and January 20, 1977, but within their regular waterfowl season, States in the Atlantic Flyway may select 30-day seasons on snow geese (including blue geese); the daily bag and possession limits are 2 and 4 geese, respectively.

The season is closed on Atlantic brant.

For snow geese (including blue geese) the Secretary shall close the season within 48 hours upon recommendation of the Director, Fish and Wildlife Service, that such closure is necessary to avoid excessive harvest.

Mississippi Flyway

Between October 1, 1976, and January 20, 1977, States in this Flyway may hold concurrent 50-day seasons on ducks, coots and mergansers. The daily bag limit for ducks is 5, and may include no more than 3 mallards and black ducks in the aggregate (only 2 of which may be black ducks and only 1 of which may be a female mallard) and 2 wood ducks. The possession limit is 10, including no more than 6 mallards and black ducks in the aggregate (only 4 of which may be black ducks and 2 of which may be female mallards) and 4 wood ducks.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system, canvasbacks count 100 points each and redheads count 70 points each, except in closed areas. Areas closed to canvasback and redhead hunting are:

Mississippi River—Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.

Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6 T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota—Douglas, Mahnomen, Polk, Pope and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Section 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north of Interstate Highway 40.

Wisconsin—In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconni and Butte des Morts, including the connecting waters thereof, in Winnebago County.

The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

The daily bag and possession limits on coots are 15 and 30, respectively.

As an alternative to conventional bag limits for ducks, a 50-day season with point-system bag and possession limits may be selected by States in the Mississippi Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: Except in closed areas, the canvasback counts 100 points; the redhead (except in closed areas), female mallard, wood duck, black duck and hooded merganser count 70 points each; the pintail, blue-winged teal, cinnamon teal, gadwall, shoveler, scaup, green-winged teal and mergansers (except hooded merganser) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

In that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Shreveport; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass—the season on ducks, coots and mergansers may extend 5 additional days: *Provided*, That the season opens on November 6, 1976. If the 5-day extension is selected, and if point-system regulations are selected for the State, point values will be the same as for the rest of the State.

The waterfowl seasons, limits, and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Between October 1, 1976, and January 20, 1977, States in this Flyway, except Louisiana, may select 70-day seasons on geese, with daily bag and possession limits of 5 geese, to include no more than 2 white-fronted geese. Regulations for Canada geese are shown below by State.

Between October 1, 1976, and February 14, 1977, Louisiana may select a 70-day season on snow (including blue) and white-fronted geese, with daily bag and possession limits of 5 geese, to include no more than 2 white-fronted geese. The season on Canada geese is closed in Louisiana.

In Minnesota, in the:

(a) Lac Qui Parle Quota Zone—the season on Canada geese closes after 45 days or when 5,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. The quota zone is that area encompassed by a boundary described as follows: Beginning at Montevideo, then west on U.S. Highway 212 to U.S. Highway 75, then north on U.S. Highway 75 to State Highway 7 at Odessa, then north on County State Aid Highway 21, Big Stone County, to U.S. Highway 12, then east on U.S. Highway 12 to County State Aid Highway 17, Swift County, then south on C.S.A.H. 17 and C.S.A.H. 9, Chippewa County, to State Highway 40, then east on State Highway 40 to State Highway 29, then south on State Highway 29 to point of beginning at Montevideo.

(b) Southeastern Zone (same description as in 1971)—The season for Canada

geese may extend for 70 consecutive days. The daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

(c) Remainder of the State—The season on Canada geese may not exceed 45 days. The daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In Iowa, the season for Canada geese may extend for 45 consecutive days. The daily bag and possession limits are 2 Canada geese.

In Missouri, in the:

(a) Swan Lake Quota Zone (same description as in 1971)—the season on Canada geese closes after 45 days or when 25,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

(b) Southeastern area (east of U.S. Highway 67 and south of Crystal City)—State may select a 45-day season on Canada geese between December 1, 1976, and January 20, 1977, with a daily bag limit of 2 Canada geese or 2 white-fronted geese or 1 of each; and a possession limit of 4 Canada and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese.

(c) Remainder of the State—the season on Canada geese may not exceed 45 days. The daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In Wisconsin, the harvest of Canada geese is limited to 28,000. The daily bag limit is 1 Canada goose, 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese, except that in the Horicon Zone the possession limit for Canada geese is 1. In the Horicon Zone, to be defined by State regulations, Canada goose hunting is restricted to those persons holding valid Horicon Zone Canada goose hunting permits issued by the State.

In Illinois, the harvest of Canada geese is limited to 28,000, with 22,000 birds allocated to the Southern Illinois Zone (same description as in 1971). The daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada geese and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese. The season on Canada geese may open at a later date in the Southern Illinois Quota Zone and extend to January 20, 1977, or until the Zone's quota of 22,000 birds is reached, whichever occurs first.

In Michigan, Ohio and Indiana, the daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit may include no more than 2 Canada and 2 white-fronted geese, except in Michigan, the possession limit on Canada geese is 1.

In Kentucky, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada geese and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese.

In Tennessee, the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese, except that in the Counties of Shelby, Lake, Tipton, Lauderdale, Dyer, and Obion, the daily bag and possession limits are 2 Canada geese.

In Mississippi, in the Sardis Reservoir Area (that area encompassed by Interstate Highway 55 on the west, State Highway 7 on the east, State Highway 310 on the north and State Highway 6 on the south), the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese. In the remainder of the State, the season on Canada geese is closed.

In Alabama, the season is closed on all geese in the Counties of Chambers, Henry, Russell and Barbour. Elsewhere in Alabama, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada and white-fronted geese in the aggregate, of which not more than 2 may be white-fronted geese.

In Arkansas, the Canada goose season will be concurrent with, and the same length as, the duck season, subject to State closure of designated areas. The daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese.

When it has been determined by the Director that the quota of Canada geese allotted to the State of Illinois, to the Swan Lake Area of Missouri, and to the Lac Qui Parle Area of Minnesota will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

Geese taken in Illinois and Missouri and in the Kentucky Counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped, or delivered for transportation or shipment by common carrier, the postal service, or by any person except as the personal baggage of the hunter taking the birds.

Central Flyway

Between October 2, 1976, and January 23, 1977, concurrent seasons on ducks, including mergansers, and coots, may be selected in Central Flyway States and portions of States.

The basic season may include no more than 60 days and bag limits on ducks and mergansers, singly or in the aggregate, are 5 daily and 10 in possession. The aggregate daily bag limit on ducks and mergansers may include no more than 1 hooded merganser, 2 wood ducks and 1 female mallard, and the possession limit may include no more than 2 hooded mergansers, 4 wood ducks and 2 female mallards.

The bag limit on coots is 15 daily and 30 in possession.

The daily bag and possession limits, except in closed areas, may include no more than 1 canvasback or 1 redhead. Except in closed areas, canvasbacks count 100 points each and redheads 70 points each under the point system. The areas closed to canvasback and redhead hunting are:

North Dakota—that portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota—All of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

Texas—the Counties of Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange.

The season is closed on the Mexican duck.

As an alternative to conventional bag and possession limits for ducks, point-system regulations may be selected for States and portions of States in this Flyway. The point system season length in the High Plains Mallard Management Unit portions of Colorado, Kansas, Montana, Nebraska, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, and Wyoming is 83 days, provided, that the last 23 days of such season must begin on or after December 13, 1976. The season length for those portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas not included in the High Plains Mallard Management Unit may not exceed 60 days. The High Plains area, roughly defined as that portion of the Central Flyway which lies between the 100th meridian and the Continental Divide, shall be described in State regulations.

The point values for species and sexes taken in the Central Flyway are as follows: Except in closed areas, canvasbacks count 100 points each; the female mallard, wood duck, redhead (except in closed areas), and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, cinnamon teal, scaup, pintail, gadwall, shoveler, and mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 20 points each. The daily bag limit is reached when the point value of the last bird taken, when added to the sum of the point values of other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30 respectively, as under the conventional limits.

Those portions of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation, and that portion of Montana which includes the Counties of Hill, Chouteau, Cascade, Meagher, and Park and all counties west thereof, must select open seasons on waterfowl and coots in accordance with the framework for the Pacific Flyway.

Between October 2, 1976, and January 23, 1977, States in this Flyway may select goose seasons as follows:

(a) For the Central Flyway portions of Montana, Wyoming and Colorado, States may select seasons of 93 days, with daily bag and possession limits of 2 and 4 geese, respectively.

(b) For the Central Flyway portion of New Mexico and that portion of Texas west of U.S. Highway 81, States may select seasons of 93 days with a daily bag limit of 5 geese which may include no more than 2 dark (Canada and white-fronted) geese and a possession limit of 5 geese which may include no more than 4 dark geese.

(c) The States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas (for that portion east of U.S. Highway 81) may select seasons of 86 days for light (snow and blue) geese and seasons of 72 days for dark (Canada and white-fronted) geese subject to the following:

Seasons for light and dark geese need not be concurrent.

The daily bag and possession limits may not exceed 5 geese during periods when such light and dark goose seasons may be concurrent.

The daily bag and possession limit shall be 5 light geese.

The daily bag limit may include no more than 2 dark geese and possession limit may include no more than 4 dark geese subject to the following:

In North Dakota the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese. The possession limit may include no more than 2 Canada or 2 white-fronted geese or 1 of each. The season on dark geese may not extend beyond November 14, 1976.

In South Dakota ,except in the following listed Counties, the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada or 2 white-fronted geese or 1 of each and the season on dark geese may not extend beyond November 28, 1976. In the Counties of Buffalo, Campbell, Corson, Dewey, Hughes, Hyde, Potter, Stanley, Sully and Walworth, the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese. The season on dark geese may not extend beyond November 14, 1976. In the Counties of Brule, Charles Mix, Gregory and Lyman, the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese. The season on dark geese may not extend beyond November 28, 1976.

In Nebraska, the season on dark geese may not extend beyond December 19, 1976. The daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each except that, in that portion of the State west of U.S. Highway 183, prior to November 22, the daily bag limit may include no more than 2 Canada geese and the possession limit no more than 4 Canada geese.

In Kansas the season on Canada and white-fronted geese may not extend beyond December 26, 1976. The daily bag limit may include no more than 1 Canada goose and 1-white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In the Oklahoma Counties of Alfalfa, Bryan, Johnston, and Marshall, the State may select either:

(a) A season of 72 days with a daily bag limit of no more than 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

OR

(b) A season of 53 days (within the 72-day period selected for the remainder of the State) with a daily bag limit of no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In the remainder of Oklahoma, the daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose and the possession limit no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In that portion of Texas east of U.S. Highway 81, the State may select either:

(a) A season of 72 days with a daily bag limit of no more than 1 Canada goose or 1 white-fronted goose and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

(b) A season of 64 consecutive days commencing no earlier than November 14, 1976, with a daily bag limit of no more than 1 Canada goose and 1 white-fronted goose and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In all States in the Flyway, the daily bag and possession limits may include no more than 1 Ross' goose.

Colorado, New Mexico, Oklahoma, Texas, Montana and Wyoming may select a season on the lesser sandhill (little brown) crane with daily bag and possession limits of 3 and 6, respectively, within an October 2, 1976–January 31, 1977, framework as follows:

(a) 36 consecutive days from October 2 through November 8, 1976, in the Central Flyway portion of Colorado except the San Luis Valley area.

(b) 93 consecutive days between October 23, 1976, and January 31, 1977, in the New Mexico Counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio.

(c) 58 consecutive days beginning on or after November 27, 1976, in that portion of Oklahoma west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border.

(d) 37 consecutive days to open with the goose season in Phillips County, Montana.

(e) 30 consecutive days beginning on or after October 9, 1976, in Platte and Goshen Counties, Wyoming.

North Dakota and South Dakota may select sandhill crane seasons of: 30 consecutive days between November 6 and December 5, 1976, with daily bag and possession limits of 3 and 6, in the North Dakota Counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh; and in that part of South Dakota enclosed by a boundary described as follows: From the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border.

All persons hunting sandhill cranes in the above designated areas of the Central Flyway must obtain and possess valid Federal permits issued by the appropriate State conservation agency on an equitable basis without charge.

Pacific Flyway

Between October 2, 1976, and January 23, 1977, concurrent 93-day seasons on ducks, mergansers, coots, and gallinules may be selected in Pacific Flyway States and portions of States, *except* the Columbia Basin Area. Basic daily bag and possession limits on ducks are 7 and 14, respectively.

No more than 2 redheads or 2 canvasbacks or 1 of each may be taken daily and no more than 4 singly or in the aggregate may be possessed.

The season is closed on the Mexican duck.

The daily bag and possession limits on mergansers are 5 and 10, respectively, of which no more than 1 daily and 2 in possession may be hooded mergansers.

The daily bag and possession limits on coots and gallinules are 25 singly or in the aggregate.

For that portion of California lying south of the Tehachapi Mountains and west of the Colorado River Area (as described in Title 14 California Fish and Game Code, Section 502), the State may designate season dates differing from those in the remainder of the State.

Waterfowl season dates for Clark and Lincoln Counties in Nevada and the Colorado River Area of California must coincide with season dates selected by Arizona

for waterfowl. Waterfowl season dates for the Tule Lake Area of California must coincide with season dates selected by Oregon for waterfowl.

In the Columbia Basin Area of Washington, Oregon and Idaho, between October 2, 1976, and January 23, 1977, the season lengths for ducks, mergansers, coots and gallinules may be 100 days with all seasons to run concurrently. The daily bag limit is 7 ducks and the possession limit is 14 ducks, to include no more than 2 redheads or 2 canvasbacks or 1 of each daily, and no more than 4 singly or in the aggregate in possession. The bag limit on mergansers is 5 daily and 10 in possession, of which no more than 1 daily and 2 in possession may be hooded mergansers. The daily bag and possession limits on coots and gallinules are 25 singly or in the aggregate.

Between October 2, 1976, and January 23, 1977, 93-day seasons on geese may be selected in States or portions of States in this Flyway, except the Columbia Basin Area. The basic daily bag and possession limits are 6: *Provided,* That the daily bag limit includes no more than 3 snow geese and 3 geese of the dark species (Canada and white-fronted); the daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively.

Three areas in California are restricted to the hunting of Canada geese, in order to protect the Aleutian Canada goose for which no hunting is allowed, and are described as follows:

(1) In the Counties of Del Norte, Humboldt and Mendocino, there will be no open season on Canada geese during the 1976–77 waterfowl hunting season.

(2) In the Sacramento Valley in the area described as follows: Beginning at the town of Willows in Glenn County proceed south on Interstate Highway 5 to the junction with Hahn Road north of the town of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to the town of Grimes on the Sacramento River, then south on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in the town of Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45–162 to the town of Glenn; then westerly on State Highway 162 to the point of beginning in the town of Willows, the hunting season for taking Canada geese will not open until December 15, 1976, and will then continue to the end of the 1976–77 waterfowl hunting season.

(3) In the San Joaquin Valley in the area described as follows: Beginning at the city of Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59; to the junction of State Highway 99 at the city of Merced; then northerly and westerly to the point of beginning; the hunting season here for taking Canada geese will close on December 15, 1976.

In the Washington Counties of Adams, Franklin, Grant, Walla Walla, Lincoln, Douglas, Yakima, Benton, Klickitat, and Kittitas, and in the Oregon Counties of Morrow, Wasco, Sherman, Gilliam, Umatilla, Union and Wallowa, the goose season must run concurrently with the Columbia Basin duck season and the bag limits for geese are to be the same as in the general goose season in their respective States.

In that portion of the State of Idaho lying west of U.S. Highway 93 (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon Counties of Baker and Malheur; in that portion of Montana and Wyoming placed in the Pacific Flyway, the daily bag and possession limit is 2 Canada geese and the season on Canada geese may not extend beyond December 31, 1976.

In that portion of Idaho lying east of U.S. Highway 93; in that portion of Colorado placed in the Pacific Flyway; in the State of Utah except Washington County, the season on Canada geese may be no more than 72 days and the season on Canada geese may not extend beyond December 19, 1976.

In the State of Arizona; in that portion of New Mexico placed in the Pacific Flyway; in Clark and Lincoln Counties, Nevada; in Washington County, Utah; and in the Tehachapi waterfowl area of California, the season on Canada geese may be no more than 72 days. The daily bag and possession limit is 2 Canada geese and the season on Canada geese may not extend beyond January 2, 1977.

In that portion of California Fish and Game District 22 for which California selects the open season (that portion of District 22 lying outside the Colorado River area), the daily bag limit is 1 Canada goose with 2 in possession and the season on Canada geese may be no more than 72 days and the season on Canada geese may not extend beyond January 2, 1977.

In all States in the Flyway, the daily bag and possession limits may include no more than 1 Ross' goose.

Between October 23, 1976, and February 23, 1977, States in this Flyway may select an open season on black brant of 93 days with daily bag and possession limits of 4 and 8 brant, respectively.

In Utah, Nevada and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) The season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Teton County; (e) permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued by the appropriate State conservation agency on an equitable basis without charge.

Open seasons on common (Wilson's) snipe, coinciding with the duck season locally in effect, may be selected for States or portions of States in this Flyway. The daily bag and possession limits are 8 and 16, respectively.

Accordingly, § 20.105(d)(3) is amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(d) *Canada geese in Wisconsin.* * * *

(3) Seasons and limits for Canada geese:

Daily bag limit	1 Statewide.
Possession limits	1 in the Horicon Zone; 2 elsewhere.

* * * * *

[FR Doc.76-26060 Filed 9-3-76;8:45 am]

PART 32—HUNTING

The following special regulation is issued and is effective September 7, 1976.

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

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of geese on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from October 2 through December 12, 1976, and the hunting of ducks and coots is permitted from October 2 through November 28, 1976, and the hunting of common snipe (Wilson's) is permitted from September 18 through November 21, 1976, but only on the area designated by signs as open to migratory waterfowl hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed.

(2) Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1976.

JON M. MALCOLM,
Refuge Manager, J. Clark Salyer National Wildlife Refuge.

AUGUST 30, 1976.

[FR Doc.76-26031 Filed 9-3-76;8:45 am]

PART 32—HUNTING

The following special regulation is issued and is effective September 7, 1976.

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

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and pheasant on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from sunrise to sunset November 22, 1976 through December 12, 1976, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres of the total refuge area is delineated on a map available at the refuge headquarters, Upham, North Dakota 58789, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and pheasant subject to the following special condition:

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

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1976.

JON M. MALCOLM,
Refuge Manager, J. Clark Salyer, National Wildlife Refuge.

AUGUST 30, 1976.

[FR Doc.76-26030 Filed 9-3-76;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 STATE

[22 CFR Part 42]

[Docket No. SD–122]

INELIGIBLE CLASSES OF IMMIGRANTS

Notice of Proposed Rulemaking

Pursuant to 5 U.S.C. 553 and the authority contained in section 104 of the Immigration and Nationality Act (66 Stat. 174; 8 U.S.C. 1104) notice is hereby given of a proposal to amend paragraph (a)(15) of § 42.91 of Title 22, Code of Federal Regulations, by adding a new paragraph (v) pertaining to the ineligibility for visas of aliens likely to become public charges.

Neither the provisions of the Immigration and Nationality Act nor the regulations have provided for affidavits of support by sponsors of aliens for purposes of meeting public charge requirements of section 212(a)(15) of the Act. However, a long-standing practice has existed whereby such affidavits of support by sponsors are given consideration for such purposes, together with other circumstances, when a visa applicant is not able to establish that he will have financial resources of his own to overcome a likelihood that he will become a charge on the public after arrival in the United States. Affidavits of support are duly considered in situations such as that existing when an alien child is seeking to enter the United States to join a parent who is a citizen or lawfully admitted permanent resident or when an alien parent is seeking to immigrate to join a child who is a citizen or lawfully admitted permanent resident on whom the parent will be essentially relying for maintenance and support.

Courts that have considered the legal enforceability of the affidavit of support have generally concluded that it does not constitute a legally binding obligation on a sponsor. It is proposed by this amendment to establish a unilateral agreement which will contractually bind a sponsor to repay to the United States, or any State, Territory, County, Town, Municipality or Municipal District any public assistance money which such a governmental entity has paid to the sponsored alien who has been issued an immigrant visa by a consular officer and admitted to the United States in reliance on the sponsor's agreement and undertaking. If an alien is relying on assurances of financial support by others to establish to the satisfaction of the consular officer that he will not become a charge on the public after admission to the United States, he will be required to obtain the sponsor's assurances in the form of this unilateral agreement. Exceptions will be allowed only in situations in which the alien's sponsor resides in a state which does not recognize the legality of agreements made for the benefit of a third party. When signed by a sponsor and accepted by the consular officer as a requirement for satisfying the eligibility provisions of section 212(a)(15) of the Act, the agreement will become one of the documents comprising the visa and a part of the alien's immigrant visa file in the custody of the Immigration and Naturalization Service upon the alien's lawful admission to the United States.

Interested persons are invited to submit written comments to the Administrator, Bureau of Security and Consular Affairs, Room 6811, Department of State, Washington, D.C. 20520 on or before October 15, 1976. Oral comments will not be considered but all written material relevant to the proposed amendment which is timely received will be evaluated and considered.

Subparagraph (15) of paragraph (a) of § 42.91 is amended by adding a new paragraph (v) to read as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.*

* * * * *

(15) *Public charge.* * * *

(v) An alien relying on assurances of financial support by others to establish that he will not become a charge on the public after admission shall not be eligible for an immigrant visa under section 212(a)(15) of the Act unless such assurances are in the form of an agreement prescribed by the Department which has been duly completed and signed by a sponsor who has established to the satisfaction of the consular officer that he has the financial capability to provide the assured support to the visa applicant: *Provided That,* Where the financial capability to provide the support is essentially based upon income which the sponsor is deriving from present employment or upon income which he will be deriving from employment pursuant to an offer of prearranged employment, the details of the employment or the employment offer will have been provided on the form prescribed in paragraph (a)(15)(ii) of this section which has been sworn to and subscribed to by the employer before a notary public.

* * * * *

The proposed agreement to be used in connection with this amendment follows:

AGREEMENT

Whereas section 212(a)(15) of the Immigration and Nationality Act, 8 U.S.C. 1182(a)(15), provides that aliens who are likely at any time to become public charges are excludable from the United States, and section 291 of the Immigration and Nationality Act, 8 U.S.C. 1361, places the burden of proof upon any person making application for a visa or another entry document to establish that he is eligible to receive it and is not subject to exclusion from the United States under any provision of the Immigration and Nationality Act, I, _____, residing at _____ fully understanding the burden imposed by the immigration laws upon an alien seeking admission to the Unitied States, agree to sponsor said alien and hereby declare that it is my intention and desire to have the following alien come to the United States to reside permanently.

Name of prospective immigrant	Date of birth	Country of birth	Married/single

Present Address of Prospective Immigrant:
Number and Street_____ City_____ Province_____ Country_____

I (have) (have not) within the last five years sponsored any other alien for admission to the United States to reside permanently.

If you have sponsored such alien within the past five years, furnish the following information:

Name(s)	Country of Birth	Year of Admission to U.S.

If you are a citizen of the United States, indicate below how that status was acquired and give the information requested:

☐ through birth in the United States.

☐ through naturalization. Name under which naturalized: _____
Naturalization Certificate No. _____
Date and Place of Naturalization _____

☐ other (such as through parents or marriage) Explain:

If you are a lawful permanent resident alien of the United States, give the following:

a. Alien Registration Number: A _____
b. Date, place and means of admission for lawful permanent residence_____
c. Have you ever lost status as a lawful permanent resident? If so, explain: _____

I have been employed as, or engaged in the business of _____ for the past _____ number of years at _____ (address). My annual income is $_____. My assets are worth $_____. My liabilities are in the amount of $_____.

In consideration of the issuance of a visa and admission to the United States for permanent residence of the above-named alien, I hereby undertake and warrant that should said alien at any time within five years of admission receive financial support for food, shelter, clothing or medical care through any federal, state, city or other governmental program specifically designed and intended to support destitute or needy individuals unable to support themselves, or should said alien receive any hospital treatment at federal, state, city or other governmental expense, I will then and in that event, promptly upon receipt of a written demand, pay to the people of the United States, or any State, Territory, County, Town, Municipality or Municipal District, all of the governmental assistance money paid to the alien including any money due and owing to a government hospital for treatment of the alien. It is understood that in the event a financial obligation arises against me under this undertaking, the United States, or any State, Territory, County, Town, Municipality, or Municipal District thereof, which has paid governmental assistance money to the herein named alien admitted after I have executed this agreement will have a legally enforceable right to recover from me under this undertaking all governmental assistance money so paid to the alien, including any money due and owing to a government hospital for treatment of the alien. Provided, however, that my liability under this agreement as sponsor of the above-named alien be limited to repayment of governmental assistance money provided to the alien for the necessities enumerated above as well as for money due and owing to a government hospital for treatment of the alien and shall not be construed to extend to any payments made to the alien under a program supplementary in nature providing assistance for food stamps, rent subsidies, vocational training, free lunches, and support in the form of loans for educational endeavors. It is further understood that my obligations under this agreement shall cease and be extinguished if and when the said alien becomes naturalized as a citizen of the United States, or dies, or in any event, five years after the date of his lawful admission for permanent residence. I agree that the issuace of an immigrant visa and admission to the United States of the alien herein sponsored shall be accepted as good and valuable consideration for my aforesaid undertakings and that these undertakings cannot be rescinded by me after the herein sponsored alien has been issued an immigrant visa.

_____ _____
Date Sponsor's Signature

NOTE.—The above agreement is requested in connection with the administration of section 212(a)(15) of the Immigration and Nationality Act. The agreement will be considered by U.S. Consular Officers in determining whether the sponsored alien who is applying to imimgrate to the U.S. will have sufficient resources and private assurances of support to establish that he will not become a public charge after immigration to the U.S. If accepted by a U.S. Consular Officer as a condition for issuing an immigrant visa to the sponsored alien, the agreement will be enclosed with the alien's immigrant visa, and may be subject to further inspection by the Immigration and Naturalization Service when the alien is admitted for lawful permanent residence. There is no penalty for failure to file this agreement but failure to do so may prevent the alien from receiving an imimgrant visa to the United States. WARNING: To knowingly furnish any false information in the preparation of this form is a felony punishable by $10,000 fine or five years imprisonment, or both (18 U.S.C. 1001).

Dated: August 26, 1976.

For the Secretary of State,

LEONARD F. WALENTYNOWICZ,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.76-25992 Filed 9-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 381]

EXEMPTIONS BASED ON RELIGIOUS DIETARY LAWS

Notice of Proposed Rulemaking

● *Purpose.* The purpose of this docket is to propose to transfer the contact point for applications for religious exemptions to the appropriate Regional Director, to propose that religious exemptions be granted by permit, to propose criteria for the suspension or termination of permits, to propose to impose certain labeling requirements for poultry processed under religious exemption, and to make certain other clarifying changes. ●

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service, pursuant to the authority conferred by the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), proposes to amend Part 381 of the poultry products inspection regulations for the purposes set forth above.

Statement of considerations. Section 15(a)(3) of the Poultry Products Inspection Act (21 U.S.C. 464(a)(3)) provides that, "The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this Act—persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this Act." Since October 18, 1968, the effective date of section 15(a)(3) of the Act, a number of exemptions have been approved in conformity with Buddhist and Jewish dietary laws.

The proposal would require that religious exemptions be granted by permit and would provide specified criteria and procedures for suspension or termination of such a permit.

The proposal would also require, in addition to other required labeling information, either the statement "Dressed Poultry—Processed Under USDA Exemption Permit No. 000," or "Eviscerated Poultry—Processed Under USDA Inspection Exemption Permit No. 000," on immediate containers or shipping containers of product processed under religious dietary laws. Such statements would be used in lieu of any other official mark of inspection when such poultry is processed in an official establishment. Further, this proposal would require the packer's or manufacturer's name and address to be included on such containers. Such labeling requirements appear to be necessary to fully identify such products at point of origin and destination for regulatory purposes.

The present regulations require persons desiring such exemptions to apply in writing to the Meat and Poultry Inspection Program, Washington, D.C. This proposal would change the contact point from Washington, D.C., to the regional offices.

The proposal would also clarify the intent of the regulations by expressly providing that poultry products processed under religious exemption shall be subject to the labeling provisions for inspected and passed poultry products except as otherwise provided in this proposal.

In addition, nonsubstantive changes would be made to the regulations for clarification.

1. Accordingly, it is proposed to amend § 381.1(b) of the poultry products inspection regulation (9 CFR 381.1(b)) by adding a definition of "Regional Director" and a footnote thereto to read as follows:

§ 381.1 Definitions.

* * * * *

(b) * * *

(44a) *Regional director.* The official [1] in charge of the program within each of the following regions:

(i) Northeastern Region—The States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and the District of Columbia.

(ii) Southeastern Region—The States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; the Commonwealth of Puerto Rico; and the Virgin Islands of the United States.

(iii) North Central Region—The States of Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin.

(iv) Southwestern Region—The States of Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(v) Western Region—The States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah,

[1] The addresses of the Regional Directors are as follows: Northeastern Region—Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102.

Southeastern Region—Room 216, 1718 Peachtree Rd., NW., Atlanta, GA 30309.

North Central Region—Room 419, U.S. Courthouse Building, East First and Walnut Streets, Des Moines, IA 50309.

Southwestern Region—Room 5-f41, 1100 Commerce Street, Dallas, TX 75201.

Western Region—Building 2C, 620 Central Avenue, Alameda, CA 94501.

Washington, and Wyoming; and Guam.

2. Also, it is proposed to revise § 381.11 of the poultry products inspection regulations (9 CFR 381.11) to read as follows:

§ 381.11 Exemptions based on religious dietary laws.

(a) Any person who slaughters, processes, or otherwise handles poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws may apply for a permit for exemption from specific provisions of the Act and regulations which are in conflict with such religious dietary laws by written application to the Regional Director identified in § 381.1(b) of this Part, for the geographical area in which such person resides. The application sets forth the specific provisions of the Act and the regulations which are in conflict with such religious dietary laws and from which exemption is sought. The application shall be accompanied by a statement from the clerical official having jurisdiction over the enforcement of the religious dietary laws with respect to the poultry or poultry products involved which identifies the requirements of such laws pertaining to the slaughter of the poultry and the processing or other handling of the poultry products involved, and certifies that such requirements are in conflict with specific provisions of the Act and regulations from which the exemption is sought.

(b) The Administrator shall issue a permit to such applicant for an exemption from specific provisions of the Act and regulations to the extent that he determines necessary to avoid conflict with recognized dietary laws while still effectuating the purposes of the Act. He shall impose such conditions as to sanitary standards, practices, and procedures in granting such religious exemption permit as he deems necessary to effectuate the purposes of the Act. Any person who processes poultry or poultry products under such permit, and the poultry and poultry products so processed, shall be subject to all of the other applicable provisions of the Act and the regulations. All poultry and poultry products processed under such exemption shall be subject to the labeling provisions of this part for inspected and passed poultry products, except as otherwise provided for in this section.

(c) Slaughtered poultry which is prepared under a religious exemption permit authorizing the sale of noneviscerated poultry in commerce shall be individually identified with a label approved by the Administrator which identifies the clerical official under whose supervision the poultry was slaughtered. Immediate containers and shipping containers of all poultry or poultry products processed under such permit must bear the name and address of the packer or manufacturer, and permit number. Further, such containers of noneviscerated poultry, such as Kosher dressed, processed under such permit, must bear the statement: "Dressed Poultry Processed Under USDA Exemption Permit No. 000"[1]; and such containers of eviscerated poultry processed under such permit with head and feet intact, such as poultry processed under Buddhist law, must bear the statement: "Eviscerated Poultry Processed Under USDA Inspection Exemption Permit No. 000."[2] Such statements shall also be used in lieu of any other official mark of inspection provided for in this Part if such poultry is processed in an official establishment.

(d) Any permit for a religious exemption which has been granted may be suspended or terminated by the Administrator if he determines that the holder of the permit has not complied with the provisions of this section or the specified conditions of the permit, or if he determines that the suspension or termination of such permit is otherwise necessary in order to aid in effectuating the purposes of the Act. As soon as possible after such suspension or termination, the holder of such permit shall be notified of the reason therefor and afforded an opportunity to present his views thereon, and if there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Inspection Standards and Regulations Staff, Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by November 8, 1976.

Any person desiring opportunity for oral presentation of views should address such requests to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: September 1, 1976.

F. J. MULHERN,
Administrator, Animal and Plant, Health Inspection Service.

[FR Doc.76-26095 Filed 9-3-76;8:45 am]

[1] The number "000" is given as an example only. The permit number of the permit issued for such religious dietary law exemption shall be used in lieu thereof.

[2] Same as footnote 1.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

[Docket No. 76P-0330]

INFANT AND JUNIOR FOODS

Establishment of Common or Usual Name

The Food and Drug Administration is proposing to establish a common or usual name regulation for infant and junior foods, exclusive of infant formulas and milk, which would require a percentage declaration of the characterizing ingredient(s) as part of the common or usual name. Interested persons have until November 8, 1976 to submit comments.

The Commissioner of Food and Drugs received a petition from the Center for Science in the Public Interest, 1779 Church St., NW., Washington, DC 20036, requesting that a common or usual name regulation be established under 21 CFR Part 102 for prepared baby, infant and/or junior foods. The petition requests that such foods be required to bear as part of the name a percentage declaration of the characterizing ingredient(s) and an identification of the age group for which the food is intended, i.e., infant food or junior food. The petition also requests that for infant and junior foods the definition of "characterizing ingredients" (21 CFR 102.1(b)) be expanded to include all ingredients present in amounts equal to or greater than the named ingredients. The petition further requests that § 125.5(a) (21 CFR 125.5(a)) be amended to require labeling of all infant foods, including infant formulas, to list in the ingredient statement the percentage of each ingredient present in an amount of 2 percent or more by weight.

This proposal deals with establishing a common or usual name regulation for infant and junior food. Published elsewhere in this issue of the FEDERAL REGISTER is a proposal to amend § 125.5(a) to require percentage declaration of ingredients in infant foods. (See FR Doc. 76-26011)

The Commissioner has received correspondence from several persons in support of this petition. Copies of the petition and correspondence in support thereof have been placed on file at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The petitioner states that baby foods, as currently marketed, present a special purchasing problem for the consumer. Because these foods are pureed, strained, and blended it is impossible for consumers to estimate the amounts of important ingredients by the taste or the appearance of the food. The consumer must, therefore, rely upon the label for this information. The petitioner further states that the appearance of baby foods may be misleading when the label fails to reveal the relative amounts of important ingredients. Ingredients emphasized in the product name may appear to be present in amounts greater than is actually the case. The petitioner also asserts that listing ingredients in order of predominance in the ingredient statement provides only a rough guideline as to the actual amounts of the characterizing ingredient(s) in baby food, and that consumers have a right to know the actual amounts of these ingredients in order to make value comparisons between products and to be in a position to evaluate the total impact of these foods on an infant's or child's diet or needs.

The Commissioner agrees that most labels currently used on infant and junior foods do not inform the consumer about the amounts of characterizing ingredient(s). The Commissioner also agrees that the proportion of characterizing ingredient(s) in infant and junior foods, i.e., those ingredients listed in the name of the food or otherwise featured on the label, may have a material bearing on price and consumer acceptance. Section 102.1(b) (21 CFR 102.1(b)) provides that a common or usual name established by regulation may include a declaration of the percentage of any characterizing ingredient(s) when the proportion of such ingredient(s) has a material bearing on price or consumer acceptance.

The Commissioner also agrees that there is a potential for deception because the ingredient(s) listed in the name of infant and junior foods may appear to be present in amounts greater than is actually the case. In view of these facts, the Commissioner is publishing this proposal to require infant and junior foods fabricated from more than one ingredient and prepared in pureed, blended, strained, or bite-size or cereal form, exclusive of milk and infant formulas that simulate human milk or act as complete or partial substitutes for human milk, to declare the percentage of the characterizing ingredient(s) in the food. The Commissioner further proposes that ingredient percentages be based on the weight of the ingredient(s) used to make the food, taking into consideration any losses known to occur because of processing and storage.

The Commissioner proposes that the percentage declaration of characterizing ingredient(s) be in 5-percent increments, expressed as a multiple of 5 and not greater than the actual percentage of the characterizing ingredient(s) in the product. Those characterizing ingredient(s) present in infant and junior foods at levels less than 5 percent would be declared as "less than 5 percent."

Use of 5-percent increments based on a weight/weight declaration of the ingredient(s) in the food will allow for manufacturing variations and analytical limitations. The Commissioner is of the opinion that manufacturers, using reasonable controls and operating in accordance with good manufacturing practices, will be able to label their product accurately using 5-percent increments.

The Commissioner is aware that the accuracy of percentage declaration may not always be determined by analytical means and that analytical evidence, as well as inspectional evidence, will be needed to determine compliance with these regulations.

As explained below, a proposal (proposed amendment of § 125.5(a)) to require infant foods to bear, as part of the list of ingredients, a percentage declaration of all ingredients present at levels of 5 percent or more is published elsewhere in this issue of the FEDERAL REGISTER (FR Doc. 76–26011, page 37595). That proposal contains a requirement that ingredients be declared to the nearest multiple of 5 percent. It also notes several possible problems that might occur because of the different requirements in the two proposals for stating the percentage of ingredients that are also characterizing ingredients, and it specifically invites comment on this aspect of the proposals.

The petitioner also requested that the definition of "characterizing ingredient" be expanded to include all ingredients listed in the product name and those ingredients present in amounts equal to or greater than the named ingredients. The petitioner states that to date, only those ingredients that are expensive or named ingredients have been required to be labeled by percentages as part of the common or usual name. The petitioner asserts that without an expanded definition of "characterizing ingredient" the use of fillers, thickening agents, water, and other ingredients may cause consumer deception.

The Commisioner is of the opinion that the term "characterizing ingredient(s)" is adequately defined in § 102.1 (b) as any ingredient(s) or component(s) of a food the proportion of which has a material bearing on price or consumer acceptance. An ingredient or component may also be characterizing if the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present in amounts greater than is actually the case.

Under the current definition those ingredients listed in the descriptive portion of the name or otherwise featured on the label of infant and junior foods other than in the ingredient statement would be considered characterizing ingredients. Therefore, the proposed regulation would require the common or usual name of infant and junior foods to include a percent declaration of those ingredients listed in the descriptive portion of the name or otherwise featured on the label, except where such ingredients appear only in the ingredient statement or except where expressly permitted or required by other regulations. Such percent declarations are to be listed in the manner and form set forth in § 102.1(b).

Fillers, thickening agents, and other ingredients used for their technical or functional effect in food are not necessarily characterizing ingredients even if present in amounts greater than some of the ingredients featured on the label. Some of the named ingredients may be present in small amounts and still be characterizing. The Commissioner is of the opinion that the fact that an ingredient is present in amounts greater than a particular characterizing ingredient is not of itself a sufficiently significant reason to require percentage declaration of these ingredients in the name of a food.

The petitioner stated that "consumers presently base their buying decisions of baby foods on the product name." The Commissioner agrees and therefore must conclude that consumers will base their judgment of product price and acceptability on the amount of those ingredients featured on the label. Once the percentages of the named ingredients are provided, it is apparent what proportion of the food is reserved for noncharacterizing ingredients. The composition of a product bearing the descriptive name "Strained Egg Yolks" and containing egg yolks, water, and salt could be identified either by stating only the amount of egg yolk or by stating, in addition, the amount of water and salt. However, since the consumers' principal concern for purposes of making value comparisons among products is the amount of egg yolk each contains, the Commission believes that their interests are adequately protected by requiring the percentage of that ingredient to be declared.

The petitioner also requested that the common or usual name include an identification of the age group for which the food is intended and cited "infant," "junior" or "toddler" in its examples. The Commissioner points out that some baby foods are promoted for both infants and children from 1 to 4 years of age and that some infant foods can be used well beyond a child's first year, and some junior-type foods can be used earlier than a child's first year. To require a specific term relative to age to be included in the name seems unduly restrictive, and the petitioner does not present any evidence to demonstrate that these terms need to be included in the name of the product.

Elsewhere in this issue of the FEDERAL REGISTER (FR Doc. 76–26011) the Commissioner is proposing to amend § 125.5 to require that infant foods bear, as part of the list of ingredients, a percentage declaration of all ingredients present at levels of 5 percent or more. As the Commissioner points out in the preamble to that proposal, a declaration of the percentage of ingredients in

infant foods is necessary to enable the consumer to make informed decisions about buying foods used to meet the special dietary needs of the infant. The Commissioner wants to make it clear that the percentage declaration of characterizing ingredients in infant and junior foods that is proposed in this regulation fulfills the separate purpose of facilitating value comparisons among various infant and junior food products by requiring disclosure of the amounts of those ingredients the proportion of which has a material bearing on price or consumer acceptance.

The Commissioner proposes to require that all products initially introduced into interstate commerce on or after January 1, 1978, comply with the final regulation promulgated on the basis of this proposal.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))) and under authority delegated to the Commissioner (21 CFR § 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), it is proposed that Part 102 be amended in Subpart B by adding new § 102.26 to read as follows:

§ 102.26 Prepared infant or junior foods.

The common or usual name of a food represented as infant food (exclusive of milk and infant formulas that simulate human milk or act as complete or partial substitutes for human milk) for persons not more than 12 months of age, or junior food, for children from 1 to 4 years of age, and prepared from more than one ingredient shall include:

(a) A descriptive term meeting the requirements of § 102.1(e).

(b) A statement of the percentage of all ingredients listed in the descriptive portion of the name, or otherwise featured on the label, except where such ingredients appear only in the ingredient statement or except where expressly permitted or required by other regulations. Such percent declarations are to be listed in the manner and form set forth in § 102.1(b). The percentage of each such ingredient, which shall be identified by its common or usual name, shall be declared in 5-percent increments, expressed as a multiple of 5 and not greater than the actual percentage of the ingredient in the product, except that the percentage of any ingredient present at less than 5 percent may be declared as "less than 5 percent." Dehydrated forms of ingredients shall be calculated on the basis of the hydrated weight.

Interested persons may, on or before November 8, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 30, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26010 Filed 9-3-76;8:45 am]

[21 CFR Part 125]

[Docket No. 76P-0329]

INFANT FOODS

Percentage Declaration of Ingredients

The Food and Drug Administration (FDA) is proposing to require that infant food labels bear percentage declaration of ingredients when such ingredients are present at levels of 5 percent or more in making the finished food. Interested persons have until November 8, 1976 to submit comments.

The Food and Drug Administration has received a petition from the Center for Science in the Public Interest, 1779 Church St., NW., Washington, DC 20036. The petition requests that § 125.5(a) (21 CFR 125.5(a)) be amended to require the label of all infant foods to list the percentage of each ingredient that is present in an amount of 2 percent or more by weight. The petition also requested that a common or usual name regulation be established for baby food under 21 CFR Part 102. Published elsewhere in this issue of the FEDERAL REGISTER is a proposal for establishing a common or usual name regulation for infant and junior foods. (See FR Doc. 76-26010)

The Commissioner of Food and Drugs has received correspondence from several individuals in support of this petition. Copies of the petition and correspondence in support thereof have been placed on file at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

The petitioner proposes to amend § 125.5(a) to read as follows:

If a food (other than a dietary supplement of vitamins and/or minerals alone) purports to be or is represented for special dietary use for infants, the label shall bear, if such food is fabricated from two or more ingredients, the common or usual name of each ingredient including spices, flavorings and coloring and the percentage of each ingredient present in an amount of 2 percent or more by weight.

As grounds in support of this request the petitioner states that FDA has explicitly defined baby foods as "special dietary foods" and that because of the unique role baby foods play in the development of a child, these foods should be labeled with the percentages of all major ingredients. The petitioner states that because commercial baby foods are frequently the only nourishment that infants receive, aside from milk or formula, parents should be able to compare brands and select the brands that have the proportion of ingredients they want their child to receive. If parents want to limit a child's intake of meat, sugar, starch, or salt, the petitioner asserts that there should be adequate information on the label to permit them to do so effectively.

The petitioner also states that the use of fillers, thickening agents, and water dilutes the nutrient content of these foods; as a result, commercially prepared baby foods have a lower nutrient density than home-prepared foods. The semi-solid appearance of some of these foods, however, leads consumers to assume that these foods have a nutritional density similar to those of home-prepared recipes.

The Commissioner agrees that foods purporting to be or represented as food for infants, i.e., persons under 12 months of age, are foods for special dietary use and subject to the requirements of § 125.5. The Commissioner points out, however, that the petition uses the term "baby food" as being synonymous with infant, junior or toddler food. Currently, foods represented solely for use as junior or toddler food, i.e., for persons from 1 to 4 years of age, are not considered as foods for special dietary use. The history of the proceedings leading to the establishment of § 125.5 demonstrates clearly that infants possess a number of unique physical and physiological characteristics that affect their feeding requirements and set them apart from older children. The Commissioner realizes that many of these foods can be and are being used for both infants and children over 12 months of age. If such foods are represented for use by both groups, they are considered to be foods for special dietary use. The manufacturer, however, does have the option of representing the food only for use by children over 12 months of age. The petition does not make it clear whether the requested amendment to § 125.5 would include those foods represented solely for use as junior or toddler food.

In discussing grounds in support of the requested amendment, the petition also distinguishes infant, junior and toddler food from infant formula, yet § 125.5 does include infant formulas. It is not clear from the petition whether the requested amendment to § 125.5 would include infant formulas.

The Commissioner is of the opinion that for the purposes of this proposal only infant foods other than infant formulas should be considered. Infant foods

have clearly been identified as foods for special dietary use and as such require additional label information. Infant formulas are already required by § 125.5 (c) to bear additional label information concerning composition. Foods represented solely as junior or toddler food, i.e., for persons from 1 to 4 years of age, are not considered foods for special dietary use under § 125.5.

As the petition points out, commercially prepared infant foods containing added water may have a lower nutrient density than corresponding foods prepared in accordance with home recipes. The Commissioner points out, however, that most home recipes are not designed specifically for infants and that the addition of water and thickening agents to commercial products may have very valid functional purposes. The addition of water does not mean that commercially prepared infant foods are inadequate to meet a child's nutritional needs. The petition, furthermore, does not suggest such a conclusion. The Commissioner does agree, however, that because these foods are pureed, strained, and blended and thickened to give a semisolid consistency, there is a potential for consumers to conclude that these foods have nutrient densities similar to those prepared at home, which they may or may not possess. In the absence of percentage declaration of ingredients, it is impossible to compare commercial infant foods with those prepared in the home.

The Commissioner realizes that parents have a responsibility to exercise control over the nutritional quality of a child's diet and to safeguard a child's future health and welfare. It is obvious that a consumer's preception of the nutritional value of infant foods will affect the nutritional quality of a child's diet.

The Commissioner is also aware that some consumers attribute a dietary significance to the proportion of certain ingredients contained in infant foods. Many current theories or hypotheses concerning the diets of young children and the effects of diets on the future health of children are being accepted by consumers as facts. For example, the relationship between infant overfeeding and adult obesity and heart disease are theories currently being discussed by clinical nutritionists and other medical specialists. Consumers, however, are being led to believe that this theory is a well established fact even though there is no conclusive evidence to show that overfeeding in infancy results in adult obesity or leads to the development of adult heart disease. In addition, parents are being cautioned against baby foods containing added starch or sugar because it is alleged that the presence of these ingredients in baby food results in, among other things, infant overfeeding. However, there is no evidence that the presence of starch or sugar in baby foods contributes per se to infant overfeeding.

This type of social response to medical discussion is not unusual or unique to infant foods. The Commissioner points out that the action proposed here is not intended ot lend credence to any of the current theories or hypotheses that are currently being discussed with regard to baby foods.

It is apparent that, for a variety of reasons, a substantial number of consumers consider the proportion of ingredients in infant food to be important to the dietary welfare of their children. The Commissioner is of the opinion that parents have the right to be informed concerning the proportion of ingredients in infant foods so that they, acting alone or with the advice of a physician, may judge the usefulness of a particular food in the overall dietary regime they have selected for their children and so that they may compare commercial infant foods with one another and with those foods prepared in the home.

Section 403(j) of the Federal Food, Drug, and Cosmetic Act authorizes the Commissioner to establish regulations that prescribe necessary label information required to appear on foods for special dietary use in order to fully inform purchasers as to their value for such uses.

The Commissioner is, therefore, proposing that § 125.5 be amended to require all infant foods, except milk and infant formulas that simulate human milk or act as complete or partial substitutes for human milk, to list the percentage of those ingredients present at 5 percent or more in the finished food. This proposal does not include infant formulas because they are already required by § 125.5(c) to be labeled with detailed information concerning composition.

In addition, the Commissioner is proposing that ingredient percentages be expressed in 5 percent increments to the nearest multiple of 5 based upon the weight of ingredients used in making the finished food.

The Commissioner realizes that in proposing a regulation for a percentage declaration of ingredients for infant foods a number of fundamental questions are raised that must be answered before an optimum system for declaring percentages of ingredients can be established.

Key questions relative to infant foods (exclusive of infant formulas) and to other "baby" foods that may serve as foods for both infants and toddlers are enumerated below. The Commissioner urges that respondents address those questions relevant to their interests and knowledge of infant and related foods, in addition to providing any other comments concerning these foods they deem appropriate. The Commissioner also urges that viable alternative solutions be presented for consideration, if such alternatives exist. The questions are as follows:

1. The proposal specifies that percentage declarations be made on the basis of the weight of the ingredients used to make the finished food, i.e., quantitative "recipe" labeling. Are there alternative methods of calculating percentages of ingredients that would be more informative to consumers? How can ingredient percentages be calculated to take into consideration the loss or transformation of certain ingredients during the processing and storage of infant foods? Water is an example of an ingredient that may be lost in part during processing. Starch is an example of an ingredient that may be transformed into dextrins or other lower molecular weight carbohydrates during the processing of storage of infant foods.

2. The proposal specifies that percentage declarations be made for each ingredient present at a level of 5 percent or more by weight. The 5-percent level is proposed on the basis of analytical limitations and from a limited knowledge of manufacturing variations. Is there an alternative higher or lower threshold that has a sound basis and would provide consumers with sufficient ingredient information to fully inform them as to the value of these foods for special dietary use? What additional information could be obtained by requiring a different threshold?

3. The proposal specifies that percentage declarations be made in 5 percent increments to the nearest multiple of 5, based upon the input weight of the ingredient. Is there an alternative increment spacing that will allow for manufacturing variation without leading to distortions of ingredient information? As explained below, a proposal to establish a common or usual name for infant and junior foods is being published elsewhere in this issue of the FEDERAL REGISTER (FR Doc. 76-26010). That proposed regulation contains a requirement that characterizing ingredients be declared in 5 percent increments to a multiple of 5, not to exceed the amount actually present. This may lead to differences between the percentages of characterizing ingredients declared as part of the common or usual name and the percentage of characterizing ingredients declared as part of the list of ingredients in the ingredient statement.

Would such differences result in consumer confusion or deception? What would be the result of requiring a percentage of a particular ingredient to be identical in the percentage declaration of characterizing ingredients and the list of ingredients? If both percentages are not permitted to exceed the actual percentage, as provided in the common or usual name proposal, would this result in an unacceptably inaccurate percentage statement in the list of ingredients as compared with permitting the declaration to be rounded to the nearest multiple of 5 percent? If both percentages are required to be stated to the nearest multiple of 5 percent, as provided in this proposal, would this result in an unacceptable overstatement of the amount of characterizing ingredient declared as part of the common or usual name? What other approaches might be considered?

4. It is evident that there must be cost/benefit considerations given to the requirements of this proposal. The Commissioner, therefore, urges consumers to respond specifically to the following questions: What additional benefits are

made possible by the requirements of this proposal that are not available under the current labeling requirements for infant foods that include the listing of ingredients in descending order of predominance? How much are consumers willing to pay in terms of increased food prices for these benefits? Would consumers be willing to pay 1 percent more for percentage declaration of ingredients on infant food labels? Five percent more? Similarly, the Commissioner urges manufacturers to respond specifically as to what cost increases could be expected as a result of the requirements of this proposal. What increases in production, labeling, and marketing costs will result from promulgation of the proposed regulation?

5. The proposal would require percent declaration of ingredients put into the food at the point of formulation if the amounts are equal to or greater than 5 percent. Recognizing that carbohydrates, proteins and fats, particularly carbohydrates, might be supplied by more than one ingredient, would it be insufficiently informative and misleading to declare only the added sugar, for example, and not also indicate the amount or proportion of total sugars present as a result of the combination of several ingredients?

For example, specific added ingredients such as sucrose may also be present in other ingredients used in the formulation of the food. Will consumers interpret a percentage declaration for sucrose to mean the total amount of sucrose present in the food or only the amount of sucrose added specifically as sucrose? What other potentially misleading circumstances may arise when infant foods declare ingredients by percentages?

The Commissioner again urges all interested parties to respond to this proposal. In order to establish a sound basis for the establishment of a percentage declaration requirement, the Commissioner is seeking as large a body of sicentific information and reasoned public opinion as possible on this matter, which on the surface may appear relatively simple but which is in fact quite complex.

Elsewhere in this issue of the FEDERAL REGISTER (FR Doc. 76-26010) the Commissioner is proposing to amend Part 102 to require that infant and junior foods bear as part of the common or usual name percentage declaration of any characterizing ingredients.

As the Commissioner points out in the preamble to the common or usual name proposal, a declaration of the percentage of any characterizing ingredients is necessary for both infant and junior foods to facilitate value comparisons and to provide positive disclosure of those ingredients the proportion of which has a material bearing on price or consumer acceptance. The Commissioner points out, however, that a requirement for the disclosure of ingredient percentages for infant foods fulfills a separate labeling purpose.

Infant foods have been identified as foods for special dietary use and as such the utility of these foods depends upon whether they meet physiological needs peculiar to infants. Those needs are independent of the proportion of any characterizing ingredients that may be present.

At the same time, infant and junior foods are still foods of the marketplace and consumers need to be informed as to the percentages of ingredients that have a material bearing on price or consumer acceptance, i.e., characterizing ingredients, in order to be able to make value comparisons between competing products.

The Commissioner proposes to require that all products initially introduced into interstate commerce on or after January 1, 1978, comply with the final regulation promulgated on the basis of this proposal.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(j), 701(e), 52 Stat. 1041, 1048, and 1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(n), 343(j), 371 (e))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)) it is proposed that Part 125 be amended by revising paragraph (a) of § 125.5 to read as follows:

§ 125.5 Label statements relating to infant food.

(a) If a food (other than a dietary supplement of vitamins and/or minerals alone) purports to be or is represented for special dietary use for infants and is fabricated from two or more ingredients, the label shall bear:

(1) The common or usual name of each ingredient including spices, flavoring, and coloring.

(2) A percentage declaration for each ingredient in the food at a level of 5 percent or more by weight. The percentage of each such ingredient shall be based on the weight of the ingredient used to make the finished food and shall be declared in 5 percent increments to the nearest multiple of 5 based on the weight of the ingredient(s). Percentage declarations shall be in parentheses following the name of the ingredient(s), except that milk and infant formulas that simulate human milk or act as complete or partial substitutes for human milk, as specifically covered under paragraph (c) of this section, are exempt from the requirements of this paragraph.

* * * * *

Interested persons may, on or before November 8, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 30, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26011 Filed 9-3-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

COMMODITY EXCHANGE ACT

Notification of Pending Legal Proceedings

The Commodity Futures Trading Commission is considering amending Part 1 of the General Regulations under the Commodity Exchange Act by adding a new § 1.60 to require that every exchange designated as a contract market pursuant to section 5 of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 7 (Supp. IV, 1974), notify the Commission of pending legal proceedings.

Proposed § 1.60(a) would require every contract market to notify the Commission of all material litigation involving the contract market. The notification must be in writing and must identify the court or agency before which the proceeding is pending, list the principal parties, specify the date the proceeding commenced, and provide a description of the proceeding. There is no proposed requirement that the contract market periodically report the status of the litigation, but the contract market would be obliged to notify the Commission of any dismissal, settlement, judgment or other final disposition of the proceedings. Section 1.60(a) is not limited to actions against the contract market and it is not limited to matters involving transactions in commodity futures contracts. For example, legal proceedings arising under the civil rights statutes would be required to be disclosed if they are material. Under proposed § 1.60(d), proceedings involving only claims for monetary relief would not be material for purposes of § 1.60(a) if the amount in controversy is less than $15,000.

Proposed § 1.60(b) would require that contract markets notify the Commission of certain legal proceedings involving any officer, director or other official of the contract market. In general, only material proceedings arising from conduct in their capacity as contract market officials and alleging violations of the Act or the Commission's regulations, exchange rules, or fiduciary duties under

state law would need to be reported. There is an exception from the reporting requirement for reparation proceedings instituted against contract market officials under the Act. Proposed § 1.60(b) also requires that contract markets notify the Commission if exchange officials are to be indemnified for any liabilities arising out of such legal proceedings. Otherwise, the notification requirements of § 1.60(b) are the same as those of § 1.60(a) discussed above.

Proposed § 1.60(c) would require contract markets to notify the Commission of any proceedings known to the contract market to be contemplated by governmental authorities, other than investigations or enforcement actions which may be instituted by the Commission. To the extent known to the contract market, the information to be provided in the notice should be similar to the requirements under § 1.60(a) discussed above.

Proposed § 1.60(d), in addition to specifying proceedings which are not material, would require that notifications to the Commission be mailed to its Washington office within ten days after initiation and disposition of of a proceeding or after the contract market determines to indemnify one of its officials or first becomes aware of a contemplated governmental action.

The purpose of proposed § 1.60 is to assure that the Commission is apprised of all material legal proceedings involving contract markets and their officials. At the present time, contract markets are not required to report this type of information, and there is no assurance that the Commission would otherwise be informed of such litigation. As discussed below, there are several reasons why the Commission believes that it should be informed about these legal proceedings.

The Commission has been entrusted by Congress with the administration and enforcement of the Act. Legal proceedings instituted by private parties or other governmental authorities may affect the Commission's efforts in this respect. The correct construction of the responsibilities imposed by the Act on contract markets and their officials is, of course, of primary importance to the Commission and its efforts to establish and administer the uniform regulatory scheme in this area that was clearly envisioned by Congress.[1] And, to the extent that private or public actions may affect those responsibilities, the Commission is interested in assuring that judicial interpretations do not result in diverse or inconsistent standards. The Commission, therefore, may wish to participate, as *amicus curiae*, or to intervene, where important questions of law are raised in legal proceedings involving contract markets or their officials.

The Commission is also interested in assuring that contract markets and contract market officials discharge their responsibilities. Private actions are, to be sure, a "necessary supplement" to the Commission's enforcement activities.[2] The Commission has indicated however, that it may take enforcement action against contract market officials in cases involving culpable conduct.[3] To do this, the Commission must be apprised of all the facts and circumstances surrounding the participation of individual contract market officials in alleged violations of the Act, and, for that reason, the Commission should be notified of all material litigation. Furthermore, the Commission has expressed the view that it is against public policy for contract markets to indemnify their officials in situations involving culpable conduct for violations of section 6b of the Act.[4] In this connection, the Commission must be advised when a contract market official is to be idemnified for liabilities arising out of official conduct.

The Commission has determined, therefore, that proposed § 1.60, which is set forth below, is reasonably necessary to effectuate the provisions and to accomplish the purposes of the Act. In consideration of the foregoing, the Commission hereby proposes to amend Part I, Chapter I of Title 17 of the Code of Federal Regulations by adding a new § 1.60 as follows:

§ 1.60 Pending legal proceedings.

(a) Every contract market shall notify the Commission in writing of any material legal proceedings to which it is a party or its property or assets is subject. The notification must include the name of the court or agency in which the proceedings are pending; the date the proceedings were instituted; the principal parties (including any officers, directors or other officials of the contract market) bringing or named in the proceedings; a description of the factual and legal basis alleged to underlie the proceedings and the relief sought therein; and the disposition of such proceedings.

(b) Every contract market shall notify the Commission in writing of any material legal proceedings, other than claims under section 14 of the Commodity Exchange Act and Part 12 of this chapter relating to reparation proceedings, instituted against any officer, director or other official of the contract market, arising from conduct in such person's capacity as a contract market official and alleging violations of (1) the Act or any rule, regulation, or order thereunder; (2) the constitution, bylaws or rules of the contract market; or (3) the applicable provisions of state law relating to the duties of officers, directors or other officials of business organizations. The notification must include information regarding the nature of the proceedings similar to that required by paragraph (a) of this section; and if the officer, director or other official is to be indemnified by the contract market for any litigation expenses, amounts paid as settlements or judgments or amounts paid as fines or penalties, the notification must include information regarding the nature and amount of such indemnification and a brief statement explaining the reasons why the official is to be indemnified for such liabilities.

(c) Every contract market shall notify the Commission in writing of any proceedings known to the contract market to be contemplated against the contract market by governmental authorities, other than investigations or enforcement actions which may be instituted by the Commission, and include information regarding the nature of the proceedings similar to that required by paragraph (a) of this section.

(d) The notification required by this section shall be mailed to the Commission's headquarters in Washington, D.C. within 10 days after this section goes into effect as to all matters referred to in paragraphs (a) (b) and (c) of this section then pending, or within 10 days after the initiation and the disposition of legal proceedings referred to in paragraphs (a) and (b) of this section, within 10 days after the contract market determines to indemnify a contract market official as a result of legal proceedings referred to in paragraph (b) of this section, or within 10 days after the contract market becomes aware of the contemplated proceedings referred to in paragraph (c) of this section. For purposes of paragraphs (a) and (b) of this section, legal proceedings are not "material" if the only relief sought is a money judgment for less than $15,000.

(Sec. 8a(5), Commodity Exchange Act, as amended, (7 U.S.C. 12a(5) (Supp. IV, 1974).)

Interested persons may participate in this proposed rulemaking proceeding by submitting comments in written form to the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Attention: CCU. All comments received on or before September 30, 1976 will be considered before the Commission takes final action on the proposal. Copies of all comments received respecting the proposal will be available for inspection at the Commission's offices in Washington, D.C.

Issued in Washington, D.C., on August 31, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-25985 Filed 9-3-76;8:45 am]

[1] One of the considerations that lead Congress to adopt the 1974 amendments of the Act was, "to assure that the affected entities—exchanges, traders, customers, et cetera—will not be subject to conflicting agency rulings." 120 Cong. Rec. S16128 (daily ed. September 9, 1974).

[2] CF. J. I. Case Co. v. Borak, 377 U.S. 426 (1964).

[3] See 41 FR 29474 (July 16, 1976).

[4] Id.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211 and 212]

STRIPPER WELL CRUDE OIL—FIRST SALE PRICE EXEMPTION AND MODIFIED TREATMENT UNDER THE DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Proposed Rulemaking and Public Hearing

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend the Mandatory Petroleum Price and Allocation Regulations to implement section 121 of the Energy Conservation and Production Act (Pub. L. 94–385, "ECPA"), which was enacted on August 14, 1976. Section 121 of the ECPA amended section 8 of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159, as amended, "EPAA") to add a new subsection (i) which provides, in part, that:

(i) (1) The first sale price of stripper well crude oil shall be exempt from the regulation promulgated under section 4 of this Act * * *.

The effective date prescribed by section 124 of the ECPA for the stripper well crude oil exemption is September 1, 1976. Accordingly, the amendments proposed by this notice will be effective retroactively as of September 1, 1976. Because first sales of crude oil by producers are typically not invoiced and paid for until after the end of a calendar month, FEA has concluded that sufficient time exists to allow an opportunity for written comment and oral testimony before amendments to implement the legislative exemption are adopted in final form.

Also proposed in this proceeding are amendments to the domestic crude oil allocation program (the "entitlements program") to reflect the fact that the first sale of stripper well crude oil will no longer be subject to the upper tier ceiling price rule. In a related action, FEA has issued amendments which are effective September 1, 1976 to the certification requirements with respect to sales of stripper well crude oil, in order to insure that refiners' receipts of such crude oil will be adequately documented for purposes of the entitlements program.

I. Background

Stripper wells have historically been regarded as marginal wells, from which crude oil production is at or near the economical break-even point. In 1973 stripper wells in the United States produced 1.25 million barrels of crude oil per day which amounted to 13 percent of the total U.S. domestic crude oil production (Senate Comm. on Interior and Insular Affairs, Trans-Alaska Pipeline Authorization Act, S. Rep. No. 207, 93d Cong., 1st Sess. (1973); 2 U.S. Cong. & Adm. News 73–50 at 2532) and constituted 8.3 percent of the U.S. annual consumption (119 Cong. Rec. S10383 (daily ed. June 5, 1973)).

On August 19, 1973, when detailed price controls were first implemented on domestic crude oil under the Phase IV regulations adopted by the Cost of Living Council ("CLC") under the Economic Stabilization Act of 1970 (Pub. L. 92–210), the price of stripper well crude oil was also made subject to ceiling price regulations. Section 406 of the Trans-Alaska Pipeline Authorization Act, enacted on November 16, 1973 (Pub. L. 93–153, "TAPAA"), however, exempted the first sale of crude oil produced by stripper well leases "* * * to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers." (Senate Comm. on Interior and Insular Affairs, Trans-Alaska Pipeline Authorization Act, 2 U.S. Cong. & Adm. News 73–50 at 2532.) Section 406 (a) of the TAPAA provided:

The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances *for the preceding calendar month* does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that act or to any Federal law for the allocation of fuels or petroleum. (Emphasis added.)

The exemption of the first sale of stripper well lease crude oil from Phase IV price restraints was intended to allow the price of stripper crude oil to rise and thereby encourage

* * * owners and operators of stripper wells to maintain production and to keep these wells in operation for longer periods of time * * *. (Senate Comm. on Interior and Insular Affairs, Trans-Alaska Pipeline Authorization Act, 2 U.S. Cong. & Adm. News 73–50 at 2532.)

The CLC implemented section 406 of the TAPAA with an amendment effective November 16, 1973 which defined a stripper well lease as

a "property" whose average daily production of crude petroleum and petroleum condensates, including natural gas liquids, per well did not exceed 10 barrels per day *during the preceding calendar month.* (6 CFR 150.54; emphasis added, 38 FR 32494, November 26, 1973.)

The EPAA, enacted on November 27, 1973, also included an exemption for the first sale of crude oil produced by stripper wells from regulation, but defined stripper wells somewhat differently than the TAPAA, changing the test for stripper well qualification from one based on production levels during the preceding calendar month to one based on production levels during the preceding calendar year. Section 4(e)(2)(A) of the EPAA provided:

The regulation promulgated under subsection (a) of this section shall not apply to the first sale of crude oil produced in the United States for any lease whose average daily production of crude oil for the *preceding calendar year* does not exceed 10 barrels per well. (Emphasis added.)

The CLC implemented section 4(e)(2)(A) of the EPAA with an amendment effective November 27, 1973 (38 FR 34464, December 14, 1973). The 6 CFR 150.54 definition of stripper well lease was therefore redefined to coincide with the EPAA, as

* * * a "property" whose average daily production of crude petroleum and petroleum condensates, including natural gas liquids, per well did not exceed 10 barrels per day *during the preceding calendar year.* (Emphasis added.)

After the Federal Energy Office ("FEO") was established to administer the EPAA and the CLC price control authority over crude oil had been delegated to FEO, the stripper well lease definition, previously located in 6 CFR 150.54, was included in new 10 CFR 210.32(b) as part of FEO's Mandatory Petroleum Price and Allocation Regulations (39 FR 1924, January 15, 1974).

The regulations implementing the stripper well lease exemption remained in essentially the form in which they were first promulgated by CLC until June, 1975. During 1975, FEA determined that the stripper well lease definition contained in 10 CFR 210.32(b) acted to discourage increased production from marginally-producing wells because production in excess of 10 barrels per well per day in any calendar year, engendered through workovers or enhanced recovery techniques, would result in loss of the stripper well lease exemption in the subsequent calendar year. FEA therefore adopted an amendment to the regulations which redefined the 10 CFR 210.32 (b) stripper well lease as

* * * a "property" whose average daily production of crude oil, including condensates, per well did not exceed 10 barrels per day *during any preceding calendar year beginning after December 31, 1972.* (Emphasis added, 40 FR 22123, May 21, 1975.)

Thus, as amended, the regulations provided that once a property had qualified for the exemption on the basis of its per well production for any calendar year commencing after December 31, 1972, the property would retain the exemption notwithstanding any increased production above the stripper well limit in a subsequent year.

This modification in the stripper well lease exemption was submitted to the Congress pursuant to the review procedures then specified by section 4(g)(2) of the EPAA and became effective June 1, 1975 for a period of 90-days and was twice extended for further 90-day periods, on September 1, 1975 and November 30, 1975.

The Energy Policy and Conservation Act (Pub. L. 94–163, "EPCA") enacted on December 22, 1975, established a new crude oil pricing policy. Section 401 of the EPCA repealed the stripper well lease exemption of section 4(e) of the EPAA and required the President to

* * * establish ceiling prices (or the manner of determining ceiling prices) applicable to any first sale of crude oil produced in the United States, such that the resulting actual weighted average first sale price for all such crude oil during [the second full calendar month following the date of enactment of section 8] * * * shall not exceed a maximum of $7.66 per barrel * * *.

Accordingly, FEA amended its crude oil price regulations effective February 1, 1976 (41 FR 4931, February 3, 1976) and subjected the first sale of stripper well

lease crude oil to the upper tier price constraint which also regulated new and released crude oil prices. This action comported with EPCA legislative intent as reflected in the Conference Report:

Under the conference substitute, stripper well ceiling prices come within the President's broad discretion to set ceiling prices to implement the maximum weighted average price requirement of the legislation. It is the conferees' understanding that, within the limitations of the conference substitute, the President will most likely establish a separate stripper well ceiling price of approximately $11.28—the equivalent of the upper tier under a continuation of the current two-tier pricing program subject to limits of the conference substitute in order to assure sustained rates of production from such properties. (Conf. Rep. No. 516, 94th Cong. 1st Sess. 197 (1975).)

In amending the regulations to subject stripper well lease crude oil to the upper tier ceiling price, the stripper well lease definition for purposes of the EPAA section 4(e) exemption previously located in 10 CFR 210.32(b) was relocated in 10 CFR 212.74(c)(1) for purposes of defining upper tier crude oil, and was redefined as

* * * a property whose average daily production of crude oil (excluding condensate recovered in non-associated production) per well did not exceed 10 barrels per day *during any preceding calendar year beginning after December 31, 1972.* (Emphasis added, 41 FR 4931, February 3, 1976.)

The stripper well lease definition has remained in that form until the present. However, as noted above, the ECPA, enacted on August 14, 1976, includes a provision which now exempts the first sale price of stripper well crude oil from regulation effective September 1, 1976. Stripper well crude oil is defined in section 121 of the ECPA as

* * * crude oil produced and sold from a property whose maximum average daily production of crude oil per well *during any consecutive 12-month period beginning after December 31, 1972* does not exceed 10 barrels. (Emphasis added.)

This exemption of "stripper well crude oil" from the upper tier ceiling price regulation prescribed pursuant to the EPCA was adopted to ensure that crude oil produced from marginal wells continued to be available for domestic refineries and consumers. The Conference Report accompanying the ECPA stated:

Prior to the enactment of EPCA, stripper well production was free from Federal crude oil price controls. The resulting imposition of price ceilings upon stripper well production has increased the administrative and compliance burdens associated with the implementation of EPCA. Imposition of Federal price ceilings on stripper well operators—largely small and independent producers—has required them to comply with Federal regulations, adding to the cost and administrative difficulties of operating these already marginal wells. These administrative, enforcement and compliance burdens may be unnecessary because, while 70 percent of all domestic wells are strippers, stripper well production accounts for only 12–15 percent of actual production. In addition stripper well production is already priced at the upper tier. The conferees believe that exemption of stripper well production from price ceiling is desirable to reduce the burdens and costs imposed upon stripper well operators, as well as the administrative and compliance costs associated with implementation of EPCA. Equally important, the price increases permitted by such an exemption are likely to permit continued operation of marginally profitable stripper wells beyond the period which would be possible at current price levels. (Conf. Rep. No. 1119, 94th Cong. 2nd Sess. 58 (1976).)

II. Amendments to the Price Regulations to Exempt the First Sale of Stripper Well Crude Oil

The amendments proposed herein are intended solely to implement the ECPA stripper well exemption, and thereby to encourage increased domestic production of crude oil from marginal stripper well properties. These amendments are not intended to address other possible modifications to the stripper well price regulations which were proposed as part of the third stage crude oil price policy rulemaking and which are still under consideration in that rulemaking. It should be noted that the ECPA stripper well crude oil exemption applies only with respect to the "first sale price," and that the allocation regulations therefore continue to be applicable to such sales of stripper well crude oil.

There are two principal amendments to the price regulations applicable to stripper well crude oil proposed herein. First, such crude oil will no longer be subject to any ceiling price and, second, the period of time within which a property can qualify as a stripper well property is changed from a calendar year basis to a basis of any consecutive twelve-month period beginning after December 31, 1972.

With respect to the exemption, the proposed amendments are intended merely to remove the price control restraints from stripper well production. It should be noted, however, that the exemption applies not only to stripper well properties but also to the imputed stripper well production of any unitized property, as determined pursuant to § 212.75(f).

The amendment proposed today implements the legislative change in the qualifying period for stripper well properties by defining a stripper well property to mean,

* * * a property whose maximum average daily production of crude oil (excluding condensate recovered in nonassociated production) per well did not exceed 10 barrels per day during any consecutive 12-month period beginning after December 31, 1972.

This revision in the stripper well property concept permits a property to qualify as a stripper well property at the end of any calendar month which concludes a consecutive 12-month period within which production has dropped to the 10 barrel per well per day qualifying level. The revision retains the principle that once a property qualifies as a stripper well property, it does not lose that qualification by subsequent increases in production to levels in excess of the stripper well property qualification level.

It is possible that a property which has not heretofore qualified as a stripper well property on the basis of production levels during a calendar year will now qualify based on production levels during a consecutive 12-month period which ended prior to August 31, 1976. Such qualification on the basis of the new 12-month qualifying period will serve to permit production from the property concerned to be eligible for the stripper well property exemption effective September 1, 1976, but will not have the effect retroactively to make production from that property eligible for upper tier or exempt prices prior to September 1, 1976, no matter when the consecutive 12-month period ended during which the stripper well property production levels were met.

Finally, it should be noted that the amendments proposed herein do not affect Rulings 1974–28, 1974–29, and 1975–12, other than to redefine stripper well lease in each ruling in accordance with the changes herein. However, the rational of Ruling 1974–11 continues to apply. These amendments also have no effect upon Ruling 1974–30.

III. Amendments to the Price Regulations to Exempt Naval Petroleum Reserve Oil

FEA also proposes to amend the exemptions set forth in Subpart C of Part 212 to recognize the exemption contained in the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94–258) and Ruling 1976–3.

IV. Amendments to Domestic Crude Oil Allocation Program

In conjunction with the amendments to the price regulations detailed above, FEA is also hereby proposing amendments to the entitlements program which would alter the treatment of stripper well crude oil under that program to reflect the first sale exemption therefor under the price regulations.

On May 25, 1976, FEA issued Ruling 1976–3 (41 FR 21942; May 28, 1976), which interpreted the Naval Petroleum Reserves Production Act of 1976. In this ruling FEA held that, as provided by the Act, the first sale of U.S.-owned petroleum by the Secretary of the Navy is exempted from the price and allocation regulations. Insofar as treatment of Naval Petroleum Reserve production under the entitlements program is concerned, FEA stated in the ruling that:

Crude oil produced from the affected naval petroleum reserves will be eligible for inclusion in the volume of a refiner's crude oil runs to stills for purposes of the domestic crude oil allocation program set forth in 10 CFR 211.67. In addition, since this crude oil may be sold by the Secretary of the Navy at market level prices, no entitlement obligations under § 211.67 will be in effect with respect to the inclusion of this crude oil in a refiner's crude oil receipts. Thus, for purposes of the entitlements programs it will be treated as imported crude oil.

FEA has initially determined to provide the same treatment for stripper well crude oil under the entitlements program as is set forth in the ruling for

Naval Petroleum Reserves production, i.e., treatment as imported crude oil, effective for entitlements issued for refiners' crude oil runs and receipts in the month of September 1976. FEA believes that this treatment will be consistent with the exemption of the first sale of stripper well production from the price regulations, in that prices of stripper well crude should approximate the replacement costs of equivalent imported crude oils, and that the proper measure of cost equalization to refiners that process stripper well crude oil will therefore be provided. As stated above, FEA has in a separate emergency rulemaking adopted amendments to the certification provisions for crude oil resellers to insure that refiners are able accurately to identify the volumes and costs of stripper well crude oil included in their crude oil receipts for September and the following months.

The precise amendments proposed hereby first would alter the definition of upper tier crude oil in § 211.62 to exclude therefrom stripper well crude oil effective September 1, 1976. In addition, changes are proposed to the references to old crude oil and new crude oil in the definitions of old oil and upper tier crude oil in § 211.62 to conform to FEA's August 20, 1976 amendments to the price regulations governing domestic crude oil. The refiners' reporting requirements in § 211.66(h) are proposed to be amended to require separate identification of stripper well and other exempt domestic crude oils. FEA also proposes to amend § 211.67(l)(4) as to the calculation of the entitlement price, to provide that the price shall be the exact differential for the particular month between the weighted average cost per barrel to refiners of old oil and such weighted average cost per barrel of imported crude oil, stripper well crude oil, and other domestic crude oils the first sale of which is exempt from the price regulations, less 21 cents. A similar amendment is proposed to be made to § 211.67(b)(2), in which the calculations for the entitlement obligations associated with upper tier crude oil are set forth. Finally, the certification provisions applicable to non-refiners as to crude oil processed for their account are proposed to be modified to require separate identification of old, upper tier, stripper well and other exempt domestic crude oils, and imported crude oil, as well as the non-refiners' costs therefor.

IV. Hearing Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box IR, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Stripper Well Crude Oil—First Sale Price Exemption and Modified Treatment under Domestic Crude Oil Allocation Program." Fifteen copies should be submitted. All comments received by Tuesday, September 21, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The public hearing in this proceeding will be held at 9:30 a.m., e.s.t., Wednesday, September 22, 1976, and will be continued, if necessary, on Thursday, September 23, 1976, in Room 7134, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, 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., on Monday, September 13, 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 is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Tuesday, September 21, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., Tuesday, September 14, 1976 and must submit 100 copies of his statement to FEA Executive Communications, Room 3309, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., on Tuesday, September 21, 1976.

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

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

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.t., Friday, September 17, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

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

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, 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. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations are proposed to be amended as set forth below, effective September 1, 1976, except that the amendments to § 211.67(l) and § 211.66(h) would be made effective October 1 and November 1, 1976, respectively.

Issued in Washington, D.C., September 1, 1976.

Michael F. Butler,
General Counsel,
Federal Energy Administration.

1. Section 211.62 is revised in the definitions of "old oil" and "upper tier crude oil" to read as follows:

§ 211.62 **Definitions.**

* * * * *

"Old oil" means old crude oil as defined in §§ 212.72 and 212.75 of this chap-

ter, except that old oil included in a refiner's adjusted crude oil receipts shall not include condensate recovered at the inlet side of a gas processing plant.

* * * * *

"Upper tier crude oil" means, (i) for the period February 1 through August 31, 1976, new crude oil as defined in §§ 212.72 and 212.75 of this chapter and crude oil produced and sold from a stripper well lease as defined in § 212.74 of this chapter, and (ii) effective September 1, 1976, new crude oil as defined in §§ 212.72 and 212.75 of this chapter, except that upper tier crude oil included in a refiner's adjusted crude oil receipts shall not include condensate recovered at the inlet side of a gas processing plant.

2. Section 211.66 is revised in paragraph (h) to read as follows:

§ 211.66 Reporting requirements.

* * * * *

(h) *Monthly report.* On or prior to the fifth day of each month, commencing with the month of November 1976, each refiner shall file with the FEA a report certifying the following information as to the second month prior to the month in which the report is filed:

(1) The estimated volume (to the best of the knowledge of the certifying officer) of old oil included in the crude oil receipts of that refiner.

(2) The estimated volume (to the best of the knowledge of the certifying officer) of upper tier crude oil included in the crude oil receipts of that refiner.

(3) Any permitted or required adjustments to the estimated volumes of old and upper tier crude oil included in the crude oil receipts of that refiner.

(4) The volume of crude oil runs to stills of that refiner, taking into account, and specifying the amount of, the adjustments provided for in § 211.67(d).

(5) The weighted average costs for that refiner refiner (including transportation costs to the refinery) of old oil, upper tier crude oil, stripper well crude oil (as defined in Part 212 of this chapter), other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter, and imported crude oil included in that refiner's crude oil receipts. For refiners required to file transfer pricing report forms under § 212.84 of this chapter, the weighted average cost of imported crude oil reported under this subparagraph shall be derived from the landed costs set forth in such reports.

(6) Such other information as the FEA may request.

* * * * *

3. Section 211.67 is amended in paragraph (b)(2) in paragraph (i)(4) and in paragraph (l) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(b) *Required purchase of entitlements by refiners.*

* * * * *

(2) To calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for purposes of the definition of national domestic crude oil supply ratio in § 211.62 of this subpart, paragraph (b)(1) of this section and paragraph (c) of this section, each barrel of old oil shall be equal to one barrel of deemed old oil and each barrel of upper tier crude oil shall constitute that fraction of a barrel of deemed old oil the numerator of which is equal to the reported weighted average cost per barrel to refiners of imported crude oil, stripper well crude oil (as defined in Part 212 of this chapter) and other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter for that month, less the sum of 21 cents and such weighted average cost per barrel to refiners of upper tier crude oil, and the denominator of which is the entitlement price for that month.

* * * * *

(i) *Issuance and transfer of entitlements.*

* * * * *

(4) The price at which entitlements shall be sold and purchased shall be fixed by the FEA for each month and shall be the exact differential between the weighted average cost per barrel to refiners of old oil and such weighted average cost of imported crude oil, stripper well crude oil (as defined in Part 212 of this chapter) and other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter, less 21 cents, such costs to be equivalent to the delivered costs to the refinery.

* * * * *

(l) *Certification by non-refiners.* Within twenty-eight (28) days following each month, commencing with the month of September 1976, each firm other than a refiner that has delivered crude oil to a refiner for processing for the account of such firm pursuant to a processing agreement in that month shall certify to that refiner the respective volumes of and that firm's costs for old oil, upper tier crude oil, stripper well crude oil (as defined in Part 212 of this chapter), other domestic crude oils the first sale of which is exempt from Part 212 of this chapter, and imported crude oil contained in the crude oil so delivered to that refiner.

* * * * *

4. Section 212.54 is adopted to read as follows:

§ 212.54 Stripper well crude oil.

(a) Prices charged in the first sale of crude oil (excluding condensate recovered in non-associated production), produced from any stripper well property are exempt from the provisions of this part.

(b) Prices charged in the first sale of imputed stripper well crude oil, as defined in § 212.75(f) of this part, produced from any unitized property are exempt from the provisions of this part.

(c) *Definitions.* "Average daily production" means the qualified maximum total production of crude oil (excluding condensate recovered in non-associated production) produced from a property, divided by a number equal to the number of days in the 12-month qualifying period times the number of wells that produced crude oil (excluding condensate recovered in non-associated production) from that property in that 12-month qualifying period. To qualify as maximum total production, each well on the property must have been maintained at the maximum feasible rate of production throughout the 12-month qualifying period and in accordance with recognized conservation practices, and not significantly curtailed by reason of mechanical failure or other disruption in production.

"First sale" means the first transfer for value by the producer or royalty owner. With respect to transfers between affiliated entities, the "first sale" shall be imputed to occur as if in arms-length transactions.

"Stripper well property" means a "property" whose average daily production of crude oil (excluding condensate recovered in non-associated production) per well did not exceed 10 barrels per day during any consecutive 12-month period beginning after December 31, 1972.

5. Section 212.55 is adopted to read as follows:

§ 212.55 Naval Petroleum Reserves crude oil.

The price charged for any first sale of U.S.-owned crude oil pursuant to the provisions of the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94-258) is exempt from the price regulations of this Part.

6. Section 212.71 is amended to read as follows:

§ 212.71 Applicability.

This subpart applies to each first sale of domestic crude oil except as provided in Subpart C of this part.

7. Section 212.73 is amended in paragraph (a) to read as follows:

§ 212.73 Lower tier ceiling price rule.

(a) *Rule.* Except as provided in § 212.74 with respect to new crude oil, no producer may charge a price higher than the lower tier ceiling price for any first sale of domestic crude oil.

* * * * *

8. Section 212.74 is amended in paragraph (a) to read as follows and by deleting paragraph (c) and redesignating paragraph (d) as paragraph (c).

§ 212.74 Upper tier ceiling price rule.

(a) *Rule.* Notwithstanding the provisions of § 212.73(a), a producer may in any month charge a price not to exceed the upper tier ceiling price in sales of new crude oil.

10. Section 212.75 is amended in paragraph (f) to read as follows:

§ 212.75 Enhanced recovery projects on units.

* * * * *

(f) Notwithstanding the provisions of paragraphs (d) and (e) of this section,

the price charged by a producer of crude oil from a unitized property in any month for first sales of imputed stripper well crude oil, which is a number of barrels of crude oil equal to the total number of barrels of crude oil produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property, from all stripper well properties that constitute the unitized property divided by 12, is exempt.

[FR Doc.76-26112 Filed 9-1-76;4:24 pm]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Cancellation of Public Hearing

On July 22, 1976, the Federal Energy Administration issued proposed amendments (41 FR 31237) to Part 430 of Chapter II of Title 10 of the Code of Federal Regulations, to prescribe test procedures pursuant to section 323 (42 U.S.C. 6293) of the Energy Policy and Conservation Act (Pub. L. 94-163). A public hearing with respect to these amendments was scheduled for 9:30 a.m., on September 10, 1976 in Washington, D.C. In view of the lack of interest in presenting oral comments on the proposed test procedure for room air conditioners, the hearing is hereby cancelled.

Issued in Washington, D.C. September 1, 1976.

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

[FR Doc.76-26172 Filed 9-2-76;10:53 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-25]

MUNICIPAL ELECTRIC UTILITIES AND FEDERAL PROJECTS

Financial Report—New Form No. 164; Extension of Time

AUGUST 30, 1976.

Duquesne Light Company, on August 19, 1976, and ECAR, on August 23, 1976, filed motions to extend the time, fixed by Notice of Proposed Rulemaking issued July 12, 1976 (41 FR 31340), within which to comment on new FPC Form 164.

Upon consideration, notice is hereby given that an extension of time is granted to and including September 29, 1976, within which to file comments on the rulemaking proceeding in the above-designated docket.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26043 Filed 9-3-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1201]

[Docket No. 36366] [1]

ACCOUNTS, REPORTS, AND RECORDS OF RAILROAD COMPANIES

Branch Line Accounting System

The Rail Services Planning Office (the Office) of the Interstate Commerce Commission (the Commission) instituted the above referenced rulemaking proceeding (41 FR 23172), pursuant to section 205 (e)(1)(A) of the Regional Rail Reorganization Act of 1973 (the RRR Act), to solicit public views concerning the development of a branch line accounting system for rail freight lines scheduled for abandonment. The proposed rules would require the collection and publication of information necessary for an accurate determination of the revenues attributable, the avoidable costs and the service units of light density lines, which (i) are potentially subject to abandonment within the meaning of section 1a(5)(a) of Interstate Commerce Act (the Act), or (ii) are the subject of a directed service order under section 1(16)(b) of the Act or section 304(d)(3) of the RRR Act or (iii) are being operated under the regional (49 CFR 1125) or proposed national (49 CFR 1121) rail subsidy programs.

Eleven comments were filed in response to the Office's invitation, including the Association of American Railroads (AAR), Consolidated Rail Corporation (Conrail), Pennsylvania Public Utility Commission and the Commonwealth of Pennsylvania, International Minerals & Chemical Corporation, Missouri-Kansas-Texas Railroad Company (MKT), Iowa Department of Transportation, South Dakota Department of Transportation, United States Department of Transportation, the West Virginia Railroad Maintenance Authority (WVa), National Newspaper Association, and Office of Public Counsel.

The proposed branch line accounting system incorporates by reference the proposed national abandonment and subsidy regulations which are the subject of a separate rulemaking instituted July 30, 1976 by the Office and the Commission (41 FR 31878). WVa takes strong exception to the consideration of the branch line accounting regulations in advance of the adoption of the national abandonment regulations and requests that this proceeding be held open "until at least thirty (30) days after new Part 1121 regulations are finalized."

The Office agrees with WVa that interested parties should be afforded an opportunity to consider the national abandonment and subsidy regulations in formulating comments on the branch line accounting standards. Therefore, we are serving a copy of the Proposed Rulemaking and Order in Ex Parte No. 274 (Sub-No. 2) on each participant in this proceeding and are providing an additional thirty days for the filing of supplemental comments.

The Office cannot, however, defer action in this proceeding until after the adoption of the national abandonment and subsidy regulations. Congress directed the Office to issue both the branch line accounting regulations and the national subsidy regulations by November 1, 1976 (section 205(e)(1) of the RRR Act). The public may file statements in the national abandonment and subsidy proceeding through September 8, 1976 and reply statements through September 28, 1976. Thus, it simply is not feasible to issue the national abandonment and subsidy regulations in advance of the accounting regulations. However, after both Parts 1201 and 1125 are issued, the Office will entertain petitions for reconsideration in this proceeding to assure that interested parties are afforded a full opportunity to express their views.

The proposed branch line accounting regulations would require railroads, subject to Part I of the Act, to collect revenue, cost, and service unit data commencing:

(1) The first day of the month after the branch has been designated on a system diagram as potentially subject to abandonment and continuing for so long as the branch is retained in that category; or

(2) The effective date of an order directing service on a branch and continuing until the order is withdrawn; or

(3) The effective date of a rail service continuation operating agreement and continuing for the duration of the agreement.

The proposed national abandonment and subsidy regulations would require railroads, subject to Part I of the Act, to publish a diagram of their transportation systems separated into the following categories:

(1) All lines or portions of lines which the carrier believes to be potentially subject to abandonment because the carrier anticipates an abandonment or discontinuance application will be filed within the 3-year period following the date upon which the diagram, or any amended diagram, is filed with the Commission;

(2) All lines or portions of lines which may become potentially subject to abandonment because, in the carrier's best judgment, the cost of performing rail service exceeded the revenues from performance of that service by 20 percent or more during each of the two most recent 12-month accounting periods preceding the date upon which the diagram, or any amended diagram, is filed with the Commission but for which the carrier does not anticipate an abandonment or discontinuance application will be filed;

[1] The initial Notice of Proposed Rulemaking was erroneously designated as No. 63636. Commenting parties should use the corrected designation (Formal Docket No. 36366).

(3) All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission on the date upon which the diagram, or any amended diagram, is filed with the Commission;

(4) All lines or portions of lines which are being operated under the rail service continuation provisions of section 1a(6)(a) of the Act or of section 304(c)(2) of the Regional Rail Reorganization Act of 1973, as amended, on the date upon which the diagram, or any amended diagram, is filed with the Commission; and

(5) All other lines or portions of lines which the carrier owns, operates, or is authorized to operate pursuant to a certificate of public convenience and necessity or any other legal authority.

AAR and MKT would restrict the branch line accounting regulations to categories (3) and (4) above in order to minimize the cost and burden of compliance. AAR asserts that applying the branch line account accounting regulations to lines potentially subject to abandonment, i.e., category (1) would impose "costs which would run into millions annually for an individual carrier." MKT is concerned also that the accounting regulation may be applied to uneconomic lines, e.g., category (2). It relies on a USDOT study published in May 1976, Railroad Abandonments and Alternatives, which it says finds that "of the 109,363 miles of rail lines in the Western District, approximately 23,500 miles [21% of all lines] are potentially uneconomic and therefore candidates for abandonment." MKT asserts that even reasonably profitable railroads could not afford to maintain separate accounting systems for 21 percent of their lines.

The Office does not propose to require railroads to maintain accounts at the branch level for lines falling into category (2), because by placing lines in this category, a railroad has represented to the public that it does not anticipate abandoning the line in the foreseeable future. Therefore, it should not be obliged to maintain accounting data for such rail lines which quite literally it has *not* scheduled for abandonment. The proposed rules will be revised to exempt category (2) lines from the branch line accounting requirement.

The Office does propose to require railroads to maintain accounts at the branch level for rail lines falling into categories (1), (3), and (4). In placing a rail line in category (1), a railroad is representing to the public that it anticipates seeking Commission consent to abandon the line within the foreseeable future (3 years). Congress has prescribed expansive notice requirements to apprise the public of those rail lines which are potentially subject to abandonment and for which a railroad plans to file an abandonment application. It has also specified procedures for public participation in the abandonment process and afforded financially responsible persons (States, shippers, etc.) an opportunity to avoid discontinuance of service by making an offer of subsidy (section 1a of the Act).

Under the proposed national abandonment and subsidy regulations, a Commission finding authorizing abandonment and a finding that a prospective subsidizer has offered a compensatory subsidy may be predicated on the same data base and revenue and cost standards. The rationale is as follows:

> The Commission perceives no practical reason for a different data base or methodology for use in connection with its public convenience and necessity finding and for financial assistance purposes. Logic and sound administration dictate that they should be identical. If such data and methodology are the same, a possible offeror of financial assistance would have the information necessary to formulate such an offer upon the filing of an abandonment or discontinuance application.
>
> In many instances the Commission will make separate findings to determine that the public convenience and necessity permits or requires abandonment or discontinuance and to conclude that an offer of financial assistance is adequate under the statutory criteria. The Commission, the railroad, and the public should not be faced with the untenable situation in which the public convenience and necessity finding would be based on one standard of computing attributable revenues and avoidable costs while the adequacy of an offer of financial assistance would be evaluated under different cost and revenue criteria. Furthermore, standardized revenue, expense, and valuation data and methodology would materially reduce the paperwork in abandonment and discontinuance proceedings and would simplify the decision-making process (41 FR at 31880–81).

To advance the subsidy program, Congress has also authorized $180,000,000 for the Midwest-Northeast region and $360,000,000 nationwide to sustain service on light density lines which the Commission has found may be abandoned, but which financially responsible persons are willing to subsidize. These funds are to be provided by the Secretary of Transportation upon consideration of comprehensive rail plans which are to be developed and administered by the States (section 402 of the RRR Act and section 5 of the Transportation Act). The Secretary has proposed rules which inter alia would require States to rank "rail plan group projects in order of compliance with the State's criteria and goals for assistance" (41 FR at 33355). The collection of revenue, cost, and service unit data for lines scheduled for abandonment in the forseeable future (category (1)) should measurably assist States in developing rail plans and in establishing priorities among specific rail plan group projects. In sum, there are sound public interest reasons for requiring railroads to maintain revenue, cost and service unit data at the branch level for lines they have designated on their system diagram as potentially subject to abandonment.

The Office acknowledges an obligation to minimize the cost and burden of recordkeeping in formulating the branch line accounting system. Under its proposal, the railroad would be obligated to maintain records only for those branch lines which solely in its business judgment it intends to abandon. Such data would constitute a prime evidential justification for its abandonment proposal and viewed in this context cannot be said to impose an unreasonable burden. If the parties disagree with this assessment, they are free to submit alternative proposals which would reduce their recordkeeping burden while achieving the public objectives recited above.

AAR and Conrail observe that it is not practical to file the branch line accounting report concurrently with the Forms R–1 and R–2 (March 31) and recommend that the filing date be advanced ninety days to June 30. The Office believes this suggestion is reasonable and invites contrary views from interested parties.

The Iowa and South Dakota Departments of Transportation urge the Office to require the railroads to file separate annual reports for each branch line designated as potentially subject to abandonment rather than one annual report aggregating data for all branch lines. The Office is still concerned about the burden which would be imposed by requiring individual branch line reports. The Office recognizes that the States will need access to individual line data to perform their rail planning functions under section 5 of the Department of Transportation Act and section 402 of the RRR Act. Hence, the Office proposes to require the railroads to make line specific data available on reasonable request to the "designated state agency" (see section 5(j)(2) of the Department of Transportation Act and section 402(c)(1)(A) of the RRR Act) for individual branch lines designated on the system diagram in categories 1, 3 and 4. The regional standards (section 1125.9(c) and proposed national subsidy regulations (section 1121.38(e)) confer similar privileges upon subsidizers and prospective subsidizers. The Office believes the right to inspect the records of carriers is sufficient to permit the States to carry out their planning functions.

The Office also is of the view that it is lawful for the railroad to make its branch line revenue, cost and service unit data available to the States without the consent of shippers on the line. Providing information "to any officer or agent of the Government of the United States, or of any State or Territory, in the exercise of his powers * * *" constitutes an exception to the disclosure requirements of section 15(11) of the Act. The Office invites comment of interested parties on its inspection proposal and of its construction of section 15(11).

All persons interested in filing statements of their views in response to this Second Notice, are invited to do so. An original and six copies of any statements should be submitted on or before September 28, 1976, to:

> Rail Services Planning Office, Interstate Commerce Commission, 1900 L Street, NW., Washington, D.C. 20036.

It is ordered, That any interested person may participate in this proceeding by submitting for consideration an original and six copies of written statements, views, arguments, or other comments on or before September 28, 1976, 1976; and

It is further ordered, That a copy of this Second Notice be served upon railroads subject to Part I of the Interstate

Commerce Act; and that a copy be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection; and that the statutory notice of the institution of this proceeding be given to the general public by delivery of a copy thereof to the Director, Office of the Federal Register, for publication therein.

Issued August 26, 1976, by Alan M. Fitzwater, Director, Rail Services Planning Office.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26099 Filed 9-3-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 2]

[Docket No. PRM-2-3]

FORELAWS ON BOARD COALITION FOR SAFE POWER

Filing of Petition for Rule Making

Notice is hereby given that Forelaws on Board and the Coalition for Safe Power, Senator Building, Portland, Oregon, by letter dated August 9, 1976, have filed with the Nuclear Regulatory Commission a petition for rule making to amend the Commission's "Rules of Practice," 10 CFR Part 2.

The petitioners request the Commission to amend § 2.743(b) by changing the second sentence thereof to read:

§ 2.743 Evidence.

* * * * *

(b) * * * In any proceeding in which advance written testimony is to be used, each party shall serve copies of its proposed written testimony on each other party at least thirty (30) days in advance of the session of the hearing at which its testimony is to be presented, unless otherwise agreed upon by all parties and the presiding officer. * * *

* * * * *

The present text of § 2.743(b) provides for service of copies of written testimony on each other party at least five (5) days in advance of the session of the hearing at which the party's testimony is to be presented. The rule proposed by the petitioners would increase the service time specified in § 2.743(b) from five days to thirty days and would add the words "unless otherwise agreed upon by all parties and the presiding officer."

The petitioners state that the present rule has placed an immeasurable burden upon them in licensing proceedings to present an effective case, with the means of communication available to them which is principally the U.S. mails and limited use of the phone.

The petitioners state further that under the present rule, with the current mailing time which they experience of three to ten days per letter, there is no way that they can enter any proceeding fully prepared to present an adequate case before the Licensing Board.

The petitioners also request the Commission to suspend all future hearings in both the Skagit Licensing Proceeding (Docket Nos. 50-522 to 50-523) and the Pebble Springs Licensing Proceeding (Docket Nos. 50-514 to 50-515) until this matter is resolved.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by November 8, 1976.

Dated at Washington, D.C. this 1st day of September 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-26144 Filed 9-3-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 231]

COLORADO RIVER IRRIGATION PROJECT, ARIZ.

Proposed Revision of Rates

AUGUST 27, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to revise §§ 231.10, 231.14, 231.15, 231.16, 231.27, 231.34, 231.51, 231.52, 231.53, and 231.54 of Part 231, Subchapter U, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in 5 U.S.C. 301 (1970 ed.), Section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210-211).

Below is a brief description of the reason for each of the subject changes.

In § 231.10; the words "in excess of 100 feet" were deleted because it is now the policy of the Colorado River Agency to collect construction charges for all extension costs to new customers including the service drop wire.

In § 231.14(b), in the second sentence "consumers desiring * * * is to be made", the word building was changed to meter to clarify the conduit routing to the meter. Present day meter locations are not always on a building.

In § 231.14(c); the words "except as provided * * * officer in charge." were added to comply with certain code exceptions now in effect.

In § 231.15(a); the entire part was rewritten to: 1. Include all meter installations. 2. Require the customer to purchase his own meter socket, which is now the accepted industry standard. The letters "EEI-AEIC" stand for Edison Electric Institute—Association of Edison Illuminating Companies, the letters "NEMA" stand for National Electrical Manufacturers Association.

In § 231.15(c); "rigid steel conduit" was changed to "approved conduit" because in California and other areas plastic conduit conforming to Plastic Conduit Schedule 80 is acceptable for enclosing entrance wires to meter.

In § 231.15(d); the entire part was rewritten simply to better define the purposes and occasion for grouping of meters.

In § 231.16(c); the seven foot and six-foot limits were changed to six and one-half feet and five and one-half feet respectfully to eliminate the problem meter readers have of misreading a meter placed so high it cannot be read accurately.

In § 231.16(f); the word "or" was added because some meter installations do not now require potential transformers. The words "associated meter test . . . with a meter" were added to include those items which were not included in the past.

The entire § 231.16(g); was deleted because it is now included in and is part of 231.15(d).

All of § 231.16(h) was rewritten. The exception that applied to rural customers was deleted to make the regulations uniform and applicable to all customers. The paragraph was enlarged for clarity.

In § 231.27; the words "without prior written * * * he may impose" were deleted to eliminate any question as to the intention of the Agency wholesaling power policy.

In § 231.34; the words "in the event * * * shall be forfeited" were added to allow the Agency to dispose of unused construction advances by customers who vacate their premises prior to being refunded these advances.

In § 231.54; Rate schedule (d), unmetered, was set at $10.00 per lamp because this is an average cost of energy at 2.5 cents per KWH for a lamp of this size.

The purpose of revising §§ 231.51 through 231.54 is to provide additional power revenue to meet the incost of purchased power and to meet the increased cost of operating and maintaining the power system of the Colorado River Indian Agency, Arizona. It is proposed to accomplish this by increasing the rates for all customers.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Commissioner of Indian Affairs, Washington, D.C. 20245, on or before October 7, 1976.

It is proposed to amend Part 231, Subchapter U, Chapter I, of Title 25 of the Code of Federal Regulations as follows:

1. By revising § 231.10 to read as follows:

§ 231.10 Measuring extensions.

In measuring an extension there shall be included all the primary distribution circuit which it is necessary to build and also the length of the secondary circuit, to the point of connection with the consumer's service.

2. By revising paragraphs (b) and (c) of § 231.14 to read as follows:

§ 231.14 Service connections.

* * * * *

(b) The ordinary method of connection with the street mains will be overhead wires. Consumers desiring the feed wires to run underground must run their own wires in approved conduit from the meter to the point where connection is to be made. Conduits on the consumer's service pole must be installed in a manner satisfactory to the officer in charge. Consumers desiring underground service extensions to a pole owned by the Government will provide needed materials to be placed on the pole. All connections to Government owned facilities will be made by Government personnel. Conduit must be provided at the upper end with a suitable weatherproof fitting installed not more than 18 inches below the service drop. The conductors must be of such size that at full load the voltage drop from the point of attachment on the pole to the building entrance will not exceed 2 percent.

(c) Not more than one service will be installed to any one building, except as provided by the applicable codes and approved by the officer in charge.

3. By revising § 231.15 to read as follows:

§ 231.15 Entrance wires, switch, and protection.

(a) All meters will be the socket type. The meter will be furnished and installed by the United States. The meter socket will be furnished and installed by the consumer in a suitable place approved by the officer in charge. All meter sockets shall meet Edison Electric Institute—Association of Edison Illuminating Companies and National Electrical Manufacturers Association standards. On installations where the meter socket is separated from the load center, the consumer shall install the service wires in metal conduit, approved by the National Electrical Code, to the load center. This load center must contain an automatic breaker or fuse disconnect switch of an approved size for the connected demand. An additional grouping of branch fused disconnects or circuit breakers must be installed to serve lights, motors, or appliances as required by the National Electrical Code. The neutral wire shall not be fused.

(b) A main line entrance switch must be placed on the load side of the meter and adjacent thereto. This switch shall be fused on the load side of the switch or an automatic circuit breaker of approved type and capacity shall be installed. If fuses are used, they must be cartridge type when the voltage is in excess of 150 volts to ground. The neutral wire shall not be fused.

(c) Entrance wires must be carried to the meter in approved conduit and so arranged that they can be connected to the line side of the meter, and the load wires to the load side without crossing the wires near the meter.

(d) In the case of mutliple-occupancy installations such as an apartment building, a multiple use commercial building or other structure in which more than one meter is required, the meters shall be assembled at one central location. Each metered location shall be clearly marked so as to make it possible to identify each consumer. Each metered circuit shall have a separate fused disconnecting means or breaker located at a readily accessible point near the meter.

4. By revising paragraphs (c), (f), and (h) and by deleting and reserving paragraph (g) of § 231.16 to read as follows:

§ 231.16 Location and installation of meters.

* * * * *

(c) No meter will be installed more than 6½ feet nor less than 5½ feet above the floor or working level. Meters must not be located above stairways, porch steps, basement entrances, nor in any place where a short step ladder or chair cannot be safely placed for reaching the meter. For underground installation, meters will be placed on approved pedestals.

* * * * *

(f) Where potential or current transformers, associated meter test switches, and terminal blocks are required for use with a meter, ample provision shall be made by the consumer for their mounting in a suitable cabinet furnished by the consumer. A ground wire shall be provided.

(g) (Reserved)

(h) No load wires of any description shall be carried within the same conduit as the supply wires. Tampering or in any way interfering with a meter or its connections is prohibited. The entire service installation must be satisfactory to the officer in charge and must conform to the provisions of the National Electrical Code of the National Board of Fire Underwriters for Electrical Wiring and Apparatus.

5. By revising § 231.27 to read as follows:

§ 231.27 Resale of electric power.

Service will be discontinued should a consumer resell electric energy delivered to such consumer from the Project electric power system.

6. By revising § 231.34 to read as follows:

§ 231.34 Minimum contract period.

The minimum contract period is 1 year. The contract, however, may be terminated if the consumer vacates the premises, except in cases where extension has been constructed to supply the consumer as stated in §§ 231.5 and 231.7. In this event any amount owing the consumer for a construction advance shall be forfeited.

7. By revising § 231.51 to read as follows:

§ 231.51 Rate Schedule No. 1—residential rate.

(a) *Application.* This schedule applies to electrical service required for residential purposes in individual private dwellings and in individually metered apartments delivered through one meter to a customer at one premise either urban or rural, for domestic use only.

(b) *Type of service.* Single phase, 60 Hertz, 120/240 volts.

(c) *Monthly rate.*

(1) $5.00 for the first 100 kilowatt-hours or less.

(2) 4.0 cents per kilowatt-hour for the next 300 kilowatt-hours.

(3) 2.0 cents per kilowatt-hour for the next 600 kilowatt-hours.

(4) 1.5 cents per kilowatt-hour for all additional kilowatt-hours.

(d) *Purchase power cost adjustment.* The energy charge will be adjusted in accordance with any increase or decrease in the cost of purchase power.

8. By revising § 231.52 to read as follows:

§ 231.52 Rate Schedule No. 2—commercial rate.

(a) *Application.* This schedule applies to service required by commercial and industrial customers for all uses when such service is supplied at one point of delivery and measured through one meter.

(b) *Type of service.* Single or three phase, 60 Hertz, at one standard voltage (120/240, 120/208, 277/480 or 480 volts).

(c) *Monthly rate.* (1) Energy charge:

(i) $5.00 for the first 100 kilowatt-hours or less.

(ii) 2.5 cents per kilowatt-hour for the next 900 kilowatt-hours.

(iii) 2.0 cents per kilowatt-hour for the next 4000 kilowatt-hours.

(iv) 1.5 cents per kilowatt-hour for all additional kilowatt-hours.

(2) Demand charge: (i) None of the first 5 kilowatts of billing demand.

(ii) $1.00 per kilowatt for all billing demand over 5 kilowatts.

(3) Minimum charge: $5.00 or $1.00 per kilowatt of billing demand for billing demands over 5 kilowatts, or the amount specified in the contract whichever is greater, except where the officer in charge determines that the customer's requirements are of a distinctly recurring seasonal nature. Then the minimum monthly bill shall not be more than an amount sufficient to make the total charges for the twelve (12) months ending with the current month, equal to twelve times the highest monthly minimum computed for the same twelve month period.

(4) Billing demand: The highest 15 minute integrated demand in kilowatts occurring during the month or the demand specified in a contract, whichever is greater.

(d) *Purchased power cost adjustment.* The energy charge will be adjusted in accordance with any increase or decrease in the cost of purchased power.

9. By revising § 231.53 to read as follows:

§ 231.53 Rate Schedule No. 3—irrigation pumping rate.

(a) *Application.* This schedule shall apply to power used for pumping of irrigation water for irrigation systems when such service is supplied at one point of delivery and measured through one meter and is approved by the officer in charge.

(b) *Type of service.* Three phase, 60 Hertz at one standard voltage (208, 240 or 480 volts).

(c) *Monthly rate.*

(1) Energy charge: 1.5 cents per kilowatt-hour.

(2) Demand charge: $1.00 per kilowatt of billing demand.

(3) Minimum charge: $1.00 per kilowatt of billing demand.

(4) Billing demand: The highest 15 minute integrated demand in kilowatts occurring during a 12-month period ending with the current month or the monthly demand specified in the contract whichever is greater.

(d) *Purchased power cost adjustment.* The energy charge will be adjusted in accordance with any increase or decrease in the cost of purchased power.

10. By revising § 231.54 to read as follows:

§ 231.54 Rate Schedule No. 4—street and area lighting.

(a) *Application.* This rate schedule applies to service for lighting public streets, alleys, thoroughfares, public parks, school yards, industrial areas, parking lots and similar areas where dusk-to-dawn service is desired. The Project will own, operate and maintain the lighting system, including normal lamp and globe replacement.

(b) *Monthly rate.*

Lamps	Per lamp	
	Metered	Unmetered
(1) 250 watts, or less incandescent (2,800 lumens or less)	$2.30	$2.80
(2) 175 watts, Mercury vapor (approximately 6,500 lumens)	4.00	4.50
(3) 250 watts, Mercury vapor (approximately 10,000 lumens)	4.80	5.40
(4) 400 watts, Mercury vapor (approximately 18,000 lumens)	6.00	10.00

(c) *Minimum term service.* The minimum term of service will be 12 months, payable in advance. This advance payment may be waived by the officer in charge.

(d) *Installation charges.* The cost of wood, special steel or aluminum poles or other supports, special fixtures, and the cost of underground service will be charged as determined by the officer in charge.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-26029 Filed 9-3-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

NATIONAL ARCHIVES AND RECORDS SERVICE

[41 CFR Part 105-61]

FREEDOM OF INFORMATION

Fees for Reproduction Services: Location of Records and Hours of Use

This notice of proposed rulemaking contains proposed revisions to the schedule of fees for reproduction services published on September 17, 1975 (40 FR 42881) pursuant to the Freedom of Information Act (5 U.S.C. 552). These proposed revisions will be published in Subpart 105-61.52.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments in duplicate to the General Services Administration (NAA), Washington, D.C. 20408. Comments received before October 8, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in the Central Research Room, National Archives Building, 8th and Pennsylvania Avenue, NW., Washington, D.C.

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: September 2, 1976.

JAMES B. RHOADS,
Archivist of the United States.

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

It is proposed to amend Subpart 105-61.52 as follows:

Subpart 105-62.52—Fees

1. Section 105-61.5201 is amended by revising paragraphs (c) (4), (5), and (6) as follows:

§ 105-61.5201 Applicability.

* * * * *

(c) * * *

(4) Census schedules (1790-1890). Reproduction of a census entry (i.e., a family unit or household)—$3.

(5) Military service files and pension files more than 75 years old. Reproduction of a military service file (or selected documents from the file if voluminous)—$3.

(6) Passenger lists more than 75 years old—$3.

* * * * *

2. Section 105-61.5205 is amended by revising paragraphs (b) and (e) as follows:

§ 105-61.5205 Mail orders.

* * * * *

(b) No additional fee is charged for postage and handling reproductions that are sent to domestic addresses at the lowest rate.

* * * * *

(e) The following fees for special postal service apply when the service is requested by the customer:

Insured mail	$0.80
Certified mail	.60
Return receipt	.25
Registered mail	2.10

When packages are sent registered mail, both the shipping fee and the special postal service fee are charged since the U.S. Postal Service charges the airmail rate for registered mail.

3. Section 105-61.5206 is revised as follows:

§ 105-61.5206 Fee schedule.

(a) Authentication	$2.00
(b) Still photography (minimum order, $3:	
(1) Copy Negatives (black and white):	
4 in by 5 in	3.10
8 in by 10 in	4.75
(2) Aerial prints (black and white):	
10 in by 10 in or smaller, contact	3.60
10 in by 10 in enlargement	3.60
14 in by 14 in	4.70
18 in by 18 in	6.65
20 in by 24 in	6.65
27 in by 28 in	13.00
40 in by 41 in	18.50
Photo-indexes (usually 20 in by 24 in)	6.65
(3) *Photographic prints (includes prints from microfilm)*:	

	Black and white	Color
8 in by 10 in or smaller	4.00	10.50
11 in by 14 in	4.50	17.25
16 in by 20 in	8.85	29.50
20 in by 24 in	12.00	43.50
22 in by 28 in	12.00	63.50
24 in by 30 in	16.40	69.50
30 in by 40 in	16.40	81.50
Sepia, add	3.70	

(4) Slides & Transparencies:	
Black and White:	
2 in. by 2 in. from existing negative	1.40
Additional fee when negative must be made	2.60
Color:	
2 in. by 2 in	1.30
4 in. by 5 in	8.25
8 in. by 10 in	13.30
(5) Photostat:	
Paper (up to 17 in. by 23 in.)	2.50
Film:	
8½ in. by 12 in	2.30
17 in. by 23 in	5.60
(6) Diazo (per foot)	.80
(7) Drymounting (per square foot)	1.10
(8) Red Line Facsimile (for Public Laws)	4.60
(9) 105 mm. Microfilm Prints. (18 in. by 24 in. paper copy)	1.45
(c) Microfilm:	

	16 mm	35 mm
(1) Negative (per frame; minimum order, $10)	0.10	0.10
(2) Positive (per foot; minimum order $6)	.12	.14
(3) Duplicate negative (per foot; minimum order $6)	.14	.16

(d) Electrostatic Copying:	
(1) Paper to Paper (up to 8½ in. by 14 in.):	
Customer tabs documents for copying	.15
NARS identifies documents for copying	.20
(2) Oversized Electrostatic Copies (per foot)	.75
(3) Microfilm to Paper:	
From negative (Copyflo, per foot; minimum order, $10.00)	$1.35
From positive (per frame)	
When work is done by customer (up to 8½ in. by 14 in. per frame)	.15
When work is done by NARS (minimum order $2.00)	
Nonconsecutive frames or first of consecutive frame, any size	.75
Consecutive or duplicate frames	
Up to 8½ in. by 14 in	.25
11 in. by 17 in	.35
18 in. by 24 in	.45
(e) Motion Pictures (minimum order $24.00):	

	35 mm	16 mm	16 mm from 35 mm
Per foot:			
Master positive	0.20	0.17	0.19
Duplicate negative	.26	.20	.22
Projection print	.18	.16	.18
Reversal	.26	.21	.21
Sound track	.18	.16	.18
Composite, add	.02	.02	.04

(f) Sound Recordings:	
Reel to reel or cassette:	
7½ minutes	$6.20
15 minutes	7.25
22½ minutes	8.30
30 minutes	9.20
37½ minutes	10.50
45 minutes	11.30
52½ minutes	12.50
60 minutes	13.20
(g) Machine-readable records:	
Tape-to-tape copying (per reel)	60.00
Tape-to-printout copying (computer processing time per hour; minimum order $25.00)	150.00
Tape-to-printout extract (computer processing time per hour; minimum order $25.00)	150.00
Tape-to-tape extract ($60.00 per reel plus computer processing time. Minimum order $25.00; per hour)	150.00
Card-to-card (per cards; minimum order $10.00)	.02
(h) Technical Services:	

	Regular	Overtime
(1) Projectionist (per hour)	19	26
(2) Photographer or other (per hour)	14	18
(3) Microfilm preparation	14	18

(i) *Unlisted processes.* Fees for reproduction processes not listed in this § 105–61.5206 are computed upon request.

4. Section 105–61.5207 is revised as follows:

§ 105–61.5207 Payment of fees.

Fees may be paid in cash or by check, or by money order made payable to the National Archives Trust Fund. Remittances from outside the United States must be made by international money order payable in U.S. dollars. Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Accounts more than 90 days overdue are subject to late charges of 12 percent per year. Purchasers with special billing requirements must state them when placing orders and must complete special forms for NARS approval. When special billing forms are not submitted with the order or are completed by NARS, there is an added $5.00 service charge.

5. Section 105–61.5208 is revised as follows:

§ 105–61.5208 Effective date.

The fees in § 105–61.5206 are effective beginning October 11, 1976, and ending on September 30, 1977. Orders received after September 30, 1976, will be subject to the fees in effect at that time.

[FR Doc.76–26270 Filed 9–3–76;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 STATE

[Dept. Reg. 495]

TUTANKHAMUN COLLECTION, EGYPT

Culturally Significant Objects of Art; Determination

Notice is hereby given of the following determination:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966 and delegation of authority number 113 of December 23, 1966 (32 FR 58, January 5, 1967), I hereby determine that (1) the objects described in the list filed as a part of this determination [1] imported from the Arab Republic of Egypt pursuant to loan agreements between Dr. Gamal Mokhtar, President of the Organization of Antiquities, and the Director of the Cairo Museum with Dr. Thomas Hoving, Director of the Metropolitan Museum of Art, on November 24, 1975, for temporary exhibition without profit within the United States are of cultural significance and that (2) the temporary exhibition or display of such objects at the National Gallery of Art, Washington, D.C. on or about November 15, 1976, to on or about March 15, 1977; the Field Museum of Natural History, Chicago, Illinois, on or about April 15, 1977 to on or about August 15, 1977; the New Orleans Museum of Art, New Orleans, Louisiana, on or about September 15, 1977, to on or about January 15, 1978; the Los Angeles County Museum of Art, Los Angeles, California, on or about February 15, 1978 to on or about June 15, 1978; the Seattle Art Museum, Seattle, Washington, on or about July 15, 1978, to on or about November 15, 1978; and the Metropolitan Museum of New York, New York, on or about December 15, 1978, to on or about April 15, 1979, is in the national interest.

Public notice of this Determination is ordered to be published in the FEDERAL REGISTER.

JOHN RICHARDSON, Jr.,
Assistant Secretary for Educational and Cultural Affairs.

SEPTEMBER 2, 1976.

[FR Doc.76-26294 Filed 9-3-76;10:14 am]

[1] List and description of 55 objects from the Tutankhamun Collection of the Government of the Arab Republic of Egypt.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76-248]

OFFSPRING FASHIONS, INC.

Recordation of Trade Name

AUGUST 30, 1976.

On July 20, 1976, there was published in the FEDERAL REGISTER (41 FR 29890) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Offspring Fashions, Inc. used by Offspring Fashions, Inc. The notice advised that prior to final action on the application, filed pursuant to § 133.-12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "Offspring Fashions, Inc." is hereby recorded as the trade name of Offspring Fashions, Inc., a corporation organized under the laws of the State of New York, located at 27 Bruckner Boulevard, Bronx, New York 10454, when applied to women's apparel, manufactured in Hong Kong.

DONALD W. LEWIS,
Acting Assistant Commissioner, Regulations and Rulings.

[FR Doc.76-26084 Filed 9-3-76;8:45 am]

Office of the Secretary

[Treasury Department Order No. 219-3]

ACCESS TO RECORDS AND ADMINISTRATIVE REVIEW

Delegation of Authority

By virtue of the authority vested in me by the Treasury Department regulations on access to records pertaining to individuals, (31 CFR Part 1, Subpart C; 40 FR 45684) and Treasury Department Order No. 190, Revision 11 (41 FR 20198), the authority of the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) to make determinations on any request for administrative review of refusal to amend record under 31 CFR 1.27 (e) with respect to any record is hereby delegated to the Deputy Assistant Secretary (Operations), the Deputy Assistant Secretary (Enforcement), and the Deputy Assistant Secretary (Tariff Affairs).

Dated: August 27, 1976.

DAVID R. MACDONALD,
Assistant Secretary, Enforcement, Operations and Tariff Affairs.

[FR Doc.76-26092 Filed 9-3-76;8:45 am]

Office of the Secretary

CERTAIN PORTLAND HYDRAULIC CEMENT FROM MEXICO

Antidumping: Determination of Sales at Less Than Fair Value, Discontinuance of and Exclusion From Investigation

On October 16, 1975, information was received in proper form from Southwestern Portland Cement Company of El Paso, Texas alleging that portland hydraulic cement, other than white nonstaining cement, from Mexico, was being sold in the United States at less than fair value within the meaning of the Anti-dumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States. However, the evidence on record, as set forth in the proceeding notice, was such that the Secretary of the Treasury concluded that substantial doubt existed as to whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Accordingly, the United States International Trade Commision was advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

On December 18, 1975, the United States International Trade Commisison notified the Secretary of the Treasury that, on the basis of its inquiry, it did not determine that there was no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of the subject merchandise from Mexico.

Accordingly, the Customs investigation in this proceeding was not terminated.

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of May 28, 1976 (41 FR 21798).

DETERMINATION OF SALES AT LESS THAN FAIR VALUE, DISCONTINUANCE OF INVESTIGATION AND EXCLUSION FROM INVESTIGATION

I hereby determine that, for the reasons stated below, portland hydraulic cement, other than white non-staining cement, from Mexico, except that produced and sold by Cementos Mexicanos and Cementos de Chihuahua, is being or is likely to be sold at less than fair value within the meanign of section 201(a) of the Act (19 U.S.C. 160(a)). In the case of portland hydraulic cement, other than white non-staining cement, from Mexico produced and sold by Cementos Mexicanos, I hereby exclude such merchandise from the determination. In the case of such merchandise produced and sold by Cementos de Chihuahua, I hereby discontinue the antidumping investigation.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the investigation.* It appears that approximately 100 percent of imports of the subject merchandise was manufactured by three plants in Mexico during the representative period. They were Cementos Anahuac, Mexico, D.F., Cementos de Chihuahua, S.A., Ciudad Juarez, Chihuahua, and Cementos Mexicanos de Monterrey, S.A., Monterrey, Nuevo Leon. Therefore the investigation was limited to these three manufacturers.

b. *Basis of comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales were made to non-related distributors or commercial consumers in the United States. Home market price, as defined in section 153.2 Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase price.* For the purpose of this determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with section 153.31(b), pricing information was obtained concerning imports of portland hydraulic cement from Mexico during the period July 1 through December 31, 1975, for two manufacturers. For the third firm, Cementos Mexicanos, the period of investigation was January 1 through December 31, 1975.

In the import transactions, all of the merchandise was purchased or agreed to be purchased prior to the time of exportation, by the person by whom or for whose account it was imported, within the meaning of section 203 of the Act. With respect to merchandise produced by Cementos Anahuac, the purchase price has been calculated on the basis of the c.i.f. price, Tampa, Florida with deductions for inland freight, ocean freight and insurance. With respect to merchandise sold by Cementos de Chihuahua, the purchase price has been calculated on the basis of c.i.f. United States delivered prices or f.o.b. plant prices, as appropriate, with deductions for U.S. brokerage charges, inland freight, consumption entry bond, and Texas state use tax, as applicable. With respect to merchandise sold by Cementos Mexicanos de Monterrey, the purchase price has been calculated on the basis of the c.i.f., Texas border price with deductions for prompt payment discounts, U.S. brokerage charges, transportation permit and insurance, and inland freight. Additions have been made to all prices, as applicable, for a 5 percent or less Mexican production tax not collected on exports and an 11 percent rebate of indirect taxes on exports, both calculated on the f.o.b. plant price or its equivalent.

Petitioner has claimed that the 11 percent rebate of indirect business taxes under the C.E.D.I. program should not be added in calculating purchase price. However, there is no evidence on record to indicate this rebate is for other than those taxes imposed directly upon the exported merchandise and rebated by reason of the exportation of the merchandise. The amount has therefore been added to the export price as required by section 203 of the Act (19 U.S.C. 162).

d. *Home Market Price.* The home market price for Cementos Anahuac has been calculated on the basis of the packed, weighted average delivered price to Mexican distributors. For Cementos de Chihuahua and Cementos Mexicanos, the home market price has been calculated on the basis of the f.o.b. plant price.

Adjustments have been made to the home market price of Cementos Anahuac for packing, rail freight, maritime freight, and terminal handling costs. No adjustments have been made to the home market price of Cementos de Chihuahua. An adjustment for prompt payment discounts has been made to the home market price of Cementos Mexicanos.

Counsel for Cementos Anahuac has claimed additional adjustments for fixed operating costs of the plant and equipment, depreciation costs on the plant and terminal, trade association fees, advertising, sales promotion, and marketing and sales expenses. These expenses do not bear a direct relation to the sales under consideration, and no adjustment has been allowed for these expenses. Counsel for Cementos Anahuac also claimed that sales to Mexican government agencies should be included in determining home market weighted average prices. These sales are regarded as being at a level of trade different from export sales to the United States, and for that reason were not included in calculating home market price. In addition, there is substantial doubt that such sales are in the ordinary course of trade, as required by section 205 of the Act (19 U.S.C. 164).

e. *Results of Fair Value Comparison.* Using the above criteria, purchase price was found to be lower than the home market price of such or similar merchandise with respect to sales by Cementos Anahuac. Comparisons were made on 100 percent of sales of the subject merchandise by this firm during the above period of investigation. A margin of 9.9 percent was found on all sales compared.

In the case of Cementos Mexicanos, 100 percent of sales were examined and found in every case to be at prices not less than fair value. All sales were prior to April 1975.

In the case of Cementos de Chihuahua, 100 percent of sales were examined. On approximately 2 percent of these sales purchase price was below home market price by an average of approximately all sales. This margin is deemed to be minimal in relation to the total volume of sales. In addition, formal assurances have been received from the producer that it would make no future sales at less than fair value within the meaning of the Act.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(a) of the Act and section 153.38, Customs Regulations (19 CFR 153.38).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

AUGUST 31, 1976.

[FR Doc.76-26037 Filed 9-3-76;8:45 am]

[Treasury Department Order No. 243]

DIRECTOR OF THE OFFICE OF REVENUE SHARING

Delegation of Authority

Pursuant to the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, there is hereby delegated to the Director of the Office of Revenue Sharing in the Office of the Secretary the authority to perform the functions, exercise the powers and carry out the duties vested in the Secretary of the Treasury by the Public Works Employment Act of 1976, Title II, Public Law 94-369. The Director shall perform those functions, powers and duties under the direct supervision of the Under Secretary of the Treasury. The Director may issue regulations for the purposes of carrying out the above functions, powers and duties under the Director's own name and title with the approval of the Under Secretary.

Dated: August 27, 1976.

EDWIN H. YEO, III,
Acting Secretary of the Treasury.

[FR Doc.76-26091 Filed 9-3-76;8:45 am]

[Dept. Circ.—Public Debt Series No. 3–75]

TREASURY NOTES OF SERIES C–1981

Amendment

Department of the Treasury Circular, Public Debt Series No. 3–75, dated January 25, 1975, as supplemented, descriptive of 7⅜ percent Treasury Notes of Series C–1981, has been revised and amended to permit consolidation of the records pertaining to the issuance of the notes, and to transactions therein, with the records of the 7⅜ percent Treasury Notes of Series E–1981, as described in Department of the Treasury Circular, Public Debt Series No. 9–76, dated March 17, 1976, as supplemented. Both series of notes will mature on February 15, 1981.

Given their identical interest rates and maturity dates, the consolidation will avoid confusion and facilitate market transactions in these notes during the remaining period of maturity. The practical import of the consolidation is to treat the Series E–1981 notes as, in effect, an additional issue of the Series C–1981 notes. Owners of the Treasury Notes of Series E–1981 are not obliged under this amendment to exchange their notes for those of Series C–1981, or to take any other action with respect to their securities. The consolidation will be effected on or about September 1, 1976.

In view of the foregoing, paragraphs 1 and 4 of Section "II. DESCRIPTION OF NOTES", of Department of the Treasury Circular, Public Debt Series No. 3–75, as supplemented, are hereby revised and amended to read as follows:

II. DESCRIPTION OF NOTES

1. The notes will be dated February 18, 1975, and will bear interest from that date, payable on a semiannual basis on August 15, 1975, and thereafter on February 15 and August 15 of each year until the principal amount becomes payable. Department of the Treasury records for these notes will be consolidated, effective September 1, 1976, with those maintained for the 7⅜ percent Treasury Notes of Series E–1981, as described in Department of the Treasury Circular, Public Debt Series No. 9–76, as supplemented. Thereafter, all transactions involving Treasury Notes of Series E–1981 will be treated as transactions involving Treasury Notes of Series C–1981. The notes will mature February 15, 1981, and will not be subject to call for redemption prior to maturity.

* * * * *

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. In all transactions occurring on or after September 1, 1976, no distinction shall be made between the notes offered hereunder and the Treasury Notes of Series C–1981. Interchanges of notes of both series of different denominations, and of coupon and registered notes, and the transfer of registered notes will be permitted. Book-entry accounts for Treasury Notes of Series E–1981 will be converted and consolidated with those of Treasury Notes of Series C–1981.

* * * * *

The foregoing revision and amendment were effected under authority of section 18 and 20 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 753, 754b), and 5 U.S.C. 301. Notice and public procedures thereof are unnecessary as the fiscal policy of the United States is involved.

Dated: August 23, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76–26065 Filed 9–3–76;8:45 am]

Interest Rates

SEPTEMBER 1, 1976.

The Secretary of the Treasury announced on August 31, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 22–76, dated August 25, 1976, will be 6⅞ percent per annum. Accordingly, the notes are hereby redesignated 6⅞ percent Treasury Notes of Series E–1980. Interest on the notes will be payable at the rate of 6⅞ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76–26067 Filed 9–3–76;8:45 am]

[Dept. circ.—Public Debt Series No. 9–76]

TREASURY NOTES OF SERIES E–1981

Amendment

Department of the Treasury Circular, Public Debt Series No. 9–76, dated March 17, 1976, as supplemented, descriptive of 7⅜ percent Treasury Notes of Series E–1981, has been revised and amended to permit consolidation of the records pertaining to the issuance of the notes, and to transactions therein, with the records of the 7⅜ percent Treasury Notes of Series C–1981, as described in the Department of the Treasury Circular, Public Dept. Series No. 3–75, dated January 23, 1975, as supplemented. Both series of notes will mature on February 15, 1981.

Given their identical interest rates and maturity dates, the consolidation will avoid confusion and facilitate market transactions in these notes during the remaining period of maturity. The practical import of the consolidation is to treat the Series E–1981 notes as, in effect, an additional issue of the Series C–1981 notes. Owners of the Treasury Notes of Series E–1981 are not obliged under this amendment to exchange their notes for those of Series C–1981, or to take any other action with respect to their securities. The consolidation will be effected on or about September 1, 1976.

In view of the foregoing, paragraphs 1 and 4 of Section "II. Description of Notes", of Department of the Treasury Circular, Public Debt Series No. 9–76, as supplemented, are hereby revised and amended to read as follows:

II. DESCRIPTION OF NOTES

1. The notes will be dated April 5, 1976, and will bear interest from that date, payable on a semiannual basis on August 15, 1976, and thereafter on February 15 and August 15 of each year until the principal amount becomes payable. Department of the Treasury records for these notes will be consolidated, effective September 1, 1976, with those maintained for the 7⅜ percent Treasury notes of Series C–1981, as described in Department of the Treasury Circular, Public Debt Series No. 3–75, as supplemented. Thereafter, all transactions involving Treasury Notes of Series E–1981 will be treated as transactions involving Treasury Notes of Series C–1981. The notes will mature February 15, 1981, and will not be subject to call for redemption prior to maturity.

* * * * *

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, bearing the designation Series E–1981, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000 in connection with transactions completed on or before August 31, 1976. All transactions involving the notes shall thereafter be conducted in the same manner and with the same effect as if they are Treasury Notes of Series C–1981, including interchanges of notes of different denominations, and of coupon and registered notes, and the transfer of registered notes. The interest accounts maintained by the Treasury for notes issued in registered form shall continue to be serviced separately for both series of notes except and until transactions affecting their registration are made. Book-entry accounts for Treasury Notes of Series E–1981, however, will be converted and consolidated with those of Treasury Notes of Series C–1981.

* * * * *

The foregoing revision and amendment were effected under authority of section 18 and 20 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 753, 754b), and 5 U.S.C. 301. Notice and public procedures thereof are unnecessary as the fiscal policy of the United States in involved.

Dated: August 23, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76–26066 Filed 9–3–76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

AUGUST 19, 1976.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group, Air Force Systems Command, will hold meetings on September 30, 1976 from 8:30 a.m. to 5:00 p.m. and October 1, 1976 from 8:30 a.m. to 12:00 p.m., at Hanscom Air Force Base, Massachusetts in the Command Management Center, Building 1606.

The group will receive classified briefings and hold classified discussions on selected Air Force Command, Control and Communications Programs.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information, contact the

Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-25988 Filed 9-3-76;8:45 am]

DEPARTMENT OF JUSTICE

National Institute of Corrections

ADVISORY BOARD OF THE NATIONAL INSTITUTE OF CORRECTIONS

Bylaws

Notice is hereby given that the Advisory Board of the National Institute of Corrections has tentatively adopted a set of bylaws for governing its affairs and operations as authorized under 18 U.S.C. Sections 4351–4353 (1974). The public is invited to comment on the bylaws published herein. Comments should be submitted on or before October 7, 1976, and sent to:

National Institute of Corrections, c/o Michael W. Gerrity, 320 First Street, NW., HOLC Building, Room 200, Washington, D.C. 20534.

SHERMAN R. DAY,
Director, National Institute of Corrections.

ARTICLE I—TITLE AND OBJECTS

The name of this organization shall be the Advisory Board of the National Institute of Corrections (NIC) hereinafter referred to as the Board of NIC or the Board.

Under the authority of 18 U.S.C. Sections 4351–4353 (1974) as provided for by Pub. L. 93–415, Title V, Part B hereinafter referred to as 18 U.S.C. Sections 4351–4353 (1974), NIC's overall goal is to aid in the development of more effective and humane federal, state and local correctional systems which will contribute to the safety of offenders, staff and the community by:

1. Providing the stimulus for cooperative and consolidated action by all groups impacting on corrections.
2. Establishing close working relationships with national, state and local correctional agencies.
3. Developing a large sense of professionalism in corrections at all levels.
4. Drawing other professional groups into a closer relationship with correctional planning and practice.

In order to implement these objectives, 18 U.S.C. Sections 4351–4353 (1974) outlines five primary assistance areas that form the core of NIC's activities: training, research and evaluation, policy formulation and implementation, clearinghouse and publication, and technical assistance.

18 U.S.C. Sections 4351–4353 (1974) expressly charges the Board of NIC with both the authority and responsibility to develop and supervise the overall policy of NIC. The primary responsibility of the Board in this regard shall be to review and approve the Annual Program Plan presented by the Director of NIC.

ARTICLE II—ORGANIZATION

Section 1. *Membership and terms of office.*—As required under 18 U.S.C. Sections 4351–4353 (1974), the Board of NIC shall consist of sixteen members:

Six individuals or their respective designees shall serve as ex officio members, these include: The Director of the Federal Bureau of Prisons, the Administrator of the Law Enforcement Assistance Administration, Chairman of the U.S. Parole Commission, the Director of the Federal Judicial Center, the Deputy Assistant Administrator of the National Institute for Juvenile Justice and Delinquency Prevention, and the Assistant Secretary for Human Development of the Department of Health, Education and Welfare. Any ex officio member of the Board who selects a designee to serve in his position shall notify the Board's chairman in writing of such action. This written notification must include the name and position of the designee. Any change in a respective designee must follow the same notification procedure.

Five members of the Board of NIC must qualify as practitioners at the Federal, state or local level in the area of corrections. These individuals shall be appointed by the Attorney General for staggered terms, initially: one member shall serve for one year, one member for two years and three members for three years.

The five remaining members of the Board of NIC shall be selected from the private sector such as business, labor and education and shall have demonstrated an active interest in corrections. These five members shall be appointed by the Attorney General for staggered terms, initially: one member shall serve for one year, three members for two years and one member for three years.

Upon completition of the term of each of the ten members not serving ex officio, the Attorney General shall appoint successors who will each serve for a term of three years. Terms of appointment of each of the ten members not serving ex officio shall bear effective date of January 1.

Section 2. *Officers of the Board.*—The Board shall elect annually a chairman and three vice-chairmen. These officers shall be elected by a simple majority vote of the Board. The term of office for the chairman and vice-chairmen shall be one year commencing upon completion of the Board's fall/winter meeting. No chairman or vice-chairmen shall serve more than two consecutive one year terms.

No ex officio member of the Board may serve as chairman of the Board. No designee may serve as an officer of the Board.

A. The Chairman shall:

1. Preside over all meetings of the Board.
2. Consult with Board members and the Director of NIC and develop an agenda for each meeting. The agenda shall include but not limited to: a report from each standing and when appropriate from each ad hoc committee or task force, a report from the Director of NIC, and any proposed amendment to these bylaws.
3. Appoint as many ad hoc committees or task forces as are necessary to assist NIC in the accomplishment of its objectives.
4. Appoint each vice-chairman to a respective standing committee established under these bylaws.
5. Perform such other functions and duties as the Board may authorize or request within the parameters of NIC's legislation (18 U.S.C. Sections 4351–4353 (1974)).

The Chairman of the Board is entitled to vote only in the event of a tie. The Chairman of the Board is a member of all committees and task forces of the Board but shall not be entitled to a vote on any committee or task force of the Board. Nor shall the Chairman of the Board be counted in the quorum of any committee or task force.

In event of his absence the chairman shall designate in writing a vice-chairman who will serve in his place. In event of the long term incapacitation or demise of the chairman the following rule of succession shall be applied. If eligible, succession shall occur in descending order:

1. Chairman, Policy Review Committee.
2. Chairman, Fiscal Review Committee.
3. Chairman, Grant Review Committee.

B. Each vice-chairman shall:

1. Serve as a chairman of one of the three standing committees established under these bylaws. In the event of his absence the chairman of any committee of the Board must designate a replacement for the interim.

Section 3. *Committee Structure.*

A. *Standing Committees.*—There shall be three standing committees as follows: (1) Policy Review, (2) Fiscal Review, (3) Grant Review. Each of the standing committees will be composed of no more than five and not less than three members of the Board. Each standing committee shall be balanced as equally as possible with members from each of the three categories of Board members, i.e., ex officio, practitioners and private sector representatives. At no time shall more than two members from any one category serve on any one standing committee. No individual Board member shall serve on more than two standing committees at any one time. No designee may serve as chairman of a standing committee.

1. *Policy Review Committee.*—This committee's responsibilities shall include:

(a) reviewing all proposals and suggestions relating to policy and/or procedure governing the Board's operations,

(b) reviewing all proposals or suggestions relating to general program areas within which NIC will commit its resources,

(c) reviewing all proposed amendments to these bylaws,

(d) reviewing all legislation impacting upon NIC.

The committee shall report its recommendations to the Board.

2. *Fiscal Review Committee.*—This committee's responsibilities shall include:

(a) participating with the Director of NIC in the development of a long-range fiscal plan,

(b) reviewing the fiscal allocations within the preceding year's Annual Program Plan

and making recommendations regarding funding adequacy and future funding.

The committee shall report its recommendations to the Board.

3. *Grant Review Committee.*—This committee's responsibilities shall include:

(a) developing policy for grant review,

(b) reviewing all documents and guidelines dealing with grant and contract funding,

(c) making recommendations to the Director of NIC on concept papers or applications that are within NIC's approved thrust areas but whose requested funding exceeds $300,000,

(d) serving in accordance with NIC's grant review policy as an appellate review board making recommendations to the Director of NIC in cases of appeal.

B. *Ad Hoc Committees and Task Forces.*—The chairman is empowered to appoint as many ad hoc committees and task forces from the Board's membership as deemed appropriate to conduct the business of the Board. As with standing committees, representation on ad hoc committees should reflect, if possible, all three categories of Board membership as outlined in Article II, Section 1 of these bylaws.

The nominating committee will be an ad hoc committee appointed annually by the chairman. This committee shall nominate a slate of candidates to replace each elected officer. Upon submission to the Board of its recommendations the committee shall be discharged.

Article III—Director of NIC

As provided for by 18 U.S.C. Section 4351(h) (1974), the Director of NIC shall be appointed by the Attorney General after consultation with the Board of NIC.

Under 18 U.S.C. Section 4351(h) (1974), the Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of NIC and may employ such staff, faculty and administrative personnel, subject to the Civil Service and classification laws, as are necessary to the functioning of NIC. The Director shall have the power to acquire and hold real and personal property for NIC and may receive gifts, donations, and trusts on its behalf. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board.

In accordance with the policies of the Board of NIC and applicable law, the Board of NIC delegates to the Director the authority to issue procedures, regulations, and guidelines to implement these policies.

It shall be the primary duty of the Director of NIC to present NIC's Annual Program Plan to the Board, and to execute the Annual Program Plan upon Board approval.

The Director of NIC shall also have the following duties: (1) to provide appropriate staff support to the Board and its committees as may be necessary for the fulfillment of their duties, (2) to present a report to the Board of NIC at each meeting of the activities of NIC to date, (3) to maintain an up-to-date file of any written authorization which ex officio members of the Board of NIC must file when designating an individual to serve in their place as provided for under 18 U.S.C. Sections 4351–4353 (1975), (4) to provide for the keeping and recording of the minutes of any meeting of the Board of NIC and upon request for any of the Board's committees, (5) to provide all Board members with notice of the upcoming meetings, the agenda for the meeting, the minutes of the last meeting and any other appropriate materials, (6) to provide the Board and Grant Review Committee with a monthly report of grant and contract requests and awards.

Article IV—Meetings

The Board shall meet three times annually. However, when deemed necessary, extra meetings may be called by the chairman or by at least five members of the Board.

Written notice of each meeting of the Board of NIC stating the place, date and hour of the meeting, shall be given to each member at least three weeks prior to the date of the meeting.

Notice of any special or extra meeting of the Board of NIC called by the chairman or five or more members of the Board shall indicate that it is being issued by or at the direction of the persons calling the meeting and shall state the purpose or purposes for which the meeting is being called. Special or extra meetings may be called at any time with consent of two-thirds of the Board. Notice of a special or extra meeting may be given by telephone and/or by mail and ratified by two-thirds of the Board at the special or extra meeting.

Notice of all meetings of the Board shall be given to the public. Such notice shall be published in the Federal Register at least 15 days prior to the meeting, provided that in emergencies, such requirements may be waived. This notice shall contain a statement of the purpose of the meeting, a summary of the agenda, and the time, place, and location of such meeting.

Except for executive sessions, meetings of the Board shall be open to the public for observation. The chairman may invite more active participation from the public when such action is appropriate and does not interfere with the orderly transaction of the Board's business.

Executive sessions may be called by a majority vote of a quorum of the Board in public. No final action shall be taken at such meetings except upon votes in open session. These sessions shall not be used to obstruct the fullest possible public accessibility to meetings.

Article V—Voting

All members of, as well as all officers who are members of the Board of NIC shall each be entitled to a vote on any issue before the Board. Proxy voting will be allowed at any meeting of the Board of NIC or at any meeting of its committees or task forces. The proxy must be written and filed with the chairman prior to the voting on the issue in question. Proxies may not be used to form a quorum.

Under 18 U.S.C. Section 4351, a member serving ex officio may designate an individual to serve and vote in his position at any meeting of the Board or its committees and task forces. Selection of a designee does not preclude an ex officio member from attending and voting at any meeting of the Board, its committees or task forces in place of his respective designee.

No action of the Board of NIC shall be valid and binding without a vote by a quorum of its members. A quorum of the Board shall consist of one-half or more of its members or designees.

Article VI—Compensation of Board Members

Under 18 U.S.C. Sections 4351–4353 (1974), the members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Board who are full-time officers or employees of the United States shall serve without additional compensation, but may be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to 18 U.S.C. Sections 4351–4353 (1974), be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS–18 by Section 5332 of Title 5, United States Code, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by Section 5703 of Title 5, United States Code for persons in the Government service employed intermittently. Compensation and reimbursement as provided for by this Article shall be made only upon written request.

Article VII—Parliamentary Authority

Meetings of the Board and its committees shall be conducted in accordance with the rules contained in "Robert's Rules of Order Revised." These rules shall govern the Board in all cases where applicable and in which they are not inconsistent with these bylaws. Special rules of order preempting those contained in "Robert's Rules of Order Revised" may be adopted by the Board. Any special rules of order are to be incorporated in these bylaws as a separate section under this Article.

Article VIII—Amendment of the Bylaws

These bylaws may be amended at any meeting of the Board by a majority vote of a quorum of the Board. Amendments to the bylaws may be proposed by the Policy Review Committee or by any five members of the Board of NIC. Any proposed amendments must be written, signed and sent to Board members at least 15 days in advance of the meeting

at which they will be discussed. Any such proposed amendment shall be published in the Federal Register 15 days in advance of the meeting at which they will be considered.

ARTICLE IX—NOTICE OF THE BYLAWS

Notice of these bylaws shall be published in the Federal Register.

[FR Doc.76-26034 Filed 9-3-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 56161]

WYOMING

Application

AUGUST 27, 1976.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Montana-Dakota Utilities Company of Bismarck, North Dakota filed an application for a right-of-way to construct a 6 inch pipeline for the purpose of transporting natural gas across the following described National Resource and Forest Lands:

SIXTH PRINCIPAL MERIDIAN

WYOMING

T. 39 N., R. 73 W.,
Sec. 6.
T. 40 N., R. 73 W.,
Sec. 31.
T. 40 N., R. 74 W.,
Sec. 31.
T. 39 N., R. 75 W.,
Sec. 6.
T. 40 N., R. 75 W.,
Sec. 35.
T. 39 N., R. 76 W.,
Secs. 2, 3.
T. 39 N., R. 77 W.,
Secs. 11, 12, 14, 15, 17, and 18.
T. 39 N., R. 78 W.,
Secs. 13, 14, 15, 17, 19, 20, and 30
T. 39 N., R. 79 W.,
Sec. 25.

The pipeline will transport natural gas from 5 wells located within T. 39 N., R. 73 W., and T. 40 N., R. 74 W., Converse County, to a point in sec. 25, T. 39 N., R. 79 W., in Natrona County, Wyoming, for conveyance via Northern Utilities, Inc.'s pipeline to Montana-Dakota Utilities' facilities near Sheridan, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 100 East "B" Street, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-26032 Filed 9-3-76;8:45 am]

Geological Survey

[Revised OCS Order No. 7]

POLLUTION AND WASTE DISPOSAL

Gulf of Mexico Area

Notice is hereby given that, pursuant to 30 CFR 250.11,, the Acting Chief, Conservation Division, U.S. Geological Survey, has approved revised OCS Order No. 7, "Pollution and Waste Disposal," for the Gulf of Mexico Area as set forth below. This Order will be effective October 1, 1976.

Order No. 7 was published in draft form in the FEDERAL REGISTER, Vol. 40, No. 238, December 10, 1975, with a solicitation for comments and suggestions. Comments were received from the following organizations:

Chevron Oil Company.
Continental Oil Company.
Environmental Protection Agency.
Exxon, U.S.A.
Gulf Energy and Minerals—U.S. Offshore Operators Committee.
Sun Oil Company.

In order to inform the public of the new requirements and to provide adequate response to comments on the proposed OCS Order, we have published below a summary of all of the comments received, our rationale for accepting or rejecting the suggestions of the commenters, and the final revision of the Order.

Copies of the Order may be obtained from the Conservation Manager, U.S. Geological Survey, P.O. Box 7944, Metaire, Louisiana 70011.

It is hereby certified that the economic and inflationary effects of this proposel have been carefully evaluated in accordance with Executive Order No. 11821.

W. A. RADLINSKI,
Acting Director.

SUMMARY OF COMMENTS U.S. GEOLOGICAL SURVEY (USGS) RATIONALES AND REVISION OF OCS ORDER NO. 7 FOR THE GULF OF MEXICO

Subparagraph 1.A.(1). *Comments.* Suggestions recommended that the sentence should read "free oil" rather than "oil."

USGS rationale. The USGS agrees with the rationale of the commenters and has added the words "free oil" to the subparagraph.

Subparagraph 1.A.(2). *Comments.* It was suggested that this section requiring lists, chemical constituents, and concentrations should be deleted since this data is not routinely available, may be proprietary to the mud supplier, and would require unnecessary listings; also, the requirement to neutralize toxic substances (which are not defined in the Order) prior to disposal is not needed since the EPA has established effluent standards.

USGS rationale. The phrase, "which might be used to meet special drilling requirements," did not clearly state the intent which was to allow for planning of the method of disposal of substances which were programmed for use; therefore, the wording was changed to "drilling mud components, including the common chemical or chemical trade name of each component, and a list of the drilling mud additives anticipated for use in meeting special drilling requirements."

Regarding the requirement to neutralize toxic substances prior to disposal, it is noted that in the preamble of paragraph No. 1 it is stated that disposal of waste materials into the Gulf shall not create conditions which will adversely affect the public health, life or property, aquatic life or wildlife, recreation, navigation, or other uses of the Gulf. This wording is taken from the EPA regulations and is consistent with USGS policy. Since neutralization of toxic substances may not always be the method specified by the Supervisor, the last sentence of this Section has been changed to reflect the applicability of a variety of Federal regulations as the true controlling criteria.

Subparagraph 1.A.(4). *Comments.* Suggestion was made to include in the Order more specific details of EPA requirements.

USGS rationale. This paragraph was rewritten to recognize the permitting authority of the Environmental Protection Agency and reference the Federal Water Pollution Control Act which governs discharges from fixed structures.

Subparagraph 1.B.(2). *Comments.* It was proposed that the word "similar" be added to the requirements describing disposal of solid wastes (mud containers).

USGS rationale. For clarification, the phrase "and other similar solid waste materials" is considered to be appropriate.

Comments. It was also suggested to add a sentence to the requirement which would define disposal criteria of domestic wastes, and the suggestion further states that this change would bring the limitations into conformance with the EPA regulations, 40 CFR 435, Offshore Segment of the Oil and Gas Extraction Point Source Category (Effluent Standards and Guidelines).

USGS rationale. Revised subparagraph 1.A.(4) makes reference to the disposal of sanitary wastes.

Subparagraph 2.B.(3). *Comments.* It was stated that clarification is needed concerning the requirement of this Section that equipment be able "to control the maximum anticipated pressures and production of oil and gas." Furthermore, one commenter suggests rewording the section to effect pollution prevention by desiging the equipment properly and refers to OCS Order No. 8 as providing requirements for pressures and production operations.

USGS rationale. The intent of the requirement is to prevent pollution due to the use of improperly designed equipment. We agree that OCS Order No. 8, and its included reference material (API RP 14C, API RP 2A, and API RP 14E), should provide adequate equipment design to control anticipated pressures and production operations. Accordingly, the first sentence is changed to read, "All production facilities such as separators, tanks, treaters, and other hydrocarbon handling equipment shall be designed and operated in a manner necessary to prevent pollution."

Subparagraph 2.C.(1). *Comments.* It was suggested that the requirement for reports of spills less than 15 barrels should be made more stringent so as not to allow 12 hours for the operator to report and that USGS criteria should be similar to appropriate portions of Sections 311 of the FWPCA.

USGS rationale. It has been found necessary through operational experience to set a limit as to the size of oil spill which poses a threat to the environment, which could be removed, or should require an on-site investigation.

Oil spills of 15 barrels or less occurring more than 3 miles offshore are not considered to fall in these categories or to be a major threat to the environment. Spills of 15 to 50 barrels are considered to be approaching a potential threat, and spills greater than 50 barrels may be a major threat;

therefore, the Order provides for a varying degree of urgency in the reporting requirements by stipulating the respective 12-hour, 4-hour, and without delay reporting periods. Regardless of the time period specified, the operator is responsible to report without delay any oil spill which threatens public health or welfare or results in critical public concern. It should be noted that the National Oil and Hazardous Substance Pollution Contingency Plan defines a minor discharge of oil in coastal waters as 10,000 gallons (238 barrels). The variance in the reporting periods does not lessen the operator's responsibility to report the pollution incident, remove the pollutant, or be responsible for the results from any such pollution damage.

Comments. Another comment stated that the requirement to report all spills of less than 2.4 cubic meters (15 barrels) within 12 hours is inappropriate and untimely since this time interval may cause the report to be made to the District Supervisor at his home, since the District offices would not be open. Therefore, the time limit should be changed to 18 hours.

USGS rationale. The District Supervisor or his designee is always available for the notification of an oil spill. It is not necessary to extend the time of notification to accommodate the hours of the District office.

Subparagraph 2.C.(2). *Comments.* It was suggested that Sections 2.C.(2) and 2.C.(3) be combined since both require immediate reports to the District Supervisor. Also suggested was the deletion of 2.C.(3) which requires the operator to also report to the Coast Guard and EPA for spills greater than 7.9 cubic meters (50 barrels). Subparagraphs 2.C.(2) and 2.C.(3) should be consistent with the requirements of Public Law 92-500 and Executive Order 11735.

USGS rationale. The intent of the Order is to differentiate between spills of minor, intermediate, and large and/or those of any size or quantity which cannot be immediately controlled. The reporting requirements have been modified to conform with PL 92-500 and EO 11735.

Subparagraph 2.C.(4). *Comments.* It was suggested that the requirement for operators to notify each other upon observations of pollution resulting from another's operation should be deleted because it is considered a courtesy and is also considered unenforceable.

USGS rationale. This subparagraph was not changed. The intent of the Order is to promote mutual pollution prevention efforts among operators in a given area, especially on unmanned facilities, and is considered to be enforceable to the extent that other operators in the area of pollution occurrence would desire to make known the source of pollution.

Subparagraph 3.A. *Comments.* Much of the pollution cleanup equipment is of the type which has no engines or pumps and thus requires inspection at intervals less frequent than monthly.

USGS rationale. The Order was not changed. A monthly time period was used to insure regularity of inspection and the state of readiness of the equipment.

In addition, this subparagraph was changed to cite the authority for approval of the use of chemical agents.

Comments. Removal of the requirement of specific equipment types such as containment booms was requested. The suggestion is based on the commenter's apprehension that new technology will supersede the capability of specified equipment.

USGS rationale. The Order was not changed. The listing of the specified equipment to be stockpiled does not preclude the use of equipment of the latest technologies. It has not been determined that containment equipment more effective than booms is available.

Subparagraph 3.B.(1). *Comments.* A comment suggests deleting the requirements to determine the "time of deployment" for pollution-control equipment because of the possibility of adverse weather variations and resulting difficulty in assessing "time of deployment."

USGS rationale. The Order was not revised, since deployment time under varying weather conditions is crucial to the determination of the adequacy of any contingency plan.

Paragraph 5. *Comments.* It was suggested that for clarification of this Section, the word "assessment" be included in the title.

USGS rationale. The title was changed in agreement with the rationale of the commenters.

UNITED STATES DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY, CONSERVATION DIVISION, GULF OF MEXICO AREA

GULF OF MEXICO

[OCS Order No. 7]

POLLUTION AND WASTE DISPOSAL

Effective October 1, 1976.

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.43. The operator shall comply with the following requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Pollution prevention.* In the conduct of all oil and gas operations, the operator shall prevent pollution of the Gulf. Furthermore, the disposal of waste materials into the Gulf shall not create conditions which will adversely affect the public health, life or property, aquatic life or wildlife, reacreation, navigation, or other uses of the Gulf.

A. *Liquid disposal.*—(1) Drilling mud containing free oil shall not be disposed of into the Gulf.

(2) The operator shall submit with the Application for Permit to Drill (Form 9-331C) a detailed list of drilling mud components, including the common chemical or chemical trade name of each component, and a list of the drilling mud additives anticipated for use in meeting special drilling requirements. Disposal of drilling mud shall be by methods which will minimize the adverse effects to marine life. These methods shall be consistent with applicable Federal regulations. Approval of drilling mud disposal procedures will be site specific and on a case-by-case basis.

(3) Curbs, gutters, and drains on platforms and structures shall be installed and maintained in accordance with the provisions of OCS Order No. 8.

(4) Discharges from fixed structures, including sanitary waste, produced water, and deck drainage, are subject to the Environmental Protection Agency's permitting procedures pursuant to the Federal Water Pollution Control Act, as amended.

B. *Solid waste disposal.*—(1) Drill cuttings, sand, and other solids containing oil shall not be disposed of into the Gulf unless all of the free oil has been removed.

(2) Mud containers and other similar solid waste materials shall be incinerated or transported to shore for disposal in accordance with Federal, State, or local requirements.

2. *Personnel, inspections, and reports.* A. *Personnel.*—The operator's personnel shall be thoroughly instructed in the techniques of equipment maintenance and operation for the prevention of pollution. Nonoperator personnel shall be informed in writing, prior to executing contracts, of the operator's obligations to prevent pollution.

B. *Pollution inspections.*—(1) Manned facilities shall be inspected daily.

(2) Unattended facilities, including those equipped with remote control and monitoring systems, shall be inspected at frequent intervals. The District Supervisor may prescribe the frequency of inspections for these facilities.

(3) All production facilities, such as separators, tanks, treaters, and other hydrocarbon handling equipment shall be designed and operated in a manner necessary to prevent pollution. Maintenance or repairs as are neceessary to prevent pollution of the Gulf shall be undertaken immediately.

C. *Pollution reports.*—(1) All spills of oil and liquid pollutants shall be recorded showing the cause, size of spill, and action taken, and the record shall be maintained and available for inspection by the District Supervisor. All spills of less than 2.4 cubic meters (15 barrels) shall be reported orally to the District Supervisor within 12 hours and shall be confirmed in writing.

(2) All spills of oil and liquid pollutants of 2.4 to 7.9 cubic meters (15 to 50 barrels) shall be reported orally to the District Supervisor within four (4) hours and shall be confirmed in writing.

(3) All spills of oil and liquid pollutants of more than 7.9 cubic meters (50 barrels) shall be reported orally without delay to the District Supervisor and the Coast Guard. All oral reports shall be confirmed in writing.

(4) Operators shall notify each other upon observation of equipment malfunction or pollution resulting from another's operation.

3. *Pollution-control equipment and oil spill contingency plan.* A. *Equipment.*—Standby pollution-control equipment and materials shall be maintained by, or shall be available to, each operator at an offshore or onshore location. This shall include containment booms, skimming apparatus, cleanup materials, and chemical agents, and shall be available prior to the commencement of operations. The use of chemicals shall be permitted only after approval by the Area Supervisor in accordance with Part 2003.2-1 Annex X, National Oil and Hazardous Substances Pollution Contingency Plan. The equipment and materials shall be inspected monthly and maintained in good condition for use. The results of the inspections shall be recorded and maintained at the site.

B. *Oil spill contingency plan.*—The operator shall submit an oil spill contingency plan for approval by the Area Supervisor before consideration can be given to approval of an application for permit to conduct operations. This plan shall contain the following:

(1) Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including the identification and inventory of applicable equipment, materials, and supplies which are available locally and regionally, both committed and uncommitted, and the time required for deployment.

(2) Provisions for varying degrees of response effort depending on the severity of the oil discharge.

(3) Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including a current list of names, telephone numbers, and addresses of the responsible persons and alternates on call to receive notification of an oil discharge, as well as the names, telephone numbers, and addresses of regulatory organizations and agencies to be notified when an oil discharge is discovered.

(4) Provisions for well defined and specific actions to be taken after discovery and notification of an oil discharge including:

(a) Specification of an oil discharge response operating team consisting of trained, prepared, and available operating personnel.

(b) Predesignation of an oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations.

(c) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.

4. *Spill control and removal.* Immediate corrective action shall be taken in all cases where pollution has occurred. Corrective action taken under the Oil Spill Contingency Plan shall be subject to modification when directed by the Area Supervisor. The primary jurisdiction to require corrective action to abate the source of pollution and to enforce the subsequent cleanup by the lessee or operator shall remain with the Area Supervisor pursuant to the provisions of this Order and the memorandum of understanding between the Department of Transportation (U.S. Coast Guard) and the Department of the Interior (U.S. Geological Survey) dated August 16, 1971.

5. *Annual contingency plan assessment.* Annual contingency plan assessments will be conducted in conjunction with the Plan of Development review. Upon request of the Area Supervisor, revised contingency plans reflecting changes in personnel, equipment, and methods shall be submitted.

D. W. SOLANAS,
Area Oil and Gas Supervisor.

Approved:

RUSSELL G. WAYLAND,
Acting Chief, Conservation Division.

[FR Doc.76-25989 Filed 9-3-76;8:45 am]

[Revised OCS Order No. 8]

PLATFORMS, STRUCTURES, AND ASSOCIATED EQUIPMENT

Gulf of Mexico Area

Notice is hereby given that, pursuant to 30 CFR 250.11, the Chief, Conservation Division, U.S. Geological Survey, has approved revised Outer Continental Shelf (OCS) Order No. 8, "Platforms, Structures, and Associated Equipment," for the Gulf of Mexico Area as set forth below. This Order will be effective October 1, 1976.

Proposed drafts of revised Order No. 8 were published in the FEDERAL REGISTER on June 3, 1974, January 21, 1975, and December 10, 1975. A public meeting to discuss the proposed Order was held on February 25, 1975. This revision of the Order is the end result of an extensive staff study and the incorporation of appropriate suggestions received in response to all of the solicitations. Comments in response to the December 10, 1975, publication were received from the following organizations:

1. Amoco.
2. Ashland Exploration Company.
3. Atlantic Richfield.
4. Chevron Oil Company.
5. Continental Oil Company.
6. Exxon, USA.
7. Gulf Energy and Minerals—U.S.
8. International Association of Drilling Contractors.
9. Interstate Natural Gas Association of America.
10. Offshore Operators Committee.
11. Phillips Petroleum Company.
12. Shell Oil Company.
13. Sun Oil Company.
14. The Offshore Company.

Comments were also received from the Bureau of Land Management and the Environmental Protection Agency.

In order to inform the public of the new requirements and to provide adequate response to comments on the proposed Order, we have published below a summary of all of the comments received in response to the December 10, 1975, solicitation, our rationale for accepting or rejecting the suggestions of the commenters, and the final revision of the Order.

Copies of the Order may be obtained from the Conservation Manager, U.S. Geological Survey, P.O. Box 7944, Metairie, Louisiana 70011.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

W. A. RADLINSKI,
Acting Director.

SUMMARY OF COMMENTS U.S. GEOLOGICAL SURVEY (USGS) RATIONALES AND REVISION OF OCS ORDER NO. 8 FOR THE GULF OF MEXICO

PREAMBLE

Comments. It was contended that holding a nonowner operator responsible for the platform could cause hardship if the owner did not agree to USGS requirements. Also suggested was that holding the operator liable could impose USGS requirements on third parties "* * * who may be subject to differing regulations of other Government agencies."

Another comment maintained that control devices on gas transmission lines are often located on a production platform, and these devices may affect the operation of the entire pipeline. The owner of the platform, it is argued, does not have control over such equipment, nor does he have knowledge of the operating conditions of the pipeline. Therefore, the production operator should not be held responsible for compliance of facilities which he does not own or operate. It was further contended that holding the production operator liable would superimpose USGS regulations upon those of the Department of Transportation which regulates gas transmission lines. An example cited involves booster compressors for gas transmission lines located on a production platform.

USGS rationale. The personnel of the U.S. Geological Survey understand this concern but are not persuaded that the language of the proposed Order should be changed. The lessee of lands on the Outer Continental Shelf has the responsibility under the lease terms (Sec. 3(f) of Form 3300-1 (2/71)) for the conduct of all operations "in accordance with applicable law and regulations." Therefore, the operator (as defined on 30 CFR 250.2 (g)) assumes responsibility for all equipment located on any platforms and structures, as well as any operations occurring thereon, regardless of whether or not the operator is the owner or operator of the equipment.

The party responsible for construction and operation of a production platform must be fully responsible for each and every facility placed upon that platform whether done at his expense or under an authorization he grants to a third party. Any third party wishing to place and operate equipment and other nonproduction facilities upon a production platform, such as a booster compressing facility, must agree that those facilities will meet or exceed the safety standards established for similar production facilities. Thus, every compressor station located on a production platform must meet or exceed the safety standards set forth in OCS Order No. 8 whether the facility is part of the production facility or is part of a transmission operation.

Comments. It was recommended that a 30-day time limit be included on USGS approval of operator's design proposals for platform installation. Failure to act within 30 days would result in automatic approval. This is suggested to minimize construction delays.

USGS rationale. USGS has no control over the number of applications which are received in a certain time period. A time limit could result in insufficient scrutiny of design proposals if a large number were to be received in a 30-day period. USGS plans to continue its policy of handling urgent matters as expediently as is reasonably possible while fully discharging its regulatory responsibilities.

Comments. It was requested that the fourth paragraph be revised to require approval of only "significant" changes which are proposed after the application has been approved. As presently worded, it appears any change after approval, regardless of importance, must be approved.

USGS rationale. The duty of the USGS is to insure that operations and construction on the OCS are conducted in a manner conforming to USGS regulations. Thus, minor changes in operations or construction, which do not materially deviate from the original plans, would not be a cause for regulatory concern.

The USGS, however, does not intend to create a situation in which operators can circumvent regulations. Therefore, the revised version of Order No. 8 includes a provision holding the operator responsible for the consequences of implementing a change without a permit unless the USGS agrees the change is not significant. This leaves the decision with the USGS as to what constitutes a significant change.

Subparagraph 1.A. *Comment.* Provision should be made for the inclusion in the Order of subsequent revisions of API RP 2A as approved by the Supervisor.

USGS rationale. This suggestion was adopted by referencing the latest edition (Seventh Edition, January 1976) and adding the words, "or subsequent revision as approved by the Area Supervisor." The adoption of revisions may be announced by Notices to Lessees and Operators or specifically approved by the Area Supervisor.

Subparagraph 2.A.(4). *Comments.* It was stated that, frequently, specific information as to the rig and equipment which will be placed on the platform is not known at the time of application. Consequently, it was requested that it be sufficient to furnish a statement that a drilling rig or other equipment will be placed on the platform and equipment layout and other information be submitted at a later date.

USGS rationale. The subparagraph was not changed. The operator is not compelled by this requirement to commit itself to a definite, specific number of facilities upon application. This information may be altered for a specific need at a later date and so approved.

Subparagraph 2.A.(5). *Comments.* Several comments recommended that this paragraph be deleted since this requirement is covered by paragraph 4D(2)(c).

USGS rationale. This subparagraph was deleted, and subparagraphs 2.A.(6) and 2.A.(7) were renumbered to 2.A.(5) and 2.A.(6) respectively. The section concerning Simultaneous Operations, 4.D.(2)(c), requires a description of planned operations.

Subparagraph 2.B.(1). *Comment.* It was suggested that the following statement be added to this paragraph: "Location of any undersea features or areas greater than two

meters, in relief, based on geophysical data for the lease block or on existing bathymetric data."

USGS rationale. The subparagraph was not changed. Such data are required for certain platforms under specific lease stipulations.

Subparagraph 2.B.(2). *Comment.* It was suggested that paragraphs 2.B.(2) through 2.D. be deteted.

USGS rationale. The subparagraph was not changed. It is considered necessary that a listing of total functional loads, forces, and boring results be submitted with the application.

Subparagraph 2.C.(1). *Comment.* It was suggested that this paragraph be deleted. Another comment did not seriously object to submitting a listing of onsite investigations and tests.

USGS rationale. We believe that the revised version of API RP 2A, January 1976, provides adequate recommendations in regard to onsite investigations. The subparagraph was revised to require "a basic summary of resultant determinations". This language clarifies the intent of the Order to require basic data rather than a complete soil boring report.

Subparagraph 2.D. *Comments.* It was proposed that a statement be added which would allow for significant deviations from the installation procedures contained in API RP 2A.

USGS rationale. The Order has been changed to allow for approval by the Supervisor for significant deviations from API RP 2A, January 1976.

Subparagraph 2.E. *Comments.* Change the word "construction" to "installation."

USGS rationale. It is agreed that a change is necessary for consistency and that the word "construction" is incongruous to this statement.

Subparagraph's 3.A, 3.B, (1) and 3.B(2). *Comments.* None

USGS rationale. The words "structural," "appropriate," and the plural of "engineers," were added to the subparagraphs to require that certification of the structural, mechanical and electrical systems must be by a registered professional engineer of the appropriate field of engineering.

Subparagraph 4.A. *Comments.* It was suggested that the paragraph be revised to provide API RP 14C as the principal guideline in the design, installation, and maintenance of production. However, there may be certain instances where the RP will not provide for an optimum solution to a specific problem, and operators should be allowed to submit for approval by the USGS an alternate system.

USGS rationale. The paragraph was not changed. Justifiable departures from OCS Orders, subject to the approval of the Area Supervisor, are provided for in 30 CFR 250.12.

Subparagraph 4.B. *Comments.* The consensus of opinion was that the language is not clear as to what constitutes new platform production facilities. Also, it is not clear as to whether the new platform production facilities refer to the design, fabrication, application, approval, installation, or startup of these facilities.

USGS rationale. The paragraph was not changed. The word "new" was intended to refer to any production facilities installed after the effective date of this Order and would include design, fabrication, application, approval, installation and startup phases.

Subparagraph 4.C. *Comments.* It was recommended that this section be deleted since some of the data required by these sections are currently being supplied.

USGS rationale. The paragraph was not changed. Information that has been previously furnished may be referenced as to its location and to the circumstances under which it was submitted.

Subparagraph 4.C.(3). *Comments.* It is suggested that API RP 14E be used as a basis for piping requirements.

USGS rationale. API RP 14E is an acceptable recommended practice. A sentence has been added to paragraph 4.C.(3) to include API RP 14E.

Subparagraph 4.C.(5)(a). *Comments.* It was suggested that this paragraph be rewritten to include a reference to API RP 500B.

USGS rationale. API RP 500B should not be referenced. The intent of 4.C.(5) is to identify those areas of the facility in which any potential ignition source is to be located and to indicate the steps taken in order to isolate these areas from production or other hydrocarbon sources. Referencing a document on area classification for electrical equipment requirements will not accomplish this. The term "nonhazardous" is changed to "nonrestricted," and no other changes have been made to this subparagraph.

Subparagraph 4.C.(6)(e). *Comments.* Several comments recommended that this subparagraph be deleted on the basis that the name and qualifications of organization or personnel are irrelevant, and individual employees are subject to frequent change.

USGS rationale. We agree that names of personnel may change from time to time; therefore, names of organizations would be a more appropriate requirement.

Subparagraph 4.D. *Comments.* Concern was expressed regarding the three-month period for compliance after the effective date of the Order.

USGS rationale. The USGS agrees that six months may be necessary to implement equipment changes in compliance with the Order.

Comments. Change "platforms and structures" to "facilities."

USGS rationale. The proposed change was made.

Comments. A third subject of comment under this paragraph stated that API RP 14E should be used as the basis for platform piping.

USGS rationale. The rationale for accepting API RP 14E is discussed under subparagraph 4.C.(3). The subparagraph was not changed.

Subparagraph 4.D.(1)(a)(i). *Comments.* It was recommended that this subparagraph be deleted since liquid level shut-in controls are not required on gas volume bottles, fuel gas filters, etc.

USGS rationale. This subparagraph was originally included to provide requirements for vessels not specifically identified as "separator," "surge," etc., and was not intended to require level controls on gas volume bottles, gas meter drip traps, fuel gas filters, etc. The subparagraph was deleted. Subsequent subparagraphs 4.D. (1)(a) (ii), (iii), (iv), (v) and (vi) were renumbered respectively (i), (ii), (iii), (iv), and (v).

Subparagraph 4.D.(1)(a)(ii) (Renumbered (i)). *Comments.* It was suggested that this subparagraph be revised "* * * to make allowance for the rupture disc capacities in the determination of relief capacities for the older vessels."

USGS rationale. The subparagraph was not changed. The intent of the Order is to design and install relief valves to carry off the maximum quantity of fluids and gases that can be generated or supplied to the attached equipment, according to ASME Code, Section VIII, UG-132, p. 65. In addition, (1) rupture discs cannot be tested and (2) when a rupture disc bursts as designed, the entire volume of gases or fluids is relieved, which is considered to be detrimental to platform safety and also a source of pollution.

Subparagraph 4.D.(1)(a)(iv) (Renumbered (iii). *Comments.* It was proposed that the first sentence be revised to read: "All relief valves shall be set to start relieving and shall be sized to prevent over-pressuring as specified in Sections I, IV, and VIII of the ASME Boiler and Pressure Vessel Code, July 1, 1974."

USGS rationale. Review of ASME codes (Section I, Power Boilers; Section IV, Heating Boilers; and Section VIII, Pressure Vessels—Division I) indicate that the requirements regarding relief valves would be covered more appropriately and specifically by these three codes, therefore, the Order was revised.

Comments. It was recommended that the term "sensor shall activate" refer only to activation of the high pressure shut-down pilot or pressure transducer. The reason for this recommendation is that the second sentence of this Section will set what will often be an impossible standard because of the time required for automatic closing of vessel inlet shut-down valves.

USGS rationale. This section has been changed after reviewing Sections I, IV, and VIII of the ASME Boiler and Pressure Vessel Code, July 1, 1974, instead of only Section VIII of the above. Additionally, the intent of the requirement is to provide an operational relationship and coordination between high pressure shut-in sensor and relief valve to prevent overpressuring and possible consequent rupture of the vessel. For classification, reference is made to the ASME Boiler and Pressure Vessel Code, July 1, 1974, Section VIII, Part UG-132.

Subparagraph 4.D.(1)(b)(i). *Comments.* It was proposed that the following sentence be added: "Sensors on wells producing under gas lift and located on remote satellite jackets will be set no lower than 20 percent below the lowest operating pressure in the line."

USGS rationale. This subparagraph was not changed. On those satellite installations where gas surging causes inadvertent shut-ins, the lowest pressure between surges should be considered the lowest operating pressure and the sensor set accordingly.

Subparagraph 4.D.(1)(d)(i). *Comments.* The consensus of opinion is that insulation of engine exhausts should comply with the recommendations contained in API RP 14C, Section 4.2.c.(4).

USGS rationale. Review of the subject section of API RP 14C indicates a more comprehensive approach to both personnel and equipment protection. API RP 14C has been referenced in this subparagraph.

Subparagraph 4.D.(1)(e)(i). *Comments.* Rather than require a hydrocarbon separator on the wet glycol return line of glycol dehydrocarbon units, it is suggested that pressure relief should be achieved by other methods such as safety shut-down services. API RP 14C is suggested as a standard for overpressure control in atmospheric and pressure vessels.

USGS rationale. It was determined, after consultation with technical representatives of Glycol Reboiler Manufacturers and a review of lease operations, that the advantage of a hydrocarbon separator was minimal. In some cases, the hydrocarbon separators were determined to be advantageous, and, in others, minimal amounts of liquids were recovered. The requirement for a hydrocarbon separator is dependent upon the nature of the gas; therefore, the installation of a hydrocarbon separator is optional. In lieu of requiring a hydrocarbon separator, the Order was changed to require the installation of a pressure relief valve set to present over-pressurization of the unit. Since some of these vessels have been designated as "atmospheric pressure vessels," an engineering evaluation

is required to determine the set pressure; therefore, the Order stipulates that the set pressure will be determined by the operator and approved by the District Supervisor.

Subparagraph 4.D.(1)(f)(i). *Comments.* Confusion was expressed as to the meaning of the phrase "All compressor installations initiated as of the effective date of this Order * * *." It was also suggested that compliance with this subparagraph be no later than six months after the effective date of this Order.

USGS rationale. The intent of the subsection is to require the subject safety devices for any compressor installation not yet in design stage or between design and fabrication stages. To clarify the meaning, the Order has been revised to say "All compressors installed after the effective date of the Order * * *." In addition, a six-month time period for compliance will be allowed.

Subparagraph 4.D.(1)(f)(ii). *Comments.* It was proposed that compressor installations existing prior to the effective date of this Order, and which are installed in a building, be excluded from the requirements of API RP 14C, A.8.3d, which prescribes that the shut-down device should be located outside the building.

USGS rationale. For clarification, requirements regarding shut-down valves on existing compressor facilities were included, and the appropriate section which provides similar requirements for check valves was also included. Therefore, no change in sentences 4.D.(1)(f)(ii); however, Section 4.D.(1)(f)(iv) was amended.

Subparagraph 4.D.(1)(f)(iv). *Comments.* Comments are included in (f)(ii).

Subparagraph 4.D.(1)(g)(i). *Comments.* It was proposed that the use of open-end sumps and sump piles should be discontinued. Where closed sumps are used and liquids are removed by pump, a second or standby transfer pump should be provided.

USGS rationale. The purpose of a "sump pile" is to further decrease the concentration of oil in disposal of produced waters by affording a long column of water for the oil particles to continuously migrate upwards for collection by gravitational separation and, thereby, realize the least possible concentration of oil from being disposed of into the Gulf from the bottom of the sump pile or "water leg" which is near the mudline. The transfer pump used to remove the collected oil from the closed sump is considered to be adequate for its designed function and should not normally require a standby transfer pump.

Comments. Another comment suggested that the paragraph be revised to be more specific as to the purpose of which sump piles should be used.

USGS rationale. The suggested revision was adopted, and the subparagraph was changed accordingly.

Subparagraph 4.D.(1)(j)(i). *Comments.* It was suggested that this subparagraph be revised as follows: "All engines shall be equipped with a low-tension ignition system designed and maintained to minimize release of sufficient electrical energy to cause ignition of an external combustible material."

USGS rationale. This subparagraph was not revised. While this proposal would delete the phrase "Low-Fire-Hazard Type" from the description of engine ignition systems, the major concern is not with the wording but with the interpretation by USGS that in order to satisfy this requirement, the ignition systems must be shielded. This interpretation did not originate with the USGS and is consistent with petroleum industry-recommended practice for engines operating in a hazardous area. Paragraph 6.4.5.1 of API Standard 618, July 1943, "Reciprocating Compressors for the General Refinery Service" states: "If a hazardous area is specified, all parts of the ignition system shall be as explosion-proof as possible. The spark plugs shall be shielded, and all low-tension wiring shall be enclosed in grounded steel conduits, but the spark plug connecting cables shall be enclosed in grounded, metal-shielded, flexible conduits." The 1964 issue of API Standard 618 described such a system with the phrase "Low-Fire-Hazard type of ignition system."

Additionally, the National Electrical Code and supporting documents dealing with the hazardous classification of areas defines the area about a hydrocarbon compressor or pump, engine combination as Class I, Division 1 or 2. This area classification would require the use of an ignition system as defined by paragraph 6.4.5.1 of API Standard 618.

It is our intention that the shielded ignition system requirement and the interpretation of the type hardware required to satisfy the requirement stand as is until the ASME committee on "Shielded Ignition System for Industrial Engines" has produced an acceptable Industry Standard which could be referenced.

Comments. It was suggested that the wording of this paragraph be revised to state that "all engines, with ignition systems, shall be equipped with a low-tension ignition system."

USGS rationale. For clarity, the requirement is changed to read, "All engines with ignition systems."

Subparagraph 4.D.(1)(j)(ii). *Comments.* It was proposed that this subparagraph be changed to state that all electrical generators, motors, and lighting systems shall be installed, protected, and maintained in accordance with the edition of the National Electrical Code and API RP 500B in effect at time of USGS approval rather than at the time of installation.

USGS rationale. The subparagraph was not changed. The intent of the Order is to utilize the most recent Codes in all new installations. If the Code has been revised subsequent to approval, but before installation, an amendment to the application pointing this out should be submitted to the Supervisor and the latest Code used.

Subparagraph 4.D.(1)(j)(iii). *Comments.* This paragraph should be revised to apply the same logic as described in paragraph 4.D.(1)(j)(ii).

USGS rationale. This subparagraph was not changed because of the same rationale as subparagraph 4.D.(1)(j)(ii).

Section 4.D.(1)(k). *Comment.* A suggestion was received to the effect that reporting of erosion control not be done on a lease basis. The reasoning for this comment was that a platform may have wells on multiple leases and conversely a lease may have multiple platforms.

USGS rationale. This subparagraph was not changed. In order to properly monitor erosion control programs, a system of data and information organization is necessary. Rather than require reporting for each individual well and thus prevent any overlap among platforms, it is far simpler to require reporting by lease.

Comment. Comments were received requesting that erosion control reports be maintained at each operator's office rather than be submitted to the USGS.

USGS rationale. The subparagraph was not changed. For effective monitoring, the information needs to be furnished to the Area Supervisor for analysis and dissemination.

Section 4.D.(2)(b). *Comment.* A recommendation was received to add language which would preclude any interpretation that this Section requires flare or vent lines to be plugged.

USGS Rationale. The intent of this Section was clarified by the revised subparagraph.

Section 4.D.(2)(c). *Comment.* Objections were received contending that this Section is broad and vague and, thus, of no use to personnel who would be required to implement a contingency plan for simultaneous operations. It was recommended that, in order to minimize disruptions, simultaneous operations of all types should be covered by a single contingency plan to be submitted by each operator. The requirements of such a plan should be specific stating concisely what is to be included. Futher requested was a minimum of delay in USGS approval of proposed plans for simultaneous operations.

USGS Rationale. Section 4.D.(2)(c) has been revised to include a provision for a single contingency plan to be filed by the operator for each platform involved in production. The approved plan will provide guidelines for the operator and thus prevent any confusion in compliance.

Comment. Question was raised over the need for this Section since, it is contended, current Notices to Lessees already establish requirements for conducting well work and production operations. It is argued that compliance with these Notices would accomplish the goals of this Section.

USGS rationale. The USGS can find no serious objection which should result from the restatement, in a more concise manner, of any existing requirements already being complied with by the operators.

Comment. It has been suggested that a 180-day period be allowed for the filing of contingency plans covering simultaneous operations.

USGS rationale. The Section on simultaneous operations has been revised in such a manner that it is not extensive enough to require more than 90 days for plan preparation.

Comment. Concern has been expressed that the shutting-in of wells during the conduct of simultaneous operations will cause a production loss and potentially the loss of wells due to sanding up. It is suggested that wireline operations be allowed concurrently with production on remote satellite well jackets where there are no production separation facilities.

USGS rationale. The subparagraph was not changed. The proposed contingency plan for each platform will be reviewed, and those simultaneous operations which are safe will be determined. With safety as the paramount consideration, disruption of production will be minimized where possible.

Comment. Suggestion is made that the danger in the conduct of simultaneous operations is increased because of the usual presence of subcontract personnel and a resulting fragmentation of supervisory authority. In addition, the contention is advanced that each proposed simultaneous operation be considered individually with respect to the particular platform.

USGS rationale. It is not administratively feasible for the USGS to monitor each individual simultaneous operation. Therefore, a contingency plan detailing all potential simultaneous operations for each platform should provide an effective method for supervising proposed operations.

The Section includes specific requirements for the designation of one person to be responsible for all operations being conducted on the platform.

Subparagraph 4.D(2)(d)(i) (a) and (e). *Comments.* It was proposed that the term "designated welding supervisor" or "welding supervisor" be changed to "designated person-in-charge."

USGS ratonale. The comment is considered relevant, and the term "designated person-in-charge" was adopted.

Subparagraph 4.D.(2)(d)(1)(c). *Comments.* It was proposed that during welding operations, a fire watch should not be required if the welding is being done in a designated safe welding area.

USGS rationale. The subparagraph was not changed. A fire watch is necessary in any welding operation on production facilities, due to the relative inability of the welder, equipped with protective hood, to visually monitor his surroundings while welding.

Subparagraph 4.D.(2)(d)(1)(g). *Comments.* It was suggested that the subparagraph be modified to permit welding in the well bay area without the necessity for shutting-in producible wells by following a specific work plan.

The consensus of other comments suggested that welding operations can be conducted safely while maintaining production if adequate safety precautions are taken beforehand and thereby prevent production losses.

USGS rationale. This subparagraph was not changed. We believe that all welding or burning operations in the area of the wellhead, well bay, or production areas are potentially hazardous, and the possibility of potential fire and/or explosion should be precluded by all means. Except in emergencies, welding operations should be scheduled when the platform is shut-in.

Subparagraph 4.D.(3). *Comment.* Comment was made concerning the use of phrase "* * * competent history of each advice, * * *." It was suggested that the word "component" be deleted to eliminate the possibility of confusion which could result in the interpretation that every spring, O-ring, and diaphragm need be reported.

USGS rationale. The USGS agrees with these changes as they further the intent of the original paragraph.

Subparagraph 4.D.(3)(b). *Comment.* Comment was received that quarterly testing of pressure sensors is sufficient.

USGS rationale. This subparagraph was not changed. The intent of this Order is to specify a testing frequency which will minimize the tendency of safety devices to become fixed when they remain in the same position over an extended period of time. This provision is also consistent with API RP 14C.

Subparagraph 4.D.(3)(c). *Comments.* It was recommended that wellhead safety valves be replaced only if the leakage is in excess of 400 cc/min of liquid or 15 cfm of gas.

USGS rationale. Leakage of surface safety valves is not permissible and necessary action to correct any such situation shall be undertaken.

Subparagraph 4.D.(3)(d). *Comments.* Contention was made that activation of level control devices be conducted manually to prevent interference with process operations.

USGS rationale. The USGS does not agree with the contention of commenters that operability of liquid-level-control devices may be accurately verified by manual activation.

Subparagraph 4.D.(3)(e). *Comments.* Concern was expressed that this Section requires multiple compressor stations to test the valve which provides for automatic shut off of the entire station.

USGS rationale. This subparagraph was not changed. The testing of the station valve is not a requirement of this Section and is not discussed in API RP 14C. The only intent of this Order is to test the shut-down valves on the individual compressor inlets.

Subparagraph 4.D.(4). *Comments.* It was recommended that the introductory paragraph be changed to include more recent versions of API RP T-2. Also a change in the last sentence of this paragraph, from the words "work site" to the words "field headquarters," should be implemented as there could be substantial logistical difficulty of having individual employee's documents at every conceivable work site.

USGS rationale. In accordance with the recommendations, the subparagraph was revised so that API RP T-2 and additional amendments as approved by the Supervisor will be the governing standard. In addition, the words "field headquarters" were substituted in order that a more convenient record location will be used.

Comments. One commenter suggested that the subparagraph did not cover manufacturers representatives working on their own equipment, nor did it cover on-the-job-trainees.

USGS rationale. Two sentences were added to the subparagraph stipulating that manufacturers' representatives and on-the-job-trainees may work under the direct supervision of a qualified person.

Comments. Commenters questioned the requirement that operators report their personnel training program, including the specific details, to the Geological Survey.

USGS rationale. This subparagraph was not changed. It is recognized that many operators have very good training programs. However, in order to insure that the necessary levels of proficiency and expertise are attained by all operating personnel, we believe it to be necessary that the USGS monitor the training programs used by operators. The specific requirements of subparagraphs (a) through (g) serve to provide the information necessary for the USGS to accomplish this objective.

Paragraphs 5 and 6. *Comments.* The need for including the personnel safety aspects of paragraphs 5 and 6 in Order 8 was questioned. To avoid overlap of authority and duplication of effort between USGS and the Coast Guard, it was suggested that an appropriate memorandum of understanding be agreed upon which defines the authority of each agency.

USGS rationale. The paragraph was not changed. The USGS is coordinating with the Coast Guard in the drafting of an appropriate memorandum of understanding which will resolve jurisdictional questions regarding offshore platforms, drilling vessels, crane operations, etc.

Paragraph 7. *Comments.* It was suggested that in order to clarify possible ambiguities in interpretation, the paragraph should be amended to state that the five specified subparagraphs "* * * shall apply to all drilling rigs and mobile drilling units used to conduct drilling or workover operations on the Federal OCS in the Gulf of Mexico."

USGS rationale. The suggestion was adopted as it is the intent of the Order to include all drilling rigs performing drilling or workover operations.

UNITED STATES DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY, CONSERVATION DIVISION

GULF OF MEXICO AREA

[OCS Order No. 8]

PLATFORMS, STRUCTURES, AND ASSOCIATED EQUIPMENT

Effective October 1, 1976.

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.19(a). Section 250.19(a) provides as follows:

(a) The supervisor is authorized to approve the design, other features, and plan of installation of all platforms, fixed structures, and artificial islands as a condition of the granting of a right of use or easement under Paragraphs (a) and (b) of Section 250.18 or authorized under any lease issued or maintained under the Act.

The operator shall be responsible for compliance with the requirements of this Order in the installation and operation of all platforms and structures, including all facilities installed on a platform or structure, whether or not operated or owned by the operator. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b). All applications for approval under the provisions of this Order shall be submitted to the appropriate District Supervisor. References in this Order to approvals, determinations, or requirements are to those given or made by the Area Oil and Gas Supervisor or his delegated representative.

Following approval of applications, installations and operations shall be performed as approved. If deemed advisable, significant changes to approved applications may be proposed; however, approval of such proposals shall be required prior to implementation. For the purposes of compliance with this paragraph, a significant change is any structural change which materially alters the original plan or any major deviation from operations as originally approved. Any question as to whether a change is significant enough to require approval shall be referred to the USGS. An operator assumes the risk for making changes without approval if he fails to contact the USGS to determine whether a permit is necessary.

The following requirements are applicable to all platforms and structures approved and installed subsequent to the effective date of the Order. When structural or equipment modifications to existing platforms and structures are proposed, only requirements relevant to the modifications shall be applicable.

1. *Platform Design.* A. *General Design.*—A platform or structure shall be designed for safe installation and operation for its intended use and service life at a specific site. Steel structures shall be designed in accordance with those provisions of API RP 2A, "Planning, Designing and Constructing Fixed Offshore Platforms," Seventh Edition, January 1976, or subsequent revisions as approved by the Area Supervisor. The design of structures other than steel shall be evaluated on an individual basis. Consideration shall be given to conditions which may contribute to structural damage such as:

(1) Wind, wave, and current forces and other environmental loading forces.

(2) Functional loading conditions including the weight of the structure and all permanently fixed equipment, and the effects of static and dynamic functional load conditions during installation and the design operational service period.

(3) Water depth, bottom topography, surface and subsurface soil conditions, slope stability, scour conditions, and other pertinent geologic conditions based on information from on-site investigations.

2. *Application.*—Prior to installation of a fixed platform or structure, the operator shall submit for approval, in duplicate, an application showing essential features of the platform or structure and supporting design information as follows:

A. *General Information.*—(1) Identification data, which shall include the platform or structure designation, lease number, area name, block number, and operator.

(2) Location data, including plat showing the distance from the nearest two-block lines.

(3) Primary use and other intended functions, including planned drilling, production, and storage operations.

(4) Personnel facilities, personnel access to living quarters, boat landings, and heliports.

(5) Drawings and plats to clearly illustrate essential parts, including number and location of well slots, water depth, nominal size and thickness of jacket and deck column legs,

nominal size, thickness, and design penetration of piling.

(6) A description of the method of corrosion protection.

B. *Environmental Information.*—(1) List of pertinent environmental data which have a bearing on the installation, operation, or design of the platform or structure, including wave height, current, wind velocity, water depth, storm and astronomical tide data, and factors considered in subparagraph 1.A.(3).

(2) Listing of total design functional loads and wind, wave, and current forces for the following approaches: longitudinal, transversal, and diagonal.

C. *Foundation.*—(1) A listing of on-site investigations and tests, and a basic summary of resultant determinations.

(2) A description of foundation loads for environmental and functional forces listed in subparagraphs 2.B (1) and (2).

(3) In areas susceptible to soil movement, an analysis of slope and soil stability in relation to the foundation design loads.

D. *Installation.*—A statement shall be submitted to the effect that the installation recommendations contained in API RP 2A, January 1976, or approved revisions, were adopted; or that significant deviations from the recommendations of API RP 2A were adopted and are herewith submitted for approval.

E. *Exception to Supporting Design Information Submittal.*—The following information shall be developed and utilized in platform design; however, submittal with the installation application is not required. This information shall be made available to the appropriate District Supervisor upon his request.

(1) A description of the critical design loading and design criteria, taking into consideration maximum environmental and operational loading conditions expected over the service life of the platform or structure. This shall include those conditions considered under subparagraphs 1.A (1), (2), and (3) above.

(2) For steel structures, a description of the materials, specifications, strength analyses, and allowable stresses over the service life.

The recommendations of API publications API RP 2A, "Planning, Designing, and Constructing Fixed Offshore Platforms," January 1976, are acceptable practice concerning subparagraphs (1) and (2) above.

(3) For concrete structures, a description of the materials, specification, and strength and serviceability requirements and analyses of the reinforcing systems.

3. *Certification.*—A. Detailed structural plans certified by a registered professional structural engineer shall be on file and maintained by the operator or his designee.

B. The following certifications, signed and dated by a company representative, shall accompany the application:

(1) "_____ certifies that this
(Operator)
platform has been certified by a registered professional structural engineer and the structure will be constructed, operated, and maintained as described in the application and any approved modification thereto. Certified Plans are on file at _____."

(2) Certification that the mechanical and electrical systems of the facility will be designed and installed under the supervision of appropriate registered professional engineers. Maintenance of these systems shall be by qualified personnel.

4. *Design, installation, and operational features of production facilities.*—A. All production facilities, including separators, treaters, compressors, headers, and pipelines, shall be designed, installed, and maintained in a manner which will facilitate efficient, safe, and pollution-free operation.

B. As soon as practicable, but not later than six months after the effective date of this Order, new platform production facilities shall be protected with a basic and ancillary surface safety system designed, analyzed, installed, tested, and maintained in operating condition in accordance with the provisions of API RP 14C "Analysis, Design, Installation, and Testing of Basic Surface Safety Systems on Offshore Production Platforms," June 1974, as amended November 1975, or subsequent revisions as approved by the Area Supervisor, and the additional requirements of this Order. For this application, the word "should" contained in API RP 14C shall be read "shall" except for those contained in explanatory statements, paragraphs 3.4(c), page 11 and 4.3(4)(a)–(f), pages 19–20. In the event that processing components are to be utilized other than those for which Safety Analysis Tables (SAT's) and Safety Analysis Checklists (SAC's) are included in API RP 14C, the analysis technique and documentation specified therein shall be utilized to determine the effects and requirements of such components upon the safety system.

Operators may utilize the options contained in API RP 14C during Safety Systems Design; however, options selected and depicted on the schematic flow diagram and Safety Analysis Function Evaluation (SAFE) Chart are subject to approval by the appropriate District Supervisor.

C. Prior to installation, the operator shall submit for approval, to the appropriate District Supervisor, in duplicate, information relative to design and installation features, as indicated in subparagraphs (1) through (6) below. This information shall also be maintained at the operator's onshore field engineering office.

(1) A flow schematic showing size, capacity, and design working pressure of separators, treaters, storage tanks, compressors, pipeline pumps, and metering devices.

(2) A schematic flow diagram (Reference API RP 14C, Example Figure E1, page 79) and the related Safety Analysis Function Evaluation (SAFE) Chart (Reference API RP 14C, paragraph 4.3(C), page 20). These shall be developed with consideration of the provisions of API RP 14C and the additional requirements of this Order.

(3) A schematic piping diagram showing the size and design working pressure with reference to welding specification(s) or code(s) used. The recommendations contained in API RP 14E, "Design and installation of Offshore Production Platform Piping Systems" are acceptable for platform piping systems.

(4) A diagram of the fire-fighting system.

(5) Electrical system information including the following:

(a) Plan view of each platform deck outlining any nonrestricted area; i.e., areas which are unclassified with respect to electrical equipment installations, and areas in which potential ignition sources, other than electrical, are to be installed. The area outline should include the following information:

(i) Any surrounding production or other hydrocarbon source and a description of deck, overhead, and firewall.

(ii) Location of generators, control rooms, panel boards, major cabling-conduit routes and identification of wiring method.

(b) Elementary electrical schematic of any platform safety-shutdown system with functional legend.

(6) An application for the installation and maintenance of all gas detection systems. The application shall include the following:

(a) Type, location, and number of detection heads.

(b) Type and kind of alarm, including emergency equipment to be activated.

(c) Method used for detection of combustible gases.

(d) Method and frequency of calibration.

(e) Name of organization to perform system inspection and calibration.

(f) A functional block diagram of the gas detection system, including the electric power supply.

(g) Other pertinent information.

D. *Additional safety and pollution control requirements.*—The following requirements modify, or are in addition to, those contained in API RP 14C. For platforms installed after the effective date of this Order, compliance is required as soon as practicable, but not later than six months after the effective date. Operators of facilities installed prior to the effective date of this Order shall comply with these requirements at the earliest practicable date, but not later than one year from the effective date, unless otherwise specified herein.

(1) *Design and installation.* (a) *Pressure vessels.*—(i) Pressure relief valves shall be designed, installed, and maintained in accordance with applicable provisions of Sections I, IV, and VIII of the ASME Boiler and Pressure Vessel Code, July 1, 1974. All relief valves and vents shall be piped in such a way as to minimize the possibility of fluid striking personnel or ignition sources.

(ii) Steam generators shall be equipped with low-water-level controls in accordance with applicable provisions of Sections I and IV of the ASME Boiler and Pressure Vessel Code, July 1, 1974.

(iii) All relief valves shall conform to the appropriate sizing and relieving requirements of ASME Boiler and Pressure Vessel Codes, July 1, 1974, Sections I, IV, and VIII. The high-pressure shut-in sensor shall activate sufficiently below the design working pressure to positively insure operation before the relief valve starts relieving. The low-pressure shut-in sensor shall activate no lower than 15 percent or 35 kilopascals (k Pa) (5 psi), whichever is greater below the lowest pressure in the operating range.

(iv) Pressure sensors may be of the automatic or nonautomatic reset type, but where the automatic reset types are used, a nonautomatic reset relay shall be installed. All pressure sensors shall be equipped to permit testing with an external pressure source.

(v) All pressure or fired vessels used in the production of oil or gas, installed after the effective date of this Order, shall conform to the requirements stipulated in the edition of the ASME Boiler and Pressure Vessel Code, Sections I, IV, and VIII, as appropriate, in effect at the time the vessel is installed. Uncoded vessels now in use shall have been hydrostatically tested to a pressure 1.5 times their working pressure. The test date, test pressure, and working pressure shall, within six months after the effective date of this Order, be marked on the vessel in a prominent place. A record of the test shall be maintained by the operator.

(b) *Flowlines.* (i) All flowlines from wells shall be equipped with high- and low-pressure shut-in sensors located downstream of the well choke. If there are more than 3 meters (10 feet) of line between the wellhead wing valve and the primary choke, an additional low-pressure shut-in sensor shall be installed in this section. The high-pressure shut-in sensor shall be set no higher than 10 percent above the highest operating pressure of the line, but in all cases, it shall be set sufficiently below the maximum shut-in pressure of the well or the gas-lite supply pressure to assure actuation of the surface safety valve. The low-pressure shut-in sensor shall be set no lower than 10 percent or 35 K Pa (5 psi), whichever is greater, below the lowest operating pressure of the line in which it is installed.

(ii) In the event a well flows directly to the pipeline before separation, the flowing and valves from the well located upstream of, and including, the header inlet valve(s), shall be able to withstand the maximum shut-in pressure of the well, unless 1: protected by a relief valve connected to either the platform flare scrubber or some other approved location other than into the departing pipeline, or 2: the flowline is equipped with an additional automatic shutdown valve controlled by an independent high-pressure sensor. The platform flare scrubber shall be designed to handle, without liquid hydrocarbon carryover to flare, the maximum anticipated flow of liquid hydrocarbons which may be relieved to the vessel.

(c) *Remote shut-in systems.* (i) Remote shut-in controls shall be quick-opening valves, except those on the boat landing(s), which may be a plastic loop of the control pressure line.

(d) *Engine exhausts.* (i) Engine exhausts shall be equipped to comply with the insulation and personnel protection requirements of API RP 14C, Section 4.2.c.(4). Exhaust piping from diesel engines shall be equipped with spark arrestors.

(e) *Glycol dehydration units.* (i) A pressure relief valve shall be installed on the glycol reboiler, or at a location approved by the District Supervisor, which will prevent overpressurization of all glycol dehydration units. The set pressure of this valve shall be determined by the operator and approved by the District Supervisor. The discharge of the relief valve must be vented in a nonhazardous manner.

(f) *Compressors.* (i) Each compressor installation existing as of the effective date of this Order shall be protected by high-liquid-level shut-in controls and a pressure relief valve on each interstage scrubber. High-temperature shutdown controls shall be installed on the compressor cylinders unless interscrubbers are protected by high- and low-pressure shut-in controls. Compliance is required as soon as practical, but no later than six months after the effective date of this Order.

All compressor installations installed after the effective date of this Order shall be protected by high- and low-pressure and high-liquid-level shut-in controls and a pressure relief valve on each interstage scrubber.

All compressor interstage scrubbers shall be protected by low-liquid-level shut-in controls unless dump is through a choke restriction to another pressure vessel.

(ii) In addition to the provisions of API RP 14C, paragraphs A8.3a and A8.3d, high- and low-pressure shut-in sensors and low-liquid-level shut-in controls protecting compressor suction and discharge piping and associated suction and interstage scrubbers shall be designed to actuate automatic isolation valves located in each compressor suction and fuel gas line so that the compressor unit and associated vessels can be isolated from all input sources.

As an alternative, low-liquid-level shut-in control(s) installed in suction and interstage scrubber(s) may be designed to actuate automatic shutoff valve(s) installed in the scrubber dump line(s).

For compressors installed after the effective date of this Order, those compressor units installed in a building shall have the isolation valves located outside the building. Each suction and interstage high-liquid-level shut-in control shall, as a minimum, be designed to shut down the compressor prime mover.

(iii) Compressor installations of 745 kilowatts (1,000 horsepower) or less are excluded from those requirements of API RP 14C, A8.3d, page 54, which provide for installation of a blowdown valve on the discharge line.

(iv) Compressor installations existing prior to the effective date of this Order, and which are installed in a building, are excluded from the requirement of API RP 14C, A8.3b, Flow Safety Devices (FSV), and Section A.8.3.d., Shutdown Devices (SDV), which prescribes that these devices be located outside of the building.

(v) The automatic isolation valves installed in compressor suction and fuel gas piping shall also be actuated by shutdown of the prime mover.

(g) *Curbs, gutters, and drains.* (i) Curbs, gutters, and drains shall be installed in all deck areas in a manner necessary to collect all contaminants, unless drip pans or equivalent are placed under equipment and piped to a sump which will automatically maintain the oil at a level sufficient to prevent discharge of oil into Gulf waters. Sump piles shall not be used as a processing device to treat or skim liquids but shall be used to collect treated produced water, treated sand, liquids from drip pans and deck drains, and as a final trap for hydrocarbon liquids in event of equipment upsets.

(h) *Fire-fighting systems.* (i) A fire-fighting water system of rigid pipe with fire hose stations shall be installed and may include a fixed water-spray system. Such a system shall be installed in a manner necessary to provide needed protection in areas where production-handling equipment is located. A fire-fighting system using chemicals may be used in lieu of a water system if determined to provide equivalent fire protection control.

An alternate fuel or power source shall be installed to provide continued pump operation for the system during platform shutdown, unless an alternate fire-fighting system is provided.

Portable fire extinguishers shall be located in the living quarters and other strategic areas.

A diagram of the fire-fighting system showing the location of all equipment shall be posted in a prominent place on the platform or structure.

(i) *Gas detection system.* (i) A diagram of the gas detection system showing the location of all gas detection points shall be posted in a prominent place on the platform or structure.

(ii) All gas detection systems shall be capable of continuously monitoring for the presence of combustible gas in the areas in which the detection devices are located. The gas detector power supply shall be from a continually energized power source.

(iii) The use of fuel gas odorant is an acceptable alternate to an automatic gas detection and alarm system in enclosed, continuously manned areas of the facility.

(j) *Electrical equipment.* The following requirements shall be applicable to all electrical equipment and systems installed:

(i) All engines with ignition systems shall be equipped with a low-tension ignition system of a low-fire-hazard type and shall be designed and maintained to minimize release of sufficient electrical energy to cause ignition of an external, combustible mixture.

(ii) All electrical generators, motors, and lighting systems shall be installed, protected, and maintained in accordance with the edition of the National Electrical Code and API RP 500 B in effect at the time of installation.

(iii) Wiring methods which conform to the National Electrical Code or to IEEE 45, "Recommended Practice for Electric Installations on Shipboard," in effect at the time of installation, are acceptable.

(iv) An auxiliary power supply shall be installed to provide emergency power capable of operating all electrical equipment required to maintain safety of operations in the event of a failure in the primary electrical power supply.

(k) *Erosion.* A program of erosion control shall be in effect for wells having a history of sand production. The erosion control program may include sand probes, X-ray, ultrasonic, or other satisfactory monitoring methods. An annual report, by lease, on the results of the program shall be submitted by the first of September to the appropriate District Supervisor.

(2) *Operations.*—(a) Any device on wells, vessels, or flowlines temporarily out of service shall be flagged. Safety devices and systems on wells which are capable of producing shall not be bypassed or blocked out of service unless necessary during startup or maintenance operations and then only with personnel on duty aboard the platform.

(b) When wells are disconnected from producing facilities and blind flanged or equipped with a tubing plug, compliance is not required with provisions of API RP 14C and of this Order concerning (a) installation of automatic fail-close surface safety valves on wellhead assemblies, (b) installation of high- and low-pressure shut-in sensors downstream of the well choke in flowlines from wells, and (c) installation of check valves in header individual flowlines.

All open-ended lines connected to producing facilities shall be plugged or blind-flanged, except those lines designed to be open-ended, such as flare or vent lines.

(c) *Simultaneous operations.* Prior to conducting activities, simultaneously with production operations, which could increase the possibility of occurrences of undesirable events such as harm to personnel or to the environment, or damage to equipment, an operator's Contingency Plan shall be filed for approval with the appropriate District Supervisor. The plan shall be filed within 90 days after the effective date of this Order. A plan shall be submitted by each lessee/operator for each platform existing as of the effective date of this Order. The plan shall be modified and updated as appropriate. Activities requiring the plan are drilling, workover, wireline, and major construction operations. The plan shall include:

(i) A narrative description of operations.

(ii) A plan view of each platform deck indicating critical areas of simultaneous activities.

(iii) Procedures for mitigation of potental undersirable events including:

(a) The guidelines the operator will follow to assure coordination and control of simultaneous activities.

(b) Indication as to the person having overall responsibility, as person in charge at the site, for safety of platform operations.

(c) An outline of any additional safety measures that are required for simultaneous operations.

(d) Specification of any added or special equipment or procedural conditions imposed when simultaneous activities are in progress.

(d) *Welding practices and procedures.* The following requirements shall apply to all platforms and structures, including mobile drilling and workover structures. These requirements shall apply to fixed structures after the drilling out of the drive or structural casing for the first well drilled on the structure, entry into a well to be tied back to the structure, or first flow of combustible fluids to the structure. The period of time during which these requirements are considered applicable to mobile drilling structures is the interval from the drilling out of the drive or structural casing until the blowout-preventer stack and riser are pulled in the final abandonment, suspension, or completion. These requirements shall apply to workover rigs when such rigs are performing

remedial work on any wells open to hydrocarbon-bearing zones.

For the purpose of this Order, the term "welding and burning" is defined to include arc or acetylene cutting and arc or acetylene welding.

Each operator shall file for approval by the appropriate District Supervisor a Welding and Burning Safe Practices and Procedures Plan. The plan shall be filed within 90 days after the effective date of this Order and shall include company qualification standards or requirements for personnel and the methods by which the operator will assure that only personnel meeting such standards or requirements are utilized. A copy of this plan shall be available in the field. Any person designated as a welding supervisor shall be thoroughly familiar with this plan.

Prior to welding or burning operations, the operator shall establish approved safe welding areas. Such areas shall be constructed of noncombustible or fire-resistant materials free of combustible or flammable contents and be suitably segregated from adjacent areas. National Fire Protection Association Bulletin No. 51B, "Cutting and Welding Processes," 1971, shall be used as a guide to designate these areas. All welding which cannot be done in the approved safe welding area shall be performed in compliance with the procedures outlined below:

(i) Such welding and burning as are necessary on a structure shall adhere to the following practices:

(a) Prior to the commencement of any welding or burning operations on a structure, the operator's designated person-in-charge at the installation shall personally inspect the qualifications of the welder or welders to assure that they are properly qualified in accordance with the approved company qualification standards or requirements for welders. The designated person-in-charge and welders shall personally inspect the area in which the work is to be performed for potential fire and explosion hazards. After it has been determined that it is safe to proceed with the welding or burning operation, the designated person-in-charge shall issue a written authorization for the work.

(b) All welding equipment shall be inspected prior to beginning any welding or burning. Welding machines located on production or process platforms shall be equipped with spark arrestors and drip pans. Welding leads shall be completely insulated and in good condition; oxygen and acetylene bottles secured in a safe place; and hoses leak free and equipped with proper fittings, gauges, and regulators.

(c) During all welding and burning operations, one or more persons as necessary shall be designated as a Fire Watch. Persons assigned as a Fire Watch shall have no other duties while actual welding or burning operations are in progress.

(d) Prior to any welding or burning, the Fire Watch shall have in his possession firefighting equipment in a condition ready to use.

(e) No welding shall be done on containers, tanks, or other vessels which have contained a flammable substance unless the contents of the vessels have been rendered inert and determined to be safe for welding or burning by the designated person-in-charge.

(f) In the event drilling, workover, or wireline operations are in progress on the platform, welding operations in other than approved safe welding areas may be conducted only if the well(s) on which work is being done contain noncombustible fluids, and entry of formation hydrocarbons into the wellbore is precluded by a positive overbalance toward the formation. Also, all other provisions of this section shall be applicable.

(g) All other producible wells shall be shut-in at the surface safety valves while welding or burning in the wellhead or production area.

(3) *Safety device testing.*—The safety system devices required by this Order shall be tested by the operator at the interval specified below or more frequently if operating conditions warrant. Records shall be maintained at the field office for a period of one year, showing the present status and history of each device, including dates and details of inspection, testing, repairing, adjustment, and reinstallation. Such records shall be available to any authorized representative of the Geological Survey. Records shall be analyzed, equipment or system problem areas identified, and action taken to preclude recurrence of these problems.

Testing and reporting shall be accomplished in accordance with API RP 14C, Appendix D, and the following:

(a) All pressure relief valves shall be tested for operation annually. Pressure relief valves shall be either bench-tested or equipped to permit testing with an external pressure source.

(b) All pressure sensors shall be tested at least once each calendar month, but at no time shall more than six weeks elapse between tests.

(c) All automatic wellhead safety devices and check valves on all flowlines shall be checked for operation and holding pressure once each calendar month, but at no time shall more than six weeks elapse between tests. If any wellhead safety valve indicates leakage, it shall be repaired or replaced.

(d) All liquid-level shut-in controls shall be tested at least once within each calendar month, but at no time shall more than six weeks elapse between tests. These tests shall be conducted by raising or lowering the liquid level across the level-control detector.

(e) All automatic inlet shutoff valves actuated by a sensor on a vessel or a compressor shall be tested for operation at least once within each calender month, but at no time time shall more than six weeks elapse between tests.

(f) All automatic shutoff valves located in liquid discharge lines and actuated by vessel low-level sensors shall be tested for operation once within each calendar month, but at no time shall more than six weeks elapse between tests.

(g) The high-temperature shutdown controls installed in all compressors which are protected against abnormal pressures solely by such temperature safety devices shall be tested annually and repaired or replaced as necessary.

(h) All pumps for fire-fighting water systems shall be inspected and test-operated weekly. A record of the tests shall be maintained at the field office for a period of one year.

(i) The Automatic Gas Detection System shall be tested for operation and recalibrated every six months.

(4) *Training.*—Not later than two years after the effective date of this Order, the operator shall ensure that all personnel engaged in installing, inspecting, testing, and routinely maintaining these safety devices will have been qualified under a program as recommended by API RP T-2, September 1974, amended October 1975, or subsequent revisions approved by the Area Supervisor, or an equivalent program, approved by the Area Supervisor. Documented evidence of qualification of individuals performing these functions shall be maintained at the field headquarters and shall be available to any authorized representative of the Geological Survey.

Manufacturers' representatives may work on component equipment supplied by their company, provided they are directly supervised by a qualified person, capable of evaluating the impact of the work on the total system. On-the-job trainees working with safety devices shall be directly supervised by a qualified person.

Not later than one year after the effective date of this Order, the operator shall submit, for approval, of the appropriate District Supervisor, a description of the training to be conducted and the methods the operator will utilize to ensure that only persons qualified as above perform these functions. The description shall include:

(a) The operator's organizational element responsible for training and to interface with the Geological Survey in training program matters. (b) Categories of personnel to be qualified. (c) Training organizations and courses to be utilized. (d) Method for ensuring qualification of third-party personnel, if utilized. (e) Method for determining when additional training or requalification is required and for obtaining same. (f) Method of monitoring operations to ensure that only qualified personnel perform functions. (g) Method of maintaining documented evidence of qualification at work site.

5. *Crane operations.*—Cranes shall be operated and maintained in a manner necessary to ensure the safety of facility operations in accordance with the provisions of API RP 2D, "Operation and Maintenance of Offshore Cranes," October 1972, or other revisions approved by the Area Supervisor.

Records of inspection, testing, and maintenance shall be kept in the field office for a period of one year. API Specification 2C, "Specification for Offshore Cranes," February 1972, or other revisions approved by the Area Supervisor, shall be used as a guideline for the selection of cranes to be used offshore.

6. *Employee orientation and motivation programs for personnel working offshore.*—The operator shall make a planned, continuing effort to eliminate accidents due to human error. This effort shall include the training of personnel in operational aspects of their functions and a program to instill in each individual working offshore a conscious desire to achieve safe and pollution-free operations. Minimum training of personnel going offshore for the first time shall include an orientation in accordance with API RP T-1, "Orientation Program for Personnel Going Offshore the First Time," January 1974, or equivalent. API Bulletin T-5, "Employee Motivation Programs for Safety and Prevention of Pollution in Offshore Operations," September 1974, shall be used as a guide in developing employee safety and pollution-prevention motivation programs. The applicability of any future revisions of the above API documents shall require approval by the Area Supervisor.

7. *Requirements for drilling rigs.*—The requirements of subparagraphs 4.D.(1)(g), 4.D.(1)(j), 4.D.(2)(d), and paragraphs 5 and 6 above shall apply to all drilling rigs and mobile drilling units used to conduct drilling or workover operations on the Federal OCS in the Gulf of Mexico.

D. W. SOLANAS,
Oil and Gas Supervisor,
Field Operations, Gulf of Mexico Area.

Approved:

RUSSELL G. WAYLAND,
Acting Chief, Conservation Division.

[FR Doc.76-25990 Filed 9-3-76;8:45 am]

National Park Service

NATIONAL PARK SYSTEM

Review of Management Policies

The National Park Service extensively revised and reissued its Management

Policies in 1975. In order to keep them current, the Service is initiating an annual review and is soliciting public participation in the review process. These policies provide guidance to National Park Service managers, superintendents, planners, and others concerning preservation and use of park system areas and of related activities of the National Park Service.

The Management Policies manual deals with the National Park Service's role in preserving the Nation's natural and historic resources, regional cooperation, park planning and development, resource management, historic preservation, wilderness preservation, use of the parks, concessions management, and land acquisition.

Any revisions made as a result of this review will be available to the public. A notice of their availability will appear in the FEDERAL REGISTER.

The Management Policies are available for review in the National Park Service regional offices and the Washington Office. Copies of the manual may be obtained by writing:

Director, National Park Service, Department of the Interior, Washington, D.C. 20240.

Comments should be submitted to the same address by October 15, 1976.

Addresses of the Regional Offices are:

National Capital Parks, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Western Regional Office, National Park Service, 450 Golden Gate Ave., Box 36063, San Francisco, California 94102.

Pacific Northwest Regional Office, National Park Service, 601 Fourth and Pike Bldg., Seattle, Washington 98101.

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Box 25287, Denver, Colorado 80225.

Southeast regional Office, National Park Service, 1895 Phoenix Blvd., Atlanta, Georgia 30349.

Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87501.

North Atlantic Regional Office, National Park Service, 150 Causeway Street, Boston, Massachusetts 02114.

Mid-Atlantic Regional Office, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.76-26171 Filed 9-3-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 10, 1976, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

The following properties have been added to the National Register since August 3, 1976. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; and properties recorded by the Historic American Engineering Record are designated by HAER.

ALABAMA

Hale County

Greensboro, *Greensboro Historic District*, roughly bounded by North and South Sts., Hobson and Centerville Sts. (includes both sides) (8-13-76) HABS.

Montgomery County

Montgomery, *Cassimus House*, 110 N. Jackson St. (8-13-76).

Pike County

Troy, *College Street Historic District*, W. College St. between Pine and Cherry Sts. (8-13-76).

ALASKA

Outer Ketchikan Division

Hyder, *Storehouse No. 4 (Eagle Point Storehouse)*, International St. (8-13-76).

ARIZONA

Cochise County

Douglas, *Gadsden Hotel*, 1046 G Ave. (7-30-76).

Douglas, *Grand Theatre*, 1139-1149 G Ave. (7-30-76).

Naco vicinity, *Naco Mammoth-Kill Site*, NW of Naco (7-21-76).

Coconino County

Ash Fork vicinity, *Ash Fork Steel Dam*, E of Ash Fork off U.S. 66/89 (7-30-76).

Pima County

Tucson, *Armory Park Historic Residential District*, E. 12th St. to 19th St., Stone Ave. to 2nd Ave. (7-30-76).

ARKANSAS

Boone County

Harrison, *Boone County Courthouse*, Courthouse Sq. (7-21-76).

Crawford County

Van Buren, *Mt. Olive United Methodist Church*, Lafayette and Knox Sts. (7-30-76).

Greene County

Paragould, *Greene County Courthouse*, Courtsquare (8-11-76).

Logan County

Paris, *Logan County Courthouse, Eastern District*, Courthouse Sq. (7-30-76).

Miller County

Texarkana, *Orr School*, 831 Laurel St. (7-30-76).

Monroe County

Clarendon, *Cumberland Presbyterian Church*, 120 Washington St. (7-30-76).

Pulaski County

Little Rock, *Old State House Square Historic District*, roughly bounded by Arkansas River, Arch, Main, and 2nd Sts. (8-11-76).

CALIFORNIA

Butte County

Oroville, *Oroville Chinese Temple*, 1500 Broderick St. (7-30-76).

Colusa County

Colusa, *Colusa High School and Grounds*, 745 10th St. (8-13-76).

Inyo County

Independence vicinity, *Manzanar War Relocation Center*, 6 mi. S of Independence on CA 395 (7-30-76).

Mendocino County

Fort Bragg, *Weller House*, 524 Stewart St. (7-19-76).

San Francisco County

San Francisco, *Stadtmuller House*, 819 Eddy St. (7-19-76).

Santa Clara County

Palo Alto, *Hostess House*, W of the University Ave. underpass (7-30-76).

CONNECTICUT

Hartford County

Plainville, *Norton, Charles H., House*, 132 Redstone Hill (5-11-76) NHL.

DISTRICT OF COLUMBIA

Grimke, Charolette Forten, House, 1608 R St., NW. (5-11-76) NHL.

Mellon, Andrew, Building, 1785 Massachusetts Ave., NW. (5-11-76) NHL.

St. Luke's Episcopal Church, 15th and Church Sts., NW. (5-11-76) NHL.

Woodson, Carter G., House, 1538 9th St., NW. (5-11-76) NHL.

FLORIDA

Escambia County

Pensacola, *Saenger Theatre*, 118 S. Palafox St. (7-19-76).

Gadsden County

Chattahoochee vicinity, *Martin, Malachi, House*, 5 mi. E of Chattahoochee off 90 (8-11-76).

GEORGIA

Chatham County

Savannah, *Owens-Thomas House*, 124 Abercorn St. (5-11-76) NHL.

Savannah, *Telfair Academy*, 121 Barnard St. (5-11-76) NHL.

Clarke County

Athens, *Grady, Henry W., House*, 634 Prince Ave. (5-11-76) NHL.

McDuffie County

Thomson, *Watson, Thomas E., House*, 310 Lumpkin St. (5-11-76) NHL.

Richmond County

Augusta, *Meadow Garden*, 1230 Nelson St. (7-19-76).

IDAHO

Ada County

Boise, *St. Alphonsus Hospital*, 508 N. 5th St. (7-30-76).

Franklin County

Preston, *Cowley, Matthias, House*, 110 S. 1st East (7-19-76).

Kooteni County

Coeur d'Alene, *Roosevelt School*, 1st and Wallace Sts. (7-30-76).

ILLINOIS

Cook County

Chicago, *Compton, Arthur H., House*, 5637 Woodlawn Ave. (5-11-76) NHL.
Chicago, *Du Sable, Jean Baptiste Point, Homesite*, 401 N. Michigan Ave. (5-11-76) NHL.
Chicago, *Lillie, Frank R., House*, 5801 Kenwood Ave. (5-11-76) NHL.
Chicago, *Millikan, Robert A., House*, 5605 Woodlawn Ave. (5-11-76) NHL.

DuPage County

Elmhurst, *Hauptgebäude*, 190 Prospect St. (8-13-76).

Kane County

Batavia, *Batavia Institute*, 333 S. Jefferson St. (8-13-76).

Sangamon County

Springfield, *Executive Mansion*, 4th and Jackson Sts. (7-19-76).

INDIANA

Montgomery County

Crawfordsville, *Wallace, Gen. Lew, Study*, Pike St. and Wallace Ave. (5-11-76) NHL.

Owen County

Gosport, *New Albany and Salem Railroad Station*, North St. at White River (8-6-76) HAER.

IOWA

Cherokee County

Cherokee vicinity, *Bastian Site* 13CK28, N. of Cherokee off U.S. 59 (7-19-76).

Delaware County

Manchester, *Hoag, J. J., House*, 120 E. Union (8-13-76).

Dubuque County

Dubuque, *Ham, Mathias, House*, 2241 Lincoln Ave. (7-19-76).

Floyd County

Charles City, *Central Park-North Main Street Historic District*, N. Main St. and N. Jackson St. (8-10-76).

Franklin County

Hampton, *Franklin County Courthouse*, Central Ave. and 1st St., NW (8-13-76).

Linn County

Marion, *Granger House*, 970 10th St., (8-13-76).

Madison County

Winterset, *Madison County Courthouse*, City Square (8-13-76).

Pottawattamie County

Council Bluffs, *Beresheim, August*, House, 621 3rd St. (8-13-76).

Wapello County

Ottumwa, *U.S. Post Office (Ottumwa Municipal Building)*, Court and 4th Sts. (8-13-76).

KANSAS

Shawnee County

Topeka, *Central National Bank*, 701-703 Kansas Ave. (7-19-76).

KENTUCKY

Caldwell County

Princeton, *Flournoy-Henry House*, 221 E. Main St. (7-19-76).

Carlisle County

Bardwell, *Illinois Central Railroad Station and Freight Depot*, Front St. (7-19-76).

Carroll County

Carrollton vicinity, *Hunter's Bottom Historic District*, W of Carrollton (8-11-76) (also in Trimble County).

Fayette County

Lexington, *Brand-Barrow House*, 203 E. 4th St. (8-11-76).

Franklin County

Jett vicinity, *Hearn, Andrew, Log House and Farm*, 3 mi. SW of Jett on Hanley Lane (8-11-76).

Jefferson County

Anchorage, *Hite-Foree Log House*, 12401 Lucas Lane (7-30-76).
Louisville, *Butchertown Historic District*, roughly bounded by Main, Hancock, Geiger, Quincy Sts., U.S. 42, S. Fork Beargrass Creek, and Baxter Ave. (8-11-76).

McCracken County

Paducah, *The Angles (Quigley-Barkley House)*, Alben W. Barkley Dr. near 40th St. (7-19-76).

Madison County

Richmond vicinity, *Bogie Houses and Mill Site*, 8 mi. W of Richmond on Silver Creek (8-13-76).

Mercer County

Harrodsburg vicinity, *Shawnee Springs (George C. Thompson House)*, 4 mi. NE of Harrodsburg on Curry Rd. (7-19-76).

Morgan County

West Liberty, *Morgan County Courthouse*, Main St. (7-19-76).

Pike County

Pikeville and vicinity, *Hatfield-McCoy Feud Historic District* (8-5-76).

Trimble County

Hunter's Bottom Historic District, Reference—see Carroll County.

LOUISIANA

St. Landry Parish

Washington, *Lalanne, Dominique, House and Store*, Bridge and Dejean Sts. (8-3-76) HABS.

MAINE

Oxford County

Bethel, *Gehring Clinic*, off ME 5 (8-2-76).

MARYLAND

Montgomery County

Takoma Park, *Takoma Park Historic District*, roughly bounded by D.C., Silver Spring, and E to jct of Woodland and Elm Aves. (7-16-76) (also in Prince Georges County).

Prince Georges County

Takoma Park Historic District. Reference—see Montgomery County.

Talbot County

Tilghman, *Reliance* (Chesapeake Bay skipjack), Knapps Narrows off MD 33 (7-30-76).

MASSACHUSETTS

Barnstable County

Wellfleet vicinity, *Atwood, Thomas, House*, NW of Wellfleet on Boundbrook Island (7-30-76).

Berkshire County

Great Barrington, *DuBoise, William E. B., Boyhood Homesites*, MA 23 (5-11-76) NHL.

Bristol County

New Bedford, *County Street Historic District*, roughly bounded by Acushnet, Page, Middle, and Bedford Sts. (include both sites) (8-11-76).

Essex County

Marblehead, *Old Town House*, Town House Sq. (8-13-76) HABS.

Middlesex County

Cambridge, *Baldwin, Maria, House*, 196 Prospect St. (5-11-76) NHL.
Groton, *Groton Inn*, Main St. (8-3-76).
Lowell, *Lowell Locks and Canals Historic District*, between Middlesex St. and the Merrimack River (8-13-76) HAER.

Suffolk County

Boston, *Nell, William C., House*, 3 Smith Court (5-11-76) NHL.
Dorchester, *Trotter, William Monroe, House*, 97 Sawyer Ave. (5-11-76) NHL.

MICHIGAN

Kent County

Grand Rapids, *Sixth Street Bridge*, spans Grand River between Newberry and 6th Sts. (8-13-76).

Livingston County

Howell, *Livingston County Courthouse*, Grand River Ave. (8-13-76).

Mackinac County

Gould City vicinity, *Scott Point Site*, Southwestern Mackinac County (7-30-76).

Midland County

Midland, *Dow, Herbert H., House*, 1038 W. Main St. (5-11-76) NHL.

St. Clair County

Port Huron, *Fort Gratiot Lighthouse*, Omar and Garfield Sts. (7-30-76).

Wayne County

Detroit, *Parke-Davis Laboratory*, Joseph Campau St. at Detroit River (5-11-76) NHL.
Wyandotte, *Marx House*, 2630 Biddle Ave. (8-13-76).

MINNESOTA

Carver County

Waconia, *Coney Island of the West*, Lake Waconia off MN 5 (8-11-76).

Ramsey County

St. Paul, *Historic Hill District*, irregular pattern extending from Pleasant and Grand Aves. to Holly and Marshall; from Lexington Pkwy. to 4th and Pleasant Ave. (8-18-76).

MISSISSIPPI

Bolivar County

Duncan vicinity, *Donelson House*, 2.5 mi. SW of Duncan (8-13-76).
Mound Bayou, *Montgomery, I. T., House*, W. Main St. (5-11-76) NHL.

MONTANA

Broadwater County

Avalanche Gulch, *Rankin Ranch* (5-11-76) NHL.

NEW JERSEY

Middlesex County

Brunswick, *Old Queens*, Rutgers University (5-11-76) NHL.

Somerset County

Basking Ridge, *Basking Ridge Classical School*, 15 W. Oak St. (7-21-76).

NEW YORK

Cayuga County

Aurora, *Aurora Steam Grist Mill*, Main St. (7-30-76).

Chautauqua County

Busti, *Busti Mill*, Lawson Rd. (7-23-76).

Kings County

Brooklyn, *Robinson, John Roosevelt "Jackie," House*, 5224 Tilden St. (5-11-76) NHL.

Livingston County

Lima, *Genesee Wesleyan Seminary and Genesee College Hall*, College St. (7-19-76).

Nassau County

Locust Valley, *Matinecock Friends Meetinghouse*, Piping Rock and Duck Pond Rds. (7-19-76).

New York County

New York, *Cook, Will Marion, House*, 221 W. 138th St. (5-11-76) NHL.
New York, *Ellington, Edward Kennedy "Duke," Home*, 935 St. Nicholas Ave. Apt. 4A (5-11-76) NHL.
New York, *Johnson, James Weldon, House*, 187 W. 135th St. (5-11-76) NHL.
New York, *New York Amsterdam News Building*, 2293 7th Ave. (5-11-76) NHL.
New York, *Old New York County Courthouse*, 52 Chambers St. (5-11-76) NHL.
New York, *Tilden, Samuel J., House*, 14-15 Gramercy Park S. (5-11-76) NHL.

Oneida County

Utica, *Stanley Theater*, 259 Genesee St. (8-13-76).

Putnam County

Carmel, *Putnam County Courthouse*, at jct. of NY 52 and NY 301 (8-11-76).

Queens County

Corona, *Armstrong, Louis, House*, 3456 107th St., Long Island (5-11-76) NHL.
Kew Gardens, *Bunche, Ralph, House*, 115-25 Grosvenor Rd. (5-11-76) NHL.

Tioga County

Nichols, *Platt-Cady Mansion*, 18 River St. (8-13-76).

Westchester County

Irvington, *Villa Lewaro, N. Broadway* (5-11-76) NHL.
Mt. Pleasant, *Rockefeller, John D., Estate*, Pocantico Hills (5-11-76) NHL.

NORTH CAROLINA

Durham County

Durham, *St. Joseph's African Methodist Episcopal Church*, Fayetteville St. and Durham Expressway (8-11-76).

Wake County

Raleigh, *North Carolina School for the Blind and Deaf Dormitory*, 216 W. Jones St. (8-11-76).

Warren County

Warrenton, *Warrenton Historic District*, U.S. 401 (8-11-76).

OHIO

Ashland County

Ashland, *First National Bank and Firestone Building*, 2 and 10 W. Main St. (8-5-76).

Athens County

Stewart, *Federalton*, 51 State St. (8-13-76).

Erie County

Sandusky, *Engels and Krudwig Wine Company Buildings*, 220 E. Water St. (7-30-76).

Franklin County

Columbus, *East Town Street Historic District*, roughly bounded by Grant, Franklin Aves, Lester Dr., and E. Rich St. (7-30-76).
Columbus, *Rickenbacker, Capt. Edward V., House*, 1334 E. Livingston Ave. (5-11-76) NHL.

Hamilton County

Cincinnati, *Old Gothic Barns*, 6058 Colerain Ave. (7-20-76).
Cincinnati, *West Fourth Street Historic District*, bounded by Central Ave., W. 5th, Plum, and McFarland Sts. (8-13-76).
Glendale, *Glendale Historic District*, OH 747 (7-20-76).

Mahoning County

Lowellville, *Lowellville Railroad Station*, Penn Central RR. (7-30-76).

Union County

Marysville vicinity, *Gilcrist House*, 3.5 mi. SE of Marysville off U.S. 33 (8-13-76).

Williams County

Kunkle vicinity, *Kunkle Log House*, 1 mi. E of jct. of CR 17 and 0 (8-5-76).

OREGON

Multnomah County

Portland, *Portland Yamhill Historic District*, roughly bounded by Taylor, Morrison, 2nd Ave. (includes both sides), and Willamette River (7-30-76).

PENNSYLVANIA

Blair County

Altoona, *Dudley, Charles B., House*, 802 Lexington Ave. (5-11-76) NHL.

Lackawanna County

Scranton, *St. Peter's Cathedral Complex*, 315 Wyoming Ave. (7-19-76).

Philadelphia County

Philadelphia, *Fairmount Water Works*, E banks of Schuylkill River (5-11-76) NHL.
Philadelphia, *Tanner, Henry O., House*, 2908 W. Diamond St. (5-11-76) NHL.

Washington County

Monongahela, *Acheson, Edward C., House*, 908 Main St. (5-11-76) NHL.

PUERTO RICO

Guayama, *Iglesia Parroquial de San Antonio de Padua de Guayama*, 5 Ashford St. (7-30-76).
Manati vicinity, *Hacienda Azucarera La Esperanza*, NNW of Manati on PR 616 (8-11-76) HAER.
San Juan, *Carcel de Puerto de Tierra*, Avenida Ponce de Leon, Parada 8, Puerta de Tierra (8-11-76).

RHODE ISLAND

Newport County

Newport, *Ocean Drive Historic District*, Ocean Dr. (5-11-76) NHL.

Providence County

Providence, *Shepard Company Building*, 259 Westminster Mall, 72-92 Washington St. (8-11-76).
Woonsocket, *Cato Hill Historic District*, within area bounded by Arnold, Railroad, Blackstone, and Main Sts. (8-10-76).
Woonsocket, *Harris Warehouse*, 61 Railroad St. (7-1-76).

SOUTH CAROLINA

Charleston County

Charleston, *Vesey, Denmark, House*, 56 Bull St. (5-11-76) NHL.

SOUTH DAKOTA

Codington County

Watertown, *Mellette House*, 421 5th Ave. NW. (8-13-76).

Jerauld County

Wessington Springs, *Wessington Springs Opera House*, 111 Wakota Ave. N. (7-21-76).

TENNESSEE

Fentress County

Pall Mall vicinity, *York, Alvin Cullom, Farm*, U.S. 127 (5-11-76) NHL.

TEXAS

Shackelford County

Albany, *Shackelford County Courthouse Historic District*, roughly bounded by S. 1st, S. 4th, S. Jacobs, and S. Pecan Sts. (7-30-76).

UTAH

Cache County

Logan, *Eccles, David House*, 250 W. Center St. (7-30-76)

Salt Lake County

Salt Lake City, *First Church of Christ Scientist*, 352 E. 3rd South (7-30-76).
Salt Lake City, *Fritsch, J. A., Block*, 158 E. 200 South (7-30-76).
Salt Lake City, *Herald Building*, 165-169 S. Main (7-30-76).
Salt Lake City, *Salt Lake Stock and Mining Exchange Building*, 39 Exchange Place (7-30-76).
Salt Lake City, *Trinity African Methodist Episcopal Church*, 239 E. 600 South (7-30-76).

VIRGIN ISLANDS

St. Croix Islands

Christiansted, *Christiansted Historic District* (7-30-76).
Christiansted vicinity, *Coakley Bay Estate*, E of Christiansted (7-23-76)
Frederiksted, *Frederiksted Historic District*, roughly bounded by Fisher St, the cemetery, Ft Frederick, and the shoreline (8-9-76) HABS
Frederiksted vicinity, *Whim*, 1.7 mi SE of Frederiksted on Centerline Rd. (7-30-76).

St. John Island

Coral Bay vicinity, *Estate Carolina Sugar Plantation*, W of Coral Bay on King Hill Rd. (7-19-76).

St. Thomas Island

Charlotte Amalie, *Charlotte Amalie Historic District* (7-19-76) HABS.
Charlotte Amalie vicinity, *Estate Botany Bay*, W of Charlotte Amalie (7-30-76).
Charlotte Amalie vicinity, *Hassel Island*, S of Charlotte Amalie in St. Thomas Harbor (7-19-76).
Charlotte Amalie vicinity, *Magens Bay* Archeological District, N of Charlotte Amalie (7-30-76).

VIRGINIA

Albemarle County

Scottsville, *Scottsville Historic District*, VA 6 (7–30–76) (also in Fluvanna County).

Arlington County

Arlington, *Benjamin Banneker: SW–9 Intermediate Boundary Stone*, 18th and Van Buren Sts, N. (5–11–75) NHL.
Arlington, *Drew, Charles Richard, House*, 2505 1st St., S. (5–11–76) NHL.

Fluvanna County

Scottsville Historic District—See Albemarle County.

Page County

Luray vicinity, *Massanutton Heights*, W of Luray on U.S. 211 (7–30–76).

Petersburg (independent city)

Appomattox Iron Works, 20–28 Old St. (8–11–76) HAER.
Friend, Nathaniel, House, 27–29 Bollingbrook St. (8–11–76).

Radford (independent city)

Harvey House, 706 Harvey St. (7–30–76).

Richmond (independent city)

Jackson Ward Historic District, roughly bounded by 5th, Marshall, Gilmer Sts. and the Richmond-Petersburg Turnpike (7–30–76) HABS.
Pace-King House, 205 N. 19th St. (7–30–76).

Scott County

Maces Spring vicinity, *Carter, A. P., Homeplace*, SE of Maces Spring near jct. of VA 614 and VA 691 (7–30–76).

Smyth County

Saltville, *Preston House*, VA 107 (7–30–76).

Spotsylvania County

Glenora vicinity, *Andrews Tavern*, 2.6 mi. NE of Glenora on VA 601 (7–30–76).

Surry County

Scotland vicinity, *Pleasant Point*, 1 mi. S of Scotland on VA 637 (7–16–76) HABS.

WASHINGTON

Benton County

Richland vicinity, *Wooded Island Archeological District*, 7 mi. N of Richland (7–19–76).

Clallam County

Sequim vicinity, *McAlmond House*, N of Sequim on Dungeness Bay (8–9–76).

Clark County

Camas vicinity, *Parkersville Site*, S of Camas on Columbia River (8–11–76).

Spokane County

Spokane, *Browne's Addition Historic District*, roughly bounded by Sunset Blvd., Maple, Latah Creek, and Spokane River (7–30–76).
Spokane, *Riverside Avenue Historic District*, Riverside Ave. (7–30–76).

WISCONSIN

Bayfield County

Bayfield, *Booth Cooperage*, Washington Ave. and Front St. (8–13–76).

Rock County

Shopiere, *Shopiere Congregational Church*, Buss Rd. (8–13–76).

WYOMING

Basin, *Basin Republican-Rustler Printing Building*, 409 W. C St. (7–19–76).

Johnson County

Buffalo vicinity, *Fort McKinney*, about 2 mi. W of Buffalo on U.S. 16 (7–30–76).

Sheridan County

Big Horn vicinity, *Quarter Circle A Ranch*, 2 mi. SW of Big Horn (8–10–76).

* * * * *

The following is a list of corrections to properties previously listed in the "Federal Register:"

ARIZONA

Cochise County

Sierra Vista vicinity, *Fort Huachuca*, 3.6 mi. W of Sierra Vista (11–20–74) NHL.

CALIFORNIA

Butte County

Chico, *Stansbury House*, 307 W. 5th St. (6–5–75).

Los Angeles County

South Pasadena, *Garfield House*, 1001 Buena Vista St. (4–24–73).

San Diego County

San Diego, *Santa Fe Depot (Union Station)*, 1050 Kettner St. (6–26–72) HABS.
San Diego, *Spreckels Theatre Building*, 123 W. Broadway (5–28–75) HABS.
San Diego vicinity, *Mission San Diego de Alcala*, 5 mi. E of Old Town San Diego on Friars Rd. (4–15–70) NHL.

San Luis Obispo County

San Simeon vicinity, *Hearst San Simeon Estate*, 3 mi. NE of San Simeon (6–22–72) NHL.

DISTRICT OF COLUMBIA

Marine Corps Commandant's House, 801 G St., SE. (8–14–73) NHL.
U.S. Marine Corps Barracks, 8th and I Sts., SE. (12–27–72) NHL.
Washington Navy Yard, 8th and M Sts., SE. (6–19–73) NHL.

FLORIDA

Hillsborough County

Tampa, *Tampa Bay Hotel*, 401 W. Kennedy Blvd. (12–5–72) NHL; G.

GEORGIA

Chathem County

Savannah, *Green-Meldrim House*, Macon and Bull Sts. (1–21–74) NHL; HABS.

Fulton County

Atlanta, *Fox Theatre*, 660 Peachtree St., NE. (5–17–74) NHL.

KANSAS

Barber County

Medicine Lodge, *Nation, Carry A., House*, 211 Fowler Ave. (3–24–71) NHL.

Lyon County

Emporia, *White, William Allen, House*, 927 Exchange St. (5–14–71) NHL.

MISSISSIPPI

Claiborne County

Alcorn, *Oakland Chapel*, Alcorn State University campus (12–27–74) NHL; HABS.

Hinds County

Jackson, *Old State Capitol*, 100 N. State St. (11–25–69).

MISSOURI

Linn County

Laclede, *Pershing, Gen. John J., Boyhood Home*, State and Worlow Sts. (5–21–69) NHL.

NEVADA

Churchill County

Fallon vicinity, *Grimes Point*, 10.1 mi. SE of Fallon on U.S. 50 (2–23–72).

NEW HAMPSHIRE

Cheshire County

Keene vicinity, *Cooke, Noah, House*, W of Keene on Daniels Hill Rd. (4–23–73).

NEW JERSEY

Atlantic County

Margate, *Lucy, the Margate Elephant*, Decatur and Atlantic Aves. (8–12–71) NHL; HABS.

Cape May County

Cape May, *Cape May Historic District* (12–29–70) NHL.

Passaic County

Paterson, *Great Falls of Paterson/S.U.M. Historic District*, at Passaic River (4–17–70) NHL.

OHIO

Butler County

Middletown, *Tytus, John B., House*, 300 S. Main St. (5–27–75) NHL.

OKLAHOMA

Pawnee County

Pawnee vicinity, *Blue Hawk Peak Ranch*, W of Pawnee on U.S. 64 (10–10–75).

PENNSYLVANIA

Allegheny County

Pittsburgh, *Allegheny County Courthouse and Jail*, 436 Grant St. (3–7–73) NHL; HABS.
Pittsburgh, *Smithfield Street Bridge*, Smithfield St. at the Monongahela River (3–21–74) NHL.

Fayette County

Mill Run vicinity, *Fallingwater*, W of PA 381 (7–23–74) NHL.

Luzerne County

Wilkes-Barre, *Weiss Hall (Judge Edmund Taylor House)*, 98 S. River St. (11–27–72).

RHODE ISLAND

Newport County

Newport, *Bellevue Avenue Historic District* (12–8–72) NHL; HABS.

Providence County

Providence, *Arcade*, 130 Westminster St. and 65 Weybosset St. (5–6–71) NHL; HABS.
Providence, *College Hill Historic District*, roughly bounded by the Providence and Seekouk Rivers, Olney, Hope, and Governor Sts., Carrington and Whittier Aves. (11–10–70) NHL; G.
Providence, *Lippitt, Gov. Henry, House*, 199 Hope St. (11–27–72) NHL; HABS.

SOUTH CAROLINA

Richland County

Columbia, *South Carolina State House*, Main St. (6–5–70) NHL.

TEXAS

Fannin County

Bonham vicinity, *Rayburn, Samuel T., House*, 1.5 mi. W of Bonham on U.S. 82 (6–5–72) NHL.

Galveston County

Galveston, *East End Historic District*, Broadway and Market Sts. (7–3–75) NHL.

Galveston, *Strand Historic District*, roughly bounded by Ave. A, 20th St., alley between Aves. C and D, and railroad depot (1–26–70) NHL; G.

* * * * *

The following properties have been either demolished or removed from the National Register of Historic Places.

OHIO

Warren County

Harveysburg vicinity, *Lukins-Plummer House*, W of Harveysburg.

RHODE ISLAND

Providence County

Woonsocket, *Woonsocket Opera House*, 37–41–45 N. Main St.

* * * * *

The following properties were omitted from the February 10, 1976, listing of properties in the Federal Register.

ARIZONA

Pima County

Tucson vicinity, *Saguaro National Monument*, E of Tucson (10–15–66).

Pinal County

Chandler vicinity, *Hohokam-Pima National Monument*, 12 mi. SW of Chandler (10–15–66).

LOUISIANA

Orleans Parish

New Orleans, *Pontalba Buildings*, 500 St. Ann St. and 500 St. Peter St. (5–30–74) NHL.

MAINE

Aroostook County

Madawaska vicinity, *St. David Catholic Church*, E of Madawaska on U.S. 1 (10–2–73).

* * * * *

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36, Project I–459–4(4).

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Maricopa County

Site U:1:30 (ASU).
Site U:1:31 (ASU).

Washington County

Sunflower vicinity, *Dr. Williams Home*, AL project RF–98(7).

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House.*

ARIZONA

Apache County

Grand Canyon National Park, *Old Post Office.*

Coconino County

House Rock Springs, Upper Houserock Valley *Paria Plateau Archeological District*

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir Sites NA 13,257*, and *NA 13,258.*

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District.
Site T:4:6.
Site U:1:30(A.S.U.)
Site U:1:31(A.S.U.)
Skunk Creek Archeological District.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Convento Site.*
Tucson vicinity, *Old Santan*, NW of Tucson.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.
Yuma, *Southern Pacific Depot.*

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site 3CY34, Little Black River Watershed.

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites *3VB49–3VB51*, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed

Ouachita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Point Lobos Archeological Sites, Golden Gate National Recreation Area.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoney ford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld–58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Gamlin Cabin, King's Canyon National Park.
Helms Pumped Storage Archeological Sites, Sierra National Forest.
Muir Hut, Kings Canyon National Park.

Glenn County

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction project.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*
Lake Cahuilla, *Lot 1.*
Lake Cahuilla, *Lot 5.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Lassen County

Archeological Site HJ–1 and HJ–5.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Van Norman Reservoir, Site CA–LAN 646, CA–LAN 643, Site CA–LAN 490, and a cluster made up of Sites CA–LAN, 475, 491, 492, and 493.

Madera County

Bass Lake Archeological Sites.
CA–MAD 176–185.
Lower China Crossing.
New Site.

Marin County

Point Reyes, *Olema Lime Kilns*, Point Reyes National Sea Shore.
Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA–MNO–584.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Napa County

Archeological Sites 4–Nap–14, 4–Nap–261, Napa River Flood Control Project.

Plumas County

Archeological Sites 05-11-55-11, 28, 33, 43, and 44.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento, *Tower Bridge*, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Island, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Fire Department High Pressure Pumping Station, No. 2*, Golden Gate National Recreation Area.

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa-1330*, Santa Monica Creek.

Shasta County

Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676).

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Farrell Home*, 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabin, Sequoia National Park.
Quinn Ranger Station.
Tharp's Log.
Smithsonian Institution Shelters.
Squatter's Cabin.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Sites 5-LR-257 and 5-LR-263, Boxelder Watershed Project.

Moffat County

White Indian Contact Site.

CONNECTICUT

Fairfield County

Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97-81, 65.
Southington, *Lewis, Sally, House*, 500 N. Main St.

New London County

New London, *Washington Street Historic District*, project 103-159.
New London, *Williams Memorial Institute Building*, 110 Broad St.

DELAWARE

Sussex County

Lewes, Delaware Breakwater. Harbor of Refuge Breakwater.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. SW, between 4th and 6th Sts. SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700-1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31-S, R-15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, *516 Ott Street.*
Savannah, *908 Wheaton Street.*
Savannah, *914 Wheaton Street.*
Savannah, *920 Wheaton Street.*
Savannah, *828 Wheaton Street.*
Savannah, *930 Wheaton Street.*

Chatooga County

Archeological Sites in area of Structure 1-M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

Clay County

Archeological Site WGC-73, downstream from Walter F. George Dam.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area.*

Fulton County

Atlanta, *Downtown Atlanta Historic District*, beginning at jct. Atlanta St. and Central Ave.

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*
Augusta, *Green Street.*

Stewart County

Rood Mounds, Walter F. George Dam and Reservoir.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*
Lewiston, *Fix Building*, 211-213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Moxley Building*, 215 Main St.
Lewiston, *Scully Building*, 209 Main St.

Power County

Snake River, *Old Island Power Plant*, American Falls Dam project.

ILLINOIS

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.

Monroe County

Bloomington, *Carnegie Library*.

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Spencer County

Evansville, *Pollard, Maier, House*.

Vanderburgh County

Evansville, *Riverside Neighborhood*.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Johnson County

Indian Lookout.

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125–123 W. 3rd and 307, 309 Chestnut.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Louisa County

Fort Ancient Archeological Site.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

St. Martins Parish

Site 16, Sm–45, Atchafalaya Basin Floodway.

Washington Parish

Machiasport, *Libby Island Light Station*.

MARYLAND

Allegany County

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craghill Channel Upper Range Front Light*, on Chesapeake Bay.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Carroll County

Bridge No. 1–141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

St. Marys County

Piney Point, *Piney Point Light Station*.
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Rider, Samuel House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light area.
Truro, *Highland House*, Cape Code Light (Highland Light) area.

Berkshire County

Adams, *Quaker Meetinghouse*, Maple Street Cemetery.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 27, 1.5 mi. NW of Rte. 126 Jct.

Worcester County

Leicester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Little Forks Archeological District.

MINNESOTA

St. Louis County

Duluth, *Morgan Park Historic District*.

Winona County

Winona, *Second Street Commercial Block*.

MISSISSIPPI

Tishomingo County

Tennessee—Tombigbee Waterway

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W. Robidoux on S. 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House*.

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Greene County

Springfield, *Landers Theater*, 311 East Walnut St.

Henry County

La Due, *Batschelett House*, near Harry S. Truman Dam and Reservoir.
Little Black River Watershed (also in Ripley County).

MONTANA

Big Horn County

Fort Smith, *Big Horn Canal Headgate*.

Carbon County

Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District*.

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge*.
Valentine vicinity, *Newman Brothers House*.

NEVADA

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669—26EK1672*.

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

Sullivan County

Newport, *Courthouse Park Project.*

NEW JERSEY

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1-9 New Ocean Ave.

Ocean County

Holmes, John, Mill (The Mill Site), SW corner of Mill and Parker Sts. in Ocean County Central Service area.

Sussex County

Old Mine Road Historic District (also in Warren County).

NEW MEXICO

Bernalillo County

Archeological Site, Tetilla Peak, Tetilla Peak Recreation Area.

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Lea County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Cerrito Recreation Site Archeological District.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site, Tetilla Peak Site.*

Bronx County

New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.
Long Island, *Seaford Park Archeological Site.*

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Oswago County

Gustin-Earle Factory Site, village of Mexico.

Otsego County

Swart-Wilcox House

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Saratoga County

Saratoga Springs, *Saratoga Springs Historic District.*

Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Staten Island

Tottenville, *Ward's Point*, Oakwood Beach Project

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site.*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Yorktown, *Yorktown Railroad Station.*

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS-12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hosital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Wasihngton St.

Warren County

Corwin, *Shaffer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, Camp Comanche Site, E range on Cache Creek.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Gilliam County

Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir Area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901–1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettsysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and* Store, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Chester County

Blakewell House (John Stager House), State Rd., Schuylkill township.
Lock Aerie.
Nature Center of Charleston, State Rd. Charleston township.
Nesspor House (Thompson Davis House), State Rd., Charlestown township.
Pickering Creek Ice Dam, State Rd., Charlestown township.
Showalter House (John Showalter Tenant House), State Rd., Schuylkill township.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Dauphin County

Middletown, *Swatara Ferry House (Old Fort)*, 400 Swatara, St.

Delaware County

I 476 Historic Sites (20 Historic Sites) Mid-County Expwy. (also in Montgomery County.)

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank* Bldg 13N., Main St.

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings*, I–78.
Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.
Site 3: Farmhouse, barn, and outbuildings, I–78.
Site 4: Farmhouse, barn, and outbuildings, I–78.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Tremont Mills*, Wingonocking St. and Adams Ave.
Philadelphia, *3400 Block of Sansom Street ("University City" Urban Renewal Project)*.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charleroi, *Ninth Street School.*
Cross Creek Village, Cross Creek watershed.
Somerset Township, *Wright No. 22 Covered Bridge.*

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground*, section 203(b).

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George, House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Leona River Watershed Archeological Sites.

Uvalde County

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House)*, 601 Zaragosa St.

UTAH

Emery County

Site ML–2145, Manti-LaSal National Forest.

Salt Lake County

Salt Lake City, *Lollin Block*, 238–240 S. Main St.

VERMONT

Windsor County

Windsor, *Post Office Building.*

VIRGINIA

Wythe County

Fort Criswell

WASHINGTON

Benton County

Richland vicinity, *Hanford Island Archeological Site*, 18 mi. N of Richland.
Richland vicinity, *Hanford North Archeological District*, 22 mi. N of Richland.
Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Snively Canyon Archeological District*, 25 mi. NW of Richland.

Clallam County

Cape Alava vicinity, *White Rock Village Archeological Site*, S of Cape Alava.
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Franklin County

Richland vicinity, *Savage Island Archeological District*, 15 mi. N of Richland.

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Hwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Skamania County

North Bonneville, *Site 44SA11*, Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek Watershed (also in Harrison County).

Cabell County

Huntington, *Old Bank Building*, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Fond du Lac County

Fond du Lac, *Aetna Station No. 5*, 193 N. Main St.

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

WYOMING

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Natrona County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.76-25285 Filed 9-3-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 27, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by September 17, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ARIZONA

Yavapai County

Prescott vicinity, *Barlow-Massicks House and Mining Site*, 7 mi. E of Prescott on Lynx Creek, off AZ 69.

CALIFORNIA

Contra Costa County

Berkeley vicinity, *Hershell-Spillman Merry-Go-Round*, E of Berkeley in Tilden Regional Park.

San Mateo County

Pescadero vicinity, *Green Oaks Ranch*, 13 mi. S of Pescadero on CA 1.

Santa Barbara County

Lompoc, *Mission de la Purisima Concepcion de Maria Santisima.*

Santa Clara County

Los Gatos vicinity, *Kotani-En Garden* W of Los Gatos.

Sonoma County

Healdsburg vicinity, *Walters Ranch*, 6 mi. SW of Healdsburg, at jct. of Westside and Sweetwater Springs Rds.

GEORGIA

Decatur County

Bainbridge, *Callahan, J. W., House*, 200 Evans St.

Stephens County

Toccoa, *Schaefer-Marks House*, 316 E. Doyle St.

Troup County

La Grange vicinity, *Strickland House*, NW of La Grange on Glenn Rd.

IOWA

Black Hawk County

Cedar Falls vicinity, *Newell, James, Barn*, N of Cedar Falls off U.S. 218.

Bremer County

Waverly, *Waverly House*, 402 W. Bremer Ave.

Buchanan County

Independence, *Munson Building*, 210 2nd St. NE.

Carroll County

Carroll, *Carnegie Library Building*, 125 E. 6th St.

Cherokee County

Cherokee vicinity, *Brewster Site*, N of Cherokee off U.S. 59.
Cherokee vicinity, *Pilot Rock*, S of Cherokee off U.S. 59.
Washta vicinity, *Crocker Site*, SW of Washta.

Clayton County

Ceres, *St. Peters United Evangelical Lutheran Church*, U.S. 52.

Des Moines County

Burlington, *First Congregational Church*, 313 N. 4th St.

Dubuque County

Dubuque, *McMahon House*, 800 English Lane.
Holy Cross vicinity, *Western Hotel*, SE of Holy Cross on U.S. 52.

Johnson County

Iowa City, *Linsay House*, 935 E. College.
Iowa City vicinity, *First Welsh Congregational Church*, about 5 mi. SW of Iowa City off IA 1.

Plymouth County

LeMars, *St. George's Episcopal Church*, 400 1st Ave. SE.

Sioux City vicinity, *Larson Site*, N of Sioux City.

Poweshiek County

Grinnell, *Rock Island Lines Passenger Station*, Park and State Sts.
Grinnell, *Stewart Library*, 926 Broad St.

Webster County

Ft. Dodge vicinity, *Coffin, Lorenzo S., Burial Plot*, NW of Ft. Dodge on IA 7.

Winneshiek County

Decorah, *Broadway-Phelps Park Historic District*, W. Broadway from Winnebago, St. to Park Dr.; Upper Broadway; Park St.; and Phelps Park.

MARYLAND

Carroll County

Uniontown vicinity, *Trevanion*, 3 mi. NW of Uniontown on Trevanion Rd.

Montgomery County

Bethesda, *Bethesda Naval Hospital Tower*, 8901 Wisconsin Ave.

MASSACHUSETTS

Middlesex County

Concord, *Pest House*, 153 Fairhaven Rd.
Concord vicinity, *Cuming, Dr. John, House*, W of Concord at Barretts Mill Rd. and Reformatory Circle.
Melrose, *Lynde, Joseph, House*, 409 Lebanon St.

Plymouth County

Duxbury vicinity, *Plymouth Light Station*, SE of Duxbury at Gurnet Point.

Worcester County

Clinton vicinity, *North Village Historic District*, N of Clinton on MA 117.

NEW YORK

Franklin County

Malone, *Malone Freight Depot*, 99 Railroad St.
Malone, *Paddock Building*, 34 W. Main St.

New York County

New York, *Metropolitan Savings Bank*, 9 E. 7th St.

Orange County

Slate Hill, *Primitive Baptist Church of Brookfield*, NY 6.

Saratoga County

Mechanicville, *Ellsworth, Col. Elmer E., Monument and Grave*, Hudson View Cemetery.

Seneca County

Ovid, *Seneca County Courthouse Complex*, NY 414.

PENNSYLVANIA

Dauphin County

Middletown, *Swatara Ferry House*, 400 Swatara St.

Washington County

Eightyfour vicinity, *Brownlee, Samuel, House*, N of Eightyfour on PA 519.

TENNESSEE

Franklin County

Decherd vicinity, *Lewis, Col. James, House*, E of Decherd on Greenhaw Rd.

TEXAS

Bexar County

San Antonio, *Alamo Portland and Roman Cement Works*, Brackenridge Park.

Brazos County

Bryan, *Bryan Carnegie Library*, 111 S. Main St.
Bryan, *Cavitt House*, 713 E. 30th St.

Orange County

Orange, *Stark, W. H., House*, 611 W. Green Ave.

Smith County

Tyler, *Goodman-LeGrand House*, 624 N. Broadway.

VERMONT

Bennington County

Bennington, *Bennington Post Office*, 118 South St.

Orleans County

Newport, *U.S. Courthouse, Post Office, and Customs House*, Main and 2nd Sts.

WISCONSIN

Portage County

Stevens Point, *Stevens Point State Normal School*, 2100 Main St.

Racine County

Racine, *Racine College*, 600 21st St.

[FR Doc.76-25681 Filed 9-3-76;8:45 am]

Office of the Secretary

COMMITTEE ON ENHANCED RECOVERY TECHNIQUES FOR OIL AND GAS IN THE UNITED STATES, SUBGROUPS; NATIONAL PETROLEUM COUNCIL

Meetings: Changes

In our notice appearing on page 36054 in the FEDERAL REGISTER of Thursday, August 26, 1976, the following changes should be made:

1. The Economic Conditions Task Group will meet only on September 15, at 1:30 p.m. There will be no meeting of this group on September 14.

2. The room in the Writer's Manor for the meetings of the Coordinating Subcommittee on September 16–17 and the Technology Task Group on September 14–15 will be the Club Room instead of the President's Room.

Dated: August 31, 1976.

ROBERT L. PRESLEY,
Staff Assistant-Emergency Preparedness, Office of the Assistant Secretary-Energy and Minerals.

[FR Doc.76-25999 Filed 9-3-76;8:45 am]

Office of the Secretary

FREEDOM OF INFORMATION

Indexes of Administrative Staff Manuals

Under section (a)(2) of the public information section of the Administrative Procedure Act (5 U.S.C. 552), known commonly as the "Freedom of Information Act," each agency is required to make available for public inspection and copying indexes to administrative staff manuals and instructions that affect any member of the public. Also, each agency is required to promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of the index or supplements thereto unless it determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impracticable in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication.

Upon reexamination of the material and indexes contained in the Departmental Manual and the administrative manuals of those bureaus which have issued such documents, it was determined the majority of the directives prescribe policies and procedures that are primarily for internal use and do not affect the public. These manuals provide guidelines or procedures necessary for the accomplishment of required day-to-day operations or detailed instructions on limited technical subjects. Additionally, the contents of indexes change infrequently and requests for copies of manual indexes are extremely rare reflecting negligible interest in such indexes.

It has been a long standing policy of the Department of the Interior that any policies and procedures which affect the public must be promulgated and published in the FEDERAL REGISTER and incorporated in the Code of Federal Regulations when appropriate. Both of these documents are offered for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

After full consideration of 5 U.S.C. 552 (a)(2)(C), for the foregoing reasons and consideration of economy, it is determined administratively unnecessary and impractical to publish manual indexes identified in the appendix to this Notice quarterly or more frequently and distribute (by sale or otherwise) copies of such indexes or supplements thereto. Copies of indexes will nonetheless be provided on request at a cost not to exceed the direct cost of duplication by contacting the appropriate bureau or office as provided in 43 CFR 2.3.

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

AUGUST 30, 1976.

APPENDIX

The following administrative manuals or instructions are exempt from the quarterly index publication requirements of 5 U.S.C. 552 (a)(2)(C):

OFFICE OF THE SECRETARY

Departmental Manual
Department Supplements to the Federal Personnel Manual

U.S. GEOLOGICAL SURVEY

USGS Manual

NATIONAL PARK SERVICE

NPS Guidelines
NPS Special Directives
NPS Staff Directives

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

MESA Management Manual
MESA Procurement Handbook
MESA Property Handbook
Health and Safety Manual for Orders, Notices and Report Writing
Coal Mine Health and Safety Inspection Manual—Surface Coal Mines and Surface Work Areas of Underground Coal Mines
Coal Mine Health and Safety Inspection Manual for Underground Mines
Metal and Nonmetal Mine Health and Safety Inspection and Investigation Manual
Mine Rescue and Recovery and Accident Investigation Manual
Coal Mine Safety Electrical Inspection Manual for Underground Coal Mines, Surface Coal Mines, and Surface Work Areas of Underground Coal Mines

FISH AND WILDLIFE SERVICE

Administrative Manual

BUREAU OF LAND MANAGEMENT

BLM Manual

BUREAU OF RECLAMATION

Reclamation Instructions
Task Force Report on Water Marketing (Guidelines)

BONNEVILLE POWER ADMINISTRATION

BPA Manual

BUREAU OF INDIAN AFFAIRS

BIA Manual
Accounting Procedures Handbook
Guaranteed and Insured Loans Guidelines
United States Direct Loans and Loans by Tribes and Relending Organization Guidelines
Financing by Customary Financial Institutions Handbook
Real Estate Appraisal Handbook
Rights-of-Way Over Indian Lands Handbook
General Grazing Regulations Handbook
Investigations and Planning Handbook

[FR Doc.76-26033 Filed 9-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN, BIENVILLE NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Bienville Timber Management Plan, Bienville National Forest, Mississippi, USDA–FS–R8–FES ADM 76–13.

The Bienville Timber Management Plan is for the Bienville National Forest located in Jasper, Newton, Scott, and Smith Counties. The Forest contains 177,073 acres of National Forest land. This is one of the six National Forests in Mississippi.

Management actions include timber harvesting, site preparation, and other timber management activities, road construction and reconstruction, prescribed burning and the use of pesticides.

This final environmental statement was transmitted to CEQ on August 30, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th Street & Independence Avenue, SW, Washington, DC 20250.

USDA, Forest Service, 1720 Peachtree Road, NW, Room 804, Atlanta, GA 30309.

USDA, Forest Service, 350 Milner Building, Box 1291, Jackson, Mississippi 39205.

A limited number of single copies are available upon request to Forest Super-

visor B. F. Finison, Box 1291, Jackson, MS, 39205.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

DAVID F. JOLLY,
Regional Environmental Coordinator.

AUGUST 30, 1976.

[FR Doc.76-26013 Filed 9-3-76;8:45 am]

TIMBER MANAGEMENT PLAN, HOMOCHITTO NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Homochitto Timber Management Plan, Homochitto National Forest, Mississippi, USDA-FS-R8-FES ADM 76-12.

The Homochitto National Forest is one of six National Forests in Mississippi containing 189,039 acres in Adams, Wilkinson, Jefferson, Franklin, Amite, Copiah and Lincoln Counties.

Management actions include timber harvesting, and other timber management activities, road construction and reconstruction, prescribed burning and the use of pesticides.

This final environmental statement was transmitted to CEQ on August 30, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg, Room 3230, 12th Street & Independence Avenue, SW, Washington, DC 20250.
USDA, Forest Service, 1720 Peachtree Road, NW, Room 804, Atlanta, GA 30309.
USDA, Forest Service, 503 Milner Building, Box 1291, Jackson, Mississippi 39205.

A limited number of single copies are available upon request to Forest Supervisor B. F. Finison, Box 1291, Jackson, MS 39205.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

DAVID F. JOLLY,
Regional Environmental Coordinator.

AUGUST 30, 1976.

[FR Doc.76-26012 Filed 9-3-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Tabulated Results—August, 1976

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the "Current Population Reports," Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1975, for which tabulations were completed between August 1, 1976, and August 31, 1976.

Dated: August 31, 1976.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

State/Place or special area	County	Date of census	Population
Arkansas:			
Caddo Valley city	Clark	June 9, 1976	322
Horseshoe Bend city	Fulton, Izard and Sharp	June 7, 1976	1,581
Success town	Clay	May 26, 1976	289
Florida: St. Petersburg city	Pinellas	Jan. 30, 1976	236,413
Idaho: Post Falls city	Kootenai	May 17, 1976	4,362
Illinois:			
Bartonville village	Peoria	do	6,145
Bensenville village	Cook and Du Page	June 2, 1976	13,876
Bethalto village	Madison	June 29, 1976	8,373
Calumet City city	Cook	June 9, 1976	38,761
Libertyville village	Lake	June 10, 1976	14,730
Mackinaw village	Tazewell	June 22, 1976	1,444
Marquette Heights city	Tazewell	June 15, 1976	3,241
Metamora village	Woodford	June 7, 1976	2,338
Murphysboro city	Jackson	May 18, 1976	9,629
Spaulding village	Sangamon	June 28, 1976	358
Iowa:			
Albert City city	Buena Vista	June 15, 1976	765
Alta city	Buena Vista	June 28, 1976	1,743
Carroll city	Carroll	June 18, 1976	9,218
Fremont town	Mahaska	May 18, 1976	645
Parnell city	Iowa	June 15, 1976	248
Michigan:			
Bingham township	Clinton	June 21, 1976	2,176
Delhi township	Ingham	May 29, 1976	15,375
Frankenlust township	Bay	June 21, 1976	2,167
Green Lake township	Grand Traverse	do	1,986
Highland township	Oakland	June 3, 1976	13,471
Holland township	Ottawa	June 2, 1976	12,166
Northville township	Wayne	June 3, 1976	12,475
Wixom city	Oakland	May 12, 1976	4,453
Minnesota: Hibbing city	St. Louis	May 20, 1976	16,126
North Carolina: Wrightsville Beach town	New Hanover	Jan. 26, 1976	2,525
North Dakota: Lakota city	Nelson	June 1, 1976	1,258
Oklahoma: Mustang city	Canadian	June 22, 1976	5,725
Pennsylvania:			
East Goshen township	Chester	May 10, 1976	8,511
Hampden township	Cumberland	May 11, 1976	16,000
Lawrence township	Clearfield	May 17, 1976	8,307
Middlesex township	Butler	June 7, 1976	5,151
Monroe township	Wyoming	June 1, 1976	1,576
St. Thomas township	Franklin	June 21, 1976	5,212
Shrewsbury township	York	May 10, 1976	3,535
Wright township	Luzerne	June 2, 1976	4,633
Virginia: Wise town	Wise	May 17, 1976	3,637
Wisconsin: Marinette city	Marinette	June 15, 1976	12,157

[FR Doc.76-26038 Filed 9-3-76;8:45 am]

Domestic and International Business Administration

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting; Correction

In FR Doc. 76-24130 appearing at page 35006 in the FEDERAL REGISTER of August 18, 1976, column 3, second paragraph, line one is corrected by changing "agenda item (4)," to read "agenda item (6),".

Dated: September 1, 1976.

RAUER H. MEYER,
Director, Officer of Export Administration, Bureau of East-West Trade.

[FR Doc.76-26115 Filed 9-3-76;8:45 am]

Domestic and International Business Administration

FOOD AND DRUG ADMINISTRATION, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11 (e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00390. Applicant: DHEW/FDA, National Center for Toxicological Research, Jefferson, Arkansas 72079. Article: Mass Display and Marker—accessory for CH–5 mass spectrometer. Manufacturer: Barian-MAT, West Germany. Intended use of article: The articles are accessories which will be added to an existing Field-Desorption Mass Spectrometer that is currently being utilized to investigate the chemical structural identity of carcinogenic residues from animal tissue, blood, urine and feces. These accessories are required for determining exact mass starting values and mass peak apex determination for data acquisition which is now necessary under current research protocols. Application received by Commissioner of Customs: April 27, 1976. Advice submitted by the Department of Health, Education, and Welfare on: July 28, 1976.

Docket Number: 76–00391. Applicant: Laboratory of Neurotolaryngology, NINCDS, National Institutes of Health, Building 36, Room 5D32, Bethesda, Maryland 20014. Article: Manipulator frame with pneumatic locking device and coordinate adjustment and Insulated Base Plate with animal mounting frame. Manufacturer: AB Transvertex, Sweden. Intended use of article: The articles are accessories to an existing micromanipulator which will be used to record activity from single cells of the organ of Corti and from single nerve fibers of the auditory nerve in the cat, in other mammals, and in organ culture. Application received by Commissioner of Customs: April 27, 1976. Advice submitted by the Department of Health, Education, and Welfare on: July 28, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76–26056 Filed 9–3–76;8:45 am]

NATIONAL RADIO ASTRONOMY OBSERVATORY ASSOCIATED UNIVERSITIES, INC.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00361. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 1000 Bullock Blvd., Socorro, NM 87801. Article: Waveguide Coupling Components and accessories. Manufacturer: Fujikura Cable Works Ltd., Japan. Intended use of article: The article is intended to be used as part of the Very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study sources of energy, origin, and evolution of the universe.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign articles which are custom-made provide (1) low loss of signal strength over the long transmission paths (21 kilometers) required by the Very Large Array radio telescope under construction by the applicant, (2) transmission of wide signal bandwidths, needed for handling very high data rates, (3) very low signal distortion (VSWR) and (4) elimination of the need for complex electronic amplifiers (repeaters) at 800 meters along the transmission line. The National Bureau of Standards (NBS) advises in its memorandum dated August 10, 1976 that the capabilities of the articles described above are pertinent to the applicant's intended use. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as the articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76–26053 Filed 9–3–76;8:15 am]

STATE UNIVERSITY OF NEW YORK AT BUFFALO, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (see especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00417. Applicant: State University of New York at Buffalo, Faculty of Engineering and Applied Sciences, 250 Winspear Avenue, Buffalo, N.Y. 14214. Article: AGI Gas Reaction Accessory for use with the JEM–100 Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to be used in the JEM–100 electron microscope specimen chamber in order to continually observe the specimen reaction process at high magnification by heating the specimen in a gaseous atmosphere. The aging and regeneration of supported metal catalysts will be studied in situ and in controlled atmosphere. The substrate will be alumina, silica or carbon and the metal will be platinum, gold, nickel, etc. Application received by Commissioner of Customs: May 17, 1976. Advice submitted by the National Bureau of Standards on: August 12, 1976.

Docket Number: 76–00421. Applicant: (NCI) National Cancer Institute, (NIH) National Institutes of Health, Bldg. 10, Room 5B–36, Laboratory of Pathophysiology, DCBD, NCI, NIH, Bethesda, Maryland 20014. Article: TV Scanning Device for JEM–100C E.M. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope which is intended to be used in studies of biological materials (both pathogenic and nonpathogenic microorganisms). Properties of the materials to be investigated are those, (1) which lend themselves to the understanding of transport processes for micro- and macro-molecules into and across cells and cellular barriers, (2) which provide an understanding of evolution of intracellular environment and, (3) which lead to the understanding of physiological and pathological changes in the cell. The objectives to be pursued in the course of investigation are to re-

veal the relationship between the molecular organization and the function of cellular and subcellular components of biological system. Application received by Commissioner of Customs: May 20, 1976. Advice submitted by the National Bureau of Standards on: August 10, 1976.

Docket Number: 76-00438. Applicant: Brookhaven National Laboratory, Upton, Long Island, N.Y. 11973. Article: High Resolution scanning attachment for JEM 100C microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to an existing electron microscope which will be used for chemical and physical characterization of metals, alloys and superconductors. The materials to be studied will include crystalline and noncrystalline solids comprising various metals, alloys and superconductors. Application received by Commissioner of Customs: June 15, 1976. Advice submitted by the National Bureau of Standards on: August 11, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the National Bureau of Standards in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76-26058 Filed 9-3-76;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held on Friday, October 1, 1976, at 10:00 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Industry member assignments by product category.

(4) Presentation and discussion of any new Committee findings relative to technical matters and foreign availability of telecommunications equipment.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 28, 1976, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1) i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The Complete Notice of Determination to close portions of the meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register on April 30, 1976 (41 Fed. Reg. 18129).

Dated: September 1, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.76-26116 Filed 9-3-76;8:45 am]

UNIVERSITY OF CALIFORNIA; BERKELEY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00393. Applicant: University of California—Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: Temperature-Jump Spectrophotometer System and accessories. Manufacturer: Garching Instruments GmbH, West Germany. Intended use of article: The article is intended to be used for measurement of the kinetics of binding mutagens to nucleic acids. The mutagens to be studied are mainly aromatic amines such as naphthyl amines, amino-fluorenes and benzidenes. These studies will determine the mechanisms of binding to naturally occurring nucleic acids and to synthetic deoxyoligonucleotides. The article will also be used for training graduate students in the course, Chemistry 299.

Comments: Comments dated June 4, 1976 have been received from Durrum which states inter alia that the domestic manufacturer has no objection to this request for duty-free entry because the Durrum instrument is not capable of measuring fluorescent temperature-jump changes.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for detection in absorbance and fluorescence modes. The most closely comparable domestic instrument is the Model D-115 manufactured by Durrum. The National Bureau

of Standards (NBS) advises in its memorandum dated August 2, 1976 that the domestic instrument does not provide the pertinent capability for detection in absorbance and fluorescence modes. For these reasons, we find that the Model D–115 is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76–26052 Filed 9–3–76;8:45 am]

UNIVERSITY OF CINCINNATI, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket number: 76–00407. Applicant: University of Cincinnati, College of Medicine, Dept. of Pathology, Rm. 1206, Medical Sciences Building, 231 Bethesda Avenue, Cincinnati, OH 45267. Article: Ultramicrotome, Model Om U3 with AO Stereoscopic Microscope and accessories. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for research in which several different tissues from human biopsies and experimental animals will be examined. These include renal, liver and skin biopsies for diagnostic purposes and occasionally malignant tumors which present problems in differential diagnosis. Cell cultures (WI 38-human lung fibroblast; HELA, embryonic and adult renal parenchymal; and "L" cells) will also be examined. In addition, the article will be used for educational purposes in the following courses and activities:

(1) Research in Pathology—to provide actual research work by graduate students and pathology residents.

(2) Electron Microscopy Technique—Basic introduction to the various skills employed in electron microscopy for graduate students.

(3) Small Biopsy Service—to provide know how of electron microscopy in surgical pathology to residents.

Application received by Commissioner of Customs. May 12, 1976. Advice submitted by the Department of Health, Education, and Welfare on: August 17, 1976.

Docket number: 76–00415. Applicant: University of Rochester—School of Medicine and Dentistry, Dept. of Anatomy, Room 5–6320, 601 Elmwood Avenue, Rochester, New York 14642. Article: Ultramicrotome, Model LKB 8800A, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study mammalian tissues under various experimental conditions. Experiments will involve the ultrastructural study of tissues from rats which have undergone chronic drug therapy. Specifically, the article will be used to rapidly section a large volume of tissues needed for autoradiographic and stereologic quantitation and orient tissues precisely for immunocytochemistry. Application received by Commissioner of Customs: May 13, 1976. Advice submitted by the Department of Health, Education, and Welfare on: August 17, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT–2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT–2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69–00118–33–46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69–00665–33–46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

BERNARD ASCHER,
Acting Director, Office of
Import Programs.

[FR Doc.76–26057 Filed 9–3–76;8:45 am]

UNIVERSITY OF TENNESSEE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00394. Applicant: The University of Tennessee, Purchasing Department, 2200 Andy Holt Avenue, Knoxville, TN 37916. Article: Electron Microscope, Model No. EM 9S–2, including spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigation of biologic specimens including samples of human tumors after different periods of transplantation in animal modes and therapeutic trials, bone marrow specimens, pellets of blood peripheral cells and cultured cells and tissues. Research will be conducted to obtain further information on cancer growth and to use this knowledge for testing new chemical and immunologic therapeutic agents which could be used in humans suffering from cancer. The article will also be used for educational purposes in the following courses:

(1) *Electron microscopy in the study of tumor growth*—basic training in biological specimen preparation for electron microscopy in order to provide students with an insight on the complexity of the procedures and the possible artifacts introduced by them.

(2) *Electron microscopy in comparative pathology*—instruction in specimen preparation of laboratory animal tissues, and operation of the electron microscope.

(3) *Electron microscopy in human pathology*—teaching of laboratory procedures for specimen preparation, operation of the electron microscope and interpretation of electron micrographs of different human pathologic conditions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 5, 1976). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point-to-point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000× (magnifications of 140 to 1,000× are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The domestic instrument available at the time the article was ordered was Adam David Company's (AD) Model EMU–4C, a more complex instrument vis a vis the article which provides low distortion magnification at 500× and higher. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated July 28, 1976, that the low magnification capability of the article as well as its simplicity and ease of operation are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that the EMU–4C did not have equivalent low magnification and is too complex. Furthermore, HEW advises that AD's Model PA–1 was in a development stage of the time the article was ordered. In this regard, it is noted that a prototype of the PA–1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA–1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA–1 within a normal delivery time at the time the foreign article was ordered. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

BERNARD ASCHER,
Acting Director, Office of Import Programs.

[FR Doc.76-26054 Filed 9-3-76;8:45 am]

WILLIAM MARSH RICE UNIVERSITY ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments ar apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 301.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period * * *. If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 73–00533–01–11000. Applicant: William Marsh Rice University, Post Office Box 1892, Houston, Texas 77001. Article: Gas Chromatograph-Mass Spectrometer, Model LKB 9000–S and accessories. Date of Denial Without Prejudice to Resubmission: April 6, 1976.

Docket number: 75–00039–85–40600. Applicant: Brown University, Department of Geological Sciences, Providence, Rhode Island 02912. Article: VG Micromass 602C, Small Sample System, Spare Parts Kit. Date of Denial Without Prejudice to Resubmission: April 2, 1976.

Docket Number: 75–00591–75–42800. Applicant: University of Washington, Nuclear Physics Laboratory, Seattle, Washington 98195. Article: Switching Magnet Model 3455. Date of denial without prejudice to resubmission: April 1, 1976.

Docket Number: 76–00194–33–46040. Applicant: The University of Alabama in Huntsville, P.O. Box 1247, Huntsville, Alabama 35807. Article: Electron Microscope, Model 201C with Plate Camera. Date of denial without prejudice to resubmission: April 13, 1976.

Docket Number: 76–00211–33–46070. Applicant: U.S.C. School of Medicine, Veterans Administration Hospital, Columbia, S.C. 29201. Article: Scanning Electron Microscope, Model JSM 35U. Date of denial without prejudice to resubmision: April 13, 1976.

Docket Number: 76–00216–01–61300. Applicant: U.S. Environmental Protection Agency, Environmental Research Center (MD59), Research Triangle Park,

North Carolina 27711. Article: Automatic Pipette Diluter Dispenser System. Date of denial without prejudice to resubmission: April 2, 1976.

Docket Number: 76–00217–33–46040. Applicant: University of Minnesota, Department of Anatomy, 262 Jackson Hall, Minneapolis, Minnesota 55455. Article: Electron Microscope, Model EM 201C. Date of denial without prejudice to resubmission: April 1, 1976.

Docket Number: 76–00220. Applicant: U.S. Environmental Protection Agency, Gulf Breeze Environmental Research Laboratory, Sabine Island, Gulf Breeze, Fla. 32561. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: April 12, 1976.

Docket Number: 76–00226. Applicant: St. Vincent Charity Hospital, 2351 East 22nd Street, Cleveland, Ohio 44115. Article: Electron Microscope, Model EM 201C. Date of denial without prejudice to resubmission: April 12, 1976.

Docket Number: 76–00239. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87545. Article: Gas burner for fusing quartz tubes and accessories. Date of denial without prejudice to resubmission: April 12, 1976.

Docket Number: 76–00247. Applicant: Veterans Administration Hospital, South Sixth Avenue, Tucson, Arizona 85723. Article: Microelectrophoresis Apparatus. Date of denial without prejudice to resubmission: April 16, 1976.

Docket Number: 76–00250. Applicant: University of Florida, Agricultural Research Center, Inst. food & Agri. Sciences, 3205 S.W. 70 Avenue, Fort Lauderdale, Florida 33314. Article: Glass microelectrode puller, Model No. PE–2. Date of denial without prejudice to resubmission: April 27, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–26059 Filed 9–3–76;8:45 am]

WISTAR INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00405. Applicant: The Wistar Institute, 36th and Spruce Streets, Philadelphia, Pennsylvania 19104. Article: Electron Microscope, Model EM–10 and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigations relating to membrane structure, virus material, and surveys of aging cells. The large variety of experiments to be conducted will include the following: (1) investigation of the structure, formation, and dynamics of membrane specializations of the nuclear envelope and the endoplasmic reticulum, (2) investigation of the sequence of events of pore formation, (3) analysis of the dynamics of the pore by the freeze-etching methods, and (4) virus research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms point-to-point. The most closely comparable domestic instrument is Adam David Company's (AD) Model EMU–4C electron microscope. The Model EMU–4C has a specified resolving capability of five Angstroms point-to-point. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 17, 1976 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76–26055 Filed 9–3–76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Thursday, October 7, 1976, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The meeting will be open to the public. Members of the public may file written statements, and, to the extent time permits, present oral statements at the meeting. Additional information may be obtained from Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234 (phone 301–921–3157).

Dated: August 27, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76–25993 Filed 9–3–76;8:45 am]

National Oceanic and Atmospheric Administration

FISHERY CONSERVATION AND MANAGEMENT

Preliminary Fishery Management Plans/ Environmental Assessments

Notice is hereby given that the National Marine Fisheries Service intends, pursuant to section 201(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265, 16 U.S.C. 1801) (the "Act"), to prepare environmental assessments and working draft preliminary fishery management plans for those fisheries for which foreign nations are expected to make application for vessel permits to fish, and for which Regional Fishery Management Council may be unable to prepare and implement fishery management plans before March 1, 1977. Under the Act foreign nations may apply to fish in the fishery conservation zone, established by the Act and effective on March 1, 1977, which has as its inner boundary a line coterminous with the seaward boundary of each of the coastal States and, as its outer boundary, a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

Those fisheries or management units for which the National Marine Fisheries Service intends to prepare environmental assessments and draft preliminary fishery management plans, and the general ocean area in which they occur, are as follows: Silver and red hakes (Atlantic); Atlantic herring (Atlantic); Atlantic mackerel (Atlantic); Squids (long-fin and short-fin) (Atlantic); other finfish in ICNAF Subarea 5 and Statistical Area 6 (Atlantic); Atlantic billfishes (Atlantic); sharks (excluding dogfishes) (Atlantic); Bering Sea trawl fisheries (Pacific); Gulf of Alaska trawl fisheries (Pacific); California-Washington trawl fisheries (Pacific); Bering Sea king and tanner crabs (Pacific); Bering Sea and Gulf of Alaska pandalids (Pacific); High seas salmon (Pacific); Troll salmon fisheries (Pacific); Northeast Pacific black-

cod longline fishery (Pacific); Bering Sea snail fishery (Pacific); Pacific billfishes (Pacific); Trawl fishery on seamounts and banks (Pacific); and Precious corals (Pacific).

These environmental assessments and working draft preliminary management plans are being prepared now to ensure the timely completion and implementation of either preliminary fishery management plans, or Council fishery management plans for the aforementioned fisheries by March 1, 1977, the effective date of Title I of the Act.

It has been further determined that adoption of the preliminary fishery management plan by the Secretary of Commerce would constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969. To determine whether adoption of a plan would have a significant environmental impact, thus necessitating preparation of an environmental impact statement, an environmental assessment is being made in each case.

Individuals wishing to provide information or comment at this time on the preparation of an environmental assessment and working draft preliminary fishery management plan may do so by writing to the National Marine Fisheries Service Research Center having responsibility for the preparation of environmental assessments and working draft preliminary fishery management plans for the fishery management units as listed below:

Director, Northeast Fisheries Center, Woods Hole, Massachusetts 02543: Silver and red hakes, Atlantic herring, Atlantic mackerel, Squids (long-fin and short-fin), Other finfish (ICNAF Subarea 5 and Statistical Area 6).

Director, Southeast Fisheries Center, 75 Virginia Beach Drive, Miami, Florida 33149: Atlantic billfishes, Sharks (excluding dogfishes).

Director, Northwest Fisheries Center, 2725 Montlake Blvd. East, Seattle, Washington 98112: Bering Sea trawl fisheries, Gulf of Alaska trawl fisheries, California-Washington trawl fisheries, Bering Sea king and tanner crabs, Bering Sea and Gulf of Alaska pandalids, High seas salmon, Troll salmon fisheries, Northeast Pacific black-cod longline fishery, Bering Sea snail fishery.

Director, Southwest Fisheries Center, P.O. Box 271, La Jolla, California 92038: Pacific billfishes, Trawl fishery on seamounts and banks, Precious corals.

Opportunity will also be provided at a later date for public review and comment on preliminary fishery management plans and draft environmental impact statements.

Dated in Washington, D.C. August 31, 1976.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administrator.

[FR Doc.76-26003 Filed 9-3-76;8:45 am]

National Oceanic and Atmospheric Administration

CARIBBEAN REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Caribbean Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Caribbean Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Islands. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the first meeting of the Council and it will deal primarily with organizational issues. The meeting will be held Tuesday and Wednesday, September 28 and 29, 1976, in the Caribbean Room, Caribbean Harbor Club Hotel and Marina, Long Bay Road, St. Thomas, Virgin Islands. The meeting will convene at 9:00 a.m. and adjourn at approximately 5:00 p.m. each day.

Proposed Agenda:

1. Election of Officers.
2. Organization (including office location).
3. Practices and Procedures.
4. Fishery Management Activities.

This meeting is open to the public and there will be seating for approximately 50 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Blvd., St. Petersburg, Fla. 33702.

on or about September 17, 1976.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 1, 1976.

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

[FR Doc.76-26142 Filed 9-3-76;8:45 am]

MID-ATLANTIC REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Mid-Atlantic Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Mid-Atlantic Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of New York, New Jersey, Delaware, Pennsylvania, Maryland and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary. This is the first meeting of the Council and it will deal primarily with organizational issues. The meeting will be held Tuesday, September 28, 1976, at the Holiday Inn International Airport, 6500 Elkridge Landing Road, Baltimore, Maryland. The meeting will convene at 9 a.m. and adjourn at approximately 5 p.m.

Proposed Agenda:

1. Election of Officers.
2. Organization (including office location).
3. Practices and Procedures.
4. Fishery Management Activities.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Donald Birkholz, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, State Fish Pier, Gloucester, Mass. 01930.

on or about September 17, 1976.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Donald Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 1, 1976.

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

[FR Doc.76-26135 Filed 9-3-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Cases Filed Week of July 23 Through July 30, 1976

Notice is hereby given that during the week of July 23 through July 30, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 31, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, July 23 to July 30, 1976*

Date	Name and location of applicant	Case No.	Type of submission
July 26, 1976	Atlantic Richfield Co., Los Angeles, Calif. (If granted: The FEA's June 11, 1976, decision and order would be rescinded and Atlantic Richfield Co. would not be required to sell 1,414,805 gal of motor gasoline to the UCO Oil Co.)	FEA-0911 FES-0044	Appeal of the FEA's decision and order in UCO Oil Co., 3 FEA par. 83,219 (June 11, 1976). Stay requested.
Do	Atlantic Richfield Co., Los Angeles, Calif. (If granted: The FEA would consolidate all matters pending before the Office of Exceptions and Appeals in which UCO Oil Co. is seeking either a new supplier or other relief.)	FSG-0029	Request for special redress.
Do	Cleary Petroleum Corp., Oklahoma City, Okla. (If granted: Cleary's March Skinner unit would be classified as a stripper well lease.)	FEE-2783 FES-2783 FST-0011	Price exception (sec. 212.73 and 212.74). Stay requested. Temporary stay request.
Do	Edgington Oil Co./New Edgington Co., Washington, D.C. (If granted: New Edgington Corp. would receive exception relief from the mandatory petroleum allocation and price regulations in order to facilitate its acquisition of the assets of Edgington Oil Co.)	FEE-2789	Exception to the mandatory petroleum allocation and price regulations (pts. 211 and 212).
Do	Edward, English Granby, Mo. (If granted: Ed English Station would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Texaco.)	FEE-2787	Exception to change supplier (sec. 211.9).
Do	Farmland Industries, Kansas City, Mo. (If granted: Farmland Industries would receive an extension of the price relief granted in the FEA's June 7, 1976, decision and order.)	FEE-2788	Extension of exception relief granted in Farmland Industries, 3 FEA par. 83,214 (June 7, 1976).
Do	L. Bult Service, Thornton, Ill. (If granted: L. Bult Service would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Atlantic Richfield Co.)	FEE-2784	Exception to change supplier (sec. 211.9).
Do	R. G. Berry Co., Tulsa, Okla. (If granted: R. G. Berry Co. would receive an extension of the crude oil price relief granted in the FEA's Apr. 2, 1976, decision and order.)	FEE-2786	Extension of exception relief granted in R. G. Berry Co., 3 FEA par. 83,148 (Apr. 2, 1976).
Do	Porter Sesnon, San Francisco, Calif. (If granted: Crude oil produced from the fault block IV and V units would be sold at upper-tier ceiling prices.)	FEE-2785	Price exception (sec. 212.74).
Do	State of New Hampshire, Concord, N.H. (If granted: The FEA's July 14, 1976, information request denial would be modified and the attorney general, State of New Hampshire, would receive access to certain information, documents, and portions of documents whose release was denied and which was requested in the State's Sept. 26, 1975, letter.)	FEA-0910	Appeal of the FEA's information request denial.
July 27, 1976	Algonquin SNG, Inc., Washington, D.C. (If granted: The FEA's June 28, 1976, decision and order would be rescinded and Petrochemical Energy Group would be assigned as a supplier of SNG feedstock to Algonquin SNG, Inc.)	FMR-0056	Rescission of FEA's decision and order in Petrochemical Energy Group, 3 FEA par. ------ (June 28, 1976).
Do	Central Carolina Farmers, Inc., Durham, N.C. (If granted: Central Carolina Farmers, Inc., would be assigned a new, lower priced supplier of propane.)	FEE-2793	Exception to change supplier.
Do	Cross Oil & Refining Co., of Arkansas, Washington, D.C. (If granted: Cross Oil & Refining Co. of Arkansas would receive a temporary stay which would relieve the firm of its entitlement purchase obligation in July 1976, pending the filing of an appeal of the FEA's entitlement notice for May 1976.)	FST-0012	Request for temporary stay.
Do	Garland Petroleum Co., Inc., Cumberland, Md. (If granted: The FEA's May 21, 1976, decision and order would be rescinded and Garland Petroleum Co., Inc., would be permitted to increase its prices for covered products above the levels permitted under the mandatory petroleum price regulations.)	FEA-0914	Appeal of FEA's decision and order in Garland Petroleum Co., Inc., 3 FEA par. 83,192 (May 21, 1976).
Do	Getty Oil Co., Los Angeles, Calif. (If granted: Getty Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal at its following natural gas plants: Cymric, Kettleman Hills, Stevens Calidon, Ventura, Buena Vista Hills, Coeodrie, Dollarhide, Elk City, Hitchcock, Katy Kermit, Levelland, Mooreland, New Hope, Normanna, North Cowden, Okeene, Palacio, Promix System, Snyder, South Pecan Lake, Vermilion, West Bernard, and Yates.)	FEE-2794— FEE-2817	Price exception (sec. 212.165).

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, July 23 to July 30, 1976—Continued*

Date	Name and location of applicant	Case No.	Type of submission
July 27, 1976	Hewit & Dougherty, Refugio, Tex. (If granted: Hewit & Dougherty would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2792	Do.
Do	Little America Refining Co., Evansville, Wyo. (If granted: The exception relief from the provisions of sec. 211.67 granted to Little America Refining Co. for the months of September, October, and November 1976, would be revoked.)	FEX-0058	Supplement to FEA's exception decision and order in Little America Refining Co., 3 FEA par. 83,227 (June 17, 1976).
Do	Pasco, Inc., Washington, D.C. (If granted: The exception relief from the provisions of sec. 211.67 granted to Pasco, Inc., for the months of September, October, and November 1976, would be revoked.)	FEX-0057	Supplement to FEA's exception decision and order in Pasco, Inc., 3 FEA par. 83,233 (June 18, 1976).
Do	Petroleum Management, Inc., Wichita, Kans. (If granted: The FEA's June 29, 1976, decision and order would be rescinded and crude oil produced from the Kuhn lease would be sold at upper tier ceiling prices.)	FEA-0012	Appeal of the FEA's exception decision and order in Petroleum Management, Inc., 3 FEA par. ------ (June 19, 1976).
Do	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Crude oil produced from the Alene lease would be sold at upper tier ceiling prices.)	FEE-2791	Price exception (sec. 212.74)
Do	Shields Oil Producers, Inc., Russell, Kans. (If granted: Crude oil produced from the Dickman lease would be sold at upper tier ceiling prices.)	FEE-2790	Do.
Do	Texaco, Inc., New York, N.Y. (If granted: The FEA's June 11, 1976, decision and order would be rescinded and Texaco, Inc., would not be required to supply motor gasoline to UCO Oil Co.)	FEA-0012	Appeal of FEA's decision and order in UCO Oil Co., 3 FEA par. 83,219 (June 11, 1976).
July 28, 1976	Amtel, Inc., Houston, Tex. (If granted: Amtel, Inc., would receive exceptions from certain provisions of the mandatory petroleum allocation and price regulations in connection with its acquisition of South Central Oil Co. from Sun Oil Co.)	FEE-2818	Allocation and price exception (pts. 211 and 212).
Do	Gulf Oil Corp., Los Angeles, Calif. (If granted: The FEA's June 11, 1976, decision and order would be rescinded and Gulf Oil Corp. would not be required to supply motor gasoline to UCO Oil Co.)	FEA-0015	Appeal of FEA's decision and order in UCO Oil Co., 3 FEA par. 83, 219 (June 11, 1976).
Do	Standard Oil Co. of Ohio, Cleveland, Ohio. (If granted: The FEA's June 30, 1976, consent order would be rescined and Standard Oil Co. of Ohio would not be required to make refunds to Tri-County Gas Co.)	FMR-0062	Rescission of FEA's region V consent order dated June 30, 1976.
July 29, 1976	Exxon Co., U.S.A., Houston, Tex. (If granted: Exxon's entitlement purchase obligation for April 1976 would be adjusted to correct for FEA's alleged error in computing old oil receipts.)	FEA-0017	Appeal of FEA entitlement notice issued June 29, 1976.
Do	Tesoro Petroleum Corp., Washington, D.C. (If granted: Tesoro's entitlement purchase obligation for April would be adjusted to reflect the application of the small refiner exemption to the corrections which the firm has reported for the months of October 1975 through March 1976.)	FEA-0016	Do.
Do	UCO Oil Co., Whittier, Calif. (If granted: UCO Oil Co. would be assigned new, lower priced suppliers of motor gasoline on the basis that it is continuing to experience a serious hardship.)	FEE-2819	Extension of exception relief in UCO Oil Co., 3 FEA par. 83,219 (June 11, 1976).

[FR Doc.76-25974 Filed 8-31-76;4:33 pm]

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Cases Filed Week of July 30 Through August 6, 1976

Notice is hereby given that during the week of July 30, through August 6, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 31, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of July 30 through Aug. 6, 1976*

Date	Name and location of applicant	Case no.	Type of submission
July 30, 1976	Al Jones Oil Corp., Jamaica, N.Y. (If granted: Al Jones Oil Corp. would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Mobil Oil Co.).	FEE-2822	Exception to change supplier (sec. 211.9).
Do	Giant Industries, Inc., Phoenix, Ariz. (If granted: Giant Industries, Inc., would receive an exception from the requirement that it include in its crude oil runs to stills the volume of crude oil processed for Arizona Public Service Co. pursuant to a processing agreement.)	FEE-2821	Allocation exception (sec. 211.67(d)(1)(B)).

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of July 30 through Aug. 6, 1976—Continued*

Date	Name and location of applicant	Case No.	Type of submission
July 30, 1976	Harris Enterprises, Inc., Washington, D.C. (If granted: Harris Enterprises, Inc., would be assigned new, lower-priced suppliers of motor gasoline to replace its base period suppliers, Aminoil Oil Co., Lion Oil Co., Powerine Oil Co., and Mercury Oil Co.)	FEE-2820 FES-2820	Exception to change supplier (sec. 211.9).
Do	Livingston's Service Station, Columbus, Ga. (If granted: Livingston's Service Station would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Hi-Octane Terminal Co.)	FEE-2823	Do.
Aug. 2, 1976	Robert Cagwin, New Lenox, Ill. (If granted: Robert Cagwin dba Lincolnway Mobil would be assigned a new, lower priced supplier of motor gasoline to replace his base-period supplier, Marcley Oil Co.)	FEE-2835	Do.
Do	Little America Refining Co., Evansville, Wyo. (If granted: Little America Refining Co. would be relieved of its entitlement purchase obligations for the period September 1976 through February 1977.)	FEE-2838	Allocation exception (sec. 211.67).
Do	Louis M. Mai Operations, Russell, Kans. (If granted: Mai's Johnson and Sutton wells in Russell County, Kans., would be classified as stripper well leases.)	FEE-2839	Price exception (sec. 212.74).
Do	Mapco Inc. (Altonah), Tulsa, Okla. (If granted: Mapco Inc. would be permitted to increase its prices for natural gas liquid products produced at its Altonah Plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2836	Price exception (sec. 212.165).
Do	Mapco Inc. (Tyrone), Tulsa, Okla. (If granted: Mapco Inc. would be permitted to increase its prices for natural gas liquid products produced at its Tyrone Plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2837	Do.
Do	Multnomah County, Oreg., Portland, Oreg. (If granted: Refiners, resellers, and retailers of motor vehicle fuel in Multnomah County would be permitted to increase their selling prices to reflect a license tax imposed by the county on sellers of motor vehicle fuel.)	FEE-2840	Price exception (sec. 212.83 and 212.93).
Aug. 3, 1976	H. S. "Gus" Edwards, Abilene, Tex. (If granted: Condensate produced from the Providence Toka Field would be sold at $1/bbl above the maximum allowable price pursuant to the mandatory petroleum price regulations.)	FEE-2841	Price exception (pt. 212, subpt. D).
Do	Louisiana Land & Exploration Co., New Orleans, La. (If granted: The exception from sec. 211.63 previously granted Louisiana Land & Exploration Co. would be extended and Louisiana Land & Exploration Co.'s crude oil supplier/purchaser relationship with Exxon Co., U.S.A., would be permanently terminated.)	FEE-2845	Extension of allocation relief granted in Louisiana Land & Exploration Co., 3 FEA par. 80,586 (Feb. 26, 1976).
Do	Quasar Energy, Inc., Fort Worth, Tex. (If granted: Quasar Energy, Inc., would be relieved of the requirement that it report surplus product to the FEA and would be permitted to enter into a long-term contract for the sale of the surplus products produced from its Spearhead Ranch Gas Processing Plant.)	FEE-2844	Allocation exception (sec. 211.10(g)).
Do	SAS Co., Los Angeles, Calif. (If granted: Crude oil produced from the Fault Block V of the Wilmington Field, Long Beach, Calif., would be sold at upper tier ceiling prices.)	FEE-2843	Price exception (sec. 212.74).
Do	Saxon Oil Co., Midland, Tex. (If granted: Crude oil produced from the W. B. Reeves well, Runnels County, Tex., would be sold at upper tier ceiling prices.)	FEE-2842	Do.
Aug. 4, 1976	Coastal States Gas Co., Houston, Tex. (If granted: The FEA's June 29, 1976, decision and order would be rescinded and Coastal States Gas Co. would be permitted to charge prices for petroleum products refined at the Pacific refinery which are in excess of the levels established pursuant to the provisions of 10 CFR 212.111(c)(1).)	FEA-0918	Appeal of FEA's exception decision and order in Coastal States Gas Co., 8 FEA par. 83,252 (June 29, 1976).
Do	Cross Oil & Refining Co. of Arkansas, Washington, D.C. (If granted: Cross Oil & Refining Co. would not be required to purchase the 193,096 entitlements provided in the May entitlement notice until after it has been issued a sufficient number of extra entitlements in the June entitlement notice to compensate for an alleged error made by the FEA in the May notice.)	FEA-0919 FES-0919	Appeal of FEA entitlement notice issued July 23, 1976.

[FR Doc.76-25976 Filed 8-31-76;4:33 pm]

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Issuance of Decisions and Orders; Week of July 19 Through July 23, 1976

Notice is hereby given that during the week of July 19 through July 23, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Atlantic Richfield Co.; Los Angeles, Calif.; FEA-0871; Freedom of Information.

The Atlantic Richfield Company (Arco) appealed from a partial denial by the FEA Information Access Officer of a Request for Information which it submitted under the Freedom of Information Act (the Act). In its initial request, Arco had requested all documents relating to the classification of consignee agents as wholesale purchaser-resellers under the FEA Regulations. The FEA Information Access Officer released certain of the requested materials to Arco. However, he found that six documents which were within the scope of Arco's request were intra-agency memoranda which reflect the FEA's thinking in formulating its policies and were therefore exempt from mandatory public disclosure pursuant to 5 U.S.C. 552(b)(5). The Information Access Officer found that two of the six documents were also exempt from mandatory disclosure as "investigative records," the release of which would interfere with law enforcement activities. 5 U.S.C. 552(b)(7)(A). In considering Arco's Appeal, the FEA determined that three of the six documents and most of a fourth document were predecisional memoranda which reflect the agency's group thinking in formulating its policies with respect to consignee agents and bulk plant operators. The FEA concluded that these documents were therefore properly withheld from public disclosure under the (b)(5) exemption. However, the FEA determined that the last paragraph of one withheld document was an unpublished description of FEA procedure which constituted the agnecy's effective law and should therefore be released. The FEA determined that the remaining documents withheld by the Information Access Officer contained factual data, other evidentiary material and legal analysis related to an open FEA investigation of Arco. Since the release of these documents would interfere with FEA enforcement efforts, the FEA found that these documents were properly withheld from public disclosure pursuant to the (b)(7) exemption. Finally, the FEA determined that a class of documents which Arco claimed should have been released was not sufficiently described to permit the FEA to identify or locate the documents without a search of thousands of FEA files located in various offices of the FEA. The FEA therefore concluded that the Information Access Officer's inability to locate any such documents did not constitute reversible error. Arco's Appeal was therefore granted with respect to a portion of one of the six documents withheld, and denied in all other respects.

Beacon Oil Co.; Hanford, Calif.; FEA-0839; Refined Petroleum Products.

The Beacon Oil Company (Beacon) filed an Appeal from a Decision and Order issued to it by the FEA. Beacon Oil Company, 3 FEA Par. 83,140 (March 31, 1976). In that Order, the FEA granted Beacon partial retroactive exception relief from the provisions of 10 CFR 212.83 and permitted the firm to allocate its increased crude oil costs in proportion to its refinery yields of particular refined products rather than in proportion to product sales for the period December 1, 1973 through May 20, 1975. In considering the Appeal, the FEA noted that there exists a general obligation on the part of applicants to seek exception relief in a timely manner, and it emphasized that delay in filing an exception request created a formidable obstacle to the approval of exception relief for that period prior to the filing. The FEA also observed that retroactive exception relief had been denied in cases where the applicants had previously received actual notice that they were acting improperly or in cases in which a specific FEA determination had previously been issued clarifying the application of the FEA regulatory requirements to the particular circumstances involved in the case. In applying these principles to Beacon's Appeal, the FEA determined that a memorandum dated May 21, 1975, had been delivered by an FEA auditor to Beacon which provided adequate notice to the firm that its cost allocation method violated specific FEA regulatory requirements. The FEA also found that Beacon failed to show in its Appeal that its economic viability would be jeopardized in the absence of completely retroactive exception relief. Finally, the FEA determined that contrary to the

firm's claims, Beacon's case was not supported by Vickers Petroleum Corp., 2 FEA Par. 83,351 (November 7, 1975), since Beacon, unlike Vickers, had failed to ever seek exception relief in a timely manner. Beacon's Appeal was therefore denied.

Continental Oil Co.; Houston, Tex.; FEA–0868, FEA–0869; Aviation Fuel.

The Continental Oil Company appealed from two FEA Orders directing it to supply aviation turbine fuel to Capitol International Airways, Inc. and the Federal Express Corporation. The FEA determined that Continental had failed to demonstrate or even allege in its Appeals that the Orders were erroneous in fact or law. Furthermore, the firm provided no facts or legal arguments to support its contention that compliance with the Orders would result in a gross inequity. The FEA therefore summarily denied the Appeals in accordance with the provisions of 10 CFR 205.106(b)(1)(ii).

Exxon Co., U.S.A.; Houston, Tex.; FEA–0858; Motor Gasoline.

Exxon Company, U.S.A. (Exxon) appealed from an Order issued to Exxon on May 28, 1976 by the FEA's Office of General Fuels. That Order, issued pursuant to the provisions of 10 CFR 211.10(g), required Exxon to make available for sale to Triangle Refineries, Inc. 500,000 barrels of motor gasoline which Exxon had declared as surplus. In its Appeal, Exxon claimed that the Order was procedurally and substantively deficient. In considering the Appeal, the FEA found that the provisions of Subpart G of the FEA Procedural Regulations apply to the issuance of all FEA Orders redirecting surplus petroleum products. Those provisions require the FEA to set forth "the relevant facts and the legal basis" of all orders issued pursuant to that subpart. See 10 CFR 205.95(b). The FEA found that the May 28 Order issued to Exxon did not satisfy this requirement since it did not include either the facts or the criteria on which it was based. The FEA therefore remanded the Order to the Office of Regulatory Programs for issuance of a revised order within ten days.

Golden Flame Fuel Co. Uniontown, Pa.; FEA–0769; Middle Distillates.

The Golden Flame Fuel Company (Golden Flame) appealed from a Decision and Order issued to it by the FEA. Golden Flame Fuel Co., 3 FEA Par. 83,094 (February 6, 1976). In that Order, the FEA denied the firm's request for exception relief from the FEA price rules applicable to resellers and retailers of No. 2 heating oil. The Appeal, if granted, would rescind the previous Order, and permit Golden Flame to increase its selling prices above the maximum level set forth in 10 CFR 212.93 and retain revenues obtained from past overcharges. In considering Golden Flame's Appeal, the FEA observed that the existence of slight differences in the prices charged by a particular firm and its competitors during the base period does not necessarily distort the intended use of the base period as a relatively normal period for measurement of business activity. Moreover, the FEA determined that, although Golden Flame's maximum permissible prices are currently somewhat lower than those of its competitors, this difference is not a sufficient basis for exception relief. The FEA also rejected Golden Flame's contention that the FEA acted arbitrarily in disregarding certain expenses listed by the firm in the pro-forma financial results it had submitted, on the basis that the firm, although specifically notified that it should do so, had failed to present reliable, accurate cost data to support those expense items. The FEA determined that notwithstanding the additional financial data submitted by Golden Flame on appeal, the firm had still not demonstrated that its alleged financial losses are attributable to a substantial disparity between its competitors' prices and the maximum price which it is permitted to charge. Finally, the FEA determined that Golden Flame's request did not meet the standards for retroactive exception relief since the firm had failed to even satisfy the criteria for prospective relief. The FEA therefore denied Golden Flame's Appeal.

Gulf Oil Corp.; Tulsa, Okla.; FEA–8783 Motor Gasoline.

Gulf Oil Corportaion appealed from a Decision and Order issued to Mid-Michigan Truck Service, Inc. on February 13, 1976. Mid-Michigan Truck Service, Inc., 3 FEA Par. 83,100 (February 13, 1976). In that Decision and Order, the FEA granted Mid-Michigan's exception request and directed Gulf to cease supplying Mid-Michigan with motor gasoline through an unaffiliated firm pursuant to the supplier substitution provisions of 10 CFR 211.25 and to begin supplying Mid-Michigan directly. The FEA found that, although Gulf's use of a substitue supplier was proper under Section 211.25, the arrangement nevertheless caused Mid-Michigan to pay substantially higher prices for the gasoline which it received and resulted in a serious financial hardship to Mid-Michigan. On May 21, 1976, the FEA issued a Supplemental Order requiring Gulf to calculate the current terms and conditions of its sale of motor gasoline to Mid-Michigan by using the actual selling price and credit terms which were in effect on May 15, 1973 between Gulf and Mid-Michigan. Mid-Michigan Truck Service, Inc., 3 FEA Par. 83,197 (May 21, 1976). In its Appeal of both the February 13 and May 21 Orders, Gulf contended that the price it will charge Mid-Michigan for motor gasoline is not substantially less than the price charged by the substitue supplier since Gulf considers Mid-Michigan to be a member of a class or purchaser which on May 15, 1973 paid a higher price than the price Mid-Michigan actually paid on that date. In rejecting this claim, the FEA observed that unless there has been a fundamental change in the relationship between the supplier and purchaser, neither one is permitted under FEA price regulations to unilaterally change the customer's class of purchaser status. Since Gulf failed to provide any evidence that there has been any fundamental change in the relationship between the two firms, the FEA held that Gulf must continue to regard Mid-Michigan as a member of the class of purchaser to which it belonged on May 15, 1973. Contrary to Gulf's contentions, the FEA also found that the price charged by the substitute supplier is 7.3 cents per gallon higher than the price Gulf charges and that this price disparity has to a significant degree caused Mid-Michigan to experience a serious financial hardship. In rejecting Gulf's claim that the FEA's previous determinations were arbitrary or capricious, the FEA observed that the provisions of 10 CFR, Part 211, generally require that all base period supplier/purchaser relationships be maintained, and that in cases where the use of a substitute supplier pursuant to the provisions of Section 211.25 results in a serious hardship or gross inequity to the purchaser, the FEA may properly grant exception relief to the firm. The FEA therefore concluded that Gulf failed to demonstrate that the February 13 and May 21 Decisions were erroneous in fact or law, or were arbitrary or capricious, and accordingly denied the firm's Appeal.

Gustafson Oil Co. of Calif.; Los Angeles, Calif.; FEA–0842, Residual Fuel Oil.

The Gustafson Oil Company of California appealed from a Decision and Order which the FEA issued to it. *Gustafson Oil Company*, 3 FEA Par. 83,168 (April 20, 1976). In that Order, the FEA granted prospective exception relief which permitted Gustafson to increase the price it could charge for residual fuel oil above the levels prescribed in the FEA Price Regulations. In its Appeal, Gustafson requested that the FEA increase the extent of the prospective relief and make the relief retroactive to August 20, 1974. In considering the Appeal, the FEA noted that since residual fuel oil has recently been exempted from price controls, prospective exception relief is no longer necessary, and the firm's request for additional prospective relief was therefore dismissed as moot. The FEA further determined that Gustafson had failed to present any reasons to indicate that the denial of retroactive exception relief was in any way erroneous in fact or law, or was arbitrary or capricious. The firm's Appeal was therefore denied.

Larkin, Hoffman, Daly & Lindgren, Ltd.; Minneapolis, Minn.; FEA–0866, Freedom of Information.

Larkin, Hoffman, Daly & Lindgren, Ltd. (Larkin) appealed from an Order issued to it by the FEA Information Access Officer which denied in part a Request for Information filed by the firm under the Freedom of Information Act, 5 U.S.C. 552 (the Act). The Information Access Officer withheld from disclosure to Larkin thirteen documents which it had requested on the grounds that the documents contained material which was exempt from mandatory disclosure under the Act. These documents included a Notice of Probable Violation (NOPV) issued to the Union Oil Company of California (Union) on August 9, 1974, and correspondence between Union and the FEA related to the investigation of Union's possible noncompliance with FEA's regulatory requirements. In considering Larkin's Appeal, the FEA determined that the August 9 NOPV was essentially a discovery tool designed to elicit a response from Union which might further the FEA's investigation of the firm's pricing practices. Since the investigation in this matter has remained open at all times since the issuance of the NOPV, the FEA determined that under Section 552(b)(7) of the Act and the precedent established in Wall Street Journal, 2 FEA Par. 80,558 (March 31, 1975), the NOPV was exempt from public disclosure. With respect to the remaining twelve documents withheld by the Information Access Officer, the FEA determined that substantially all of those documents contained material which was exclusively investigatory in nature and that these documents were therefore exempt from mandatory disclosure since their release would reveal investigatory techniques and procedures and interfere with the agency's on-going enforcement proceedings. However, the FEA found that portions of two documents which were withheld by the Information Access Officer reflected an informal understanding between Union and the FEA as to the method Union would employ to remedy certain alleged violations specified in the August 9 NOPV and were therefore not investigatory in nature. Larkin's Appeal with respect to these portions of two documents was granted. The Appeal was in all other respects denied.

Lula Mae M. Broussard, Dale Tapp, The Madison Co.; Abbeville, La., Seguin, Tex., Denver, Colo.; FEA–0816, FEA–0929, FEA–0817, Crude Oil.

Lula Mae M. Broussard appealed from a Decision and Order issued to the Mar-Low Corporation by the FEA on March 19, 1976. Mar-Low Corporation, 3 FEA Par. 83,132 (March 19, 1976). Dale Tapp and The Madison Company filed Appeals from similar Decisions and Orders issued by the FEA on April 9, 1976, and April 2, 1976, respectively. William H. Player and Associates, 3 FEA Par. 83,161 (April 9, 1976); and M. J. Mitchell, 3 FEA Par. 83,146 (April 2, 1976). In each Order, the FEA approved exception relief which permits a portion of the crude oil produced from the particular property to be sold for the benefit of the working interest owners at upper tier ceiling prices as provided in 10 CFR, Part 212, Subpart D. Each Decision was based on a finding that a gross inequity resulted from the application of the FEA Price Regulations to the working interest owners of the producing property involved, since the cost of producing crude oil from the property had increased to such an extent that the working interest owners no longer had an economic incentive to continue to operate the wells in the absence of exception relief. In their Appeals, the appelants contended that the failure of the FEA to extend exception relief to the royalty interest owners of the three properties is unfair. In considering the Appeals, the FEA found that the royalty interest owners had failed to present any evidence in their Appeals to indicate that they are required to bear any portion of the increased operating costs associated with crude oil production, or that they have experienced any decline in their economic incentive to maintain crude oil production. Nor had the royalty interest owners submitted any information to indicate that they will encounter legal or practical difficulties if exception relief is limited to only the working interest owners. Since no demonstration was made that the previous Decisions and Orders were arbitrary or capricious in any manner, the Appeals were denied.

Marvin E. Boyer, Oil Co.; Iola, Kans.; FEA–0794, Crude Oil.

The Marvin E. Boyer Oil Company (Boyer) appealed from a Decision and Order issued to it by the FEA. Marvin E. Boyer Oil Co., 3 FEA Par. 83,088 (January 30, 1976) In that Order, the FEA granted prospective exception relief to the firm which permitted it to increase its selling prices for crude oil above the level indicated in 10 CFR, Part 212, Subpart F, but denied the firm's request for retroactive exception relief. The Appeal, if granted, would rescind the previous Order and completely exempt Boyer from the applicable FEA Price Regulations. In considering Boyer's Appeal, the FEA determined that although the firm transports its crude oil to a pipeline before reselling it, the firm is still classified as a "reseller" under the FEA regulatory program. The FEA also found that, in computing the level of exception relief granted in the January 30 Order, the FEA properly considered the costs incurred by the firm in the most recent quarter rather than the total costs which the firm experienced over an extended prior period. The FEA noted that the firm's current costs serve as the most reliable guide to the level of costs which the firm will incur in the immediate future. The FEA also determined that Boyer's assertion that it and all other crude oil resellers are experiencing a gross inequity since resellers of most other covered products are treated differently under the FEA Regulations was, in effect, a request for a rulemaking proceeding and not an appropriate basis for exception relief. Finally, the FEA found that, in the absence of an FEA determination requiring the restitution of previous overcharges, Boyer's allegation that such restitution would result in severe and irreparable injury to the firm was speculative and did not provide a basis for retroactive relief. Furthermore, Boyer failed to justify its delay in seeking exception relief or advance any compelling reasons which outweigh the interests of consumers in restitution of illegally obtained funds. The FEA therefore denied the firm's Appeal.

New England Power Co.; Westborough, Mass.; FPI–0094, Residual Fuel Oil.

New England Power Company (NEP) appealed from a Decision and Order which denied the firm's Application for Exception from the provisions of 10 CFR, Part 213. New England Power Co., 3 FEA Par. 83,157 (March 31, 1976). NEP's Appeal, if granted, would result in an Order permitting the firm to import 4,900,000 barrels of residual fuel oil on a fee-exempt basis during the 1976 allocation period, and 18,000,000 barrels of residual fuel oil on a fee-exempt basis during the 1977 allocation period. In considering NEP's Appeal. the FEA found that payment by NEP of the fees referred to in this proceeding would have a de minimus effect on the firm's rate structure and would not create a significant economic burden on any of the firm's customers. The FEA therefore concluded that NEP had failed to demonstrate that the denial of its exception was erroneous and denied the firm's Appeal. However, the FEA also noted that in light of recent modifications to the guidelines regarding the evaluation of Applications for Exception under Part 213 (see, 41 F.R. 22341 (June 3, 1976)), the firm may submit a new Application for Exception to the FEA.

The Upjohn Co., Michigan Milk Producers Association; Washington, D.C.; FEA–0836, FEA–0837, Crude Oil.

The Upjohn Company (Upjohn) and the Michigan Milk Producers Association (MMPA) filed Appeals from a Decision and Order which the FEA's Office of Regulatory Programs issued to the Consumers Power Company (Consumers) on April 12, 1976. In that Order, a synthetic natural gas plant which Consumers operates in Marysville, Michigan was designated a "first priority refinery" for purposes of the FEA Canadian Crude Oil Allocation Program (the Program). In addition, the FEA found that Consumers' plant had a base period use of 27,306 barrels per day of Canadian crude oil. The Appeals, if granted, would result in the issuance of an Order increasing Consumers' base period use of Canadian crude oil at the Marysville plant. In their Appeals, Upjohn and the MMPA, purchasers of natural gas from Consumers, contended that the April 12 Order was erroneous in law since the FEA failed to provide the appellants with notice of, or an opportunity to present evidence in connection with the issuance of the April 12 Order. Ujohn also asserted that the April 12 Order was defecitve since no environmental impact statement or inflationary impact statement was prepared by the FEA prior to its issuance. In considering the Appeals, the FEA determined that neither the FEA Regulations nor the requirements of due process of law require that notice be served on all potentially aggrieved parties prior to the issuance of an order such as the April 12 Order. The FEA found that such a requirement could have significantly hindered the FEA's attempt to expeditiously initiate the Program. Moreover, by providing the firms with an opportunity to submit administrative appeals of the Order, the FEA assured the appellants adequate notice and an opportunity to be heard with respect to their contentions that the April 12 Order is erroneous. The FEA also concluded that no Federal statute or executive order required the preparation of an environmental or inflationary impact statement prior to the issuance of the April 12 Order, and that, in fact, such a requirement would be unreasonable and impractical and would effectively forestall the implementation of any allocation program. The two Appeals were therefore denied.

REQUESTS FOR EXCEPTION

Coline Gasoline Corp.; Ventura, Calif.; FEE–2644; Natural Gas Liquids.

Coline Gasoline Corporation filed an Application for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception request, if granted, would permit Coline to increase its selling prices for the natural gas liquid products which it produces at its Rincon natural gas processing plant to levels in excess of those permitted by Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which could demonstrate that the non-product costs which it has incurred at its gas plant since May 1973 have increased substantially in excess of the $.005 per gallon passthrough already permitted under the provisions of Section 212.165. Based on an analysis of the data presented by Coline, the FEA determined that the firm's Rincon plant qualified for exception relief under this standard and appropriate relief for that plant was therefore approved for the period July 19, 1976, through September 30, 1976.

Hanover Management Co.; Dallas, Tex.; FEE–2416; Crude Oil.

Hanover Management Company (Hanover) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted, would permit Hanover to sell crude oil produced from the Stidham Ranch Number "A"–4 well at upper tier ceiling prices. In considering Hanover's Application, the FEA determined that the costs of producing crude oil from the "A"–4 well have been increased substantially and now exceed, on a per barrel basis, the lower tier ceiling price which Hanover is permitted to charge. Consequently, Hanover has no economic incentive to continue to operate the "A"–4 well. The FEA also determined that, if Hanover were to abandon the well, a substantial amount of crude oil which otherwise could be recovered would not be produced. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application to Hanover under these circumstances of the lower tier ceiling price rule resulted in a gross inequity and that exception relief should be granted in this case. An analysis of the specific financial and operating data which Hanover submitted led to the further conclusion that Hanover should be permitted to sell at upper tier ceiling prices all of the crude oil which it produces for the benefit of the working interest owners for a period of six months.

Mid-America Refining Co., Inc.; Chanute, Kans.; FEE–2458, No. 2 Fuel Oil.

Mid-America Refining Company, Inc. (Mid-America) filed an Application for Exception from the provisions of 10 CFR 212.83 which, if granted, would permit the firm to use an adjusted May 15, 1973 price in calculating the maximum allowable price for No. 2 fuel oil which it sold to Day and Zimmermann, Inc. (Day). Mid-America requested that the

relief be made retroactive to May 1973 to eliminate its potential liability to make refunds to Day for previous overcharges. In its application, the firm contended that the price which it was charging Day and Zimmermann for No. 2 fuel oil on May 15, 1973 was unreasonably low in relation to the prevailing spot market prices for that product. In considering Mid-America's exception request, the FEA determined that the firm's allegation that its May 15, 1973 selling price to Day and Zimmermann was lower than the prices charged by other sellers in May 1973 did not in and of itself constitute a gross inequity. The FEA also found that the firm had failed to present any substantial evidence that it would suffer a severe and irreparable injury in the absence of retroactive exception relief. Based on the precedents established in previous similar cases, Mid-America's request was accordingly denied.

Mobil Oil Corp.; New York, N.Y.; FEE–2585 (Burnell), FEE–2586 (Chevron Kermitt), FEE–2587 (Chitwood), FEE–2589 (Cow Island-Riverside), FEE–2590 (Desdemonal), FEE–2591 (Dollarhide), FEE– 2592 (Electra), FEE–2593 (Elwood), FEE–2594 (Exxon Camargo), FEE–2595 (Greeley), FEE–2596 (Gulf-Knox), FEE–2597 (Hickok), FEE–2598 (Kettleman North Dome), FEE–2600 (Lisbon), FEE–2601 (Nueces River), FEE–2602 (Paloma), FEE–2603 (Phillips-Bradley), FEE–2604 (Postle Hough), FEE–2605 (Putnam Oswego), FEE–2606 (R. M. Stephens), FEE–2607 (Rio Bravo), FEE–2610 (South Serapta), FEE–2611 (Union Adena), FEE–2612 (Vanderbilt), FEE–2613 (West Seminole); Natural Gas Liquid Products.

The Mobil Oil Corporation (Mobil) filed Applications for Exception from the provisions of 10 CFR 212.165. The exception requests, if granted, would permit Mobil to increase the prices which it charges for natural gas liquid products at 25 of its natural gas plants above the maximum levels permitted under the provisions of Subpart K of the FEA Mandatory Petroleum Price Regulations. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processing plant which could demonstrate that its nonproduct costs since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under the provisions of Section 212.165. See, e.g., Sun Oil Co., 3 FEA Par. 83,129 (March 12, 1976) and Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). Based on the analysis of the data presented by Mobil, the FEA found that Mobil had made such a showing with respect to all 25 plants. Accordingly, Mobil was granted appropriate exception relief with respect to each of the 25 plants for the period July 19, 1976 through September 30, 1976.

National Helium Corp.; Liberal, Kans.; FEE–2319, Natural Gas Liquid Products.

The National Helium Corporation filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices of the natural gas liquid products produced at its Liberal, Kansas plant to reflect the non-product cost increases which it has experienced since May 15, 1973. The firm also requested that the relief be granted retroactive to February 25, 1975. In considering National Helium's Application, the FEA determined that since the firm had experienced substantial non-product cost increases in excess of $.005 per gallon between its fiscal quarter which included May 15, 1973 and the first fiscal quarter of 1976, National Helium was entitled to exception relief in accordance with the precedent established in Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975). After making certain adjustments to the non-product costs which the firm had submitted, the FEA therefore permitted National Helium to increase the selling prices of the natural gas liquid products at its Liberal, Kansas plant by $.0445 per gallon through September 30, 1976. With respect to National Helium's request for retroactive relief, the FEA determined that the firm had failed to demonstrate that it would experience a severe and irreparable injury in the absence of retroactive relief. National Helium also claimed, however, that prior to August 29, 1975, the date on which the Superior Decision was issued, it had withdrawn an Application for Exception which was similar to its current submission only when it became aware that it could not satisfy the standards for exception relief which existed at that time. It claimed that the issuance of Superior announcing a change in these standards was grounds for granting exception relief retroactive to the date of its initial filing. The FEA found that there was some merit to the firm's claim for retroactive relief since, based upon the showing in its prior submission, National Helium would have been entitled to exception relief if its previous Application had still been pending when Superior was decided. The FEA noted, however, that National Helium had failed to refile its request for exception relief for more than six months after the issuance of Superior. Accordingly, compelling reasons for granting retroactive relief existed only for the period after which it refiled its Application for Exception, and exception relief was made effective as of the date of its current filing.

Signal Petroleum; New Orleans, La.; Fee–2548, Natural Gas Liquids.

Signal Petroleum filed an Application for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception application, if granted, would permit Signal to increase its selling prices for the natural gas liquid products produced at its Lake Washington natural gas processing plant to levels in excess of those permitted by Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which could demonstrate that the non-product costs which it has incurred at its gas plant since May 1973 have increased substantially in excess of the $.005 per gallon passthrough already permitted under the provisions of Section 212.165. Based on an analysis of the data submitted by Signal, the FEA determined that the firm's Lake Washington plant qualified for exception relief under this standard and appropriate relief for that plant was therefore approved for the period July 19, 1976, through September 30, 1976.

Sun Oil Co., Dallas, Tex.; FEE–2578, FEE–2579, FEE–2580; Natural Gas Liquids.

Sun Oil Company (Sun) filed three Applications for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception requests, if granted, would permit Sun to increase its selling prices for the natural gas liquid products produced at its Belle Isle, Sun and Wakita natural gas processing plants to levels in excess of those permitted by Section 212.165. In a number of prior Decisions, the FEA determined that, as a general rule, exception relief would be granted to a natural gas processor which could demonstrate that the non-product costs which it has incurred at any of its gas processing plants since May 1973 have increased substantially in excess of the $.005 per gallon permitted to be passed through under the provisions of Section 212.165. Based on an analysis of the data submitted by Sun, the FEA found that the firm's Belle Isle, Sun and Wakita plants qualified for exception relief under these standards and appropriate relief for each of those plants was therefore approved for the period July 22, 1976, through September 30, 1976.

Watson W. Wise; Tyler, Tex.; FEE–2402, Crude Oil.

Watson W. Wise (Wise) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Wise and other working interest owners of the Stone Johnson Lease to sell the crude oil which they produce at a price which exceeds the lower tier ceiling price. In considering Wise's request, the FEA rejected the contention that a gross inequity exists simply because the market value of the crude oil produced from the Stone Johnson Lease has increased since May 15, 1973 more than the market value of the crude oil produced from a nearby field. The FEA observed that exception relief might nevertheless be appropriate if the value of the particular type of crude oil involved had increased significantly compared with the national average for crude oil of a similar quality. Since any exception relief granted in this case would adversely affect all other crude oil producers, the FEA concluded that the relative difference in value which arose subsequent to May 15, 1973 between the crude oil which Wise produced and similar crude oil throughout the country should be substantial in order to demonstrate the existence of a gross inequity. The FEA determined that the difference in September 1975 between the price of old crude oil and new crude oil in the field in which the Stone Johnson Lease is located was $7.80, which exceeded the comparable difference for crude oil of a similar gravity on a national weighted average basis by only $0.29. The FEA also found that a considerable share of the nation's production of crude oil with a gravity similar to the oil from the Stone Johnson Lease has increased in value since May 15, 1973 by an amount which is equal to or greater than $7.80. Accordingly, the exception request was denied.

REQUEST FOR MODIFICATION OR RESCISSION

Louisiana Land and Exploration Co.; New Orleans, La.; FMR–0052, Crude Oil.

The Louisiana Land and Exploration Company (LL&E) filed an Application for Modification of a Decision and Order issued to the firm on February 26, 1976. Louisiana Land and Exploration Company, 3 FEA Par. 80,586 (February 26, 1976). In that Order, the FEA granted LL&E's exception request, designating it as the December 1, 1973 purchaser of 26,175 barrels per day of crude oil produced from the Jay-Little Escambia Creek Field in northwestern Florida for use in its new refinery in Mobile, Alabama. Pursuant to Section 211.63 of the FEA Regulations, LL&E thereby became entitled to purchase that amount of crude oil on a continuing basis. In its present application, LL&E requested that the February 26 Decision and Order be modified by increasing the volume of the crude oil involved by approximately 6,000 barrels per day. LL&E contended that the FEA's certification of the firm's recently constructed refinery at a capacity which was 25 percent higher than had been estimated at the time of the earlier proceeding constituted grounds for modification of the prior Order. In considering LL&E's application, the FEA found that the quantity of Jay Field crude oil which the FEA had reallocated to

LL&E in its February 26 Order was based on the capacity of LL&E's refinery, as then estimated, and that the certification of the capacity of LL&E's refinery at a higher level was therefore a "significantly changed circumstance", as that term is defined in 10 CFR 205.135(b)(2), which constituted sufficient grounds for approving the modification requested. Accordingly, the FEA granted LL&E's request, and increased by approximately 6,000 barrels per day the quantity of Jay Field crude oil which LL&E was entitled to purchase under the December 1 rule. The FEA also noted that LL&E was no longer obligated under the December 1 rule to offer for sale to the Exxon Company, U.S.A. the Jay Field crude oil which LL&E has been permitted to retain for use in its refinery.

REQUEST FOR SPECIAL REDRESS

La-Tex Barge, Inc.; Luling, La.; FSG-0200, Residual Fuel Oil.

La-Tex Barge, Inc. (La-Tex) filed a Petition for Special Redress Relief with the Office of Private Grievances and Redress of the Federal Energy Administration. La-Tex's request, if granted, would result in the issuance of an order establishing that the FEA does not have the statutory or regulatory authority to regulate the fees charged by brokers of refined petroleum products. The approval of the requested relief would also result in the issuance of an order directing FEA auditors to cease all further investigations of La-Tex's petroleum-related activities. In considering La-Tex's petition, the FEA noted that the issues which the firm raised were similar to the issues considered in International Trading and Transport, Ltd., 3 FEA Par. ——— (July 9, 1976). In that Decision, the FEA found that the FEA regulatory program focuses on individual sales transactions and establishes rules governing the prices at which various parties including resellers may sell covered petroleum products. In particular, the FEA noted in that Decision that even though a firm may consider itself to be only a broker of covered products, the nature of its business activities may qualify the firm under the FEA Regulatory Program as a "reseller" as that term is defined in 10 CFR 212.31. Thus, regardless of whether a firm characterizes its activities as those of a broker, a determination must be made on a case-by-case basis whether a firm's activities with respect to a particular transaction fall within the definition of the term "reseller". However, in International Trading and Transport, the FEA determined that special redress relief might be warranted to prevent or terminate an investigation where a firm would face significant difficulties in comparison to its resources in complying with the requirements of an FEA investigation, where substantial legal questions exist whether the firm is subject to the jurisdiction of the FEA, or where the factual nature of the firm's transactions is sufficiently clear to permit an immediate determination of the legal issues involved. After considering the La-Tex submission, the FEA concluded that there exist several disputed factual issues regarding the nature of La-Tex's business transactions which must be resolved before a final determination can be made on the application of the FEA regulations to those transactions. The La-Tex Petition for Special Redress relief was therefore dismissed without prejudice to a resubmission at a later date.

REQUESTS FOR STAY

J. E. Meintzer & Son, Inc.; Easton, Md.; FES-0833, No. 2-D Diesel Fuel.

J. E. Meintzer & Son, Inc. (Meintzer) requested that the provisions of a Remedial Order which the FEA issued to the firm on June 4, 1976, be stayed pending a final determination of its Appeal from that Order. In the Remedial Order, the FEA found that Meintzer had charged prices in certain sales of No. 2-D diesel fuel which were in excess of the maximum permissible prices specified in 10 CFR 212.93 and directed the firm to make refunds to its purchasers to account for those overcharges. In considering Meintzer's submission, the FEA found that Meintzer failed to address any of the criteria set forth in 10 CFR 205.125(b) which must be satisfied before a stay can be granted. The FEA therefore denied Meintzer's stay request.

Laketon Asphalt Refining, Inc., Evansville, Ind.; FES-2558, Crude Oil.

Laketon Asphalt Refining, Inc. requested that its obligation to purchase entitlements under the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) for the month of April 1976 and succeeding months be stayed pending a determination on the merits of an Application for Exception which the firm has filed. In considering the Application for Stay, the FEA determined that Laketon had submitted no financial data which indicated that an irreparable injury would occur in the absence of a stay or that it was impossible for the firm to meet its entitlement purchase obligations during the period of time in which its exception application was pending. Although Laketon requested stay relief with respect to its obligations for the month of April 1976 as well as for subsequent months, the FEA found that Laketon had in fact completed its April entitlements purchases. The FEA further concluded that Laketon had not submitted sufficient financial data to make a showing that it was likely that the firm would succeed on the merits of its exception application. The firm's request for stay was therefore denied.

Standard Oil Co. of California; San Francisco, Calif.; FES-0890, Motor Gasoline.

Standard Oil Company of California (SOCAL) requested that a Decision and Order issued to the Ashland Oil Company (Ashland) on June 10, 1976 be stayed pending a determination on an Appeal of that Order which SOCAL has filed. In the June 10 Order, the FEA determined that Ashland was experiencing a serious hardship as a result of the requirement that its base period supplier/purchaser relationship with Coastal States Gas Producing Company be maintained. The FEA therefore granted Ashland's exception request and ordered the Regional Administrator of FEA, Region I to assign Ashland a new supplier of motor gasoline for the months of June through August 1976. On June 25, 1976, the FEA, Region IX issued an Assignment Order to SOCAL which directed the firm to supply motor gasoline to Ashland during this three month period. In considering SOCAL's Application for Stay, the FEA found that, notwithstanding SOCAL's allegations of changed circumstances, SOCAL had not even alleged that, in the absence of a stay, the June 10 Decision and Order would cause an irreparable injury to SOCAL or a more immediate serious hardship or gross inequity to SOCAL than would result to Ashland if its stay request were granted. The FEA also noted that the issues raised in SOCAL's submission could more appropriately be considered in connection with an Appeal which SOCAL had filed with FEA, Region IX from the June 25, 1976 Assignment Order. The FEA therefore denied SOCAL's Application for Stay.

Taiga Energy, Inc.; Denver, Colorado; FES-0896, Crude Oil.

Taiga Energy, Inc. filed an Application for Stay of a Remedial Order which the Regional Administrator of FEA, Region VIII issued to it on June 24, 1976. The Remedial Order determined that during the period November 1, 1973 through December 31, 1975, Taiga violated the provisions of 10 CFR 212.73 by selling crude oil to the Permian Corporation and the Mobil Oil Corporation at prices which were in excess of the maximum price levels permitted by the FEA Regulations. On the basis of this determination, the Remedial Order directed Taiga to make refunds to Permian and Mobil for previous overcharges within 90 days. Taiga's stay request, if approved, would relieve the firm of its obligation to make those refunds pending a final determination on its Appeal from the Remedial Order. In considering the request for stay, the FEA concluded that Taiga had raised substantial issues concerning the propriety of the Remedial Order. Taiga also made a strong showing that it could incur an irreparable injury in the event that it is required to make immediate refunds to Permian and Mobil since in all likelihood those firms would pass on the refunds to their own customers and Taiga could experience substantial difficulty in recovering the funds in the event that it prevails on the merits of its Appeal. The FEA therefore held that Taiga satisfied the criteria set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), for granting a stay of refund requirements specified in a remedial order. In addition, Taiga demonstrated that it was not appropriate to require it to establish an escrow account for the funds which it is directed to pay to Permian and Mobil. In this connection the FEA determined that Taiga would incur an immediate and irreparable injury in the event that it were required to establish a joint escrow account with Mobil, and that the sum which Taiga was directed to refund to Permian was too small to warrant the expense and effort of establishing an escrow account. Taiga's Application for Stay was therefore granted.

DISMISSALS

The following submissions were dismissed after the applicant repeatedly failed to respond to requests for additional information:

DORIC PETROLEUM, INC., WASHINGTON, D.C., FEE-2371, FEE-2372.

The following submission was dismissed on the grounds that the request is now moot:

ARIZONA FUELS CORP., WASHINGTON, D.C., FES-2708.

TEMPORARY STAY

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

CAPITOL OIL COMPANY, BALTIMORE, MARYLAND, FST-0010.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 31, 1976.

[FR Doc.76-25972 Filed 8-31-76;4:33 pm]

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Issuance of Decisions and Orders; Week of July 26 Through July 30, 1976

Notice is hereby given that during the week of July 26 through July 30, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

REQUESTS FOR EXCEPTION

Aminoil U.S.A., Inc.; Houston, Tex.; FEE–2728 (Aline No. 5), FEE–2729 (Fox No. 13), FEE–2730 (Huntington Beach No. 11), FEE–2731 (Inglewood No. 20), FEE–2732 (O'Keene No. 21), FEE–2733 (Taloga No. 7), FEE–2734 (Tioga 12); Natural Gas Liquids.

Aminoil U.S.A., Inc. (Aminoil) filed seven Applications for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception requests, if granted, would permit Aminoil to increase the prices it charges to reflect the non-product cost increases which it has incurred in producing natural gas liquid products at its seven natural gas processing plants. In a number of prior Decisions, the FEA determined that, as a general rule, exception relief would be granted to any firm which could demonstrate that the non-product costs which it has incurred since May 1973 at its gas processing plant have increased substantially in excess of the $.005 per gallon passthrough permitted under the provisions of Section 212.165. See, e.g. Farmland Industries, Inc., 3 FEA Par. 83,080 (January 23, 1976); and Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975). In considering Aminoil's requests, the FEA found that six of the firm's natural gas processing plants qualified for exception relief under these standards. The FEA therefore granted appropriate relief with respect to each of the six plants for the period July 30, 1976 through September 30, 1976. However, based on the data presented by Aminoil, the FEA denied exception relief with respect to the O'Keene plant since the adjusted non-product cost increases exprienced at that plant were not substantially in excess of $.005 per gallon.

Belridge Oil Co., Kern County, Calif.; FEE–2444; Natural Gas Liquids.

Belridge Oil Company filed an Application for Exception from the provisions of 10 CFR 212.165. The exception request if granted, would permit Belridge to increase the prices it charges to reflect non-product cost increases incurred in producing natural gas liquids and natural gas liquid products at its Kern County gas processing plant. In considering the application, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under Section 212.165. See e.g., Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Belridge had made such a showing with respect to its Kern County Plant. Accordingly, the FEA granted exception relief with respect to that plant for the period July 30, 1976 through September 30, 1976.

John H. Cathey; Kimball, Nebr., FEE–2405; Crude oil.

John H. Cathey filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Cathey's request, if granted, would permit him to retain $19,285.93 in excess revenues which he realized by selling crude oil produced during 1974 from the Peterson lease in Kimball, Nebraska at prices in excess of the lower tier ceiling price permitted by Subpart D. Based upon the financial data which Cathey provided in his exception application, the FEA determined that although Cathey's operating expenses had increased during 1974, the increased expenses were offset by an increase in the price which Cathey was permitted to charge under FEA Regulations for the crude oil which he produced. The FEA found that even if Cathey had charged lower tier prices for this crude oil, he would have realized a net profit during 1974 of $1800 as well as an annual salary of $1500 for operating the lease. Consequently, his overall pre-tax profits for the year would have substantially exceeded his income during each of the two previous years. The FEA therefore concluded that Cathey had failed to demonstrate that he experienced a serious hardship or gross inequity during 1974 as a result of FEA Regulations. Accordingly, Cathey's exception application was denied.

Continental Oil Co.; Houston, Tex.; FEE–2736 (Acadia), FEE–2737 (Burnell North Pettus), FEE–2738 (Elk Basin), FEE–2739 (Elk City), FEE–2740 (Hamlin), FEE–2741 (Hitchcock), FEE–2742 (Maljamar), FEE–2743 (Medford), FEE–2744 (North Cowden), FEE–2745 (North Dome Kettleman Hills), FEE–2746 (North Okarche), FEE–2747 (Okeene), FEE–2748 (Ramsey), FEE–2749 (Rincon), FEE–2750 (Seiling), FEE–2751 (South Hampton), FEE–2752 (Sussex), FEE–2753 (O. W. Ward), FEE–2754 (West Seminole), FEE–2755 (West World); Natural Gas Liquids.

Continental Oil Company filed 20 Applications for Exception from the provisions of Section 212.165 of the FEA Mandatory Petroleum Price Regulations. The exception requests, if granted, would permit Continental to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which it has incurred at its 20 natural gas processing plants. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any firm which could demonstrate that the non-product costs which it has incurred since May 1973 at its gas processing plant have increased substantially in excess of the $.005 per gallon passthrough permitted under the provisions of Section 212.165. *See*, e.g. Farmland Industries, Inc., 3 FEA Par. 83,080 (January 23, 1976); and Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975). In considering Continental's requests, the FEA concluded that eighteen of the firm's natural gas processing plants qualified for exception relief under these standards. The FEA therefore granted appropriate relief with respect to each of those plants for the period July 30, 1976 through September 30, 1976. However, based on the data presented by Continental, the FEA denied exception relief with respect to the Hitchcock and Selling plants since the adjusted non-product cost increases experienced at each of those two plants were not substantially in excess of $.005 per gallon.

Grigsby Oil & Gas; Shreveport, La.; FEE–2409; Crude Oil.

Grigsby Oil & Gas s submitted an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Grigsby to charge upper tier ceiling prices for the crude oil produced from the Jack W. Grigsby-Robert Leger Well No. 1 located in Acadia Parish, Louisiana. Grigsby also requested that the relief be made retroactive to October 1974 in order to relieve the firm of any obligation to refund revenues which it received by charging prices in excess of lower tier ceiling prices. In considering the exception application, the FEA observed that issues raised by Grigsby regarding the proper interpretation of the term "property" were not appropriately raised in this exception proceeding. The FEA found that despite Grigsby's claims regarding the ambiguity of the regulations, the firm had apparently taken no action to obtain a clarification of the provisions involved. Furthermore, Grigsby had not demonstrated that it was adversely affected in a disproportionate manner by the application to it of the FEA crude oil pricing regulations or that it was currently experiencing a gross inequity or serious hardship. The FEA also found that Grigsby failed to demonstrate that in the absence of retroactive exception relief it would incur an irreparable injury. The FEA therefore denied the firm's exception request.

Gulf Oil Corp.; Houston, Tex.; FEE–2647 (Breckenridge), FEE–2648 (Chesterville), FEE–2649 (Como), FEE–2650 (Diamond "M"), FEE–2651 (Encinal), FEE–2652 (Eunice), FEE–2653 (Fannett), FEE–2654 (Fashing), FEE–2655 (Fuller), FEE–2656 (Gladewater), FEE–2258 (Houston Central), FEE–2660 (Krotz Springs), FEE–2661 (Lake Washington), FEE–2662 (Maysville), FEE–2663 (McLean), FEE–2664 (Mermantua), FEE–2666 (Mocane), FEE–2667 (Monahans), FEE–2668 (Monument), FEE–2669 (Moore's Orchard), FEE–2670 (Moorland), FEE–2674 (Shackleford), FEE–2675 (Slaughter), FEE–2677 (Spear), FEE–2678 (Terrebonne), FEE–2630 (Venice); *Natural Gas Liquids.*

Gulf Oil Corporation filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges to reflect non-product cost increases which the firm has incurred at twenty-six of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the nonproduct costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under Section 212.165. See Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Gulf had made such a showing with respect to 18 of the 26 plants and granted Gulf appropriate exception relief with respect to those plants for the period July 30, 1976 through September 30, 1976. However, the FEA denied exception relief for the remaining eight plants on the grounds that the nonproduct cost increases experienced at those plants were not substantially in excess of $.005 per gallon.

Robert E. Hanson; Minneapolis, Minn.; FEE–2642; Crude Oil.

Robert E. Hanson filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would permit Hanson to sell crude oil produced from the North Tioga Madison Unit at upper tier ceiling prices. In considering Hanson's request, the FEA determined that Hanson's current financial problems were caused primarily by events which occurred prior to the inception of the FEA regulatory program. The FEA also found that, contrary to Hanson's

claim, the actual increases in operating costs which Hanson had incurred since 1973 for his share of the Unit were not sufficient under prior FEA decisions to form a basis for exception relief. The FEA therefore concluded that Hanson had failed to demonstrate that the application of the Mandatory Petroleum Price Regulations to his interest in the unit constitutes approximate cause of the financial difficulties which he is experiencing. Accordingly, his exception application was denied.

Hillsdale Aero, Inc.; Hillsdale, Mich.; FEE–2393; Aviation Fuel.

Hillsdale Aero, Inc. filed an Application for Exception from the provisions of 10 CFR 211.12, which if granted, would result in the issuance of Orders by the FEA increasing Hillsdale Aero's base period use of jet A fuel and directing Hillsdale Aero's base period supplier to furnish the increased volume of jet fuel to the firm. In considering the exception request, the FEA found that Hillsdale Aero's principal customer, the Masco Corporation, recently purchased a new aircraft and that the increase in base period use which Hillsdale Aero requested would satisfy Masco's increased fuel requirements in operating the new aircraft. The FEA found that Hillsdale Aero's existing base period use was insufficient to supply the additional fuel which Masco needed and that neither firm was currently able to obtain surplus product. As a result, Masco has been flying to other airports merely to purchase fuel. The FEA concluded that the waste of a scarce fuel which resulted from such flights was contrary to the goals specified in Section 4(b) (1) of the Emergency Petroleum Allocation Act of 1973, as amended. The FEA therefore granted exception relief which will operate to increase Masco Corporation's base period use of jet A fuel from Hillsdale Aero. Under the provisions of 10 CFR 211.13(c), Hillsdale Aero may receive an adjustment to its base period use of jet A fuel which will permit it to meet the additional supply obligation created by the increase in Masco Corporation's base period use.

Mobil Oil Corp.; New York, N.Y.; FEE–2608 (Sholen Alechem), FEE–2609 (Slaughter); Natural Gas Liquid Products.

The Mobil Oil Corporation submitted two Applications for Exception from the provisions of 10 CFR 212.165. The exception requests, if granted, would permit Mobil to increase the prices it charges for natural gas liquid products to reflect non-product cost increases which it has incurred at its Sholem Alechem and Slaughter natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that its non-product costs since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under the provisions of Section 212.165. See Sun Oil Co., 3 FEA Par. 83,129 (March 12, 1976) and Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Mobil had made such a showing with respect to both plants. Accordingly, Mobil was granted appropriate exception relief with respect to those plants for the period July 30, 1976 through September 30, 1976.

Robert W. O'Meara; New Orleans, La.; FEE–2244; Crude Oil.

Robert W. O'Meara filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit him to sell crude oil produced from the Louisiana Fruit No. 2 well (the No. 2 well) at a price which exceeds the lower tier ceiling price. In considering O'Meara's exception request, the FEA determined that: (i) the cost per barrel of producing crude oil from the No. 2 well had increased greatly since 1973 so that it now exceeds the lower tier ceiling price which O'Meara is permitted to charge; (ii) consequently, O'Meara does not have an economic incentive to continue to operate the No. 2 well at this time; and (iii) if O'Meara abandons the well, a considerable quantity of otherwise recoverable crude oil would be lost. On the basis of precedents involving similar factual situations, the FEA concluded that the application to O'Meara of the lower tier ceiling price rule results in a gross inequity and that exception relief should therefore be granted. Based on an analysis of the firm's financial and operating data, the FEA further determined that O'Meara should be permitted to sell at upper tier ceiling prices 100 percent of the crude oil produced and sold for his benefit from the No. 2 well.

Shell Oil Co.; Houston, Tex.; FEE–2541, FEE–2545; Natural Gas Liquids.

Shell Oil Company filed two Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges for natural gas liquid products to reflect the non-product cost increases which the firm has incurred since May 1973 at two of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under Section 212.165. See Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Shell had made such a showing with respect to the two plants and granted Shell appropriate exception relief with respect to the plants for the period July 30 through September 30, 1976.

REQUESTS FOR STAY

Charter Oil Co.; Jacksonville, Fla.; FES–2775; Crude Oil.

The Charter Oil Company (Charter) requested that its obligation to purchase entitlements under the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) in August 1976 and succeeding months be stayed pending a determination on the merits of an Application for Exception which the firm submitted. In considering the stay request, the FEA determined that Charter had submitted no financial data which indicated that it would incur an irreparable injury in the absence of a stay, or that it was impossible for the firm to meet its entitlement purchase obligations during the period of time necessary for a determination to be made on the firm's exception application. The FEA also found that since Charter is seeking a change in the standards which have been applied generally to applications for exception from the Entitlements Program, it was impossible to conclude that Charter was likely to succeed on the merits of its exception application. The firms request for stay was therefore denied.

Union Oil Co. of Calif.; Los Angeles, Calif.; FES–0907; Refined Petroleum Products.

Union Oil Company of California (Union) filed an Application for Stay of the requirements of a Remedial Order which was issued to the firm by the Regional Administrator of FEA, Region IX on June 29, 1976. The Order directed Union to reinstate its policy of accepting three major credit cards for the purchase of covered products at the retail level. The Order also directed Union to refund 66.6 percent of the costs incurred by Union dealers in negotiating individual arrangements with the three credit card firms after June 30, 1974. With respect to the requirement that Union reinstate credit card arrangements with the three credit card firms, the FEA determined that if a stay were not granted, Union might be required to enter into long-term contracts with these firms, and appropriate relief for the firm would be difficult to fashion if it prevailed on its Appeal. The FEA also noted that in a recent federal district court decision, *Marathon Oil Co. v. FEA*, Civil Case No. C–74 316 (N.D. Ohio, slip opinion issued June 23, 1976), the court concluded that the FEA statutes do not confer upon the FEA the authority to regulate the credit terms which a firm imposes upon its customers. The FEA concluded that the Marathon decision might have a substantial impact upon the ultimate determination of Union's Appeal from the June 29 Remedial Order. Accordingly, serious issues will be raised by Union in its Appeal as to the propriety of the Remedial Order, and the FEA found that it was desirable under these circumstances to stay the provisions of the Remedial Order requiring immediate reinstatement of credit card relationships in order to preserve the status quo ante. The FEA further concluded that it was appropriate to stay the requirement that Union make refunds to individual dealers in view of the fact that Union might experience substantial difficulties in recovering these refunds in the event that it succeeds in its Appeal. See Tiaga Resources, Inc., 3 FEA Par. ---- (July 22, 1976); General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976). In view of the findings of the district court in the Marathon decision the FEA also found that the possibility existed that Union would prevail on the merits of its Appeal. Accordingly, since Union's ability to make the refunds required by the Order did not appear to be in jeopardy, the FEA concluded that it was unnecessary to require the firm to establish an escrow account for these funds.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Farmers Union Central Exchange, Inc.; St. Paul, Minn.; FEE–2570.
Spohn Oil Co.; Kearney, Nebr.; FEE–2688.

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Beyer Aviation; Dubuque, Iowa; FEE–2692.
Swan & Gottman; Hannibal, Mo.; FEE–2699.

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

Shell Oil Co.; Houston, Tex., FEE–2546.
Union Carbide Caribe, Inc.; New York, N.Y.; FEE–2571.

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Charles W. Deisler; Westchester, Ohio; FEE–2582.

TEMPORARY STAYS

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Cleary Petroleum Corp.; Oklahoma City, Okla.; FST-0011.

The following Application for Temporary Stay was granted on the grounds that the applicant had made a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Cross Oil & Refining Co.; Washington, D.C.; FST-0012.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 31, 1976.

[FR Doc.76-25973 Filed 8-31-76;4:33 pm]

APPEALS AND APPLICATIONS FOR EXCEPTIONS

Issuance of Decisions and Orders; Week of August 2, Through August 6, 1976

Notice is hereby given that during the week of August 2 through August 6, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Atlantic Richfield Co.; Dallas, Tex.; FEA-0840; Natural Gas Liquids.

Atlantic Richfield Company (Arco) appealed from a Decision and Order permitting the firm to increase the selling prices for natural gas liquid products at 18 of its natural gas processing plants which had experienced unrecovered non-product cost increases greater than $.005. However, that Order also denied Arco's request for exception relief with respect to its price plant since the unrecovered nonproduct cost increases at that plant amounted to less than $.005. Atlantic Richfield Co., 3 FEA Par. 83,167 (April 16, 1976). In considering the Appeal, the FEO noted that Arco's contention that the $.005 standard applied by the FEA to this type of exception request is arbitrary and capricious had previously been considered and rejected in an earlier Decision. The FEO also found that Arco had failed to provide information which would sustain its contention that it was experiencing a serious hardship because of its inability to recover all of the non-product cost increases which it has incurred at the Price plant. The FEO further determined that Arco had failed to substantiate its allegation that the limitation placed by the FEA on the recovery of increased nonproduct costs contravenes the Emergency Petroleum Allocation Act of 1973, as amended. The Appeal was therefore denied.

Delaware Valley Propane Co.; Morrestown, N.J.; FEA-0885; Propane.

Delaware Valley Propane Company (Delaware Valley) appealed from a Decision and Order which denied the firm's Application for Exception from the provisions of 10 CFR 211.9. Delaware Valley Propane Co., 3 FEA Par. 83,211 (June 7, 1976). The Delaware Valley Appeal, if granted, would have resulted in the rescission of the previous Order and the assignment of a lower-priced supplier of propane to replace one of Delaware Valley's base period suppliers, Petrolane Northeast Gas Service, Inc. (Petrolane). In considering the Appeal, the FEO noted that the approval of exception relief reassigning a wholesale purchaser-reseller would be warranted by a showing that unusually high product costs substantially impede a firm's operations or impose a serious competitive disadvantage in relation to other similarly situated firms. In denying the Appeal, the FEO determined that Petrolane's price had been only 2.917 cents per gallon higher than the weighted average price at which Delaware Valley purchased its total supplies of propane and that no showing had been made that the firm's financial or operating posture had been seriously impaired by the additional cost.

Dollar Rent-A-Car, Los Angeles; Los Angeles, Calif.; FEA-0771; Motor Gasoline.

Dollar Rent-A-Car, Los Angeles (Dollar Rent-A-Car) appealed from a Decision and Order which denied the firm's Application for Exception. Dollar Rent-A-Car, Los Angeles, 3 FEA Par. 83,075 (January 16, 1976). The Appeal, if granted, would have increased the firm's base period use of motor gasoline from 332,621 gallons per year to 604,526 gallons. The FEO noted that in its Appeal Dollar Rent-A-Car challenged only one finding in the January 16 Decision—that the firm had decided to expand its business operations at the Los Angeles Airport in October 1975. The FEO held that the allegation that Dollar Rent-A-Car began negotiating its lease several years prior to October 1975 in no way refutes the FEA's determination that the firm made its final commitment to occupy the airport facility in October 1975, more than one year after the enactment of the FEA Regulations and presumably with full knowledge of the requirements of those regulations. The FEO also found that certain new financial information submitted by Dollar Rent-A-Car in support of its Appeal indicated that the firm was continuing to operate as a viable economic entity in the absence of the requested relief. The Appeal was therefore denied.

Fuel and Line Services, Inc.; Yingling Aircraft, Inc.; Wichita, Kans.; FEA-0791; FEA-0802; Aviation Gasoline.

Fuel and Line Services, Inc. (Fuel and Line) and Yingling Aircraft, Inc. (Yingling) appealed from a Decision and Order denying their Applications for Exception from the provisions of 10 CFR 211.12. Wichita Airport Authority, Fuel & Line Services, Inc., Yingling Aircraft, Inc., 3 FEA Par. 83,106 (February 17, 1976). The present Appeals, if granted, would have resulted in the issuance of Orders increasing Fuel and Line's base period use of aviation gasoline by 173,206 gallons per year and Yingling's base period use of aviation gasoline by 106,770 gallons per year. In considering the Appeals, the FEO upheld the finding in the February 17 Decision that the firms had not met the criteria established in previous Decisions for determining whether an increase should be permitted in a wholesale purchaser's base period use of a petroleum product. The FEO observed that a showing of increased demand for aviation gasoline as a result of economic growth in the firm's area was not sufficient in itself to demonstrate that the denial of the increased allocations would frustrate national energy goals. The FEO explained that, in order to satisfy this standard, an applicant must show the specific adverse impact of the FEA regulatory program on its operations or those of its customers. The FEO determined that the firms had failed to make this showing and therefore denied both Appeals. Nevertheless, the FEO found that new information submitted on appeal did demonstrate that, as a result of increased demand by certain of the firms' customers, the goal of economic efficiency would be furthered by an assignment of additional aviation fuel. Accordingly, exception relief was approved increasing Yingling's base period use of aviation gasoline by 59,457 gallons and that of Fuel and Line by 123,581 gallons.

Mid-Michigan Truck Service, Inc.; Grand Rapids, Mich.; FEA-0782; Motor Gasoline.

Mid-Michigan Truck Service, Inc. (Mid-Michigan) appealed from a Decision and Order issued to it by the FEA on February 13, 1976. Mid-Michigan Truck Service, Inc., 3 FEA Par. 83,100 (February 13, 1976). In that Decision and Order the FEA granted exception relief to Mid-Michigan from the supplier substitution provisions of 10 CFR 211.26. In considering the Appeal the FEO upheld the determination reached in the previous Decision that Gulf Oil Corporation's use of a substitute supplier was based on valid economic reasons and did not reflect an attempt by Gulf to evade its supply obligations under the FEA regulatory program. The FEO also found that, in view of the hardship being experienced by Mid-Michigan, the grant of exception relief was an appropriate determination. However, the FEO noted that, since the exceptions process is not the appropriate proceeding in which to request a finding of violation and the imposition of sanctions, it would decline to consider Mid-Michigan's further allegation that Gulf and its substitute supplier had engaged in improper pricing practices. The Appeal was therefore denied.

REQUESTS FOR EXCEPTION

Ackerman Aviation; Perry, Okla.; FEE-2559; Aviation Gasoline.

Ackerman Aviation (Ackerman) filed an Application for Exception from the provisions of 10 CFR, Part 211, requesting that its base period use of aviation gasoline at the Perry Airport be increased from 9,520 gallons per year to 21,600 gallons per year. In considering the exception application, the FEO found that Ackerman was experiencing an increased demand for aviation gasoline as a result of significant improvements in the airport's facilities constructed by the City of Perry and the Federal Aviation Administration. The FEO also found that the firm's inability to obtain an increased supply of aviation gasoline would frustrate the achievement of the goals specified in Section 4 (b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended, by discouraging the effective use of municipal transportation facilities and impeding economic growth in the Perry area. In addition, the FEO found that Ackerman could not obtain surplus aviation gasoline on the spot market. On the basis of these findings, the FEO concluded that Ackerman qualified for exception relief under the criteria established in previous Decisions. Exception relief was therefore approved, increasing the firm's base

period use of aviation gasoline to the amount requested.

Beukema's Petroleum Co.; Grand Rapids, Mich.; FEE–2410; Motor Gasoline.

Beukema's Petroleum Company (Beukema) filed an Application for Exception from the provisions of 10 CFR 211.9, requesting the assignment of a new supplier of motor gasoline to replace Beukema's primary base period supplier, the Admiral Petroleum Company (Admiral). In considering Beukema's exception request, the FEO determined that the firm had presented substantial, uncontradicted evidence indicating Admiral's failure to disclose to Beukema that an employee of Marathon Oil Company (Marathon) upon whom Beukema relied as an independent third party was receiving bonus payments from Admiral during the time that Beukema was negotiating with Admiral for a supply contract. The FEO also found that judicial findings had been entered in a related lawsuit which would lead to the conclusion that the base period relationship between Beukema and Admiral had deteriorated significantly by October 1974, the last month in which Beukema purchased motor gasoline from Admiral. The FEO concluded that, in view of the questionable basis upon which the base period relationship between Beukema and Admiral was formed, the significant deterioration in that supply relationship, and other factors present in the case, the resumption of the supplier/purchaser relationship between the firms would impose such a substantial and disproportionate burden upon Beukema that exception relief should be granted. Exception relief was therefore approved.

Bruce A. Clark; Dallas, Tex.; FEE–2327; Crude Oil.

Bruce A. Clark filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D which, if granted, would have permitted him to sell the crude oil produced from seven leases located in Callahan County, Texas at a price which exceeds the upper tier ceiling price. In considering the exception request, the FEO determined that Clark has a clear economic incentive to continue producing crude oil from the leases since they are generating significant operating income. The FEO also found that Clark had failed to make a convincing showing that exception relief is necessary in order to provide an economic incentive for capital investment which would yield increased volumes of crude oil from the leases. The exception application was therefore denied.

Colonial Oil Co.; Jacksonville, Fla.; FEE–2771; Motor Gasoline.

On July 3, 1975 the FEA granted exception relief to Colonial Oil Company (Colonial) on the ground that the application to it of the provisions of 10 CFR, Part 211, which require adherence to the base period supplier/purchaser relationship, resulted in a serious hardship to the firm. *Colonial Oil Co.*, 2 FEA Par. 83,201 (July 3, 1975). In that Order the Regional Administrator for the FEA, Region IV, was directed to assign to Colonial a supplier whose wholesale prices for motor gasoline, No. 2 fuel oil and kerosene were within the range of prices paid for those products in Colonial's marketing area by wholesale marketers. The Order further provided that upon the submission of certain financial and operating data Colonial could request that the exception relief granted to the firm be extended for an additional period of time. On the basis of the data submitted by Colonial in connection with its present Application, the FEO determined that (i) the serious hardship which Colonial experienced in the past as a result of the provisions of 10 CFR 211.9 would continue to exist unless further exception relief were granted and (ii) in order to alleviate this hardship Colonial should be assigned a lower-cost supplier for the months of August, September, and October 1976 for its entire volume of gasoline which it is entitled to receive from its principal base period supplier.

Louisiana Land and Exploration Co.; Washington, D.C.; FEE–2397; Crude Oil Refined Products.

Louisiana Land and Exploration Company (LL&E) filed an Application for Exception regarding the computation of maximum allowable selling prices for petroleum products of a new refinery which it recently constructed in Mobile, Alabama. The FEO noted that, although the firm's Application was originally filed as a Request for Interpretation, the Mandatory Petroleum Price Regulations are not specifically designed to apply to the unusual circumstances presented by the construction of a new refinery and the FEA had therefore decided to consider the issues raised in the LL&E submission through the exceptions process. LL&E requested that the FEA establish (i) the May 15, 1973 selling prices for new items and butane produced at the LL&E refinery, (ii) the imputed May 1973 cost of crude oil used in the LL&E refinery, and (iii) the imputed May 1973 non-product costs for the LL&E refinery.

In considering LL&E's Application, the FEO found that, although LL&E's prior activities as a natural gas processor resulted in the firm's being classified as a "refiner" for purposes of the FEA Price Regulations, LL&E had not previously produced or sold any of the products which it now produces in its refinery except butane. Consequently, all of the products of the new refinery are "new items" which should be priced in accordance with 10 CFR 212.111. The FEO also determined that LL&E should use its established May 15, 1973 prices for butane produced from natural gas for purposes of calculating the maximum prices it may currently charge for the butane produced in its crude oil refinery. The FEO further determined that the May 1973 cost of crude oil should be imputed to LL&E in order for it to comply with the Mandatory Petroleum Price Regulations. The FEO found that it was reasonable for LL&E to calculate an imputed cost according to the price which the firm, as a producer, received in May 1973 for the same type of crude oil that it is currently refining and that this method was likely to assure comparability between the firm's current cost and its May 1973 costs. The firm was therefore permitted to use an imputed May 1973 cost of crude oil which is equal to the price of crude oil sold by LL&E in May 1973 plus the pipeline tariff charged in May 1973 between LL&E's field and the present location of its refinery.

In its Application, LL&E also requested that the FEA permit the firm to use a schedule of imputed non-product costs as its May 1973 non-product cost base. The FEO noted that LL&E, in imputing its May 1973 non-product costs, had relied heavily on the experience of a former president of a company which operated a technologically similar refinery in Mobile, Alabama and which in May 1973 produced a similar refinery yield from the same type of crude oil as LL&E's Mobile refiner. On the basis of the supporting data presented by LL&E, the FEO concluded that the imputed non-product costs were reasonable and rested on valid estimates of the costs which the LL&E refinery would have incurred in May 1973 if it had existed at that time. The FEO therefore permitted the firm to use the imputed non-product costs as the May 1973 non-product cost base from which increases will be measured.

Finally, the FEO determined that, in view of the inordinate administrative delay which occurred between the date of the firm's original submission and the date of the determination by the FEA as to the proper administrative channel to be used for the LL&E case, the relief granted to LL&E should be approved retroactive to the date on which the new refinery commenced its operations.

Southland Oil Co.; Savannah, Ga.; FEE–2770; Motor Gasoline.

On December 8, 1975 the FEA granted exception relief to Southland Oil Company (Southland) on the ground that the application to it of the provisions of 10 CFR, Part 211, which require adherence to the base period supplier/purchaser relationship, resulted in a serious hardship to the firm. Southland Oil Co., 3 FEA Par. 80,527 (December 8, 1975). In that Order the Regional Administrator for the FEA, Region IV, was directed to assign to Southland a supplier whose wholesale prices for motor gasoline and diesel fuel where within the range of prices paid for those products in Southland's marketing area by wholesale marketers. The Order further provided that upon the submission of certain financial and operating data Southland could request that the exception relief granted to the firm be exended for an additional period of time. On the basis of the data submitted by Southland in connection with its present Application, the FEO determined that (i) the serious hardship which Southland experienced in the past as a result of the provisions of 10 CFR 211.9 would continue to exist unless further exception relief were granted and (ii) in order to alleviate this hardship Southland should be assigned a lower-cost supplier for the months of August, September and October 1976 for the volume of gasoline which it is entitled to receive from its principal base period supplier.

Southland Oil Company (VGS) Corp.; Washington, D.C.; FEE–2501; Motor Gasoline.

Southland Oil Company (Southland) filed an Application for Exception from the provisions of 10 CFR 212.83 which, if granted, would have relieved the firm of its obligation to reduce motor gasoline prices during the month of May 1976. On June 3, 1976 the FEA denied the firm's Application for Stay on the basis of a determination that Southland would not incur an irreparable injury since the provisions of Section 212.83(g) permitted the firm to rectify overrecoveries in May by reducing its prices in June. Southland Oil Co., 3 FEA Par. 85,037 (June 3, 1976). However, an evaluation of Southland's exception submission led the FEO to conclude that Section 212.83(g) is not applicable to Southland's situation because that regulation only provides a mechanism to remedy inadvertent overrecoveries which are discovered by a refiner subsequent to the month of the overrecovery. The FEO determined that, since Southland was fully aware that it would overrecover its increased April costs in the absence of a price reduction during May, Section 212.83 required the firm to immediately reduce its prices in order to prevent an overrecovery. The FEO emphasized that the effectiveness of the FEA regulatory program concerning refiners and the objectives of federal energy statutes

could be seriously undermined if refiners were generally permitted to delay correcting overrecoveries of which they are currently aware. Nevertheless, the FEO recognized that the Decision which was issued on Southland's request for a stay indicated the applicability of Section 212.83(g) to Southland's circumstances and that Southland could encounter unusual difficulties in view of its possible violation of the FEA Price Regulations subsequent to the filing of its stay request. The FEO therefore granted the firm exception relief by relieving it of the requirement that it reduce its prices of gasoline to avoid an overrecovery of product costs during that period in May 1976 subsequent to the date on which the firm submitted its Application for Stay.

Sundance Oil Co.; Denver, Colo.; FEE–2395; Crude Oil.

Sundance Oil Company (Sundance) filed an Application for Exception from the provisions of 10 CFR 212, Subpart D which, if granted, would have permitted Sundance and other working interest owners to sell crude oil produced from the Weigand Lease (the Lease) prior to February 1, 1976 without regard to the FEA price regulations. In its application Sundance stated that during 1972 it drilled a new well on the lease in spite of the refusal of one of the working interest owners to participate in the well construction. Since the lease agreement provided that the non-consenting party temporarily relinquished its property interest in the new well, Sundance considered the Lease to consist of two separate properties for purposes of computing applicable base production control levels. However, in a Notice of Probable Violation issued to the firm on March 2, 1976 the FEA indicated that the Lease should properly be considered a single property for purposes of computing its base production control level and found that Sundance's error in this regard had caused it to overcharge its crude oil customers by $251,075.91. In considering Sundance's exception request, the FEO determined that, since the firm would have earned substantial profits if it had calculated its crude oil prices in accordance with FEA price regulations, it had failed to show an economic disincentive to continue production. Since Sundance provided no other basis for the granting of exception relief, its Application for Exception was denied.

Union Oil Co. of Calif.; Los Angeles, Calif.; FEE–2461; Crude Oil.

Union Oil Company of California (Union) filed an Application for Exception which, if granted, would have permitted Union to determine the price of crude oil produced from the Trading Bay Unit in the MacArthur River Field of Cook Inlet, Alaska without regard to the deficiencies in the base production control level which accrued as a result of an explosion on an off-shore platform on April 8, 1976. In considering Union's exception application, the FEO determined that Union had not shown that its extraction efforts at the unit would in any way be endangered in the absence of exception relief. The FEO also found that Union had failed to demonstrate that the FEA regulatory program imposed burdens upon the firm which were disproportionate to those generally borne by crude oil producers. The FEO therefore denied Union's exception request.

REQUESTS FOR STAY

Capitol Oil Co.; Baltimore, Md.; FES–0908; No. 2 Fuel Oil.

Capitol Oil Company (Capitol) filed an Application for Stay of a Remedial Order which was issued to the firm by Region III of the FEA on July 6, 1976. In considering Capitol's stay request, the FEO determined that the firm would experience inordinate diculty in complying with the refund provisions of the Remedial Order within the sixty day period specified and that the immediate implementation of the refund requirements could impair the firm's continuing operations. In view of the irreparable injury which would result to Capitol and since a delay would not cause hardship to the customer to which Capitol is required to make refunds (the United States Coast Guard), the FEO determined that stay relief was warranted. The FEO also found that if the firm were required to place the full amount of the required refund in an eschow account its reserve of operating cash would be depleted to such an extent that its continued activities would be in serious jeopardy. The FEO therefore stayed the Remedial Order on the condition that Capitol place one-third of the disputed funds in escrow pending a final determination of its Appeal.

Cleary Petroleum Corp.; Oklahoma City, Okla.; FES–2783; Crude Oil.

Clearly Petroleum Corporation (Cleary) requested a stay of the application to it of the provisions of 10 CFR 212.73 pending the determination of an exception application filed by the firm. In considering the firm's stay request, the FEO determined that Clearly had failed to advance any arguments which address the relevant criteria specified in Section 205.125(b). The FEO further determined that the data presented in Cleary's application failed to constitute a prima facie showing that the firm was likely to succeed on the merits or that the firm would be likely to incur an irreparable injury or immediate serious hardship during the pendency of its exception request. The Application for Stay was therefore denied.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Allen Oil Co.; Union, N.J.; FEE–2551.
Commonwealth Oil Refining Co., Inc.; Washington, D.C.; FEE–2707.

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

William H. Player & Ass.; Natchez, Miss.; FEA–0899.

The following submission was dismissed after the appplicant repeatedly failed to respond to requests for additional information:

Lynnhaven Water Way Marina, Inc.; Virginia Beach, Va.; FEE–2483.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 31, 1976.

[FR Doc.76–25977 Filed 8–31–76;4:33 pm]

COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT

Compilation of Environmental Review Documents Available for Public Review

Pursuant to 10 CFR 208.15(b), the Federal Energy Administration (FEA) hereby publishes its listing of environmental review documents, prepared under the authority of the National Environmental Policy Act, 42 U.S.C. 4321 et seq., which are available for public inspection and review. Listed below are environmental review documents made available to the public since January 1, 1976.

Single copies of the review documents are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the review documents are also available for public inspection in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on August 31, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

FEA list of published environmental impact statements and negative determinations, Jan. 1 to Aug. 17, 1976

Name of program	Type of document and number where applicable	Date made available to the public
Decontrol of residual oil from mandatory price and allocation regulations.	Negative determination and environmental assessment.	Feb. 18, 1976
Mandatory Canadian crude oil allocation regulations	Draft environmental impact statement (DES–76–1).	Mar. 15, 1976
	Final environmental impact statement, (FES 76–1).	May 3, 1976
Exemption of middle distillates from mandatory petroleum allocation and price regulations and revocation of low sulfur petroleum products regulation.	Negative determination and environmental assessment.	
Exemption of naphthas, gas oils, and other products from the mandatory petroleum allocation and price regulations.	do	May 28, 1976
		June 10, 1976
Notice of effectiveness for certain construction orders: Determination of environmental impact.	do	June 25, 1976

Orders to:	Location
Alabama Power Co.	West Jefferson, Ala.
Do	Do.
Do	Do.
City of Painesville, Ohio.	Painesville, Ohio.
Southwestern Electric Power Co.	Cason, Tex.
Do	Do.
The Cincinnati Gas & Electric Co.	Boone County, Ky.
Central Illinois Public Service Co.	Jasper County, Ill.
Central Power & Light Co.	Goliad County, Tex.
Dairyland Power Cooperative.	Alma, Wis.
Iowa Southern Utilities Co.	Chillicothe, Iowa.
Kansas City Power & Light Co.	Iatan, Mo.
Montana-Dakota Utilities Co.	Beulah, N. Dak.
Oklahoma Gas & Electric Co.	Noble County, Okla.
Do	Do.
Portland General Electric Co.	Boardman, Oreg.
Public Service Co. of Colorado.	Brush, Colo.
Public Service Co. of Oklahoma.	Oologah, Okla.
Do	Do.
Public Service Co. of New Mexico & Tucson Gas & Electric Co.	Waterflow, N. Mex.
Do	Do.
Sierra Pacific Power Co.	Humboldt County, Nev.
Southern Illinois Power Coop.	Marion, Ill.
Southern Indiana Gas & Electric Co.	West Franklin, Ind.
Southwestern Electric Power Co.	Gentry, Ark.
The Dayton Power & Light Co. & The Cincinnati Gas & Electric Co.	Adams County, Ohio.
Do	Do.
The Kansas Power & Light Co.	St. Marys, Kans.
Do	Do.
Do	Do.

Name of program	Type of document and number where applicable	Date made available to the public
Schiller Generating Station—coal conversion program—Energy Supply and Environmental Coordination Act.	Draft environmental impact statement (DES 76-3).	July 1, 1976
Exemption of naphtha-based jet fuel from the mandatory petroleum allocation and price regulations.	Negative determination and environmental assessment.	Aug. 17, 1976
Contingency gasoline and diesel fuel rationing plan	do	Aug. 27, 1976

[FR Doc.76-25975 Filed 8-31-76;4:33 pm]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of a meeting of the Group of Reporting Companies to the International Energy Agency (IEA) to be held in New York on September 14 through 16, 1976, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:00 a.m. on September 14. The agenda is as follows:

1. Opening comments.
2. Results of June/July emergency data system test.
3. Format and structure of allocation systems test.
4. Reporting instructions; data base and use.
5. Discussion of mock allocation exercise.
6. Communication procedures.
7. ISAG expenses.
8. Recordkeeping requirements.
9. Closing comments.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., September 1, 1976.

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

[FR Doc.76-26114 Filed 9-1-76;4:25 pm]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) to be held in New York on September 22 and 23, 1976, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:30 a.m. on September 22. The agenda is as follows:

1. Opening remarks by Chairman and report on communications to and from IEA including a report on the Governing Board meeting of September 21st.
2. Matters arising from record note of IAB meeting on July 29th.
3. Position of Reporting Companies under:
   (A) EEC Competition regulations.
   (B) U.S. Voluntary Plan.
4. Report by IEA Secretariat on and discussion of:
   (A) SEQ Forecast.
   (B) Demand Restraint.
5. Report on and discussion of work of Subcommittee A, including:
   (A) Emergency Management Manual.
   (B) Allocation Systems Test.
6. Report on and discussion of work of Subcommittee C, including:
   (A) Extraordinary costs.
   (B) Settlement of disputes.
   (C) Pricing in an emergency.
7. Industry Supply Advisory Group (ISAG), including manning of positions.
8. Dates and venue of future meetings of IAB and Subcommittees.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., September 1, 1976.

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

[FR Doc.76-26113 Filed 9-1-76;4:24 pm]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1696]

ARTHUR J. GIAMMETTA

Order of Revocation

On August 23, 1976, Arthur J. Giammetta, 124 Burr Place, Hasbrouck Heights, New Jersey 07604, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1696 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set in Manual of orders, Commission Order No. 201.1 (Revised), section 5.01(b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1696 issued to Arthur J. Giammetta be and is hereby revoked effective August 25, 1976, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Arthur J. Giammetta.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-26103 Filed 9-3-76;8:45 am]

[Docket Nos. 73-42, 73-61, 73-69, 74-4]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, ET AL. V. SEATRAIN INTERNATIONAL, S.A.

Environmental Negative Declaration

AUGUST 31, 1976.

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis has determined that the environmental issues relative to the referenced dockets do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of NEPA.

It was concluded that approval of the action should cause: (1) No adverse increase in the consumption of energy (the impact, in fact, will be positive); (2) an environmentally insignificant increase in air pollutants; and (3) no significant increase in the level of noise.

This proceeding is a consolidation of complaints filed by the Board of Commissioners of the Port of New Orleans (Docket No. 73-42), the Port of Houston Authority and Houston Port Bureau, Inc. (Docket No. 73-61), the Port of Beau-

mont Navigation District of Jefferson County, Texas (Docket No. 73–69) and the Board of Trustees of the Galveston Wharves (Docket No. 74–4). These complaints involved Seatrain International, S.A.'s (Seatrain) joint rail-water EUROGULF minibridge service which operates between these complainant ports and ports in the Continent/United Kingdom. Containerized cargo using this service is picked up at the complainant ports by either the Southern Railway System or the Southern Pacific Transportation Company and transported to Charleston where it is loaded on Seatrain's vessels and transported by water to the Continent/United Kingdom. It also moves in the opposite direction.

The Complainants requested that the Federal Maritime Commission determine whether EUROGULF minibridge violates Sections 16, 17 and 18 of the Shipping Act, 1916 and Section 8 of the Merchant Marine Act of 1920.

The OEA's conclusions are based on a Threshold Assessment Survey which is available for inspection on request from the Public Information Office, Room 11413, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5764.

Any person disagreeing with the Negative Declaration shall have until September 17, 1976, within which to note such disagreement to the Commission by filing exceptions to the Negative Declaration with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573. No final Commission action shall be taken on or before October 7, 1976. If the Commission fails to otherwise act within twenty (20) days following the time provided for the filing of exceptions to the Negative Declaration, the determination of the Office of Environmental Analysis will be adopted by the Commission as its final determination of environmental issues.

Copies of exceptions, if any, to the Negative Declaration and copies of all future correspondence and pleadings filed in this proceeding shall be served on Chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

JOSEPH C. POLKING,
Assistance Secretary.

[FR Doc.76–26101 Filed 9–3–76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01014	Robert Bornhofen Reederei: *Luise Bornhofen.*
01059	London & Overseas Freighters Ltd.: *Overseas Ambassador.*
01426	Kuwait Shipping Co. (S.A.K.): *Ibn Duraid.*
01428	Ocean Transport & Trading Ltd.: *Clytoneus.*
01574	Fearnley & Eger: *Fernbrook.*
01866	Industria Armamento Spa: *Brezza.*
01991	Malmros Rederi Aktiebolag: *Malmros Merrimac, Malmros Monitor.*
02040	Odra-Swinoujscie: *Orlen.*
02199	Atlantic Richfield Co.: *Arco Independence.*
02246	Blue Star Line Ltd.: *Trojan Star, Tuscan Star.*
02551	Ellerman Lines Ltd.: *City of Winchester, City of York.*
02715	Allied Towing Corp., *ATC 586.*
02727	Societe Maritime Des Petroles BP: *Chenonceaux.*
02771	Philtankers Inc., *Phillips America.*
02831	Ednasa Shipping Co. Ltd.: *Lorina, Louisana, Lamaria, Lindana, Robina, Lalinda, Lisana, Lennia, Losina, Larina, Lafumina, Lynda, Lissa, Larissa, Lasinda, Lilliana.*
02911	Sig. Bergesen D. Y. & Co: *Berge Odel.*
03137	Cunard Steamship Co. Ltd.: *Oloibiri.*
03439	Itaya Shosen K. K.: *Hague Maru.*
03477	Nissui Shipping Corp.: *Toko Maru, Seiko Maru, Hokko Maru, Asa-Kaze Maru, Harukaze Maru, Matsukaze Maru, Soyokaze Maru.*
03508	Taiyo Gyogyo K. K.: *Azuma Maru No. 5, Azuma Maru No. 8, Azuma Maru No. 9, Kurenai Maru No. 5.*
03972	Chimo Shipping Ltd.: *A. C. Crosbie.*
04404	Lars Rej Johansen: *Josun.*
04504	Sumiyoshi Gyogyo Kabushiki Kaisha: *Sumiyoshi Maru No. 5.*
04553	Hokoku Suisan K. K.: *Eiou Maru, Eihei Maru.*
04562	Okada Kaiun Kabushiki Kaisha: *Oriental Victory.*
05003	Wisconsin Barge Line Inc:. *Jim Bernhardt.*
05008	Star Kist Foods, Inc.: *Paramount.*
05098	Esso Tankers Inc.: *Esso Madrid.*
05272	Teledyne Movible Offshore Inc.: *Movible No. 1, Movible CB–1, Movible CB–7, Movible DB2, Rig No. 2, Rig No. 3, Rig No. 16.*
05561	Inland Steel Co.: *Joseph L. Block.*
05578	Baltic Shipping Co.: *Akademik Rykachev, Aleksandr Ulyanov, Ilovajsk, Vereia, Karachaevo-Cherkessia, Dmitriy Ulyanov, Olga Ulyanova, Krasnouralsk, Krasnogvardeisk Chernjakhovsk, Valerian Kuybyshev, Nikolay Pogodin, Nikolay Krylenko, Nikolay Tulpin, William Foster, Aleksandr Pushkin, Archangelskles, Alapaevskles.*
06130	Northern Shipping Co.: *Kapitan Burmakin.*
06511	Associated Shipping Corp. Ltd.: *Gloria.*
06877	Societe Francaise de Transports Maritimes: *Camargue.*
07325	The Maersk Co. Ltd.: *Maersk Pacer, Maersk Piper, Maersk Plotter.*
08131	Empresa Navegacion Caribe: *Clodomiar, 26 de Julio, Bahia de Nipe, Matanzas.*
08273	Ito Senpaku K. K.: *Shinko Maru No. 31.*
08336	A. Bottacchi S. A. de Navegacion C.F.I.I.: *Punta Lara.*
08387	Sure Hope Towing Co. Inc.: *MV 282.*
08904	Susy de Navegacion S. A. Panama: *Jesamine.*
09096	Dong Won Industrial Co. Ltd.: *31 Dong Won, 91 Dong Won.*
09483	Powell Oil Co. Inc.: *STC–2011.*
09715	Ellis Barge Line, Inc.: *EBL No. 76.*
09763	Atlas Maritime Co. S.A.: *Atlas Explorer, Atlas Titan.*
10185	Demline Navigation Ltd.: *Mary D.*
10322	Duk Soo Moolsan Co. Ltd.: *Duk Soo No. 81.*
10376	Rks Bulk Tramp: *Samson Scan.*
10939	Marine Transport Corp.: *Altus.*
10992	Palm Star Lines Private Ltd.: *Cumberlandia.*
11011	Power Corporation of Canada, Ltd.: *St. Lawrence.*
11148	Cranborne Ltd.: *Cranborne.*
11279	Kyral Shipping Corp.: *Sea Horse.*
11289	Sajo Industrial Co., Ltd.: *Oryong No. 36.*
11322	Navimar S. A.: *Jorge S, Sarandi.*
11369	P.T. Rig Tenders, Inc.: *Barge H–25, Barge H–26, Barge H–24.*
11407	K. K. Wide Clean Line: *Pacific Arrow.*
11441	Government of Barbados: *North Point.*
11466	Lee-Vac, Ltd.: *Tide-Mar 20, Tide-Mar 21.*
11467	Mitre Shipping Co., Ltd. of Liberia: *Eurospirit.*
11501	Crystal Shipping Co. Ltd.: *Vassilis Pateras.*
11506	Pacific Bulk Carriers Ltd.: *Amber Pacific, August Pacific.*
11512	AMFAC Foods, Inc.: *Akutan.*
11514	Floret Shipping Inc.: *Floret.*
11531	Atlantic Fisheries Co. Ltd.: *Old Rock.*
11532	Seaspeed Ferries Corp.: *Seaspeed Challenger.*
11533	International Alliance Shipping Corp.: *Asia Alliance.*
11534	Fanny Shipping Co. Ltd.: *Kyra.*
11535	International Car Carriers Inc.: *Violet.*
11537	Embaroukla Shipping Co. Ltd.: *Skamandros.*
11539	Gerestos Compania Naviera S.A.: *Marabou.*
11541	Hancock Shipping Co. Ltd.: *Burghausen.*
11542	Gestami Compania Maritima S.A.: *Anna.*
11543	Silver Port Shipping Co. S.A.: *Neuenfels.*
11544	Silver Bird Shipping Co. S.A.: *Liebenfels.*
11545	Christinport Compania Naviera S.A.: *Kallidromos.*
11546	Christingulf Compania Naviera S.A.: *Kalligrammos.*
11548	Montiron Shipping Corp.: *Stolta.*
11549	Greeksea Shipping Company S.A.: *Nissos Kerkyra.*
11550	Greekport Shipping Company S.A.: *Nissos Myconos.*
11552	Copenhagen Shipping Corp.: *Saint George.*
11555	NV. Schip St. Maarten: *Curacao.*

Certificate No.	Owner/Operator and Vessels
11556	TRANSFRUTA-COMPANHIA NACIONAL DE NAVIOS FRIGORIFICOS: *Frigoartico, Frigoantartico.*
11557	Transnavi-Sociedade Portuguesa De Navios Cisternas Sarl: *Nova Lisboa, Porto De Aveiro.*
11559	Compania Naviera Eterna S.A.: *Brightfaith, Oldfair.*
11560	Greenville Steamship Corporation: *Union Green.*
11562	Connaught Shipping Co. Ltd.: *Eurostar.*
11563	Kaukomarkkinat Oy: *Kauko.*
11564	Phrox Shipping Corporation: *Hellespont Splendour.*
11565	Latin Caribbean Lines Corp.: *Fortuna IV.*
11566	Transorient Oil Carriers Ltd.: *Ocean Champion.*
11567	Panwest Shipping Limited: *Kiyo.*
11568	Pescapuerta S.A.: *Pescapuerta Segundo.*
11569	A/S Island Tankers: *Wangli, Wangskog.*
11570	A/S Havdrott: *Havdrott.*
11571	K/S A/S Crusader: *Horn Crusader.*
11572	Aktieselskapet Havprins: *Havprins.*
11573	Grace Marine Co., S.A.: *Grace Marine.*
11576	Great Eastern Maritime, S.A.: *El-Sipra.*
11577	Joong Ang Shipping Co. Ltd.: *Mascot, Sangjin.*
11578	Marlu Navigation Company, Ltd.: *Karmalu.*
11583	Astro Orion Navigation Co. S.A.: *Astro Orion.*
11584	Elna Shipping Corporation: *Orion.*
11586	Pacific Shipping, Inc.: *Rose City.*
11587	Rowandrill, Inc.: *Rowan-Midland.*
11589	Atlanticos S.A.: *Atlantikos II.*
11590	Leo Shipping Co., Ltd.: *Sun Lotus.*
11591	Partrederiet for M.S. Mercandian Carrier: *Mercandian Carrier.*
11592	Partrederiet for M.S. Mercandian Supplier: *Mercandian Supplier.*
11593	Partrederiet for M.S. Mercandian Shipper: *Mercandian Shipper.*
11594	Kommanditselskabet Sea Air I: *Mercandian Commander.*
11595	Kommanditselskabet Sea Air II: *Mercandian Admiral.*
11596	Partrederiet for M.S. Mercandian Ambassador: *Mercandian Ambasador.*
11597	Rederikommanditselskabet Merc Scandia XVII: *Mercandian Express.*
11598	Rederikommanditselskabet Merc Scandia XVIII: *Mercandian Clipper.*
11599	Schepers & Co., KG. MS. Tim S: *Tim S.*
11600	Duchess Shipping Co. Ltd.: *Irinio.*
11604	Han Shin Shipping Co., Ltd.: *Ace Pioneers.*
11606	Scotia Point Fisheries Ltd.: *Scotia Point.*
11607	Sea Storage Inc.: *Sea Storage.*
11612	The Spendour Shipping Co. Ltd.: *Eastern Freedom.*
11613	Spalmatori Compania Naviera S.A.: *Irene S. Lemos.*

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26106 Filed 9-3-76;8:45 am]

CITY OF LONG BEACH AND PACIFIC MARITIME SERVICES, INC.

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 September 27, 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. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, California 90802.

Agreement No. T-2894-3, between City of Long Beach (City) and Pacific Maritime Services, Inc. (PMS), modifies the basic agreement which provides for the ten-year nonexclusive preferential assignment to PMS of wharf and contiguous land area at Berths 245, 246 and 247, Pier J, Long Beach, California, for operation as a contract marine terminal, warehouse, and rail and truck facility. The purpose of the modification is to: (1) Adjust the assigned area by primarily granting additional land (Parcel IV) and (2) adjust the minimum obligation and maximum compensation as set forth in this amendment.

Dated: September 1, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26107 Filed 9-3-76;8:45 am]

DELTA STEAMSHIP LINES, INC. AND EMPRESA LINEAS MARITIMAS ARGENTINAS, S.A.

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, N.W., 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 September 27, 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:

Harold E. Mesirow, Esquire, Hydeman, Mason & Goodell, 1220 Nineteenth Street, N.W., Washington, D.C. 20036.

Agreement No. 10039-3, between Delta Steamship Lines, Inc. and Empresa Lineas Maritimas Argentinas, S.A., modifies the approved basic agreement covering the apportionment of general liner cargo transported by the parties in the northbound (Annex I) and southbound (Annex II) trades between the Gulf Coast of the United States and Argentina by (1) adding explosives to the list of excepted commodities contained in Article 3; (2) amending Article 5 to provide for a minimum number of sailings of 16 per pool period and providing that the number may be increased or decreased by mutual agreement, without impairing adequate service, on notice to the Commission; (3) amending Article 7(c) subparagraph VII, relating to the computation of pool penalty payments, to provide for a revised pool penalty formula; and (4) amending Article 16 to provide for a committee made up of representatives of each party to settle any differences that may arise and handle all matters relating

to the operations of the agreement. The parties request that the basic agreement, as amended herein, be approved through December 31, 1980.

Dated: August 31, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26104 Filed 9-3-76;8:45 am]

I.T.O. CORPORATION OF BALTIMORE, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 17, 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:

Thomas D. Wilcox, Esquire, 919 Eighteenth Street, NW., Washington, D.C. 20006.

Agreement No. T-3346, between I.T.O. Corporation of Baltimore (ITO) and Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; and Yamashita-Shinnihon Steamship Co., Ltd., (the "Lines"), is a one-year (with a one-year renewal option) container terminal stevedore and LCL service agreement. The agreement provides that ITO will furnish the Lines terminal, stevedore, and container freight station services in connection with the Lines' containerships calling at Dundalk Marine Terminal, Baltimore, Maryland. The Lines will compensate ITO in accordance with a schedule of rates agreed upon by both parties and filed with the Federal Maritime Commission.

Dated: August 31, 1976.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26105 Filed 9-3-76;8:45 am]

[Docket No. 76-48; Indepedent Ocean Freight Forwarder License No. 161]

J. T. STEEB & COMPANY, INC.

Order to Show Cause

By letter dated January 30, 1975, R. C. Hobelmann & Co., Inc. (Hobelmann) advised the Commission that it had purchased all of the stock of J. T. Steeb & Company, Inc., (Steeb) 415 Oregon Pioneer Bldg., 320 S.W. Stark Street, Portland, Oregon 97204, holder of Independent Ocean Freight Forwarder License No. 161.

Hobelmann was the respondent in Docket No. 72-13, Independent Ocean Freight Forwarder License No. 850, R. G. Hobelmann & Co., Inc. The Commission instituted that proceeding to determine whether Hobelmann, at that time a licensed independent ocean freight forwarder, continued to qualify for a license or whether its license should be suspended or revoked pursuant to sections 1 and 44 of the Shipping Act, 1916, because of an apparent shipper connection between Hobelmann, Vico Corporation of St. Louis (Vico), Volkswagen of America, and Volkswagen of Germany. Hobelmann is wholly owned by Vico which is a holding company for the Volkswagen Insurance Company, an underwriter of Casualty Insurance. Approximately 48 percent of Vico's stock is owned by Volkswagen of America, which is wholly owned by Volkswagen of Germany. Both Volkswagen of America and Volkswagen of Germany are engaged as shippers and consignees in the export commerce of the United States by oceangoing common carriers. The relationship between Hobelmann and those concerns appeared to create a control and affiliation between a forwarder and shipper interest barred by Sections 1 and 44 of the Shipping Act, 1916. Docket No. 72-13 was discontinued, by Order served April 24, 1973, as a result of Hobelmann selling its ocean freight forwarding business and relinquishing its license

Section 1 of the Shipping Act, 1916, and § 510.2(a) of the Commission's General Order 4 define an independent ocean freight forwarder as a "person carrying on the business of forwarding for a consideration who is not a shipper or consignee or a seller or purchaser of shipments to foreign countries, nor has any beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest."

Upon receipt of notification of the purchase of Steeb by Hobelmann the Commission's staff advised Hobelmann by certified letter dated February 7, 1975, that Hobelmann's acquisition of Steeb would appear to violate sections 1 and 44 of the Act. Hobelmann was advised that unless divestiture could be accomplished which would cure the freight forwarder/shipper relationship, a proceeding to revoke Steeb's license would be instituted.

Numerous meetings, phone calls and correspondence between the staff and Hobelmann's representative occurred, resulting in a number of proposals being submitted and rejected in regard to the divestiture of Steeb by Hobelmann. Throughout the course of the negotiations the staff was advised that severance was about to occur but Hobelmann needed additional time because of the complexities. However, the matter has remained unresolved for over a year, and Hobelmann has been granted more than a reasonable period of time to achieve a divestiture.

Since J. T. Steeb & Company, Inc., holder of FMC License No. 161, is owned by R. G. Hobelmann & Co., Inc., which in turn is wholly owned by Vico Corporation, which is 48 percent owned by Volkswagen of America which is wholly owned by Volkswagen of Germany, and both the foregoing Volkswagen companies are engaged as shippers and consignees in export shipments from the United States, it would appear that J. T. Steeb & Company, Inc., no longer qualifies as an independent ocean freight forwarder pursuant to sections 1 and 44 of the Shipping Act, 1916, and §§ 510.2(a) and 510.9(d) of the Commission's General Order 4.

Therefore, it is ordered, Pursuant to section 44 of the Shipping Act, 1916 (46 U.S.C. 841(b)), that J. T. Steeb & Co., Inc., FMC License No. 161, is hereby made respondent in this proceeding and is directed to show cause why it should not have its license as an independent ocean freight forwarder revoked pursuant to sections 1 and 44 of the Shipping Act, 1916 (46 U.S.C. 801, 841(b)), and §§ 510.2(a) and 510.9(b) of the Commission's General Order 4, for failure to continue to qualify for a license as an independent ocean freight forwarder.

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memorandum of laws, replies and oral argument. Should any party feel that an evidentiary hearing be required, that party may accompany such a request for hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit.

Request for hearing shall be filed by the respondent on or before September 21, 1976. Affidavits of fact and memorandum of law shall be filed by the respondent and served upon all parties no later than the close of business September 21, 1976. Requests for hearing by the Commission's Bureau of Hearing Counsel and intervenors, if any, shall be filed on or before October 6, 1976. Reply affidavits and memorandum shall be filed by the Commission's Bureau of Hearing

Counsel and intervenors, if any, no later than the close of business October 6, 1976. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That a notice of the Order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondent.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein, shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72).

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies, as well as being mailed directly to all parties of record.

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26100 Filed 9-3-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1368]

TYSON SHIPPING (DONALD B. TYSON, D/B/A)

Order of Revocation

By letter dated July 26, 1976, Donald B. Tyson, Tyson Shipping, 7001 North Clark Street, Chicago, IL 60626 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1368 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before August 25, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Tyson Shipping (Donald B. Tyson, d.b.a. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1368 issued to Tyson Shipping (Donald B. Tyson, d.b.a.) be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1368 be and is hereby revoked effective August 25, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Tyson Shipping (Donald B. Tyson, d.b.a.).

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-26102 Filed 9-3-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76G-0191]

AUSTIN HANSEN ASSOCIATES, INC.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 5G0054) has been filed by Austin Hansen Associates, Inc., 26 East Andrews Dr. NW., Atlanta, GA 30305, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that *Thamnidium elegans* mold for use in aging of meat is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 8, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-26007 File 9-3-76;8:45 am]

[Docket No. 76G-0188]

BASF WYANDOTTE CORP.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0069) has been filed by BASF Wyandotte Corp., Wyandotte, MI 48192, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that sodium sulfate for use as an inert ingredient in sanitizing formulations regulated in § 121.2547 (21 CFR 121.2547) is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 8, 1976, review the petition and/or comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, addresss given above, during working hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-26005 Filed 9-3-76;8:45 am]

[Docket No. 76G-0190]

FMC CORP.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0022) has been filed by FMC Corp., Inorganic Chemicals Division, 633 Third Ave., New York, NY 10017, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that tetrapotassium pyrophosphate for use in food is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 8, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76-26006 Filed 9-3-76;8:45 am]

[Docket No. 76G-0189]

MARKET BASKET

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0058) has been filed by Market Basket, 6014 South Eastern, Los Angeles, CA 90022, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that chlorine spray containing 180 parts per million parts of chlorine in water for use as a spray on beef carcasses is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 8, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: August 27, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76-26004 Filed 9-3-76;8:45 am]

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

Notice of public meetings of the Advisory Council on Women's Educational Programs.

Notice is hereby given, pursuant to Pub. L. 92–463, that the next meetings of the Advisory Council on Women's Educational Programs will be held from 9:00 a.m. to 5:00 p.m. on September 20, 21 and 22. All of the sessions will be held at the Council offices at 1832 M Street, NW., No. 821, except the September 21 morning session which will be held from 9:00 a.m. to 12:00 noon in Room 4173 of the HEW North Building at 4th Street and Independence Avenue, SW., Washington, D.C.

The meeting of the Council will be preceded by a meeting of the Council's Executive Committee on September 19, 1976, from 2:30 p.m. to 5:30 p.m. at the Council offices. There will also be meetings of the Council's Federal Policy and Practices Committee, Legislation Committee and Program Committee on September 20 from 10:00 a.m. to 5:00 p.m. on September 20, at the Council offices.

The Advisory Council on Women's Educational Programs is established pursuant to Public Law 93–380 Section 408 (f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93–380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the nation; and (d) develop criteria for the establishment of program priorities.

The meetings of the Council and of the Committees will be open to the public. The agenda for the Council meeting will include (1) report on the Women's Educational Equity Act Program; (2) Executive Director's report; (3) budget report; (4) discussion with HEW officials; and (5) committee reports.

The agenda for the Executive Committee meeting will include preparation for the Council meeting.

The agenda for the Federal Policy and Practices Committee meeting will include discussion of the Council's review of the Education Division of HEW.

The agenda for the Legislation Committee meeting will include discusion of the FY 77 Regulation for the Women's Educational Equity Act.

The agenda for the Program Committee meeting will include discussion of the scope and methods of evaluation of the projects funded under the Women's Educational Equity Act Program.

Records will be kept of all Council proceedings and will be available for inspection at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C. on September 1, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76-26094 Filed 9-3-76;8:45 am]

TITLE I AUDIT APPEAL

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of California and has met the jurisdictional requirements of Section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of July 1, 1968, through August 31, 1972. The local education agency involved is the Hayward Unified School District. The amount involved is $188,140. (Audit Control No: 50000–09, Docket 6–(21)–76).

The prehearing conference will be held at 10:30 a.m. on September 29, 1976, in Room 3000, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Section 7(c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairperson, intervene in proceedings conducted under this notice. This application must indicate to the satisfaction of the Board Chairperson that the intervenor has information relative to the specific issues raised by the final audit determination, and that this information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before September 20, 1976.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89–313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: August 30, 1976.

WILLIAM F. PIERCE,
Acting U.S.
Commissioner of Education.

[FR Doc.76-26081 Filed 9-3-76;8:45 am]

TITLE I AUDIT APPEAL

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of California and has met the jurisdictional requirements of Section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of July 1, 1969, through August 31, 1974. The agency involved is the California Youth Authority (ACN: 50001–09, Docket 11–(26)–76). The amount involved is $270,985.

The prehearing conference will be held at 10:30 a.m. on September 30, 1976, in Room 3000, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Section 7(c) of the Notice setting up the Board provides: (c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairperson, intervene in proceedings conducted under this notice. This application must indicate to the satisfaction of the Board Chairperson that the intervenor has information relative to the specific issues raised by the final audit determination, and that this information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subpara-(1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before September 20, 1976.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89–313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: August 30, 1976.

WILLIAM F. PIERCE,
Acting U.S.
Commissioner of Education.

[FR Doc.76–26082 Filed 9–3–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–361; FDAA–3013–EM]

MINNESOTA

Notice of Emergency Declaration; Amendment

Notice of Emergency for the State of Minnesota, dated June 17, 1976, and amended on June 28, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

Anoka	Isanti
Carver	Kanabec
Chisago	Ramsey
Dakota	Washington
Hennepin	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: August 27, 1976.

WILLIAM A. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–26018 Filed 9–3–76;8:45 am]

Office of the Secretary

[Docket No. D–76–454]

KANSAS CITY, MO. REGIONAL OFFICE

Redelegation of Authority With Respect to Fair Housing

Section A.—*Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity, Region VII, Kansas City, is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968, Pub. L. 90–284 (42 U.S.C. 3601–3619), except the authority to:

1. Make studies and publish reports under section 808(e) of the Act (42 U.S.C. 3608(d)).

2. Issue rules and regulations.

Section B.—*Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is authorized to redelegate to subordinate employees any of the authority redelegated under Section A except the authority to issue a subpena or interrogatory under Section 811 of the Act (42 U.S.C. 3611) shall remain with the Assistant Regional Administrator for Equal Opportunity.

(Redelegation of Authority by Assistant Secretary for Fair Housing and Equal Opportunity published at 41 F.R. 14208, April 2, 1976, effective April 2, 1976.)

Effective date: This redelegation of authority shall be effective as of June 9, 1976.

P. A. TOWNSEND,
Acting Regional Administrator.

[FR Doc.76–26019 Filed 9–3–76;8:45 am]

[Docket No. D–76–455]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to Emergency Preparedness

Section A. *Authority Redelegated.* Each Regional Administrator and Deputy Regional Administrator is hereby delegated authority with respect to the implementation of specified sections of section 404 of the Disaster Relief Act of 1974 (88 Stat. 143, 42 U.S.C. 512n) in conformity with HUD rules and regulations and Assistant Secretary for Housing-Federal Housing Commissioner Mission Assignments.

1. The authority, function and power granted by section 404(a) of the Disaster Relief Act of 1974 (88 Stat. 143, 42 U.S.C. 512n) to provide either by purchase or lease temporary housing including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes, or other readily fabricated dwellings for those who, as a resut of a major disaster, require temporary housing, except the authority, function and power to authorize installation of essential utilities at Federal expense and to provide other more economical or accessible sites for mobile homes or other readily fabricated dwellings.

2. The authority, function and power granted by section 404(b) to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence.

3. The authority, function and power granted by Section 404(c) to provide other types of temporary housing after a major disaster, and to make expenditures for the purpose of repairing or restoring to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly to a habitable condition with minimal repairs. No assistance provided under this section may be used for major reconstruction or rehabilitation of damaged properties.

4. The authority, function and power granted by Section 404(d)(1) to sell, notwithstanding any other provision of law, any temporary housing acquired by purchase to individuals and families who are occupants of temporary housing at prices that are fair and equitable.

Section B. *Authority to Redelegate.* The Regional Administrator may redelegate to employees of the Department of Housing and Urban Development any of the authority delegated in Section A.

(Redelegation from the Administrator, Federal Disaster Assistance Administration published at 41 FR 29719, July 19, 1976.)

Effective date: This redelegation of authority shall be effective as of August 20, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.76–26020 Filed 9–3–76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States,

to be held at 2:00 p.m. September 17, 1976 in the offices of Covington and Burling, 888 16th Street, NW., Washington, D.C. 20006.

The Committee will meet to discuss proposed recommendations stemming from Professor David P. Currie's draft report, "Judicial Review Under the Federal Pollution Laws."

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers (202-254-7065). Minutes of the meeting will be available on request.

EMMETT J. GAVIN,
Executive Director.

AUGUST 30, 1976.

[FR Doc.76-26061 Filed 9-3-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29572, Agreement CAB 23870-A2, Order 76-8-137]

AIR TRAFFIC CONFERENCE OF AMERICA

Reduced Fees for Transmission of Automated Tickets; Correction

Issued under delegated authority, August 25, 1976.

In FR Doc. 76-25469, appearing at page 36679 in the FEDERAL REGISTER of August 31, 1976, the reference to Docket 29572 in Order 76-8-137 should be changed to Docket 29575.

By the Civil Aeronautics Board:

Dated: August 26, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26109 Filed 9-3-76;8:45 am]

NATIONAL ENVIRONMENTAL POLICY ACT

Preparation of Environmental Impact Statements

On August 30, 1976, Mr. Bruce E. Cunningham, Director, Bureau of Operating Rights, by memorandum to the Managing Director of the Board, delegated his responsibilities for the preparation of environmental impact statements and related documents and the taking of other actions in connection therewith to the Chief of the Legal Division, Bureau of Operating Rights.

This delegation of authority was taken pursuant to 14 CFR 312.8(a) and is effective immediately.

By the Civil Aeronautics Board:

Dated: August 30, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26110 Filed 9-3-76;8:45 am]

[Docket 29141]

TRANSMERIDIAN AIR CARGO LTD. (U.K.)

Renewal and Amendment of Foreign Air Carrier Permit; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on September 29, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., August 31, 1976.

JANET D. SAXON,
Administrative Law Judge.

[FR Doc.76-26108 Filed 9-3-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 610-6]

GUIDELINE FOR PUBLIC REPORTING OF DAILY AIR QUALITY

Pollutant Standards Index (PSI) (OAQPS Number 1.2-044)

PREPARED BY

EPA WORKING GROUP TO DEVELOP AN AIR QUALITY INDEX

CONTRIBUTING AGENCIES: U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF RESEARCH AND DEVELOPMENT, OFFICE OF AIR AND WASTE MANAGEMENT, OFFICE OF PLANNING AND MANAGEMENT

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—AUGUST, 1976

The U.S. Environmental Protection Agency's recommended "Pollutant Standards Index" (PSI) is the result of a joint effort on the part of EPA's Offices of Research and Development, Air and Waste Management, and Planning and Management. The guideline was prepared by the EPA Working Group to Develop an Air Quality Index in response to a request from the Federal Interagency Task Force on Air Quality Indicators of which EPA is a member. The Federal Task Force, chaired by the Council on Environmental Quality, was created as a result of a joint EPA/CEQ report [1] which pointed out existing problems resulting from the present diversity of indices used in the United States and Canada.

This guideline suggests the use of the Pollutant Standards Index (PSI) for those local and state air pollution control agencies wishing to report an air quality index on a daily basis. The PSI places maximum emphasis on protecting the public health; that is, it advises the public of any possible adverse health effects due to pollution. In order to err on the side of public safety, the index stresses reporting on the basis of the stations with the highest pollutant concentrations and assumes that other unsampled portions of the community will also experience high concentrations. In addition, its emphasis is upon acute health effects occurring over very short time periods (24 hours or less) rather than chronic effects occurring over months or years. It is not intended for, and should not be used for, ranking urban areas in terms of the severity of their air pollution problems. Such rankings require the use of many other kinds of environmental data not incorporated in this index.

Finally, Appendix A discusses the meteorological information needs of forecasting relative index changes. This was prepared by personnel from the National Oceanic and Atmospheric Administration.

TABLE OF CONTENTS

1. Executive summary
2. Introduction
3. The EPA recommended daily indicator—Pollutant Standards Index (PSI)
   3.1 Number of pollutants
   3.2 Calculation method
   3.3 Descriptor categories
4. Reporting procedures
   4.1 Reporting the index
   4.2 Reporting the Federal episode criteria
   4.3 Forecasting the index
   4.4 Flexible media reporting
5. Monitoring requirements
   5.1 Need for monitoring uniformity
   5.2 Network considerations
   5.3 Measurement practices and reporting frequencies
      5.3.1 Use of Federal reference methods
      5.3.2 Carbon monoxide, nitrogen dioxide, and ozone
      5.3.3 Sulfur dioxide
      5.3.4 Total suspended particulate
         5.3.4.1 Staggered high-volume sampler measurements
         5.3.4.2 Alternative measurements
      5.3.5 Frequency of reporting and appropriate averaging times
6. References
7. Appendix A

1. EXECUTIVE SUMMARY

This guideline suggests the use of the Pollutant Standards Index (PSI) for those local and state air pollution control agencies wishing to report an air quality index on a daily basis. The document also includes appropriate monitoring and reporting guidance. The guideline is the result of an earlier study [1] showing that of all the air quality indices in use today, no two are exactly the same. A potentially serious problem of public confusion can occur in regions where neighboring states and cities use different indices. The PSI

See footnotes, p. 37669.

also responds to the request of several state and local agencies that the U.S. Environmental Protection Agency provide them with a recommended uniform air quality index.

The recommended index incorporates five pollutants—carbon monoxide, sulfur dioxide, total suspended particulate, photochemical oxidants, and nitrogen dioxide—for which there are short-term (24 hours or less) health-related National Ambient Air Quality Standards (NAAQS),[2] and/or Federal Episode Criteria,[3-5] and Significant Harm Levels.[3, 4, 6] A sixth variable—the product of total suspended particulate and sulfur dioxide—is computed and is included in the index equation. This variable and also nitrogen dioxide are treated differently than the other pollutants because they have no short-term NAAQS. Therefore, they are reported when they exceed the Federal Episode Criteria and Significant Harm Levels. Because of the basic design of the index, any further pollutant requiring NAAQS, Federal Episode Criteria, and Significant Harm Levels can be readily added.

The index uses a "segmented linear function"* to convert each air pollutant concentration into a normalized number. The NAAQS for each pollutant corresponds to PSI=100, and the Significant Harm Level corresponds to PSI=500.

At a minimum, PSI reports that pollutant with the highest index value of all the pollutants being monitored, a dimensionless number, and a descriptor word. On days when two or more pollutants violate their respective NAAQS, each of the pollutants should be reported. Five descriptor words have been chosen to characterize daily air quality: "good," "moderate," "unhealthful," "very unhealthful," and "hazardous." In addition, for each descriptor word, generalized health effects and cautionary statements are provided for use when the air is characterized as "unhealthful" or worse.

For large metropolitan areas comprised of many smaller cities and suburbs where significant air quality differences may exist, the air pollution control agency may wish to report separate index values for each community. This has the advantage of showing the public how air pollution varies over the larger metropolitan area. The pollutants would be monitored at population-oriented locations where the maximum concentration for the particular pollutant is expected to occur, and the public within each community would be made aware of the worst air quality to which it is exposed.

Further guidance is given on the measurements practices and monitor siting considerations (Section 5).

PSI should not be used to rank cities. An evaluation of PSI in eight cities[7, 8] illustrated the difficulties of attempting to compare air quality levels in different cities using this or any other index. PSI is designed for the daily reporting of air quality to advise the public of potentially acute, but not chronic health effects. To properly rank the air pollution problems in different cities, one should rely not just on air quality data, but should include all data on population characteristics, daily population mobility, transportation patterns, industrial composition, emission inventories, meteorological factors, and the spatial representativeness of air monitoring sites. A correct ranking should also consider the number of people actually exposed to various concentrations, as well as the frequency and duration of their exposure.

Adoption of PSI should reduce the confusion due to the existence of many indices. PSI has several advantages: (1) it is simple and can be easily understood by the public, (2) it can accommodate new pollutants, (3) it is based on a reasonable scientific premise, (4) it relates to NAAQS, Federal Episode Criteria, and Significant Harm Levels, (5) it exhibits day-to-day variations, and (6) a qualitative trend in the index can be forecast for periods up to a day in advance, especially during episodic conditions.

2. INTRODUCTION

A major area of concern in the field of air pollution control is how to best report daily air quality to the public. A recent CEQ/EPA Report[1] indicates that of the 55 largest U.S. metropolitan air pollution control agencies, 33 use an air pollution index. In addition, five states and two Canadian Provinces operate state-wide (or Province-wide) index systems. With two minor exceptions, no two indices were found to be exactly the same. The public confusion generated by the use of so many indices is particularly evident in bordering states using different indices. Therefore, there is a need to develop a uniform index to report the daily status of air pollution.

A recent paper[9] emphasizes the need for a truly meaningful index to have a sound scientific basis. The paper suggests that such an index be based on the relationship between pollutant concentration and adverse health (welfare) effects—that is, a "damage function." Unfortunately, it is an extremely complex undertaking to relate measured air pollutant concentrations to the many diverse effects of air pollution—for example, aggravation of disease in susceptible people, increased incidence of respiratory illness in healthy persons, impairment of human motor function, reduced visibility, corrosion of materials, and soiling of buildings. Arriving at an air quality standard for a given pollutant—which is just one point in a damage function—has required vast quantities of data, medical advisory committees, detailed epidemiological studies, and other extensive research. The air quality criteria documents published for the major air pollutants[10-14] reflect the complexity of the process.

The recent paper[9] also emphasizes the importance of an index accounting for the adverse effects associated with combinations of pollutants—that is, synergism. For example, the criteria document on sulfur oxides[11] states that adverse health effects attributable to sulfur oxides are intensified in the presence of particulate matter. Understanding synergistic effects adds greatly to the problem of obtaining a truly meaningful air quality index. These problems stress the need for additional research to develop pollutant-related damage functions that take into account synergistic effects on health and welfare.

As an interim solution to these problems, this guideline recommends a uniform index to report daily air quality, along with appropriate monitoring guidance. This index will serve until a more meaningful air quality index can be created. If adopted, a uniform index should end the confusion associated with the use of many varied indices.

3. THE EPA RECOMMENDED DAILY INDICATOR—POLLUTANT STANDARDS INDEX (PSI)

The Pollutant Standards Index (PSI or ψ) is the result of a joint effort by EPA's Offices of: Research and Development, Air and Waste Management, and Planning and Management. Its evolution has included formulation of several candidate index structures,[15, 16] and the index has undergone an extensive review process involving state and local air pollution control agencies, public organizations, and media representatives.

The recent CEQ/EPA compendium of air pollution indices[1] developed an "index classification system" to analyze and compare the various indices used by state, Provincial, and local agencies. Indices were categorized according to four criteria: (1) number of pollutant variables measured, (2) calculation method used to compute the index, (3) descriptor categories reported with the index, (4) method of reporting (whether it is "combined," "maximum," or "individual").

The report found that the greatest number of the indices in use[1] incorporate five of the six National Ambient Air Quality Standards (NAAQS) pollutants (hydrocarbons are excluded because there are no direct health effects associated with the pollutant. It is controlled because it is a precursor to the formation of photochemical oxidants.); (2) use a segmented linear function*; (3) are based on the maximum of one of the pollutant variables; and (4) use three to five descriptor categories.

In the following sections, the structure of PSI is presented according to the "index classification system" categories.

3.1 *Number of pollutants*

PSI includes five pollutants: carbon monoxide (CO), sulfur dioxide (SO_2), total suspended particulate matter (TSP), photochemical oxidant (O_3) and nitrogen dioxide (NO_2). Primary (that is,

* A segmented linear function consists of two or more straight lines, drawn between successive coordinates ("breakpoints") where each line may have a different slope.

See footnotes, p. 37669.

health related) NAAQS, and/or Federal Episode Criteria, and Significant Harm Levels exist for all five. In addition, one pollutant product TSP×SO_2 is included because it has both Federal Episode Criteria and a Significant Harm Level.[3, 4] As with NO_2, which has no short-term primary NAAQS, the product is reported when the Federal Episode or Significant Harm Levels are exceeded. Finally, because of the structure of the index, any pollutant identified in the future for which NAAQS, Federal Episode Criteria, and Significant Harm Levels are adopted can be added without modifying the basic form of the index.

3.2 *Calculation method*

A segmented linear function is used relating actual air pollution concentrations to a normalized number. For example, PSI (ψ) equals 100 when the NAAQS for each pollutant is reached, while (ψ) equals 500 when the Significant Harm Level for each pollutant is reached. The normalized number should be easier for the general public to understand because it does not require one to know specific NAAQS concentrations or the many different Federal Episode and Significant Harm Levels.

The index breakpoints are listed in metric units (Table 1) and in parts per million (Table 2). The first breakpoint separates the descriptor categories "good" and "moderate." For CO and O_3, the first breakpoint was chosen at 50 percent of the primary NAAQSs. In the case of TSP and SO_2, concentrations equal to their respective primary annual NAAQS were chosen because the frequent occurrence of values greater than these concentrations could lead to violations of their respective annual NAAQS. In an area where a violation of either the annual primary TSP or SO_2 standard occurs, approximately 50 percent or more of the days will thus be classified as "moderate" or worse. This approach minimizes the potential for public confusion which might arise from a preponderance of days reported as "good," followed by the report that the annual health-related standards has been violated.

The breakpoints between the primary NAAQS and Significant Harm Levels are somewhat arbitrarily set at the Federal Episode Alert, Warning, and Emergency Levels, except for oxidants. In the case of oxidant, 400 $\mu g/m^3$ was used as the PSI breakpoint for the descriptor words "unhealthful" and "very unhealthful" because it appears to be more consistent with the descriptor words than the suggested administrative Alert level of 200 $\mu g/m^3$.**

** Several air pollution control agencies are using 400 $\mu g/m^3$ instead of 200 $\mu g/m^3$ as their Alert level with concurrence by the Environmental Protection Agency.

See footnotes, p. 37669.

TABLE 1. Breakpoints for PSI (ψ) in Metric Units

Breakpoints	PSI Value (ψ)	TSP $\mu g/m^3$ 24-hr.	SO_2 $\mu g/m^3$ 24-hr.	TSP×SO_2 $(\mu g/m^3)^2$	CO mg/m^3 8 hours	O_3 $\mu g/m^3$ 1-hr.	NO_2 $\mu g/m^3$ 1-hr.
50% of primary short-term NAAQS	50	75[a]	80[a]	b	5.0	80	b
Primary short-term NAAQS	100	260	365	b	10.0	160	b
Alert Level	200	375	800	65×10^3	17.0	400[c]	1130
Warning Level	300	625	1600	261×10^3	34.0	800	2260
Emergency Level	400	875	2100	393×10^3	46.0	1000	3000
Significant Harm Level	500	1000	2620	490×10^3	57.5	1200	3750

[a] Annual primary NAAQS.

[b] No index value reported at concentration levels below those specified by the Alert level criteria.

[c] For the PSI index 400 $\mu g/m^3$ appears to be a more consistent breakpoint between the descriptor words "unhealthful" and "very unhealthful" than the O_3 Alert Level of 200 $\mu g/m^3$.

TABLE 2. Breakpoints for PSI (ψ) in Parts Per Million

Breakpoints	PSI Value (ψ)	SO_2 24-hr.	TSP×SO_2 ($\mu g/m^3$ × ppm)	CO 8 hours	O_3 1-hr.	NO_2 1-hr.
50% of primary NAAQS	50	.03[a]	b	4.5	0.04	b
Primary NAAQS	100	.14	b	9.0	0.08	b
Alert Level	200	.30	22.727	15.0	0.20[c]	0.60
Warning Level	300	.60	91.259	30.0	0.40	1.20
Emergency Level	400	.80	137.413	40.0	0.50	1.60
Significant Harm Level	500	1.00	171.329	50.0	0.60	2.00

[a] Annual primary NAAQS.

[b] No index value reported at concentration levels below those specified by the Alert Level criteria.

[c] For the PSI index 0.2 ppm appears to be a more consistent breakpoint between the descriptor words "unhealthful" and "very unhealthful" than the O_3 Alert Level of 0.1 ppm.

Figures 1 through 5 show the segmented linear function for each of the NAAQS pollutants, and Figure 6 shows the function for the product of TSP and SO_2. If NAAQS for new pollutants are adopted in the future, they can be accommodated by drawing a new segmented linear function.

3.3 *Descriptor categories*

PSI is primarily a health related index as shown by the descriptor words: "good," "moderate," "unhealthful," "very unhealthful," and "hazardous," (Table 3). The breakpoints used to separate these descriptor words are somewhat arbitrary. On the basis of health effects data above, it is not possible to establish a sharp demarcation between any two descriptor words. However, when the five pollutants were examined in the context of severity of health effects, their NAAQS and EPA suggested administrative Alert, Warning, and Emergency levels tended to provide convenient breakpoints, except for the oxidant Alert level, which was replaced with 400 $\mu g/m^3$, as discussed earlier.

TABLE 3. COMPARISON OF PSI VALUES WITH POLLUTANT CONCENTRATIONS, DESCRIPTOR WORDS GENERALIZED HEALTH EFFECTS, AND CAUTIONARY STATEMENTS

INDEX VALUE	AIR QUALITY LEVEL	POLLUTANT LEVELS					HEALTH EFFECT DESCRIPTOR	GENERAL HEALTH EFFECTS	CAUTIONARY STATEMENTS
		TSP (24-hour), $\mu g/m^3$	SO_2 (24-hour), $\mu g/m^3$	CO (8-hour), mg/m^3	O_3 (1-hour), $\mu g/m^3$	NO_2 (1-hour), $\mu g/m^3$			
500	SIGNIFICANT HARM	1000	2620	57.5	1200	3750	HAZARDOUS	Premature death of ill and elderly. Healthy people will experience adverse symptoms that affect their normal activity.	All persons should remain indoors, keeping windows and doors closed. All persons should minimize physical exertion and avoid traffic.
400	EMERGENCY	875	2100	46.0	1000	3000		Premature onset of certain diseases in addition to significant aggravation of symptoms and decreased exercise tolerance in healthy persons.	Elderly and persons with existing diseases should stay indoors and avoid physical exertion. General population should avoid outdoor activity.
300	WARNING	625	1600	34.0	800	2260	VERY UNHEALTHFUL	Significant aggravation of symptoms and decreased exercise tolerance in persons with heart or lung disease, with widespread symptoms in the healthy population.	Elderly and persons with existing heart or lung disease should stay indoors and reduce physical activity.
200	ALERT	375	800	17.0	400[c]	1130	UNHEALTHFUL	Mild aggravation of symptoms in susceptible persons, with irritation symptoms in the healthy population.	Persons with existing heart or respiratory ailments should reduce physical exertion and outdoor activity.
100	NAAQS	260	365	10.0	160	[a]	MODERATE		
50	50% OF NAAQS	75[b]	80[b]	5.0	80	[a]	GOOD		
0		0	0	0	0	[a]			

[a]No index values reported at concentration levels below those specified by "Alert Level" criteria.

[b]Annual primary NAAQS.

[c]400 $\mu g/m^3$ was used instead of the O_3 Alert Level of 200 $\mu g/m^3$ (see text).

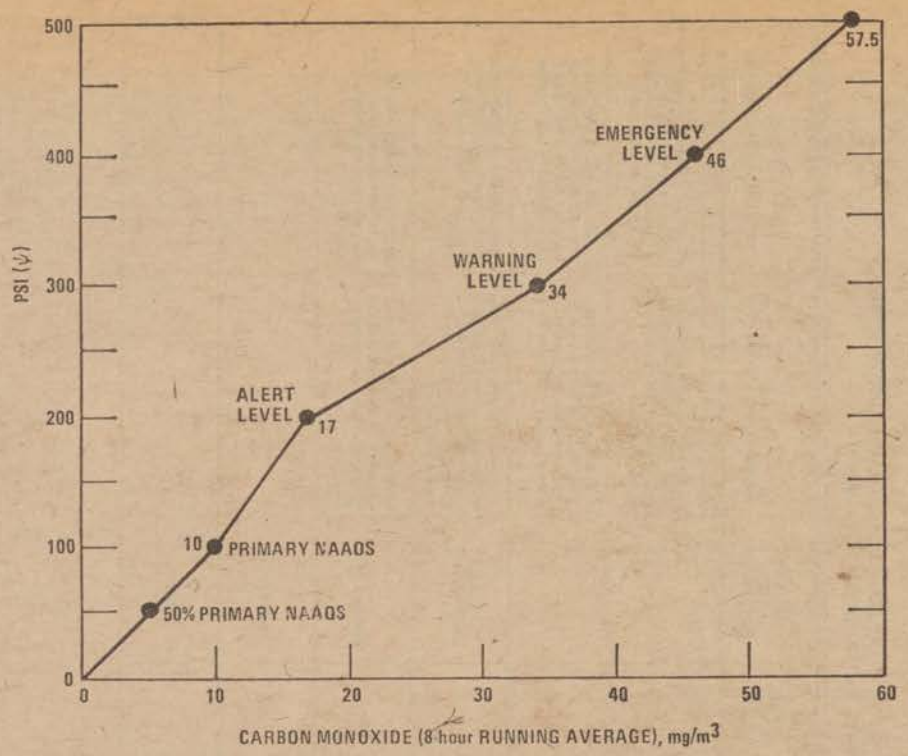


Figure 1. PSI function for carbon monoxide

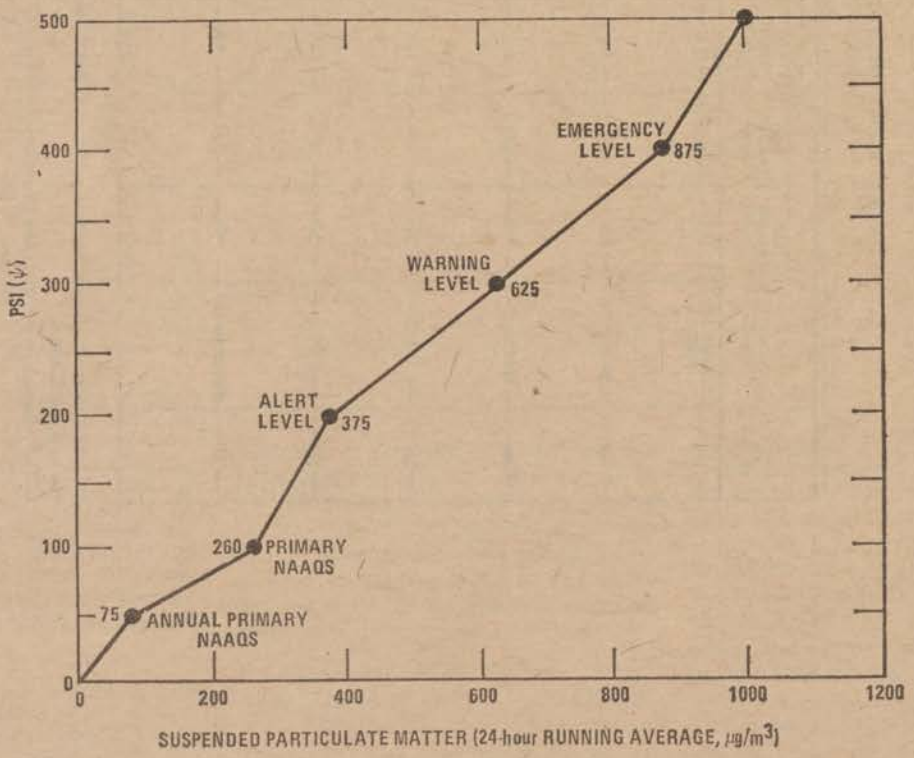


Figure 2. PSI function for suspended particulate matter

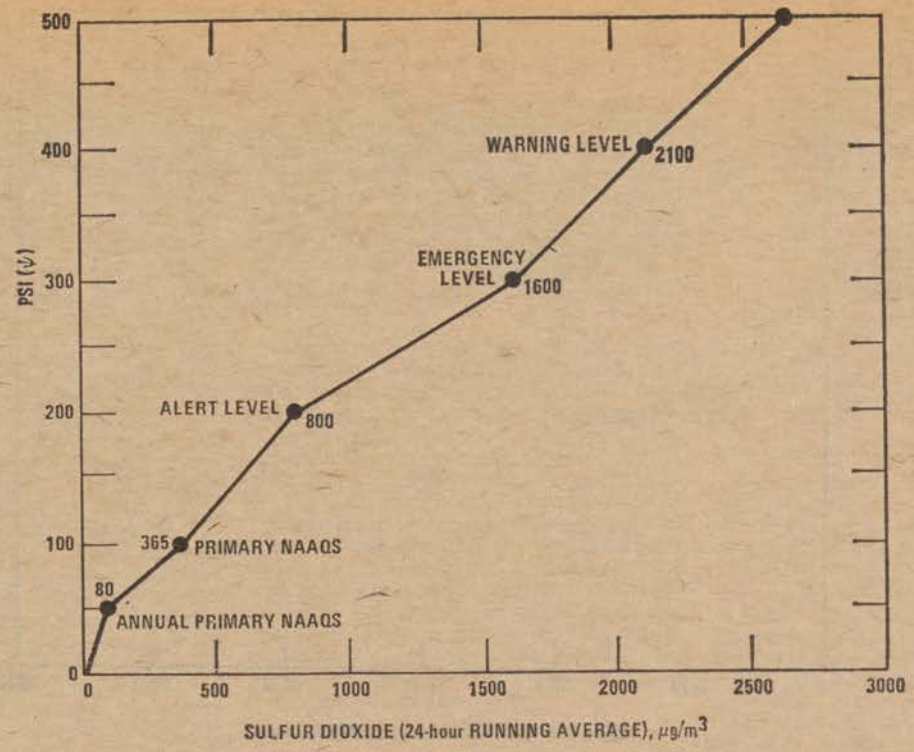


Figure 3. PSI function for sulfur dioxide

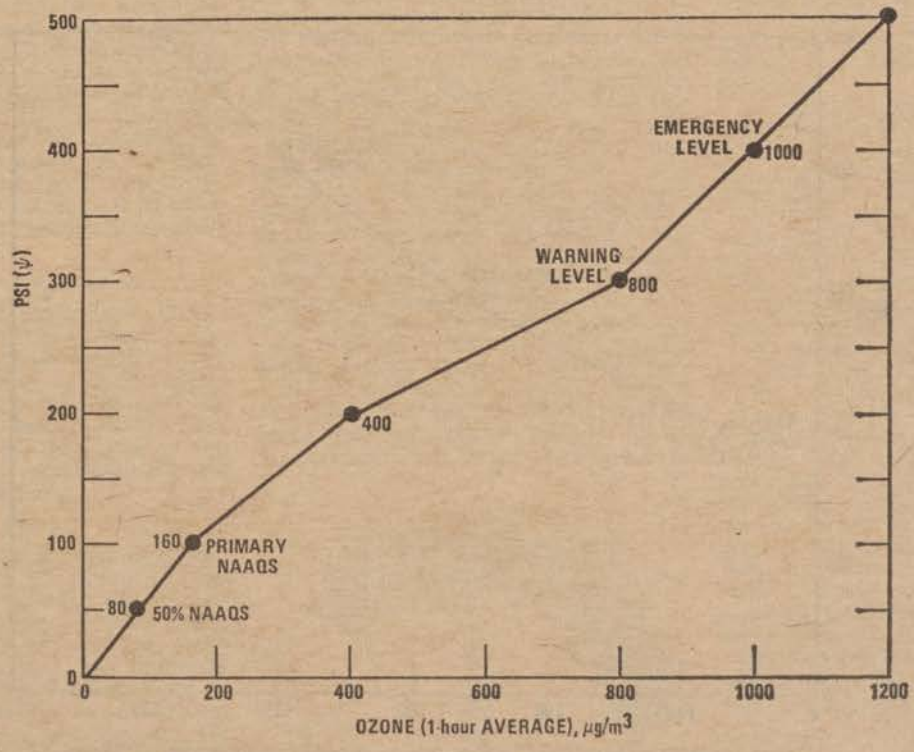


Figure 4. PSI function for photochemical ozone

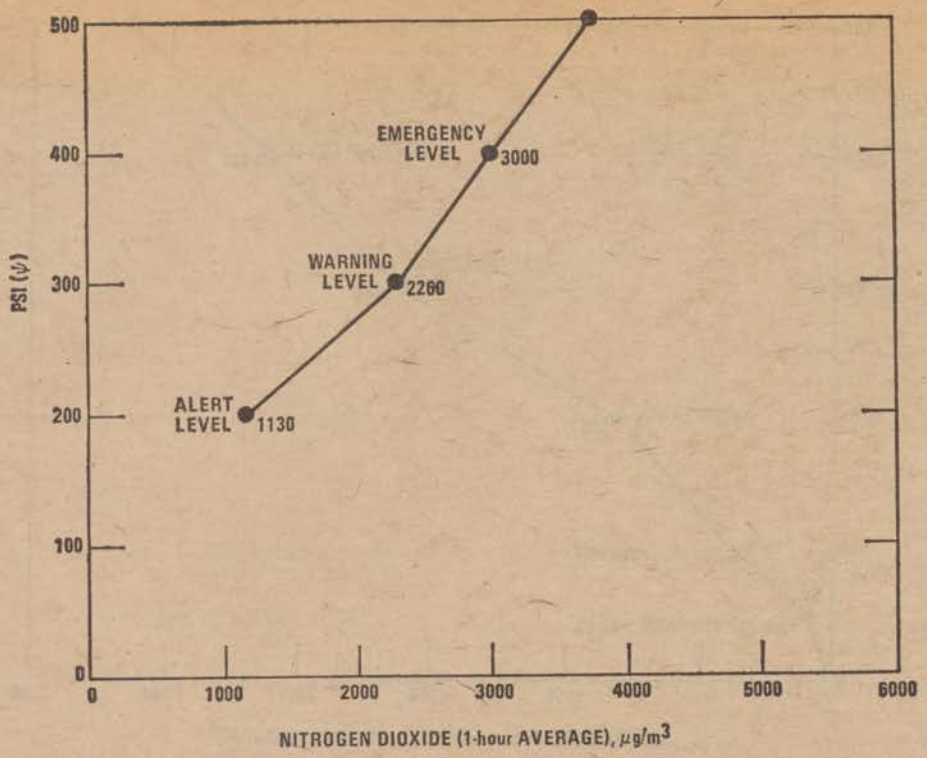


Figure 5. PSI function for nitrogen dioxide.

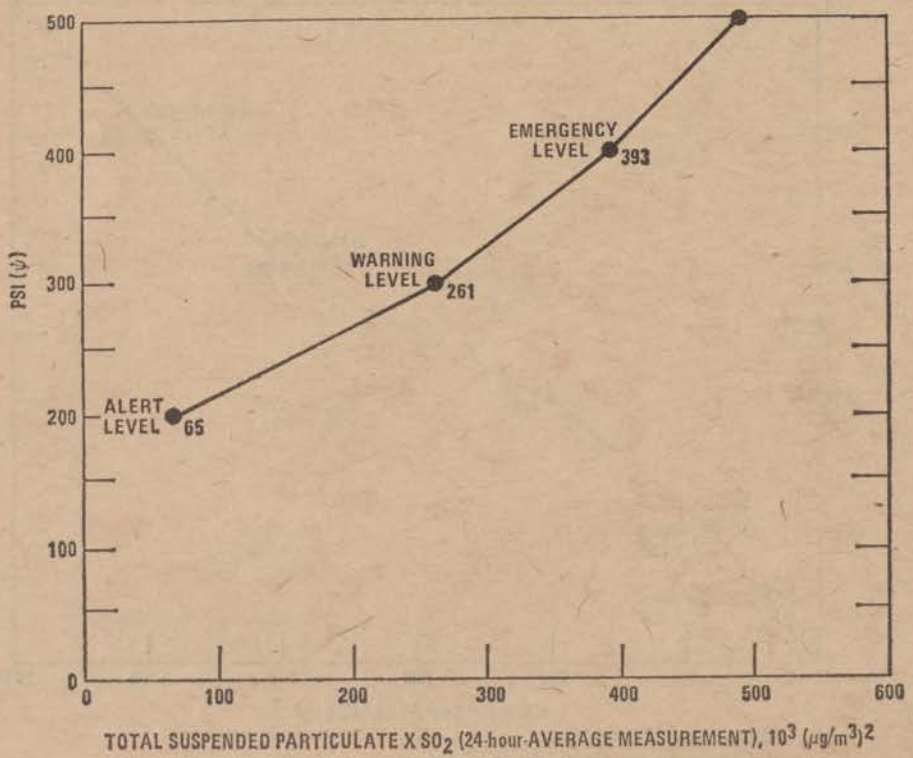


Figure 6. PSI function for product of total suspended particulate and sulfur dioxide

Air pollution levels between the short-term primary NAAQS and the Alert level for TSP, SO_2, and CO and 400 $\mu g/m^3$ for O_3 are deemed "unhealthful," because mild aggravation of respiratory symptoms in susceptible persons and irritation symptoms in the healthy population occur at some point above the short-term primary NAAQS and at and below the Alert levels for TSP, SO_2, and CO and 400 $\mu g/m^3$ for O_3.[10-13] NO_2 is not reported until concentrations exceed the Alert level because no short-term NAAQS has been established.[14] Air pollution concentrations above the Alert level but below the Warning level are classified as "very unhealthful," while concentrations above the Warning level are "hazardous."

These classifications are related to generalized health effects and appropriate cautionary statements (Table 3).[17] A single set of generalized health effects and cautionary statements is indicated for the descriptor words "unhealthful" and "very unhealthful." The "hazardous" category has two sets of generalized health effects and cautionary statements. The first set is reported when the index exceeds 300 and the second when the index exceeds 400 indicating the increasing severity of the air pollution levels.

In the case of TSP and SO_2, short-term secondary air quality standards also exist below their primary NAAQS. Secondary standards are designed to protect against the adverse effects of pollution on the public welfare (animals, vegetation, materials, visibility, etc.) According to PSI, if their short term secondary NAAQSs are violated, the concentrations would be classified as "moderate" or worse. While this descriptor word is valid from a health viewpoint, the air quality is unsatisfactory from the standpoint of welfare effects. Because PSI is a health-related index, the user may wish to report on the possible welfare effects when either the short term TSP or SO_2NAAQS is violated.

4. REPORTING PROCEDURES

PSI has been designed to be as flexible as possible in allowing air pollution control agencies to decide for themselves the information to include in their reports to the various media. This section examines the recommended method of reporting the index, the reporting of the Federal Episode Criteria, and the concept of flexible media reporting.

4.1 *Reporting the index*

Since each pollutant is examined separately by comparing its measured concentration with the NAAQS, the Episode Levels, and the Significant Harm Level, each pollutant can be reported separately. At the minimum, the pollutant with the highest index value should be reported to advise the public of the worst air pollution to which it is exposed. On days when two or more pollutants violate their respective NAAQS—that is, have PSI values greater than 100—then each of the pollutants should be reported. The index values of the other pollutants may also be reported for completeness. When the air pollution level is reported as "unhealthful," "very unhealthful," or "hazardous," cautionary statements should also be used. In addition, the generalized health effects can be used.

Users of PSI may wish to report on the health effects of each pollutant individually, thereby providing more detailed language on each pollutant than is available in Table 3. In preparing such information for the public, the user is encouraged to seek appropriate medical advice and to consult the literature.[10-14]

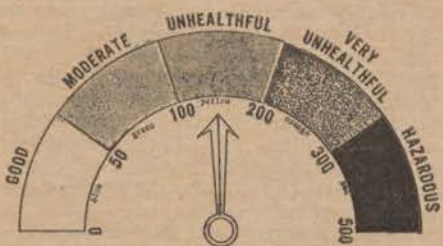
4.2 *Reporting the Federal episode criteria*

When the Federal Episode Levels for each pollutant are exceeded, the user should report the administrative actions associated with the Alert, Warning, or Emergency Levels. The issuance of administrative actions depends, of course, upon the forecast of meteorological conditions affecting future pollution levels.

Issuance of administrative actions also apply to the product of TSP and SO_2, which has both Federal Episode Criteria and Significant Harm Levels.[2, 3] Although available health effects information has not been codified to tie the descriptor words to the product of TSP and SO_2, the product is included for purposes of administrative completeness.

4.3 *Forecasting the index*

The forecasting of a quantitative index for periods up to a day in advance would be difficult without extensive meteorological data and specialized expertise that some air pollution control agencies may not possess. However, qualitative index forecasting is practicable using the National Weather Service's Air Pollution Weather Forecast Program.[18, 19] With this weather information, along with available emissions and air quality trend data, agencies can develop techniques or procedures to forecast the relative change in the index by using the following word descriptors: No significant change, decrease, or increase. The principal responsibility for obtaining the necessary emission and air quality information lies with the air pollution control agency using the index. The air pollution control agency would integrate the meteorological information and apply the predictive methods to generate the forecast. The information needs for forecasting relative index changes is discussed further in Appendix A.



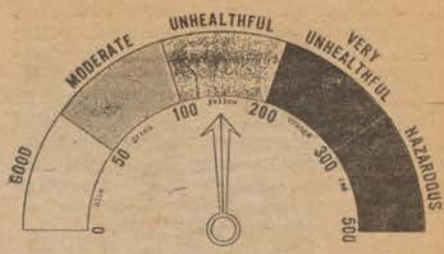
PSI = 150

POLLUTANT: Oxidants

TODAY'S HEALTH IMPLICATIONS: Respiratory ailment and heart disease patients should reduce exertion and outdoor activity.

FORECAST: No change.

Figure 7. Example of possible PSI report for television.



PSI = 150

POLLUTANT: Oxidants

TODAY'S HEALTH IMPLICATIONS: Respiratory ailment and heart disease patients should reduce exertion and outdoor activity.

FORECAST: No change.

Figure 8. Example of possible PSI report for newspaper.

4.4 *Flexible media reporting*

The index has been designed to be as flexible as possible in reporting the status of air quality to the public. Either short or long reports can be used. For television, the report could read, "Today the air pollution index is 50, the air quality is good." However, when the air pollution becomes unhealthful, then several possible reports could be considered for television, the news media, or telephone recordings. For example, when oxidant pollution reaches a concentration of 280 $\mu g/m^3$ (0.14 ppm), the report could take several different forms.

(1) Today, the air pollution index is 150. The air is "unhealthful." The pollutant O_3 is responsible.

(2) An air pollution alert has (or has not) been called based on the forecast for the remainder of the day (and/or) tomorrow.

(3) Repeat the above and add the following cautionary statements: "Persons with existing heart or respiratory ailments should reduce physical exertion and outdoor activity."

(4) The report could include everything said in (1), (2), and (3) and then add that "unhealthful" air can cause "mild aggravation of symptoms in susceptible persons, with irritation symptoms in the healthy population."

(5) Finally, the report could conclude with the forecast of tomorrow's air pollution level, such as "no change in the air pollution level is expected."

Table 3 should be referred to in preparing the air pollution status report to the public. Figures 7 and 8 illustrate the above ozone example by showing possible reports for the television and newspaper, respectively. Both figures provide essential information, indicating the PSI value, the critical pollutant, the health implications for the public, and the next day's forecast. Each of the descriptor categories has been given equal weight. The information is displayed so that it can be presented as rapidly as possible in an easy-to-understand format.

5. MONITORING REQUIREMENTS

5.1 *Need for monitoring uniformity*

In order for PSI to be readily accepted, the data used in calculating the index must be comparable from site to site within a region. Since these data are to

be obtained at existing air monitoring sites, certain easily implementable practices can eliminate considerable variability in the data. Among these are using: (1) uniformity of site types—that is, residential, commercial, etc.; (2) Federal Reference Methods or their equivalent; (3) standardizing sampling height and probe exposure; and (4) good housekeeping and quality control procedures to provide high quality data.

5.2 *Network considerations*

Air pollution control agencies need not undertake additional monitoring requirements in the implementation of PSI, but can simply select sites from their existing network. The sites selected, however, should generally meet two basic criteria: (1) Sites should be representative of population exposure—that is, not unduly influenced by a single emission point or background-oriented, and (2) sites should be located in areas of maximum concentration for the pollutant of interest, but should not be unduly influenced by any single source. Areas suitable for monitoring, by pollutant are:

TSP—populated areas substantially downwind of large sources or in the midst of numerous area sources.

SO_2—populated areas substantially downwind of large sources or in the midst of numerous area sources.

CO—densely populated, high-traffic volume areas, including areas in the center city.

O_3—populated areas substantially downwind of areas of maximum hydrocarbon emissions density, such as the central business district. The site should be 100 meters or more removed from major traffic arteries or parking lots.

NO_2—populated areas downwind of areas of high traffic density.

If a pollutant(s) is (are) measured at several locations within a metropolitan area, it would be desirable (if possible) to base the index on the site showing the highest reading on a given day. This would mean that different sites would be used on different days.

For large metropolitan areas comprised of many smaller cities and suburbs where significant air quality differences may exist, the air pollution control agency may wish to report separate index values for each community. This has the additional advantages of showing the public how air pollution varies over the larger metropolitan area. Furthermore, for example, the photochemical pollutants tend to be higher in the suburban fringe.

5.3 *Measurement practices and reporting frequencies*

5.3.1 *Use of Federal reference methods.* Since PSI is based on the NAAQS, the Federal Reference Methods (FRM) or equivalent should be used where possible. Such methods are consistent with the averaging time of the primary standards. Further, continuous methods should be used, where possible, to facilitate the reporting of the index numbers two or three times per day.

5.3.2 *Carbon monoxide, nitrogen dioxide, and ozone.* The FRM for CO is based on the nondispersive infrared measurement principle. The proposed method for NO_2 and the existing method for O_3 employ the chemiluminescence measurement principle and give continuous data. A FRM or equivalent method for CO, NO_2, and O_3 must also meet performance specifications set forth in the FEDERAL REGISTER.[20]

5.3.3 *Sulfur dioxide.* The FRM for SO_2 is the pararosaniline 24-hour bubbler method. The solution may be analyzed automatically or manually at the central laboratory. Serious logistics problems can arise if an index number must be calculated from multiple sites two or three times per day. Fortunately, there are procedures for designating continuous SO_2 analyzers as equivalent to the FRM,[20] and from these 24-hour running averages are easily obtained. Therefore, the use of the continuous SO_2 analyzer is recommended to collect the data used in the index. If one is not available, then a pararosaniline 24-hour bubbler method can be used if several precautions are taken. To prevent deterioration in the sample, the sample should be collected at ambient temperature or no warmer than 15° C if ambient temperatures are below freezing. The sample should then be analyzed as soon as possible, with no later than a six-hour delay from end of sampling to analysis.

5.3.4 *Total suspended particulate.* The FRM for TSP uses a high-volume sampler and specifies a midnight-to-midnight 24-hour sample followed by a 24-hour equilibration at a relative humidity less than 50 percent. This leads to a two-day delay in the reported value. For index reporting, the simplest modification to the FRM is to make the sampling time more convenient—that is, 8 a.m.-to-8 a.m. or noon-to-noon, etc. The sample could be weighed immediately to provide a TSP value for the index. Later a true value could be calculated after the recommended equilibration time of 24 hours. A study in EPA Region IV has shown that the true TSP values are usually within 10 percent of the values measured immediately after collection.[21] The true value would be recorded as the correct one, reported to the National Aerometric Data Bank, and used to calculate annual averages and maxima.

5.3.4.1 *Staggered high-volume sampler measurements.*—During episode conditions, the air polution control agency may find it necessary to inform the public of existing conditions two or three times per day. Therefore, several high-volume samplers could run for 24 hour periods staggered every 4 to 6 hours throughout the episode. The sample could be weighed immediately, and that weight used in deciding what action should be taken concerning the possible emergency. Then the filter would be equilibrated for 24 hours and reweighed.

5.3.4.2 *Alternative measurements.*—The paper tape sampler and the integrating nephelometer can be used to indicate the need for overlapping high-volume sampler measurements. The paper tape sampler has been used in most previous indices and has both Federal Episode Criteria and a Significant Harm Level. The Coefficient of Haze (COH) value from the paper tape sampler, however, is poorly correlated with TSP levels. In addition, the paper tape sampler has not been determined to be an "equivalent method" to the FRM. Therefore, its use should be limited to index reporting and must not be used to determine compliance with the NAAQS for particulate matter.

A newer instrument relatively untested in routine field applications is the integrating nephelometer. It measures the scattering of light from small particles and correlates well with visibility and TSP measurements. Both the paper tape sampler and the nephelometer can produce a running 24-hour value which can be used as a qualitative indicator of TSP loadings in the atmosphere.

5.3.5 *Frequency of Reporting and Appropriate Averaging Times.* The frequency of reporting is left up to the agency, within these suggested ranges. It may be desirable to report the index once a day but probably not more than three times per day. Because the high-volume sampler has a 24-hour averaging period, agencies might consider operating two or more high-volume samplers at the same station but with off-set time periods, ending between 8 a.m. and 6 p.m. to provide reporting information during the most desirable period.

If the agency desires, the paper tape sampler or integrating nephelometer could be used in conjunction with the high-volume sampler to provide estimates of the most recent ambient particulate loading. Thus used, the paper tape sampler provides some guidance on whether or not to undertake more intensive measurements during high air pollution levels.

Appropriate averaging times for which the index should be tabulated and reported for each pollutant are:

TSP—TSP values taken with the high-volume sampler are discrete 24-hour values. Monitoring the data collection should be on a schedule consistent with the agency's need to report the air quality index. Other overlapping times may be employed by those agencies wishing to report more than one index value per day.

SO_2—The suggested reporting value is the most current 24-hour running average since the last reporting period.

CO—Although there are two standards for CO (8 hours and 1 hour), the 8-hour standard is usually considered the limiting one and will be the one violated in the vast majority of cases. The most current 8-hour running average since the last reporting should be used. In addition, the agency could also report the index value associated with the highest 8-hour average during the reporting period.

O_3—The suggested reporting value for O_3 is the highest hourly value since the last reporting period. The reporting periods are usually 24 hours or shorter.

NO_2—Although the standard for NO_2 is an annual one, there are hourly values

associated with episode criteria; therefore, using the highest hourly value since the last reporting period is recommended.

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APPENDIX A

INFORMATION NEEDS FOR FORECASTING PSI

Introduction

The information needed to qualitatively forecast the Pollutant Standards Index (PSI) is of two types: (1) pollutant-related and (2) meteorological. The pollutant-related information may include data on source locations, physical source characteristics and emissions, atmospheric-physiochemical transformation processes, and actual air quality measurements and trends. Meteorological information that may be included are data on synoptic weather features, on meteorological parameters indicative of the dispersive capability of the lower atmosphere, and of the photochemical potential. It might also include information on the effect of local terrain complexities upon meteorological parameters. Together, pollutant-related and meteorological information form the input to locally tailored predictive techniques such as mathematical models, statistically derived methods, or other techniques that may be applied along with subjective judgment to some degree.

The necessary pollutant-related information is to be obtained by the air pollution control (APC) agency having local responsibility for issuing the Index. The National Weather Service (NWS) is the primary agency supplying the needs of APC agencies for meteorological information. NWS services include issuance of advisories on air pollution potential and air stagnations. However, some APC agencies and/or their consultants may also collect and interpret meteorological information to supplement that available from the NWS.

General data needs

The types and amounts of pollutant-related information needed will vary depending on the particular pollutant(s) of concern and the source to monitoring site configurations in the particular geographical area. For example, in the Los Angeles Basin, photochemical oxidant is the primary pollutant of concern and since precursor sources (mainly mobile) are widespread, the potential for maximum impact exists over a rather large area. In contrast, in Pittsburgh and Birmingham where suspended particulate matter from industrial ferrous emissions will most likely cause elevated pollutant levels, the maximum impact will probably be more localized; thus, pollutant-related information may not have to be as extensive. It is also important to know the diurnal, weekly, and seasonal characteristics of emissions. For instance, carbon monoxide concentrations are closely associated both spatially and temporally with automobile emissions. Typical diurnal patterns reflect morning and evening peaks in vehicular traffic. High concentrations may shift weekly in response to changes in workday versus weekend automotive travel patterns. Seasonal patterns may shift in some areas with vacation travel.

Generally, an up-to-date emissions inventory should be available for communities where PSI is to be utilized in order to adequately assess the source to monitoring site impact relationships. For point sources (usually >100 tons/year of a pollutant), information should include the source location, pollutants emitted, emission rates, and stack parameters. Area source data, including lesser point emissions, are not normally as specific. Available area emissions, in tons per year, are usually quantified by city or county. Vehicular emissions may be estimated by combining local traffic pattern information with documented vehicle-fleet emissions rates. These emissions data are available from the EPA National Emissions Data System (NEDS), state planning agencies, and private sources. It may be necessary to supplement these data with emissions information affecting the various temporal cycles; for instance, information on the normal operating schedules of large point sources and on traffic volume cycles in congested areas.

Trends in the concentrations of pollutants can also be useful in predicting the PSI. Trend information might include the day-to-day variation in peak hourly values or 24-hour averages. Trends data should always be evaluated relative to changes taking place or anticipated in emissions or meteorology. Persistence of a trend would especially aid in arriving at the PSI forecast if no definitive changes in emissions or meteorological features are indicated. Interpretations of trends information, on a day-to-day basis, require care and experience because of the fluctuations that for varied reasons tend to occur about a mean trend.

The types of meteorological information that could be used for forecasting the PSI have been rather well defined through past experience with forecasting methods developed in support of air pollution control activities. This support has largely dealt with forecasting indices and episodic conditions. The meteorological features and parameters that are most often utilized in forecasting air quality indices at the present time are:

Character and movement of air masses and fronts
Areas of air mass subsidence
Incidence, intensity, and height of inversions
Mixing layer height
Prevailing wind direction
Mean wind speed (surface and mixing layer)
Ventilation (mixing layer mean wind speed × mixing height)
Precipitation
Temperature
Total sky cover

Of course, the emphasis placed on particular features and parameters listed above will vary with location and pollutant(s) of concern.

NWS information and support services

The NWS operates a comprehensive Air Pollution Weather Forecast Program. The program is administered from NWS National and Regional Headquarters with operational program elements at the National Meteorological Center (NMC) and local Weather Service Forecast Offices (WSFO's). Details of the program are contained in the NWS Operations Manual[1] and Technical Procedures Bulletins.[2] This program generates a variety of national, regional, and local air pollution weather forecast products which are issued to the public, to control agencies, or to both, as appropriate.

The NMC is responsible for providing the large-scale meteorological guidance used by field offices in the preparation of advisories and other products which are particularized and tailored to specific geographic areas to user requirements.

The air pollution weather products of NMC are comprised of the following elements:

a. *Forecast air stagnation charts.* Issued every morning on facsimile, these four panel computer based charts depict expected areas of atmospheric stagnation (Figure 1).

b. *Air stagnation narrative.* This plain language teletype message describing the Air Stagnation Charts, is issued every morning.

See footnotes at end of appendix.

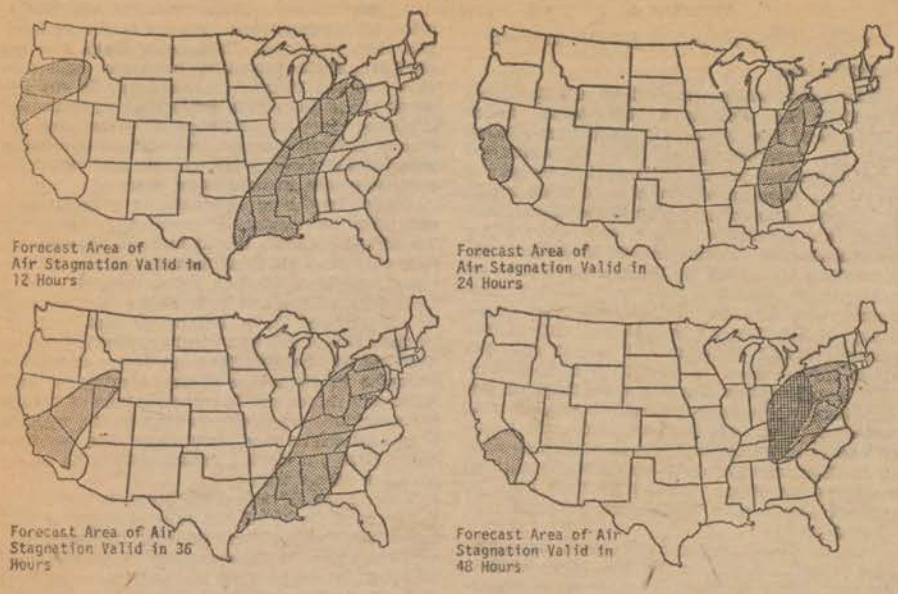


Figure 1. Sample of Stagnation Chart sent on facsimile, depicting significant areas of large-scale stagnation. Shaded area indicates area of large-scale stagnation, hatched area indicates area that is under large-scale stagnation on all four panels.

c. *Air stagnation data.* This computer derived teletype message currently consists of today's mixing height and transport wind speeds for selected NWS stations.

The WSFO's have responsibility for local forecast products within designated geographic boundaries, including the issuance of the following three basic air pollution products:

a. *Air stagnation advisories (ASA).* Issued to the public and control agencies when locally estabilshed critical values of transport wind, mixing height, and ventilation are forecast to be reached and conditions are expected to persist for at least 36 hours, causing probable significant decrease in air quality.

b. *Special dispersion statements.* A special product issued only to control agencies when a potential air pollution situation is determined by an NWS forecaster to exist but no ASA will be issued because such an issuance would not be in the public interest.

c. *Dispersion outlooks.* A routine product issued by all WSFO's where it has been determined that the APC needs routine meteorological information to facilitate day-to-day operations and adequate manpower is available at the WSFO. The format, content, and issuance times of this product is determined by the WSFO and APC. The Dispersion Outlook is issued only to the APC.

Occasionally, air pollution episodes of public concern may occur during non-stagnant situations. These involve predesignated episode levels that require control actions to improve the air quality condition. In these situations, the WSCO provides the appropriate government agencies with the meteorological support necessary for pollution control or abatement procedures.

In conjunction with these services, the NWS provides supplemental, low-level upper air soundings at designated stations. This program which provides for greater spatial and temporal detail on dispersion conditions, especially during episodes or potential episodes, is available for several cities. These locations are listed below, together with the sounding scheduled:

Location:	*Program*
Birmingham, Ala	1/day routine week day, weekend and 2d daily observation call.
Charleston, W. Va	1/day routine week day, weekend and 2d daily observation call.
Chicago, Ill	1/day routine week day, weekend and 2d daily observation call.
El Monte, Calif	2/day routine week days except occasionally omit afternoon soundings on well ventilated days.
Houston, Tex	1/day routine week day, weekends and 2d daily sounding on call.
Los Angeles, Calif	2/day, 7 days a week.
Philadelphia, Pa	All observations on call.

Additionally, special low-level soundings are available on an on-call basis at the regular upper air observation facilities near Denver, Colo., New York, N.Y., Oakland, Calif., Pittsburgh, Pa., and Washington, D.C. An aircraft sounding is available at Sacramento, Calif. Through a Cooperative effort, state APC agencies take soundings as needed in Seattle, Boston, Portland, Oreg., and San Jose, Ga. These are taken at special facilities that were established by the NWS.

The NWS has, up until recently, not been too closely involved nationwide in predicting conditions conducive to buildup of photochemical pollutants. Because of recent interest and increasing demand for such information, the NWS is in the process of evaluating possible techniques with the objective of modifying or adding to current air pollution weather forecast products and services.

Development of prediction methodology

The available services and information briefly described above form the basis for developing a local community procedure for making local qualitative forecasts of the PSI. These forecasts can be reasonably made for periods up to a day in advance in terms of No Significant Change, Increase, or Decrease. It is advisable for agencies planning to use the index along with a forecast procedure to have personnel on their staffs familiar with meteorological data and how these data may be applied in development of index prediction methodology.

Considering the wealth of information available from the NWS, it seems logical that the issuance of an index forecast should be scheduled at intervals complementary to operations at the NWS. This would allow the APC agency to have the advantage of the most current NMC weather products and WSFO air pollution forecast services. In addition, it would encourage further cooperation and support of the local NWS facility. However, while it can be expected that NWS meteorologists will be able to closely coordinate with a local agency in arriving at index change predictions during potential or actual episodic conditions, they will most likely not be able to give such attention to routine day-to-day forecasting of the index. Also, NWS personnel would not be expected to have detailed knowledge of pollutant-related factors.

Where an APC agency may have developed the expertise necessary to make quantitative predictions of the PSI for the following day, they should be encouraged to make these predictions. However, it should be cautioned that making quantitative predictions of air quality or air quality indices should not be attempted without a reasonable expectation of success based on well-tested techniques. Otherwise, a less than satisfactory forecast record could result, which would tend to have an adverse effect on public acceptance of the PSI.

Mathematical air quality simulation models have to date not been used to any appreciable extent in index prediction. Because of their relative complexity, cost of modifying for local use, and time and expense that may be involved in making day-to-day predictions, their use for predicting the index qualitatively will initially be limited. However, where APC agencies may progress to the point of making quantitative forecasts, the use of models may become necessary. A listing and brief description of possible air quality models that could be applied are contained on OAQPS Guideline No. 1.2031.[3]

Current use of meteorological information in index prediction

Approximately half of the 25 local agencies currently issuing air pollution indices make forecasts of their index a day in advance. Of these, only one third have meteorologists on their staffs, while the remainder rely upon NWS meteorologists for interpretation of meteorological data. Three of the local agencies were selected to serve as examples of how varying degrees of meteorological information can be incorporated into air quality index forecasting.

One of the more sophisticated forecast techniques, the Air Pollution Dispersal Index, was developed six years ago by the State of Colorado Department of Health in Denver.[4] A forecast is issued each morning for four time periods, a.m. today, p.m. today, a.m. tomorrow, and p.m. tomorrow. The technique developed by department meteorologists is based upon concepts of mixing heights and wind speed discussed by Holzworth in AP-101,[5] and employs a nomogram of wind speed vs. mixing heights, with isolines of

constant ventilation factor values serving to demarcate four dispersion categories. These categories are:

Ventilation factor (m^2/sec.) (wind speed X mixing height)	*Associated dispersion*
<2,000	Bad.
>2,000 to 4,000	Fair.
>4,000 to 6,000	Good.
>6,000	Excellent.

The mixing heights used for the "today" forecast are determined from a plot of the Denver morning upper air sounding, the morning minimum surface temperature at Stapleton Airport plus 3° to 4° C, and the forecast afternoon maximum temperature. The "tomorrow" mixing heights are determined from the forecast 24-hour minimum and 36-hour maximum temperature, and a forecast of the sounding using locally-tailored analytical techniques. All transport wind speeds are derived from either observed or forecast NWS data. Critical factors in Denver are the typical low-level morning inversions which serve to deteriorate air quality and the occurrence or forecast of rain or snow which automatically leads to a forecast of improving air quality.

The City of Philadelphia Department of Public Health [4] uses general meteorological conditions and a NWS Air Stagnation Index to predict the Philadelphia Air Quality Index. The local agency receives meteorological information twice daily from the Philadelphia NWS office. Parameters of most concern are wind speed, gustiness and the likelihood of a frontal passage with its associated turbulent mixing. Wind direction is not a vital concern since emission sources in the city are relatively well distributed in all directions. Specifically, the Air Stagnation Index is formulated from the algebraic sum of several weighted meteorological parameters as shown in Table 1. To determine the index value, the weights associated with each observed parameter are summed. When at least one of the meteorological values is associated with a "Stop," excellent dispersion is forecast. Otherwise, dispersion is forecast according to the following scheme:

Sum of weights:	*Forecast dispersion*
−1, −2, −3	Good.
0	Marginally good.
+1	Marginally poor.
+2, +3	Poor.

TABLE 1. Air Stagnation Check Sheet [1]

Meteorological parameters	Value categories	Weights
Morning wind speed (knots)	> 10	STOP
	≤ 10 > 8	−1
	≤ 8 > 6	+1
	≤ 6	+2
Afternoon and evening wind speed (knots)	> 11	STOP
	≤ 11 > 9	−1
	≤ 9 > 6	+1
	≤ 6	+2
Morning mixing height (meters)	> 1500	STOP
	≤ 1500 > 750	−1
	≤ 750 > 500	0
Afternoon ventilation factor (meter²/sec)	> 8000	STOP
	≤ 8000 > 6000	−2
	≤ 6000 > 4000	0
	≤ 4000	+1

[1] Philadelphia Forecast Office
National Weather Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce

However, due to the nature of the Philadelphia Air Quality Index, a dramatic change in dispersion is required to effect a change in the index values.

The Department of Public Health in Dallas [4] uses meteorological data in a very qualitative manner. The general weather situation is examined daily with primary importance directed toward stagnating high pressure systems, cold frontal passages, and prevailing wind direction. NMC trajectory analysis data, surface weather patterns, and prognostic charts are used in a non-rigorous manner. For example, geographical plots of smoke and haze reports are occasionally used to determine the area extent and approach of pollutants due to large scale circulation patterns.

Improving conditions are forecast with the occurrence of precipitation, a frontal passage, and increasing wind speed. Deteriorating air quality is predicted when trajectories persist from local or more distant sources or sources areas.

Dated: August 27, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

REFERENCES

1. National Weather Service, Operations Manual, Air Pollution Weather Forecasts, WSOM Issuance 75-13, Part C, Chapter 30, April 1975.

2. National Weather Service, Technical Procedures Bulletin No. 122: Air Stagnation Guidance for Facsimile and Teletype (3rd Edition), October 21, 1974. (Supersedes previous TPB's Nos. 52, 58, and 69.)

3. U.S. Environmental Protection Agency, Guidelines for Air Quality Maintenance Planning and Analysis, Volume 12: Applying Air Quality Models to Air Quality Maintenance Areas, EPA-450/4-74-012, September 1974 1974 (OAOQPS No. 1.2-031), Research Triangle Park, N.C.

4. Thom, G., and Wayne R. Ott, "Compendium Analysis, and Review of United States and Canadian Air Pollution Indices," Joint Study by the U.S. Environmental Protection Agency and the Council on Environmental Quality, Washington, D.C., December 1975.

5. Holzworth, G. C., "Mixing Heights, Wind Speeds, and Potential for Urban Air Pollution Throughout the Contiguous United States," U.S. Environmental Protection Agency, Research Triangle Park, N.C. January 1972 (AP-101).

[FR Doc.76-25794 Filed 9-3-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

KERR GLASS CO.

Proposed Sanctions

The Office of Equal Opportunity has issued the following notice of proposed sanctions and amendments to that notice to the Kerr Glass Company for its failure to resolve all deficiencies cited in the 30 day show cause letter issued to that company on April 7, 1975.

The following letters are published in accordance with the requirements of 41 CFR 60-1.26(b)(2) (i) and (ii).

MARION A. BOWDEN,
Director, Office of Equal Opportunity.

Mr. W. A. Kerr,
President,
Kerr Glass Company,
611 S. Chateau Place,
Los Angeles, California.

DEAR MR. KERR: On April 7, 1975, Kerr Glass Company was sent a notice to show cause within thirty (30) days why the Energy Research and Development Administration (ERDA) should not issue a notice of proposed cancellation or termination of present government contracts and subcontracts and debarment from further government contracts and subcontracts. That notice to show cause was sent after extensive efforts to conciliate deficiencies in Kerr Glass Company's Equal Employment Opportunity Program at the Dunkirk, Indiana, and Plainfield, Illinois, plants had proved unproductive. In accordance with the OFCC regulations at 41 CFR 60-2.2(c)(2), ERDA continued to negotiate the outstanding deficiencies with Kerr Glass even beyond the 30 day period. Although progress was made toward conciliation, the failure to resolve all deficiencies has forced ERDA to conclude that an acceptable voluntary agreement will not be forthcoming.

The only remaining deficiency in Kerr Glass Company's Equal Employment Opportunity Program is the contractor's failure and refusal to provide back pay for an affected class of female employees who transfer or wish to transfer into traditionally male jobs. Back pay for those women is an essential element of the contractor's corrective action program for affected class employees as required in 41 CFR 60-2.1.

As a result of Kerr Glass Company's failure to conciliate the affected class violation, ERDA hereby finds that Kerr Glass Company is not in compliance with Executive Order 11246, as amended by Executive Order 11375, and the regulations issued pursuant thereto, specifically 41 CFR 60.2.1. Therefore, pursuant to section 209 of Executive Order 11246 and 41 CFR 60-1.26(b), ERDA, with the approval of the Director of the Office of Federal Contract Compliance, issues to Kerr Glass Company this notice of proposed cancellation or termination of existing government contracts and subcontracts and debarment from future government contracts and subcontracts. You have fourteen (14) days from the receipt of this letter to request a hearing pursuant to 41 CFR 60-1.26(b)(1). If a request for hearing is not received within fourteen (14) days from the date of receipt of this notice, Kerr Glass Company will be declared ineligible for future contracts and current contracts will be terminated in accordance with 41 CFR 60-1.26(b)(2)(v).

If a hearing is requested, the Office of Federal Contract Compliance, at the discretion of the Director, may suspend a contractor's present contracts or subcontracts in accordance with 41 CFR 60-1.26(b)(2)(iv). However, in view of good faith efforts Kerr Glass Company has made to conciliate all other outstanding issues, should a request for a hearing be forthcoming within 14 days, no contracts or subcontracts held by Kerr Glass will be suspended pending the final outcome of a formal hearing.

Dated: September 30, 1975.

Sincerely,

MARION A. BOWDEN,
Director, Office of Equal Opportunity.

Mr. W. A. KERR,
President,
Kerr Glass Company,
611 S. Chateau Place,
Los Angeles, California.

DEAR MR. KERR: On September 30, 1975, Kerr Glass Company was sent a notice of proposed cancellation or termination of existing government contracts and subcontracts and debarment from future government contracts and subcontracts pursuant to Section 209 of Executive Order 11246, as amended, and 41 CFR 60-1.26(b). On October 3, 1975, the company responded to that notice and requested "a hearing pursuant to 41 CFR 60-1.26."

The second paragraph of said September 30 notice is hereby amended to read as follows:

The only remaining deficiency in Kerr Glass Company's Equal Employment Opportunity Program is the contractor's failure and refusal to provide back pay for an affected class of female employees. Back pay for those women is an essential element of the contractor's corrective action program for affected class employees as required in 41 CFR 60-2.1.

In all other respects the notice remains unchanged.

You may, within fourteen (14) days from the receipt of this notice, file an amendment to your answer of October 3, 1975.

Dated: June 2, 1976.

Sincerely,

MARION A. BOWDEN,
Director, Office of Equal Opportunity.

[FR Doc.76-25982 Filed 9-3-76;8:45 am]

OWENS-ILLINOIS INC.

Proposed Sanctions

The Office of Equal Opportunity has issued the following notice of proposed sanctions to Owens-Illinois Incorporated for its failure to resolve all deficiencies cited in the 30 day show cause letter issued to that company on November 28, 1975.

The following letter is published in accordance with the requirements of 41 CFR 60-1.26(b)(2) (i) and (ii).

MARION A. BOWDEN,
Director, Office of Equal Opportunity.

Mr. E. D. DODD,
President and Chief Executive Officer,
Owens-Illinois Incorporated,
P.O. Box 1035,
Toledo, Ohio.

Dear Mr. DODD: Pursuant to section 209(b) of Executive Order 11246, as amended, and 41 CFR 60-1.26(b), you are hereby notified that the United States Energy Research and Development Administration (ERDA) proposes to require cancellation or termination of existing Federal Government contracts and subcontracts held by Owens-Illinois Incorporated (hereinafter referred to as the Respondent) and in addition proposes to declare said company ineligible for future Federal Government contracts or subcontracts.

This proposed action is based upon the Respondent's failure to comply with Executive Order 11246, as amended, as required by the Equal Opportunity clause of the Respondent's Federal Government contracts and subcontracts.

In its capacity as compliance agency, ERDA conducted a scheduled compliance review of the Respondent's Libbey Plant the week of February 24, 1975. On the basis of that review ERDA determined that the Respondent failed to meet the requirements of Executive Order 11246, as amended, and so advised the Respondent by letter dated March 4, 1975. Included therein was a list of current deficiencies, the correction of which was necessary to achieve compliance with the Executive Order. One deficiency listed was the failure to remedy the current suffering of the effects of past discrimination of hourly-paid female employees hired prior to March 4, 1975, by not providing an adequate proposal for back pay.

Following the March 4, 1975, letter, ERDA tried to assist the Respondent in resolving all of the current deficiencies through written communication, telephone calls, and a conference. All of these issues were eventually resolved with the exception of the Respondent's failure to provide relief to the female employees, as noted above.

Consequently, ERDA issued a notice to the Respondent on November 28, 1975, giving the Respondent thirty (30) days to show cause why enforcement proceedings under Section 209(b) of Executive Order 11246, as amended, should not be instituted. This show-cause notice detailed the remaining deficiency and delineated the remedial action necessary to to remove the deficiency.

On January 7, 1976, a conference was held between representatives of the Respondent and ERDA. This meeting and a January 14, 1976, letter from the Respondent to ERDA failed to resolve the issue.

In addition, data provided ERDA by the Respondent revealed another EEO deficiency existent at the Libbey Plant; the facility's discriminatory application of its job evaluation plan which adversely affected the plant's hourly-paid female employees. This deficiency and the necessary remedial actions were presented to the Respondent during the January 7, 1976, meeting and in ERDA's February 11, 1976, reply to the Respondent's January 14, 1976, letter.

On March 8, 1976, the Respondent submitted a proposal to ERDA which not only failed to remedy the affected class, but also ignored ERDA's recommendations to remedy the effects suffered by the women as a result of the Respondent's discriminatory application of its job evaluation plan. Therefore, in view of the circumstances cited above, ERDA is compelled to seek the action proposed.

Owens-Illinois has fourteen (14) days from receipt of this notice to request a formal hearing on this proposed action. If Owens-Illinois requests such a hearing, the Company will have an adequate opportunity at the hearing to respond to ERDA's determination of the Company's noncompliance. Owens-Illinois' failure to request a hearing will result in the cancellation or termination of the Company's current Federal Government contracts and subcontracts, and Owens-Illinois will be declared ineligible for future Federal Government contracts. Any request for a hearing should be addressed to me.

Dated: May 28, 1976.

Sincerely,

MARION A. BOWDEN,
Director, Office of Equal Opportunity.

[FR Doc.76-25983 Filed 9-3-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-267]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

AUGUST 31, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

21-CSS-MP-76.—COMSAT General Corporation, RCA Global Communications, ITT World Communications & Western Union International, Inc. For modification of MARISAT space station construction permit (File nos. 17/81/19/20-CSS-P-(3)-73) to include the deployment of the third MARISAT satellite as an operational Indian Ocean satellite in-orbit spare.

22-CSS-LA-76.—COMSAT General Corporation, RCA Global Communications, ITT World Communications & Western Union International, Inc. For authority to launch the third MARISAT satellite into orbit over the Indian Ocean at 73° East Longitude, and conduct in-orbit testing of this space station.

[F RDoc.76-26088 Filed 9-3-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-13]

CITIES SERVICE GAS CO.

Conference on Rates and Charges

AUGUST 30, 1976.

Take notice that on September 16, 1976, a conference of all parties to intervene in this proceeding, the Cities Service Gas Company, any interested customers, and the Commission Staff will be held in Conference Room No. 3200 at the Federal Power Commission, 941 North Capitol Street, N.E., Washington, D.C., at 10:00 a.m. (DST).

Copies of this notice are being mailed this date to all jurisdictional customers and interested State Commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26044 Filed 9-3-76;8:45 am]

[Docket Nos. RP76-94, RP76-95, and RP76-138]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Pipeline Rates: Suspension; Order Accepting for Filing and Suspending Proposed Tariff Sheets, Granting Waiver, Consolidating Proceedings, and Establishing Procedures

AUGUST 31, 1976.

On July 30, 1976, Columbia Gulf Transmission Company (Columbia Gulf)

tendered for filing proposed revisions to its FPC Gas Tariff, Original Volume No. 2,[1] providing for increased revenues for transportation service rendered from offshore to onshore Louisiana through its Blue Water facilities, Columbia Gulf requests that the subject tariff sheets be permitted to become effective on September 1, 1976. For the reasons set forth hereinbelow, the Commission shall accept the tariff sheets for filing, suspend their effectiveness for two months until November 1, 1976, and consolidate proceedings herein with proceedings in Docket Nos. RP76–94 and RP76–95.[2]

In the transmittal letter accompanying its filing, Columbia Gulf states that the increased transportation rates proposed in the instant filing reflect the same cost of service as filed in Docket No. RP76–94, wherein Columbia Gulf has filed for increased rates for services subject to Original Volume No. 1 of its FPC Gas Tariff. Since the rates proposed in Docket No. RP76–94 may be collected subject to refund as of November 1, 1976,[3] Columbia Gulf requests that any suspension ordered herein be limited to two months in order that the increased rates proposed in the two dockets may become effective simultaneously.

Public notice of the instant filing was issued on August 12, 1976, with comments, protests or petitions to intervene due on or before August 25, 1976. All responses to such notice will be dealt with by separate order.

Although Columbia Gulf's submittal in the instant docket was filed as a "minor rate increase" pursuant to the provisions of Section 154.63(a)(3) of the Commission's Regulations, 18 CFR 154.63(a)(3), Commission review of the filing indicates that it proposes a rate increase for the test period in excess of $100,000. Therefore, the filing fails to comply with one of the provisions of said Section. However, because sufficient data and information has been submitted to enable the Commission to adequately review the filing, and because the Company's support for the increased cost of service reflected in this docket has already been submitted in Docket No. RP76–94, the Commission shall waive the pertinent provision of Section 154.63(a)(3) of its Regulations.

Commission review of Columbia Gulf's revised tariff sheets indicates that the increased rates proposed therein have not been shown to be just and reasonable and may be unjust, unreasonable or otherwise unlawful. Accordingly, the tariff sheets shall be accepted for filing and suspended for two months until November 1, 1976, when they may be placed into effect, subject to refund. Furthermore, because of the similarities between this filing and Columbia Gulf's filing in Docket No. RP76–94, and because the two filings are likely to raise common issues of law and fact, the Commission shall consolidate the filings for hearing and all other purposes.

The Commission notes that in Docket Nos. RP76–94 and RP76–95, revenues generated by the transportation rates contained in Original Volume No. 2 of Columbia Gulf's tariff (i.e. revenues obtained from Blue Water service) are credited to the Company's total cost of service to derive revenues to be recovered from service under Original Volume No. 1. Thus, the rate increase proposed by the instant filing (Original Volume No. 2) will have an impact upon the rates proposed in Docket No. RP76–94 (Original Volume No. 1). The rates proposed in Docket No. RP76–94 are, in turn, reflected in Docket No. RP76–95. Accordingly, Columbia Gulf and Columbia Gas Transmission Corporation (Columbia Gas) shall be required to file revised tariff sheets, to be effective November 1, 1976, and cost of service computations reflecting the impact of the rates herein proposed upon their respective rate increase filings in Docket Nos. RP76–94 and RP76–95.

The Commission finds: (1) Good cause exists to accept for filing the revised tariff sheets filed on July 30, 1976, by Columbia Gulf and suspend their use for two months until November 1, 1976, or until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(2) Good cause exists to waive the provisions of Section 154.63(a)(3) of the Commission's Regulations in order to accept the instant submittal for filing as a "minor rate increase."

(3) Good cause exists to consolidate proceedings in Docket No. RP76–138 with proceedings in Docket Nos. RP76–94 and RP76–95.

(4) Good cause exists to require Columbia Gulf and Columiba Gas to file revised tariff sheets to be effective November 1, 1976, and cost of service computations reflecting the impact of the rates herein proposed upon their respective rate increase filings in Docket Nos. RP76–94 and RP76–95.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheets filed on July 30, 1976, by Columbia Gulf are hereby accepted for filing and suspended for two months until November 1, 1976, or until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed on July 30, 1976, by Columbia Gulf.

(C) The provisions of § 154.63(a)(3) of the Commission's Regulations are hereby waived to permit acceptance for filing of Columbia Gulf's submittal in Docket No. RP76–138 as a "minor rate increase."

(D) Proceedings in Docket No. RP76–138 are hereby consolidated for all purposes with proceedings in Docket Nos. RP76–94 and RP76–95.

(E) Prior to November 1, 1976, Columbia Gulf and Columbia Gas shall file revised tariff sheets and cost of service computations in Docket Nos. RP76–94 and RP76–95, respectively, reflecting the impact of the rates herein proposed upon the rates proposed in those dockets.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–26049 Filed 9–3–76;8:45 am]

[1] The proposed revised tariff sheets are designated First Revised Sheet Nos. 72, 73, 92, 93, 126 and 256, and Second Revised Sheet Nos. 145, 146, 147, 148, 149, 150, 151 and 152.

[2] See Columbia Gulf Transmission Company and Columbia Gas Transmission Corporation, Docket Nos. RP76–94 and RP76–95, order issued May 28, 1976.

[3] *Id.*, mimeo at 5, ordering paragraph (A).

[Docket No. ER76–816]

GULF STATES UTILITIES CO.

Electric Rates: Suspension and Mobile-Sierra; Order Accepting and Suspending Certain Proposed Rate Schedules, Rejecting Other Proposed Rate Schedules and Establishing Procedures

AUGUST 31, 1976.

On July 29, 1976, Gulf States Utilities Company (Gulf States) tendered for filing Rate Schedule WSM, "Other Electric Corporation for Resale," and Rate Schedule WSC, "Wholesale Power to Rural Electric Distribution Cooperatives." The proposed Rate Schedules affect rates for wholesale service for eleven municipals and two cooperatives which purchase power from Gulf States.[1] In addition, the tendered Rate Schedules are proposed to become applicable to the individual contracts between Gulf States and the members of the Sam Rayburn Dam Electric Cooperative, Inc. (Sam Dam).[2] Finally, Gulf States proposes that Rate Schedule WSC supersede the rate schedule in its contract with Cajun Electric Power Cooperative, Inc. (CEPCO).[3] For the reasons hereinafter stated, the Commission shall accept and suspend certain of the proposed rate schedules and reject others.

Rate Schedules WSM and WSC would result in increased revenues to Gulf States amounting in total to approxi-

[1] Rate Schedule WSM proposes to change rates to : Towns of Erath, New Roads, Rayne, Gueydan, Kaplan, Welsh, Abbeville and St. Martinsville, Louisiana; Cities of Caldwell and Newton, Texas; and, Kirbyville Light & Power Company. Rate Schedule WSC affects rates to Mid South Electric Cooperative and Hanston County Electric Cooperative.

[2] The members are the Town of Vinton, Louisiana, the Cities of Livingston, Jasper and Liberty, Texas, Sam Houston Electric Cooperative and Jasper-Newton Electric Cooperative.

[3] Service is not expected to begin until 1978 under the Gulf States—CEPCO contract.

mately $950,294, based on the twelve-month period beginning September 1, 1976. Both Rate Schedule WSM and WSC consist of blocked demand and energy charges subject to fuel, power factor and tax adjustments and a high voltage discount. The base cost of fuel shown in the fuel adjustment clause of both proposed Rate Schedules is increased as is the billing demand ratchet for all customers.

The Commission finds that Gulf States' contracts with Sam Houston Electric Cooperative and Jasper-Newton Electric Cooperative do not permit unilateral rate changes.[4] *FPC* v. *Sierra Pacific Power Co.*, 350 U.S.C. 348 (1956); *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S.C. 332 (1956). As to these very same contracts the Circuit Court of Appeals for the District of Columbia affirmed the Commission's previous findings in this regard:

1. Prior to the negotiation of the SPA—Sam Rayburn—Gulf States tripartite agreement, all of the members of Sam Rayburn, both cooperatives and municipals, were customers of Gulf States. The cooperative members had contracts with Gulf States that clearly did not permit unilateral rate changes, as the FPC recognized.

Sam Rayburn Electric Cooperative v. *FPC*, 515 F.2d 998, 1004 (D.C. Cir. 1975) (Emphasis in original; n. omitted)

The contracts with the Sam Dam municipals do not contain the same bar to a unilateral rate change. Sam Rayburn, 515 F.2d at 1004. Therefore, the proposed rate schedule changes to the contracts of the Sam Dam municipals should not be rejected.

The Commission's review of the proposed rates tendered by Gulf States indicates that they have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, Gulf States' proposed Rate Schedules as designated in Attachment A should be accepted for filing and suspended.

The Commission finds: (1) The proposed Rate Schedule WSC to the contracts of Sam Houston and Jasper-Newton should be rejected.

(2) Gulf States' proposed Rate Schedules WSM and WSC, with the exception noted in (1), should be accepted for filing and suspended.

The Commission orders: (A) Rate Schedule WSC as it is proposed to apply to the Sam Houston and Jasper-Newton contracts is hereby rejected.

(B) Gulf States' proposed Rate Schedule WSM is hereby accepted for filing and its use suspended for three months, until December 1, 1976, at which time it shall be permitted to become effective, subject to refund, pending the final decision in this case.

(C) Gulf States' proposed Rate Schedule WSC, with the exception noted in (A), is hereby accepted for filing and its use suspended for one day, until September 2, 1976 at which time it shall be permitted to become effective, subject to refund, pending the final decision in this case.

(D) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 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 justness and reasonableness of the rates, charges, terms, and conditions of service included in Gulf States' Rate Schedules WSM and WSC as proposed to be revised by the subject filings.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before March 15, 1977. (See Administrative Order No. 157).

(F) 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 convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(G) Gulf States shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission Regulations, 18 CFR § 35.19a.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER and shall serve a copy thereof on each of Gulf States' wholesale customers.

By the Commission.

KENNETH F. PLUMB,
Secretary.

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[4] The pertinent language in both contracts is found in Article XI, as amended by letter agreement of July 9, 1976.

This agreement shall bind the Company and the Customers until August 1, 1973, and thereafter for successive five-year periods unless terminated by written notice given by either party to the other one year prior to the expiration of the initial term of any extension thereof * * *

Gulf States Rate Schedule FPC No. 71 (Jasper-Newton), Gulf States Rate Schedule FPC No. 69 (Sam Houston).

ATTACHMENT A

Designation	Other party	Description
Supplement No. 4 to Rate Schedule FPC No. 117 (supersedes Supplement No. 3 to FPC No. 117).	Town of Abbeville	Rate WSM.
Supplement No. 5 to Rate Schedule FPC No. 117	do	Rider WSM-A.
Supplement No. 3 to Rate Schedule FPC No. 112 (supersedes Supplement No. 2 to FPC No. 112).	City of Caldwell	Rate WSM.
Supplement No. 2 to Rate Schedule FPC No. 120 (supersedes Supplement No. 1 to FPC No. 120).	Town of Erath	Do.
Supplement No. 5 to Rate Schedule FPC No. 111 (supersedes Supplement No. 4 to FPC No. 111).	Town of Gueydan	Do.
Supplement No. 6 to Rate Schedule FPC No. 111 (supersedes Supplement No. 3 to FPC No. 111).	do	Rider WSM-A.
Supplement No. 4 to Rate Schedule FPC No. 116 (supersedes Supp. No. 3 to FPC No. 116).	Houston County Electric Co-operative.	Rate WSC.
Supplement No. 5 to Rate Schedule FPC No. 113 (supersedes Supp. No. 4 to FPC No. 113).	City of Kaplan	Rate WSM.
Supplement No. 6 to Rate Schedule FPC No. 113 (supersedes Supp. No. 3 to FPC No. 113).	do	Rider WSM-A.
Supplement No. 5 to Rate Schedule FPC No. 110 (supersedes Supp. No. 4 to FPC No. 110).	Kirbyville Light & Power Co.	Rate WSM.
Supplement No. 6 to Rate Schedule FPC No. 110 (supersedes Supp. No. 2 to FPC No. 110).	do	Rider WSM-A.
Supplement No. 7 to Rate Schedule FPC No. 76 (supersedes Supp. No. 5 to FPC No. 76).	Mid South Electric Cooperative	Rate WSC.
Supplement No. 3 to Rate Schedule FPC No. 119 (supersedes Supp. No. 1 to FPC No. 119).	Town of New Roads	Do.
Supplement No. 4 to Rate Schedule FPC No. 119 (supersedes Supp. No. 2 to FPC No. 119).	do	Rider WSM-B.
Supplement No. 4 to Rate Schedule FPC No. 115 (supersedes Supp. No. 3 to FPC No. 115).	City of Newton	Rate WSM.
Supplement No. 4 to Rate Schedule FPC No. 105 (supersedes Supp. No. 3 to FPC No. 105).	Town of Rayne	Do.
Supplement No. 5 to Rate Schedule FPC No. 118 (supersedes Supp. No. 4 to FPC No. 118).	Town of St. Martinville	Rate WSM.
Supplement No. 6 to Rate Schedule FPC No. 118 (supersedes Supp. No. 2 to FPC No. 118).	do	Rider WSM-A.
Supplement No. 5 to Rate Schedule FPC No. 114 (supersedes Supp. No. 4 to FPC No. 114).	Town of Welsh	Rate WSM.
Supplement No. 6 to Rate Schedule FPC No. 114 (supersedes Supp. No. 2 to FPC No. 114).	do	Rider WSM-A.
Supplement No. 7 to Rate Schedule FPC No. 104 (supersedes Supp. No. 6 to FPC No. 104).	Cajun Electric Power Cooperative	Rate WSC.
Supplement No. 5 to Rate Schedule FPC No. 95 (supersedes Supp. No. 4 to FPC No. 95).	City of Jasper	Rate WSM.
Supplement No. 5 to Rate Schedule FPC No. 96 (supersedes Supp. No. 3 to FPC No. 96).	City of Liberty	Do.
Supplement No. 6 to Rate Schedule FPC No. 96	do	Rider WSM-A.
Supplement No. 5 to Rate Schedule FPC No. 86 (supersedes Supplement No. 4 to FPC No. 86).	City of Livingston	Rate WSM.
Supplement No. 6 to Rate Schedule FPC No. 86	do	Rider WSM-A.
Supplement No. 7 to Rate Schedule FPC No. 24 (supersedes Supp. No. 6 to FPC No. 24).	Town of Vinton	Rate WSM.
Supplement No. 8 to Rate Schedule FPC No. 24	do	Rider WSM-A.

[FR Doc.76-26050 Filed 9-3-76;8:45 am]

[Docket No. E-9485]

KANSAS GAS AND ELECTRIC CO.

Filing of Refund Report

AUGUST 27, 1976.

Take notice that on August 2, 1976, the Kansas Gas and Electric Company (Kansas Gas) filed amendments to certain of its rate schedules reflecting the provisions of the settlement agreement approved and accepted in this docket by order issued July 21, 1976. Kansas Gas states its intent to make appropriate refunds, with interest at 9 percent per annum, upon acceptance of this filing.

Any person desiring to be heard or to protest said amendments should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 14, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26042 Filed 9-3-76;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Certification of Proposed Stipulation and Settlement Agreement

AUGUST 30, 1976.

Take notice that on August 19, 1976 Presiding Administrative Law Judge Samuel Kanell certified the record in Docket No. RP76-50 and a proposed stipulation and settlement agreement to the Commission. The Stipulation and Agreement, presented by Michigan Wisconsin Pipe Line Company (Mich-Wisc) as Exhibit 1, would be supplemented by the following addition to Article I;

It is also agreed to exempt from curtailment, the small general service customers purchasing gas under rate schedule SGS-1 for one year, until September 1, 1977, in order to permit the installation of alternate fuel capability by certain industrial customers.

Mich-Wisc's plan as filed with the Commission on December 29, 1975, pursuant to the requirement in Commission Order issued October 14, 1975 in Docket No. CP74-157, is contained in Exhibit 2 and provides 6 priority of service categories. The Plan does not distinguish between firm and interruptible sales; commercial sales of 50 Mcf per day or more are treated the same as industrial sales of comparable volumes; and commercial and industrial sales of less than 300 Mcf per day are included in Priority 2. Boiler fuel use of 300 Mcf or more on a maximum day is relegated to the lowest Priority 4, 5 and 6, according to size. Plant protection is not included in the six priorities. Storage injection net volumes are allocated to the six priorities based upon the distributor's sales profile during the 1974-75 base year.

Copies of the subject Proposed Stipulation and Settlement Agreement are on file with the Commission and available for public inspection. Any person, including the parties, desiring to comment on the matters contained therein should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before September 24, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26045 Filed 9-3-76;8:45 am]

[Docket No. ER76-828]

NANTAHALA POWER AND LIGHT CO.

Electric Rates: Suspension; Order Accepting for Filing and Suspending Proposed Tariff Sheets

AUGUST 31, 1976.

On July 30, 1976, Nantahala Power and Light Company (NP&L) tendered for filing proposed tariff revisions [1] for service to three wholesale customers, Haywood Electric Membership Cooperation, the Town of Highlands, North Carolina, and Western Carolina University. The proposed rates provide for increased charges of $121,908 (28.2%) for the test period calendar year 1975.

The proposed rate changes under the revised tariff rate schedule PL consists of:

(1) An increase in the monthly demand charge from $40 plus $1.75/kw to $115 plus $3.45 per kw and (2) simplification of the energy charge from a two-block charge of 8.3 mills/kWh for the first 100,000 kWh and 6.9 mills/kWh for all additional kWh to a single-block energy charge of 5.4 mills kWh. Demand and energy charges are subject to a purchase power adjustment clause which is designed similarly to a clause still at issue in NP&L's previous tariff rate increase in Docket No. E-9181.[2]

Public notice of NP&L's proposed rate increase was issued on August 17, 1976, with comments, protests, or petitions to

[1] Designated as: Nantahala Power and Light Company, (A) Third Revised Sheet No. 4 to FPC Electric Tariff. (Supersedes Second Revised Sheet No. 4.) (B) Fourth Revised Sheet No. 5 to FPC Electric Tariff. (Supersedes Third Revised Sheet No. 5.)

[2] Factors in the clause have been updated to reflect current cost allocations. The Administrative Law Judge approved the clause in Docket No. E-9181 in his Initial Decision issued March 31, 1976.

intervene due on or before September 10, 1976.

Commission Staff's analysis of the proposed rates filed herein by NP&L indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission shall therefore suspend the proposed rates for one month and shall establish hearing procedures.

The Commission finds: Good cause exists to accept for filing NP&L 's proposed increased rates tendered on July 30, 1976, and to suspend those rates for one month until October 1, 1976, when they will be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

The Commission orders: (A) Pending a hearing and decision thereon, NP&L's proposed rate schedules are hereby accepted for filing and suspended from operation for one month, to become effective October 1, 1976, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act a hearing shall be held concerning the justness and reasonableness of NP&L's proposed rate increases.

(C) Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before January 1, 1977. (See Administrative Order No. 157)

(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 convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) NP&L shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increase rates filed herein, as required by § 35.19a of the Commission's Regulations, 18 CFR Section 35.19a.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26051 Filed 9-3-76;8:45 am]

[Docket No. ES76-66]

UTAH POWER AND LIGHT CO.

Application

AUGUST 30, 1976.

Take notice that on August 20, 1976, Utah Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and sale of promissory notes to banks and dealers in commercial paper during the period October 1, 1975, through September 30, 1976, in an amount aggregating not more than $125,000,000. The notes will be payable not more than nine months from the date thereof and shall bear interest from the date thereof until paid at the rate per annum which shall be the prime commercial rate in effect from time to time for unsecured loans at the bank to which the note is issued.

The proceeds from the issuance and sale of the promissory notes will be applied to Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 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.76-26046 Filed 9-3-76;8:45 am]

[Project No. 587]

WASHINGTON WATER POWER CO.

Issuance of Annual Licenses

AUGUST 30, 1976.

Washington Water Power Company is the Licensee for Transmission Line Project No. 587 located in Lincoln, Grant, Douglas, Chelan and Okanogan Counties, Washington, under the Federal Power Act and Commission regulations thereunder. By letter dated May 26, 1975, Licensee was advised that the portion of the transmission line extending from Stratford to the Chelan hydroelectric plant (FPC Project No. 637) is a primary line and subject to relicense.

The license for Project No. 587 was issued effective August 26, 1925, for a period ending August 25, 1975. Since the original date of expiration, the project has been maintained and operated under an annual license which will expire on August 25, 1976. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Washington Water Power Company.

Take notice that an annual license is issued to the Washington Water Power Company under the Federal Power Act for the period August 26, 1976, to August 25, 1977, for the continued operation and maintenance of Project No. 587, unless during that period a new license for the project is issued. Take further notice that if the issuance of a new license does not take place on or before August 25, 1977, a new annual license will be issued each year thereafter, effective August 26 of each year, until such time as a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26047 Filed 9-3-76;8:45 am]

[Docket No. ER76-790]

WEST PENN POWER CO.

Filing of Certificate of Concurrence

AUGUST 30, 1976.

Take notice that on August 2, 1976, Duquesne Light Company (Duquesne) tendered for filing a Certificate of Concurrence certifying that Duquesne assents to and concurs in the rate schedule supplement submitted for filing by West Penn Power Company on July 13, 1976 in the above-captioned docket, and being in the form of Amendment No. 5, dated as of June 30, 1976, to the Interchange Agreement, dated February 1, 1968, between West Penn Power Company and Duquesne Light Company.

Duquesne states that a copy of the Certificate of Concurrence filing has been mailed to West Penn Power Company.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 mailed on or before September 14, 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.76-26048 Filed 9-3-76;8:45 am]

FEDERAL TRADE COMMISSION

ENERGY EFFICIENCY LABELING

Delay in Proposing Labeling Rules

Under section 324(a)(1) of Pub. L. 94-163, the Energy Policy and Conservation Act (hereinafter the "Act"), the Federal Trade Commission (hereinafter the "Commission") is required to prescribe labeling rules applicable to designated consumer products covered under section 322(a) of the Act. These rules will require manufacturers of covered products to attach a label to each of their products which will disclose, based on test procedures prescribed by the Federal Energy Administration (hereinafter the "FEA") pursuant to section 323(a)(2) of the Act, the estimated annual cost of operation of the product, or in lieu thereof some other useful measure of energy consumption. In addition, the label is to disclose information respecting the range of estimated annual operating costs, or in lieu thereof the range of some other useful measure of energy consumption, for the product to which the rule applies, as well as additional information relating to energy consumption if the Commission determines that such information would assist consumers in making purchasing decisions or in using the product, and that disclosing such additional information would not be unduly burdensome to manufacturers.

On July 27, 1976, the Administrator of the FEA published in the FEDERAL REGISTER (41 FR 31,237) a proposed test procedure with respect to room air conditioners. In the near future, and not later than September, 1976, it is anticipated that the FEA will publish proposed test procedures for six (6) additional covered products: Refrigerators and refrigerator freezers, freezers, dishwashers, clothes dryers, water heaters, and television sets.

Under section 324(b)(1) of the Act, the Commission is directed to publish a proposed labeling rule for each of these consumer products not later than thirty (30) days after the date on which the Administrator of the FEA has published proposed test procedures for each of these consumer products. However, under section 324(b)(5) of the Act the Commission may delay the publication of a proposed labeling rule beyond the thirty (30) day period after publication of the proposed test procedures, if it determines that it cannot publish proposed labeling rules which meet the requirements of section 324 of the Act, and publishes such determination in the FEDERAL REGISTER, together with the reasons therefor. In any such case, the Commission is to publish a proposed labeling rule for each of these consumer products as soon as practicable, unless it determines that labeling in accordance with section 324 of the Act is not economically or technically feasible.

The Commission has determined, pursuant to section 324(b)(5) of the Act, that it cannot publish proposed labeling rules for these seven (7) covered products which would meet the requirements of section 324 of the Act within thirty (30) days after the FEA has published a proposed test procedure for each of these covered products. The Commission's determination to delay publication of these proposed labeling rules is based on the fact that the consumer research necessary for developing prototype labels will not be completed and made available until late October, 1976. Funds only became available to conduct this research in mid-May of this year. On June 10, 1976, the Commission published in the Commerce Business Daily a request for a proposal (RFP 11-76) for an independent research organization to assist in the development of prototype labels and test their effectiveness in conveying energy consumption and efficiency information to consumers.

While research of this kind may not be necessary for some other types of labeling rules, it is essential for those labeling rules mandated under the Act. Energy consumption and efficiency are aspects of product performance that have only recently begun to emerge as significant factors in consumer decisionmaking, and neither research results nor practical experience are available to provide guidance regarding the communication of energy consumption information to consumers. In view of the large number of consumer products involved in this rulemaking activity, and the desirability of consistency in content and format across product categories, it is essential that the research results be available before any of the labeling rules are promulgated.

By direction of the Commission dated August 13, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-26173 Filed 9-3-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-399]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Service Commission of Nevada (Docket No. 776) in a proceeding involving a proposed gas rate increase application by the Southwest Gas Corporation.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees therof.

JACK ECKERD,
Administrator of General Services.

AUGUST 30, 1976.

[FR Doc.76-26002 Filed 9-3-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-73)]

SPACE PROCESSING PAYLOAD ADVISORY SUBCOMMITTEE

Meeting

The Applications Steering Committee, Space Processing Payload Advisory Subcommittee will meet at NASA Headquarters, 400 Maryland Avenue, SW., Washington, D.C., on September 23 and 24, 1976. The meetings will be held in Room 6104 of Federal Office Building 6 from 9:00 a.m. to 5:00 p.m. each day. The public will be admitted to the sessions beginning 15 minutes before the scheduled start and attendance will be on a first come-first serve basis up to the seating capacity of the room which is 200 people.

This subcommittee is chartered to review the Space Processing Shuttle Payload development activities and advise NASA from the standpoint of experimenters or sponsors of experiments on the payload equipment to be provided for the materials science research and development experiments planned for the Space Transportation System missions in the early 1980's.

During the morning and early afternoon of September 23, 1976, the subcommittee will be briefed on the final results of the Space Processing Shuttle Payload Definition Studies. These definition studies have identified the scientific requirements for laboratory facilities, translated these scientific requirements into engineering specifications, and developed conceptual designs for the payload facilities. The final session on September 23, 1976, will focus on the Agency's current plans to develop the Space Processing Shuttle Payloads. The Subcommittee will meet on September 24, 1976, from 9:00 a.m. to 5:00 p.m. to prepare their recommendations on the priorities and specification of the payload equipment to be

provided by NASA to support materials processing experiments on the early Space Transportation System missions.

Following is the approved agenda for the meeting:

SEPTEMBER 23, 1976

Time:	Subject
9 a.m.	Introduction.
9:30 a.m.	Auxiliary payload power system study results.
10 a.m.	G.E. payload definition study results.
1:30 p.m.	TRW payload definition study results.
4:15 p.m.	Agency planning to develop space processing shuttle payloads.

SEPTEMBER 24, 1976

Time:	Subject
9:00 a.m.–5:00 p.m.	Preparation of subcommittee recommendations.

For further information, please contact Mr. Mark B. Nolan at (202) 755-3848.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

AUGUST 31, 1976.

[FR Doc.76-26063 Filed 9-3-76;8:45 am]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

COMPUTER DATA BASES

Meeting

The September 1976 meeting of the National Commission on New Technological Uses of Copyrighted Works will be held at 9:30 a.m. on the 16th in Room 2423 and on the 17th in Room 2435 at the Law School Building at the corner of Hilgard Avenue and Dixon Court, UCLA, Los Angeles, California. The proceedings will include Commission discussion and presentations relating to computer data bases conducted by invited guests as follows:

THURSDAY, SEPTEMBER 16, 1976

9:45 a.m.–11:45 a.m.—Staff report and Commission discussion.

1:30 p.m.–2:30 p.m.—Dr. Herbert R. J. Grosch, President, Association for Computing Machines.

2:30 p.m.–3:30 p.m.—Dr. M. Thomas Risner, Director, National Information Center for Education Media (NICEM).

3:45 p.m.–5:00 p.m.—Commission discussion on day's proceedings.

FRIDAY, SEPTEMBER 17, 1976

9:40 a.m.–10:00 a.m.—Discussion of status of Copyright Revision Bill.

10:00 a.m.–11:00 a.m.—Dr. Carlos Cuadra, Systems Development Corp.

11:15 a.m.–12:15 p.m.—Ms. Patricia Ferguson and Ms. Donna Chamberlain, Documentation Associates.

2:00 p.m.–3:00 p.m.—Mr. Donn Parker, Stanford Research Institute Computer Abuse Study.

3:00 p.m.–4:00 p.m.—Commission discussion.

4:00 p.m.–5:00 p.m.—Dr. Peter Weiner, Rand Corporation.

All interested members of the public are invited to attend. All requests for further information should be addressed to Michael S. Keplinger, Assistant Executive Director and Senior Attorney, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558.

ARTHUR J. LEVINE,
Executive Director, CONTU.

[FR Doc.76-26035 Filed 9-3-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSEUM ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Museum Advisory Panel to the National Endowment for the Arts will be held on September 23, 1976 from 9:30 a.m.–5:00 p.m. and on September 24, 1976 from 9:30 a.m.–3:00 p.m. in the fourteenth floor conference room of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on September 23 from 10:00 a.m.–12:00 noon and on September 24 from 2:00 p.m.–3:00 p.m. on a space available basis. Accommodations are limited. The agenda for September 23 will include: (1) GOS Task Force, (2) FY 1978 Guidelines, and (3) Plans for December 15, 1976 policy meeting. On September 24 there will be Panel member assignments for the December 15, 1976 policy meeting.

The remaining sessions of this meeting on September 23 from 9:30 a.m.–10:00 a.m. and from 1:00 p.m.–5 p.m. and on September 24 from 9:30 a.m.–2:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-26184 Filed 9-3-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-400, 50-401, 50-402, & 50-403]

CAROLINA POWER & LIGHT CO. (SHEARON HARRIS NUCLEAR POWER PLANT, UNITS 1, 2, 3 AND 4)

Reconstitution of Board

Thomas W. Reilly, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Reilly is leaving the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Ivan W. Smith, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Maryland this 26th day of August 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-25844 Filed 9-3-76;8:45 am]

[Docket Nos. 50-424 and 50-425]

GEORGIA POWER CO. (ALVIN W. VOGTLE NUCLEAR PLANT, UNITS 1 AND 2)

Reconstitution of Board

Thomas W. Reilly, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Reilly is leaving the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Elizabeth S. Bowers, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commision, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Maryland this 26th day of August 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-25845 Filed 9-3-76;8:45 am]

[Docket Nos. STN 50-510 & STN 50-511]

GULF STATES UTILITIES CO. (BLUE HILLS STATION, UNITS 1 AND 2)

Reconstitution of Board

Thomas W. Reilly, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Reilly is leaving the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Frederic J. Coufal, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Maryland this 26th day of August 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-25846 Filed 9-3-76;8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-58 issued to the Indiana and Michigan Electric Company and Indiana and Michigan Power Company (the licensees) for operation of the Donald C. Cook Nuclear Plant, Unit No. 1 (the facility), a pressurized water reactor, located in Berrien County, Michigan, and currently authorized for operation at power levels up to 3250 MWt.

In accordance with the licensee's application for amendment dated July 20, 1976, supported by Exxon Nuclear Company filing dated July 19, 1976, the amendment would modify the operating limits in the Technical Specifications to permit continued full power operation of the facility for fuel cycle 2, with 65 Exxon Nuclear Company uranium 235 fuel assemblies and with an Exxon emergency core cooling system analysis.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 7, 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 the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 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, 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 Gerald Charnoff, Esquire of Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, 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 thep roceeding 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 Eafety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the licensee's application for amendment dated July 20, 1976 and Exxon Nuclear Company filing of July 19, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C., and at Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan, 49085. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of August, 1976.

For the Nuclear Regulatory Commission,

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-26145 Filed 9-3-76;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-50, issued to the Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility), located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the provisions in the Technical Specifications relating to the frequency for submitting routine reports on environmental surveillance programs. The new Environmental Technical Specification 5.6.1 incorporates the acceptable wording provided by Regulatory Guide 4.8 including the requirement for annual, rather than semiannual, reports.

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 Commisssion 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 was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 3, 1976, as amended August 10, 1976, and (2) Amendment No. 20 to License No. DPR-50. 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 State Library of Pennsylvania, Government Publications Section, Education Building, Harrisburg, Pennsylvania.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-25847 Filed 9-3-76;8:45 am]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC. (WEST VALLEY REPROCESSING PLANT)

Reconstitution of Board

Thomas W. Reilly, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr.

Reilly is leaving the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, John M. Frysiak, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in acordance with § 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Maryland this 26th day of August 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-25848 Filed 9-3-76;8:45 am]

Docket No. STN 50-495

STONE & WEBSTER ENGINEERING CORP.

Issuance of a Safety Evaluation Report and Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report (SER) dated August 1976 and a Preliminary Design Approval No. PDA-6 dated August 18, 1976, for the refernce system design of a balance-of-plant portion of a pressurized water reactor nuclear power plant, utilizing the Combustion Engineering CESSAR nuclear steam supply system design, and as described in the application by Stone & Webster Engineering Corporation (SWESSAR-PI). The SWESSAR-PI/CESSAR balance-of-plant design was reviewed by the NRC staff pursuant to Appendix 0 to 10 CFR Part 50. Notice of receipt of the SWESSAR-PI Safety Analysis Report was published in the FEDERAL REGISTER on July 17, 1974 (39 FR 26194).

The SWESSAR-PI Safety Analysis Report contains preliminary design information for the balance-of-plant portion of a standard plant, including by reference the design of a number of standard nuclear steam supply systems. This SER presents the NRC staff's evaluation of the SWESSAR-PI design and its relationship to the CESSAR standard nuclear steam supply system design, described in Combustion Engineerings' System 80 Preliminary Safety Analysis Report (CESSAR), Docket No. STN 50-470. A Safety Evaluation Report (NUREG-75/112) and a Preliminary Design Approval No. PDA-2 were issued in December 1975 for CESSAR.

The Safety Evaluation Report documents the results of the NRC staff's review and evaluation of the SWESSAR-PI design, and its relationship to the CESSAR NSSS design, including Amendments 1 through 28 thereto, and addresses the comments of the Advisory Committee on Reactor Safeguards as reflected in its report to the Commission dated June 11, 1976.

PDA-6 provides NRC staff approval of the preliminary balance-of-plant design described in SWESSAR-PI, and its relationship to the CESSAR NSSS design. By the issuance of PDA-6, the NRC staff has determined that the information provided in SWESSAR-PI (and its relationship to the CESSAR NSSS design) is acceptable for referencing in utility applications for construction permits. The SWESSAR-PI balance-of-plant design and the CESSAR NSSS design shall be utilized by an relied upon by the NRC staff and the Advisory Committee on Reactor Safeguards in their review of facility license applications for construction permits incorporating by reference the SWESSAR-PI/CESSAR preliminary standard design, unless there exists significant new information which substantially affects the determinations in PDA-6 or other good cause.

Issuance of PDA-6 and the staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards, and other presiding officers in any proceeding under Subpart G of 10 CFR Part 2. This action only approves, subject to the conditions set forth in PDA-6, the design of a facility for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be constructed utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

PDA-6 is effective as of its date of issuance and shall expire December 31, 1978, unless earlier superseded by issuance of an appropriate Final Design Approval for the SWESSAR-PI/CESSAR standard design, or unless extended by the NRC staff. The expiration of PDA-6 on December 31, 1978, shall not affect use of PDA-6 for reference in any construction permit application docketed prior to such date.

A copy of the (1) Preliminary Design Approval No. PDA-6 dated August 18, 1976; (2) the report of the Advisory Committee on Reactor Safeguards dated June 11, 1976; (3) the NRC staff's Safety Evaluation Report, NUREG-0096, dated August 1976; (4) Stone & Webster Engineering Corporation's Standard Safety Analysis Report, including Amendments 1 through 28 thereto; and (5) WASH-1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants," dated August 1974, which also includes the Standardization Policy issued on March 5, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555. A copy of PDA-6 may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management. Copies of the Safety Evaluation Report, NUREG-0096, may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 18th day of August 1976.

KARL KNIEL,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc.76-25849 Filed 9-3-76;8:45 am]

[Dockets Nos. 50-553, 50-554]

TENNESSEE VALLEY AUTHORITY (PHIPPS BEND NUCLEAR PLANT UNITS 1 AND 2)

Special Prehearing Conference

A Special Prehearing Conference in this matter will be held on September 10, 1976 beginning at 9:00 a.m., Mead Auditorium, Second Floor, Kinsport Public Library, Broad and New Streets, Kingsport, Tennessee.

At this Special Prehearing Conference the Board will consider all pending petitions to intervene and any other matters appropriate for consideration at that time pursuant to 10 CFR § 2.751(a).

It is so ordered.

Dated at Bethesda, Maryland, this 1st day of September 1976.

The Atomic Safety and Licensing Board,

EDWARD LUTON,
Chairman.

[FR Doc.76-26146 Filed 9-3-76;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications relating to the replacement of 136 of 368 fuel assemblies in the reactor core of VYNPS constituting refueling of the core for cycle 4 operation. Also, in addition to evaluating cycle 4 reload considerations, the Commission's related Safety Evaluation evaluates the inservice inspection of feedwater blend radii.

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 was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that purusant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 23, 1976, as supplemented May 25, 1976, (2) Amendment No. 25 to License No. DPR–28, 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, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont. 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 Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76–25851 Filed 9–3–76;8:45 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR–28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility), located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment establishes Technical Specifications for the operation and surveillance of the facility's recently installed 480 volt Uninterruptible Power Supply for emergency core coolant valves. The installation of this power supply was evaluated in the Commission's Safety Evaluation dated December 11, 1975, and found acceptable with the condition that appropriate Technical Specifications be approved prior to operation of the reactor as modified.

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 was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) and environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 15, 1976, (2) Amendment No. 26 to License No. DPR–28, (3) the Commission's related Safety Evaluation, and (4) the Commission's Safety Evaluation dated December 11, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont. A 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 Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.76–25852 Filed 9–3–76;8:45 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR–28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment relates to the replacement of valve position limiters with in-line orifices.

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 was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 15, 1976, (2) Amendment No. 27 to License No. DPR–28, 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 Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

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 Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76–25850 Filed 9–3–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 31, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Small Business Science and Technology Capability Survey, single time, smaller technology-based companies, Eliett, C. A., 395–5867.

DEPARTMENT OF AGRICULTURE

Economic Research Service:
Cotton Distribution Survey, single time, cotton warehouses, Hulett, D. T., 395–4730.

DEPARTMENT OF COMMERCE

Bureau of Census:
Camden Public Information Campaign Evaluation Survey, Camden, N.J., DF–60, single time, sample of households in Camden census, George Hall and Maria Gonzalez, 395–6140.

DEPARTMENT OF DEFENSE

Departmental and other, Great Lakes Shoreline Property Damage, single-time, shoreline property owners, National Security Division, Sunderhauf, M. B. 395–4734.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service:
1975 AFDC study follow-up survey of cases discontinued during following 12 months, single-time, Public Assistance Agency Personnel, Sunderhauf, M. B., 395–6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
Tenant Employment Report, HUD–53154, semi-annually, selected public housing agencies, Housing, Veterans and Labor Division, Sunderhauf, M. B., 395–3532.

REVISIONS

VETERANS ADMINISTRATION

Application for Protection of Commercial Life Insurance Policy, 29–380, on occasion, insured, Warren Topelius, 395–5872.

Obtaining Original Information From Hospital, 29–551, on occasion, hospital official, Warren Topelius, 395–5872.

Statement of Purchaser or Owner Assuming Sellers Loan, 26–6382, on occasion, purchaser, Warren Topelius, 395–5872.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:
Application Claim and Agreement—Non-food Assistance, FNS–65 and FNS–83, on occasion, child care institutions and school food authorities, Human Resources Division, Warren Topelius, 395–3532.

EXTENSIONS

Work Registration (Food Stamp Program), FNS–284, on occasion, food stamp participants, Human Resources Division, Warren Topelius, 395–3532.

Report of Reduction/termination of Food Stamp Benefits, FNS–285, monthly, food stamp project areas, Marsha Traynham, 395–4529.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management:
Public Sale Application, 2710–1, on occasion, applicants, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–26212 Filed 9–3–76;8:45 am]

OHIO RIVER BASIN COMMISSION

BIG SANDY-GUYANDOTTE RIVER BASIN

Comprehensive Coordinated Joint Plan; Availability of Report

Pursuant to section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89–80), the Ohio River Basin Commission has completed a report summarizing the current Comprehensive Coordinated Joint Plan (CCJP) for the Big Sandy-Guyandotte River Basin portion of the Ohio River Basin. The Report currently is being reviewed by the Governors and the head of each Federal agency, and each interstate agency, from which a member of the Commission has been appointed.

Views, comments and recommendations on the CCJP are requested by September 15, 1976. Copies are available on request to the Ohio River Basin Commission, 36 E. Fourth Street, Cincinnati, Ohio.

FRED E. MORR,
Chairman.

[FR Doc.76–26036 Filed 9–3–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12743; File No. SR–CBOE–76–19]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on August 23, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the terms of substance of the Proposed Rule Change.

RECONCILIATION OF UNMATCHED TRADES

Rule 6.56

* * * Interpretations and Policies:

.01 All Exchange members, Clearing Members and their respective agents shall resolve unmatched trades from the previous day's trading no later than 9:00 a.m. CST of the following business day. If an unmatched trade is not resolved by 9:00 a.m. due to one of the executing brokers not being present on the Exchange floor, the trade shall be submitted to the Options Clearing Corporation pursuant to the terms presented by the executing broker who is in attendance during the trade matching process.

.02 During the trade matching process, when a representative of a Clearing Member, acting on behalf of an Exchange member makes a verbal commitment to another Clearing Member, which acts as agent for an Exchange member, that commitment is binding upon both parties. However, it shall be inconsistent with just and equitable principles of trade for any Exchange member, a Clearing Member, or any person associated therewith, while engaged in the trade matching process with one another to (1) agree to accept any transaction in which the accepting party or its principal was not involved or (2) decline to accept any transaction in which the declining party or its principal was involved.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to provide an interpretation of the requirement to promptly reconcile unmatched and advisory trades as well as to provide an interpretation of the scope of a member's obligation to reconcile such trades.

Proposed Interpretation .01 provides specific time frames within which Exchange members, Clearing Members and persons associated therewith must resolve unmatched trades. It is believed that the establishment of such time periods will expedite the entire option transaction clearing function, for all those involved in the process will be alerted to the latest time by which unmatched trades must be resolved.

Proposed Interpretation .02 would require that members be bound by the trade matching agreements which they enter into on the floor of the Exchange. This proposed language also proscribes, as unjust practices, the acceptance of trades in which a member did not participate and the refusal to accept trades in which a member did participate. The Exchange believes that this interpretation will make its position clear as to what type of member conduct will be deemed to be unacceptable during the trade matching process.

Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, provides the basis for the above described proposed rule change. Both proposed interpretation .01 and .02 operate to (1) foster cooperation and coordination with persons engaged in clearing, settling and processing of information with respect to options transactions, (2) prevent fraudulent practices, and (3) promote just and equitable principles of trade.

Comments were not received nor were they solicited from Exchange members.

The Exchange does not believe that the proposed rule change will impose any burden upon competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should

file 6 copies thereof with the Secretary of the Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 7, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 30, 1976.

[FR Doc.76-26040 Filed 9-3-76;8:45 am]

[Release No. 34-12745; File No. SR-PSE-76-26]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 16, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commisison a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change is an Options Floor Procedure Advice, the text of which is as follows:

F-6. WITHDRAWAL OF TRADING FLOOR BADGES

Section 61 of Rule VI requires that each Floor Broker shall have in effect a Letter of Authorization that has been issued for such Floor Broker by a clearing member, and Section 77 of Rule VI requires that each Market Maker shall have in effect a Letter of Guarantee which has been issued for such Market Maker by a clearing member.

In the event that any member shall have had his Letter of Authorization and/or Letter of Guarantee revoked by a clearing member in accordance with the procedures stated in the sections of Rule VI cited above, he will not be entitled to enter into transactions on the Floor until and unless a new Letter of Authorization and/or Guarantee has been issued to him by a clearing member.

Accordingly, it shall be the responsibility of the Exchange to withdraw promptly the trading floor badge of any member whose appropriate letter has been properly revoked, and to retain such badge under its control until the member shall subsequently be covered by an appropriate letter.

A member whose badge has been withdrawn under this Procedure may, so long as his membership continues, gain access to the Floor by means of his member identification pass, but may not enter into any transactions thereon.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the Options Floor Procedure Advice set forth herein is to set policies and clarify procedures under existing options trading rules.

By clarifying policies and procedures under existing options trading rules, the Exchange believes that the above Options Floor Procedure Advice will facilitate the fair and efficient operation of such rules and thereby facilitate a fair and orderly market and protect investors and the public interest.

Comments were neither solicited nor received.

The above Advice will impose no burdens on competition. It merely provides an effective and convenient means of enforcing existing rules applicable to options trading on the Exchange.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 7, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 30, 1976.

[FR Doc.76-26041 Filed 9-3-76;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 FR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. The first meeting of this advisory committee was held on February 27, 1976 (41 FR 5880).

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the sixth meeting of the above committee has been scheduled for 10:00 A.M. on September 22, 1976, in Room C-2313, New U.S. Department of Labor Building, 200 Constitution Avenue, Washington, D.C. 20210.

The Agenda for the September 22, meeting calls for general discussion of the item listed below:

1. The Office of Federal Contract Compliance Programs' new drafted rules and regulations and their application to Affirmative Action Programs in Colleges and Universities.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary:

Mr. Leonard J. Biermann, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs, New U.S. Department of Labor Building, Room N-3420, Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of September, 1976.

LEONARD J. BIERMANN,
Executive Secretary.

[FR Doc.76-26301 Filed 9-3-76;11:04 am]

Occupational Safety and Health Administration

IOWA

Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On July 20, 1973, a notice was published in the FEDERAL REGISTER (38 FR 19368) of the approval of the Iowa plan and of the adoption of Subpart J of Part 1952 describing the plan and containing the approval decision. On August 6, 1973, March 10, 1975, February 5, 1976, and February 12, 1976, the State of Iowa submitted supplements to its plan involving both required (under 29 CFR Part 1902) and State-initiated changes (See Subparts B and E of 29 CFR Part 1953). On June 22, 1976, a notice was published in the FEDERAL REGISTER (41 FR 25019) concerning the submission of the supplements to the Assistant Secretary of Labor for approval; notice was also given in that publication that interested persons were afforded

thirty days from the date of publication to submit written comments.

2. *Description of supplements.* The submissions and changes concern an extensive revision of both the State's compliance manual and its Review Commission procedures. Also submitted for approval were Chapters 3, 4, and 5 of the Iowa occupational safety and health regulations, which correspond to the Federal regulations in 29 CFR Part 1903 (Inspections, Citations, and Proposed Penalties), 29 CFR Part 1904 (Recordkeeping and Reporting Occupational Injuries and Illnesses), and 29 CFR Part 1905 (Rules of Practice for Variances, Limitations, Variances, Variations, Tolerances, and Exemptions).

The major purpose of the revision of the State's compliance manual was to bring it into conformity with the amendments to the State's occupational safety and health legislation (Chapter 88 of the Iowa Code), which amendments became effective on July 1, 1975 (40 FR 40156), and which dealt largely with authorizing the State to impose first instance sanctions for non-serious violations. Other revisions to the compliance manual involve minor changes in the pages covering posting requirements and citation/penalty forms and procedures.

The basic changes to the Iowa Review Commission Procedures involve authorizing a hearings officer (appointed by the Review Commission) to decide appeals against the designee's citations, penalties, abatement periods, etc.; a more complete description of the organization and function of the Iowa Review Commission; a more detailed procedure for filing petitions for modification of abatement periods; and an expanded section of the Iowa Review Commission procedures for amending its rules. Because the changes in the original Iowa Review Commission procedures are extensive, the complete document was subject to evaluation and public comment.

Iowa's occupational safety and health regulations parallel the Federal regulations.

a. Inspections, Citations and Proposed Penalties, (Chapter 3) covers such items as advance notice of inspections, conduct of inspections, trade or government secrets, walkaround and consultation rights of employees, posting of citations, and informal conferences.

b. Recording and Reporting Occupational Injuries and Illnesses, (Chapter 4) requires certain documents to be maintained and reported by the employer (similar to 29 CFR Part 1904), puts forth procedures for submitting petitions for recordkeeping exceptions and describes the designee's statistical program.

c. Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions, (Chapter 5) covers procedures for submitting requests for variances, exemptions, etc., and for conducting hearings and/or administrative processes to determine whether such variances, exemptions, etc., are warranted and valid.

3. *Public participation.* Interested persons were afforded 30 days to submit written comments or request a hearing concerning the proposed supplements involving the Iowa Compliance Manual, the Iowa Review Commission Procedures, and Chapters 3, 4, and 5 of the Iowa occupational safety and health regulations. No comments or requests for a hearing were received during the period provided for public comments. The changes meet current requirements, are administrative in nature, and will undergo evaluation with the plan as a whole.

4. *Location of the plan and its supplements for inspection and copying.* A copy of the proposed supplements and changes along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3608, 200 Constitution Avenue, NW., Washington, D.C. 20210; Technical Data Center, Occupational Safety and Health Administration, Room N3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, 911 Walnut St., Room 3000, Kansas City, Missouri 64106; Iowa Bureau of Labor, State House, East 7th and Court Avenue, Des Moines, Iowa 50319.

5. *Decision.* After careful consideration, the Iowa plan supplements and changes described above are approved under Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 31st day of August 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-26263 Filed 9-3-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Appointment of Members

This is to announce the appointment of members to the National Advisory Committee on Occupational Safety and Health, established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The Membership of the Committee and the categories represented are as follows:

PUBLIC

Nicholas Ashford, Center for Policy Alternatives, Building E40-250, Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139.

Barry C. Brown, Attorney at Law, McGinty, Rosewarne & Halverson & Brown, P.C., 271 Woodland Pass, Suite 103, East Lansing, Michigan 48823.

Eugene Fowinkle, Commissioner of Public Health, State of Tennessee, 344 Cordell Hull Building, 436 Sixth Avenue North, Nashville, Tennessee 37219.

Roger H. Wingate, Senior Vice President, Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, Massachusetts 02117.

MANAGEMENT

Miles Colwell, Vice President, Health and Environment, Aluminum Company of America, Pittsburgh, Pennsylvania 15219.

Paul Kotin, Senior Vice President, Health, Safety and Environment, Johns Manville Corporation, Greenville Plaza, Denver, Colorado 80217.

LABOR

John J. Sheehan, Legislative Director, United Steelworkers of America, Suite No. 706, 815 16th Street, NW., Washington, D.C. 20006.

George H. R. Taylor, Executive Secretary, AFL-CIO Standing Committee on Occupational Safety and Health; 815 16th Street, NW., Washintgon, D.C. 20006.

SAFETY

Edward N. Deck, Manager, Corporate Safety and Security, General Electric Company, Fairfield, Connecticut 06431.

Ralph J. Vernon, Department of Industrial Engineering, Room 337, Zachry Building, Texas A & M University, College Station, Texas 77843.

HEALTH

Mary Amdur, Department of Physiology, Harvard School of Public Health, Boston, Massachusetts 02115.

Harold R. Imbus, Medical Director, Burlington Industries, P.O. Box 21207, Greensboro, North Carolina 27410.

Messrs. Ashford, Fowinkle and Vernon are new members; Messrs. Wingate, Kotin and Sheehan have been reappointed. The other six members of the Committee are serving the second year of a two-year term which will expire July 1, 1977.

The members were selected on the basis of their experience and competence in the field of occupational safety and health. The six newly appointed members will serve two year terms, expiring on June 30, 1978. Mr. Roger Wingate will serve as Committee chairman.

The swearing-in of new members will take place at a Committee meeting scheduled for September 9-10, 1976, at the Fresno Hilton, Fresno, California. The meeting had previously been announced in the August 6, 1976, FEDERAL REGISTER (41 FR 32917).

The purpose of the Committee is to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 31st day of August, 1976.

M. H. MOSKOW,
Acting Secretary of Labor.

[FR Doc.76-26262 Filed 9-3-76;8:45 am]

Office of the Secretary

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Announcement of Vacancies; Request for Nominations

Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA, 88 Stat. 895, 29 U.S.C. 1142)

provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of 15 members to be appointed by the Secretary as follows: three shall be representatives of employee organizations (at least one of whom shall be representative of any organization whose members are participants in a multiemployer plan); three shall be representatives of employers (at least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and the accounting field. Three additional representatives shall be appointed from the general public, one of whom shall be a person representing those receiving benefits from a pension plan. Not more than eight members of the Council shall be members of the same political party. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the ERISA, and to submit to the Secretary recommendations with respect thereto. The Council will meet at least four times each year, and recommendations of the Council to the Secretary will be included in the Secretary's annual report to the Congress on the ERISA.

Members shall be persons qualified to appraise the programs instituted under the ERISA. Appointments are for terms of three years except that, with respect to those members appointed initially, five were appointed for terms of one year, five were appointed for terms of two years, and five were appointed for terms of three years. The initial appointments were for terms beginning November 15, 1974.

The terms of five members appointed initially for two years expire on November 14, 1976. The groups or fields represented are as follows: employee organizations (representative of any organization whose members are participants in a multiemployer plan), employers, actuarial counseling field, investment counseling field and the general public (representing those receiving benefits from a pension plan). Appointments or reappointments to fill the vacancies will be for terms of three years beginning November 15, 1976.

Accordingly, notice is hereby given that any person or organization desiring to recommend one or more individuals for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" to represent any of the five groups or fields specified in the preceding paragraph may submit recommendations to the Secretary of Labor, New Department of Labor Building, Third and Constitution Avenue, NW., Washington, D.C. 20210, on or before October 6, 1976. The recommendation may be in the form of a letter, resolution, or petition, signed by the person or, in the case of a recommendation by an organization, by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation or position, and address. It shall include a brief description of the candidate's qualifications and shall specify the group or field which the candidate would represent for purposes of section 512 of the Act, the candidate's political party affiliation, and whether the candidate is available and would accept.

Signed at Washington, D.C. this 31st day of August 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.76-26198 Filed 9-3-76;8:45 am]

Office of the Secretary

[TA-W-1,022]

BARRY KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of the Barry Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,022). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Barry Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26072 Filed 9-3-76;8:45 am]

[TA-W-1,029]

CLOVER KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Clover Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,029). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Clover Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the

Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26079 Filed 9-3-76;8:45 am]

[TA-W-1,028]

CRESCENT KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Crescent Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,028). Accordingly, the Director, Officer of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Crescent Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or portion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in acordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26078 Filed 9-3-76;8:45 am]

[TA-W-1,023]

EASTERN KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Eastern Knitting Mills, Bleimheim, New Jersey (TA-W-1,023). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Eastern Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26073 Filed 9-3-76;8:45 am]

[TA-W-1,027]

LONDON KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of London Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,027). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's ladies', and boys' sweaters produced by London Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26077 Filed 9-3-76;8:45 am]

[TA-W-1,025]

MAJESTIC SWEATER MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Majestic Sweater Mills, Inc., Philadelphia, Pennsylvania (TA-W-1,025). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Majestic Sweater Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26075 Filed 9-3-76;8:45 am]

[TA-W-1,026]

MODE KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Mode Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,026). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Mode Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26076 Filed 9-3-76;8:45 am]

[TA-W-1,024]

RICHLINE KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Richline Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,024). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Richline Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26074 Filed 9-3-76;8:45 am]

[TA-W-1,030]

ROBERT BRUCE MFG., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Robert Bruce Mfg., Inc., Philadelphia, Pennsylvania (TA-W-1,030). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Robert Bruce Mfg., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26080 Filed 9-3-76;8:45 am]

[TA-W-1,021]

SOOWAL KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Soowal Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-1,021). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Soowal Knitting Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26071 Filed 9-3-76;8:45 am]

[TA-W-1,020]

WEXLER KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976 the Department of Labor received a petition dated August 4, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Wexler Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,020). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Wexler Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26070 Filed 9-3-76;8:45 am]

[TA-W-1,019]

WILSHIRE KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 13, 1976, the Department of Labor received a petition dated August 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Workers Union on behalf of the workers and former workers of Wilshire Knitting Mills, Philadelphia, Pennsylvania (TA-W-1,019). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sweaters produced by Wilshire Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-26069 Filed 9-3-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 137]

ASSIGNMENT OF HEARINGS

SEPTEMBER 1, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings, as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114569 Sub-No. 140, Shaffer Trucking, Inc., now being assigned November 8, 1976 (1 week), at Harrisburg, Pa., in a hearing room to be later designated.

MC 130387, Group Charter & Tour Concepts, Inc., now being assigned November 3, 1976 (3 days) at Newark, New Jersey in a hearing room to be later designated.

MC 119864 Sub 65, Graig Transportation Co., now assigned November 12, 1976, at Columbus, Ohio, is canceled and transferred to modified procedure.

MC 113495 (Sub-No. 73), Gregory Heavy Haulers, Inc. now assigned September 9, 1975, at Washington, D.C. is canceled and application dismissed.

MC 73165 (Sub No. 386), Eagle Motor Lines, Inc. now being assigned November 30, 1976 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 133095 (Sub No. 94), Texas Continental Express, Inc. now being assigned December 1, 1976 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 133494 (Sub No. 10), E. W. Belcher Trucking, Inc. now being assigned December 2, 1976 (2 days) at Dallas, Texas in a hearing room to be later designated.

FD 27929, Texas and Pacific Railway Company—Acquisition & Operation—A Line of Railroad at Abilene, Taylor County, Texas and AB 21, Abilene & Southern Railway Company Abandonment Between Abilene & Winters in Taylor & Runnels Counties, Texas now being assigned December 6, 1976 (1 week) at Winters, Texas in a hearing room to be later designated.

AB 3 (Sub No. 8), Missouri Pacific Railroad Company Abandonment Between Olivier and Sorrell, In Iberia and St. Mary Parishes, Louisiana now assigned September 22, 1976 at Jeanerrett, Louisiana and will be held in the Council Chamber at City Hall.

MC 118468 (Sub No. 45), Umthun Trucking Co. now assigned September 20, 1976 at New Orleans, Louisiana and will be held in Room 265, W. Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 110144 Sub 17, Jack C. Robinson, dba Robinson Freight Lines now assigned October 4, 1976, at Morristown, Tenn (1 week) will be held in the Holiday Inn, Highway 11 East.

MC 125674 Sub 12, The Sentinel Star Express Co., dba Jack Rabbit Express, now assigned October 18, 1976, (1 week) at Atlanta, Ga., will be held in Room 305, 1252 W. Peachtree Street, NW.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-26097 Filed 9-3-76;8:45 am]

[Docket No. 36367]

REVISION TO THE UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Future Meetings Notification

AUGUST 31, 1976.

The Interstate Commerce Commission is providing this opportunity for parties interested in this proceeding to enter their names on a mailing list which will be used to notify them of future meetings between the Commission's consultants (Haskins & Sells and Peat, Marwick, Mitchell & Co.) and representatives of carriers and shippers.

Parties interested in receiving notice of future meetings may submit their name, address and organization, by September 17, 1976, to John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26096 Filed 9-3-76;8:45 am]

federal register

TUESDAY, SEPTEMBER 7, 1976



PART II:

CENTRAL INTELLIGENCE AGENCY

■

PRIVACY ACT OF 1974

Systems of Records

CENTRAL INTELLIGENCE AGENCY

Privacy Act of 1974

Existence and Character of Systems of Records

The purpose of this document is to give notice that the Central Intelligence Agency systems of records identified in the notices published in the Federal Register at 40 FR 39775, 39778, dated August 28, 1975 continue in efffect, except as changed in the notices published in the Federal Register at 41 FR 12623, 12624, 12625, dated March 25, 1976. This notice is published in compliance with the requirements of 5 U.S.C. 552a (e) (4) as added by section 3 of the Privacy Act of 1974.

JOHN F. BLAKE
Deputy Director for Administration

STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below.

1. In the event that a system of records maintained by the Central Intelligence Agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Central Intelligence Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the letting of a contract.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private release legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular

TABLE OF CONTENTS

RECORD SYSTEM
Academic Relations File—CIA-46
Agency Training Record—CIA-8
Applicant Files—CIA-30
Applications Division Tracking System—CIA-1
Briefing Program File—CIA-43
Career Trainee Files—CIA-6
Central Badge System—CIA-54
CIA Authors File—CIA-40
Clinical and Psychiatric Files (Applicants)—CIA-35
Clinical and Psychiatric Files (Employees)—CIA-34
Computer Access File—CIA-3
Congressional Liaison Records—CIA-38
Consultant and Independent Contractor Records—CIA-32
Current Employees and Former Employees (official Personnel files and records related thereto)—CIA-31
Cryptographic Access File—CIA-48
Directorate of Operations Records System—CIA-49
Employee Grievance Folders—CIA-15
Equal Employment Opportunity Complainant Records—CIA-14
Equipment and Supplies Accountability Records—CIA-19
External Training Files—CIA-12
Foreign Map Source Files—CIA-44
Financial Records—CIA-50
Freedom of Information Act Requesters—CIA-22
Guest Speakers—CIA-13
Inspector General Research Records—CIA-58
Intelligence in Public Literature File—CIA-41
Language Learning Center Student Files—CIA-9
Language Qualifications Register—CIA-10
Legal Subject Records—CIA-5
Library Open Literature Ready Reference File—CIA-42
Logistics Security Clearance Records—CIA-20
Manpower Controls System—CIA-29
Medical Facilities and Physicians—CIA-36
Modern Language Aptitude Test Scores (MLAT)—CIA-11
Off-Campus Instructor Applicant Files—CIA-7
Office of Joint Computer Support Training and Skills Inventory—CIA-2
Parking Permit Files—CIA-16
Personal Property Claims Records—CIA-18
Polygraph Files—CIA-23
Privacy Act Requesters—CIA-21
Private Attorney Panel—CIA-4
Professors and Placement Officers of Selected Colleges—CIA-47
Prospective Contributors for the Collection of Foreign Intelligence—CIA-33
Psychological Test Data Files—CIA-37
Publications about CIA—CIA-39
Security Analysis Records—CIA-56
Security Duty Office Events Reports—CIA-51
Security Records—CIA-57
Soviet-U.S. Contacts File—CIA-45
Special Clearance System—CIA-52
Supplemental Personnel (Soft) Files—CIA-24
Supplemental Personnel (Soft) Files—CIA-25
Supplemental Personnel (Soft) Files—CIA-26
Supplemental Personnel (Soft) Files—CIA-27
Supplemental Personnel (Soft) Files—CIA-28
Unsolicited Correspondence from the General Public addressed to the Director or Deputy Director of Central Intelligence—CIA-59
Vehicle Operators File—CIA-17

CIA—1

System name: Applications Division Tracking System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency and contract employees, employees of contractor supporting Office of Joint Computer Support, currently or formerly assigned to computer software development or maintenance projects in Applications Division.

Categories of records in the system: Documentation of hours logged on each assigned programming or overhead project.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Applications Division staff for periodic reporting to Applications Division management man-hours expended to develop assigned programming projects and overhead hours. Used for tracking the usage and scheduling of all resources for developing software.

Used to substantiate hours spent by contractor personnel on billable contractual activity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk.

Retrievability: Name and employee number.

Safeguards: Limited to specifically designated and cleared personnel.

Retention and disposal: Records are erased when hours of activity are no longer needed by management.

System manager(s) and address:

Director, Office of Joint Computer Support
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency employees, contract employees, employees of contractor supporting the Office of Joint Computer Support.

CIA—2

System name: Office of Joint Computer Support Training and Skills Inventory.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees, contract employees, and employees of contractors assigned to the Office of Joint Computer Support (OJCS).

Categories of records in the system: Documentation of CIA-funded training for each individual assigned to the Office of Joint Computer Support.

Documentation submitted by each individual assigned to OJCS, indicating his self-evaluation of his programming skills.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assist D/OJCS in ascertaining what additional training personnel should receive.

Assist D/OJCS in the management of personnel assignments to new programming tasks.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk.

Retrievability: By Name.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access.

Retention and disposal: Records are purged as employees separate from OJCS via periodic updates.

System manager(s) and address:

Director, Office of Joint Computer Support
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency personnel and employees of contractors.

CIA—3

System name: Computer Access File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees having special access to Office of Joint Computer Support computer systems.

Agency cleared contractors who have been granted access to Office of Joint Computer Support computer systems.

Categories of records in the system: Individual's name, office, user identification code, badge number and computer systems to which the individual has access.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Office of Joint Computer Support Security Officers, computer system and data base managers, and Automated Data Processing Control Officers use the system to:

Determine computer system(s), if any, to which an individual at CIA has access.

Control access to computer systems through automated computer system verifications of individual's authorization for access to computer which he/she is attempting to use.

Determine the name, office, room number and badge number associated with the user identification code of an individual suspected of a possible violation of computer systems security procedures.

Identify individuals listed in audit trail records as having accessed a particular computer system or computer-based system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disk packs with "back-up" records on tapes and controlled hard copy computer listings used for reference. Applications and approval for access are maintained in paper files.

Retrievability: Name and user identification code.

Safeguards: Access to these records is limited to cleared persons whose official duties require such access. Personnel screening and computer system security protective mechanisms are employed to prevent unauthorized disclosure. Hard copy computer listings and paper files are maintained in combination lock safes or vaulted areas.

Retention and disposal: Records of individuals who no longer have access to Office of Joint Computer Support systems are deleted from computer-based system of records.

As changes are made and new master computer listings are generated, the paper listings are destroyed by burning and the records on magnetic media are degaussed. There is no retention of these records.

System manager(s) and address:

Director, Office of Joint Computer Support
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.

Contractor employees.

CIA—4

System name: Private Attorney Panel.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Attorneys in private practice.

Categories of records in the system: Name, address, date and place of birth, education, law firm (if any), State(s) admitted to Bar, and date and type of clearance.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide a list of private attorneys for use on CIA classified projects.

To provide a referral list for those employees whose employment with CIA must be protected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are stored in a combination lock safe and access is only by personnel in the Office of General Counsel.

Retention and disposal: Permanent retention.

System manager(s) and address:

General Counsel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Attorneys, CIA employees and former employees,

Martindale-Hubbell Law Directory.

CIA—5

System name: Legal Subject Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees, defectors, individual plaintiffs in litigation cases, individuals asserting claims against CIA, contractors and consultants, authors, journalists and other individuals who become involved in legal relationships or matters with CIA.

Categories of records in the system: Correspondence, affidavits, briefs and other legal documents, reports of investigation, Government forms, cables and internal CIA memoranda.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide factual information for legal opinions.

To provide factual information for litigation reports prepared for the Department of Justice.

To provide factual information for dealing with Agency contractors and consultants.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are stored in combination lock safes and access is only by personnel in the Office of General Counsel.

Retention and disposal: Permanent retention.

System manager(s) and address:

General Counsel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals identified in

Categories of individuals covered by the system: above, Federal agencies and other CIA records systems.

CIA—6

System name: Career Trainee Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants and employees selected for Career Training Program.

Categories of records in the system: Name, biographic data, test results of applicant being considered for Career Training Program. Employee name, biographic data, test results, training evaluations, correspondence, trainee progress reports and supervisor reports on trainees during their interim assignments, and memoranda for the record.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to determine an individual's selection for the Career Training Program.

Used by Agency officials for monitoring training activity after selection.

Used by Agency officials for job placement after completion of training program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microforms.

Retrievability: By name.

Safeguards: Stored in combination lock safe; access is limited to Career Trainee Program Officers, and Personnel Officers.

Retention and disposal: Records are retained for the duration of the employee's participation in the Career Training Program, then transferred to the Office of Personnel. Official transcripts are filed in the official personnel folders; the remaining materials are forwarded to the individual's supplemental personnel (soft) file. Records on unsuccessful applicants for the Career Training Program are returned to the Office of Personnel.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The sources of information in these files are Program Officers, educational institutions, and the individual.

CIA—7

System name: Off-Campus Instructor Applicant Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees who are applicants for part-time instructor positions in the Agency Off-Campus Program sponsored by University of Virginia.

Categories of records in the system: Applicant forms for teaching in the Off-Campus Program.

Correspondence with University of Virginia including application approvals and rejections and documents concerning contract administration.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to administer Instructor Program for Off-Campus college courses provided to employees.

Recommendations to University of Virginia for employing instructors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name and discipline.

Safeguards: Stored in combination lock safes. Access by CIA officials on need-to-know basis.

Retention and disposal: Records are retained for three years after termination of Agency employment, then destroyed by burning.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee, educational institutions, student evaluation of the instructor and the University of Virginia.

CIA—8

System name: Agency Training Record.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees and other Federal employees who have completed Office of Training courses, Agency-sponsored external training, and other Agency component-conducted training programs.

Categories of records in the system: A machine run which lists the individual's transcript of Agency-sponsored training.

Authority for maintenance of the system: Title 5, USC, Chapter 41.

Central Intelligence Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by Agency officials for processing employee requests for Agency-sponsored training.

Used by Agency officials to evaluate training requirements in connection with a proposed assignment.

Agency Career Management and Training Officers use this record as a management tool in counseling employees concerning their career development.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Machine listing.

Retrievability: By name.

Safeguards: Stored in combination lock safes. Access is restricted to Training Officers, Personnel Officers, Supervisors and the TSS/OTR Staff.

Retention and disposal: Permanent retention.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Transcripts from educational institutions, certificates of successful completion from the training facility and training reports from the individual.

CIA—9

System name: Language Learning Center Student Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees enrolled in the Language Learning Center.

Categories of records in the system: Biographic data, test scores, training reports from instructors, training requests from sponsoring office and attendance reports.

Authority for maintenance of the system: Title 5, U.S.C. Chapter 41.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to monitor student performance. Transcript is entered in the Agency Training Record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records stored in secure areas. Access on a need-to-know basis.

Retention and disposal: Retained for duration of student enrollment. Records are destroyed by burning.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees and instructors.

CIA—10

System name: Language Qualifications Register.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees who claim a foreign language proficiency.

Categories of records in the system: Employee claim of foreign language proficiency, and identifying biographic data.

Authority for maintenance of the system: Title 5, U.S.C. Chapter 41.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency personnel for processing requests for foreign language training and for language proficiency cash awards.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic tape.

Retrievability: Name and language.

Safeguards: Maintained in combination lock safes. Access on a need-to-know basis.

Retention and disposal: Record updated semiannually. Outdated paper record is destroyed by burning. Magnetic tapes are degaussed.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.

CIA—11

System name: Modern Language Aptitude Test Scores (MLAT).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Selected applicants and employees who have taken the Modern Language Aptitude Test.

Categories of records in the system: Name, biographic data and test scores.

Authority for maintenance of the system: Title 5, U.S.C. Chapter 41.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Language Learning Center personnel to evaluate student potential for learning a foreign language.

Used by Personnel Officers in deciding appointment and job placement.

Aptitude test scores are provided to Foreign Service Institute when employee is enrolled in their language program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Stored in combination lock safes; access on a need-to-know basis.

Retention and disposal: Records are retained for duration of individual's employment. Unsuccessful applicant records are retained for 12 months. Records are destroyed by burning.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual.

CIA—12

System name: External Training Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees sponsored full-time external training programs.

Categories of records in the system: Employee biographic data, correspondence with public and private educational institutions, transcript and grades, training requests and administrative documents related to enrollment, employees evaluation of training course and employee Training Obligation Agreement.

Authority for maintenance of the system: Title 5, USC, Chapter 41.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials to determine employee's eligibility for Agency sponsored training.

Used by Agency officials to enroll employees in private and public educational institutions.

Used by Agency officials to evaluate courses for future enrollment of employees.

Data for Agency Training Record.

Notification of funds advanced and accountings are proved to the Office of Finance.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and punch cards.

Retrievability: Name and employee number.

Safeguards: Stored in combination lock safe; access on need-to-know basis.

Retention and disposal: Retained for one year after employee completes all course commitments; records are destroyed by burning.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The sources of information are from the individual, his sponsoring office, and the external training facility.

CIA—13

System name: Guest Speakers.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals under consideration for guest speaker engagements in CIA training courses. Individuals include members of the academic journalistic and business world as well as present and former senior Agency and other Government officials.

Categories of records in the system: Name, biographic data including academic credentials, published materials, correspondence and administrative records.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950, (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assist Training Officers in curriculum development and selection of speakers for scheduled training courses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name and area of expertise.

Safeguards: Files are stored in a combination lock safe. Use of material is restricted to Training Officers involved in course development.

Retention and disposal: Files are maintained as long as the Agency has interest in a speaker. Records are destroyed by burning.

System manager(s) and address:

Director, Office of Training
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual, Agency officials, academic and private institutions, Federal agencies.

CIA—14

System name: Equal Employment Opportunity Complainant Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former contract, staff or detailed military personnel of the Agency as well as applicants for employment.

Categories of records in the system: Data collected by an EEO Investigator which bears on the charges of discrimination brought by the complainant. File contains sworn affidavits from the complainant, the alleged discriminating officer(s), and other individuals directly involved, as well as other documents, records, or other statistical evidence considered pertinent to the case or which assists the Agency in making its decision.

Authority for maintenance of the system: Equal Employment Opportunity Act of 1972, Public Law 92-261.

Executive Orders 11478 and 5 C.F.R., Part 713.222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information in the adjudication of complaints.

To provide information for review by the Civil Service Commission.

To provide information for Federal court review.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By complainant name.

Safeguards: Filed in combination lock safes; limited access by staff only.

Retention and disposal: Completed cases transferred to Records Center at end of each year. Held in Records Center for 10 years from date of retirement then returned to the OEEO for review and disposal.

System manager(s) and address:

Director, Equal Employment Opportunity
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Information obtained from the complainant, the alleged discriminating official, and other individuals as well as documents, records, and statistics gathered in the investigation.

CIA—15

System name: Employee Grievance Folders.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employee. Grievance generally filed by IG Case Number assigned by Office of Inspector General.

Categories of records in the system: Data from employees coming to Inspector General with grievances re nature of grievance, circumstance that caused grievance and how settled.

Authority for maintenance of the system: Executive Order 10987, By Regulation.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by members of the Office of the Inspector General to investigate grievance to its conclusion.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By case number.

Safeguards: Materials are stored in combination lock safe; access limited to OIG staff members.

Retention and disposal: Inactive cases transferred to Records Center at end of each year. Held in Records Center for ten years from date of retirement, then returned to the OIG for review and disposal by burning.

System manager(s) and address:

Inspector General
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules. HP Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Information obtained from complainant and other employees when grievances are investigated.

CIA—16

System name: Parking Permit Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Records include name, vehicle license number, office designation, location, and extension.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Federal Property Management Regulation D-47 (GSA).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency employees responsible for allocation and control of parking spaces at the Headquarters Building.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name, vehicle license number, assigned parking space number and assigned reference number.

Safeguards: Stored in safes, vaults or secure area. Access limited to staff employees.

Retention and disposal: Records marked void upon updating of information or upon cancellation of parking permit.

System manager(s) and address:

Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Indentification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.

CIA—17

System name: Vehicle Operators File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Name, medical qualification forms, score sheets for driver's test, registers of permits issued and records regarding accidents. Accident report records include police data and investigation reports in addition to information on vehicle involved.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency employees for issuing official U.S. Government driver's licenses and renewals.

For review by CIA officials in accident cases.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Individual name or driver's permit number.

Safeguards: Physically protected in a secure area. Access is limited to employees who have the need-to-know.

Retention and disposal: Destroyed by burning three years after license is no longer valid. Accident reports are destroyed six years after case is closed.

System manager(s) and address:

Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual.

Agency officials.

Federal, State and local law enforcement agencies in cases when employee is involved in an auto accident.

CIA—18

System name: Personal Property Claim Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees and former employees.

Categories of records in the system: Claimant name, address, nature and loss or damage to personal effects, including inventory of items.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Claims Review Board determines amount of financial loss sustained by claimant.

Reimbursement for property loss.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Information is stored in safes or secure areas. Access is limited to staff employees working on such cases.

Retention and disposal: Records are destroyed by burning two years after final action on case.

System manager(s) and address:

Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual concerned and various Agency staff elements involved in processing and adjudication of claims.

CIA—19

System name: Equipment and Supplies Accountability Records

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Name, signature, office location, telephone extension and item of government equipment on loan or charged to the employee.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials who control and account for government nonexpendable items.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Physically protected in secure areas. Only employees charged with the responsibility of controlling government property have access.

Retention and disposal: Signature card is returned to individual charged upon return of item. Record is destroyed by burning after inventory adjustment to property records.

System manager(s) and address:

Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual concerned and appropriate accountable property officers.

CIA—20

System name: Logistics Security Clearance Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Commercial contractors and vendors, persons in the private sector associated with the Agency, and individuals in other government agencies contacted for liaison purposes.

Categories of records in the system: Biographic data including name, address, position, and security clearance held.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff employees in conducting Agency business with the commercial sector and liaison with other government agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By individual or company name.

Safeguards: Information stored in safes, vaults or secure areas. Access is limited to staff employees with the need-to-know.

Retention and disposal: Records destroyed upon expiration of clearance. Clearances may be revalidated three years after initial approval.

System manager(s) and address:

Director, Office of Logistics
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Information obtained from individual concerned and certification of clearance from Office of Security.

CIA—21

System name: Privacy Act Requesters.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: U.S. citizens and aliens lawfully admitted for permanent residence.

Categories of records in the system: Files contain all correspondence and other documents related to the receipt, processing and final disposition of requests received by the Agency for information under the Privacy Act of 1974.

Authority for maintenance of the system: Privacy Act of 1974—Public Law 93-579.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information for compiling an annual report (beginning 30 April 1976) for the Office of Management and Budget as required by the Act. Information pertaining to the requester surfaced as a result of a Privacy Act request may be referred to other Federal agencies for their review pursuant to the Privacy Act when records were originated by another Federal agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are stored in combination lock safes; access is on a need-to-know basis.

Retention and disposal: Records are retained for two years after the case file is closed. Records are destroyed by burning.

System manager(s) and address:

Chief, Information and Privacy Staff
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: U.S. citizens.

Aliens lawfully admitted for permanent residence.

CIA—22

System name: Freedom of Information Act Requesters.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individual who makes requests to CIA under the Freedom of Information Act.

Categories of records in the system: Files contain all correspondence and other documents related to the receipt, processing and final disposition of requests received by the Agency for information under the Freedom of Information Act, 1974.

Authority for maintenance of the system: Freedom of Information Act of 1974 as Amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information for compiling reports required under the Freedom of Information Act. Information pertaining to the request or requester that surfaced as a result of a Freedom of Information Act request may be referred to other Federal agencies for their review pursuant to the Freedom of Information Act, as Amended, when the records were originated by another Federal agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are stored in combination lock safes; access is on a need-to-know basis.

Retention and disposal: Records are retained for two years after the case file is closed. Records are destroyed by burning.

System manager and address:

Chief, Information and Privacy Staff
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals.

CIA—23

System name: Polygraph Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants for employment, employees, and certain individuals considered for assignment to the Agency.

Categories of records in the system: Polygraph report, charts, and notes.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Office of Security to make determinations of security eligibility for employment pursuant to Executive Order 10450.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape cassettes.

Retrievability: By name.

Safeguards: Files are maintained in a vault; access is permitted only while in the custody of polygraph staff members.

Retention and disposal: Indefinite. Records are destroyed by burning when they become inactive.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The source of all information obtained is from the polygraph interviews.

Systems exempted from certain provisions of the act: Pursuant to authority granted in Section (j) of the Act (5 U.S.C. 552a(j)), the Director of Central Intelligence has determined to exempt polygraph records from all sections of the Act except 552a (b), (c)(1) and (2), (e)(1), (e)(4) (A) through (F), (e)(5), (6), (7), (9), (10), and (11), and (i). These records are exempted to prevent access, accountability, and judicial review of records which intimately reveal an Agency security method.

CIA—24

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Chief, DDI Management Staff
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA

concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—25

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic media.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Chief, Personnel Officer, DDS&T
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—26

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic media.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Career Management Officer/DDA
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—27

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Chief, Services Staff, DDO
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—28

System name: Supplemental Personnel (Soft) Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military personnel.

Categories of records in the system: Memoranda of discussions, working copies of personnel and contract actions including procedural checklists, performance appraisals, travel and shipping orders. Information concerning conduct, training, special qualifications or restrictions, dependency and residence, emergency notifications, biographic data, Letters of Instruction. Also, cables and dispatches of administrative and operational significance, and photographs.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a supplement to the official personnel folders by authorized operating officials to facilitate and expedite processing or procedural requirements and transactions of employees.

Serves as a management tool for administrative and operating officials for purposes of employee assignment, promotion, and career development considerations and determinations.

To refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute or law, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Retained one year after separation from the Agency when material of soft file is reviewed to determine and destroy any duplicate records which are contained in the official personnel folder, and ensure filing of material in operational files, as appropriate.

System manager(s) and address:

Administrative Officer, Office of the DCI
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee.

Career Service Panel.
Agency officials.

CIA—29

System name: Manpower Control System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current and former Agency personnel and military or civilian personnel on detail to the Agency.

Contract employees since January 1969.

Applicants in process for employment for whom clearance has been requested.

Recipients of Agency awards.

Participants, and beneficiaries designated by deceased employees who were participants, in the Agency's retirement system and Voluntary Investment Plan.

Categories of records in the system: Data on employment history, fitness reports, qualifications and skills, insurance and medical benefits, retirement status, Voluntary Investment Plan accounts, emergency designees, home and work addresses, Agency awards, military reserve data, cases in process for employment, ceilings, position and staffing patterns.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as Amended—Public Law 88-643.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide statistical reports for CIA management on strength, distribution and utilization of manpower, average grades and salaries, minorities, projected retirements, profiles of Agency skills and qualifications, comparative rates on promotions, separations, new employees, reasons for separations.

To provide rosters and statistics for heads of Career Services to assist them in administering their career development and evaluation programs, including promotion rates and headroom, fitness report ratings, qualifications, changes in their Career Services.

To provide staffing patterns, grade and salary data for office heads required for staffing and budget projections.

To provide salary, leave, benefits and entitlements for the payroll system.

To provide rosters and statistics for components within the Office of Personnel responsible for administering recruitment, hospitalization, insurance, retirement, and Volunteer Investment Programs.

To provide records of employees entering on duty and employee separations and current status tapes or rosters to Agency components of concern.

To provide statements of accounts to employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and disk.

Retrievability: By name, employee number, organization code, social security number, or position number.

Safeguards: Tapes and disks are maintained in a special room in a vaulted area with access only by special badge. All tapes are under control of a tape librarian. Each tape has a "security" profile which the requester of the tape must match. All requests for recurring or special reports must be approved by the Chief of the Statistical Reporting Branch or his authorized designee. Data is released only as related to personnel under the requester's direct supervision and control or to individuals responsible for administering a particular Agency program. On-line query to the system is limited to personnel responsible for the maintenance, update, and preparation of input data to the system and to employees in the Statistical Reporting Branch by controlled password.

Retention and disposal: Permanent retention of subsystems currently in operation. When system is fully operational, a record schedule, including disposal, will be implemented.

System manager(s) and address:

Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Applicants, employees and parent Federal agency of detailee.

CIA—30

System name: Applicant Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Persons who apply for employment with CIA.

Categories of records in the system: Personal, medical and employment history statements, educational transcripts, personal references, interview reports, test results, correspondence, photographs, review comments, and processing records.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

National Security Act of 1947, As Amended—Public Law 80-253.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to review applicant's qualifications for CIA position; for security background investigation; and for medical screening for determination by authorized Agency official to offer employment.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benfit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: By name.

Safeguards: Approved containers or area when not in use—controlled loans to authorized officials.

Retention and disposal: Applicant files placed in process for employment but subsequently cancelled are retained up to two years and destroyed by burning. Files on applicants who may be of interest at a later date are retained indefinitely.

System manager(s) and address:

Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Applicant.

Educational institutions.
Physicians.

Letters of Reference.
Agency officials.
Federal agencies.

CIA—31

System name: Current Employees and Former Employees (official Personnel files and records related thereto).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current or former staff or contract employees and detailed military and civilian personnel, and current and former members of Advisory Groups.

Categories of records in the system: Personal and employment history statements, personnel actions, fitness reports, commendations, biographic profile, retirement status, training, emergency/casualty cases, awards, travel arrangements, medical and insurance claims, correspondence, qualification registers, photographs, and information relating to the suitability and fitness of the individual, complaints and grievances, external employment assistance, Voluntary Investment Plans, financial and educational assistance, recreation programs, exit processing, United Givers and Savings Bond, blood donors.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as Amended—Public Law 83-643.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To administer personnel assignments, performance evaluations, promotions, adverse actions, counseling, retirement determinations of qualifications, separations, medical or insurance claims, statistical reports, and otherwise make decisions on the rights, benefits or entitlements, and utilizations of individuals.

To prepare transcripts in response to a request from another government agency relative to employment considerations by that agency. Employment and credit verifications. To update the Agency Qualifications Record System. To refer or provide information in response to or by direction of court order or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto.

To provide a data source 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; or to locate specific individuals for personnel research or other personnel management functions.

To respond to inquiries from attorneys and insurance companies relative to litigation of an accident claim.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials.

Retention and disposal: Agency portion of the official file is destroyed by burning 75 years after birth of employee or 60 years after date of earliest document.

System manager(s) and address:

Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Other government agencies.

Educational institutions.
Employee.
Agency officials.

CIA—32

System name: Consultant and Independent Contractor Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Consultants and independent contractors who are generally self-employed and who are engaged under contract to provide technical, management and scientific advice and services to the Agency.

Categories of records in the system: Performance evaluations, administrative documents on compensation and benefit commitments, termination agreements and correspondence, biographic data, appointment or contract data.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To administer contractual provisions—benefits, compensation, transportation, termination; performance evaluation, references, and to otherwise make decisions on the rights, benefits or entitlements and utilizations of the individual.

As a source for managerial statistical and analytical studies, and other related personnel management functions or manpower studies.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: By name.

Safeguards: Files are maintained in vaulted areas or approved metal filing cabinets; file release is on a controlled-loan basis to authorized officials, maintained during active employment and retained after separation in accordance with established record disposal schedules.

Retention and disposal: Retained for 75 years and then destroyed by burning.

System manager(s) and address:

Director, Office of Personnel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual.

Agency officials.
References as indicated by the individual.

CIA—33

System name: Prospective Contributors for the Collection of Foreign Intelligence.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who voluntarily indicate a willingness to contribute to Foreign Intelligence.

Categories of records in the system: Psychological assessment data.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.
Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Agency officials use the psychological assessment data to assist them in reaching a decision concerning an affiliation with the Agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper form; converted to microfilm after two years.

Retrievability: By name.

Safeguards: Files are stored in security approved containers. Access is on a need-to-know basis.

Retention and disposal: Files are maintained for two years then microfilmed. Files are destroyed by burning after microfilming.

System manager(s) and address:

Director, Office of Technical Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals and Agency officials.

CIA—34

System name: Clinical and Psychiatric Files (Employees).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: CIA employees and their dependents; military and Federal civilian employees to CIA detailees and their dependents; and retired or separated employees and their dependents.

Categories of records in the system: Contains all physical examinations, laboratory data, X-rays, private physician reports, reports of on-the-job injuries and illnesses; results of psychiatric screening and testing; reports of psychiatric interviews; records of immunizations, and related medical material.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.
Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).
Title 5, U.S.C., Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: By Agency personnel for evaluation of suitability for assignment, fitness-for-duty, health maintenance and in reviewing applications for medical disability retirement.

By the Civil Service Commission in the case of an employee under that system who applied for medical disability.

By the Office of Workers' Compensation Programs, Department of Labor, in the case of an employee who applies for its compensation.

To provide information to Federal agencies for employees who are being assigned or detailed to those agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in paper form filed in an identifying jacket. Certain information—medical history, laboratory and assignment data—are contained on magnetic tape and punch cards. Printouts from the automated data processing are filed in the subject's medical file.

Retrievability: Access is by a file identification number which is, in turn, cross referenced to a name.

Safeguards: Files are stored in vaulted main file room. During periods when files are undergoing active processing they are secured in locked safes. Unauthorized entry into the vaulted file room is controlled via an alarm system. Access to computer information is controlled by limiting the number of medical personnel approved for such access by an identifying password. Access to the main vault file room, locked safes and the Agency Records Center is controlled by limiting the number of personnel authorized such access.

Retention and disposal: Files are retained until such time as the employee retires or separates from the Agency—at which time, they are retired to the Agency Records Center. To meet statutory requirements, they are then retained for a period of 75 years from date of birth. Destruction of records will be accomplished through burning. Magnetic tapes are degaussed.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The individual supplies his/her medical history and additional information is developed through routine medical processing.

Reports from private physicians and/or medical facilities when permission is granted by the individual concerned.

CIA—35

System name: Clinical and Psychiatric Files (Applicants).

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants for Agency Employment.

Categories of records in the system: Contains all physical examinations, laboratory data, X-rays, private physician reports, reports of previous on-the-job injuries and illnesses, results of psychiatric screening and testing, reports of psychiatric interviews, records of immunizations, and related medical material.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Title 5, U.S.C., Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Office of Medical Services to evaluate the medical suitability of applicants for employment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and X-ray film.

Retrievability: By name.

Safeguards: Files are stored in vaulted main file room. During periods when files are undergoing active processing they are secured in locked safes. Unauthorized entry into the vaulted file room is controlled by an alarm system. Access to computer information is controlled by limiting the number of medical personnel approved for such access by an identifying password. Access to the main vault file room, locked safes and the Agency Record Center is controlled by limiting the number of personnel authorized such access.

Retention and disposal: Successful applicant files are converted to employee files. Files are retained until such time as the employee retires or separates from the Agency—at which time, they are then retired to the Agency Record Center. To meet statutory requirements, they are then retained for a period of 75 years from date of birth. Destruction of records is accomplished through burning. Applicant files not processed are retained for a period of two years; records are then destroyed by burning.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The individual supplies his/her medical history and additional information is developed through routine medical processing. Reports from private physicians and/or medical facilities when written permission is granted by the individual concerned.

CIA—36

System name: Medical Facilities and Physicians.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Lists of medical facilities and names of physicians in the Metropolitian Washington area.

Categories of records in the system: Name, business address, and phone numbers of physicians and medical facilities.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Title 5, U.S.C., Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information to employees upon request for external medical referral.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name, facility, and medical specialty.

Safeguards: Maintained in locked file cabinets. Access on a need-to-know basis.

Retention and disposal: Lists are continuously maintained. When updated, old lists are destroyed by burning.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules. Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency physicians and contract medical personnel.

CIA—37

System name: Psychological Test Data Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants, CIA employees and dependents, detailees and dependents, retired or separated employees and dependents.

Categories of records in the system: Results of psychological testing and assessment reports.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the case of employees, dependents and detailees, to determine the individual's skills and aptitudes and suitability for a particular assignment or training as distinct from his general suitability for employment (psychiatric screening).

Data developed to validate new tests and techniques as part of on-going research efforts.

To prepare reports which summarize test results and to assist Agency officials in selection of candidates for employment and career management planning for employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, magnetic tape and punch cards.

Retrievability: By name.

Safeguards: Medical files are stored in vaulted main file room. During periods when files are undergoing active processing they are secured in locked safes. Access to computer information is controlled by limiting the number of medical personnel approved for such access by an identifying password. Access to the main vault file room, locked safes and the Agency Records Center is controlled by limiting the number of personnel authorized such access.

Retention and disposal: Files on employees, dependents and detailees are retained in Headquarters until retirement or separation at which time they are retired to the Agency Records Center, where they are retained 30 years and then destroyed by the Records Center by burning. Successful applicants' files are treated the same as employees. Unsuccessful applicant files are retained for a period of five years and then destroyed by burning.

System manager(s) and address:

Director, Office of Medical Services
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The individual through the completion of a variety of psychological tests and interview sessions with Agency medical officers.

CIA—38

System name: Congressional Liaison Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Matters of liaison with Congressional Offices are filed in the name of the member of the Office involved.

Categories of records in the system: Liaison record.

Correspondence file.
Newspaper and publication clippings.

Authority for maintenance of the system: Section 506(a), Federal Records Act 1950 (44 U.S.C, Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Handle requests from members and Committees.

Coordinate Agency position on proposed legislation.
Prepare Agency position papers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and magnetic media.

Retrievability: By the name of the Member of Congress.

Safeguards: All records are stored in a combination lock safe; access is restricted only to OLC personnel.

Retention and disposal: Records are screened before transferral to the secondary records holding area and any documents of a temporary nature are removed and destroyed by use of the Agency classified waste disposal system. Records are destroyed in keeping with applicable regulations except in cases where this office is the office of record, in which case they are kept for permanent retention.

System manager(s) and address:

Legislative Counsel
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency officials.

Offices of Members of Congress, Congressional committees and other Government agencies.

CIA—39

System name: Publications About CIA.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Authors of publication, CIA employees, and other individuals mentioned in newspaper articles about CIA.

Categories of records in the system: Newspaper articles:

By-lined articles mentioning CIA.
Articles mentioning CIA.

Correspondence concerning arrangements for press interviews with CIA officers.

Authority for maintenance of the system: Section 506(a), Federal Records Act 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Agency officials researching articles on the CIA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Files are stored in a vaulted room; access upon request on a need-to-know basis.

Retention and disposal: Files are maintained for 25 years after which time they are reviewed and destroyed by burning.

System manager(s) and address:

Assistant to the Director
Office of the Director
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Newspaper articles and correspondence.

CIA—40

System name: CIA Authors File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: CIA employees (current and past) who have published commercially.

Categories of records in the system: Name of author and title and source of publication.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for author display exhibit in CIA Library.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual card file.

Retrievability: By name of author.

Safeguards: Located in limited access building.

Retention and disposal: Begun about 1970; continuation will depend upon utility; no file destruction to date.

System manager(s) and address:

Director, Central Reference Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individual authors.

CIA—41

System name: Intelligence in Public Literature File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who have written on the general topic of intelligence and have been reviewed in the public media; individuals identified as being involved in intelligence activities.

Categories of records in the system: Media articles on personalities and events relating to subject of intelligence.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide Agency and other USIB components a ready-reference file on open literature relating to intelligence.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and archives boxes of media articles.

Retrievability: By name of author or general topics.

Safeguards: File is open to any Agency or Intelligence Community employee on an official task; requests for access to classified portions are screened on the basis of official "need-to-know."

Retention and disposal: Articles and topics are discarded when no longer used.

System manager(s) and address:

Director, Central Reference Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Foreign and domestic news media; intelligence reports.

CIA—42

System name: Library Open Literature Ready Reference File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals appearing in news media.

Categories of records in the system: Articles concerning individuals of intelligence interest.

Authority for maintenance of the system: National Security Act of 1949, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide traditional library reference service to Agency officials. It serves as an adjunct to standard published reference works and supplies information not otherwise readily available.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy file of media articles.

Retrievability: By subject, organization or personal name; some are retrievable by a manual or a computer index to the file.

Safeguards: Requests for information are screened for appropriateness.

Retention and disposal: Articles and categories are discarded when no longer needed.

System manager(s) and address:

Director, Central Reference Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Foreign and domestic news media.

CIA—43

System name: Briefing Program File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Those individuals, both foreign and U.S., who have visited CIA for official briefings under the CIA Briefing Program.

Categories of records in the system: Names, dates of visits, and parent organizations of visitors.

Authority for maiatenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in planning briefing programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 x 5 index cards.

Retrievability: By name.

Safeguards: Kept in secure area; only authorized officials have access to the file.

Retention and disposal: Retained for 5 years from date of briefing; then record is destroyed by burning.

System manager(s) and address:

Chief, Collection Guidance
and Assessments Staff
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Official correspondence from parent organizations of individuals to be briefed.

CIA—44

System name: Foreign Map Sources Files.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Selected U.S. and foreign individuals and firms having a potential to provide foreign maps.

Categories of records in the system: Names, extracts from open literature, intelligence reports, records of map acquisitions.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information in support of foreign map acquisition.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Kept in secure area; only authorized personnel have access.

Retention and disposal: Indefinite; periodically purged.

System manager(s) and address:

Director, Office of Geographic and
Cartographic Research
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals, intelligence reports, open literature.

CIA—45

System name: Soviet-U.S. Contacts File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Prominent U.S. citizens, such as members of Congress and high-ranking government officials, who have met prominent Soviets at meetings reported in the press.

Categories of records in the system: Names and titles of individuals, dates and places of meetings, subjects discussed as reported in the Soviet and U.S. press.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to prepare briefing material for U.S. officials who plan to visit the USSR or hold discussions with Soviets in the United States.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer tapes and paper.

Retrievability: Name of Soviet or U.S. participants, date, general subject, and locations of meetings.

Safeguards: Requests for information are screened for appropriateness. Files are stored in combination locked safes.

Retention and disposal: File started in 1974 and still considered experimental; continuation will depend upon utility; no file destruction to date.

System manager(s) and address:

Director, Central Reference Service
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13).

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Soviet and U.S. press.

CIA—46

System name: Academic Relations File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Scholars with whom the DDI maintains contact for the purpose of exchanging research and analyses.

Categories of records in the system: Names and addresses.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference for correspondence; mailing of unclassified Agency publications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 x 8 index cards.

Retrievability: By name.

Safeguards: Kept in secure area; only authorized officials have access.

Retention and disposal: Indefinite; periodically purged.

System manager(s) and address:

Coordinator for Academic Relations
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Correspondence and personal contact.

CIA—47

System name: Professors and Placement Officers of Selected Colleges.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Those key individuals in selected colleges who may be able to assist the Office of Economic Research in its professional recruiting effort for economics analysts.

Categories of records in the system: Names and parent organizations.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in Office of Economic Research recruiting program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: List.

Retrievability: By name.

Safeguards: Kept in secured area; only authorized officials have access.

Retention and disposal: Indefinite; periodically purged.

System manager(s) and address:

Director, Office of Economic Research
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Professional contacts established by the Office of Economic Research and Agency recruiters.

CIA—48

System name: Cryptographic Access File.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency staff personnel, contract employees, and contractor employees who have been authorized access to cryptographic information.

Categories of records in the system: Biographic information including name, date of birth, social security number, and Agency component or commercial employer and date of clearance of person being granted access.

Authority for maintenance of the system: Executive Order 10450.

Public Law 81-513, dated 13 May 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control and accountability of cryptographic access clearances.

Certify to Agency officials and to other agencies and private contractors names of individuals who possess a cryptographic clearance.

Users of this information are the Office of Security and Office of Communications.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and computer.

Retrievability: By name.

Safeguards: Information on paper media is stored in combination lock safes or in a secure area; access is limited to authorized employees on a need-to-know basis. Information stored on the computer system is subject to safeguards established by the Office of Security.

Retention and disposal: Paper files are retained until the clearance is rescinded. Destruction of paper records is accomplished through burning. Computer records are revised when clearance is rescinded.

System manager(s) and address:

Director, Office of Communications
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency

Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: The source of biographic information is the Office of Security or official correspondence notifying Office of Communications of a change in the individual's status.

Employee.

CIA—49

System name: Directorate of Operations Records System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who are of foreign intelligence or foreign counterintelligence interest to the CIA, either because of their actual, apparent, or potential association with foreign intelligence or foreign counterintelligence activities, or because they are of actual or potential use to CIA.

Categories of records in the system: Categories of records include administrative, management and policy, personality, operational, and impersonal subjects based primarily on foreign intelligence and foreign counterintelligence reports.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Immigration and Nationality Act, as Amended—Public Law 82-414.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information within CIA and to selected Federal agencies and military departments for the conduct of foreign intelligence operations.

To provide information within CIA and to the FBI, other selected Federal agencies, and military departments for the conduct of foreign counterintelligence operations.

To conduct national Agency name checks for other agencies as required by National Security Council Directive and the Immigration and Nationality Act of 1952 in the interest of the security of the United States.

To provide information to the Immigration and Naturalization Service.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

To provide information to U.S. and, through established liaison channels, selected foreign government agencies in national security or criminal cases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microforms, and magnetic media.

Retrievability: By name.

Safeguards: Strict controls have been imposed to minimize the risk of compromising information held. Employees are allowed access to the index and files only after undergoing special training. There are degrees of compartmentation which are designed to limit access to information on a strict "need-to-know" basis. Records are kept of each disclosure of a record to another agency as required by this act.

Retention and disposal: Retention is based on approved records disposition schedules. Destruction is by pulping, degaussing, or burning.

System manager(s) and address:

Chief, Services Staff, DDO
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Other U.S. agencies and organizations.

Foreign sources and individuals.
Predecessor organizations.
Overt publications.
Private citizens.
State and local agencies.

CIA—50

System name: Financial Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Current and former Agency staff personnel, contract personnel, consultants, independent contractors, detailed military and civilian personnel, and survivors of deceased CIA retirement system annuitants

Categories of records in the system: Records required to administer compensation payments, payments to CIA Retirement System (CIARDS) annuitants, authorized or required payroll deductions or contributions for Federal, state and city income tax, retirement, insurance, Credit Union, etc., and leave entitlements. Personnel actions, contracts, W-4s, W-2s, withholding authorizations, banking instructions for dissemination of employees' salary checks.

Official travel orders, record of funds advanced and transportation furnished, copies of travel claims and accountings.

Records and statements concerning the status of funds advanced to individuals for official purposes.

Correspondence and copies of all financial documentation accumulated in the collection and settlement of amounts due the Agency from former employees.

Financial accounts and records concerning employees'/former employees' participation in the Voluntary Investment Plan. Membership application, payroll deduction authorization, quarterly status statement, funds withdrawal requests.

Certifying officers; contracting officers; and authorizing letter and signature card.

Authority for maintenance of the system: Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as Amended—Public Law 88-643.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by CIA personnel to fulfill statutory requirements with regard to the computation, payment, and recording of compensation due Agency personnel and annuities due to CIARDS annuitants and to report Federal, state, and local taxing authorities tax information as required by law; used by CIA officials to report and remit to appropriate Federal, state, and local agencies tax withholdings, individual and CIA contributions for retirement, life and health insurance programs, and other deductions as required or authorized by the individual.

Used by CIA personnel concerned with the administration, processing, audit and certification of travel and transportation accounts.

Used by CIA personnel as an administrative control to ensure that official funds advanced to individuals are properly and fully accounted for.

Used by CIA personnel to pursue and document efforts made to collect amounts due the Agency from former Agency personnel.

Used by CIA personnel in the financial administration of the Voluntary Investment Plan and to inform participants of their equity in the Plan.

Used within CIA by Agency personnel charged with responsibility for determining that the commitment and expenditure of Agency funds is authorized, approved, and certified by officials to whom such authority has been delegated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, punch cards, microfilm, magnetic tape and disks.

Retrievability: By name, employee number, and component of assignment.

Safeguards: Records are located in either vaulted, limited access areas or in combination lock safes. Access to the records is strictly limited to Agency personnel who either work with the records or have an official need for the information.

Retention and disposal: Method of disposal is by burning, degaussing or shredding, whichever is the most appropriate for the particular medium in which the record is maintained. Records are retained in accordance with established record disposal schedules.

System manager(s) and address:

Director, Office of Finance
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Individuals and Agency officials.

CIA—51

System name: Security Duty Office Event Reports.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Individuals who contact the Security Duty Office.

Categories of records in the system: Name, date and subject matter of contact by individual.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Brief senior Security Officers concerning contacts made by individuals and events involving the Agency and Agency facilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are maintained in office which is manned on a 24-hour basis. Information is disclosed to Agency officials on a need-to-know basis.

Retention and disposal: Records are maintained only for time period when subject is of interest to the Agency. Records are destroyed by burning.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: General public, employees and Federal, state and local officials.

CIA—52

System name: Special Clearance System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Federal, civilian and military personnel and representatives from private industry who possess special access clearances.

Categories of records in the system: Name, date of birth, social security number, date of background investigation, organization, and clearances held.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To certify throughout the Intelligence Community and related industry the individuals whose names are contained in this Special Register for purposes of controlling access to special classified materials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards, computer tapes and paper.

Retrievability: By name, social security number, and organization.

Safeguards: The records are stored in a secure area. Access to the storage area is restricted to those who have the proper clearances and have a need-to-know.

Retention and disposal: The records are kept as long as an individual possesses special access clearances. Records are destroyed when individual is debriefed of special clearance(s). Paper records are burned; magnetic tapes are degaussed.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency personnel, and other Federal agencies, and private industry.

CIA—54

System name: Central Badge System.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency employees and individuals who required building access badges.

Categories of records in the system: Name, date and place of birth, social security number, photographs and fingerprints.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

National Security Act of 1947, as Amended—Public Law 80-253.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Office of Security to identify and control access to Agency facilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, photographs and magnetic media.

Retrievability: Name and badge number.

Safeguards: Records are maintained in vault. Access is limited to individuals on need-to-know basis.

Retention and disposal: Retained for duration of employment or association with the Agency. Records are destroyed by burning two years after resignation or termination of the association.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employee records and/or the individual requesting identification badge.

CIA—56

System name: Security Analysis Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Any individual who comes to the attention of the Agency because of a counterintelligence interest that concerns Agency personnel or Agency security.

Categories of records in the system: Biographic information and data concerning an individual's involvement in specific intelligence and counterintelligence activities.

Authority for maintenance of the system: National Security Act of 1947, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Inform Agency officials of potential or actual CI information involving Agency personnel or facilities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: All records are maintained in a vaulted area. Access is limited on a need-to-know basis.

Retention and disposal: Permanent retention.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Request from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Employees.

U.S. Government agencies.
Foreign intelligence sources.

CIA—57

System name: Security Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Applicants, staff and contract employees, former employees, consultants, contractors, military detailees, individuals of security interest, persons of substantive affiliation with or service to the Agency, persons on whom the Agency has conducted an investigation, Agency employees and other individuals associated with the Agency who have completed an accident report form, and Federal, civilian and military personnel with whom the Agency conducts liaison.

Categories of records in the system: Investigation requests.

Biographic data (name, sex, D/POB, social security number, and employer and employee address at time record was created).

Authorizations for the release of high school and college transcripts and copies of those transcripts.

Investigative reports.

Appraisal summaries reflecting the rationale for granting or refusing a security clearance.

Documentation of the final action taken by the Office of Security concerning any given investigation.

Secrecy agreements.

Documentation concerning the granting or refusing of special clearances; levels of clearances held; approvals for personnel reassignments; notations that polygraph or other special interviews were performed; memoranda concerning security violations; notices of termination of affiliation with the Agency.

Report of accidents and investigative reports.

Authority for maintenance of the system: National Security Act of 1947, as amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Executive Order 10450.

Executive Order 11807.

Section 19(a), Occupational Safety and Health Act of 1970—Public Law 91-596.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used to ascertain whether there is any existing information concerning a person who is of immediate interest to the CIA. The system is routinely used when:

a person applies for CIA employment;

a person is a candidate or associated with a candidate for some project or assignment;

a question arises as to whether a certain individual has been security approved, or considered for security approval by the CIA;

there is a need to obtain the security file of an individual who is known (or assumed) to be the subject of a file; and

CIA receives a request for investigative information from another Federal agency.

Records from this system are also used to prepare briefings on Agency accident experience; to determine accident causes and recommend remedial action; and to prepare quarterly and annual statistical reports for the Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, microfilm, computer disks and magnetic tapes.

Retrievability: By name.

Safeguards: Records are safeguarded by combination lock security containers, or are stored within a vaulted area. Access is restricted to individuals who are certified on an "Access List." The Access List is validated each month and published so that responsible officials can insure that records are accessed only for official purposes.

Retention and disposal: Files which contain Agency-developed investigative reports on an individual are retained a maximum of 50 years, then destroyed by burning or pulping. Liaison contact files are kept for three years and then destroyed by burning or pulping, except where there is a documented request to continue the liaison.

System manager(s) and address:

Director, Office of Security
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

Record access procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Current and former employees, consultants, contractors, contract employees, military detailees, applicants for employment, persons of substantive affiliation with or service to the Agency, Federal state and local agencies, educational institutions, employers, personal and business references provided by the individual under investigation and acquaintances of the individual.

CIA—58

System name: Inspector General Research Records.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Agency personnel and other individuals whose names appear in documents assembled primarily from other Agency records systems by the Inspector General in relation to an Executive commission and Legislative committee reviews of Agency activities conducted between 1972 and 1976.

Categories of records in the system: CIA documents that are pertinent to an Executive commission and Legislative committee reviews of Agency activities.

Authority for maintenance of the system: Central Intelligence Act of 1949, as amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by Agency officials for reference use in connection with Executive and Legislative reviews of Agency activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Name or subject.

Safeguards: Information is stored is safes. Access is limited to Agency personnel.

Retention and disposal: Documents will be retained for indefinite period.

System manager(s) and address:

Inspector General
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains their correspondence should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

Record source categories: Agency employees.

CIA—59

System name: Unsolicited Correspondence from the General Public Addressed to the Director or Deputy Director of Central Intelligence.

System location:

Central Intelligence Agency
Washington, D.C. 20505.

Categories of individuals covered by the system: Members of the General public who have written to the Director or Deputy Director of Central Intelligence.

Categories of records in the system: Correspondence from the general public and Agency letters of response.

Authority for maintenance of the system: Central Intelligence Agency Act of 1949, as amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by the Executive Secretary, Office of the Director, to insure that correspondence is acknowledged. Certain correspondence is forwarded to other Government agencies for appropriate action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By name.

Safeguards: Records are in a vaulted area; access is controlled by the Executive Secretary.

Retention and disposal: Records are stored in the Executive Registry for two years and then transferred to the Records Center for an additional three years' storage, records are destroyed by burning five years after date of receipt of correspondence.

System manager(s) and address:

Executive Secretary
Central Intelligence Agency
Washington, D.C. 20505.

Notification procedure: Individuals seeking to learn if this system of records contains their correspondence should direct their inquiries to:

Privacy Act Coordinator
Central Intelligence Agency

Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32CFR 1901.13). Individuals must comply with these rules.

Record access procedures: Requests from individuals should be addressed as indicated in the notification section above.

Contesting record procedures: The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

[FR Doc.76-25520 Filed 8-30-76;8:45 am]

federal register

TUESDAY, SEPTEMBER 7, 1976



PART III:

VETERANS ADMINISTRATION

■

PRIVACY ACT OF 1974

Systems of Records

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Systems of Records

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), requires that the Veterans Administration publish in the FEDERAL REGISTER, at least annually, a notice of the existence and character of its system of records. The Veterans Administration's inventory of records systems was published initially in the FEDERAL REGISTER (40 FR 38095) on August 26, 1975 and adopted by FEDERAL REGISTER notice on October 10, 1975 (40 FR 47980). Subsequent study reveals the need of correcting errors or omissions in some of the systems. Therefore, notice is hereby given that the Veterans Administration proposes to republish its entire inventory of systems of records, as defined by the Privacy Act, to reflect all changes to the systems since they were first published. The unified text will contain: the description of the Agency's original fifty-seven systems of personal records as adopted on October 10, 1975; subsequent changes to those systems, published for comment but not yet adopted by final notice; and proposed new routine use statements.

Typographical errors have been corrected and minor editorial changes have been made in paragraphs other than the "routine use" paragraphs.

CHANGES PREVIOUSLY PUBLISHED FOR COMMENT BUT NOT YET ADOPTED BY FINAL NOTICE

1. A revised system notice was published for public comment on May 21, 1976 (41 FR 20938) to indicate that the Veterans Administration proposes to automate the manual system of records entitled, "57VA125 Voluntary Service Records—VA." One comment was received. The commenter questioned why people are asked to provide a social security number when they volunteer to help the Veterans Administration. The reason is that a volunteer's social security number provides a unique identification through which individual hours of service can be maintained in the computer and retrieved when needed. The hours of volunteer service are tied into a long-estabilshed system of recognition which depends upon correct records. Whenever a volunteer is reluctant to provide a social security number for this purpose, a pseudo number is created. Therefore, after consideration of the comment, the proposed revised system notice is adopted without change.

2. A notice was published on July 6, 1976 (41 FR 27798) soliciting comment on our proposal to add an additional routine use statement to the following systems of records: "44VA01 Veterans Appellate Records System—VA" and "36VA00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA". No comments were received. Therefore, the proposed additions to the routine use element of these systems are adopted without change.

3. On June 22, 1976, the Veterans Administration published in the FEDERAL REGISTER (41 FR 25058) a notice of eight additional routine uses for the system entitled, "50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA". One letter of comment was received from OMB (Office of Management and Budget). OMB believes that the first of the proposed routine uses is inconsistent with the Privacy Act and urged the Veterans Administration to withdraw it. For this reason, the routine use has been withdrawn. The remaining seven routine use statements are adopted without change.

The same routine use is deleted from the following systems for the same reason: "49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA" and "58VA21/22 TARGET—Compensation, Pension, Education and Rehabilitation Records—VA".

PROPOSED NEW ROUTINE USE STATEMENTS

1. For sixteen systems of records, the Veterans Administration has identified the following additional routine use which was not described in the original notice:

Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5 and section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469).

This proposed use will permit release of personal information to another Federal employer or the commanding officer of a debtor to assist in the collection of a debt owed the Veterans Administration. Accordingly, it is added to the sixteen systems of VA records listed below:

11VA071 Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA Laws, Regulations, Etc.—VA.
13VA047 Individuals Submitting Invoices/Vouchers for Payment—VA.
24VA136 Patient Medical Records—VA.
27VA047 Personnel and Accounting Pay System—VA.
30VA136 Rejected Applicant for Medical Care Records—VA.
32VA00 Veterans, Employee and Citizen Health Care Facility Investigation Records—VA.
36VA00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA.
37VA27 Veterans and Beneficiaries Guardianship Records—VA.
39VA047 Veterans and Dependents Inactive Award Account Records—VA.
46VA00 Veterans, Beneficiaries and Attorneys U.S. Government Insurance Award Records—VA.
49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA.
50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA.
53VA00 Veterans Mortgage Life Insurance—VA.
54VA136 Veteran's Spouse or Dependent Civilian Health and Medical Care Records—VA.
55VA26 Loan Guaranty Home, Condominium and Mobile Loan Applicant Records and Paraplegic Grant Applicant Records—VA.
58VA21/22 TARGET—Compensation, Pension, Education and Rehabilitation Records—VA.

2. Notice is hereby given that the Veterans Administration is considering adding the routine use statement below to the systems of records entitled: 24VA136 Patient Medical Records—VA; 37VA27 Veterans and Beneficiaries Guardianship Records—VA; 49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA; and 55VA26 Loan Guaranty Home, Condominium and Mobile Home Loan Application Records and Paraplegic Grant Applicant Records—VA.

Release of information to a guardian ad litem in relation to his or her representation of a claimant in any legal proceeding.

3. Notice is hereby given that the Veterans Administration is considering adding the routine use statement below to the system of records entitle 37VA27 Veterans and Beneficiaries Guardianship Records—VA.

Release of information to an attorney employed by the spouse, a relative, or next friend to represent the interest of an incompetent claimant.

4. Notice is hereby given that the Veterans Administration is considering adding the routine use statement below to the system of records entitle 36VA00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA.

A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

5. Notice is hereby given that the Veterans Administration is considering adding the following routine use statement to twelve systems of records:

Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the United States. This purpose is consistent with the Federal Claims Collection Act of 1966 (Pub. L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

This proposed use will permit release of personal information order to obtain locator assistance in the collection of debts due the United States. Accordingly, it is added to the twelve systems of VA records listed below:

11VA071 Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA Laws, Regulations, Etc.—VA.
13VA047 Individuals Submitting Invoices/Vouchers for Payment—VA.
27VA047 Personnel and Accounting Pay System—VA.

36VA00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA.
37VA27 Veterans and Beneficiaries Guardianship Records—VA.
39VA047 Veterans and Dependents Inactive Award Account Records—VA.
46VA00 Veterans, Beneficiaries and Attorneys U.S. Government Insurance Award Records—VA.
49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA.
50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA.
53VA00 Veterans Mortgage Life Insurance—VA.
55VA26 Loan Guaranty Home, Condominium and Mobile Home Loan Applicant Records and Paraplegic Grant Applicant Records—VA.
58VA21/22 TARGET—Compensation, Pension, Education and Rehabilitation Records—VA.

6. Notice is hereby given that the Veterans Administration is considering adding an additional routine use statement in the description of the system of records entitled, "27VA047 Personnel and Accounting Pay System—VA." For several years, it was the policy of the Federal Government to cooperate with State and local taxing authorities by furnishing lists of employees working within their jurisdictions. The authority for individual agencies to make periodic reports, as well as the guidelines for furnishing the information, was Office of Management and Budget Circular A–38. The rescission of that Circular by OMB on September 23, 1975, using Public Law 93–579 (The Privacy Act of 1974) as a legal basis for the action, seemed to preclude the practice entirely. However, a recent opinion by the Office of the Legal Counsel of the Department of Justice (March 4, 1976), concludes that each Federal agency has a degree of authority to release certain information for tax purposes to State and local taxing jurisdictions. The opinion of the Department of Justice provides authority for release of payroll information under two statutes: the Freedom of Information Act (Public Law 93–502) and the Privacy Act. Although no Privacy Act authority for release exists currently, the preferred authority according to the Department of Justice opinion, is the routine use. Thus, to clearly establish the authority for the Veterans Administration to comply with the opinion of the Department of Justice to the maximum extent possible and to cooperate with State and local jurisdictions to the limit of the law, the Veterans Administration proposes the addition of the following routine use statement to this system of records to allow the Veterans Administration to furnish payroll information routinely, without a specific written request in each instance.

To provide State and local taxing authorities employee names, home addresses, social security numbers, gross compensation paid for a given period, taxes withheld for the benefit of the recipient jurisdiction or other jurisdictions, according to the provisions of State and/or local law. Social security numbers may only be furnished for use with systems of records for which their disclosure was required prior to January 1, 1975.

7. Notice is hereby given that the Veterans Administration is considering adding the following routine use statement to twelve systems of records:

A record containing the name(s) and address(es) of present or former members of the armed services and/or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Adoption of this routine use statement will permit the Veterans Administration to implement Public Law 94–321, approved June 29, 1976, entitled, "An Act to Amend Title 38 of the United States Code in Order to Clarify the Purposes for Which the Administrator of Veterans' Affairs May Release the Names and Addresses of Present and Former Personnel of the Armed Services and Their Dependents." Accordingly, it is added to the twelve systems of records listed below:

22VA136 Patient and Employee Infectious Disease Records—VA.
24VA136 Patient Medical Records—VA.
30VA136 Rejected Applicant for Medical Care Records—VA.
35VA042 Veterans Admitted to VA Hospitals for Care of Cancer during Period 1958 to 1963, Central Cancer Registry—VA.
36VA00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records—VA.
37VA27 Veterans and Beneficiaries Guardianship Records—VA.
38VA28 Veterans and Beneficiary Identification and Records Locator System—VA.
45VA28 Veterans Assistance Discharge System—VA.
49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA.
50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA.
51VA042 Spinal Cord Injury Study File, 1/1/46 to 9/30/55 and 10/1/55 to 9/30/65—VA.
58VA21/22 TARGET—Compensation, Pension, Education and Rehabilitation Records—VA.

CHANGES OTHER THAN ROUTINE USES

Notice is hereby given that the Veterans Administration proposes to adopt modifications to other than "routine use" paragraphs in some systems of records. Opportunity for public comment is not required for these changes.

1. The Veterans Administration has determined that six systems of records, as originally published, do not meet criteria for a system of records as defined by the Privacy Act. They have been subsumed by other systems of which they are an integral part. This notice deletes the following systems of records:

Inpatient Discharge Records—VA. These records are deemed a part of "24VA136 Patient Medical Records—VA."
Outpatient Staff and Fee Reporting Records—VA. These records are deemed a part of "24VA136 Patient Medical Records—VA."
Patient Summary Records—VA. These records are deemed a part of "24VA136 Patient Medical Records—VA."
Patient Treatment File—VA. These records are deemed a part of "24VA136 Patient Medical Records—VA."
Veterans Index Records—VA. These manual records are being destroyed after they are put on microfilm. The microfilm copy is now described in the system of records entitled, "38VA28 Veterans and Beneficiary Identification and Records Locator System—VA."
Veterans Claim Number Registers—VA. These manual records are being destroyed after they are put on microfilm. The microfilm copy is now described in the system of records entitled, "38VA28 Veterans and Beneficiary Identification and Records Locator System—VA."

2. In instructions for preparation of the President's Report to the Congress Under the Privacy Act of 1974, OMB (Office of Management and Budget) required that system names be limited to 115 characters because of space limitations. Accordingly, VA system names which exceeded 115 characters have been shortened.

At the request of the system manager, the system entitled "Applicants for Physician, Dentist and Nurse Positions" is changed to "Applicants for Employment Under Title 38, U.S.C."

Persons interested in commenting on the new routine use statements are invited to submit written comments, suggestions, or objections to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before October 7, 1976, will be considered. All written comments will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the comments are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description of the Veterans Adminstration's systems of records effective September 27, 1975, the effective date of section 3, Pub. L. 93–579 with the following exceptions: The TARGET system became effective April 21, 1976, the date of final approval by the Administrator of Veterans Affairs; the Voluntary Service Records—VA will be effective the date of final approval of this document.

Approved: August 26, 1976.

By direction of the Administrator.

[SEAL] A. J. SCHULTZ, Jr.,
Associate Deputy Administrator.

INDEX TO VA SYSTEMS OF RECORDS

01VA024 Accredited Representatives and Claim Agents Records-VA
02VA135 Applicants for Employment under Title 38, USC-VA
03VA042 Armed Forces Separations (DD-214) One-Percent Sample -VA
04VA113 Blood Donor File-VA
05VA024 Claimant Legal Precedent Files-VA
06VA024 Claimant Private Relief Legislative Name Files-VA
07VA138 Department of Medicine and Surgery Engineering Employee Management Information Records-VA
08VA 05 Employee Health Unit and Dispensary Records-VA
09VA 05 Employee Unfair Labor Practice Charges and Complaints, Negotiated Agreement Grievances and Arbitrations-VA
10VA 31 Employee Reporting System for Project Administration and Control (Data Processing Centers)-VA
11VA071 Investigation Reports of persons Allegedly Involved in Irregularities Concerning VA Laws, Regulations, Etc.,- VA
12VA 01 Individual Requests for Information from Appellate Records -VA
13VA047 Individuals Submitting Invoices-Vouchers For Payment-VA
14VA135 Individuals Serving on a Fee Basis or Without Compensation (Consulatants, Attendings, Others) Personnel Records-VA
16VA024 Litigant Name Files-VA
17VA 26 Loan Guaranty Fee Personnel and Program Participant Records-VA
18VA 05 Management Personnel Inventory-VA
19VA071 Missing Veterans File-VA
20VA138 Motor Vehicle Operator Accident Records-VA
22VA136 Patient and Employee Infectious Disease Records-VA
23VA136 Patient Fee Basis Medical and Pharmacy Records-VA
24VA136 Patient Medical Records-VA
27VA047 Personnel and Accounting Pay System-VA
28VA119 Personnel Registration under Controlled Substance Act-VA
29VA 11 Physician, Dentist and Supervisory Nurse Professional Standards Board Action File-VA
30VA136 Rejected Applicant for Medical Care Records-VA
31VA136 Representative of National Service Organization Certification Records-VA
32VA 00 Veteran, Employee and Citizen Health Care Facility Investigation Records-VA
33VA112 Veteran, Fabricator and Employee Prosthetic Records-VA
34VA 11 Veteran, Patient, Employee and Volunteer Research and Development Project Records-VA
35VA042 Veterans Admitted to VA Hospitals for Care of Cancer during Period 1958 to 1963, Central Cancer Registry-VA
36VA 00 Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records-VA
37VA 27 Veterans and Beneficiaries Guardianship Records-VA
38VA 28 Veterans and Beneficiary Identification and Records Locator System-VA
39VA047 Veterans and Dependents Inactive Award Account Records-VA
40VA 42 Veterans and Dependents (Living and Deceased) National Cementery System, Correspondence and Inquiry File-VA
41VA 41 Veterans and Dependents National Cemetery Gravesite Reservation Records-VA
42VA 41 Veterans and Dependents National Cemetery Interment Records-VA
43VA042 Veterans and Other VA Beneficiaries Who Have Responded to VA Sample Surveys-VA
44VA 01 Veterans Appellate Records System-VA
45VA 28 Veterans Assistance Discharge System-VA
46VA 00 Veterans, Beneficiaries and Attorneys U.S. Government Insurance Award Records-VA
48VA40B Veterans (Deceased) Headstone or Marker Records-VA
49VA 21 Veterans, Dependents and Beneficiaries Compensation and Pension Records-VA
50VA 22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records-VA
51VA042 Spinal Cord Injury Study File 1/1/46 to 9/30/55 and 10/1/55 to 9/30/65-VA
53VA 00 Veterans Mortgage Life Insurance-VA
54VA136 Veteran's Spouse or Dependent Civilian Health and Medical Care Records-VA
55VA 26 Loan Guaranty Home, Condominium and Mobile Home Loan Applicant Records and Paraplegic Grant Applicant Records-VA
56VA119 Veteran, Survivor and Dependent Automated Prescription Processing Service-VA
57VA125 Volunteer Service Records-VA
58VA21/22 TARGET-Compensation, Pension, Education, and Rehabilitation Records-VA
VA Appendix 1-Addresses of Veterans Administration Facilities

01VA024

System name: Accredited Representatives and Claim Agents Records - VA

System location: Office of General Counsel (024), Veterans Administration Central Office, Washington D.C. 20420.

Categories of individuals covered by the system: Members or employees of recognized service organizations, accredited to the VA to represent claimants for benefits; individuals, not attorneys, recognized by the VA to represent claimants for benefits on a fee basis.

Categories of records in the system: List of names, addresses, and organizations to which accredited.

Authority for maintenance of the system: Title 38, United States Code, 3402 and 3404.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To inform VA employees, claimants for benefits, and the general public of the identity of accredited representatives and claims agents.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. 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: Individual folders and file cards.

Retrievability: By surnames alphabetized.

Safeguards: Physical security.

Retention and disposal: Maintained as long as the individual is an active representative or agent; maintained by VA Central Office Records Division for 2 years thereafter and then disposed of as scrap.

System manager(s) and address: ASSISTANT GENERAL COUNSEL (024), VA Central Office, Washington, D.C. 20420.

Notification procedure: (See System Manager above.)

Record access procedures: Inquiry by mail or person.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Application of individuals for accreditation or recognition.

02VA135

System name: Applicants for Employment under Title 38, USC-VA

System location: VA Central Office for dentist applicants; VA health care facilities for all other applicants.

Categories of individuals covered by the system: Persons who have applied for VA employment as a physician, dentist, nurse, physician's assistant, expanded-duty dental auxiliary or other position under the authority of Title 38 USC, Chapter 73.

Categories of records in the system: These records contain information relating to the education and training; employment history; appraisal of past performance; convictions of offenses against the law; 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.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a Federal, local or State agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

5. 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 documents.

Retrievability: Records are indexed by name or by name within geographic location preference.

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: Applications are retained for one year then destroyed by shredding or burning.

System manager(s) and address: For dentists:ASSISTANT CHIEF MEDICAL DIRECTOR FOR DENTISTRY (16), VA Central Office, Washington, D.C. 20420; for other applicants: Station Personnel Officers (135), VA health care facility. (See VA Appendix 1 for local addresses.)

Notification procedure: For dentists: Same as System Manager; for physicians and nurses: VA station at which application was filed. Individuals should provide name, social security number and title of position applied for.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Information is collected from the individual's application, the references given by the applicant, and medical, dental or nursing school records.

03VA042

System name: Armed Forces Separations (DD-214) One-Percent Sample - VA

System location: VA Data Processing Center, St. Paul, Minnesota and Office of the Controller, VA Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Former members of the U.S. Armed Forces with service numbers ending in digits 67 or Social security number ending in digits 45 selected for the one-percent sample starting in 1956.

Categories of records in the system: Report of Separation, Department of Defense Form 214.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Sections 210, and 212, Part I.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To determine information concerning ex-service personnel who are being added to the veteran population, i.e. distribution by war periods or peacetime service; age distribution by period of service; distribution by state of residence at time of separation, distribution by sex, and to provide socioeconomic and service characteristics of separatees. VA employees use this data to develop demographic statistical data which are reflected in reports to the Congress, Federal, State and local government agencies, universities for research studies and veterans service organizations. The data produced and distributed are summarized data and do not identify individuals.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. 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: Magnetic tape, computer printouts.

Retrievability: Magnetic tape records are sequenced by social security number if on record (records not having a social security number are sequenced by Armed Forces service number). Computer printouts are sequenced by social security number within period of service or Armed Forces service number within period of service.

Safeguards: Access to One Percent Sample of Armed Forces separation records is restricted to VA employees assigned to that activity. These records are protected from outside access by Federal Protective Service.

Retention and disposal: Indefinite retention of sample data.

System manager(s) and address: DIRECTOR, REPORTS AND STATISTICS SERVICE (042), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves may submit a written request to the address shown under System Manager. A return address must be given. All inquiries must identify the record involved by providing individual's full name, social security number (and/or Armed Forces service number if discharged from the Armed Forces before 1971) and birth date.

Record access procedures: Individuals (or authorized representative) seeking information regarding access to and contesting VA records may write the VA Controller (042) at the address cited under System Manager.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: One Percent Sample of Armed Forces Separations system records are obtained from the Department of Defense.

04VA113

System name: Blood Donor File - VA

System location: Records are maintained at each of the Veterans Administration health care facilities. Addresses are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Individuals who have donated blood to a Veterans Administration health care facility, blood bank, Red Cross, government or private hospital to be issued for patient care under routine or emergency conditions.

Categories of records in the system: Blood information and files contain a cumulative account of blood received, type and quantity which is cross referenced by donor. A record of the individual or medical unit to which the blood was used or stored is maintained.

Authority for maintenance of the system: 1. Title 38, United States Code, Chapter 3, Section 210(c)(1). 2. Standards for Blood Banks and Transfusion Services. 3. Technical Methods and Procedures of the American Association of Blood Banks.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To answer questions, regarding the source from which blood was received, from Federal, State and local medical facilities for the purpose of following up on any questions that a qualified medical practioner may ask if a particular problem might occur.

2. To maintain records of blood availability, location, quantity on hand, and blood type; for use by Red Cross Coordinator of area; to answer and fill requests from health care facilities for need for blood by type, and the presence of particular antibodies.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

5. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. 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 documents, magnetic tape, disk.

Retrievability: (a) All VA blood information manual records are indexed by name and social security number of donor, cross indexed by blood type. (b) Automated records are indexed by name, social security number, blood type, antibodies and date of last donation.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Blood Information Records: Individual donor records are maintained at a VA health care facility for a minimum of 5 years after last donation and then shredded or burned. Information on blood transferred to another blood bank is maintained for a ten year retention after last entry then destroyed by shredding or burning. When blood is issued to a patient a record is maintained in his medical record and destroyed 15 years after last entry in his medical record.

System manager(s) and address: DIRECTOR PATHOLOGY SERVICE (113), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a medical record or blood information record pertaining to themselves must submit a written request or apply in person to the VA health care facility where care was rendered or blood donated. All inquiries must reasonably identify the portion of the medical record or blood information involved and the approximate dates that service was provided. Inquiries should include individuals full name, social security number , and known home address at the time of medical service.

Record access procedures: Blood donors, patients of VA medical care facilities or duly authorized representatives seeking information regarding access to and contesting of VA health facility records may write, call or visit the Veterans Administration facility where medical service was provided or volunteered.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. The blood donor. 2. Private hospitals and local blood banks. 3. Private physicians. 4. Laboratories - private, local, State, and Federal.

05VA024

System name: Claimant Legal Precedent Files - VA

System location: Office of General Counsel (024), VA Central Office, Washington, D.C. 20420, and Offices of the District Counsels in VA regional offices and centers. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: VA claimants whose entitlement to benefits involves legal questions which have been or are to be answered by Office of the General Counsel, including Offices of the District Counsels.

Categories of records in the system: Name of claimant and information pertinent to legal question presented.

Authority for maintenance of the system: Title 38, United States Code, Part I, Chapter 3, Subchapter II.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Used for answering legal questions. Answers may be supplied to claimant, VA officials, and upon inquiry to officials of other agencies and Members of Congress.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. 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: Individual folders.

Retrievability: By surnames alphabetized.

Safeguards: Physical security and personnel screening.

Retention and disposal: Except for precedential material (which is maintained permanently) folders maintained for 2 years; maintained for additional 3 years by VA Central Office Records Division and thereafter disposed of as scrap.

System manager(s) and address: ASSISTANT GENERAL COUNSEL (024), VA Central Office, Washington, D.C. 20420.

Notification procedure: (same as System Manager)

Record access procedures: Inquiry by mail or in person.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: VA officials requesting legal opinion and other VA records systems.

06VA024

System name: Claimant Private Relief Legislative Name Files - VA

System location: Office of General Counsel (024), VA Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Claimants on behalf of whom private relief bills are introduced, or proposed for introduction, in Congress.

Categories of records in the system: Information pertinent to private relief bill and factual situation therein involved.

Authority for maintenance of the system: Title 38, United States Code, Part I, Chapter 3, Subchapter II.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Preparation of reports to Congressional Committees, Members of Congress, and Executive departments.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. 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: Individual folders.

Retrievability: By surnames alphabetized, bill and law numbers.

Safeguards: Physical security and personnel screening.

Retention and disposal: Permanent retention.

System manager(s) and address: ASSISTANT GENERAL COUNSEL (024), VA Central Office, Washington, D.C. 20420.

Notification procedure: (same as System Manager)

Record access procedures: Inquiry by mail or in person.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: VA records systems, Members and Committees of Congress, other Executive departments.

07VA138

System name: Department of Medicine and Surgery Engineering Employee Management Information Records - VA

System location: Records are maintained at the Veterans Administration data processing centers Washington, D.C., Hines, Illinois, Austin, Texas, St. Paul, Minnesota, Los Angeles, California, and Philadelphia, Pennsylvania, and at all VA health care facilities. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans Administration Engineering employees with the Department of Medicine and Surgery.

Categories of records in the system: Personal identification information; data on cost center, hourly wage rate, and work location.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Subchapter II, Section 219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. 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: Punched cards.

Retrievability: Indexed by employee identification number.

Safeguards: Physical Security: Access to VA working and storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Records are retained until termination of employment. Destruction of records is accomplished by shredding or incineration.

System manager(s) and address: DIRECTOR ENGINEERING SERVICE (138), VA Central Office, Washington, D.C. 20420.

Notification procedure: An individual seeking information concerning the existence and contents of a record pertaining to himself should submit a written request or apply in person to the nearest VA health care facility. All inquiries must reasonably identify the system of records involved. Inquiries should include the individual's full name, employee identification number, approximate date(s) of employment, and location of the health care facility where employed.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of Department of Medicine and Surgery Engineering Employee Management Information Records-VA records may contact the Engineering Officer at the nearest VA health care facility.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Employee and supervisory personnel.

08VA 05

System name: Employee Health Unit and Dispensary Records -VA

System location: In Health Units at field stations and Central Office, whose address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: All employees who receive treatment.

Categories of records in the system: Daily Record of Employees' Emergency Treatment, Employee Health Record, and Daily Report of Employees' Injuries.

Authority for maintenance of the system: Title 38, United States Code, Section 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To assess physical capability of employees and to provide data for periodic reports of the health services program to the Civil Service Commission.

3.Information may be disclosed from this system of records toa Federal, State, or local agency to the extent necessary to comply with laws governing reporting of communicable diseases.

4. 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 documents in file system.

Retrievability: Alphabetically by name.

Safeguards: Physical Security: Records are maintained in locked file. Access to files is restricted to authorized health unit personnel and authorized Personnel Office personnel.

Retention and disposal: The basic health record is maintained at the employing station until the employee terminates employment, at which time it is retired to the Civilian Personnel Records Center, GSA, St. Louis, Missouri.

System manager(s) and address: Officials maintaining the system - Personnel Officer at station where employed. (See VA Appendix 1 for local addresses.) Official responsible for policies and procedures - ASSISTANT ADMINISTRATOR FOR PERSONNEL (05), VA Central Office, Washington, D.C. 20420.

Notification procedure: VA Personnel Officer at the station at which employed; the individual should provide full name, social security number , position title, and period of service involved.

Record access procedures: Individuals or representatives designated in writing may contact their servicing Personnel Office for gaining access to their personnel record and contesting the contents thereof.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Employee, Health Unit Nurse, Personnel Physician.

09VA 05

System name: Employee Unfair Labor Practice Charges and Complaints, Negotiated Agreement Grievances and Arbitrations - VA

System location: VA station personnel offices, whose address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: VA employees or labor lnion representatives who have filed, in the name of VA employees, unfair labor practice charges or complaints and negotiated agreement grievances.

Categories of records in the system: Various material, considered pertinent by parties to proceedings, needed for processing charges, complaints, grievances and arbitrations.

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:

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Files may be released to arbitrators for processing arbitrations and to authorized Department of Labor officers for processing unfair labor practice complaints.

3. 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 documents in files.

Retrievability: Alphabetically by name at some VA stations. Some stations do not maintain records retrievable by name or other personal identifier.

Safeguards: Access to files is restricted to authorized VA employees in the Personnel Office and to operating officials.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Officials maintaining the system - VA Personnel Officers where records are maintained. (See VA Appendix 1 for local addresses.) Official responsible for policies and procedures - ASSISTANT ADMINISTRATOR FOR PERSONNEL (05), VA Central Office, Washington, D.C. 20420.

Notification procedure: VA station Personnel Officer. Individual should provide full name, social security number and date and nature of proceeding involved.

Record access procedures: Individuals or representatives designated in writing may contact their servicing Personnel Office for gaining access to their records and contesting the contents thereof.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: VA officials, employees, and labor organization officials.

10VA 31

System name: Employee Reporting System for Project Administration and Control (Data Processing Centers) - VA

System location: Veterans Administration Data Processing Centers. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Data Processing Center employees assigned to Systems or Technical Assistance Division.

Categories of records in the system: Detailed record of Project Assignments and related task assignments; Resource record for reporting of time, in hours, individual spends on administrative and overhead tasks.

Authority for maintenance of the system: Title 5, United States Code 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. All of the information contained in this system of records is used for official purposes of the Veterans Administration; all such uses of the information are compatible with the purpose for which the information was collected.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. 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: Magnetic tape.

Retrievability: Project identification number, employee's initials, first, middle, and last.

Safeguards: Physical security requires that employees wear identification badges. Special identification badges are required to enter the computer site.

Retention and disposal: Automated records are retained a minimum of 1 year and a maximum of 5 years. Fifth year History Tapes are erased. Manual records are maintained a minimum of 1 year and a maximum of 2 years. They are then disposed of as trash.

System manager(s) and address: Director, Technical Assistance Service (31), Department of Data Management, VA Central Office, Washington, D.C. 20420.

Notification procedure: An individual seeking information concerning the existence and contents of a record pertaining to himself should submit a written request or apply in person to the Director of the VA Data Processing Center where the individual is (was) employed. Inquiries should include the individual's full name, PACS identification if known, and approximate dates of employment.

Record access procedures: Individuals or their authorized representatives seeking information regarding access to and contesting of their Project Administration and Control System Record may contact the Director of the VA Data Processing Center where the individual is (was) employed.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Project budget and project objective by supervisor/individual, individual workload data by individual.

11VA071

System name: Investigation Reports of Persons Allegedly Involved in Irregularities Concerning VA Laws, Regulations, Etc., -VA

System location: Investigation and Security Service (071), VA Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Employees and others who conduct official business with VA.

Categories of records in the system: Reports of Investigation, testimony, affidavits, memoranda.

Authority for maintenance of the system: Title 38, United States Code 3311.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency or other organization maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency or organization decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

3. A record from this system of records may be disclosed to a Federal, State or local agency or other organization, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency or organization, to the extent that the information is relevant and necessary to the requesting agency's or organization's decision on the matter.

4. Referral to other federal, state or local agencies or organizations of such information as is pertinent to their operations.

5. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

6. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

7. 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 documents in file folders.

Retrievability: Indexed by subject of investigation and names of all witnesses who were interviewed.

Safeguards: Confidential files released only with approval of System Manager.

Retention and disposal: 30 years then destroyed by burning.

System manager(s) and address: DIRECTOR, INVESTIGATION AND SECURITY SERVICE (071), VA Central Office, Washington, D.C. 20420.

Notification procedure: (same as System Manager above)

Record access procedures: Written request to address above.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Individuals and records of pertinence to matter of inquiry.

12VA 01

System name: Individual Requests for Information from Appellate Records - VA

System location: Board of Veterans Appeals, Veterans Administration Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Person requesting information under Freedom of Information Act.

Categories of records in the system: Requests for information, responses to requests.

Authority for maintenance of the system: Title 5, United States Code 552, 38 Code of Federal Regulations 1.556.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. All of the information contained in this system of records is used for official purposes of the Veterans Administration; all such uses of the information are compatible with the purpose for which the information was collected.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. 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: File folders.

Retrievability: By name.

Safeguards: Files under control of Freedom of Information Act Officer.

Retention and disposal: Two years then destroyed.

System manager(s) and address: CHAIRMAN, BOARD OF VETERANS APPEALS (01), Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Board of Veterans Appeals (014), Veterans Administration Central Office, Washington, D.C. 20420.

Request should be made in writing. The following information, or as much as is available, should be furnished in order to identify name of the subject of the file: Full name of the subject and any other information which will enable Board of Veterans Appeals to differentiate between persons of the same name.

Record access procedures: Information and/or assistance as to access to Board of Veterans Appeals records or as to contesting the content of such records may be obtained by contacting the Freedom of Information Act Officer (014), Board of Veterans Appeals, Veterans Administration Central Office, Washington, D.C., 20420, or by telephoning (202) 389-3346.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Data furnished by person requesting information, data furnished by Board of Veterans Appeals to requestor.

13VA047

System name: Individuals Submitting Invoices/Vouchers For Payment - VA

System location: VA Data Processing Center, Austin, Texas and the fiscal offices of Central Office and other field stations where the fiscal transactions are processed.

Categories of individuals covered by the system: Contractors, vendors, non-salaried employees, consultants, attendings, fee basis physicians and dentists, and patients.

Categories of records in the system: Vendor identification listings, invoices and payment records.

Authority for maintenance of the system: Budget and Accounting Act of 1950 and General Accounting Office Title 8, Chapter 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer payment information necessary to complete payment of claims and to furnish income data Form 1099 to the Treasury Department in order to effect payment of claims to vendors and to furnish income information.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

4. A record from this system of records may be disclosed to a Federal, State or local agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

6. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

7. 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 documents, microfiche, magnetic tape.

Retrievability: Alphabetically by name and numerically by identification number.

Safeguards: Access to the records is restricted to VA Finance employees. These records are protected from outside access by Federal Protective Service.

Retention and disposal: Governed by General Accounting Office Regulations which require retention for records created prior to 7/2/75: 10 years and 3 m onths after the period of the account; records created on and after 7/2/75: 6years and 3 months after the period of the account. Records are normally retired to Federal Record Centers within 1 or 2 years after payment and audit.

System manager(s) and address: CONTROLLER, (047), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves may submit a written request to the VA office to which the invoice/voucher was submitted. All inquiries must reasonably identify the invoice/voucher involved. Inquiries should include name and return address.

Record access procedures: Individuals or authorized representatives seeking information regarding access to and contesting of records may write, call or visit the VA office to which the invoice/voucher was submitted.

Contesting record procedures: (see Record Access Procedures above)

Record source categories: These payment records are compiled from documentation from the vendor, contractor, and employee; Dun and Bradstreet (identifying numbers); and procurement and authorization documentation generated by the Veterans Administration.

14VA135

System name: Individuals Serving on a Fee Basis or Without Compensation (Consultants, Attendings, Others) Personnel Records-VA

System location: VA station Personnel Offices, whose address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Physicians, dentists and nurses; student trainees; research personnel; other scientific and technical personnel.

Categories of records in the system: Copies of application, appointment letters, other documents and papers maintained in connection with these appointments.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. All of the information contained in this system of records is used for official purposes of the Veterans Administration; all such uses of the information are compatible with the purpose for which the information was collected.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. 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 documents in file system.

Retrievability: Alphabetically by name.

Safeguards: Physical Security: Access to files is restricted to authorized Personnel Office and operating officials. Records are maintained in locked files.

Retention and disposal: Records are maintained for a period of one year from the expiration of appointment. They are then destroyed.

System manager(s) and address: Officials maintaining the system - Personnel Officers (135) where this system is utilized. (See VA Appendix 1 for local addresses.) Official responsible for policies and procedures - ASSISTANT ADMINISTRATOR FOR PERSONNEL (05), VA Central Office, Washington, D.C. 20420.

Notification procedure: VA station Personnel Officer. Individual should provide full name, social security number , position and period of service involved.

Record access procedures: Individuals or representatives designated in writing may contact their servicing personnel office for gaining access to their personnel record and contesting the contents thereof.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Application for employment, authorization forms or letters and related documents.

16VA024

System name: Litigant Name Files - VA

System location: Office of General Counsel (024), VA Central Office, Washington, D.C. 20420, and Offices of the District Counsels in VA regional offices and centers. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Individual litigants in cases brought by or against the government and affecting the Veterans Administration.

Categories of records in the system: Pleadings, opinions, briefs, decisions, and matters of evidentiary nature.

Authority for maintenance of the system: Title 38, United States Code, Part I, Chapter 3, Subchapter II.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To respond to pleadings, interrogatories, and orders, and to supply information to the Department of Justice, U.S. Attorneys, the several courts and other party litigants.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. 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: Individual folders and file cards.

Retrievability: By case title or court docket number.

Safeguards: Physical security and personnel screening.

Retention and disposal: Maintained one year following close of litigation; maintained by VA Central Office Records Division for additional 9 years; thereafter disposed of as scrap.

System manager(s) and address: ASSISTANT GENERAL COUNSEL (024), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals should contact the System Manager listed above.

Record access procedures: Inquiry by mail or in person.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Courts, litigants and their attorneys, Department of Justice, other VA records systems.

17VA 26

System name: Loan Guaranty Fee Personnel and Program Participant Records-VA

System location: Records are maintained at VA regional offices or centers having loan guaranty activities; in offices of the District Counsels in regional offices and centers; and at the VA Central Office, Washington, D.C. 20420. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Appraisers, compliance inspectors, management brokers, developers and builders, real estate sales brokers, participating lenders, and loan closing and fee attorneys.

Categories of records in the system: Applications for approval, financial data and professional resumes are maintained. Information on corporate officers, officials responsible for submissions and parties of interest is documented. Information on the record of performance is retained for each individual or firm.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1); Title 38, United States Code, Chapter 37.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of information regarding builders, lenders and brokers suspended from participation in the Loan Guaranty Program to the Department of Housing and Urban Development and the Federal Housing Administration to enable the user to consider imposing like restrictions on persons and/or firms doing business with both agencies.

2. To furnish rosters of qualified fee appraisers and compliance inspectors and advice regarding suspensions for the Department of Housing and Urban Development and the Federal Housing Administration to permit user to employ services of qualified fee personnel and to ascertain causes for their removal, i.e., misconduct or irregularity.

3. Transfer of statistical and other data in a form not individually identifiable to Federal, State and Local Government Agencies, Civil Rights and Fair Housing groups and privately funded studies to formulate, develop and monitor programs for minority participation by brokers and other fee basis personnel.

4. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

6. 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 documents.

Retrievability: All records are indexed or cross-indexed by name of individual or firm.

Safeguards: Access to VA working spaces and record file storage areas is restricted to VA employees on a need to know basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Sensitive files involving pending suspension or legal action are stored in separate locked files.

Retention and disposal: Cards on suspended builders, lenders and real estate brokers are destroyed immediately after notification that suspension has been terminated. Other records are retained for various periods extending up to two years after all loans have been liquidated. Destruction of records is accomplished by either shredding or burning.

System manager(s) and address: DIRECTOR, LOAN GUARANTY SERVICE (26), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inqui-

ries must reasonably identify the relationship of the individual with the VA loan program. Inquiries should include the individual's full name, address, firm represented, if any, and capacity in which the individual participates or participated in the loan program.

Record access procedures: Fee personnel or program participants or their authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Fee personnel and program participant records are obtained from the applicant, credit and financial reporting agencies, independent auditors and accountants, accumulated performance information, other VA regional offices and Central Office, other Federal agencies.

18VA 05

System name: Management Personnel Inventory -VA

System location: VA Central Office, Washington, D.C., VA Data Processing Center, St. Paul, Minnesota.

Categories of individuals covered by the system: Employees in specified occupations and at specified grade levels leading to centralized managerial or executive positions.

Categories of records in the system: Data on service history, skills, qualifications, education, training, awards, performance evaluations, and mobility.

Authority for maintenance of the system: Title 5, United States Code, Sections 301 and 302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.
3. 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 documents in folder files, magnetic tape.

Retrievability: Folder files are filed by name, automated records are indexed by social security number within station.

Safeguards: Physical security: Access to files is restricted to authorized personnel office and operating officials. Records are maintained in locked files.

Retention and disposal: Folder files - destroyed immediately upon separation from VA. Retained 2 years if employee withdraws from system and then destroyed. Magnetic tape record is destroyed immediately upon separation or withdrawal from system.

System manager(s) and address: ASSISTANT ADMINISTRATOR FOR PERSONNEL, (05), VA Central Office, Washington, D.C. 20420.

Notification procedure: Executive Assistant to the Assistant Administrator for Personnel, VA Central Office, Washington, D.C. Employee should provide full name, social security number, employing station and position title.

Record access procedures: Employee or representative designated in writing may contact their servicing personnel office in person or in writing for information on procedures for gaining access to his/her record.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Employee, Supervisory officials (appraisals), Personnel and Accounting Pay System.

19VA071

System name: Missing Veterans File - VA

System location: Investigation and Security Service (071), VA Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Missing veterans

Categories of records in the system: Informal memoranda regarding efforts to locate missing veterans.

Authority for maintenance of the system: Title 44, United States Code, Chapter 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
2. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency or other organization maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning benefits.
3. Referral to other Federal, State or local agencies or organizations of such information as is pertinent to their operations.
4. 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 documents in file folders.

Retrievability: Indexed by veteran's name.

Safeguards: Released only with approval of System Manager.

Retention and disposal: Records are kept 5 years then destroyed by burning.

System manager(s) and address: DIRECTOR, INVESTIGATION AND SECURITY SERVICE (071), VA Central Office, Washington, D.C. 20420.

Notification procedure: See above address.

Record access procedures: Written request to above address.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Individuals and records of pertinence to matter of inquiry.

20VA138

System name: Motor Vehicle Operator Accident Records - VA

System location: Records are maintained at each VA Health Care Facility, where the authorization to operate a Government-owned vehicle was issued, or at the facility where an accident occurred. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: VA employees authorized to operate a Government-owned vehicle. Individuals involved in a motor vehicle accident at a VA facility.

Categories of records in the system: Driving tests, road tests, accident reports, physical fitness reports. Reports and records documenting the facts, circumstances and evidence surrounding a motor vehicle accident.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1); Title 38, United States Code, Chapter 57, Section 3311.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To issue or remove a permit to operate a Governmental vehicle by the General Service Administration to insure against the operation of a GSA vehicle by a driver who is not qualified or who is a poor risk.
2. Transfer of required information to attorneys representing parties involved in litigation of motor vehicle accidents to assist attorneys in representing their clients.
3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or

by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

6. 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: (a) Paper documents. (b) Photographs.

Retrievability: (a) The operator permits are filed alphabetically by name of operator. (b) The accident reports are filed by the vehicle number or license number.

Safeguards: Physical Security : Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: (a) The operators permit file is disposed of three (3) years after separation or three (3) years after cancellation of authorization to operate, whichever is earlier. (b) The accident files are disposed of two (2) years after last activity. (c) Destruction of records is accomplished by burning or shredding.

System manager(s) and address: DIRECTOR, ENGINEERING SERVICE (138), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence or content of a record pertaining to themselves must submit a written request or apply in person to the VA facility where the permit was issued or the accident occurred. All inquiries must reasonably identify the portion of the record system desired, i.e., Driver permit, or accident report. Inquiries should include the individual's full name, dates of employment or approximate date of accident, vehicle license number, description of the vehicles involved in the accident.

Record access procedures: Individuals or duly authorized representatives seeking information regarding access to and contesting of these records may write, call or visit the VA facility where the permit was issued or accident occurred.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. Employee, 2. Private citizens involved in accidents, 3. Federal, State and local law enforcement agencies, and 4. Private insurance companies.

22VA136

System name: Patient and Employee Infectious Disease Records - VA

System location: Records are maintained at the Veterans Administration Data Processing Center at Los Angeles, California; and at the VA Hospital at Palo Alto, California. Address locations are listed in the VA Appendix at the end of this document.

Categories of individuals covered by the system: Patients and employees at VA Hospital at Palo Alto, California.

Categories of records in the system: Personal identification information; particular and general infection sites; antibiotic sensitivities.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Subchapter II, Section 210; and Chapter 17, Subchapter II, Sections 610, 611, and 612.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. 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.

4. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by name and social security number .

Safeguards: Physical Security: Access to VA working and storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: CHIEF OF STAFF (11), VA Hospital, 3801 Miranda Avenue, Palo Alto, California 94304.

Notification procedure: An individual seeking information concerning the existence and contents of a record pertaining to himself should submit a written request or apply in person to the nearest VA health care facility (136). All inquiries must reasonably identify the system of records involved. Inquiries should include the individual's full name, social security number , date of birth, and approximate date(s) of care or employment at Palo Alto Veterans Administration Hospital.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of Patient and Employee Infectious Disease Records - VA, may contact the System Manager of this system.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Patient Consolidated Medical Record portion of the 'Patient Medical Records-VA' and personnel medical screening records created due to epidemic, etc.

23VA136

System name: Patient Fee Basis Medical and Pharmacy Records - VA

System location: Records are maintained at all VA data processing centers, health care facilities. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Individuals furnished medical and pharmacy services authorized by the Veterans Administration on a fee-for-services basis.

Categories of records in the system: Personal identification information on veteran and physician; date of visit; type of service; charge for service; pharmacy dispensing; and travel pay.

Authority for maintenance of the system: Title 38, United States Code, Chapter 17, Subchapter I, Section 601; Chapter 3, Subchapter II, Section 213.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To provide statistical and other information in response to other legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. To the Treasury Department to facilitate payments to physicians, clinics, and pharmacies for reimbursement for services rendered.

6. To the Treasury Department to facilitate payments to veterans for reimbursements of travel expenses.

7. 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: Magnetic tape and disk.

Retrievability: Indexed by veteran's social security number and physician's social security number or, if SSN is unavailable, taxpayer's identification number.

Safeguards: Physical Security: Access to VA working and storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: DIRECTOR, MEDICAL ADMINISTRATION SERVICE (136), VA Central Office, Washington, D.C. 20420.

Notification procedure: An individual seeking information concerning the existence and contents of a record pertaining to himself should submit a written request or apply in person to the nearest VA health care facility (136). All inquiries must reasonably identify the system of records involved. Inquiries should include the individual's full name, social security number , and approximate date(s) of services rendered or received.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of Patient Fee Basis Medical and Pharmacy System -VA records may contact the Medical Administration Officer at the nearest VA health care facility.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Patient Consolidated Medical Record portion of the VA Medical Records System.

24VA136

System name: Patient Medical Records - VA

System location: Records are maintained at each of the VA health care facilities and the Federal records centers. Address locations for VA facilities are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans, survivors and dependents of certain veterans who have applied for health care services under Title 38, United States Code, Chapter 17. Patients other than the above who were admitted to a hospital under emergency conditions for humanitarian reasons.

Categories of records in the system: Medical Records contain a cumulative account, written in graphic form, of sociological, diagnostic, medical, surgical, dental, drug and alcohol information compiled by VA professional staff and private hospitals and doctors, information relating to dependency, income, education and occupation. Counseling and Rehabilitation records are also maintained as necessary.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210(c)(1), Title 38, United States Code, Chapter 17.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure of medical record data as deemed necessary and proper to Federal, State and local government agencies and national health organizations in order to assist in the development of programs that will be beneficial to claimants and to protect their rights under law and assure that they are receiving all benefits to which they are entitled.

2. Disclosure of medical care furnished and the period of care, as deemed necessary and proper to accredited service organization representatives and other approved agents, attorneys, and insurance companies to aid claimants in the preparation, presentation and prosecution of claims under laws administered by the VA, State or local agencies.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefit.

6. Disclosure of conditions of named patients by appropriate professional staff members of health care facilities to families and friends of those named patients.

7. Disclosure by health care facilities information desks of 'on the rolls' status of named individuals in response to inquiries and/or for visitation purposes.

8. Relevant information from this system of records may be disclosed as a routine use: in the course of presenting evidence to a court, magistrate or administrative tribunal, in matters of guardianship, inquests and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

9. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the

debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

10. Release of information to a guardian ad litem in relation to his or her representation of a claimant in any legal proceeding.

11. 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.

12. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, Microfilm, Magnetic tape, Disk.

Retrievability: (a) Manual records are indexed by name and VA social security number, maintained in terminal digit order. (b) Automated records are indexed by name, VA file number, payee number and type of vendor.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Medical Records: Individual patient medical records are retained at each health care facility for a minimum of three (3) years after the last episode of care. After the third year of inactivity the paper record is screened, and vital documents are removed and retained at the facility indefinitely, the remaining portion of the record is transferred to the nearest Federal Record Center for twelve (12) more years of storage.

System manager(s) and address: DIRECTOR, MEDICAL ADMINISTRATION SERVICE (136), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a medical record pertaining to themselves must submit a written request or apply in person to the VA health care facility where care was rendered. All inquiries must reasonably identify the portion of the medical record involved and the approximate date that medical care was provided. Inquiries should include the patient's full name, VA file number and return address, and place of care. If the VA file number is not available, then provide, if known: Date of birth, social security number, known home address at time of medical service.

Record access procedures: Veterans, dependents, survivors, or duly authorized representatives seeking information regarding access to and contesting of VA health records may write, call or visit the VA facility where medical care was provided.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. The patient, family members or accredited representative, and friends, employers or other third parties when otherwise unobtainable from the patient or his family. 2. The Department of Defense. 3. Private hospitals, insurance companies and medical professionals if written authorization is obtained from the patient. 4. State and local agencies upon request for assistance by the patient. 5. Undertakers at time of death in a VA facility. 6. Social Security Administration. 7. Various automated systems providing clinical and managerial support at selected VA health care facilities.

27VA047

System name: Personnel and Accounting Pay System -VA

System location: VA Data Processing Center, Austin, Texas; the field stations where the employee is on duty.

Categories of individuals covered by the system: All VA employees (including Consultants and Attendings).

Categories of records in the system: PAID Master Records, Record of Salary Payments, Time and Attendance report file, Earnings and Leave Statement, Individual Retirement Record, Payroll Folder Files, Personnel Action Records and Basic Authorizations, Training & Incentive Awards Record.

Authority for maintenance of the system: Statutory provisions, Executive Orders of the President, and rules and regulations of certain Federal regulatory departments and agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To produce and maintain the personnel and payroll records, including reports and statistical data, of VA employees for use by Federal, State and local agencies and organizations authorized by law or regulation to have access to such information.

2. Transfer payroll information to complete payroll checks, bond deductions and withholding taxes to the Treasury Department in order to effect delivery of payroll checks and savings bonds to VA employees.

3. Transfer payroll information to the Social Security Administration in order to credit quarterly postings for social security.

4. Transfer withholding tax information to State and/or city governments to effect payment of taxes to city and/or State governments and to create W-2's.

5. Transfer retirement record information to the Civil Service Commission in order to provide a history of service and retirement deductions.

6. Transfer employee Payroll Folder File, Record of Salary Payments, and Time and Attendance reports to the National Archives and Records Service in order to provide a history of all salaries, deductions and time and leave.

7. Transfer unemployment compensation information to State agencies to compile unemployment compensation data.

8. Transfer personnel data to the Civil Service Commission in order to provide the Civil Service Commission with a readily accessible major data source for meeting work force information needs of the Commission, national planning agencies, the Congress, the White House and the public.

9. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

10. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

11. A record from this system of records may be disclosed to a Federal, State or local agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

12. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

13. To provide State and local taxing authorities employee names, home addresses, social security numbers, gross compensation paid for a given period, taxes withheld for the benefit of the recipient jurisdiction or other jurisdictions, according to the provi-

sions of State and/or local law. Social security numbers may only be furnished for use with systems of records for which their disclosure was required prior to January 1, 1975.

14. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

15. 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 documents, magnetic tape.

Retrievability: VA personnel records are filed by name. Automated data processing records are indexed by social security number within station.

Safeguards: Physical Security: Access to Payroll Folder Files is restricted to Finance Officers and employees of the Payroll Section. Rooms are locked after working hours and are protected from outside access by Federal Protective Service. Access to official Personnel folder files is restricted to Personnel Officers and employees authorized access under Federal Personnel Manual and VA Manual MP-5, Personnel Policy.

Retention and disposal: Payroll Folder File - Retired to the National Personnel Records Center three years after close of calendar year following transfer or separation of employee and after audit clearance of related pay records - disposed of 56 years after date of last entry on card. Official Personnel Service Folder File - Retired to the National Personnel Records Center 30 days after separation - disposed of 75 years after birth of employee.

System manager(s) and address: CONTROLLER (047) VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request to the VA station of employment. Addresses of stations may be found in VA Appendix 1 at the end of this document. Inquiries should include the employee's full name, social security number , office and return address.

Record access procedures: Employees or representatives designated in writing seeking information regarding access to and contesting of VA records may write, call or visit the VA office of employment.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Personnel records information received from employees, VA officials, other Government and State Agencies.

28VA119

System name: Personnel Registration under Controlled Substance Act - VA

System location: Records are maintained at each of the Veterans Administration health care facilities. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Health practitioners authorized to prescribe drugs under the Controlled Substance Act at a Veterans Administration health care facility.

Categories of records in the system: Registration Card Record containing the information necessary for verification of employee control under the Controlled Substance Act. The employee's name, social security number, signature and his Drug Enforcement Agency control number, assigned by either the State or the Veterans Administration, depending on local policy as required by the Act.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210(c)(1), Public Law 91-513, Controlled Substance Act of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued thereto.

2. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

3. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. 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 documents.

Retrievability: All registration records under the Controlled Substance Act are indexed by employee's name, social security number or Drug Enforcement Agency's Control Number.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: This record is retained in Pharmacy while the individual is employed at a Veterans Administration health care facility. When the employee terminates his position in a particular VA health care facility his record is combined with his personnel folder and transferred to the next facility or forwarded to the Civilian Personnel Records Center, St. Louis, for retention.

System manager(s) and address: DIRECTOR PHARMACY SERVICE (119), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a record pertaining to themselves must submit a written request or apply in person to the VA health care facility, where record is maintained. All inquiries must reasonably identify the record involved and the approximate date it was maintained. Inquiries should include employee's name, social security number, and Drug Enforcement Agency's Control Number.

Record access procedures: Employees or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call, or visit the Veterans Administration facility where employee's record was maintained.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1) The employee. 2) Drug Enforcement Agency or VA health care facility.

29VA 11

System name: Physician, Dentist and Supervisory Nurse Professional Standards Board Action File - VA

System location: Department of Medicine and Surgery (11B), Veterans Administration Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Physicians, dentists, supervisory nurses and physician's assistants, appointed under 38 USC, chapter 73, currently or formerly employed at a VA health care facility.

Categories of records in the system: Personnel forms and correspondence pertaining to promotions, reassignments, transfers, proficiency ratingsg physical examinations, etc., all of which are duplicated in the employee's official personnel folder. This system also contains board action folders for former employees who cannot be re-employed without approval of the Chief Medical Director.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73, Section 4108.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

3. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

4. All of the information contained in this system of records is used for official purposes of the Veterans Administration; all such uses of the information are compatible with the purpose for which the information was collected.

5. 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 documents.

Retrievability: Alphabetically by name.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Disposed of three years after date of last service with the VA. Board action folders of former employees who cannot be re-employed without approval of the Chief Medical Director are reviewed periodically. Those folders no longer requiring approval of the Chief Medical Director are interfiled with the regular board actions folders. Destruction of records accomplished by either shredding or burning.

System manager(s) and address: CHAIRMAN SPECIAL BOARDS, Department of Medicine and Surgery (11B), Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Physicians, dentists and supervisory nurses seeking information concerning the existence and content of a board action folder pertaining to themselves must submit a written request or apply in person to the system manager.

Record access procedures: Physicians, dentists and supervisory nurses seeking information regarding access to and contesting of VA Board Action Folders may write, call or visit the system manager.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: VA health care facilities official personnel folders.

30VA136

System name: Rejected Applicant for Medical Care Records - VA

System location: Records are maintained at each VA health care facility. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans, survivors and dependents who have applied for medical care services under Title 38, United States Code, Chapter 17.

Categories of records in the system: Applications and related material of individuals who have applied for treatment in a Veterans Administration health care facility and who have been rejected for such reasons as: legally ineligible; not in need of treatment; refusal of individual to accept treatment or care; failure to report, etc.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210(c)(1); Title 38, United States Code, Chapter 17.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure of why individual's application for medical care in a Veterans Administration health care facility was rejected to accredited service organization representatives, attorneys, insurance companies and other approved agents in order to to justify or show cause why an individual was not entitled to or rejected for care in a Veterans Administration health care facility with the facts presented by application.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefits.

5. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

6. 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.

7. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents

Retrievability: All rejected applications are indexed by name and by month application was received.

Safeguards: Physical Security: Access to VA working space medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employees who file rejected applications observe a strict control and disclosure is limited to authorized individuals with a 'need to know' basis.

Retention and disposal: Rejected Application: Individual applications are retained at each Veterans Administration health care facility for a minimum of two (2) years after date received and a total of three (3) years for outpatient dental treatment. Only those applications which were initially rejected and by appeal resulted in a period of hospitalization will be retained as an integral part of the perpetual medical record.

System manager(s) and address: DIRECTOR, MEDICAL ADMINISTRATION SERVICE (136), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a rejected application folder pertaining to themselves must submit a written request or apply in person to the VA health care facility where application for care was rejected. All inquiries must reasonably identify the portion of the rejected application folder involved and the approximate date that application for health care was initiated. Inquiries should include the applicant's full name, VA file number, (if known) social security number, date of birth, home address when application was completed.

Record access procedures: Veterans, dependents, survivors, or duly authorized representatives seeking information regarding access to and contesting of VA rejected applications for care may write, call or visit the Veterans Administration facility, where application for care was rejected.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. The patient, family members or accredited representative. 2. The Department of Defense. 3. Private hospitals, insurance companies, and medical professionals if written authorization is obtained from the patient. 4. State and local agencies upon request for assistance by the patient. 5. Various automated systems providing clinical and managerial support at selected VA health care facilities.

31VA136

System name: Representative of National Service Organization Certification Records - VA

System location: Records are maintained at each of the VA health care facilities. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Accredited representatives of national service organizations, such as, American Legion, Disabled American Veterans, American National Red Cross, Blinded Veterans Association, Veterans of Foreign Wars, Catholic War Veterans, etc.

Categories of records in the system: National service organization folders containing letters of certification for individual designated to represent the national organization. The folders contain the name, address and phone number of the accredited representatives.

Authority for maintenance of the system: Title 38, United States Code, Chapter 59, Section 3402.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. All of the information contained in this system of records is used for official purposes of the Veterans Administration; all such uses of the information are compatible with the purpose for which the information was collected.

3. 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 documents.

Retrievability: Alphabetically by national service organization.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restriced to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Dispose of after names of national service organization representatives have been deleted from the list of accredited representatives.

System manager(s) and address: DIRECTOR, MEDICAL ADMINISTRATION SERVICE (136), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of records pertaining to themselves must submit a written request or apply in person to the nearest VA health care facility. All inquiries must reasonably identify the record involved and should include the individual's name and return address.

Record access procedures: Individuals seeking information regarding access to and contesting of these records may write, call or visit the nearest Veterans Administration facility.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: National service organizations.

32VA 00

System name: Veteran, Employee and Citizen Health Care Facility Investigation Records - VA

System location: Records are maintained at each of the VA health care facilities. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: 1. Veterans, employees and private citizens who have been injured as a result of accident or assault. 2. Veterans who have died as a result of violence or accident, such as, suicide, homicide, reaction to anesthesia or drugs, assault, transfusion accident, blood incompatibility, error in treatment, neglect of patient, fire, firearms, explosion, etc. 3. Employees and private citizens who have died as a result of violence or accident. 4. Veterans who have left the health care facility without authorization. 5. Veterans, employees and private citizens who have alleged the loss of personal property, funds or valuables. 6. Veterans and private citizens who have alleged abuse by members of the health care facility staff. 7. Employees who have alleged discrimination, abuse or threats of violence by other employees, veterans and private citizens. 8. Veterans, employees and visitors who have assaulted other individuals. 9. Veterans, employees or private citizens who have been involved in the sale of illegal drugs or alcohol within the health care facility. 10. Veterans, employees and private citizens who have been accused of stealing from other individuals or from the VA health care facility. 11. Employees who have been accused of improper and unethical conduct. 12. Veterans, employees and private citizens who have willfully or accidentally destroyed or damaged Federal property.

Categories of records in the system: Copies of reports of investigations, findings, and follow-up concerning employees, patients and private citizens, injuries, property damage, accidents, thefts, assaults, discrimination, complaints, elopements, unethical conduct, etc.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210(c)(1), and Title 38, United States Code, Chapter 57, Section 3311.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of required information to private insurance companies to determine whether payments of benefits are appropriate and determine liability.

2. Transfer of required information to local and State unemployment agencies to determine whether payments of benefits are appropriate.

3. Transfer of required information to the Office of Workers Compensation Program to determine whether payments of benefits are appropriate.

4. Transfer of required information to attorneys representing employees, veterans or private citizens accused of unethical conduct to assist attorneys in representing their clients.

5. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefit.

8. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

9. 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 documents and Photographs.

Retrievability: Alphabetically by name.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Disposed of two years after case is closed.

System manager(s) and address: INVESTIGATIONS STAFF DIRECTOR (101F), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a record pertaining to themselves must submit a written request or apply in person to the appropriate VA health care facility. All inquiries must reasonably identify the incident involved and date of the incident. Inquiries should include the individual's full name and return address.

Record access procedures: Veterans, employees and private citizens or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the appropriate VA health care facility.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. Veterans. 2. Employees of a VA health care facility. 3. Other VA health care facilities, private physicians and dentists, or private hospitals and clinics. 4. Private citizens involved in the incident. 5. Federal, State, local and foreign law enforcement agencies. 6. Private insurance companies.

33VA112

System name: Veteran, Fabricator and Employee Prosthetic Records - VA

System location: Records are maintained at the Veterans Administration Data Processing Center at Austin, Texas and at the Veterans Administration Marketing Center at Hines, Illinois. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Qualified individual fabricators of prosthetic and orthotic appliances; employees of the Veterans Administration Prosthetics Center, New York, NY; veterans wearing certain prostheses.

Categories of records in the system: Identification number, employer, certification and qualification, and education of fabricator; identification information, prosthetic shop identification, and hourly pay rate for Prosthetic Center employees; age, period of military service, eligibility rating, station of jurisdiction, disability and type of appliance issues, and identification information for veterans included in system.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Subchapter II, Section 219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To furnish statistical information to other health care providers, both Federal and non-federal to aid in furthering the improvement of health care, research and education.

3. To provide statistical and other information in response to legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

4. 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: Magnetic tape and disk.

Retrievability: Indexed by name and social security number for fabricator; by employee identification number for VA Prosthetics Center employees; and by social security number and claim number for veterans included in system.

Safeguards: Physical Security: Access to VA working and storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Records are retained until special release by the VA Prosthetics Center, New York, NY.

System manager(s) and address: DEPUTY DIRECTOR (PROSTHETICS DIVISION), SURGICAL SERVICE (112), Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a record pertaining to themselves must submit a written request or apply in person to a VA health care facility where care was rendered. All inquiries must reasonably identify the system of records involved and the approximate date that medical care was provided. Inquiries should include the individual's full name, and identifying characteristics.

Record access procedures: Individuals seeking information regarding access to and contesting of a Veteran, Fabricator and Employee Prosthetic Records -VA record may write, call or visit the VA facility where medical care was provided.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: The Research Center for Prosthetics, individual fabricators and employees, VA Prosthetics Center personnel, and veterans' records.

34VA 11

System name: Veteran, Patient, Employee and Volunteer Research and Development Project Records - VA

System location: Records are maintained at each VA health care facility, where the research project was conducted and in VA Central Office. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans, patients, employees or volunteers who have indicated their willingness to be a participant in a project.

Categories of records in the system: Information gathered relative to the specific research project involved. The type of information varies according to the very nature of the project. The Central Office files contain a merit review of the project; a review and evaluation of the project leader and participants.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73, Section 4101(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of statistical and other data to Federal, State, and local government agencies and national health organizations to assist in the development of programs that will be beneficial to the general health of the veterans and of the nation.

2. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute , or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute , or rule, regulation or order issued pursuant thereto.

3. 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: (a) Paper documents. (b) Microscope slides. (c) Magnetic tape, disk. (d) Photographs. (e) Microfilm.

Retrievability: (a) Projects may be indexed by the site or location of the project, (b) Project number, or (c) Name of researcher.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: The project records are held five (5) years after completion of the research project and/or publication of a report, unless they become part of the patient's individual medical history file, in which case the record would remain 15 years after last activity of care.

System manager(s) and address: ASSISTANT CHIEF MEDICAL DIRECTOR FOR RESEARCH AND DEVELOPMENT (15), VA Central Office, Washington, D.C. 20420.

Notification procedure: 1. Interested persons should write to: Assistant Chief Medical Director for Research and Development (15), Veterans Administration Central Office, Washington, D.C. 20420. 2. All inquiries must reasonably identify the project and site location; date of project and team leader.

Record access procedures: Interested persons desiring access to and contesting of research records should write to the address in Notification Procedure above.

Contesting record procedures: (See Notification Procedure above.)

Record source categories: (a) Patients and patient records, (b) Employees and volunteers, (c) Other federal agencies, (d) National Institutes of Health, (e) Communicable Disease Control Center (Atlanta).

35VA042

System name: Veterans Admitted to VA Hospitals for Care of Cancer during Period 1958 to 1963, Central Cancer Registry - VA

System location: VA Data Processing Center, 5000 Wissahickon, Philadelphia, Pennsylvania.

Categories of individuals covered by the system: Veterans admitted to VA Hospitals for care of cancer during period 1958-1963.

Categories of records in the system: Diagnostic, pathologic, treatment, compensation and pension status and patient identification by VA claim number. Date of death has been added if death had occurred up to time of study.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73, Section 4101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. File was used to prepare Department of Medicine and Surgery Information Bulletin 11-37, March 1973 - 'A Report on Veterans Administration Central Cancer Registry, 1958-1963.' File forms basis for cancer survivorship study now in progress in VA Biometrics Division, Office of Controller. File is available for use in further research.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. 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.

4. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Claim number.

Safeguards: Physical security at Data Processing Center.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: DIRECTOR, REPORTS AND STATISTICS SERVICE (042), Controller, VA Central Office, Washington, D.C. 20420.

Notification procedure: Inquiries should be addressed to Chief Medical Director, VA Central Office, Washington, D.C. 20420. Inquiries for individual data must state that information requested is from 'VA Cancer Registry Files' to prevent confusion with other medical treatment files. Claim number must be provided.

Record access procedures: Access to file or information from file may be obtained by writing to the Chief Medical Director, VA Central Office, Washington, D.C. 20420.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Data taken from VA Central Cancer Registry, VA Form 10-2983 (Nov 1958). Cancer Care Report prepared upon the admission of a veteran to a VA hospital for treatment of cancer in the period 1958-1963.

36VA 00

System name: Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records - VA

System location: Active records are located at VA Centers Philadelphia, Pennsylvania and St. Paul, Minnesota. Inactive records are stored at Federal Archives and Records Centers at Philadelphia, Pennsylvania, Denver, Colorado, Kansas City, Missouri, and at the VA Records Processing Center at St. Louis, Misssouri. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Servicemen and veterans who have been issued Government Life Insurance under Title 38, United States Code, Chapter 19, Insurance.

Categories of records in the system: Applications for insurance; Beneficiaries and Options Designations, including names and addresses of principal and contingent beneficiaries, share to each and option of payment, estates and trustees; authorization for Allotment Payments; authorizations for Deduction from VA Benefit Payments; Paid Dividend information; Policy Loan and Lien information; history of lapse actions; records of premium payments; reinstatement information; premium status, retired status; total disability application, including medical history of insured; court-martial orders; employee payroll information; copies of personal papers of insured such as birth certificates, marriage license, naturalization papers, etc.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1); Title 38, United States Code, Chapter 19, Insurance.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To provide insurance information to members of service organizations and clients of the Red Cross stationed at the VA Centers at Philadelphia, Pennsylvania and St. Paul, Minnesota, in order to service insurance records for clients of the organizations.

3. To provide information to the Treasury Department which issues Treasury checks for the payment of dividends, policy loans, cash surrenders, maturing endowments and insurance refunds.

4. To collect tax liens as determined by the Internal Revenue Service by witholding insurance payments to satisfy unpaid taxes.

5. To locate and furnish addresses of persons wanted by the Federal Bureau of Investigation to aid in apprehending wanted persons.

6. To mail notice of renewal, reinstatement, premium due, lapse, miscellaneous insurance instruction, disposition of dividends, policy loans, transfer of records, to insured veterans and fiduciaries of incompetent veterans to advise them of current actions required in connection with ownership of U.S. Government policies.

7. To provide statistics to the National Institutes of Health, Bethesda, Maryland, to effect studies on the mortality of World War I veterans from the use of tobacco.

8. To furnish Insurance Records to VA General Counsel at Washington, D.C. and U.S. Justice Department as evidence in cases of litigation against the U.S. Government on insurance matters.

9. To provide miscellaneous data to the Office of Servicemen's Group Life Insurance, 212 Washington Street, Newark, N.J. 07102, in order to issue and maintain insurance policies to veterans and retired reservists participating in the Veterans Group Life Insurance Program, and to pay death claims on these policies.

10. To provide miscellaneous data to Department of Defense elements for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

11. To provide miscellaneous data to the Department of Transportation (Coast Guard) for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

12. To provide miscellaneous data to the Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps, for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

13. To provide miscellaneous data to the Department of Health, Education and Welfare, PHS (Public Health Service), Commissioned Corps, for use in establishing and maintaining allotments from active and retired service pay for insurance premiums and loan repayments.

14. A record from this system of records may be disclosed to any Federal, State, or local agency, in response to its request, in connection with an application for Medicaid, Medicare, nursing home admittance or for welfare purposes, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

15. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

16. Insurance contract information and other miscellaneous information may be disclosed from this system of records to an attorney, trust officer, or insurance agent acting on behalf of an insured. Beneficiary and option information is excluded unless the consent of the insured has been obtained.

17. To provide information, including a veteran's name and address, to the Armed Forces Institute of Pathology for the conduct of research which is relevant and necessary for specified official purposes.

18. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

19. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

20. 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.

21. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape; paper documents, including manual accounting cards, computer lists, punched cards; microfilm; disk.

Retrievability: All insurance records are indexed alphabetically by name, using insurance file number, social security number, VA claim file number and date of birth as additional identifying information. Automated records are maintained by file number and first three letters of last name.

Safeguards: All tape records are stored in a locked fireproof vault when not in use. Tape records for the previous three-day operating cycle are sent to storage at the Security Center for use in the event of a major catastrophe. Computer programs are stored at the same location as well as manual operating instructions and various manually prepared records. Insurance folders are stored in open shelf filing and five-drawer file cabinets. A sprinkler system is

located above the files. Admission to the file area is restricted to authorized personnel only. Microfilm reels are retained in a locked fireproof vault, with humidity controls. Access to the microfilm storage area is restricted to authorized personnel only. Instructions have been released on the confidentiality of Beneficiary and Option selections, and this information cannot be released to anyone other than the insured. Other information is released only to individuals who have a right to know.

Retention and disposal: As insurance programs are in force for many decades, most insurance records are retained for long periods of time. Insurance folders and certain paper documents (such as premium accounting cards) are generally retained indefinitely.

System manager(s) and address: DIRECTOR (00), VA Insurance Center, 5000 Wissahickon Avenue, Philadelphia, Pennsylvania 19101

Notification procedure: Insured veterans or their fiduciaries should write, or apply in person, to the VA Center at Philadelphia, Pennsylvania or at St. Paul, Minnesota, where the insurance records are maintained. Inquirer should provide full name of veteran, insurance file number and date of birth. If file number is not available, social security number, service number and/or location of insurance records will aid VA personnel in locating official insurance records. Address locations are listed in VA Appendix 1 at the end of this document.

Record access procedures: Veterans and fiduciaries and service representatives desiring access to, and contesting of, VA records should write to VA Centers at Philadelphia, Pennsylvania and St. Paul, Minnesota.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: The data in the insurance records are obtained from the following sources: the veteran, or someone acting on behalf of an incompetent veteran; service departments; Public Health Service; National Oceanic and Atmospheric Administration ; other Veterans Administration records; physicians and hospitals; U.S. Postal Service ; Treasury Department; service organization representatives and Red Cross; financial institutions (banks); Social Security Administration; Motor Vehicle Bureau (State Level); beneficiaries; Census Bureau; Retail Credit Corporation; commercial insurance companies; undertakers, and the general public.

37VA 27

System name: Veterans and Beneficiaries Guardianship Records - VA

System location: Records are maintained at the VA regional offices. Records are generally maintained by the regional office having jurisdiction over the area (except Regional Office Juneau) in which the beneficiary resides and at the servicing data processing centers at Austin, Texas; St. Paul, Minnesota; Los Angeles, California; Hines, Illinois; Philadelphia, Pennsylvania; and Washington, D.C. See listings of Veterans Administration field stations in the VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Incompetent veterans who are receiving benefits under Title 38, United States Code, Chapters 11, 15, 31, and 34. Minor beneficiaries who are receiving benefits under Title 38, United States Code, Chapters 11, 13, 15, and 19. Other adult beneficiaries who are receiving benefits under Title 38, United States Code, Chapters 11, 13, 19, and 35.

Categories of records in the system: Documentation relating nature of disabling incompetency, minority or other incapacity of beneficiaries receiving monetary benefits. Includes hearings, field examinations, Court appointment of guardians, accounting of funds, and other information dealing with the management of the estate and personal welfare of incompetent veterans, minors and other adult beneficiaries. Monetary award actions are also maintained.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1); Title 38, United States Code, Chapter 55.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision concerning the payment and usage of funds payable by the VA on behalf of incompetent beneficiaries.

2. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with matters involving incompetent beneficiaries to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. Relevant information from this system of records may be disclosed, as a routine use: in the course of presenting evidence to a Court, magistrate, or administrative tribunal in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

5. A record from this system of records may be disclosed to a fiduciary appointed by the Veterans Administration in the case of a veteran or other adult beneficiary found incompetent by the Veterans Administration even though such veteran or other adult beneficiary has not been declared incompetent by a Court of competent jurisdiction.

6. Release of information to an attorney employed by the spouse, a relative, or next friend to represent the interest of an incompetent claimant.

7. Release of information to a guardian ad litem in relation to his or her representation of a claimant in any legal proceeding.

8. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

9. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

10. 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.

11. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, punch cards.

Retrievability: Indexed by name and file number.

Safeguards: Access to VA working spaces and Principal Guardianship folder storage areas is restricted to VA employees on a 'need to know' basis. VA file areas are locked after duty hours and

are protected from unauthorized access by the Federal Protective Service.

Retention and disposal: Individual case folders are destroyed 2 years after case becomes inactive. Destruction of records is accomplished by either shredding or burning.

System manager(s) and address: DIRECTOR, VETERANS ASSISTANCE SERIVCE (27), VA Central Office, Washington D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document.

All inquiries must reasonably identify the system of records involved, i.e., Guardianship File. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, then as much of the following information as possible should be forwarded: Branch of service, dates of service, service numbers, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Guardianship records are obtained from the claimant, claimant's dependents, court appointed or Federal fiduciaries, field examinations, or other Federal agencies.

38VA 28

System name: Veterans and Beneficiary Identification and Records Locator System - VA

System location: VA Data Processing Center, 1615 E. Woodward Street, Austin, Texas 78772, and VA Central Office, 810 Vermont Ave., N.W., Washington, D.C. 20420.

Categories of individuals covered by the system: Basic file: Veterans who have applied for VA benefits : Compensation, Pension, Education, U.S. Government Life Insurance, National Service Life Insurance, or burial allowance (under Title 38, United States Code, Chapters 11, 15, 19, 23, 31, and 34. Veterans' beneficiaries (spouse, child or parent) who are receiving VA benefits: Dependency and Indemnity Compensation, Pension or Education (under Title 38, United States Code, Chapters 13, 15, and 35). Veterans who receive pensions from Railroad Retirement Board. Veterans discharged from military service since January 1973.

Adjunct file: Microfilm copies of former manual Central Index and claim number registers; partial file of pensioners with service prior to 1930; personnel with service between 1940 and 1948 with VA insurance; and partial lists of other armed forces personnel.

Categories of records in the system: Veteran's service data, VA file numbers and records location and cross-references to beneficiaries.

Authority for maintenance of the system: Title 38, United States Code Chapter 3, Section 210 (c)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Inquiry of record by the Railroad Retirement Board to obtain veteran's VA claim file number and folder location in order to get necessary information from VA Compensation, Pension or Education records in accordance with the Railroad Retirement Act of 1937 (Section 228-1 (i)).

2. Inquiry of record by the National Personnel Records Center (NPRC) and U.S. Army Reserve Components Personnel and Administration Center (RCPAC) to obtain the veteran's VA claim file number and folder location so that service records on file at the VA may be obtained to assist in rebuilding lost military service records.

3. Inquiry of record by the National Research Council, National Academy of Sciences to obtain data for use in medical studies on veterans for VA and other agencies as approved by the Chief Medical Director.

4. Inquiry of record by the Treasury Department or the U. S. Marine Corps Finance Center to obtain veteran's claim or insurance file number and folder location in order to get necessary data to return U.S. Savings Bonds in safekeeping.

5. Inquiry of record by Federal, State and local government agencies to assist agencies in the performance of their duties and in the development of programs that will be beneficial to claimants.

6. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

7. Inquiry of record by accredited service organization representatives and other approved agents and attorneys to obtain the veteran's VA claim or insurance file number and folder location in order to aid veterans in the preparation, presentation and prosecution of claims under the laws administered by the VA.

8. 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.

9. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Basic file is on magnetic disk with security copies of data on magnetic tape. Adjunct file is on microfilm and paper.

Retrievability: Name only; name and one or more numbers (Service serial number, social security number, VA claim file number, VA insurance file number); name and date of birth or service dates; number only.

Safeguards: Access to the authorized VA Data Processing Center (DPC) Austin, Texas, is restricted to authorized Federal employees and authorized representatives of vendors. Access to the computer room within the DPC is further restricted to especially authorized Federal employees and vendor personnel. Protection is provided by an alarm system as well as guard service. Data in the system may be accessed from authorized remote terminals via a telecommunications network maintained by General Services Administration (GSA) or one dedicated for VA use. The system recognizes authorized users by a station identifier transmitted in the data message. In addition, data in the system may be accessed by machine-readable input submitted to the DPC.

Adjunct file is accessible to personnel assigned to Identification and Records Development Service, VA Central Office and to Analysis and Control Division, VA DPC, Austin, Texas, for official use only.

Retention and disposal: Records are retained permanently.

System manager(s) and address: DIRECTOR, SYSTEMS DEVELOPMENT SERVICE (28), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA Regional Office or Center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inquiries must reasonably identify the benefit or system of records involved,i.e., Education, Compensation and Pension. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available then as much of the following information as possible should be forwarded: branch of service , dates of service, service number, social security number and date of birth.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Records are obtained from VA regional offices, Railroad Retirement Board, other VA computer systems and microfilm copies of former manual central index.

39VA047

System name: Veterans and Dependents Inactive Award Account Records - VA

System location: VA regional offices and centers, finance division.

Categories of individuals covered by the system: Veterans and/or dependents.

Categories of records in the system: A record of all payments made to or on behalf of an individual veteran and/or dependents.

Authority for maintenance of the system: Title 38, United States Code, Chapters 11, 13, 15, 19, 23, 31, 34, 35 & 36.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.

3. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. To clarify disputed accounts, overpayment cases, furnishing abstract of payments, data on months of education entitlement used, and verification of payments made.

5. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

6. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

7. 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: Microfilm.

Retrievability: Name and claim number.

Safeguards: Access to microfilm files is restricted to VA employees. The records are protected from outside access by the Federal Protective Service.

Retention and disposal: Microfilm records are retained indefinitely.

System manager(s) and address: CONTROLLER (047), Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document.

Individuals must reasonably identify the benefit payment or system of records involved,i.e., Education, Compensation and Pension, Insurance. Inquiries should include the individual's full name, VA file number and return address.

Record access procedures: Veterans, beneficiaries or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: VA Benefit Payment Records.

40VA 42

System name: Veterans and Dependents (Living and Deceased) National Cemetery System, Correspondence and Inquiry File-VA

System location: VA Central Office and the National Cemetery where veteran or his dependent is interred. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans and their dependents both living and deceased.

Categories of records in the system: Military service data, inquiries as to burial location, details on issuance of headstone or marker; data on gravesite reservation and other miscellaneous inquiries relating to the burial of the deceased.

Authority for maintenance of the system: Public Law 93-43 dated June 18, 1973 'National Cemeteries Act of 1973'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. A record from this system of records may be disclosed as a 'routine use' to a foreign government allied with the U. S. during war, or a Federal, State or local agency maintaining civil, criminal or other pertinent information or military service data, if necessary to obtain information relevant to an agency decision concerning eligibility for burial or a reservation in a National Cemetery or the issuance of a Government headstone to mark a grave.

2. A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the granting of a benefit to a veteran (including active duty personnel) or a dependent by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. 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 documents.

Retrievability: Alphabetically by name.

Safeguards: Released only to the person concerned or the next-of-kin upon receipt of proper identification.

Retention and disposal: Retire to Federal Records Center after 2 years, destroy 25 years thereafter.

System manager(s) and address: DIRECTOR (42), National Cemetery System, VA Central Office, Washington, D.C. 20420.

Notification procedure: (See System Manager above.)

Record access procedures: (See System Manager above.)

Contesting record procedures: (See System Manager above.)

Record source categories: Family members of the deceased, official military records and VA claim files.

41VA 41

System name: Veterans and Dependents National Cemetery Gravesite Reservation Records - VA

System location: Veterans Administration Central Office and the National Cemetery where reservation is made. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans and their dependents.

Categories of records in the system: Military service data, name and address of individual; data on gravesite reservation.

Authority for maintenance of the system: Public Law 93-43 dated June 18, 1973 'National Cemeteries Act of 1973'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. A record from this system of records may be disclosed as a 'routine use' to a foreign government allied with the U. S. during war, or a Federal, State or local agency maintaining civil, criminal or other pertinent information or military service data, if necessary to obtain information relevant to an agency decision concerning eligibility for burial or a reservation in a National Cemetery or the issuance of a Government headstone to mark a grave.
2. A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the granting of a benefit to a veteran (including active duty personnel) or a dependent by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
4. 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 documents and magnetic tape.

Retrievability: Alphabetically by name and reservation survey date.

Safeguards: Released only to the person concerned or the next-of-kin upon receipt of proper identification.

Retention and disposal: Paper records are destroyed after interment; automated record is erased after reservation is used or cancelled.

System manager(s) and address: DIRECTOR (41), National Cemetery System, Veterans Adminstration Central Office, Washington, D.C. 20420.

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: (See System Manager above.)

Record source categories: Reservee involved and official military records.

42VA 41

System name: Veterans and Dependents National Cemetery Interment Records - VA

System location: VA Central Office, and the National Cemetery where veteran or his dependent is interred. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Deceased veterans and their dependents.

Categories of records in the system: Military service data, name and address of next-of-kin, burial location and cemetery burial services data.

Authority for maintenance of the system: Public Law 93-43 dated June 18, 1973 'National Cemeteries Act of 1973'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. A record from this system of records may be disclosed as a 'routine use' to a foreign government allied with the U. S. during war, or a Federal, State or local agency maintaining civil, criminal or other pertinent information or military service data, if necessary to obtain information relevant to an agency decision concerning eligibility for burial or a reservation in a National Cemetery or the issuance of a government headstone to mark a grave.
2. A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the granting of a benefit to a veteran (including active duty personnel) or a dependent by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
3. To reply to inquiries, written and verbal, from family members and friends in connection with burial in a National Cemetery and location of graves.
4. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
5. 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 documents and microfilm.

Retrievability: Alphabetically by name.

Safeguards: Released only to the person concerned or the next-of-kin upon receipt of proper identification.

Retention and disposal: Retained permanently.

System manager(s) and address: DIRECTOR (41), National Cemetery System, VA Central Office, Washington, D.C. 20420.

Notification procedure: (See System Manager above.)

Record access procedures: (See System Manager above.)

Contesting record procedures: (See System Manager above.)

Record source categories: The veteran, family members of the deceased, official military records, and VA claims records.

43VA042

System name: Veterans and Other VA Beneficiaries Who Have Responded to VA Sample Surveys - VA

System location: Controller (042A), VA Central Office, Washington, D.C., 20420.

Categories of individuals covered by the system: Samples of recently separated veterans, and other veterans, dependents and survivors of veterans on various VA benefit rolls.

Categories of records in the system: These records contain information obtained from respondents in VA sample surveys. Comparable information is obtained for respondents in each individual survey through use of printed questionnaires. Some pertinent information is carried over into the survey record from the original source records which are used in the development of the sample. The original source record is a copy or an extract of master records from which the sample is drawn; this information is also available for nonrespondents in the sample.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 219.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To provide information for development of statistical summaries and analyses for VA employees, participating members of other Federal agencies and private contractors employed by VA or another Federal agency in order to measure the rate of usage of specific benefits and the adequacy and appropriateness of available benefits. These evaluations are concerned with the impact of veterans benefits upon the recipient and upon the nation at large. These evaluations are also concerned with problems reported by the beneficiary relative to usage of specific VA benefits.

3. 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: Magnetic tape, paper storage boxes.

Retrievability: Identification number.

Safeguards: Only the Office of the VA Controller has access to the locked space where the magnetic tapes are stored and only the Office of the VA Controller can recall the paper records from the National Records Center.

Retention and disposal: Upon publication of the survey report the paper records (questionnaires) are sent to storage in the Washington National Records Center, Suitland, Maryland; the retention period is ten years, subject to review at three year intervals. Final disposition will be by burning. The magnetic tapes are retained by the Office of the VA Controller, subject to review at three year intervals; final disposition is by erasure of the magnetic tape.

System manager(s) and address: DIRECTOR, REPORTS AND STATISTICS SERVICE (042), VA Central Office, Washington, D.C. 20420.

Notification procedure: Inquiries should be addressed to Assistant Director for Research and Biometrics (042A), VA Central Office, Washington, D.C., 20420. An individual seeking to learn whether the records system identifies him would have to prove his identity and must present the following information: the name of the survey in question and approximate date of the survey; social security and/or VA claim number; full name and birth date. NOTE: A person should already know whether the records system contains a record on him, since he would have previously completed and returned our survey questionnaire.

Record access procedures: An individual seeking access to his record should address a written inquiry to the official named under the 'Notification' heading.

Contesting record procedures: If an individual wishes to challenge the information, the challenge must be submitted in writing to the Assistant Director for Research and Biometrics (042A), VA Central Office, Washington, D.C. 20420.

Record source categories: The statistical studies embodied in this records system may relate to veterans in general or they may pertain to recipients, or potential recipients of benefits from any one of the Veterans Administration benefits programs. The sources of records include records obtained from the Department of Defense, records for specific VA benefits programs, and questionnaires completed by persons in the survey sample.

44VA 01

System name: Veterans Appellate Records System - VA

System location: Board of Veterans Appeals, Veterans Administration Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Veterans, claimants and their representatives, Members of Congress, witnesses, Board members, Staff attorneys.

Categories of records in the system: Appeal Decision Jacket, Appeal Record card, Index Card for Dangerous Persons, copy of Board of Veterans Appeals decision, verbatim recording of hearings, letters and copies of replies.

Authority for maintenance of the system: Title 38, United States Code 4001 (a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Reply to correspondence concerning decisions and other matters.

2. Disclosure to law enforcement personnel and security guards in order to alert them to presence of dangerous persons.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed to a veteran claimant or a third party claimant to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

5. 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: Filing folders, rotary index file, filing cabinets.

Retrievability: By veteran's name or file number.

Safeguards: Files under custody of designated employees. Access only to employees of Board of Veterans Appeals with need to know.

Retention and disposal: 6 months for verbatim recordings, 18 months for Appeal Record cards, Decision Jackets and copies of decision, indefinite retention for correspondence files and Index Card for Dangerous Persons .

System manager(s) and address: CHAIRMAN, BOARD OF VETERANS APPEALS (01), Board of Veterans Appeals, Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Board of Veterans Appeals (014), Veterans Administration Central Office, Washington, D.C. 20420.

Request should be made in writing. The following information, or as much as is available, should be furnished in order to identify the record: Name, service number, Veterans Administration file number or insurance number, branch of service and date of birth. For information from verbatim recordings, also furnish the approximate date of the hearing.

Record access procedures: Information and/or assistance as to access to Board of Veterans Appeals records or as to contesting the content of such records may be obtained by contacting the Freedom of Information Act Officer (014), Board of Veterans Appeals, Veterans Administration Central Office, Washington, D.C., 20420, or by telephoning (202) 389-3346.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Claims folder and associated folders, hospital records, outpatient clinic records, Board of Veterans Appeals records, data furnished by correspondent, data presented at hearing, data furnished by Board of Veterans Appeals employees.

45VA 28

System name: Veterans Assistance Discharge System - VA

System location: VA Data Processing Center, 1615 E. Woodward Street, Austin, Texas 78772.

Categories of individuals covered by the system: Veterans discharged honorably between May 1968 and January 1973 for whom DD Forms 214, Report of Separation from Active Duty, were received in the VA Data Processing Center, Austin, Texas. Veterans discharged since January 1973 for whom separation documents were received in the Data Processing Center, Austin, Texas.

Categories of records in the system: Veteran's service data.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Subchapter IV.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Release letters and applications to veterans as soon after discharge as possible to inform them of VA benefits to which they may be entitled.

2. Prepare U.S. Veteran Assistance Center cards and listing of educationally disadvantaged veterans for VA employees and representatives of recognized service organizations to aid VA employees and service organization representatives in personally contacting educationally disadvantaged veterans.

3. Transfer of names and addresses of recently discharged veterans to non-profit organizations in order to develop and con-

duct programs to assist veterans in the use of benefits under Title 38, United States Code.

4. Transfer of names and addresses of recently discharged veterans with health skills to VA Department of Medicine and Surgery employees and Department of Health, Education and Welfare Operation MEDIHC State Coordinators in order to help veterans trained in health skills while in military service to pursue health careers.

5. Transfer of statistical and other data to Federal, State, and local government agencies to assist in the performance of their duties and in the development and conduct of programs beneficial to recently discharged veterans.

6. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

7. 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.

8. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: By name, social security number and date of discharge.

Safeguards: Access to the VA Data Processing Center is restricted to VA employees and vendors. Protection from unauthorized outside access is provided by an alarm system and guard service.

Retention and disposal: Automated records are retained indefinitely. Separation documents are destroyed by shredding after input into the automated system.

System manager(s) and address: DIRECTOR, SYSTEMS DEVELOPMENT SERVICE (28), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inquiries must reasonably identify the benefit or system of records involved; i.e., recently-discharged veterans. Inquiries should include the individual's full name, return address and as much of the following information as possible: Branch of service, date of service, service number, social security number and date of birth.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: DD Form 214, Report of Separation from Active Duty; PHS-1867, Statement of Service -- Verification of Status of Commissioned Officers of the U.S. Public Health Service; ESSA Form 56-16, Report of Separation-Discharge (National Oceanic and Atmospheric Administration).

46VA 00

System name: Veterans, Beneficiaries and Attorneys U.S. Government Insurance Award Records - VA

System location: Records are maintained at the VA Data Processing Center and VA Center, Philadelphia, Pennsylvania and VA Center, St. Paul, Minnesota. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans drawing disability insurance payments, beneficiaries drawing insurance proceeds, attorneys drawing fees for aiding settlement of insurance cases, veterans drawing proceeds on matured contracts.

Categories of records in the system: Insurance information, address of veterans and beneficiaries, payment amounts, payment vouchers, claims for disability and death claim payments, beneficiary signature cards, returned check information, records of sums held as credit for veterans for disability payments, records of unpaid insurance proceeds, indebtedness to be withheld from insurance proceeds, records of checks withheld from delivery to certain foreign countries and index of payees.

Authority for maintenance of the system: Title 38 United States Code, Chapter 3, Section 210 (c)(1), Title 38 United States Code, Chapter 19 - Insurance.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To transfer payment data to the U.S. Treasury Department to issue checks to veterans, beneficiaries, attorneys and estates of deceased veterans and beneficiaries.

3. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

4. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

5. 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: Magnetic tape, paper documents, microfilm, disk.

Retrievability: All manual insurance awards records are maintained by insurance file number and are indexed under this number. Automated records are maintained in file number order and payee number within file number.

Safeguards: All tape records are stored in a locked fireproof vault when not in use. Tape records are sent to storage at the Security Center, for use in the event of a major catastrophe. Computer programs are stored in the same location as well as manual operating instructions and microfilm of various manual operating instructions and microfilms of various manually prepared records. Insurance folders are stored in open shelf filing and five-drawer file cabinets. A sprinkler system is located above the files. Admission to the file area is restricted to authorized personnel only. Microfilm reels are retained in a locked fireproof vault, with humidity controls. Access to the microfilm storage is restricted to authorized personnel only. Information from this system is released only to those persons with a right to know.

Retention and disposal: As insurance programs are in force for many decades, most insurance records are retained for long periods of time. Insurance folders and certain paper documents are generally retained indefinitely.

System manager(s) and address: DIRECTOR (00), VA Center, 5000 Wissahickon Avenue, Philadelphia, Pennsylvania 19101.

Notification procedure: Insured veterans or their fiduciaries and attorneys should write, or apply in person, to the VA Centers at Philadelphia, Pennsylvania or at St. Paul, Minnesota, where the insurance records are maintained. Inquirer should provide full name of veteran, Insurance file number, VA file claim number, payee name and number if known. If insurance file number is not available, social security number, service number and/or location of insurance records will aid VA personnel in locating official insurance records. Address locations are listed in VA Appendix 1 at the end of this document.

Record access procedures: Veterans and fiduciaries and service representatives desiring access to, and contesting of, VA records should write to VA Centers at Philadelphia, Pennsylvania and St. Paul, Minnesota.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Data in the Insurance Award Records are obtained from a claimant, including beneficiary, attorneys, veterans, financial institutions and executors of estates; Insurance In-Force Subsystem; undertakers; Department of Defense; VA hospitals and civilian hospitals; VA regional offices; Federal Bureau of Investigation; U.S. Treasury Department.

48VA40B

System name: Veterans (Deceased) Headstone or Marker Records - VA

System location: Veterans Administration Central Office, Washington, D.C. 20420.

Categories of individuals covered by the system: Deceased veterans.

Categories of records in the system: Military Service data, applicant's name and address, place of burial, data on headstone or marker, and consignee's name, address and phone number.

Authority for maintenance of the system: Public Law 93-43 dated June 18, 1973 'National Cemeteries Act of 1973'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. For use in connection with the issuance of a government headstone or marker in a National Cemetery or a private cemetery.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a 'routine use' to a foreign government allied with the U. S. during war, or a Federal, State or local agency maintaining civil, criminal or other pertinent information or military service data, if necessary to obtain information relevant to an agency decision concerning eligibility for burial or a reservation in a national cemetery or the issuance of a government headstone to mark a grave.

4. A record from this system of records may be disclosed to a Federal agency in response to its request in connection with the granting of a benefit to a veteran (including active duty personnel) or a dependent by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. 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 documents.

Retrievability: Alphabetically by name.

Safeguards: Released only to the person concerned (consignee) or family members upon receipt of proper identification.

Retention and disposal: Retained indefinitely.

System manager(s) and address: DIRECTOR (40B), National Cemetery System, Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: (See System Manager above.)

Record source categories: Family members of the deceased, official military records and VA claims records.

49VA 21

System name: Veterans, Dependents and Beneficiaries Compensation and Pension Records - VA

System location: Records are maintained at the VA regional offices, the Records Processing Center, St. Louis, and Federal Archives and Records Centers. Active records are generally maintained by the regional office having jurisdiction over the domicile of the claimant, and the servicing Data Processing Center at Hines, Illinois with subsidiary accounts receivable records located at the Data Processing Center at St. Paul, Minnesota. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system:

1. Veterans who have applied for compensation for service-connected disability under Title 38, United States Code, Chapter 11.
2. Veterans who have applied for non-service-connected disability, under Title 38, United States Code, Chapter 15.
3. Veterans entitled to burial benefits under Title 38, United States Code, Chapter 23.
4. Widows, widowers and children who have claimed pension based on non-service-connected death under Title 38, United States Code, Chapter 15.
5. Widows, widowers and children who have claimed Death Compensation based on service-connected death under Title 38, United States Code, Chapter 11.
6. Widows, widowers and children who have claimed Dependency and Indemnity Compensation for service-connected death under Title 38, United States Code, Chapter 13.
7. Parents who have applied for Death Compensation based on service-connected death under Title 38, United States Code, Chapter 11.
8. Parents who have applied for Dependency and Indemnity Compensation for service-connected death under Title 38, United States Code, Chapter 13.

Categories of records in the system: Military service and medical information; applications for Compensation and Pension benefits; adjudicative actions taken to determine eligibility; medical information from VA and private hospitals and doctors; information relating to dependency, income, education, family and social relations and occupation; payment data and claimant or payee name and address.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1), Title 38, United States Code, Chapters 11, 13, 15, and 23.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of payment data for preparation of benefit checks to the Treasury Department for delivery of monies due VA beneficiaries.

2. Disclosure of VA records as deemed necessary and proper to accredited service organizations, agents, and attorneys recognized under a power of attorney of declaration of representation to assist in the preparation, presentation, and prosecution of claims.

3. Transfer of information to aid collection agencies in order to conduct a credit check to determine the likelihood of success in a collection action from claimants of debts owed to VA.

4. Further transfer of collection information to the General Accounting Office for obtaining a judgement against an individual debtor or otherwise collecting debts owed to the VA.

5. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

7. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

8. Transfer of statistical and other data to Federal, State, and local government agencies and national health organizations to assist in the development of programs that will be beneficial to claimants and to protect their rights under law and assure that they are receiving all benefits to which they are entitled.

9.A record containing medical history, diagnoses, findings, or treatment may be released from this system of records in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or head of a State, county or city health department, or any fee basis physician or institution in connection with authorized treatment as a VA beneficiary, provided that the name of the individual to whom the record pertains is given and that the information will be treated as confidential, as is customary in civilian professional medical practice.

10. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent required to determine eligibility for their benefit.

11. A record from this system of records may be disclosed to the following agencies relative to military or naval service and as to both current and historical benefit payments made by the VA: Departments of the Army, Navy and Air Force; Marine Corps; Department of Transportation (Coast Guard); Department ofHealth, Education and Welfare, PHS (Public Health Service), Commissioned Corps; Department of Commerce NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps.

12. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

13. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

14. The amount of pension, compensation, or dependency and indemnity compensation of any beneficiary may be released from this system of records to any person who applies for such information.

15. A record from this system of records may be disclosed to a fiduciary (includingthose acting in a fiduciary capacity) recognized or appointed by the VA to the extent necessary to fulfill the fiduciary's function.

16. Relevant information from this system of records may be disclosed, as a routine use: In the course of presenting evidence to a Court, magistrate, or administrative tribunal in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

17. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

18. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

19. Release of information to a guardian ad litem in relation to his or her representation of a claimant in any legal proceeding.

20. 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 documents, microfilm, magnetic tape, disk.

Retrievability: a) All VA Compensation and Pension manual records are indexed by name and VA file number. b) All automated records are indexed by name, VA file number, payee number and type of benefit.

Safeguards: Physical Security: Access to VA working spaces and claim folder storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Individual case folders and records are retained indefinitely.

System manager(s) and address: DIRECTOR, COMPENSATION AND PENSION SERVICE (21), VA Central Office, Washington, D.C. 20420.

Notification procedure:

1. Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document.

2. All inquiries must reasonably identify the benefit or system of records involved, i.e., Compensation and Pension. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, the following information should be forwarded, if known: Veteran's full name, branch of service, dates of service, service number, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries, service organization personnel or other duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. The claimant, his accredited representative or his fiduciary. 2. The service department. 3. VA hospitals and doctors, or private hospitals and doctors if written authorization is obtained from the claimant. 4. Training establishments. 5. Other Federal agencies. 6. County Clerks, Courts, and other third parties, when assistance is requested by claimant.

50VA 22

System name: Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records - VA

System location: Education records are maintained at the VA regional offices, Records Processing Center and Federal Archives and Records Centers. Active records will generally be maintained by the regional office having jurisdiction over the area in which the claimant resides, and at the servicing Data Processing Center at Hines, Illinois with subsidiary accounts receivable records located

at the Data Processing Center at St. Paul, Minnesota. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system:

1. Veterans who have applied for VA educational benefits under Title 38, United States Code, Chapters 31 and 34.
2. Spouse or widow(er) who has applied for VA educational benefits under Title 38, United States Code, Chapter 35.
3. Children who have applied for VA educational benefits under Title 38, United States Code, Chapter 35.
4. Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 34.

Categories of records in the system: Active duty separation information, medical records relating to treatment in service, applications, education and training, marital status and dependency information, current payment data and educational status relative to VA benefits. Counseling and Rehabilitation records are also maintained as necessary.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1), 38 United States Code, Chapters 31, 34, 35, and 36.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of payment information to the Treasury Department to ensure delivery of benefit checks to VA beneficiaries.
2. Transfer of information to collection agencies in order to conduct a credit check to determine the likelihood of success in a collection action against individuals who owe debts to the VA.
3. Further transfer of necessary collection information to the General Accounting Office, for use in procedures incident to obtaining a judgement against the individual.
4. Forwarding of computer generated VA forms to VA approved educational institutions in order to certify individual's re-enrollment and allow payment.
5. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
6. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefits.
7. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
8. Transfer of information regarding the induction, reentrance and dismissal of a disabled veteran from the vocational rehabilitation program to inform the training establishment of the actions taken.
9. Written and oral disclosure to VA approved Vocational Rehabilitation Training Establishments regarding the extent and nature of a claimant's disabilities with respect to any limitations to be imposed on the vocational program to insure that the trainee receives the maximum benefit from training. A vast amount of discretion with respect to each disclosure is practiced.
10. Transfer of statistical and other data to Federal, State and local government agencies and national health organizations to assist in the development of programs that will be beneficial to claimants, to protect their rights under law, and to assure that they are receiving all benefits to which they are entitled.
11. The transfer of payment information to officials of schools and training establishments having VA beneficiaries when it can be determined that such a request is part of a legitimate attempt to assist the veteran or other eligible person to ascertain that correct amounts were paid. However, such information will not be provided as a routine use to school officials when the request is clearly an attempt to seek assistance in collection attempts against the veteran or eligible person.
12. Transfer to schools and other training establishments of VA education forms for completion by school and subsequent submission to the VA for processing of education and vocational rehabilitation training claims.
13. Transfer of VA education letters and form letters to schools and other training establishments which may, by necessity, contain identifying data about a veteran or eligible person in order to obtain further information from the school necessary to discharge VA responsibilities toward the veteran or eligible person.
14. Transfer of identifying information, such as name, file number and address to a school or training establishment official in order to obtain information necessary to pay the veteran or eligible person correct amounts in an expedited manner. (An example of the above is a telephone call to an OJT establishment to find out the number of hours worked.)
15. Transfer of necessary information concerning veterans and other eligible persons to State and local agencies and prospective employers for employment and/or training.
16. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).
17. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).
18. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.
19. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent required to determine eligibility for their benefit.
20. A record from this system of records may be disclosed to the following agencies relative to military, naval, or air service and as to both current and historical benefit payments made by the VA: Departments of the Army, Navy, and Air Force; Marine Corps; Department of Transportation (Coast Guard); Department of Health, Education, and Welfare, PHS (Public Health Service), Commissioned Corps; Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps.
21. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e. individual identifiers and other similar identifying information).
22. Disclosure of VA records as deemed necessary and proper to accredited service organizations, agents and attorneys recognized under a power of attorney or declaration of representation to assist in the preparation, presentation and prosecution of claims.
23. A record from this system of records may be disclosed to a fiduciary (including those acting in a fiduciary capacity) recognized

or appointed by the VA to the extent necessary to fulfill the fiduciary's function.

24. A record containing medical history, diagnoses, findings, or treatment may be released from this system of records in response to a request from the superintendent of a State hospital for psychotic patients, a Commissioner or head of a State department of mental hygiene or head of a State, county, or city health department or any fee basis physician or institution in connection with authorized treatment as a VA beneficiary, provided that the name of the individual to whom the record pertains is given and that the information will be treated as confidential, as is customary in civilian professional medical practice.

25. Relevant Information from this system of records may be disclosed, as a routine use: In the course of presenting evidence to a court, magistrate, or administrative tribunal, in matters of guardianship, inquests and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

26. 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 documents, microfilm, magnetic tape, disk.

Retrievability: a) All VA education manual records are indexed by name and VA file number. b) All automated records are indexed by name, VA file number, payee number and type of benefit.

Safeguards: Physical Security: Access to VA working spaces and claims folder storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive files are sorted in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Education Records: Individual case folders and automated records are retained indefinitely.

System manager(s) and address: DIRECTOR, EDUCATION AND REHABILITATION SERVICE (22), VA Central Office, Washington, D.C. 20420.

Notification procedure:

1. Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document.

2. All inquiries must reasonably identify the benefit or system of records involved, i.e., Education. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, the following information should be forwarded, if known: Branch of service, dates of service, service number, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Educational system records are obtained from: 1. The claimant. 2. The service department. 3. Training establishments. 4. State approving agencies. 5. Other Federal agencies. 6. County Clerks, Courts, other third parties, etc. upon request for assistance by claimant.

51VA042

System name: Spinal Cord Injury Study File 1/1/46 to 9/30/55 and 10/1/55 to 9/30/65-VA

System location: Veterans Administration Data Processing Center, Washington, D.C. 20420.

Categories of individuals covered by the system: Veterans first admitted to VA hospitals for care of spinal cord injury in periods January 1, 1946 to September 30, 1955 and October 1, 1955 to September 30, 1965.

Categories of records in the system: Diagnostic, demographic, readmission data and date of death if death had occurred up to time of study.

Authority for maintenance of the system: Title 38, United States Code, Chapter 73, Section 4101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. File was used to prepare published study entitled 'Survival of Patients with Injuries of the Spinal Cord, 1945 - 1955,' Journal of the American Medical Association, January 9, 1960, Vol. 172 No. 2. Individuals are not identified in published report (5,743 cases).

3. File is now being used to do another survivorship study covering period 1955 - 1965 (2,823 cases).

4. 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.

5. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Claim number and name.

Safeguards: Physical security at Data Processing Center.

Retention and disposal: Indefinitely.

System manager(s) and address: DIRECTOR, REPORTS AND STATISTICS SERVICE (042), Controller, VA Central Office, Washington, D.C. 20420.

Notification procedure: Inquiries should be addressed to CHIEF MEDICAL DIRECTOR, VA Central Office, Washington, D.C. 20420. Inquiries for individual data must state that information requested is from Spinal Cord Injury Files or Survivorship. Inquiries must give claim number and name.

Record access procedures: Access to file or information from file may be obtained by writing to the Chief Medical Director, VA Central Office, Washington D.C. 20420.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Sources of data on file are from 2 VA forms designed specifically to study spinal cord injuries among veterans treated for the first time by the VA in the period January 1, 1946 to September 30, 1955 and October 1, 1955 to September 30, 1965. The two VA forms were: 1. Hospital Care Report on Traumatic Paraplegia or Quadriplegia Patients, January 1, 1946 - September 30, 1955, VA Form 10-2742NR (Sept 1955). 2. Hospital Care Report on Traumatic and Non-Traumatic Paraplegia or Quadriplegia Patients, October 1, 1955 - September 30, 1965, VA Form 10-20271(NR), June 1955.

53VA 00

System name: Veterans Mortgage Life Insurance - VA

System location: Active records are maintained at the VA Center, St. Paul, Minnesota; DPC, Hines, Illinois; and the records on death cases and premium payments at the Bankers Life Insurance Company of Nebraska, Cotner and O Street, Lincoln, Nebraska 68501. Address locations are listed at VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Veterans who have been granted a specially adapted housing grant under Title 38, United States Code, Chapter 21.

Categories of records in the system: Application for mortgage insurance, mortgage statements from financial institutions, VA Special Grant Cards, records of premium payments, records of death settlement payment plus interest payments. Information on mortgages including face amount, rate of interest, term of mortgage and mortgage holders, description of properties and improvements to such properties.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1), Title 38, United States Code, Chapter 21.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Tape records to deduct monthly premiums from VA benefits in order to remit monthly payments to the Bankers Life Insurance Company of Nebraska, Lincoln, Nebraska.

3. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

4. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

5. 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: Magnetic tape, account folder with paper documentation.

Retrievability: All mortgage life insurance manual accounts are maintained by VA file claim number - with social security number, date of birth, and name as additional identifying data. Automated records are filed by VA file claim number. (Social security number where no VA file claim number exists.)

Safeguards: All manual records at VA Center are maintained in steel file cabinets and access to the files is limited to authorized personnel only. Automated records are maintained, when not in use, in a fireproof vault and access to the vault is limited to authorized personnel only. Information in these records is restricted to those persons who have a right to know.

Retention and disposal: The tape records are purged when the insurance is terminated at request of the insured, death or 70th birthday of the insured. Manual records are destroyed one year after death or 70th birthday. Computer listings are destroyed one year after preparation.

System manager(s) and address: DIRECTOR (00), VA Center, 5000 Wissahickon Avenue, Philadelphia, Pennsylvania 19101.

Notification procedure: Interested persons should write to VA Center, St. Paul, Minnesota. Inquirer should provide veteran's name, VA file claim number and/or social security number. If this information is not available, information concerning lending institutions, mortgage number and name and address of veteran involved should be furnished. Address locations are listed in VA Appendix 1 at the end of this document.

Record access procedures: Interested persons desiring access to, and contesting of VA records, should write to VA Center, St. Paul, Minnesota.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Data in the Mortgage Life Insurance records are obtained from veteran applying for insurance, lending institution holding veteran's mortgage, Loan Guaranty record cards, contractors remodeling, enlarging or adding construction to existing homes, death claim forms from relatives and interested persons.

54VA136

System name: Veteran's Spouse or Dependent Civilian Health and Medical Care Records - VA

System location: Records are maintained at each of the VA health care facilities. Active records are generally maintained by the facility having jurisdiction over the domicile of the claimant. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: The spouse or child of a veteran and dependents of certain veterans, provided they are not eligible for care under CHAMPUS or MEDICARE.

Categories of records in the system: Application for medical benefits, determination of eligibility, information relating to dependency and claimant name and address.

Authority for maintenance of the system: Public Law 93-82.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure of eligibility of entitlement to medical benefits to authorized health care providers under the law in order to assist the provider in obtaining reimbursement for the services rendered.

2. Transfer of statistical and other data to Federal, State, and local government agencies and national health organizations to assist in the development of programs that will be beneficial to health care recipients, to protect their rights under law, and to assure that they are receiving all health benefits to which they are entitled.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. A record from this system of records may be disclosed as a 'routine use' to a Federal, State or local agency maintaining civil, criminal or other relevant information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other health, educational or welfare benefit.

6. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

7. 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 documents.

Retrievability: Records are indexed by name of the veteran and filed alphabetically.

Safeguards: Physical Security: Access to VA working space and medical record storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Individual folders are retained at the facility where initial claim is filed, for an indefinite period of years.

System manager(s) and address: DIRECTOR, MEDICAL ADMINISTRATION SERVICE (136), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a record pertaining to themselves must submit a written request or apply in person to the VA health care facility where a claim was filed. Inquiries should include the veteran's full name and VA file number. If the VA file number is not available, then provide, if known, the veteran's date of birth, social security number, branch of service, dates of service and service number.

Record access procedures: The spouse, child or dependent of a veteran, or duly authorized representative seeking information regarding access to and contesting of VA records may write, call or visit the VA health care facility where the claim was filed.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. Spouse, children or dependents of veteran. 2. Department of Defense. 3. County Clerks, Courts, and other third parties when assistance is requested by claimant. 4. Social Security Administration. 5. Other Federal agencies.

55VA 26

System name: Loan Guaranty Home, Condominium and Mobile Home Loan Applicant Records and Paraplegic Grant Applicant Records-VA

System location: Records are maintained at the regional offices, data processing centers and Federal Archives and Records Centers. Active records will generally be maintained by the regional office having jurisdiction over the area in which the applicant resides, and at the servicing Data Processing Centers at Hines, Illinois, Austin, Texas, and St. Paul, Minnesota. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: Disabled veterans who have applied for specially adapted housing assistance under Title 38, United States Code, Chapter 21; service members and veterans, including their spouses or widows(ers) who have applied for VA housing credit assistance under Title 38, United States Code, Chapter 37; transferee owners of properties encumbered by a VA guaranteed, insured or portfolio loan; person(s) applying to purchase VA owned properties.

Categories of records in the system: Military service and medical information, applications for loan benefits and adjudication actions to determine eligibility. Documentation relating to employment, income, credit and personal history. Documentation of the individual loan account and payment history. Loan instruments including deeds, notes and mortgages are included. Information on the property, its condition and value, and any documentation action of all loan servicing activities in connection with active and liquidated loans is also maintained.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c)(1); Title 38, United States Code, Chapters 21 and 37.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Transfer of information to credit reporting agencies, companies extending credit, lenders, employers and landlords to provide the VA with income and credit data on applicants, mortgagors, or obligors and with information regarding the status of loans, payment records and employment histories.

3. Transfer of information regarding the status of an application for loan benefits or a loan account without written or prior written consent of applicant or mortgagor, to Members of Congress and parties at interest on behalf of the applicant or mortgagor in order to transfer information of assistance to the applicant or mortgagor.

4. Transfer information on status of loan account to persons or organizations extending credit or rendering services or other benefits to the borrower; to consider the extension of the rendering of credit, services or other benefits to a borrower.

5. Transfer of information to obtain billings and authorize payments from portfolio loan escrow accounts, to hazard insurance companies and real estate taxing authorities, to permit proper billing to the VA for taxes and insurance on portfolio loan accounts as they become due.

6. Forwarding information as to the acceptability of a prospective purchaser preparing to assume liability to VA under a mortgage contract, for parties requesting release of liability to VA on account of a VA guaranteed, insured or portfolio loan, to be apprised of the release from liability or the continuing liability of the user.

7. Transfer of information on default status of seriously deliquent loan accounts, to prior obligors remaining liable for indebtedness, to permit users to take necessary steps to protect their interest where loan liquidation is indicated and a possible debt to the Government may ensue.

8. Transfer of information to aid in liquidation of VA portfolio loans, to the United States Department of Justice, to have available loan account and credit information necessary to accomplish the liquidation of a defaulted loan by judicial process.

9. Transfer of necessary collection information, to the General Accounting Office, which procedures are incident to obtaining a judgement from the individual.

10. Forward pertinent information in connection with the sale or prospective sale of VA held mortgages to potential and actual purchasers of VA direct loans and loans under VA Regulation 4600, to provide a basis for submitting an offer to purchase loans and to establish loan accounts on purchased loans.

11. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

12. Release of information to a guardian ad litem in relation to his or her representation of a claimant in any legal proceeding.

13. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

14. Transfer of information to fee attorneys, fee appraisers, brokers, process servers, title companies and abstractors for the purposes of approval or termination of portfolio loans by non-judicial means, obtaining possession of VA property in cases of default or foreclosures, and issuing and posting of Demands for Possession or Notices to Quit.

15. 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 documents, microfilm, magnetic tape, disk.

Retrievability: All VA loan application or loan file records are indexed by VA file number. All automated records are indexed by

VA file number, station and county code number, lender identification number. Portfolio loan accounting data is retrievable by VA file number.

Safeguards: Access to VA working spaces and record file storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Loan and property security instruments are stored in separate fire resistant and locked files. Employee loan file records and other files, which in the opinion of VA are or become sensitive, are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: LOAN FILE RECORD: Individual case folders and automated records are retained indefinitely. Housing Grant folders are destroyed 30 years after case is closed. Destruction of records is accomplished by either shredding or burning.

System manager(s) and address: DIRECTOR, LOAN GUARANTY SERVICE (26), VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inquiries must reasonably identify the benefit or system of records involved, i.e., Loan Guaranty. Inquiries should include the individual's full name, VA file number or loan number. If the VA file or loan number is not available then as much of the following information as possible should be forwarded; address of the property secured by VA guaranteed, insured or portfolio loan, owner or former owners of the property, name of lender and lender's loan number, branch of service, service number, social security number.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representative and other parties of interest involving VA guaranteed, insured or portfolio loans seeking information regarding access to and contesting of VA records may write, call or visit the nearest VA regional office or center.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: Paraplegic grant and loan system records are obtained from the applicant; lenders, brokers and builders/sellers; applicant's credit sources and employer; hazard insurance companies; taxing authorities; title attorneys and companies; fee personnel; VA claim files; other Federal agencies; State and local agencies.

56VA119

System name: Veteran, Survivor and Dependent Automated Prescription Processing Records - VA

System location: Records are maintained at the Los Angeles, California area VA Health Care Facilities (Wadsworth, Brentwood, and LA Outpatient Clinic); San Diego, California; Chicago West Side, Illinois; Atlanta, Georgia; Dallas, Texas; and the VA Data Processing Centers at St. Paul, Minnesota and Los Angeles, California. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: For veterans, survivors, and dependents of certain veterans receiving medications from pharmacies at selected VA health care facilities.

Categories of records in the system: Personal identification information; medication profiles, including prescription, recipient, ordering physician, etc.

Authority for maintenance of the system: Title 38, United States Code, Chapter 17, Subchapter II, Sections 610, 611, and 612.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To provide statistical and other information in response to legitimate and reasonable requests as approved by appropriate VA authorities, such as the release of information under the Freedom of Information Act.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. 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: Magnetic tape and disk.

Retrievability: Indexed by name and social security number.

Safeguards: Physical Security: Access to VA working and storage areas is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: Automated records are maintained on disk in an active status for nine (9) months and in a history status on tape for twenty-seven (27) months before disposal. Disposal is accomplished by erasure.

System manager(s) and address: DIRECTOR PHARMACY SERVICE (119), VA Central Office, Washington, D.C. 20420.

Notification procedure: An individual seeking information concerning the existence or contents of a medical record pertaining to himself must submit a written request or apply in person to the nearest VA health care facility. All inquiries must reasonably identify the system of records involved. Inquiries should include the individual's full name, social security number, approximate date(s) of medical care, and the location of the health care facility involved.

Record access procedures: Veterans, beneficiaries, service personnel or duly authorized representatives seeking information regarding access to and contesting of Veteran, Survivor and Dependent Automated Prescription Processing - VA records may contact the Chief Pharmacist at the health care facility involved.

Contesting record procedures: (See Notification Procedure above.)

Record source categories: Patient's Medical Prescription (part of the Patient Consolidated Medical Record portion of the VA Medical Records System.)

57VA125

System name: Voluntary Service Records - VA

System location: Records are maintained at each of the VA health care facilities and data processing centers. Active records are retained at the facility where the individual has volunteered to assist the administrative and professional personnel and at the data processing centers. Address locations are listed in VA Appendix 1 at the end of the document.

Categories of individuals covered by the system: Non-affiliated volunteers and members of voluntary service organizations; welfare, service, veterans, fraternal, religious, civic, industrial, labor, and social groups or clubs which voluntarily offer the services of their organizations to patients through VA Voluntary Service under Title 38, United States Code, Section 213.

Categories of records in the system: Administrative records containing personal information about the individual making application to become a volunteer in a VA health care facility. Information relating to the individual medical history, membership in service organization, qualifications, restrictions and preferences of duty and availability to schedule time of service.

Authority for maintenance of the system: Title 38, United States Code, Section 213.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To confirm volunteer service, duty schedule, and assignments to the Bureau of Unemployment, service organizations, insurance firms, offices of personnel of the individual's full-time employ-

ment; to assist in the development of the Veterans Administration history of the volunteer and his/her assignments; and to confirm voluntary hours for on the job accidents, and for recognition awards.

3. 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: (a) Paper documents, (b) X-ray, (c) punch cards, (d) magnetic tapes, (e) magnetic disk packs

Retrievability: (a) All volunteer applications are filed by name and social security number or pseudo SSN and cross-referenced under organization they represent. (b) Medical histories and x-rays by name and social security number or pseudo SSN.

Safeguards: Physical Security: Access to VA working space and medical record storage areas and data processing centers is restricted to VA employees on a 'need to know' basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis.

Retention and disposal: The individual volunteer's record of service is maintained by the Veterans Administration health care facility and data processing center as long as they are living and active participants in the VAVS program, or until they irrevocably remove themselves from further participation in the VAVS program, or are removed from the VAVS program for cause.

System manager(s) and address: DIRECTOR VOLUNTARY SERVICE (125), Veterans Administration, VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a volunteer's service record pertaining to themselves must submit a written request or apply in person to the VA health care facility where their voluntary service was accomplished. All inquiries must reasonably identify the portion of the volunteer's service folder and approximate the dates of service to the facility. Inquiries should include the volunteer's name, social security number, or pseudo SSN, organization represented, date of birth, last address while serving as a volunteer to the VA.

Record access procedures: Volunteers, dependents, survivors or duly authorized representatives seeking information regarding access to and contesting of VA Voluntary Service records may contact the Chief, Voluntary Service, Veterans Administration health care facility where individual was a voluntary worker.

Contesting record procedures: (See Record Access Procedures above.)

Record source categories: 1. The volunteer, his/her family. 2. Civic and service organization. 3. Private physician. 4. VA health care facility.

58VA21/22

System name: TARGET-Compensation, Pension, Education and Rehabilition Records-VA

System location: Records are maintained at VA regional offices, the VA Records Processing Center, St. Louis, Missouri, and at Federal Archives and Records Centers. Active records are generally maintained by the regional office having jurisdiction over the domicile of the claimant, and by the servicing Data Processing Center at Hines, Illinois with subsidiary accounts receivable records located at the Data Processing Center at St. Paul, Minnesota. Address locations are listed in VA Appendix 1 at the end of this document.

Categories of individuals covered by the system: 1.Veterans who have applied for compensation for service-connected disability under Title 38, United States Code, Chapter 11. 2.Veterans who have applied for non-service-connected disability, under Title 38, United States Code, Chapter 15. 3.Veterans entitled to burial benefits under Title 38, United States Code, Chapter 23. 4.Widows, Widowers and children who have claimed pension based on non-service-connected death under Title 38, United States Code, Chapter 15. 5.Widows, Widowers and children who have claimed death compensation based on service-connected death under Title 38, United States Code, Chapter 11. 6.Widows, Widowers and children who have claimed dependency and indemnity compensation for service-connected death under Title 38, United States Code, Chapter 13. 7.Parents who have applied for death compensation based on service-connected death under Title 38, United States Code, Chapter 11. 8.Parents who have applied for dependency and indemnity compensation for service-connected death under Title 38, United States Code, Chapter 13. 9.Veterans who have applied for VA educational benefits under Title 38, United States Code, Chapters 31 and 34. 10.Spouse or widow(er) who has applied for VA educational benefits under Title 38, United States Code, Chapter 35. 11.Children who have applied for VA educational benefits under Title 38, United States Code, Chapter 35. 12.Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 34.

Categories of records in the system: Military service and active duty separation information; medical records relating to treatment in service; medical information from VA and private hospitals and doctors; applications for compensation, pension, education and rehabilition benefits and training; information relating to dependency, income, education, occupation, marital status, and educational status relative to VA benefits; payment data; counseling and rehabilitation records; claimant or payee name and address.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c) (1) and Chapters 11, 13, 15, 23, 31, 34, 35, and 36.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of payment information to the Treasury Department to ensure delivery of benefit checks to VA beneficiaries.

2. Transfer of information to collection agencies in order to conduct a credit check to determine the likelihood of success in a collection action against individuals who owe debits to the VA.

3. Transfer if necessary collection information to the General Accounting Office, for use in procedures incident to obtaining a judgment against the individual.

4. Forwarding of computer generated VA forms to VA approved educational institutions in order to certify an individual's re-enrollment and allow payment.

5. Transfer of information regarding the induction, re-entrance and dismissal of a disabled veteran from a vocational rehabilitation program to inform the training establishment of the actions taken.

6. Written and oral disclosure to a VA approved vocational rehabilitation training establishment regarding the extent and nature of a claimant's disabilities with respect to any limitations to be imposed on the vocational program to insure that the trainee receives the maximum benefit from training. A vast amount of discretion with respect to each disclosure is practiced.

7. Transfer to schools and other training establishments of VA education forms for completion by the school and subsequent submission to the VA for processing of education and vocational rehabilitation training claims.

8. The transfer of payment information to officials of schools and training establishments having VA beneficiaries when it can be determined that such a request is part of a legitimate attempt to assist the veteran or other eligible person to ascertain that correct amounts are paid. However, such information will not be provided as a routine use to school officials when the request is clearly an attempt to seek assistance in collection attempts against the veteran or eligible person.

9. Transfer of VA education letters and form letters to schools and other training establishments which may, by necessity, contain identifying data about a veteran or eligible person in order to obtain further information from the school necessary to discharge VA responsibilities toward the veteran or eligible person.

10. Transfer of identifying information, such as name, file number, and address to a school or training establishment official in order to obtain information necessary to pay the veteran or eligible person correct amounts in an expedited manner. (An example of the above is a telephone call to an On-the-Job-Training establishment to find out the number of hours worked.)

11. Transfer of necessary information concerning veterans and other eligible persons to State and local agencies and prospective employers for employment and/or training.

12. A record containing medical history, diagnoses, findings, or treatment may be released from this system of records in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or head of a State, County, or city health department, or any fee basis physician or institution in connection with authorized treatment as a VA beneficiary, provided that the

name of the individual to whom the record pertains is given and that the information will be treated as confidential, as is customary in civilian professional medical practice.

13. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent required to determine eligibility for their benefit.

14. A record from this system of records may be disclosed to the following agencies relative to military, naval, or air service and as to both current and historical benefit payments made by the VA: Departments of the Army, Navy, and Air Force; Marine Corps; Department of Transportation (Coast Guard); Department of Health, Education, and Welfare, PHS (Public Health Service), Commissioned Corps; Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps.

15. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

16. A record containing the name(s) and address(es) of present or former members of the armed services and/ or their dependents may be released from this system of records under certain circumstances: (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38, and (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name(s) or address(es) be provided for a purpose authorized by law; provided, further, that the record(s) will not be used for any purpose other than that stated in the request and that the organization, agency or instrumentality is aware of the penalty provision of 38 U.S.C. 3301(f).

17. The amount of pension, compensation, or dependency and indemnity compensation of any beneficiary may be released from this system of records to any person who applies for such information.

18. Disclosure of VA records as deemed necessary and proper to accredited service-organizations, agents and attorneys recognized under a power of attorney or declaration of representation to assist in the preparation, presentation and prosecution of claims.

19. A record from this system of records may be disclosed to a fiduciary (including those acting in a fiduciary capacity) recognized or appointed by the VA to the extent necessary to fulfill the fiduciary's function.

20. Relevant information from this system of records may be disclosed, as a routine use: in the course of presenting evidence to a Court, magistrate, or administrative tribunal, in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

21. Transfer of statistical and other data to Federal, State and local government agencies and national health organizations to assist in the development of programs that will be beneficial to claimants, to protect their rights under law and to assure that they are receiving all benefits to which they are entitled.

22. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

23. A record from this system of records may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

24. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

25. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a routine use, in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 F. R. 6469).

26. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA claim number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the U. S. This purpose is consistent with the Federal Claims Collection Act of 1966 (P.L. 89-508, 31 U.S.C. 951-953) and 4 CFR Parts 101-105.

27. 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 documents, microfilm, microfiche, magnetic tape and magnetic disk.

Retrievability: Retrievability: a) Manual records are indexed by name and VA file number. b) Automated records are indexed by name, VA file number, payee number and type of benefit.

Safeguards: 1. Physical Security:

a) Access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a 'need to know' basis. Generally, file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a 'need to know' basis. Access to data telecommunication terminals is by authorization controlled by the site security officer. The security officer is assigned responsibility for privacy-security measures, especially for review of violations logs, information logs and control of password and badge distribution.

b) Access to data processing centers is restricted to center employees, custodial personnel and Federal Protective Service personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted.

2. System Security:

a) At Veterans Administration Regional Offices and Veterans Administration Centers, the terminal equipment has key locks, magnetic badge readers and audible alarms. Electronic keyboard locks are activated on security errors.

b) At the data processing centers, identification of magnetic tape and disks containing data is rigidly enforced using labeling techniques. Access to programs is controlled at three levels: programming, auditing and operations.

Retention and disposal: 1.Individual case folders and records are retained indefinitely. 2.Automated files containing temporary working data are retained until a claim is processed to determination. 3.All other automatic files are retained indefinitely.

System manager(s) and address: DIRECTOR, COMPENSATION AND PENSION SERVICE (21) VA Central Office, Washington, D.C. 20420 DIRECTOR, EDUCATION AND REHABILITATION SERVICE (22) VA Central Office, Washington, D.C. 20420

Notification procedure: Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inquiries must reasonably identify the benefit or system of records involved; e.g., Compensation and Pension. Inquiries should include the in-

dividual's full name, VA file number and return address. If the VA file number is not available, the following information should be forwarded, if known: veteran's full name,branch of service, dates of service, service number, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries, service organization personnel or other duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office or center.

Contesting record procedures: (See Record Access Procedures Above).

Record source categories: 1.The claimant, his or her accredited representative or his or her fiduciary; 2.The military service department; 3.VA hospitals and doctors,or private hospitals and doctors if written authorization is obtained from the claimant; 4.Training establishments; 5.State approving agencies; 6.Other Federal agencies; 7.County Clerks, Courts and other third parties, when assistance is requested by claimant.

APPENDIX 1: ADDRESSES OF VETERANS ADMINISTRATION FACILITIES

ALABAMA AL

VA Hospital, 700 South 19th St., Birmingham, Alabama 35233

VA Outpatient Clinic Substation, 2451 Fillingim St., Mobile, Alabama 36617

Mobile National Cemetery, 1202 Virginia St., Mobile, Alabama 36604

VA Regional Office, Aranov Bldg., 474 South Court St., Montgomery, Alabama 36104

VA Hospital, 215 Perry Hill Rd., Montgomery, Alabama 36109

VA Hospital, Tuscaloosa, Alabama 35401

VA Hospital, Tuskegee, Alabama 36083

ALASKA AK

VA Regional Office, Federal Bldg., U.S. Post Office and Courthouse, 709 West Ninth St., Juneau, Alaska 99802

VA Office, Loussac-Sogn Bldg., 429 D Street, Anchorage, Alaska 99501

Sitka National Cemetery, P.O. Box 152, Sitka, Alaska 99835

ARIZONA AZ

VA Regional Office, 3225 North Central Ave., Phoenix, Arizona, 85012

VA Hospital, Seventh St. & Indian School Rd., Phoenix, Arizona 85102

VA Center (Hospital and Domiciliary), Prescott, Arizona 86313

Prescott National Cemetery, VAC, Prescott, Arizona 86313

VA Hospital, Tucson, Arizona 85723

ARKANSAS AR

VA Hospital, Fayetteville, Arkansas 72701

Fayetteville National Cemetery, 700 Government Ave., Fayetteville, Arkansas 72701

Fort Smith National Cemetery, 522 Garland Ave. and South 6th St., Fort Smith, Arkansas 72901

VA Regional Office, Federal Office Building, 700 West Capitol Ave., Little Rock, Arkansas 72201

VA Hospital, North Little Rock Division, 300 Roosevelt Rd., Little Rock, Arkansas 72206

VA Hospital, Little Rock Division, 300 Roosevelt Rd., Little Rock, Arkansas 72206

Little Rock National Cemetery, 2523 Confederate Blvd., Little Rock, Arkansas 72206

CALIFORNIA CA

VA Supply Depot , Federal Service Center, Bldg. 701, Door 4, 4747 South Eastern Ave., Bell, California 90201

VA Hospital, 2615 East Clinton Ave., Fresno, California 93703

VA Hospital, Livermore, California 94550

Jerry L. Pettis Memorial Veterans Hospital, Loma Linda, California 92354

VA Hospital, 5901 East Seventh St., Long Beach, California 90801

VA Regional Office, Federal Bldg., West Los Angeles, 11000 Wilshire Blvd., Los Angeles, California 90024

VA Information Service Representative, Federal Bldg., West Los Angeles, 11000 Wilshire Blvd., Los Angeles, California 90024

VA Data Processing Center, Federal Bldg., West Los Angeles, 11000 Wilshire Blvd., Los Angeles, California 90024

VA Hospital, Brentwood, Los Angeles, California 90073

VA Center (Hospital and Domiciliary), Wadsworth, Los Angeles, California 90073

VA Outpatient Clinic (Independent), 425 South Hill St., Los Angeles, California 90013

Los Angeles National Cemetery, 950 S. Sepulveda Blvd., Los Angeles, California 90049

VA Hospital, 150 Muir Road, Martinez, California 94553

VA Outpatient Clinic Substation, 1515 Clay St., Oakland, California 94612

VA Hospital, Menlo Park Division, 3801 Miranda Ave., Palo Alto,California 94304

VA Hospital, Palo Alto Division, 3801 Miranda Ave, Palo Alto, California 94304

Golden Gate National Cemetery, P.O. Box 185, San Bruno, California 94066

Fort Rosencrans National Cemetery, Point Loma, P.O. Box 6237, San Diego, California 92106

VA Regional Office, 2022 Camino Del Rio North, San Diego, California 92108

VA Hospital, 3350 La Jolla Village Drive, San Diego, California 92161

VA Outpatient Clinic, 2022 Caminio Del Rio North, San Diego, California 92108

VA Regional Office, 211 Main St., San Francisco, California 94105

VA National Cemetery Supervising Office, 211 Main St., San Francisco, California 94105

VA Veterans Canteen Service Field Office, 211 Main St., San Francisco, California 94105

VA Contract Compliance Service Field Representative, 211 Main St., San Francisco, California 94105

VA Hospital, 4150 Clement St., San Francisco, California 94121

San Francisco National Cemetery, Presidio of San Francisco, San Francisco, California 94129

VA Information Service Representative, VA Regional Office, 211 Main St., San Francisco, California 94105

VA Hospital, Sepulveda, California 91343

COLORADO CO

VA Regional Office, Denver Federal Center, Denver, Colorado 80225

VA Information Service Representative, Denver Federal Center, Denver, Colorado 80225

VA Hospital, 1055 Clermont St., Denver, Colorado 80220

VA Prosthetics Distribution Center, Denver Federal Center, Denver, Colorado 80225

Fort Logan National Cemetery, 3698 Sheridan Blvd., Denver, Colorado 80235

VA Hospital, Fort Lyon, Colorado 81038

Fort Lyon National Cemetery, VAH, Fort Lyon, Colorado 81038

VA Hospital, Grand Junction, Colorado 81501

CONNECTICUT CT

VA Regional Office, 450 Main St., Hartford, Connecticut 06103

VA Hospital, 555 Willard Ave., Newington, Connecticut 06111

VA Hospital, West Spring St., West Haven, Connecticut 06516

DELAWARE DE

VA Center (Regional Office and Hospital), 1601 Kirkwood Highway, Wilmington, Delaware 19805

DISTRICT OF COLUMBIA DC

VA Central Office, 810 Vermont Ave., NW, Washington, D.C. 20420

VA Data Processing Center, 941 N. Capitol St., NE, Washington, D. C. 20421

VA Information Service Representative, 810 Vermont Ave., NW, Washington, D.C. 20420

VA Veterans Canteen Service Field Office, 810 Vermont Ave., NW, Washington, D.C. 20420

VA Congressional Liason, Room B-328, Rayburn House Office Bldg., Washington, D.C. 20515

VA Regional Office, 941 N. Capitol St., NE, Washington D.C. 20421

VA Hospital, 50 Irving St., NW, Washington, D.C. 20422

VA Central Dental Laboratory, 50 Irving St., NW, Washington, D.C. 20422

FLORIDA FL

VA Center (Hospital and Domiciliary), Bay Pines, Florida 33504

Bay Pines National Cemetery, VAC, Bay Pines, Florida 33504

VA Outpatient Clinic, St. Petersburg, Florida 33733

VA Hospital, Archer Road, Gainesville, Florida 32602

VA Outpatient Clinic Substation, Post Office and Courthouse Bldg., 311 West Monroe St., Jacksonville, Florida 32201

VA Hospital, Lake City, Florida 32055

VA Hospital, 1201 Northwest 16th St., Miami, Florida 33125

VA Outpatient Clinic Substation, 83 W. Columbia St., Orlando, Florida 32806

Barrancas National Cemetery, Naval Air Station, Pensacola, Florida 32508
St. Augustine National Cemetery, 104 Marine St., St. Augustine, Florida 32084
VA Regional Office, 144 First Ave. South, St. Petersburg, Florida 33731
VA Office, Post Office and Courthouse Bldg., 311 West Monroe St., Jacksonville, Florida 32201
VA Office, Room 100, 51 Southwest First Ave., Miami, Florida 33130
VA Hospital, 13000 North 30th Street, Tampa, Florida 33612

GEORGIA GA

VA Regional Office, 730 Peachtree St., NE, Atlanta, Georgia 30308
VA Veterans Canteen Service Field Office, 730 Peachtree St., NE, Atlanta, Georgia 30308
VA Information Service Representative, 730 Peachtree St., NE, Atlanta, Georgia 30308
VA Contract Compliance Service Field Representative, 730 Peachtree St., NE, Atlanta, Georgia 30308
VA National Cemetery Supervising Office, 730 Peachtree St., NE, Atlanta, Georgia 30308
VA Hospital, Forest Hills Division, Augusta, Georgia 30904
VA Hospital, Lenwood Division, Augusta, Georgia 30904
VA Hospital, Atlanta, 1670 Clairmont Road, Decatur, Georgia 30033
VA Center (Hospital and Domiciliary), Dublin, Georgia 31021
Marietta National Cemetery, 500 Washington Ave., Marietta, Georgia 30060

HAWAII HI

VA Regional Office, 680 Ala Moana Blvd., Honolulu, Hawaii 96801
National Memorial Cemetery of the Pacific, 2177 Puowaina Drive, Honolulu, Hawaii 96813

IDAHO ID

VA Hospital, Fifth and Fort Sts., Boise, Idaho 83702
VA Regional Office, Federal Bldg. & U.S. Courthouse, 550 West Fort St., Box 044, Boise, Idaho 83724

ILLINOIS IL

Alton National Cemetery, 600 Pearl St., Alton, Illinois 62003
VA Regional Office, 536 So. Clark St., Chicago, Illinois 60605
VA Information Service Representative, 536 So. Clark St., Chicago, Illinois 60605
VA Contract Compliance Service Field Representative, 536 So. Clark St., Chicago, Illinois 60605
VA Hospital (Lakeside), 333 East Huron St., Chicago, Illinois 60611
VA Hospital (West Side), 820 South Damen Ave., Chicago, Illinois 60680
VA Hospital, Danville, Illinois 61832
Danville National Cemetery, VAH, 1900 East Main, Danville, Illinois 61832
North Chicago VA Hospital, Downey, Illinois 60064
VA Hospital, Hines, Illinois 60141
VA Marketing Center, P.O. Box 76, Hines, Illinois 60141
VA Supply Depot, P.O. Box 27, Hines, Illinois 60141
VA Data Processing Center, P.O. Box 66303, A.M.F. O'Hare, Hines, Illinois 60666
VA Hospital, Marion, Illinois 62959
Mound City National Cemetery, Mound City, Illinois 62963
Quincy National Cemetery, 36th and Maine St., Quincy, Illinois 62301
Rock Island National Cemetery, Rock Island Arsenal, Rock Island, Illinois 61201
Camp Butler National Cemetery, R.F.D.01, Springfield, Illinois 62707

INDIANA IN

VA Hospital, 1600 Randalia Drive, Fort Wayne, Indiana 46805
VA Regional Office, 575 North Pennsylvania St., Indianapolis, Indiana 46204
VA Hospital, Cold Spring Road Division, 1481 West 10th St., Indianapolis, Indiana 46202
VA Hospital, Tenth Street Division, 1481 West 10th St., Indianapolis, Indiana 46202
Crown Hill National Cemetery, 700 West 38th St., Indianapolis, Indiana 46208
VA Hospital, Marion, Indiana 46952
Marion National Cemetery, VAH, Marion, Indiana 46952
New Albany National Cemetery, 1943 Ekin Ave., New Albany, Indiana 47150
VA Outpatient Clinic Substation, 124 Southeast 6th St., Evansville, Indiana 47708

IOWA IA

VA Regional Office, 210 Walnut St., Des Moines, Iowa 50309
VA Hospital, 30th & Euclid Ave., Des Moines, Iowa 50310
VA Hospital, Iowa City, Iowa 52240
Keokuk National Cemetery, 18th and Ridge Sts., Keokuk, Iowa 52632
VA Hospital, Knoxville, Iowa 50138

KANSAS KS

Fort Leavenworth National Cemetery, Fort Leavenworth, Kansas 66027
Fort Scott National Cemetery, P.O. Box 917, Fort Scott, Kansas 66701
VA Center (Hospital & Domiciliary), Leavenworth, Kansas 66048
Leavenworth National Cemetery, VAC, 4201 S. 4th St., Traffic Way, Leavenworth, Kansas 66048
VA Hospital, 2200 Gage Blvd., Topeka, Kansas 66622
VA Center (Regional Office and Hospital), 5500 East Kellogg, Wichita, Kansas 67218

KENTUCKY KY

Danville National Cemetery, 377 North First St., Danville, Kentucky 40442
Lebanon National Cemetery, Lebanon, Kentucky 40033
VA Hospital, Cooper Drive Division, Lexington, Kentucky 40507
VA Hospital, Leestown Division, Lexington, Kentucky 40507
Lexington National Cemetery, 833 West Main St., Lexington, Kentucky 40508
VA Regional Office, 600 Federal Place, Louisville, Kentucky 40202
VA Hospital, 800 Zorn Avenue, Louisville, Kentucky 40202
Zachary Taylor National Cemetery, 4701 Brownsboro Road, Louisville, Kentucky 40207
Cave Hill National Cemetery, 701 Baxter Ave., Louisville, Kentucky 40204
Mill Springs National Cemetery, R.D.01, Box 172, Nancy, Kentucky 42544
Camp Nelson National Cemetery, R. R. 0 2, Nicholasville, Kentucky 40356
Perryville National Cemetery, Perryville, Kentucky 40468

LOUISIANA LA

VA Hospital, Alexandria, Louisiana 71301
Baton Rouge National Cemetery, 220 North 19th St., Baton Rouge, Louisiana 70806
VA Regional Office, 701 Loyola Ave., New Orleans, Louisiana 70113
VA Office, 510 East Stoner Ave., Shreveport, Louisiana 71130
VA Hospital, 1601 Perdido St., New Orleans, Louisiana 70146
Alexandria National Cemetery, 209 Shamrock Ave., Pineville, Louisiana 71360
VA Hospital, 510 East Stoner Ave., Shreveport, Louisiana 71130
Port Hudson National Cemetery, R.F.D01, Zachary, Louisiana 70791

MAINE ME

VA Center (Regional Office and Hospital), Togus, Maine 04330
Togus National Cemetery, VAC, Togus, Maine 04330
VA Office, 76 Pearl St., Portland, Maine 04111

MARYLAND MD

Annapolis National Cemetery, 800 West St., Annapolis, Maryland 21401
VA Regional Office, Federal Bldg., 31 Hopkins Plaza, Baltimore, Maryland 21201
VA Hospital, 3900 Loch Raven Blvd., Baltimore, Maryland 21218
VA Outpatient Clinic, Federal Bldg., 31 Hopkins Plaza, Baltimore, Maryland 21201
Baltimore National Cemetery, 5501 Frederick Ave., Baltimore, Maryland 21228
Loudon Park National Cemetery, 3445 Frederick Ave., Baltimore, Maryland 21229
VA Hospital, Fort Howard, Maryland 21052
VA Hospital, Perry Point, Maryland 21902

MASSACHUSETTS MA

VA Hospital, 200 Springs Rd., Bedford, Massachusetts 01730
VA Regional Office, John Fitzgerald Kennedy Federal Bldg., Government Center, Boston, Massachusetts 02203
VA Office, 1200 Main St., Springfield, Massachusetts 01103
VA Information Service Representative, John Fitzgerald Kennedy Bldg., Government Center, Boston, Massachusetts 02203
VA Hospital, 150 South Huntington Ave., Boston, Massachusetts 02130

VA Outpatient Clinic (Independent), 17 Court St., Boston, Massachusetts 02108
VA Outpatient Clinic Substation, Old Post Office Bldg., Lowell, Massachusetts 01851
VA Outpatient Clinic Substation, 9 Walnut St., Worcester, Massachusetts 01608
VA Hospital, Brockton, Massachusetts 02401
VA Outpatient Clinic Substation, 749 Purchase St., New Bedford, Massachusetts 02740
VA Hospital, Northampton, Massachusetts 01060
VA Outpatient Clinic Substation, 1200 Main St., Springfield, Massachusetts 01103
VA Hospital, 1400 Veterans of Foreign Wars Parkway, West Roxbury, Massachusetts 02132

MICHIGAN MI

VA Hospital, Allen Park, Michigan 48101
VA Hospital, 2215 Fuller Rd., Ann Arbor, Michigan 48105
VA Hospital, Battle Creek, Michigan 49016
VA Outpatient Clinic Substation, 260 Jefferson St., S.E., Grand Rapids, Michigan 49502
VA Regional Office, 477 Michigan Avenue, Detroit, Michigan 48226
VA Hospital, Iron Mountain, Michigan 49801
VA Hospital 1500 Weiss St., Saginaw, Michigan 48602

MINNESOTA MN

VA Hospital, 54th St. & 48th Ave. South, Minneapolis, Minnesota 55417
VA Outpatient Clinic, Fort Snelling, St. Paul, Minnesota 55111
VA Hospital, St. Cloud, Minnesota 56301
VA Center, Federal Bldg., Fort Snelling, St. Paul, Minnesota 55111
VA Regional Office and Insurance, Federal Bldg., Fort Snelling, St. Paul, Minnesota 55111
VA Information Service Representative, Federal Bldg., Room 288, Fort Snelling, St. Paul, Minnesota 55111
VA Data Processing Center, Federal Bldg., Fort Snelling, St. Paul, Minnesota 55111
Fort Snelling National Cemetery, P.O. Box 1544, Twin Cities Airport Br., St. Paul, Minnesota 55111

MISSISSIPPI MS

VA Center (Hospital and Domiciliary), Biloxi Division, Biloxi, Mississippi 39531
VA Center (Hospital and Domiciliary), Gulfport Division, Biloxi, Mississippi 39531
Biloxi National Cemetery, VAC, Biloxi, Mississippi 39531
Corinth National Cemetery, 1551 Horton St., Corinth, Mississippi 38834
VA Center (Regional Office and Hospital), 1500 East Woodrow Wilson Ave., Jackson, Mississippi 39216
Natchez National Cemetery, 61 Cemetery Road, Natchez, Mississippi 39120

MISSOURI MO

Harry S. Truman Memorial Veterans Hospital, 800 Stadium Road, Columbia, Missouri 65201
Jefferson City National Cemetery, 1024 East McCarty St., Jefferson City, Missouri 65101
VA Hospital, 4801 Linwood Blvd., Kansas City, Missouri 64128
VA Information Service Representative, Rm. 1436 Federal Office Bldg., 601 East 12th St., Kansas City, Missouri 64106
VA Hospital, Poplar Bluff, Missouri 63903
VA Regional Office, Federal Bldg., 1520 Market St., St. Louis, Missouri 63103
VA Office, Federal Office Bldg., 601 East 12th St., Kansas City, Missouri 64106
VA Veterans Canteen Service Field Office, Rm. 4705 Federal Bldg., 1520 Market St., St. Louis, Missouri 63103
VA Hospital, John Cochran Division, St. Louis, Missouri 63125
VA Hospital, Jefferson Barracks Division, St. Louis, Missouri 63125
VA Liaison Officer, National Personnel Records Center, GSA, Military Personnel Records, 9700 Page Blvd., St. Louis, Missouri 63132
VA Records Processing Center, P.O. Box 172, St. Louis, Missouri 63166
VA Contract Compliance Service Field Representative, P.O. Box 172, St. Louis, Missouri 63166
Jefferson Barracks National Cemetery, 101 Memorial Drive, St. Louis, Missouri 63125
Springfield National Cemetery, 1702 East Seminole St., Springfield, Missouri 65804

MONTANA MT

VA Center (Regional Office and Hospital), Fort Harrison, Montana 59636
VA Hospital, Miles City, Montana 59301

NEBRASKA NE

VA Hospital, Grand Island, Nebraska 68801
VA Regional Office, 100 Centennial Mall North, Lincoln, Nebraska 68508
VA Hospital, 600 South 70th St., Lincoln, Nebraska 68510
VA Hospital, 4101 Woolworth Avenue, Omaha, Nebraska 68105
Fort McPherson National Cemetery, Maxwell, Nebraska 69151

NEVADA NV

VA Regional Office, 1201 Terminal Way, Reno, Nevada 89502
VA Hospital, 1000 Locust St., Reno, Nevada 89502
VA Outpatient Clinic Substation, 102 Lake Mead Drive, Henderson, Nevada 89015
VA Ambulatory Care Service, Las Vegas, Henderson, Nevada 89015

NEW HAMPSHIRE NH

VA Regional Office, 497 Silver St., Manchester, New Hampshire 03103
VA Hospital, 718 Smyth Rd., Manchester, New Hampshire 03104

NEW JERSEY NJ

Beverly National Cemetery, Beverly, New Jersey 08010
VA Hospital, East Orange, New Jersey 07019
VA Outpatient Clinic, 20 Washington Place, Newark, New Jersey 07102
VA Hospital, Lyons, New Jersey 07939
VA Regional Office, 20 Washington Place, Newark, New Jersey 07102
Finn's Point National Cemetery, R.F.D.03, Fort Mott Road, Salem, New Jersey 08079
VA Supply Depot, Somerville, New Jersey 08876

NEW MEXICO NM

VA Regional Office, 500 Gold Ave., SW, Albuquerque, New Mexico 87101
VA Hospital, 2100 Ridgecrest Dr., SE, Albuquerque, New Mexico 87108
Fort Bayard National Cemetery, P.O. Box 236, Fort Bayard, New Mexico 88036
Santa Fe National Cemetery, Box 88, Santa Fe, New Mexico 87501

NEW YORK NY

VA Hospital, Albany, New York 12208
VA Office, Leo W. O'Brien Federal Building, Clinton Ave. and N. Pearl Street, Albany, New York 12207
VA Hospital, Batavia, New York 14020
VA Center (Hospital and Domiciliary), Bath, New York 14810
Bath National Cemetery, VAC, Bath, New York 14810
VA Hospital, 130 West Kingsbridge Rd., Bronx, New York 10468
VA Hospital, 800 Poly Place, Brooklyn, New York 11209
VA Outpatient Clinic (Independent), 35 Ryerson St., Brooklyn, New York 11205
Cypress Hills National Cemetery, 625 Jamaica Ave., Brooklyn, New York 11208
VA Regional Office, Federal Bldg., 111 West Huron St., Buffalo, New York 14202
VA Hospital, 3495 Bailey Ave., Buffalo, New York 14215
VA Hospital, Canandaigua, New York 14424
VA Hospital, Castle Point, New York 12511
Woodlawn National Cemetery, 1825 Davis St., Elmira, New York 14901
Long Island National Cemetery, Farmingdale, L.I., New York 11735
Franklin Delano Roosevelt Hospital, Montrose, New York 10548
VA Regional Office, 252 Seventh Ave. at 24th St., New York, New York 10001
VA Prosthetics Center, 252 Seventh Ave., New York, New York 10001
VA Veterans Canteen Service Field Office, 252 Seventh Ave., New York, New York 10001
VA Information Service Representative, 252 Seventh Ave., New York, New York 10001
VA Contract Compliance Service Field Representative, 252 Seventh Ave., New York, New York 10001
VA Hospital, First Ave. at East 24th St., New York, New York 10010
VA Outpatient Clinic, 252 Seventh Ave., New York, New York 10010
VA Hospital, Northport, New York 11768
VA Outpatient Clinic Substation, 100 State Street, Rochester, New York 14614

VA Office, Federal Office Building and Courthouse, 100 State Street, Rochester, New York 14614
VA Office, U.S. Courthouse and Federal Bldg., 100 South Clinton St., Syracuse, New York 13202
VA Hospital, Irving Ave. & University Pl., Syracuse, New York 13210

NORTH CAROLINA NC

VA Hospital, 508 Fulton St., Durham, North Carolina 27705
VA Hospital, 2300 Ramsey St., Fayetteville, North Carolina 28301
VA Hospital, Asheville, North Carolina 28805
New Bern National Cemetery, 1711 National Ave., New Bern, North Carolina 28560
Raleigh National Cemetery, 501 Rock Quarry Road, Raleigh, North Carolina 27610
VA Hospital, Salisbury, North Carolina 28144
Salisbury National Cemetery, 202 Government Road, Salisbury, North Carolina 28144
Wilmington National Cemetery, 2011 Market St., Wilmington, North Carolina 28401
VA Outpatient Clinic, Wachovia Bldg., 301 North Main St., Winston-Salem, North Carolina 27102
VA Regional Office, Federal Office Building, 251 North Main Street, Winston-Salem, North Carolina 27102

NORTH DAKOTA ND

VA Center (Regional Office & Hospital), Fargo, North Dakota 58102

OHIO OH

VA Hospital, Chillicothe, Ohio 45601
VA Hospital, 3200 Vine St., Cincinnati, Ohio 45220
VA Regional Office, Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199
VA Office, Room 1024, Federal Office Bldg., 550 Main St., Cincinnati, Ohio 45202
VA Office, 360 South Third St., Columbus, Ohio 43215
VA Hospital, Brecksville Division, 10701 East Boulevard, Cleveland, Ohio 44106
VA Hospital, Wade Park Division, 10701 East Boulevard, Cleveland, Ohio 44106
VA Outpatient Clinic (Independent), 456 Clinic Drive, Columbus, Ohio 43210
VA Center (Hospital and Domiciliary), Dayton, Ohio 45428
Dayton National Cemetery, Veterans Administration Center, 4100 West Third St., Dayton, Ohio 45428

OKLAHOMA OK

Fort Gibson National Cemetery, Fort Gibson, Oklahoma 74434
VA Regional Office, 125 South Main St., Muskogee, Oklahoma 74401
VA Office, Federal Bldg., 200 Northwest Fourth St., Oklahoma City, Oklahoma 73102
VA Hospital, Memorial Station, Honor Heights Dr., Muskogee, Oklahoma 74401
VA Hospital, 921 Northeast 13th St., Oklahoma City, Oklahoma 73104

OREGON OR

VA Regional Office, 1220 SW. Third Ave., Portland, Oregon 97204
VA Hospital, Sam Jackson Park, Portland, Oregon 97207
Willamette National Cemetery, 11800 Southeast Mt. Scott Blvd., P.O. Box 66147, Portland, Oregon 97266
VA Outpatient Clinic, 426 Southwest Stark St., Portland, Oregon 97204
VA Hospital, Roseburg, Oregon 97470
Roseburg National Cemetery, VAH, Roseburg, Oregon 97470
VA Domiciliary, White City, Oregon 97501
White City National Cemetery, VAD, White City, Oregon 97501

PENNSYLVANIA PA

VA Hospital, Altoona, Pennsylvania 16603
VA Hospital, Butler, Pennsylvania 16001
VA Hospital, Coatesville, Pennsylvania 19320
VA Hospital, 135 East 38th St. , Erie, Pennsylvania 16501
VA Hospital, Lebanon, Pennsylvania 17042
VA Outpatient Clinic Substation, Federal Bldg., 228 Walnut St., Harrisburg, Pennsylvania 17108
VA Center (Regional Office and Insurance), 5000 Wissahickon Ave., (Mail: P.O. Box 8079) Philadelphia, Pennsylvania 19101
VA Office, 19-27 North Main St., Wilkes-Barre, Pennsylvania 18701
VA Data Processing Center, P.O. Box 8079, Philadelphia, Pennsylvania 19101
VA Hospital, University and Woodland Aves., Philadelphia, Pennsylvania 19104
VA Outpatient Clinic, 1421 Cherry St., Philadelphia, Pennsylvania 19102
VA Information Service Representative, 5000 Wissahickon Ave., (Mail: P.O. Box 8079) Philadelphia, Pennsylvania 19101
Philadelphia National Cemetery, Haines St. and Limekiln Pike, Philadelphia, Pennsylvania 19138
VA Regional Office, 1000 Liberty Ave., Pittsburgh, Pennsylvania 15222
VA Hospital, Highland Drive, Pittsburgh, Pennsylvania 15206
VA Hospital, Aspinwall Division, University Drive C, Pittsburgh, Pennsylvania 15240
VA Hospital, Pittsburgh Division, University Drive C, Pittsburgh, Pennsylvania 15240
VA Outpatient Clinic, 1000 Liberty Ave., Pittsburgh, Pennsylvania 15222
VA Hospital, 1111 East End Blvd., Wilkes-Barre, Pennsylvania 18711
VA Contract Compliance Service Field Representative, 5000 Wissahickon Ave., Philadelphia, Pennsylvania 19101
VA National Cemetery Supervising Offices, 600 Arch St., (Mail: Rm.2218, Federal Office Bldg.) Philadelphia, Pennsylvania 19106

Philippines VA Regional Office, 1131 Roxas Blvd., Manila, Philippines; MAILING ADDRESS from U.S.: VA Regional Office, APO San Francisco 96528

PUERTO RICO, COMMONWEALTH OF (Including the Virgin Islands) PR

VA Center (Hospital), Barrio Monacillos, Rio Piedras, Puerto Rico 00921
VA Center, U.S. Courthouse and Federal Bldg., Carlos E. Chardon St., Hato Rey, Puerto Rico 00918
Puerto Rico National Cemetery, Box 1298, Bayamon, Puerto Rico 00619
VA Outpatient Clinic Substation, Calle Isabel 60, Ponce, Puerto Rico 00731

RHODE ISLAND RI

VA Regional Office, 321 So. Main Street, Providence, Rhode Island 02903
VA Hospital, Davis Park, Providence, Rhode Island 02908
VA Outpatient Clinic Substation, 749 Purchase Street, New Bedford, Mass. 02740 (Mail: VAH, Providence, R.I. 02908)

SOUTH CAROLINA SC

Beaufort National Cemetery, 1601 Boundary St., Beaufort, South Carolina 29902
VA Hospital, 109 Bee St., Charleston, South Carolina 29403
VA Regional Office, 1801 Assembly St., Columbia, South Carolina 29201
VA Hospital, Columbia, South Carolina 29201
Florence National Cemetery, 803 East National Cemetery Road, Florence, South Carolina 29501
VA Outpatient Clinic Substation, Piedmont East Bldg., 37 Villa Rd., Greenville, South Carolina 29607

SOUTH DAKOTA SD

VA Hospital, Fort Meade, South Dakota 57741
Fort Meade National Cemetery, VAH, Fort Meade, South Dakota 57741
VA Center (Hospital and Domiciliary), Hot Springs, South Dakota 57747
Hot Springs National Cemetery, VAC, Hot Springs, South Dakota 57747
VA Center (Hospital), 250 West 22nd St., Sioux Falls, South Dakota 57101
VA Center, Courthouse Plaza Building, 300 North Dakota Ave., Sioux Falls, South Dakota 57101
Black Hills National Cemetery, P.O. Box 640, Sturgis, South Dakota 57785

TENNESSEE TN

Chattanooga National Cemetery, 1200 Bailey Ave., Chattanooga, Tennessee 37404
Knoxville National Cemetery, 939 Tyson St., NW, Knoxville, Tennessee 37917
Nashville National Cemetery, P.O. Box 227, 1050 Gallatin Road, Madison, Tennessee 37115
VA Hospital, 1030 Jefferson Ave., Memphis, Tennessee 38104
Memphis National Cemetery, 3568 Townes Ave., Memphis, Tennessee 38122
VA Center (Hospital and Domiciliary), Mountain Home, Tennessee 37684
Mountain Home National Cemetery, P.O. Box 8, Mountain Home, Tennessee 37684

VA Hospital, Murfreesboro, Tennessee 37130
VA Regional Office, 110 9th Ave. South, Nashville, Tennessee 37203
VA Hospital, 1310 24th Avenue South, Nashville, Tennessee 37203
VA Outpatient Clinic Substation, Building 6200, Eastgate Center, Chattanooga, Tennessee 37411
VA Outpatient Clinic Substation, Baptist Professional Bldg., 200 Blount Ave., Knoxville, Tennessee 37901

TEXAS TX

VA Hospital, 6010 Amarillo Blvd. West , Amarillo, Texas 79106
VA Data Processing Center, 1615 East Woodward St., Austin, Texas 78772
VA Hospital, Big Spring, Texas 79720
VA Center (Hospital and Domiciliary), Bonham, Texas 75418
VA Outpatient Clinic Substation, 1502 South Brownlee Blvd., Corpus Christi, Texas 78404
VA Hospital, 4500 South Lancaster Rd., Dallas, Texas 75216
VA Information Service Representative, U.S. Courthouse and Federal Office Bldg., 400 Commerce St., Room 2c4, Dallas, Texas 75242
VA Contract Compliance Service Field Representative, U.S. Courthouse and Federal Office Bldg., 1100 Commerce St., Dallas, Texas 75202
VA Central Dental Lab, 1114 Commerce St., Dallas, Texas 75202
VA Office, U.S. Courthouse and Federal Office Building, 1100 Commerce Street, Dallas, Texas 75202
VA Outpatient Clinic (Independent), 4819 Alameda Ave, El Paso, Texas 79905
Fort Bliss National Cemetery, P.O. Box 6342, Fort Bliss, Texas 79906
Houston National Cemetery, 10410 Stuebner Air Line Road, Rt. 2, Box 63-X, Houston, Texas 77088
VA Regional Office, 2515 Murworth Ave., Houston, Texas 77054
VA Office, 410 South Main St., San Antonio, Texas 78285
VA Hospital, 2002 Holcombe Blvd., Houston, Texas 77031
VA Hospital, Kerrville, Texas 78028
VA Office, Federal Building, U.S. Courthouse, 1205 Texas Ave., Lubbock, Texas 79401
Kerrville National Cemetery, Veterans Administration Hospital, Spur Rt. 100, Kerrville, Texas 78028
VA Outpatient Clinic (Independent), 1205 Texas Ave., Room 814, Lubbock, Texas 79401
VA Hospital, Marlin, Texas 76661
VA Outpatient Clinic Substation, 1220 Jackson Ave., McAllen, Texas 78501
Audie L. Murphy Memorial Veterans Hospital, 7400 Merton Minter Blvd., San Antonio, Texas 78284
San Antonio National Cemetery, 517 Paso Hondo St., San Antonio, Texas 78202
Fort Sam Houston National Cemetery, 1520 Harry Wurzbach Road, San Antonio, Texas 78209
VA Outpatient Clinic (Independent), 307 Dwyer Ave., San Antonio, Texas 78285
VA Center (Hospital and Domiciliary), Temple, Texas 76501
VA Regional Office, 1400 North Valley Mills Drive, Waco, Texas 76710
VA Hospital, Memorial Drive, Waco, Texas 76703
VA Outpatient Clinic, 1400 North Valley Mills Drive, Waco, Texas 76710

UTAH UT

VA Regional Office, 125 South State St., Salt Lake City, Utah 84138
VA Hospital, Salt Lake City, Utah 84113

VERMONT VT

VA Center (Regional Office and Hospital), White River Junction, Vermont 05001

VIRGINIA VA

VA Forms and Publications Depot, 2625 Shirlington Road, Arlington, Virginia 22206
Alexandria National Cemetery, 1450 Wilkes Street, Alexandria, Virginia 22314
Culpeper National Cemetery, Culpeper, Virginia 22701
Danville National Cemetery, 721 Lee St., Danville, Virginia 24541
VA Center (Hospital and Domiciliary), Hampton, Virginia 23667
Hampton National Cemetery, VAC, Hampton, Virginia 23667
Hampton National Cemetery, Cemetery Road at Marshall Ave., Hampton, Virginia 23669
City Point National Cemetery, 10th Ave. and Davis St., Hopewell, Virginia 23860
Balls Bluff National Cemetery, Leesburg, Virginia 22075
Cold Harbor National Cemetery, R.F.D.04, Box 155, Mechanicsville, Virginia 23111
VA Hospital, 1201 Broad Rock Road, Richmond, Virginia 23249
Fort Harrison National Cemetery, R.F.D.05, Box 174, Varina Road, Richmond, Virginia 23231
Richmond National Cemetery, 1701 Williamsburg Road, Richmond, Virginia 23231
Glendale National Cemetery, R.F.D.05, Box 272, Richmond, Virginia 23231
VA Regional Office, 210 Franklin Rd., S.W., Roanoke, Virginia 24011
VA Hospital, Salem, Virginia 24153
Seven Pines National Cemetery, 400 East Williamsburg Road, Sandston, Virginia 23150
Staunton National Cemetery, 901 Richmond Ave., Staunton , Virginia 24401
Winchester National Cemetery, 401 National Ave., Winchester, Virginia 22601

WASHINGTON WA

VA Hospital, Tacoma, American Lake, Washington 98493
VA Regional Office, 915 Second Ave., Seattle, Washington 98174
VA Information Service Representative, 915 2nd Ave., Room 1364, Seattle, Washington 98174
VA Hospital, 4435 Beacon Ave, South, Seattle, Washington 98108
VA Outpatient Clinic, Smith Tower, Second & Yesler, Seattle, Washington 98104
VA Hospital, North 4815 Assembly St., Spokane, Washington 99208
VA Hospital, Vancouver, Washington 98661
VA Hospital, 77 Wainwright Drive, Walla Walla, Washington 99362

WEST VIRGINIA WV

VA Hospital, 200 Veterans Ave., Beckley, West Virginia 25801
VA Hospital, Clarksburg, West Virginia 26301
Grafton National Cemetery, Grafton, West Virginia 26354
VA Regional Office, 502 Eighth St., Huntington, West Virginia 25701
VA Hospital, 1540 Spring Valley Dr., Huntington, West Virginia 25701
VA Center (Hospital and Domiciliary), Martinsburg, West Virginia 25401
VA Outpatient Clinic Substation, 11th & Chapline Sts., Wheeling, West Virginia 26003

WISCONSIN WI

VA Hospital, 2500 Overlook Terrace, Madison, Wisconsin 53705
VA Regional Office, 342 North Water St., Milwaukee, Wisconsin 53202
VA Hospital, Tomah, Wisconsin 54660
VA Center (Hospital and Domiciliary), 5000 West National Ave., Wood, Wisconsin 53193
Wood, National Cemetery, 5000 West National Ave., VAC, Wood Wisconsin 53193

WYOMING WY

VA Center (Regional Office and Hospital), 2360 East Pershing Blvd., Cheyenne, Wyoming 82001
VA Hospital, Sheridan, Wyoming 82801

[FR Doc.76-25491 Filed 8-30-76;8:45 am]

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